

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Thirteenth Congress
First Regular Session

HOUSE BILL NO. 2365

Introduced by Representative Rodante D. Marcoleta

EXPLANATORY NOTE

This bill seeks to create the Land Administration Authority to rationalize the land administration system and optimize the contribution of the country's land resources.

One of the policies provided under the Constitution is that "The State shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation and **free the people from poverty** through policies that provide adequate social services, promote full employment, a rising standard of living, and an improved quality of life for all." (Sec. 9, Article II) **Land is one of the vital factors for a better quality of life.** Thus, good management of land is essential to sustain the country's development. However, the present set-up of many institutions administering our scarce land resources have resulted to confusion, delays, high transaction costs, low investment, and even graft and corruption.

The institutional and structural defects in land administration, besides not contributing to the sustainable development of natural resources, have also given rise to major inefficiencies. These inefficiencies include extensive delays in the disposition and titling of alienable and disposable lands, inaccurate and incomplete land information and records, duplicate and fake titles, duplication and overlap of activities between government agencies, and unnecessary costs to both the national and local governments and the beneficiaries of land administration services.

It is, therefore, being proposed that all matters pertaining to lands, such as, but not limited to, surveys, mapping, classification, titling, disposition and registration, be placed in a single agency. In the agency being proposed, all the powers and functions currently exercised by several agencies shall be integrated. The agencies affected are the Department of Justice's **Land Registration Authority and Registries of Deeds**; the **Department of Environment and Natural Resources' Lands Management Bureau** and the **Land Management Services** in the regional,

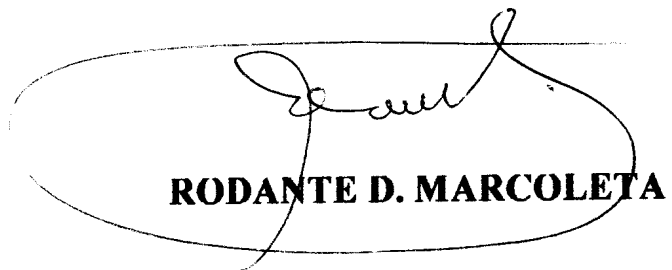
LEGISLATIVE SERVICE
HOUSE OF REPRESENTATIVES

provincial and community offices; the **National Mapping and Resources Information Authority**, and **DENR-CARP National Secretariat** and field offices. The creation of a single agency that will attend to all land matters and activities will eliminate duplication of functions and other costs arising from the current fragmentation of land administration services. Significant savings for the government will be the end result. Furthermore, it will be easier to undertake major long term investment of resources and programs that will be necessary to implement the required reforms in land administration.

The proposed measure is consistent with the government's current effort to downsize and streamline the bureaucracy with the view of harnessing and/or pooling its limited resources to create maximum beneficial impact to its people.

The proposed measure likewise aims to enable the land sector to contribute to economic growth and poverty alleviation. Its early enactment is vital for sustainable development of our country.

In view of the foregoing, approval of the bill is strongly recommended.



RODANTE D. MARCOLETA

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Thirteenth Congress
First Regular Session

HOUSE BILL NO. 2365

Introduced by Representative Rodante D. Marcoleta

AN ACT
CREATING THE LAND ADMINISTRATION AUTHORITY (LAA),
DEFINING ITS STRUCTURE, POWERS AND FUNCTIONS AND
APPROPRIATING FUNDS THEREFOR.

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

ARTICLE I

GENERAL PROVISIONS

SECTION 1. Short Title. – This Act shall be known as “The Land Administration Authority Act of 2004.”

SEC. 2. Declaration of Policy. – It is hereby declared the policy of the State to institutionalize reforms in land administration to optimize and rationalize their contribution to the goals of national development, the eradication of poverty and the achievement of social, economic and cultural justice reform. Towards this end, the State shall establish a single and unified body charged with the execution of the laws on registration and administration of lands.

SEC. 3. Definition of Terms. – For the purposes of this Act, the following terms or words and phrases shall have the following meanings:

(a) **Director General** – the Director General of the Land Administration Authority created by this Act including any person appointed in an acting capacity.

(b) Alienable and disposable lands – lands of public domain which have been delineated, classified and certified as available for disposition under the Public Land Act.

(c) Agricultural lands – lands devoted to or suitable for the cultivation of the soil, planting of crops, growing of trees, and not classified as mineral land, forest land, residential land, commercial land or industrial land.

(d) Authority – the Land Administration Authority.

(e) Lands – resources, both man-made and natural, found on the surface, below and above the ground including inland waters and air therein.

(f) Public domain – lands which belong to the State which may either be agricultural, forest or timber, mineral or national park as provided for in the Constitution.

(g) Public lands – lands which have not been subject to private property rights or subject to sale or other modes of acquisition or concession under the general laws, and are devoted to public use.

(h) Land registration – the 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.

(i) Automated registration system – a system using appropriate technology for scanning, recording, and land registration using electronic devices to store the copy of Certificates of Title and other documents relative thereto.

(j) Land administration – the administration and management of all functions, powers and activities related to the mapping, land survey,

classification, ownership, disposition, valuation and registration of land titles and deeds.

ARTICLE II

CREATION, MANDATE, POWERS AND FUNCTIONS 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, hereinafter referred to as the “Authority”, is hereby created under the Office of the President.

The Authority shall be the primary government agency responsible for land administration and public land management, particularly in the conduct of surveying, mapping, and charting, classification, disposition of alienable lands of the public domain and patrimonial lands, registration of titles, and resource information generation and management in order to ensure that benefits therefrom are shared equitably among and by the present and future generations; and in a manner that meets the needs of users and the general public.

SEC. 5. Powers and Functions of the Authority. – The Authority shall have the following powers and functions:

1. Administrative Powers –

- (a) Exercise supervision and control over all Registers of Deeds and other personnel of the Authority;
- (b) Exclusive central repository of records relative to original registration of lands titled under the Torrens System including the subdivision and consolidation of titled lands;
- (c) Conduct, integrate and regulate the functions of geodetic and geophysical surveys, land classification surveys, mapping, charting and oceanography 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 and procedures and standards as provided under Executive Order No. 192;

(d) Survey, map and maintain database 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;

(e) Survey the political boundaries and the delineation between alienable and disposable lands and forest lands, national parks such as watershed areas reservations and other protected areas and foreshore lands;

(f) Survey, map, maintain database, administer, manage and dispose of all alienable and disposable lands of the public domain and other lands, including foreshore and marsh lands;

(g) Manage, sell and dispose the remaining Friar Lands under the provisions of Act No. 1120, as amended, in accordance with existing laws;

(h) 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;

(i) Execute cadastral surveys in accordance with existing laws and all other kinds of surveys for national mapping and land titling purposes;

(j) Register original titles to land and subsequent dealings in 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;

(k) Such other functions as are currently undertaken by the Land Registration Authority (LRA), Register of Deeds (RoD), Land Management Bureau (LMB), Land Management Services (LMS), National Mapping and Resource Information Authority (NAMRIA), Department of Environment and Natural Resources-Comprehensive Agrarian Reform Program (DENR-CARP) National Secretariat and its field offices under Presidential Decree No. 1529 and Commonwealth Act No. 141, as amended; and

(l) Such other functions as are necessary, proper, and incidental to implement the provisions of this Act.

2. Corporate Powers –

(a) To receive in trust, legacies, gifts and donations, real or personal properties as well as financial assistance from local and foreign donor for the rationalization of the Authority, to administer and dispose the same when necessary for the benefits of the Authority, subject to limitations, directions and instructions of the donors, if any. Such donations shall be exempted from taxes and shall be considered as deductible items from the income tax of the donors;

(b) To sue and be sued in its official name;

(c) To enter into and perform contracts, execute instruments, and determine the character of, necessity for, its expenditures;

(d) To determine and keep its own system of accounts following generally-accepted principles of accounting, as well as the forms and contents of its contracts and business documents;

(e) To acquire, in any lawful manner, such personal or real property or any interest therein, as it deems necessary or convenient in the transaction of its business; to hold, maintain, sell, lease, or otherwise dispose of such property or any interest therein; and

(f) To exercise all other corporate powers incidental, necessary or appropriate to its operation.

SEC. 6. Advisory Board. – The powers and functions of the Authority shall be vested in and exercised by an Advisory Board composed of the following:

(a) The DENR and DAR Secretaries and Heads of the Office of Muslims Affairs (OMA), Housing and Urban Development Coordinating Council (HUDCC) and the National Commission for Indigenous Peoples (NCIP), or their duly authorized representatives;

(b) Three (3) Representatives from the private sector such as, but not limited to, real estate, professionals or practitioners and academe to be chosen by the President from the nominees of their respective organizations; and

(c) The Director General

The President shall designate the Chairperson from among the members of the Committee excluding the Director General.

SEC. 7. Term of Office. – Appointive members of the Board shall hold office for a term of six (6) years without reappointment. In case of vacancy, the same shall be filled for the unexpired term only.

SEC. 8. Compensation. – The members of the Board shall be entitled to a per diem of Five thousand pesos (P5,000.00) for meetings actually attended but not to exceed Twenty thousand pesos (P20,000.00) a month, and a reasonable transportation allowance as may be fixed by the Board.

SEC. 9. Meetings of the Board. – The Board shall hold regular meetings once a month. Special meetings may be called by the Chair, as may be necessary, or at the initiative of at least three (3) members.

SEC. 10. Secretariat and Logistical Support. – The Office of the Director General shall provide secretariat and logistical support to the Board.

ARTICLE III

MANAGEMENT, PERSONNEL, IMPLEMENTING AND COORDINATING MECHANISM

SEC. 11. Structural Organization. – The Authority shall consist of:

- (a) The Office of the Director General;
- (b) The Offices of the Deputy Director Generals;
- (c) The Offices of the Assistant Director Generals; and
- (d) Field Offices

SEC. 12. The Director General. – The Director General shall be appointed by the President. He shall have the rank of a cabinet secretary and shall receive the same salary, emoluments, benefits and privileges. He shall have the following powers and 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 Authority in accordance with the programs of the Government;

(c) Subject to the approval of the Board, determine the staffing pattern and the number of personnel, define their duties and responsibilities, and fix their salaries and emoluments in accordance with the approved compensation structure of the Authority;

(d) Appoint, promote, assign, reassign, transfer and remove personnel below the ranks of Deputy Director General: *Provided*, That in the case of removal of officials and employees, the same may be appealed to the Board;

(e) Promulgate rules, regulations and other issuances necessary in carrying out the Authority's mandate, objectives, policies, plans, programs and projects;

(f) Exercise supervision over all functions and activities of the Authority;

(g) Delegate authority over all powers, functions and activities of the Authority;

(h) Perform other functions as may be prescribed by law or assigned by the President or by the Board.

SEC. 13. Qualifications. – The Director General shall be a citizen and resident of the Philippines, member of the Philippine Bar for at least ten (10) years, with experience in land administration functions, of good moral character, and proven competence and integrity.

SEC. 14. Deputy Director Generals. – The Director General shall be assisted by three (3) Deputy Director Generals, at least one of whom shall be a member of the Bar or a Geodetic Engineer with at least five (5) years experience in any land administration functions. They shall be appointed by the President upon the recommendation of the Director General. The Director General is hereby authorized to delineate, assign or reassign the respective functional areas of responsibility of the Deputy Director Generals: *Provided*, That such responsibility shall be with respect to the mandate and objectives of the Authority. Within his functional area of responsibility, a Deputy Director General shall have the following functions:

(a) Advise the Director General in the promulgation of department orders, administrative orders and other issuances, with respect to his area of responsibility;

(b) Exercise supervision over the offices, departments, operating units and officers and employees under his responsibility;

(c) Promulgate rules and regulations, consistent with Department policies that will efficiently and effectively govern the activities of units under his responsibility;

(d) Coordinate the functions and activities of the units under his responsibility with those of other units under the responsibility of other Deputy Director Generals;

(e) Exercise authority on substantive and administrative matters related to the functions and activities of units under his responsibility as may be delegated by the Director General; and

(f) Perform other functions as may be prescribed by law or assigned by the Director General.

SEC. 15. Assistant Director Generals. – The Director General and Deputy Director Generals shall be assisted by five (5) Assistant Director Generals in the formulation, management and implementation of land administration and public land management laws, policies, plans and programs and projects.

SEC. 16. Authority Functions. – The Director General, Deputy Director Generals and Assistant Director Generals shall oversee day-to-day administration and supervision of all activities necessary for undertaking the Authority's powers and functions including, but not limited to, the following: legal affairs; legislative liaison; sectoral and community relations and public affairs; financial services; general services; human resources development; policy development and evaluation; planning and programs and projects development, monitoring and evaluation public land management and utilization; mapping services; cadastral surveys; land registration services; land information services; remote sensing; and coast surveys, oceanography and charting.

SEC. 17. Field Offices of the Authority. – The Authority shall establish field offices at such levels as it may determine to be required for the efficient and effective delivery of its services.

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

(a) Implement laws, policies, plans, programs, projects, rules and regulations of the Authority on land administration and public land management;

(b) Provide efficient and effective delivery of services to the people;

(c) Coordinate with field offices of other agencies, departments, offices in the region and 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 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/disposition of such lands toward national development;

(f) Perform other functions as may be assigned by the Director General and as provided by law.

ARTICLE IV

ADMINISTRATIVE ADJUDICATION

SEC. 18. Quasi-Judicial Powers of the Authority. – The Authority is hereby vested with the 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 laws, rules and regulations on land administration and public land management.

It shall not be bound by technical rules of procedures and evidence but shall proceed to hear and decide all cases, disputes or controversies in a most expeditious manner, employing all reasonable means to ascertain the facts of every case in accordance with justice and equity and the merits of the case. Toward this end, it shall adopt a uniform rule of procedure to achieve a just, expeditious and inexpensive determination for every action or proceeding before it.

It shall have the power to investigate and resolve questions, complaints and issues involving maps, survey plans and certificates of land

title including the power to confiscate patently fake and spurious certificates of land title and declare their nullification in summary proceedings.

It shall have the power to correct clerical or typographical errors committed in writing, copying, transcribing or typing an entry in the maps, survey plans and certificates of land title.

It shall have the power to summon witnesses, administer oaths, take testimony, require admission of reports, compel the production of books and documents and answers to interrogatories and issue subpoena, and subpoena *duces tecum*, and enforce its writs through sheriffs or other duly deputized officers. It shall likewise have the power to punish direct and indirect contempts in the same manner and subject to the same penalties as provided in the Rules of Court.

Responsible persons shall be allowed to represent themselves or their organization in any proceedings before the Authority: *Provided, however,* That when there are two or more representatives for any individual or group, the representatives shall choose only one from among themselves to represent such party or group before any Authority proceedings.

Notwithstanding an appeal to the Court of Appeals, the decision of the Authority shall be immediately executory.

SEC. 19. Finality of Determination. – Any case or controversy before it shall be decided within thirty (30) days after it is submitted for resolution. Only one (1) motion for reconsideration shall be allowed. Any order, ruling or decision shall be final after the lapse of fifteen (15) days from receipt of a copy thereof.

SEC. 20. Frivolous Appeals. – To discourage frivolous or dilatory appeals from the decisions or orders, the Authority may impose reasonable penalties including, but not limited to, fines or censures, upon erring parties.

ARTICLE V

JUDICIAL REVIEW

SEC. 21. Certiorari. – Any decision, order, award or ruling of the Authority on any dispute or on any matter pertaining to the application, implementation, enforcement, or interpretation of this Act and other pertinent laws on land administration and public land management may be brought to the Court of Appeals by certiorari within fifteen (15) days from the receipt of a copy thereof.

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

SEC. 22. No Restraining Order of Preliminary Injunction. – No court in the Philippines shall have jurisdiction to issue any restraining order or writ of preliminary injunction against the Authority or any of its duly authorized or designated officers 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.

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

SEC. 24. Preferential Attention in Courts. – All courts in the Philippines shall give preferential attention to all cases arising from or in connection with the implementation of the provisions of this Act.

ARTICLE VI

TRANSITORY PROVISIONS

SEC. 25. Creation of Interim Office. – Pending approval of a long-term organizational structure for the Authority, there are hereby created three (3) interim offices with the Authority, namely: a) the Land Registration Office, to perform the functions through the structures of the former LRA/RoD; b) the Lands Management Office, to perform the functions through the structures of the former LMB/LMS; c) the National Mapping and Resource Information Office, to perform the functions through the structures of the former NAMRIA; and d) the DENR-CARP National Secretariat to perform through the structures of the former DENR-CARP National Secretariat and its field offices.

SEC. 26. Organization of the Authority. – The Authority's organizational and administrative structure and functions and staffing pattern, including the personnel's duties and responsibilities and the appropriate compensation package shall be submitted by the Director General for approval to the President within six (6) months from the effectivity of this Act and shall be fully implemented within a period of three (3) months after such approval is given.

SEC. 27. Transfer of Personnel. – To ensure a smooth transition, all incumbent personnel of the the DOJ's LRA/RoD, DENR's LMB/LMS, NAMRIA, and DENR-CARP National Secretariat and its field offices, shall continue to perform their present duties and functions as interim personnel of the Authority until not later than twelve (12) months from the effectivity of this Act. Officials and employees of the abovementioned offices shall be absorbed into the Authority on the basis of merit and fitness: *Provided*, That officers and employees who shall be laid-off during the first twelve months from the effectivity of this Act and as a result of the organization of the Authority, shall be entitled to a gratuity at a rate equivalent to two (2)

months' salary for every year of continued and satisfactory service rendered, or the equivalent nearest fraction thereof favorable to them on the basis of highest salary received, in addition to the retirement benefits or pensions under existing retirement law.

SEC. 28. Transfer of Powers and Functions. – Within six (6) months after the approval of this Act, the powers and functions of the LRA, RoD, LMB, LMS, NAMRIA and DENR-CARP National Secretariat and its field offices shall be transferred to the Authority, including applicable funds and appropriations, records, equipment, property, and personnel.

SEC. 29. Transfer of Rights, Assets and Liabilities. – The Authority shall, by virtue of this Act, be subrogated to all rights and assume all the liabilities of the LRA, RoDs, LMB, LMS, NAMRIA, and DENR-CARP National Secretariat and its field offices. All contracts entered into by said offices shall remain in full force and effect unless revoked by the Authority.

SEC. 30. Abolition of LRA/RoD, LMB/LMS, NAMRIA, DENR-CARP National Secretariat and its Field Offices. – The DOJ's Land Registration Authority and Register of Deeds, DENR's Lands Management Bureau, Land Management Services, National Mapping and Resources Information Authority and DENR-CARP National Secretariat and its field offices, are hereby abolished.

SEC. 31. Unexpended Appropriations and Transfer of Assets. – The unexpended balances of appropriations in the current General Appropriations Act and other Acts in force upon approval hereof, pertaining to, held or used by, or available to the LRA and RoD, LMB, LMS, NAMRIA and DENR-CARP National Secretariat and its field offices, are hereby transferred to the Authority.

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

All real and personal properties, assets, liabilities, records, documents, positions, appropriations, contracts, and agreements which, upon the effectivity of this Act, are vested in, or owned, by the LRA/RoD, LMB/LMS, NAMRIA, and DENR-CARP National Secretariat and its field offices, are hereby transferred to the Authority.

SEC. 32. Preservation of Records. – Pending a written notice of receipt issued by a duly authorized officer of the Authority, it shall be the explicit duty of any and all personnel responsible for, or in possession of records relating to the affairs of the LRA, RoDs, LMB, LMS, NAMRIA, and the DENR-CARP National Secretariat and its field offices, to protect and preserve such 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 more than One million pesos (P1,000,000.00) or imprisonment of not more than five years, or both, upon the discretion of the courts. He/she shall also be removed from the office, forfeit all retirement benefits, except for accumulated leave credits and be perpetually disqualified from holding any public office.

SEC. 33. Saving Clause. – All orders, determination, rules, regulations, permits, certificates, licenses and privileges which have been issued, made, or granted effective by the former LRA, RoDs, LMB, LMS, NAMRIA, and DENR-CARP National Secretariat and its field offices, or their predecessors shall continue to be in effect according to their terms until modified, terminated, superseded, set aside, or repealed.

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

ARTICLE VII

MISCELLANEOUS PROVISIONS

SEC. 34. Use of Income. – There is hereby established a trust fund to be known as the Land Administration Authority Fund for purposes of financing the projects of the Authority. The Authority may solicit and receive donations, endowments, and grants in the form of contributions, which shall all be exempted from income or gift taxes and all other taxes, charges or fees imposed by the Government or any political subdivision or instrumentality thereof.

Fifty percent (50%) of all revenue derived by the Authority from all fees, charges and other sources shall directly accrue to the Fund, and may be utilized directly by the Authority for the above purpose: *Provided, however,* That no provision of this Act shall be interpreted as amending, revoking or modifying any of the provisions of the Indigenous Peoples Rights Act (RA 8371), Agriculture and Fisheries Modernization Act (RA 8435), Urban Development and Housing Act (RA7279) and the Comprehensive Agrarian Reform Act (RA 6657).

SEC. 35. Exemption from the Salary Standardization Law and Attrition Law. – The Authority is hereby exempted from the provisions of

R.A. 6758, otherwise known as the Salary Standardization Law, and R.A. 7430, known as the Attrition Law.

SEC. 36. Implementing Rules and Regulations. – The Authority shall prepare, promulgate and adopt the implementing rules and regulations to carry out the provisions of this Act not later than 90 days after the effectivity of this Act.

SEC. 37. Separability Clause. – Should any provision of this Act or any part thereof be declared unconstitutional or invalid by a court, the other provisions hereof which are not affected thereby, shall remain in full force and effect.

SEC. 38. Repealing Clause. – All laws, decrees, orders, instructions, proclamations, rules and regulations or parts thereof, including pertinent provisions of Executive Order No. 649 (1981); Executive Order No. 192 (1987) and their related rules and regulations; and the Administrative Code of 1987, which are inconsistent with any provision of this Act, are hereby repealed, modified or amended accordingly.

SEC. 39. Effectivity. – This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in a newspaper of general circulation in the Philippines.

Approved,