

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

SENATE OF THE PHILIPPINES
Office of the Secretary

19 JUL 16 A8:51

SENATE

S. B. No. 500

RECEIVED

(J)

Introduced by Senator **PIA S. CAYETANO**

**AN ACT
INSTITUTING REFORMS IN LAND ADMINISTRATION SYSTEM, CREATING
THE LAND ADMINISTRATION AUTHORITY, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

Land, as a valuable and vital resource, needs to be utilized properly and developed appropriately with the general objective of sustainable development for the Philippines and the present and future generations of Filipinos.

The Philippines' more than 7,100 islands form part of the country's 30 million hectares of land. This sizeable yet scarce resource has to be shared by our growing population, currently estimated at 80 million. It is thus imperative that our country's land resources are effectively administered and equitably managed, a function that is bestowed mainly on the national government.

However, fundamental legal and institutional defects result from the current structure where land administration functions such as land surveys, mapping, classification, titling and disposition, and registration are being undertaken by different government agencies. There is thus the need to reform the system of land administration in our country through streamlining of these responsibilities within a single agency.

The proposed Land Administration Reform Act (LARA) aims to upgrade, systematize and integrate the administration, management and operations of the country's land resources. It also aims to improve, rationalize and systematize the land records, titling, documentation and information systems into an open, updated, and reliable system.

The bill will lay the foundation for responsive and efficient land administration and management and improve the delivery of land-related services to the general public and reduce delays in land document processing and releases. The bill also aims to enhance and improve transparency and governance in the land resource and administration by cutting down the overly bureaucratic and technically-oriented land titling and registration processes in the country.

Given the importance of efficient, effective, and responsible distribution and management of lands in the country as a means for a sustainable development, the immediate passage of this measure is earnestly urged.



PIA S. CAYETANO

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

ARTICLE I

GENERAL PROVISIONS

3 SECTION 1. *Short Title.* – This Act shall be known as "The Land
4 Administration Reform Act".

5 Sec. 2. *Declaration of Policy.* – It is hereby declared the policy of the State
6 to institute continuing reforms in land administration and management in order to
7 optimize and rationalize their contribution to the goals of national development,
8 tenurial security, eradication of poverty, and attainment of social, economic, cultural,
9 justice and asset reforms. Towards this end, the State shall:

10 (a) Integrate and rationalize the structure, powers, functions, and
11 responsibilities of the different agencies involved in land administration
12 and management in order to increase the efficiency, effectiveness,
13 transparency and accountability and to expedite the delivery of services;

14 (b) Undertake reforms in land administration and management to ensure
15 equitable distribution and full utilization and development of land
16 resources;

17 (c) Provide efficient and effective cadastral mapping, cadastral surveying,
18 disposition, registration and management of land resources; and

1 (d) Develop, establish and maintain up-to-date, open, accessible, integrated
2 and computer-based land information and records.

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

5 (a) *Alienable and disposable lands* – refer to agricultural lands of the public
6 domain which have been delineated, classified and certified as available
7 for disposition under the Public Land Act.

8 (b) *Agricultural lands* – refer to lands devoted to or suitable for the cultivation
9 of soil, planting of crops or growing of trees, and are not classified by law
10 as mineral land, forest land or national park, or sub-classified as
11 residential land, commercial land or industrial land.

12 (c) *Automated registration system* – refers to a system of using appropriate
13 technology for scanning, recording and land registration by using
14 electronic devices to store the copy of certificates of title and other
15 documents relative thereto.

16 (d) *Classification and reclassification* – refers to the act of Congress in setting
17 the specific limits of forest lands and national parks, and increasing or
18 decreasing their boundaries by law, as provided for in Article XII, Section 4
19 of the 1987 Philippine Constitution.

20 (e) *Consulta* – refers to the procedure wherein the issue of registrability of
21 certain instruments is resolved in accordance with Presidential Decree No.
22 1529.

23 (f) *Director General* – refers to the person occupying the position of Director
24 General of the Land Administration Authority created by this Act.

25 (g) *Land* – refers to resources, both natural and man-made, found on the
26 surface, below and above the ground, including inland waters and the air
27 therein.

28 (h) *Land Administration and Management Project (LAMP)* – refers to the
29 project office which provides technical and administrative support to the
30 interagency endeavor of the Philippine government to identify strategic
31 directions toward land administration reform in land institutions, laws,
32 taxes and fees, and valuation.

- (i) *Land administration and public land management* – refers to the administration of all functions, powers and activities related to cadastral/parcellary survey and mapping, ownership, disposition and registration of land titles and deeds, and the management of public lands.
 - (j) *Land Information System* – refers to a system of linking textual attributes (such as ownership, identity, location and value) of land into spatial reference designed to facilitate access to information and assist in planning and decision-making
 - (k) *Land Management Bureau (LMB)* – refers to the staff bureau of the Department of Environment and Natural Resources (DENR).
 - (l) *Land Management Services (LMS)* – refers to the land management sector or offices of the DENR at the regional, provincial and district level.
 - (m) *Land registration case* – refers to a proceeding, either administrative or judicial, for registering the title to, or interest in, a land so that such title or interest becomes a matter for public record, and all persons who have interest in the land may be informed thereof, actually or constructively, and be bound thereby if they make no objections thereto within a specific time, as provided for under the law.
 - (n) *Land Registration Authority (LRA)* – refers to the agency which is formerly attached to the Department of Justice (DOJ) but has been transferred to DENR by virtue of Executive Order 690, including the Registry of Deeds (RoD).
 - (o) *National Mapping and Resources Information Authority (NAMRIA)* – refers to the agency known by that name attached to the DENR.
 - (p) *Public domain* – refers to lands that belong to the State which may either be agricultural, forest or timber, mineral or national park as provided for in the Constitution.
 - (q) *Public lands* – refer to lands which have not been subject to private property rights or subject to sale or other modes of acquisition or concession under general laws, and are devoted to public use.

ARTICLE II

CREATION OF THE LAND ADMINISTRATION AUTHORITY

Sec. 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 placed under the Office of the President. It shall be the primary government agency responsible for land administration and public land management.

Sec. 5. General Powers and Functions of the LAA. – The LAA shall exercise the following powers and functions:

- (a) Cadastral/Parcellary Survey & Mapping

 - 1) Execute, complete and continually update the nationwide cadastral surveys in accordance with the provisions of Act No. 2259 as amended, and update all existing cadastral maps, taking into consideration the protected areas created under Republic Act No. 7586 or the National Integrated Protected Areas System Act (NIPAS) of 1992;
 - 2) Conduct and/or approve cadastral surveys and mapping necessary in the implementation of Republic Act No. 7160 or the Local Government Code, Republic Act No. 7279 or the Urban Development and Housing Act, Republic Act No. 8435 or the Agriculture and Fisheries Modernization Act (AFMA), Republic Act No. 7916 or the Ecozone Law, Republic Act No. 6657 or the Comprehensive Agrarian Reform Law (CARL), and other existing laws requiring survey and mapping in coordination with local government units and the pertinent government agencies;
 - 3) Verify and approve all private land consolidation, subdivision and consolidation-subdivision surveys intended for titling purposes;
 - 4) Prescribe standards, rules and regulations for the conduct of all kinds of cadastral/parcellary surveys and mapping and similar activities in accordance with existing laws and internationally accepted principles, practices and standards;
 - 5) Prescribe a uniform base map which shall be used for all cadastral/parcellary mapping activities, and provide convenient and affordable public access to the same; and

1 6) Establish and maintain an appropriate custodial and storage system
2 that shall ensure the security and integrity of all cadastral/parcellary
3 survey and mapping records.

4 (b) Land Registration

- 5 1) Register original titles to land and subsequent dealings in registered
6 lands under the provisions of Act No. 496 and Presidential Decree No.
7 1529 as amended: *Provided*, That prior to registering a tenure
8 instrument and issuing an original certificate of title based thereon, the
9 LAA shall first verify compliance with the conditions and requirements
10 prescribed under the law authorizing the issuance of said tenure
11 instrument;
- 12 2) Validate, authenticate and reconstitute land titles and land ownership
13 records and information;
- 14 3) Establish and maintain an appropriate custodial and storage system
15 that shall ensure the security and integrity of all registration and titling
16 records, subject to the provisions of Act No. 496, Presidential Decree
17 No. 1529 as amended, and pertinent laws; and
- 18 4) Compile a nationwide master list of suspected spurious land titles and
19 tenure instruments, undertake thorough investigation of the same and,
20 when merited, initiate the proper proceedings for the cancellation
21 thereof by a competent court: *Provided*, That cancellation of
22 instruments which have not yet been registered under the Torrens
23 system as provided under existing laws and which are found to be
24 spurious shall be effected by the LAA under rules and procedures that
25 it shall promulgate consistent with this Act and existing laws: *Provided*
26 *further*, That patently spurious titles shall also be dealt with
27 administratively by the LAA.

28 (c) Public Land Administration

- 29 1) Administer, manage and/or dispose of all alienable and disposable
30 lands of the public domain under the provisions of Commonwealth Act
31 No. 141 otherwise known as the Public Land Act, as amended, Friar
32 Lands under the provisions of Act No. 1120, patrimonial property of the

national government under Act No. 3038, and such other public lands which have not been placed under the jurisdiction of any other government agency or instrumentality, in accordance with existing laws; and

2) Coordinate with local government units and the appropriate agencies in releasing alienable and disposable lands of the public domain for the accelerated implementation of agrarian reform, socialized housing, resettlement and other government programs requiring land.

(d) Land Records and Information Technology

1) Establish and maintain a secure, integrated, and accessible computerized database of all cadastral/parcellary survey and mapping records, registration and titling records and other land information data, and ensure the timely updating of said database; and

2) Establish and maintain an open system to provide convenient nationwide public access to cadastral/parcellary survey, mapping, registration, titling and other land data; subject, however, to the requirements of security and confidentiality under existing laws.

(e) Other Functions

1) Formulate and recommend policies and programs to achieve the intent and purposes of this Act;

2) Determine, fix, and collect reasonable amounts to be charged as fees, fines, and penalties in the implementation of this Act;

3) Receive grants and donations in accordance with law;

4) Conduct, regulate, verify, and approve all types of cadastral/parcellary land surveys, including surveys intended for the implementation of Commonwealth Act No. 141, as amended, Republic Act No. 6657 or the Comprehensive Agrarian Reform Law (CARL) and Republic Act No. 8371 or the Indigenous Peoples' Rights Act of 1997 (IPRA);

5) Enter into contracts in the implementation of this Act, subject to existing laws;

6) Perform such other powers and functions which are currently lodged with the LRA/RoD, LMB/LMS, DENR-CARP National Coordinating Office

under Presidential Decree No. 1529, Commonwealth Act No. 141 as amended and other existing laws and issuances; and

7) Perform such other functions as are necessary, proper and incidental to implement the provisions of this Act.

Whenever any reference is made to the LRA/RoD, the LMB/LMS and the DENR-CARP National Coordinating Office under Executive Order No. 192, Presidential Decree No. 1529 and Commonwealth Act No. 141, as amended, which pertains to a duty, power, purpose, responsibility or jurisdiction transferred to the LAA by this Act, it shall be deemed to be a reference to, and to mean, the LAA and the Director General of the LAA, as the case may be.

Sec. 6. *Stakeholders' Advisory Committee.* – The LAA shall be assisted by a Stakeholders' Advisory Committee with sixteen (16) members composed of the following:

(a) Six (6) representatives from the basic sectors composed of but not limited to farmers, fisherfolk, urban poor, workers in the informal sector, indigenous peoples and Non-Governmental Organizations (NGOs) chosen through the nomination process of the National Anti-Poverty Commission (NAPC);

(b) One (1) representative from the NAPC Women's Sectoral Council;

(c) Five (5) representatives from the private sector appointed by the President of the Philippines. One (1) representative shall come from each of the following: business sector/real estate professionals, banking sector, academe, the geodetic engineer's sector and the Integrated Bar of the Philippines;

(d) Three (3) representatives from the League of Municipalities, Cities and Provinces, respectively; and

(e) The Director General, as ex-officio member.

The Director General may call on the heads or representatives of other government agencies to attend the meetings of the Committee as the need arises.

The President shall designate the Chairperson from among the members of the Committee. With the exception of the LAA Director General, the members of the Advisory Committee shall not hold office in the LAA nor receive any salary but shall

1 be entitled, for actual attendance during meetings, to such allowances and honoraria
2 as are allowed by the rules and regulations promulgated by the Commission on
3 Audit.

4 *Sec. 7. Functions of the Stakeholders' Advisory Committee.* – The Committee
5 shall advise the LAA on the formulation of policies and policy development pertaining
6 to land administration and public land management and shall monitor their
7 implementation. It shall submit, within three (3) months following the end of each
8 calendar year, a report to the President on its advisory and monitoring activities.

9 Sec. 8. *Meetings of the Committee.* – The Chairperson shall convene regular
10 meetings of the Committee at least once every quarter. Special meetings may also
11 be called by the Chairperson or at the initiative of at least three (3) members.

12 Sec. 9. *Secretariat and Logistical Support.* – The Office of the LAA Director
13 General shall provide secretariat and logistical support to the Committee.

ARTICLE III

IMPLEMENTING MECHANISM

16 Sec. 10. *Structure and Organization.* – The LAA shall consist of:

- (a) The Office of the Director General;
 - (b) The Offices of the Deputy Directors General; and
 - (c) Land offices.

20 Sec. 11. *The Director General.* – The authority and responsibility for the
21 exercise of the mandate of the LAA, the accomplishment of its objectives and the
22 discharge of its powers and functions shall be vested in the Director General (DG), of
23 cabinet rank, who shall be appointed by the President.

24 The DG shall have the following functions:

- (a) Advise the President on the promulgation of rules, regulations, and other issuances relative to land administration and public land management;
 - (b) Establish policies and standards for the efficient and effective operations of the LAA in accordance with the programs of the government;
 - (c) Promulgate rules, regulations, and other issuances necessary in carrying out the LAA's mandate, objectives, policies, plans, programs and projects;
 - (d) Exercise control and supervision over all functions and activities of the LAA;

- 1 (e) Delegate authority over all powers, functions, and activities of the LAA;
2 and
3 (f) Perform such other functions as may be provided by law or assigned by
4 the President.

5 Sec. 12. *Office of the Director General.* – The Office of the DG shall consist of
6 the DG, his immediate staff and the Office of Legal Services. The DG shall be
7 appointed by the President and shall be a lawyer or a geodetic engineer.

8 Sec. 13. *Deputy Director Generals.* – The DG shall be assisted by not more
9 than five (5) Deputy Director Generals (DDGs) who shall be appointed by the
10 President. They shall oversee the land administration and public land management
11 functions of the LAA. They shall be responsible for the following:

- 12 (a) Land Registration;
13 (b) Land Surveying;
14 (c) Land Records and Information Technology;
15 (d) Land Administration; and
16 (e) Administration and Finance.

17 At least one of the DDGs shall be a member of the Philippine Bar or a
18 geodetic engineer with at least five (5) years experience in any land administration
19 function. The DDG for Land Registration should be a member of the Philippine Bar
20 with experience on land registration. The DDG for Land Surveying shall be a
21 geodetic engineer.

22 The DG is hereby authorized to delineate, assign and/or reassign the respective
23 functional areas of responsibility of the DDGs. Within his functional area of
24 responsibility, a DDG shall have the following functions:

- 25 (a) Advise the DG in the promulgation of administrative orders and other
26 issuances with respect to his area of responsibility;
27 (b) Exercise supervision over the offices, departments or operating units, and
28 officers and employees under his responsibility;
29 (c) Promulgate rules and regulations that will efficiently and effectively govern
30 the activities of the units under his responsibility;
31 (d) Coordinate the functions and activities of the units under his responsibility
32 with those of other units under the responsibility of other DDGs;

- 1 (e) Exercise authority on substantive and administrative matters related to the
2 functions and activities of the units under his responsibility as may be
3 delegated by the DG;
4 (f) Assist the DG in the formulation, management and implementation of land
5 administration and public land management laws, policies, plans, programs
6 and projects; and
7 (g) Perform such other functions as may be provided by law or assigned by the
8 DG.

9 *Provided*, That each office of the DDG may create appropriate bureaus, in
10 accordance with existing laws and regulations, as the need arises.

11 Sec. 14. *Land Offices*. – Permanent field offices at the city and provincial levels
12 are hereby established and shall be called Land Offices. The LAA may also establish
13 additional Land Offices in a city or province as it may be determined for the efficient
14 and effective delivery of its services: *Provided*, That provinces and cities with
15 existing Registry of Deeds upon approval of this Act shall automatically establish
16 Land Offices: *Provided, further*, That the additional field offices may be abolished by
17 the DG when these are no longer necessary.

18 The Land Offices shall be headed by an Executive Land Officer. He/She shall
19 exercise general supervision on land survey, land registration, public land
20 administration, record, and information management within his/her jurisdiction.
21 He/She shall also implement such other functions of the LAA in his/her respective
22 area of responsibility as may be delegated by the DG to provide a more efficient and
23 effective delivery of services. *Provided*, That the registration personnel shall continue
24 to exercise its other registration functions in accordance with existing laws.

25 **ARTICLE IV**

26 **LAND ADJUDICATION BOARD**

27 Sec. 15. *Creation of the Land Adjudication Board (LAB)*. – There is hereby
28 created a Land Adjudication Board (LAB). The LAB shall be the quasi-judicial body of
29 the LAA and shall have the following functions:

- 30 (a) Exercise exclusive original jurisdiction over all matters involving the
31 implementation of laws, rules and regulations on land administration and
32 public land management, and all cases and/or controversies arising

1 therefrom: *Provided*, That all petitions for the correction of clerical or
2 typographical errors committed in writing, copying, transcribing, or typing
3 of an entry in the maps, survey plans, and certificate of land titles shall
4 be administratively addressed by the LAA Land Offices; and

5 (b) Exercise exclusive original jurisdiction on conflicts arising from the
6 determination and adjudication in land administration and public land
7 management matters, except cases falling under the jurisdiction of the
8 Department of Agrarian Reform (DAR) under the CARL and the National
9 Commission on Indigenous Peoples under the IPRA unless specifically
10 provided herein: *Provided*, That jurisdiction over conflicts and cases
11 arising from ownership of private lands shall remain with the regular
12 courts: *Provided, further*, That existing cases on land ownership and
13 conflicts pending with the regular courts shall remain under the court's
14 jurisdiction unless otherwise remanded by the courts to the LAA or LAB
15 for disposition subject to the pertinent provisions of this Act.

16 The LAB shall be under the administrative supervision of the DG and shall be
17 divided into three (3) divisions. Each division shall exercise equal powers,
18 independently resolving cases raised on appeal from the decisions of the Local Land
19 Adjudication Boards, created pursuant to Section 17 hereof, from Luzon, Visayas,
20 and Mindanao: *Provided*, That whenever such a need arises, there shall be created
21 another division: *Provided, further*, That the divisions assigned to handle cases from
22 Visayas and Mindanao shall hold permanent office in any of the cities therein.

23 Sec. 16. *Composition.* – Each division of the LAB shall be composed of three (3)
24 permanent members who shall be nominated by the Stakeholder's Advisory
25 Committee and be appointed by the President: *Provided*, That the DG of the LAA
26 shall sit as *ex officio* or fourth member of each division.

27 All members of the Land Adjudication Board shall be members of the
28 Philippine Bar with at least ten (10) years of experience in property and land
29 administration and management related matters. The permanent members of each
30 division shall elect their presiding officer.

31 Sec. 17. *Local Land Adjudication Board.* – Local Land Adjudication Boards
32 (LLAB) are hereby created in all provincial and city Land Offices that shall serve as

1 the first level board. The LLAB shall be composed of three (3) members. The
2 Presiding Officer shall be the Executive Land Officer, the two (2) other members
3 shall be the head of the local surveys unit and the head of the local registration unit,
4 respectively.

5 Decisions, orders, and resolutions of the LLAB shall be raised on appeal to the
6 LAB.

7 Sec.18. *Budget and Administrative Support.* – The LAB shall determine and
8 propose its budgetary requirements, which shall be submitted as part of the LAA's
9 budget request. Disbursements of the approved budget resources shall be the sole
10 responsibility of the LAB. Secretariat services shall be provided by the LAA.

11 Sec. 19. *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
13 cases, disputes or controversies in the most expeditious manner, employing all
14 reasonable means to ascertain the facts of every case in accordance with justice and
15 equity, and the merits of the case. Towards this end, it shall adopt uniform rules of
16 procedure to achieve a just, expeditious and inexpensive determination of merits:
17 *Provided*, That it shall endeavor to settle disputes and controversies amicably.

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

25 Responsible persons shall be allowed to represent themselves or their
26 organizations in any proceedings before the LAB: *Provided, however*, That when
27 there are two (2) or more representatives for any individual or group, the
28 representatives shall choose only one (1) from among themselves to represent such
29 party or group before any LAB proceedings.

30 Sec. 20. *Finality of Determination.* – Any case or controversy before the LAB
31 shall be decided within thirty (30) days after it is submitted for resolution. Only one
32 (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
2 parties of a copy thereof.

3 Sec. 21. *Frivolous Appeals.* – To discourage frivolous or dilatory appeals from
4 the decisions, awards, rulings or orders, the LAB may impose reasonable penalties
5 including, but not limited to, fines or censures upon erring parties.

ARTICLE V

JUDICIAL REVIEW

8 Sec. 22. *Certiorari*. – Any decision, order, award, or ruling of the LAA on any
9 dispute or on any matter pertaining to the application, implementation, enforcement,
10 or interpretation of this Act and other pertinent laws on land administration and
11 public land management may be brought to the Court of Appeals through certiorari
12 within fifteen (15) days from the receipt of a copy thereof, as provided for in Rule 43
13 of the Rules of Court.

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

Sec. 23. *Restraining Order or Preliminary Injunction.* – Only the Court of Appeals and the 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.

23 Sec. 24. *Procedure on Review.* – Review by the Court of Appeals or the
24 Supreme Court, as the case may be, shall be governed by the Rules of Court. The
25 Court of Appeals, however, may require the parties to file simultaneous memoranda
26 within a period of fifteen (15) days from notice, after which the case is deemed
27 submitted for decision.

ARTICLE VI

TRANSITORY PROVISIONS

30 Sec. 26. *Transfer of Powers and Transition Plan.* – The powers and functions
31 of the LAA heretofore vested by law in the DENR, LRA/RoD, LMB/LMS and DENR-
32 CARP National Coordinating Office or in any office within or attached to these

1 agencies, are hereby transferred to and vested in the Office of the DG. The DG shall
2 be responsible for the identification, preparation, and formulation of a transition plan
3 to ensure the smooth and seamless transfer and assumption of powers, functions,
4 and personnel from the abovementioned agencies to the LAA: *Provided*, That such
5 transition plan shall be prepared, formulated, and developed in consultation with the
6 affected agencies and its representative stakeholders: *Provided, further*, That the
7 transition plan shall integrate such other actions and activities as may be necessary,
8 including provisions under this section and as provided for under this Act to
9 complete the transition to the LAA.

10 Sec. 27. *Organization of the LAA.* – The LAA's organizational and
11 administrative structure and functions and staffing pattern, including the personnel's
12 duties and responsibilities and the appropriate compensation package shall be
13 submitted by the DG within six (6) months upon approval of this Act for review and
14 approval of the President and shall be fully implemented within a period of six (6)
15 months after such approval of the President.

16 Sec. 28. *Transfer of Personnel.* – To ensure a smooth transition, all
17 incumbent personnel of the DENR's LMB/LMS, LRA/RoD and DENR-CARP National
18 Coordinating Office and its field offices shall continue to perform their present duties
19 and functions as interim personnel of the LAA until such time, being not later than
20 twelve (12) months from the effectivity of this Act, that the regular staff of the LAA,
21 based on the new staffing pattern, shall have been appointed: *Provided*, That all
22 incumbent and qualified personnel of the DENR's LMB/LMS, LRA/RoD and DENR-
23 CARP National Coordinating Office and its field offices shall be allowed to fill up the
24 appropriate positions for regular personnel of the LAA and its field offices: *Provided,*
25 *further*, That the regular personnel shall be appointed by the DG, or his/her duly
26 authorized representative, on the basis of merit, previous permanent appointment,
27 fitness, and seniority.

28 The existing number of officials and employees of the LRA and other agencies
29 to be integrated to the LAA shall not be increased and no new hiring shall be allowed
30 until all of them shall have been properly placed. Those who opt to stay shall retain
31 their remuneration and seniority. No official or personnel shall be dislodged and
32 involuntarily separated, except for cause.

1 Sec. 29. *Separation Pay and Other Benefits.* – Personnel who are not offered
2 appointment within twelve (12) months upon the effectivity of this Act under the
3 new staffing pattern of the LAA on at least equivalent terms and conditions as their
4 present employment, by reason of duplication or redundancy, and those who decline
5 an appointment in the LAA, shall be entitled to separation pay and other benefits in
6 accordance with Sections 10.1 to 10.3 and 13 of Executive Order No. 366 dated
7 October 4, 2004.

8 Sec. 30. *Reemployment.* – Government personnel who are separated as a
9 result of the integration of the aforecited offices may apply for positions and be
10 employed in other agencies or branches of the government including government-
11 owned and/or -controlled corporations (GOCCs), government financial institutions
12 (GFIs) or local government units (LGUs).

13 Sec. 31. *Unexpended Appropriations and Transfer of Assets.* – The
14 unexpended balances of appropriations in the current General Appropriations Act
15 and other laws in force upon approval hereof, pertaining to, held, or used by, or
16 available to the LRA and RoD, the LMB, the LMS, the DENR-CARP National
17 Coordinating Office and its field offices, and the LAMP are hereby transferred to the
18 LAA.

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

22 All real and personal properties, assets, liabilities, records, documents,
23 positions, appropriations, contracts, and agreements which, upon the effectivity of
24 this Act, are vested in, or owned, by the LMB/LMS, the DENR-CARP National
25 Coordinating Office and its field offices, the LRA/RoD and the LAMP are hereby
26 transferred to the LAA.

27 Sec. 32. *Penal Provisions.* – Any person who sells the forms issued and
28 distributed gratuitously under this Act or who, being an officer charged with
29 distributing them, refuses or fails, without sufficient reason, to furnish the same shall
30 be punished for each offense by a fine of not less than One Hundred Thousand
31 pesos (P100,000.00) and not more than One Million Pesos (P1,000,000.00) or
32 imprisonment of not less than six (6) months nor more than three (3) years, or both,

1 at the discretion of the court.

2 Any person, corporation, association or partnership which, not being qualified
3 or no longer authorized to apply for registration purposes, files or induces or
4 knowingly permits another person, corporation, association or partnership to file an
5 application in his/her or its behalf, or for his/her or its interest, benefit or advantage
6 shall be punished for each offense by a fine of not less than One Hundred Thousand
7 Pesos (P100,000.00) or imprisonment of not less than five (5) years, or both, at the
8 discretion of the court: *Provided*, That in case the offender is a corporation,
9 association or partnership, their responsible officials shall be deemed jointly and
10 severally liable. *Provided further*, That the application filed by the said person,
11 corporation, association, or partnership shall be cancelled.

12 Any person who shall, by deceit or fraud, acquire or attempt to acquire lands
13 of the public domain or other real property or any right, title or interest, or property
14 right of any class to the same, and any person aiding and abetting him therein or
15 serving as a means or tool thereof shall, upon conviction, be punished by a fine of
16 not less than One Hundred Thousand Pesos (P100,000.00) or imprisonment of not
17 less than five (5) years nor more than twelve (12) years, or both, at the discretion of
18 the court.

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

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

30 Sec. 33. *Preservation of Records.* – The LAA shall have possession and control
31 of all records, books, papers, offices, equipment, supplies, moneys, funds,
32 appropriations, land and other properties, real or personal, held for the benefit or

1 use of all bodies, offices and officers whose duties, powers and functions have been
2 transferred to and conferred upon the LAA.

3 Pending a written notice of receipt issued by a duly authorized officer of the
4 LAA, it shall be the duty of any and all personnel responsible for, or in possession of
5 records relating to the affairs of the LMB, the LMS, the DENR-CARP National
6 Coordinating Office and its field offices, the LRA and the RoD to protect and
7 preserve such records.

8 Without prejudice to any other penalties provided for by law, any person who
9 fails to fulfill his/her duty pursuant to the above paragraph shall be guilty of an
10 offense against the provisions of this Act, punishable by a fine of not less than One
11 Million Pesos (P1,000,000.00) or imprisonment of not more than five (5) years, or
12 both, at the discretion of the court.

13 Sec. 34. *Saving Clause.* – All orders, determinations, rules, regulations,
14 permits, certificates, licenses and privileges which have been issued, made or
15 granted effective by the former LMB, LMS, LRA, RoD, DENR-CARP National
16 Coordinating Office and its field offices, and LAMP, or their predecessors shall
17 continue to be in effect according to their terms until modified, terminated,
18 superseded, set aside or repealed.

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

ARTICLE VII

MISCELLANEOUS PROVISIONS

29 Sec. 35. *Use of Income and Other Sources of Funds.* - The LAA is hereby
30 authorized to use fifty percent (50%) of all revenues derived from fees, charges,
31 fines, penalties and other sources for capital outlay on infrastructure, procurement
32 of equipment and services related to the integration, updating, and maintenance of

1 computer-based land information and database system, and training and skills
2 upgrading including personnel capacity building of LAA.

3 The LAA shall be allowed to receive, hold, and utilize funds from grants,
4 donations, contributions and other gratuitous sources, both foreign and local, for the
5 implementation of its mandate, programs and projects, subject to existing rules and
6 regulations.

7 Sec. 36. *Assurance Fund.* – A special account within the LAA is hereby created
8 for the entire proceeds of the Assurance Fund, which shall no longer be paid to the
9 National Treasury as provided for in Section 94 of Presidential Decree No. 1529.

10 Claims from the Assurance Fund shall be heard, decided and determined by
11 the LAB. All pending cases or claims against the Assurance Fund now being handled
12 by the Bureau of Treasury, through the Office of the Solicitor General, shall likewise
13 be transferred to the LAB. Thereafter, the National Treasurer shall no longer be
14 impleaded as party in any action against the Assurance Fund.

15 Sec. 37. *Indemnification of Officials and Personnel.* – The LAA shall indemnify
16 all officials and personnel for all costs and expenses reasonably incurred by such
17 persons in connection with any civil or criminal actions, suits or proceedings to which
18 they may be or made a party by reason of the performance of their functions or
19 duties, unless they are finally adjudged in such actions or proceedings to be liable.

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

24 The costs and expenses incurred in defending the aforementioned action, suit
25 or proceeding may be paid by the LAA in advance of the final disposition of such
26 action, suit or proceeding upon receipt of an undertaking by or on behalf of the DG
27 wherein the official or employee shall repay the amount advanced should it
28 ultimately be determined by the LAA that such official or employee is not entitled to
29 be indemnified as provided in this section.

30 Sec. 38. *Implementing Rules and Regulations.* – Within sixty (60) days from
31 the effectivity of this Act, the LAA shall promulgate the rules and regulations to
32 implement the provisions of this Act. In the process of the formulation of the IRR for

1 this Act, consultations shall be made with the Stakeholders' Advisory Committee and
2 submitted to the Office of the President for approval. Copies of the IRR shall be
3 distributed to the Congressional Oversight Committee on Land Administration
4 created under Section 39 hereof.

5 *Sec. 39. Congressional Oversight Committee on the Land Administration*
6 *Reform Act.* – There is hereby created a Congressional Oversight Committee on the
7 Land Reform Act composed of seven (7) members from the Senate and seven (7)
8 members from the House of Representatives to be designated by the Senate
9 President and the House Speaker, respectively. The Committee on Environment and
10 Natural Resources shall act as Chair.

11 The Congressional Oversight Committee, which shall function for a period of
12 not more than three (3) years, shall oversee the implementation of this Act.

13 The secretariat of the Congressional Oversight Committee shall be drawn
14 from the existing secretariat personnel of the committees of the Senate and the
15 House of Representatives comprising the oversight committee and the funding for its
16 operations shall be taken from the existing budget of the concerned committees.

17 *Sec. 40. Separability Clause.* – Should any provision of this Act or any part
18 hereof be declared unconstitutional or invalid by a court, the other provisions hereof
19 which are not affected thereby shall remain in force and effect.

20 *Sec. 41. Repealing Clause.* – All laws, decrees, orders, instructions,
21 proclamations, rules and regulations or parts thereof, including pertinent provisions
22 of Commonwealth Act No. 141, Act No. 496, Presidential Decree No. 1529, Executive
23 Order No. 192 and its related rules and regulations; Executive Order No. 469 dated
24 February 11, 1981 and the subsequent Presidential Memorandum Circular dated 30
25 September 1988 and their related rules and regulations; and the Administrative Code
26 of 1987, which are inconsistent with any provision of this Act, are hereby repealed,
27 modified, or amended accordingly.

28 *Sec. 42. Effectivity.* – This Act shall take effect fifteen (15) days after its
29 complete publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,