

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

13th CONGRESS
First Regular Session

HOUSE BILL NO. 2401

Introduced by **JUAN MIGUEL F. ZUBIRI**

EXPLANATORY NOTE

The Philippines is unusual, compared to its neighboring countries, in that the government's land administration functions are currently dispersed across multiple agencies. Without integrating these three agencies, it will be difficult to undertake the major long term investment of resources that will be necessary to implement the required over all reforms.

The proposed Land Administration Reform Act seeks to enable the lands sector to contribute to economic growth and poverty alleviation.

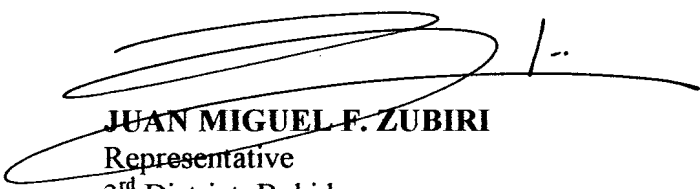
Having a piece of the earth to call an individual's own is the single, most important sense of security one can have in his quest for a better quality of life. However, the performance of government agencies in undertaking land surveys, mapping, classification, disposition and registration is currently hampered by fundamental legal and institutional defects in both the structure and operations of the land administration system which affects the people's security to their land tenure. This can only be addressed through an efficient land administration system including efficient survey and mapping of land, first-time titling of alienable and disposable land, registration of land titles and title transfer and public land management.

To this end, the Government has been undertaking a Land Administration and Management Project preparatory to a long-term program to fundamentally reform the present land administration system, thereby promoting economic growth and poverty alleviation and asset reform in both rural and urban areas. And a widespread agreement that a fundamental prerequisite for the pursuit of the necessary reforms is the consolidation and streamlining within a single government agency of land administration powers and functions currently dispersed across the Department of Justice's Land Registration Authority and Registries of Deeds and the 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 CARP Secretariat and its field offices.

There are alternative ways in which the powers and functions of these agencies/offices could be consolidated within a single agency, including the option of attaching them to a particular Department. Careful study and discussion of the options has concluded that by far the best approach is to consolidate them within a newly created Land Administration Authority. This approach is best because, unlike the other option, it will enable the strengthening of coordination of land administration policies, programs and services that will correct the institutional and structural defects in land administration.

In view of the foregoing, the passage of this bill is earnestly sought.



JUAN MIGUEL F. ZUBIRI

Representative

3rd District, Bukidnon

Republic of the Philippines
House of Representatives
Quezon City

Thirteenth Congress

First Regular Session

HOUSE BILL NO. 2401

Introduced by **JUAN MIGUEL F. ZUBIRI**

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

Section 1. Short Title.- This Act shall be known as "The Land Administration Reform Act of 2004."

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

(a) Promote efficient and effective mapping, land survey, classification, disposition, registration, and management of private and public lands;

(b) Undertake a comprehensive and continuing land administration program that will make the processes and procedures on land registration and titling affordable and expeditious;

(c) Assist in the attainment of the government's asset reform programs;

(d) Accelerate and complete the distribution, titling, and registration of alienable or disposable lands to provide security of land tenure;

1 (e) Undertake reforms in land administration and management to
2 ensure equitable distribution and full utilization and development of alienable or
3 disposable lands;

4 (f) Improve the efficiency, effectiveness, transparency, and
5 accountability of land administration services;

6 (g) Establish a sustainable and viable administration of land through
7 computerization of functions and removal of overlaps and duplication in the
8 delivery of land administration services;

9 (h) Establish an administrative system for the cancellation of duplicate
10 and fake titles and the eradication of land grabbing activities;

11 (i) Provide accessible, efficient, and affordable land administration
12 services to the people through the establishment of One-Stop-Shops nationwide;

13 (j) Establish an effective land information system and provide easy
14 and affordable access to land information by members of the public;

15 (k) Rationalize and clarify the entitlements of persons to land titles to
16 make the process of issuing original titles fast and low-cost;

17 (l) Promote and support the development of a national land
18 administration and management education system;

19 (m) Identify and reduce disincentives to the registration of property
20 transactions;

21 (n) Mainstream gender in all aspects of the land administration system;
22 and

23 (o) Recognize, respect, ensure participation, and assist in the
24 enforcement of land related rights of men and women of the basic sectors, as
25 defined in Republic Act No. 8425, otherwise known as the "Social Reform and
26 Poverty Alleviation Act."

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

30 (a) "*Director General*" refers to the person occupying the position of
31 Director General of the Land Administration Authority created by this Act
32 including any person appointed as Acting Director General.

1 (b) *"Land Administration and Public Land Management"* refers to the
2 administration of all functions, powers and activities related to the mapping, land
3 survey, classification, ownership, disposition, and registration of land titles and
4 deeds, and the management of public lands.

5 (c) *"Lands Management Bureau (LMB)"* refers to a staff Bureau of the
6 Department of Environment and Natural Resources (DENR).

7 (d) *"Lands Management Services (LMS)"* refers to the land
8 management sector or offices of the DENR at the regional, provincial, and district
9 level.

10 (e) *"Land Registration Authority (LRA)"* refers to an attached agency of
11 the Department of Justice (DOJ), including the Registers of Deeds (RoD).

12 (f) *"National Mapping and Resource Information Authority (NAMRIA)"*
13 refers to the agency known by that name attached to the DENR.

14 (g) *"Land Administration and Management Project (LAMP)"* refers to
15 the project office providing technical and administrative support to the
16 interagency endeavor of the Philippine government to identify strategic directions
17 toward land administration reform in land institutions, laws, taxes and fees, and
18 valuation.

19 (h) *"Classification and Reclassification"* refers to the Act of Congress in
20 setting the specific limits of forestlands and national parks and increasing or
21 decreasing their boundaries by law, as provided for in Article XII, Section 4 of the
22 1987 Philippine Constitution.

23 24 ARTICLE II

25 CREATION OF THE LAND ADMINISTRATION AUTHORITY

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

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

1 (a) Conduct, integrate and regulate the functions of geodetic and
2 geophysical surveys, land classification surveys, mapping, aerial photography,
3 remote sensing, management of resource information needed by both public and
4 private sectors, and research development thereof in accordance with existing
5 laws and internationally accepted norms, procedures, and standards;

6 (b) Survey, map and maintain data base to support the determination of
7 specific limits of forest lands and national parks by Congress as provided under
8 Section 4, Article XII of the Constitution;

9 (c) Survey, map, maintain database on, administer, manage and/or
10 dispose of all alienable and disposable lands of the public domain and other
11 lands, including foreshore and marsh lands, under the provisions of
12 Commonwealth Act No. 141, as amended, otherwise known as the Public Land
13 Act, and in accordance with existing laws;

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

16 (e) Manage and dispose lands of patrimonial property of the National
17 Government under the provisions of Act No. 3038, or such other Government
18 lands as have not been placed under the administration, management, control or
19 exclusive use of any other government agency by legislative or executive
20 issuance;

21 (f) Register original titles to land issued pursuant to Commonwealth Act
22 No. 141 and subsequent dealings of registered lands under the provisions of Act
23 No. 496 and Presidential Decree No. 1529, otherwise known as the Land
24 Registration Act and the Property Registration Decree, respectively;

25 (g) Conduct, regulate and approve all types of land surveys including
26 surveys intended for the implementation of Commonwealth Act No. 141,
27 Republic Act No. 6657 or the Comprehensive Agrarian Reform Law (CARL),
28 Republic Act No. 8371 or the Indigenous Peoples Rights Act of 1997 (IPRA) and
29 Republic Act No. 7279 or the Urban Development and Housing Act (UDHA);

30 (h) Prepare, issue, and register all titles to land issued pursuant to
31 Commonwealth Act No. 141 and subsequent dealings of registered lands

1 (l) The LAA Director General, as ex-officio member.
2 The President shall designate the chairperson from among the members
3 of the Committee. The members of the Committee, except the LAA Director
4 General, shall not hold office in the LAA nor receive any salary but shall be
5 entitled, for actual attendance during meetings, to such allowances and
6 honoraria as are allowed by rules and regulations promulgated by the
7 Commission on Audit.

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

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

18 **Section 9. Secretariat and Logistical Support.-** The Office of the
19 Director General shall provide secretariat and logistical support to the
20 Committee.

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22 **ARTICLE III**

23 **IMPLEMENTING MECHANISM**

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

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

29 **Section 11. The Director General.-** The authority and responsibility for
30 the exercise of the mandate of the LAA, the accomplishment of its objectives,
31 and the discharge of its powers and functions shall be vested in the Director
32 General, a cabinet rank, who shall exercise control and supervision over the LAA

1 and shall be appointed by the President. For such purposes, the Director
2 General shall have the following functions:

3 (1) Advise the President on the promulgation of rules, regulations, and
4 other issuances relative to land administration and public land management;

5 (2) Exercise appellate jurisdiction of all cases arising from conflicting land
6 surveys;

7 (3) Establish policies and standards for the efficient and effective
8 operations of the LAA in accordance with the programs of the Government;

9 (4) Promulgate rules, regulations, and other issuances necessary in
10 carrying out the LAA's mandate, objectives, policies, plans, programs and
11 project;

12 (5) Exercise control and supervision over all functions and activities of the
13 LAA;

14 (6) Delegate authority over all powers, functions and activities of the LAA;
15 and

16 (7) Perform such other functions as may be provided by law or assigned
17 by the President.

18 **Section 12. Office of the Director General.-** The Office of the Director
19 General shall consist of the Director General, his immediate staff, and the Office
20 of the Legal Services.

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

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

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

1 (c) Promulgate rules and regulations that will efficiently and effectively
2 govern the activities of units under his responsibility;

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

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

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

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

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

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

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

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

26 (c) Coordinate with field or branch offices of other agencies of the
27 government in the region and with local government units in the enforcement of
28 land administration and public land management laws and regulations and in the
29 formulation and implementation of programs and projects;

30 (d) Recommend and, upon approval, implement programs and projects on
31 land administration and management and related concerns;

1 (e) Conduct a comprehensive inventory of alienable and disposable lands
2 of the public domain and of patrimonial properties and formulate
3 district/provincial/regional short and long term development plans for the
4 management, administration, utilization, and disposition of such lands toward
5 national development; and

6 (f) Perform such other functions as may be assigned by the Director
7 General and/or as provided by law.

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12 ARTICLE IV

13 LAND ADJUDICATION BOARD

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

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

28 **Section 18. *Local Land Adjudication Board.***- The Board shall create a
29 Local Land Adjudication Board in the provincial or city office which shall be
30 composed of five members who shall be appointed by the LAB. Decisions,
31 orders, and resolutions of the Local Land Adjudication Board shall be raised on
32 appeal to the LAB.

1 **Section 19. Budget and Administrative Support.-** The LAB shall
2 determine and propose its budgetary requirements and shall be submitted as
3 part of the LAA's budget request. Disbursements of the approved budget
4 resources shall be the sole responsibility of the LAB. Secretariat services shall
5 be provided by the LAA.

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

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

21 Responsible persons shall be allowed to represent themselves or their
22 organizations in any proceedings before the LAB: *Provided, however*, That when
23 there are two or more representatives for any individual or group, the
24 representatives should choose only one from among themselves to represent
25 such party or group before any LAB proceedings.

26 **Section 21. Finality of Determination.-** Any case or controversy before
27 the LAB shall be decided within thirty (30) days after it is submitted for
28 resolution. Only one (1) motion for reconsideration shall be allowed. Moreover,
29 any order, award, ruling, or decision shall be final after the lapse of fifteen (15)
30 days from receipt by the parties of a copy thereof.

31 **Section 22. Frivolous Appeals.-** To discourage frivolous or dilatory
32 appeals from the decisions, awards, rulings, or orders, the LAB may impose

1 reasonable penalties including, but not limited to, fines or censures upon erring
2 parties.

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ARTICLE V

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JUDICIAL REVIEW

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

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

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

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

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ARTICLE VI

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TRANSITORY PROVISIONS

28 **Section 26. *Transfer of Powers.***- The powers and functions of the LAA
29 heretofore vested by law in the DENR, DOJ, LRA/RoD, LMB/LMS, NAMRIA
30 except the powers and functions of its Coast and Geodetic Surveys Department,
31 DENR-Comprehensive Agrarian Reform Program National Secretariat, LAMP, or

1 in any office within or attached to these agencies, are hereby transferred to and
2 vested in the Office of the LAA Director General.

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

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

24 **Section 29. *Transfer of Personnel.***- To ensure a smooth transition, all
25 incumbent personnel of the DENR's LMB/LMS, NAMRIA, DENR-CARP National
26 Secretariat and its field offices, and LAMP; the DOJ's LRA/RoD shall continue to
27 perform their present duties and functions as interim personnel of the LAA until
28 such time, being not later than twelve (12) months from the effectivity of this Act,
29 that the regular staff of the LAA, based on the new staffing pattern, shall have
30 been appointed: *Provided*, That the regular personnel shall be appointed by the
31 Director General, or his/her duly authorized representative, on the basis of merit,
32 previous permanent appointment, fitness, and seniority: *Provided, moreover*,

1 That except for the position of Director General and Deputy Director Generals,
2 there shall be no hiring of new personnel for the LAA.

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

9 (1) Two and one-half (2½) months basic salary for every year of service
10 for the first twenty (20) years;

11 (2) Two and three-fourths (2¾) months basic salary for every additional
12 year of service from the twenty-first (21st) to the thirtieth (30th) year of service;

13 (3) Three (3) months basic salary for every additional year of service from
14 the thirty-first (31st) year of service and onwards.

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

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

28 **Section 31. Separation Fund.-** There is hereby established a "one-time"
29 separation fund in the amount of Two Billion Pesos (P2,000,000,000.00) to pay
30 the separation benefits herein provided: *Provided,* That the fund shall be used
31 exclusively to pay for separation benefits: *Provided further,* That within two years

1 after the effectivity of this Act, any unutilized amount of the separation fund shall
2 be reverted to the National Treasury.

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

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

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

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

24 **Section 34. Penal Provisions. –**

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

31 Any person, corporation, association, or partnership which, not being
32 qualified or no longer authorized to apply for registration purposes, files or

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

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

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

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

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

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

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

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

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

26

27

ARTICLE VII

28

MISCELLANEOUS PROVISIONS

29

Section 37. Assurance Fund.- A special account within the LAA is
30 hereby created for the entire proceeds of the Assurance Fund, which shall no
31 longer be paid to the National Treasurer as provided for in Section 94 of PD No.
32 1529. Claims from the Assurance Fund shall be heard, decided, and determined

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

6 **Section 38. Indemnification of Officials and Personnel.-** The LAA shall
7 indemnify all officials and personnel for all costs and expenses reasonably
8 incurred by such persons in connection with any civil or criminal actions, suits, or
9 proceedings to which they may be or made a party by reason of the performance
10 of their functions or duties, unless they are finally adjudged in such actions or
11 proceedings to be liable.

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

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

22 **Section 39. Implementing Rules and Regulations.-** Within sixty (60)
23 days from the effectivity of this Act, the LAA shall promulgate the rules and
24 regulations to implement the provisions of this Act. Said rules and regulations
25 shall be submitted to the Congressional Oversight Committee for approval.

26 **Section 40. Congressional Oversight Committee on the Land**
27 **Administration Act.-** There is hereby created a Congressional Oversight
28 Committee composed of seven (7) members from the Senate Committee on
29 Environment and Natural Resources and seven (7) members from the House of
30 Representatives Committee on Natural Resources.

31 The oversight committee shall review the administrative structure,
32 functions, staffing pattern, duties and responsibilities of personnel, the

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

7 **Section 41. Separability Clause.-** Should any provision of this Act or
8 any part thereof be declared unconstitutional or invalid by a Court, the other
9 provisions hereof which are not affected thereby, shall remain in force and effect.

10 **Section 42. Repealing Clause.-** The pertinent provisions of CARL and
11 IPRA with regard to the conduct of survey, approval of survey results,
12 preparation and issuance of tenure instruments, and the provisions of PD 1529
13 pertaining to the assurance fund, and their implementing rules and regulations
14 are hereby amended or modified accordingly.

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

23 **Section 43. Effectivity.-** This Act shall take effect fifteen (15) days after
24 its complete publication in the *Official Gazette* or in a newspaper of general
25 circulation.

26

27 Approved