

EIGHTEENTH CONGRESS OF THE REPUBLIC }
OF THE PHILIPPINES }
First Regular Session }

222-13
Office of the Secretary

SENATE
S.B. No. 250

19 JUL -8 P 2:03

RECEIVED BY: SF

Introduced by SENATOR LACSON

**AN ACT
INSTITUTING REFORMS IN LAND ADMINISTRATION**

EXPLANATORY NOTE

Land is the ultimate resource in sustaining life, and thus, good stewardship in land use is essential for present and future generations.

The world's population has doubled in the last 40 years and passed the 7 billion mark. It is predicted to reach 8.5 billion by the year 2030, a population level thought by many scientists to be the maximum number of people supported by the world's resources and capacity for food production. Yet again, only less than half of the world's population has secured access to land.

The International Federation of Surveyors (FIG), in cooperation with the United Nations, hosted the "Bathurst Workshop on Land Tenure and Cadastral Infrastructures for Sustainable Development" in Australia in October 1999 and concluded that sustainable development is just rhetoric without appropriate land administration system. The Bathurst declaration recommends a global commitment to provide effective legal security of tenure and access to property for all men and women and to provide reforms in the land administration system essential for sustainable development. They also underscored the need to facilitate full and equal access to land-related economic opportunities such as credit and natural resources.

However, the performance of government agencies undertaking land administration functions such as land surveys, mapping, classification, titling and disposition and registration is considered below par. The services provided by these agencies do not address our domestic problems on sustainable development and much more, global concerns.

The problem is largely attributed to fundamental legal and institutional defects in both the structure and operations of the land administration system. For one, there are many laws governing land administration functions. This results in the existence of a number of institutions administering our scarce land resources which bring confusions, delays, high transaction costs for both government and users, low investment, and graft and corruption.

These institutional and structural defects in land administration are detrimental to the sustainable development of natural resources. More so, these have also given rise to major inefficiencies including extensive delays in the disposition and titling of alienable and disposable land; inaccurate and incomplete land information and records; proliferation of fake titles; duplication and overlap of activities among government agencies; and, unnecessary costs of land administration services to both the national and local governments and the clients.

To address these problems, the Government has been undertaking a Land Administration and Management Project preparatory to a long-term program to reform the present land administration system, thereby promoting sustainable development, economic growth, and poverty alleviation.

However, to pursue the necessary reforms, it is a fundamental prerequisite to consolidate and streamline within a single government agency of land administration the powers and functions currently dispersed across the Department of Justice's Land Registration Authority and Registries of Deeds; Department of Environment and Natural Resources' Lands Management Bureau, Land Management Services in the regional, provincial and community offices, National Mapping and Resource Information Authority; and, the Comprehensive Agrarian Reform Program (CARP) Secretariat and its field offices.

The integration of these agencies/offices into a single agency will:

- Implement the necessary reforms in the land administration system to provide land information and services necessary to pursue sustainable management of natural resources, among others;
- Enable the integrated planning, budgeting and implementation of the long-term land titling program, including the development of integrated land classification, land titling and records management;
- Provide the necessary management structure for the creation and extension of a one-stop-shop network for the delivery of land titling, registration and information services to members of the public;
- Consolidate staffing patterns and training programs for government staff engaged in the provision of land administration services, thereby establishing the basis for the major training and professional development of staff needed to support the proposed reforms and improve their career structures and opportunities;
- Create scope to achieve significant savings through the elimination of duplicated administrative support services and other costs arising from the current fragmentation of land administration services over time; and
- Enable the development of increased transparency and enhancement of professionalism and accountability across the whole land administration system.

The proposed Land Reform Act seeks to improve the land sector as a driver to sustainable development, economic growth, and poverty alleviation. The Bill's enactment will ensure recognition of the Philippines in the global initiative for sustainable development. It will ultimately improve the access to land and services for the majority of the Filipino people, especially the poor.

I strongly recommend the Bill for the favorable consideration by the Senate.



PANFILO M. LACSON
Senator

EIGHTEENTH CONGRESS OF THE REPUBLIC}
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Senate Bill No. 250

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Introduced by SENATOR LACSON

**AN ACT
INSTITUTING REFORMS IN LAND ADMINISTRATION**

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress Assembled:

**ARTICLE I
GENERAL PROVISIONS**

1 **Section 1. *Short Title.*** - This Act shall be known as "*The Land Administration*
2 *Reform Act of 2019.*"

3
4 **Section 2. *Declaration of Policy.*** - It is the policy of the State to institutionalize
5 reforms in land administration in order to optimize and rationalize their contribution to
6 the goals of national development, the eradication of poverty, and the attainment of
7 social, economic, and cultural justice. Towards this end, the State shall:

- 8
9 (a) Promote efficient and effective mapping, land survey, classification,
10 disposition, registration, and management of private and public lands;
11 (b) Undertake a comprehensive and continuing land administration program
12 that will make the processes and procedures on land registration and
13 titling affordable and expeditious;
14 (c) Assist in the attainment of the government's asset reform programs;
15 (d) Accelerate and complete the distribution, titling, and registration of
16 alienable or disposable lands to provide security of land tenure;
17 (e) Undertake reforms in land administration and management to ensure
18 equitable distribution and full utilization and development of alienable or
19 disposable lands;

- (f) Improve the efficiency, effectiveness, transparency, and accountability of land administration services;
 - (g) Establish a sustainable and viable administration of land through computerization of functions and removal of overlaps and duplication in the delivery of land administration services;
 - (h) Establish an administrative system for the cancellation of duplicate and fake titles and the eradication of land grabbing activities;
 - (i) Provide accessible, efficient, and affordable land administration services to the people through the establishment of One-Stop-Shops nationwide;
 - (j) Establish an effective land information system and provide easy and affordable access to land information by members of the public;
 - (k) Rationalize and clarify the entitlements of persons to land titles to make the process of issuing original titles fast and low-cost;
 - (l) Promote and support the development of a national land administration and management education system;
 - (m) Identify and reduce disincentives to the registration of property transactions;
 - (n) Mainstream gender in all aspects of the land administration system; and
 - (o) Recognize, respect, ensure participation, and assist in the enforcement of land related rights of men and women of the basic sectors, as defined in Republic Act No. 8425, otherwise known as the “Social Reform and Poverty Alleviation Act.”

Section 3. *Definition of Terms.* - For the purpose of this Act, the following terms shall, unless the context indicates otherwise, have the following meanings:

- (a) "*Director General*" refers to the person occupying the position of Director General of the Land Administration Authority created by this Act including any person appointed as Acting Director General.
 - (b) "*Land Administration and Public Land Management*" refers to the administration of all functions, powers and activities related to the mapping, land survey, classification, ownership, disposition, and registration of land titles and deeds, and the management of public lands.
 - (c) "*Lands Management Bureau (LMB)*" refers to a staff Bureau of the Department of Environment and Natural Resources (DENR).

- (d) "*Lands Management Services (LMS)*" refers to the land management sector or offices of the DENR at the regional, provincial, and district level.
 - (e) "*Land Registration Authority (LRA)*" refers to an attached agency of the Department of Justice (DOJ), including the Registers of Deeds (RoD).
 - (f) "*National Mapping and Resource Information Authority (NAMRIA)*" refers to the agency known by that name attached to the DENR.
 - (g) "*Land Administration and Management Project (LAMP)*" refers to the project office providing technical and administrative support to the interagency endeavor of the Philippine government to identify strategic directions toward land administration reform in land institutions, laws, taxes and fees, and valuation.
 - (h) "*Classification and Reclassification*" refers to the Act of Congress in setting the specific limits of forestlands and national parks and increasing or decreasing their boundaries by law, as provided for in Article XII, Section 4 of the 1987 Philippine Constitution.

ARTICLE II

CREATION OF THE LAND ADMINISTRATION AUTHORITY

Section 4. Creation of the Land Administration Authority (LAA). - To carry out the purposes of this Act, the Land Administration Authority (LAA) is hereby created and shall under the Office of the President. It shall be the primary government agency responsible for land administration and public land management.

Section 5. Powers and Functions of the LAA. - The LAA shall exercise the following powers and functions:

- (a) Conduct, integrate and regulate the functions of geodetic and geophysical surveys, land classification surveys, mapping, aerial photography, remote sensing, management of resource information needed by both public and private sectors, and research development thereof in accordance with existing laws and internationally accepted norms, procedures, and standards;
 - (b) Survey, map and maintain data base to support the determination of specific limits of forest lands and national parks by Congress as provided under Section 4, Article XII of the Constitution;

- (c) Survey, map, maintain database on, administer, manage and/or dispose of all alienable and disposable lands of the public domain and other lands, including foreshore and marsh lands, under the provisions of Commonwealth Act No. 141, as amended, otherwise known as the Public Land Act, and in accordance with existing laws;
 - (d) Manage, sell, and/or dispose the remaining Friar Lands under the provisions of Act No. 1120, as amended, and in accordance with existing laws;
 - (e) Manage and dispose lands of patrimonial property of the National Government under the provisions of Act No. 3038, or such other Government lands as have not been placed under the administration, management, control or exclusive use of any other government agency by legislative or executive issuance;
 - (f) Register original titles to land issued pursuant to Commonwealth Act No. 141 and subsequent dealings of registered lands under the provisions of Act No. 496 and Presidential Decree No. 1529, otherwise known as the Land Registration Act and the Property Registration Decree, respectively;
 - (g) Conduct, regulate and approve all types of land surveys including surveys intended for the implementation of Commonwealth Act No. 141, Republic Act No. 6657 or the Comprehensive Agrarian Reform Law (CARL), Republic Act No. 8371 or the Indigenous Peoples Rights Act of 1997 (IPRA) and Republic Act No. 7279 or the Urban Development and Housing Act (UDHA);
 - (h) Prepare, issue, and register all titles to land issued pursuant to Commonwealth Act No. 141 and subsequent dealings of registered lands including all types of tenure instruments intended for the implementation of the CARL, UDHA and the IPRA;
 - (i) Determine, fix, and collect reasonable amounts to be charged as administrative fees, fines, and penalties relative to the implementation of this Act;
 - (j) Formulate land administration and management policies in accordance with existing national laws;
 - (k) Promulgate rules, regulations, circulars and other administrative issuances as may be necessary to implement the provisions of this Act;
 - (l) Such other functions undertaken by the LRA/RoD, LMB/LMS, NAMRIA, DENR-Comprehensive Agrarian Reform Program (DENR-CARP) National Secretariat under P.D. 1529 and C.A. 141, as amended; and
 - (m) Such other functions as are necessary, proper, and incidental to implement the provisions of this Act.

1 Whenever any reference is made to the LRA/RoD, LMB/LMS, NAMRIA,
2 DENR-Comprehensive Agrarian Reform Program (DENR-CARP) National Secretariat
3 under E.O. 192, P.D. 1529, and C.A. 141, as amended, pertaining to a duty, power,
4 purpose, responsibility, or jurisdiction transferred to the LAA by this Act, it shall be
5 deemed to be a reference to, and to mean, the Land Administration Authority and the
6 Director General of the LAA, as the case may be.

7

8 **Section 6. Stakeholders' Advisory Committee.** - The LAA shall be assisted by a
9 Stakeholders' Advisory Committee composed of the following:

- 10
- 11 (a) Six (6) Representatives from the Basic Sectors (farmers, fisherfolk, urban
12 poor, workers in the informal sector; indigenous peoples and NGOs)
13 chosen through the nomination process of the National Anti-Poverty
14 Commission (NAPC);
15 (b) Two (2) Representatives from the NAPC Women's Sectoral Council;
16 (c) Three (3) representatives from the private sector such as, but not limited to,
17 real estate, professionals/practitioners, and academe to be appointed by the
18 President; and
19 (d) The LAA Director General, as ex-officio member.

20

21 The President shall designate the chairperson from among the members of the
22 Committee. The members of the Committee, except the LAA Director General, shall not
23 hold office in the LAA nor receive any salary but shall be entitled, for actual attendance
24 during meetings, to such allowances and honoraria as are allowed by rules and
25 regulations promulgated by the Commission on Audit.

26

27 **Section 7. Functions of the Stakeholders Advisory Committee.** - The Committee
28 shall advise the LAA on the formulation of policies and policy development pertaining to
29 land administration and public land management and shall monitor their implementation.
30 It shall submit, within three months following the end of each calendar year, a report to
31 the President on its advisory and monitoring activities.

32

33 **Section 8. Meetings of the Committee.** - The Chairperson shall convene regular
34 meetings of the Committee, which shall be at least once every quarter. Special meetings
35 may also be called by the Chairperson or at the initiative of at least three (3) members.

1 **Section 9. Secretariat and Logistical Support.** - The Office of the Director
2 General shall provide secretariat and logistical support to the Committee.
3

4

ARTICLE III

IMPLEMENTING MECHANISM

5

6 **Section 10. Structure and Organization.** - The LAA shall consist of:
7

- 8
- 9 (a) The Office of the Director General;
 - 10 (b) The Offices of the Deputy Director Generals;
 - 11 (c) The Offices of the Assistant Director Generals; and
 - 12 (d) Field Offices
- 13

14 **Section 11. The Director General.** - The authority and responsibility for the
15 exercise of the mandate of the LAA, the accomplishment of its objectives, and the
16 discharge of its powers and functions shall be vested in the Director General, who shall
17 exercise control and supervision over the LAA and shall be appointed by the President.

18 For such purposes, the Director General shall have the following functions:

- 19
- 20 (a) Advise the President on the promulgation of rules, regulations, and other
21 issuances relative to land administration and public land management;
 - 22 (b) Exercise appellate jurisdiction of all cases arising from conflicting land
23 surveys;
 - 24 (c) Establish policies and standards for the efficient and effective operations of
25 the LAA in accordance with the programs of the Government;
 - 26 (d) Promulgate rules, regulations, and other issuances necessary in carrying out
27 the LAA's mandate, objectives, policies, plans, programs and project;
 - 28 (e) Exercise control and supervision over all functions and activities of the LAA;
 - 29 (f) Delegate authority over all powers, functions and activities of the LAA; and
 - 30 (g) Perform such other functions as may be provided by law or assigned by the
31 President.
- 32

33 **Section 12. Office of the Director General.** - The Office of the Director General
34 shall consist of the Director General, his immediate staff, and the Office of the Legal
35 Services.

1 **Section 13. Deputy Director Generals.** - The Director General shall be assisted
2 by at least three (3) Deputy Director Generals who shall likewise be appointed by the
3 President. The Director General is hereby authorized to delineate, assign, and/or reassign
4 the respective functional areas of responsibility of the Deputy Director Generals:
5 *Provided*, That no Deputy Director General shall be assigned primarily administrative
6 responsibilities. Within his functional area of responsibility, a Deputy Director General
7 shall have the following functions:

- 8
- 9 (a) Advise the Director General in the promulgation of administrative orders and
10 other issuances with respect to his area of responsibility;
- 11 (b) Exercise supervision over the offices, departments, or operating units and
12 officers and employees under his responsibility;
- 13 (c) Promulgate rules and regulations that will efficiently and effectively govern
14 the activities of units under his responsibility;
- 15 (d) Coordinate the functions and activities of the units under his responsibility
16 with those of other units under the responsibility of other Deputy Director
17 Generals;
- 18 (e) Exercise authority on substantive and administrative matters related to the
19 functions and activities of units under his responsibility as may be delegated
20 by the Director General; and
- 21 (f) Perform other functions as may be provided by law or assigned by the Director
22 General.
- 23

24 **Section 14. Assistant Director Generals.** - The Director General and Deputy
25 Director Generals shall be assisted by five (5) Assistant Director Generals in the
26 formulation, management and implementation of land administration and public land
27 management laws, policies, plans, programs, and projects.

28

29 **Section 15. Field Offices.** - The LAA shall establish permanent field offices at
30 city and provincial levels. The LAA may also establish additional field offices in a city
31 or province as it may determine for the efficient and effective delivery of its services
32 subject to the approval of the President: *Provided*, That said additional field offices may
33 be abolished by the Director General when no longer necessary.

34

35 The field offices shall undertake, among others, the following functions:

- (a) Implement laws, policies, plans, programs, projects, rules and regulations of the LAA on land administration and public land management;
 - (b) Provide efficient and effective delivery of services to the people;
 - (c) Coordinate with field or branch offices of other agencies of the government in the region and with local government units in the enforcement of land administration and public land management laws and regulations and in the formulation and implementation of programs and projects;
 - (d) Recommend and, upon approval, implement programs and projects on land administration and management and related concerns;
 - (e) Conduct a comprehensive inventory of alienable and disposable lands of the public domain and of patrimonial properties and formulate district/provincial/regional short and long term development plans for the management, administration, utilization, and disposition of such lands toward national development; and
 - (f) Perform such other functions as may be assigned by the Director General and/or as provided by law.

ARTICLE IV

LAND ADJUDICATION BOARD

Section 16. Creation of the Land Adjudication Board (LAB). - There is hereby created a Land Adjudication Board (LAB) that will exercise primary jurisdiction to determine and adjudicate land administration and public land management matters and shall have exclusive original jurisdiction over all matters involving the implementation of rules and regulations on land administration and public land management including those for the correction of clerical or typographical errors committed in writing, drawing, transcribing, or typing of an entry in the maps, survey plans, and certificate of titles, except those cases falling under the jurisdiction of the Department of Agrarian Affairs unless specifically provided herein.

Section 17. Composition. - The LAB shall be composed of five (5) members who shall be nominated by the Stakeholders Advisory Committee and to be appointed by the President. The Presiding Officer shall be selected by the members from among themselves.

1 **Section 18. Local Land Adjudication Board.** - The Board shall create a Local
2 Land Adjudication Board in the provincial or city office which shall be composed of five
3 members who shall be appointed by the LAB. Decisions, orders, and resolutions of the
4 Local Land Adjudication Board shall be raised on appeal to the LAB.
5

6 **Section 19. Budget and Administrative Support.** - The LAB shall determine and
7 propose its budgetary requirements and shall be submitted as part of the LAA's budget
8 request. Disbursements of the approved budget resources shall be the sole responsibility
9 of the LAB. Secretariat services shall be provided by the LAA.
10

11 **Section 20. Proceedings and Procedures.** - The LAB shall not be bound by
12 technical rules of procedure and evidence but shall proceed to hear and decide all cases,
13 disputes, or controversies in a most expeditious manner, employing all reasonable means
14 to ascertain the facts of every case in accordance with justice and equity and the merits of
15 the case. Toward this end, it shall adopt a uniform rule of procedure to achieve a just,
16 expeditious, and inexpensive determination of merits: *Provided*, That it shall endeavor to
17 settle disputes and controversies amicably.
18

19 In the exercise of its functions, the LAB shall have the power to summon
20 witnesses, administer oaths, take testimony, require submission of reports, compel the
21 production of books and documents and answers to interrogatories, issue subpoena and
22 subpoena *duces tecum*, and enforce its writs through sheriffs or other duly deputized
23 officers. It shall punish direct and indirect contempt in the same manner and subject to
24 the same penalties as provided for in the Rules of Court.
25

26 Responsible persons shall be allowed to represent themselves or their
27 organizations in any proceedings before the LAB: *Provided, however*, That when there
28 are two or more representatives for any individual or group, the representatives should
29 choose only one from among themselves to represent such party or group before any
30 LAB proceedings.
31

32 **Section 21. Finality of Determination.** - Any case or controversy before the
33 LAB shall be decided within thirty (30) days after it is submitted for resolution. Only
34 one (1) motion for reconsideration shall be allowed. Moreover, any order, award, ruling,

1 or decision shall be final after the lapse of fifteen (15) days from receipt by the parties of
2 a copy thereof.

3
4 **Section 22. *Frivolous Appeals.*** - To discourage frivolous or dilatory appeals
5 from the decisions, awards, rulings, or orders, the LAB may impose reasonable penalties
6 including, but not limited to, fines or censures upon erring parties.

ARTICLE V

JUDICIAL REVIEW

11 **Section 23. Certiorari.** - Any decision, order, award, or ruling of the LAA on any
12 dispute or on any matter pertaining to the application, implementation, enforcement, or
13 interpretation of this Act and other pertinent laws on land administration and public land
14 management may be brought to the Court of Appeals by certiorari within fifteen (15)
15 days from the receipt of a copy thereof.

17 The findings of fact of the LAA shall be final and conclusive if based on
18 substantial evidence.

Section 24. Restraining Order or Preliminary Injunction. - The Court of Appeals and Supreme Court of the Philippines shall have jurisdiction to issue any restraining order or writ of preliminary injunction against the LAA or any of its duly authorized or designated offices in any case, dispute or controversy arising from, necessary to, or in connection with the application, implementation, enforcement, or interpretation of this Act and other pertinent laws on land administration and public land management.

28 **Section 25. Procedure on Review.** - Review by the Court of Appeals or the
29 Supreme Court, as the case may be, shall be governed by the Rules of Court. The Court
30 of Appeals, however, may require the parties to file simultaneous memoranda within a
31 period of fifteen (15) days from notice, after which the case is deemed submitted for
32 decision.

ARTICLE VI

TRANSITORY PROVISIONS

1 **Section 26. Transfer of Powers.** - The powers and functions of the LAA
2 heretofore vested by law in the DENR, DOJ, LRA/RoD, LMB/LMS, NAMRIA except
3 the powers and functions of its Coast and Geodetic Surveys Department, DENR-
4 Comprehensive Agrarian Reform Program National Secretariat, LAMP, or in any office
5 within or attached to these agencies, are hereby transferred to and vested in the Office of
6 the LAA Director General.

7

8 **Section 27. Transfer of the Coast and Geodetic Surveys Department of
9 NAMRIA to the Office of the Secretary of National Defense.** - Within twelve (12)
10 months upon the effectivity of this Act, the commissioned officers and enlisted and
11 civilian technical personnel of the Coast and Geodetic Survey Department of NAMRIA
12 and a complement of administrative support staff shall be constituted as the National
13 Hydrographic Office directly under the Office of the Secretary of National Defense. The
14 National Hydrographic Office shall be responsible for the hydrographic and
15 oceanographic surveys necessary in chart production and safety to navigation. It shall
16 retain its budgetary allocation under the current General Appropriations Act, and all
17 properties, survey instruments and equipment and other facilities necessary in the
18 performance of its mandate.

19

20 **Section 28. Organization of the LAA.** - The LAA's organizational and
21 administrative structure and functions and staffing pattern, including the personnel's
22 duties and responsibilities and the appropriate compensation package shall be submitted
23 by the Director General for review and approval to the Congressional Oversight
24 Committee within six (6) months from the effectivity of this Act. After the oversight
25 committee's review and approval, the proposed organizational structure and staffing
26 pattern, which shall not exceed the total number of permanent positions that have been
27 merged, shall be submitted to the President for final approval and shall be fully
28 implemented within a period of three (3) months after such approval.

29

30 **Section 29. Transfer of Personnel.** - To ensure a smooth transition, all incumbent
31 personnel of the DENR's LMB/LMS, NAMRIA, DENR-CARP National Secretariat and
32 its field offices, and LAMP; the DOJ's LRA/RoD shall continue to perform their present
33 duties and functions as interim personnel of the LAA until such time, being not later than
34 twelve (12) months from the effectivity of this Act, that the regular staff of the LAA,
35 based on the new staffing pattern, shall have been appointed: *Provided*, That the regular

1 personnel shall be appointed by the Director General, or his/her duly authorized
2 representative, on the basis of merit, previous permanent appointment, fitness, and
3 seniority: *Provided, moreover,* That except for the position of Director General and
4 Deputy Director Generals, there shall be no hiring of new personnel for the LAA.

5

6 **Section 30. Separation and Benefits.** - Personnel who are not offered
7 appointment within twelve (12) months upon the effectivity of this Act under the new
8 staffing pattern of the LAA on at least equivalent terms and conditions as their present
9 employment by reason of duplication or redundancy and those who decline an
10 appointment in the LAA by reason of diminution in rank and conditions shall be entitled
11 to a gratuity at a rate equivalent to the following:

- 12
- 13 (1) Two and one-half (2½) months basic salary for every year of service for
14 the first twenty (20) years;
- 15 (2) Two and three-fourths (2¾) months basic salary for every additional year
16 of service from the twenty-first (21st) to the thirtieth (30th) year of service;
- 17 (3) Three (3) months basic salary for every additional year of service from the
18 thirty-first (31st) year of service and onwards.

19

20 Affected personnel shall also be entitled to other benefits as may be authorized by
21 existing laws and regulations. Furthermore, they shall be entitled to the refund of their
22 contributions including government share to the Home Development Mutual Fund (Pag-
23 IBIG) and the Government Service Insurance System (GSIS) and to the commutation of
24 their unused vacation and sick leaves in accordance with existing rules and regulations.

25

26 Employees who are offered appointments under the new staffing pattern of the
27 LAA without any diminution in rank and work conditions but who decline such
28 appointments shall be deemed to have voluntarily resigned and shall be entitled only to
29 separation benefits equal to those provided for by other laws: *Provided, moreover,* That
30 those who are qualified to retire shall be allowed to retire and be entitled to all the
31 benefits provided under any of the existing retirement laws.

32

33 **Section 31. Separation Fund.** - There is hereby established a “one-time”
34 separation fund in the amount of Two Billion Pesos (P2,000,000,000.00) to pay the
35 separation benefits herein provided: *Provided,* That the fund shall be used exclusively to

1 pay for separation benefits: *Provided further*, That within two years after the effectivity
2 of this Act, any unutilized amount of the separation fund shall be reverted to the National
3 Treasury.

4

5 **Section 32. *Reemployment.*** - Government personnel who are separated as a result
6 of the integration of the aforesighted offices may apply for positions and be employed in
7 other agencies or branches of the government including Government-Owned and/or –
8 Controlled Corporations, Government Financial Institutions (GOCCs/GFIs), or local
9 government units.

10

11 **Section 33. *Unexpended Appropriations and Transfer of Assets.*** - The
12 unexpended balances of appropriations in the current General Appropriations Act and
13 other Acts in force upon approval hereof, pertaining to, held, or used by, or available to
14 the LRA and RoD, NAMRIA except the budget for its Coast and Geodetic Survey
15 Department, LMB, LMS, DENR-CARP National Secretariat and its field offices, and the
16 LAMP are hereby transferred to the LAA.

17

18 Such other unexpended balances of appropriations as may be deemed appropriate
19 by the Department of Budget and Management for transfer to the LAA shall also be so
20 transferred.

21

22 All real and personal properties, assets, liabilities, records, documents, positions,
23 appropriations, contracts, and agreements which, upon the effectivity of this Act, are
24 vested in, or owned, by the LMB/LMS, NAMRIA except those pertaining to its Coast
25 and Geodetic Survey Department, DENR-CARP National Secretariat and its Field
26 Offices, LRA/RoD, and LAMP, are hereby transferred to the LAA.

27 **Section 34. *Penal Provisions.*** – Any person who sells forms issued and
28 distributed gratuitously under this Act or who, being an officer charged with distributing
29 them refuses or fails without sufficient reason, to furnish the same, shall be punished for
30 each offense by a fine of not less than one hundred thousand pesos and not more than one
31 million pesos or imprisonment of not less than six months nor more than three years, or
32 both, in the discretion of the Courts.

33

34 Any person, corporation, association, or partnership which, not being qualified or
35 no longer authorized to apply for registration purposes, files or induces or knowingly

1 permits another person, corporation, association, or partnership to file an application in
2 his/her or its behalf or for his/her or its interest, benefit, or advantage, shall be punished
3 for each offense by a fine of not less than one hundred thousand pesos (P100,000.00) or
4 imprisonment of not less than five (5) years, or both, at the discretion of the Courts:
5 *Provided*, That in case the offender is a corporation, association, or partnership, their
6 responsible officials shall be deemed jointly and severally liable. The application shall be
7 cancelled.

8

9 Any person who shall, by deceit or fraud, acquire or attempt to acquire lands of
10 the public domain or other real property or any right, title or interest, or property right of
11 any class to the same, and any person aiding and abetting him therein or serving as a
12 means or tool thereof, shall, upon conviction, be punished by a fine of not less than one
13 hundred thousand pesos and imprisonment of not less than five years nor more than
14 twelve years, or both, in the discretion of the Courts.

15

16 Any person who shall tamper or attempt to tamper any records of the LAA that
17 will result in the acquisition of rights, title or interest over real property and any person
18 aiding and abetting him therein or serving as a means or tool thereof, shall, upon
19 conviction, be punished by a fine of not less than five hundred thousand pesos
20 (P500,000.00) and imprisonment of not less than twelve (12) years, or both, at the
21 discretion of the Court.

22

23 For purposes of this Act, if the offender is a public official or government official
24 or employee, he or she shall be, in addition to the existing penalties, removed from office,
25 forfeit all retirement benefits except the monetary value of accumulated leave credits, and
26 be perpetually disqualified from holding any elective or appointive public office.

27

28 **Section 35. *Preservation of Records.*** - The LAA shall have possession and
29 control of all records, books, papers, offices, equipment, supplies, moneys, funds,
30 appropriations, land and other property, real or personal, held for the benefit or use of all
31 bodies, offices, and officers whose duties, powers, and functions have been transferred to
32 and conferred upon the authority.

33

34 Pending a written notice of receipt issued by a duly authorized officer of the LAA,
35 it shall be the duty of any and all personnel responsible for, or in possession of records

1 relating to the affairs of the LMB, LMS, NAMRIA, the DENR-CARP National
2 Secretariat and its field offices, the LRA and the RoDs to protect and preserve such
3 records.

Without prejudice to any other penalties provided for by law, any person who fails to fulfill his/her duty pursuant to the above paragraph, shall be guilty of an offense against the provisions of this Act, punishable by a fine of not less than one million pesos (P1,000,000.00) or imprisonment of not less than five years, or both, upon the discretion of the Court.

10
11 **Section 36. Saving Clause.** - All orders, determination, rules, regulations, permits,
12 certificates, licenses, and privileges which have been issued, made, or granted effective
13 by the former LMB, LMS, NAMRIA, LRA, RoDs, DENR-CARP National Secretariat
14 and its field offices, and LAMP, or their predecessors shall continue to be in effect
15 according to their terms until modified, terminated, superseded, set aside, or repealed.

16
17 No suit, action, or other proceeding commenced by or against any officer in his
18 official capacity as an officer of any division or unit of the former LMB, LMS,
19 NAMRIA, LRA, RoDs, DENR-CARP National Secretariat and its field offices, and
20 LAMP, the functions of which are transferred by this Act. In like manner, no cause of
21 action by or against such division or unit or by or against any officer thereof in his
22 official capacity shall abate by reason of the enactment of this Act. Causes of actions,
23 suits, or other proceedings may be asserted for or against the LAA or such official of the
24 LAA as may be appropriate.

ARTICLE VII

MISCELLANEOUS PROVISIONS

29 **Section 37. Use of Income.** - The LAA is hereby authorized to use twenty
30 percent (20%) of all revenues derived from fees, charges, and other sources in the
31 implementation of its projects.

33 **Section 38. Assurance Fund.** - A special account within the LAA is hereby
34 created for the entire proceeds of the Assurance Fund, which shall no longer be paid to
35 the National Treasurer as provided for in Section 94 of PD No. 1529. Claims from the

1 Assurance Fund shall be heard, decided, and determined by the Land Adjudication
2 Board. All pending cases or claims against the Assurance Fund now being handled by
3 the Bureau of Treasury, through the Office of the Solicitor General, shall likewise be
4 transferred to the Land Adjudication Board. Thereafter, the National Treasurer shall no
5 longer be impleaded as party in any action against the Assurance Fund.

6

7 **Section 39. Indemnification of Officials and Personnel.** - The LAA shall
8 indemnify all officials and personnel for all costs and expenses reasonably incurred by
9 such persons in connection with any civil or criminal actions, suits, or proceedings to
10 which they may be or made a party by reason of the performance of their functions or
11 duties, unless they are finally adjudged in such actions or proceedings to be liable.

12

13 In the event of settlement or compromise, indemnification shall be provided only
14 in connection with such matters covered by the settlement as to which the LAA is
15 advised by an external counsel that the persons to be indemnified did not commit any
16 gross negligence or misconduct.

17

18 The costs and expenses incurred in defending the aforementioned action, suit or
19 proceeding may be paid by the LAA in advance of the final disposition of such action,
20 suit or proceeding upon receipt of an undertaking by or on behalf of the Director General,
21 official or employee to repay the amount advanced should it ultimately be determined by
22 the LAA that he/she is not entitled to be indemnified as provided in this section.

23

24 **Section 40. Implementing Rules and Regulations.** - Within sixty (60) days from
25 the effectivity of this Act, the LAA shall promulgate the rules and regulations to
26 implement the provisions of this Act. Said rules and regulations shall be submitted to the
27 Congressional Oversight Committee for approval.

28

29 **Section 41. Congressional Oversight Committee on the Land Administration
30 Act.** - There is hereby created a Congressional Oversight Committee composed of seven
31 (7) members from the Senate Committee on Environment and Natural Resources and
32 seven (7) members from the House of Representatives Committee on Natural Resources.

33

34 The oversight committee, which shall function for a period not more than three (3)
35 years, shall review the administrative structure, functions, staffing pattern, duties and

1 responsibilities of personnel, the implementing rules promulgated by the LAA including
2 the procedures on claims against the assurance fund, and oversee the implementation of
3 this Act. *Provided*, That the secretariat of the Oversight Committee shall be drawn from
4 the existing secretariat personnel of the committees comprising the oversight and the
5 funding shall be taken from the appropriations of both the House of Representatives and
6 the Senate.

7

8 **Section 42. Separability Clause.** - Should any provision of this Act or any part
9 thereof be declared unconstitutional or invalid by a Court, the other provisions hereof
10 which are not affected thereby, shall remain in force and effect.

11

12 **Section 43. Repealing Clause.** - The pertinent provisions of CARL and IPRA with
13 regard to the conduct of survey, approval of survey results, preparation and issuance of
14 tenure instruments, and the provisions of PD 1529 pertaining to the assurance fund, and
15 their implementing rules and regulations are hereby amended or modified accordingly.

16

17 All other laws, decrees, orders, instructions, proclamations, rules and regulations
18 or parts thereof, including pertinent provisions of Commonwealth Act No. 141, Act No.
19 496, Presidential Decree No. 1529, Executive Order No. 192 and its related rules and
20 regulations; Executive Order No. 469 dated February 11, 1981 and the subsequent
21 Presidential Memorandum Circular dated 30 September 1988 and their related rules and
22 regulations; and the Administrative Code of 1987, which are inconsistent with any
23 provision of this Act, are hereby repealed, modified, or amended accordingly.

24

25 **Section 44. Effectivity.** - This Act shall take effect fifteen (15) days after its
26 complete publication in the *Official Gazette* or in a newspaper of general circulation.

27

28 *Approved,*

29