

Republic of the Philippines
HOUSE OF REPRESENTATIVES
QUEZON CITY

THIRTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 2651

Introduced by **REPRESENTATIVE RODRIGUEZ D. DADIVAS**

Explanatory Note

Land is the ultimate resource, for without it, life on earth cannot be sustained, and thus, good stewardship of the land is essential for present and future generations.

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

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

The performance, however, of government agencies undertaking land administration functions such as land surveys, mapping, classification, titling and disposition and registration is below par. The services being provided by these agencies are not contributing to address our domestic problems on sustainable development, much more to the global concerns. The problem is largely contributed by fundamental legal and institutional defects in both the structure and operations of the land administration system. For one, there are many laws governing the land administration functions including the existence of a number of institutions administering our scarce land resources resulting to confusions, delays, high transactions costs (government and users), low investment, and graft and corruption.

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

To address these problems, 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 sustainable development, economic growth, and poverty alleviation.

However, there is 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.

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

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

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 sustainable development, economic growth and poverty alleviation. The Bill's early enactment will ensure Philippines' recognition to the global efforts for sustainable development while providing an improved access to land and services to the majority of our Filipino people especially the poor.

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


RODRIGUEZ D. DADIVAS

Representative--1st District, Capiz

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Thirteenth Congress
First Regular Session

HOUSE BILL NO. 2651

Introduced by **REPRESENTATIVE RODRIGUEZ D. DADIVAS**

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;

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

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

1 (g) Establish a sustainable and viable administration of land through
2 computerization of functions and removal of overlaps and duplication in the delivery
3 of land administration services;

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

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

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

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

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

14 (m) Identify and reduce disincentives to the registration of property
15 transactions;

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

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

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

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

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

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

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

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

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

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

7 (h) "*Classification and Reclassification*" refers to the Act of Congress in
8 setting the specific limits of forestlands and national parks and increasing or
9 decreasing their boundaries by law, as provided for in Article XII, Section 4 of the
10 1987 Philippine Constitution.

11 12 **ARTICLE II**

13 **CREATION OF THE LAND ADMINISTRATION AUTHORITY**

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

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

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

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

29 (c) Survey, map, maintain database on, administer, manage and/or
30 dispose of all alienable and disposable lands of the public domain and other lands,
31 including foreshore and marsh lands, under the provisions of Commonwealth Act No.
32 141, as amended, otherwise known as the Public Land Act, and in accordance with
33 existing laws;

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

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

7 (f) Register original titles to land issued pursuant to Commonwealth Act
8 No. 141 and subsequent dealings of registered lands under the provisions of Act No.
9 496 and Presidential Decree No. 1529, otherwise known as the Land Registration
10 Act and the Property Registration Decree, respectively;

11 (g) Conduct, regulate and approve all types of land surveys including
12 surveys intended for the implementation of Commonwealth Act No. 141, Republic
13 Act No. 6657 or the Comprehensive Agrarian Reform Law (CARL), Republic Act No.
14 8371 or the Indigenous Peoples Rights Act of 1997 (IPRA) and Republic Act No.
15 7279 or the Urban Development and Housing Act (UDHA);

16 (h) Prepare, issue, and register all titles to land issued pursuant to
17 Commonwealth Act No. 141 and subsequent dealings of registered lands including
18 all types of tenure instruments intended for the implementation of the CARL, UDHA
19 and the IPRA;

20 (i) Determine, fix, and collect reasonable amounts to be charged as
21 administration fees, fines, and penalties relative to the implementation of this Act;

22 (j) Formulate land administration and management policies in accordance
23 with existing national laws;

24 (k) Promulgate rules, regulations, circulars and other administrative
25 issuances as may be necessary to implement the provisions of this Act;

26 (l) Such other functions undertaken by the LRA/RoD, LMB/LMS, NAMRIA,
27 DENR-Comprehensive Agrarian Reform Program (DENR-CARP) National
28 Secretariat under P.D. 1529 and C.A. 141, as amended; and

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

31 Whenever any reference is made to the LRA/RoD, LMB/LMS, NAMRIA,
32 DENR-Comprehensive Agrarian Reform Program (DENR-CARP) National
33 Secretariat under E.O. 192, P.D. 1529, and C.A. 141, as amended, pertaining to a
34 duty, power, purpose, responsibility, or jurisdiction transferred to the LAA by this Act,

1 it shall be deemed to be a reference to, and to mean, the Land Administration
2 Authority and the Director General of the LAA, as the case may be.

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

5 (a) Six (6) Representatives from the Basic Sectors (farmers, fisherfolk,
6 urban poor, workers in the informal sector; indigenous peoples and
7 NGOs) chosen through the nomination process of the National Anti-
8 Poverty Commission (NAPC);

9 (b) Two (2) Representatives from the NAPC Women's Sectoral Council;

10 (c) Three (3) representatives from the private sector such as, but not
11 limited to, real estate, professionals/practitioners, and academe to be
12 appointed by the President; and

13 (d) The LAA Director General, as ex-officio member.

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

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

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

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

32 ARTICLE III

33 IMPLEMENTING MECHANISM

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

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

5 **Section 11. The Director General.-** The authority and responsibility for the
6 exercise of the mandate of the LAA, the accomplishment of its objectives, and the
7 discharge of its powers and functions shall be vested in the Director General, a
8 cabinet rank, who shall exercise control and supervision over the LAA and shall be
9 appointed by the President. For such purposes, the Director General shall have the
10 following functions:

11 (a) Advise the President on the promulgation of rules, regulations, and other
12 issuances relative to land administration and public land management;

13 (b) Exercise appellate jurisdiction of all cases arising from conflicting land
14 surveys;

15 (c) Establish policies and standards for the efficient and effective operations
16 of the LAA in accordance with the programs of the Government;

17 (d) Promulgate rules, regulations, and other issuances necessary in carrying
18 out the LAA's mandate, objectives, policies, plans, programs and project;

19 (e) Exercise control and supervision over all functions and activities of the
20 LAA;

21 (f) Delegate authority over all powers, functions and activities of the LAA;
22 and

23 (g) Perform such other functions as may be provided by law or assigned by
24 the President.

25 **Section 12. Office of the Director General.-** The Office of the Director
26 General shall consist of the Director General, his immediate staff, and the Office of
27 the Legal Services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (e) Conduct a comprehensive inventory of alienable and disposable lands of
34 the public domain and of patrimonial properties and formulate

1 district/provincial/regional short and long term development plans for the
2 management, administration, utilization, and disposition of such lands toward
3 national development; and

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

6 7 **ARTICLE IV**

8 **LAND ADJUDICATION BOARD**

9 **Section 16. Creation of the Land Adjudication Board (LAB).-**

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

19 **Section 17. Composition.-**

20 The LAB shall be composed of five (5) members
21 who shall be nominated by the Stakeholders Advisory Committee and to be
22 appointed by the President. The Presiding Officer shall be selected by the members
23 from among themselves

24 **Section 18. Local Land Adjudication Board.-**

25 The Board shall create a
26 Local Land Adjudication Board in the provincial or city office which shall be
27 composed of five members who shall be appointed by the LAB. Decisions, orders,
28 and resolutions of the Local Land Adjudication Board shall be raised on appeal to the
29 LAB.

30 **Section 19. Budget and Administrative Support.-**

31 The LAB shall determine
32 and propose its budgetary requirements and shall be submitted as part of the LAA's
33 budget request. Disbursements of the approved budget resources shall be the sole
34 responsibility of the LAB. Secretariat services shall be provided by the LAA.

35 **Section 20. Proceedings and Procedures.-**

36 The LAB shall not be bound by
37 technical rules of procedure and evidence but shall proceed to hear and decide all
38 cases, disputes, or controversies in a most expeditious manner, employing all

1 reasonable means to ascertain the facts of every case in accordance with justice and
2 equity and the merits of the case. Toward this end, it shall adopt a uniform rule of
3 procedure to achieve a just, expeditious, and inexpensive determination of merits:
4 *Provided*, That it shall endeavor to settle disputes and controversies amicably.

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

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

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

21 **Section 22. Frivolous Appeals.-** To discourage frivolous or dilatory appeals
22 from the decisions, awards, rulings, or orders, the LAB may impose reasonable
23 penalties including, but not limited to, fines or censures upon erring parties.
24,

25 ARTICLE V

26 JUDICIAL REVIEW

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

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

1 duties and responsibilities and the appropriate compensation package shall be
2 submitted by the Director General for review and approval to the Congressional
3 Oversight Committee within six (6) months from the effectivity of this Act. After the
4 oversight committee's review and approval, the proposed organizational structure
5 and staffing pattern, which shall not exceed the total number of permanent positions
6 that have been merged, shall be submitted to the President for final approval and
7 shall be fully implemented within a period of three (3) months after such approval.

8 **Section 29. Transfer of Personnel.-** To ensure a smooth transition, all
9 incumbent personnel of the DENR's LMB/LMS, NAMRIA, DENR-CARP National
10 Secretariat and its field offices, and LAMP; the DOJ's LRA/RoD shall continue to
11 perform their present duties and functions as interim personnel of the LAA until such
12 time, being not later than twelve (12) months from the effectivity of this Act, that the
13 regular staff of the LAA, based on the new staffing pattern, shall have been
14 appointed: *Provided*, That the regular personnel shall be appointed by the Director
15 General, or his/her duly authorized representative, on the basis of merit, previous
16 permanent appointment, fitness, and seniority: *Provided, moreover*, That except for
17 the position of Director General and Deputy Director Generals, there shall be no
18 hiring of new personnel for the LAA.

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

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

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

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

31 Affected personnel shall also be entitled to other benefits as may be
32 authorized by existing laws and regulations. Furthermore, they shall be entitled to
33 the refund of their contributions including government share to the Home
34 Development Mutual Fund (Pag-IBIG) and the Government Service Insurance

1 System (GSIS) and to the commutation of their unused vacation and sick leaves in
2 accordance with existing rules and regulations.

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

9 **Section 31. Separation Fund.-** There is hereby established a "one-time"
10 separation fund in the amount of Two Billion Pesos (P2,000,000,000.00) to pay the
11 separation benefits herein provided: *Provided,* That the fund shall be used
12 exclusively to pay for separation benefits: *Provided further,* That within two years
13 after the effectivity of this Act, any unutilized amount of the separation fund shall be
14 reverted to the National Treasury.

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

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

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

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

1 **Section 34. Penal Provisions. –**

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

8 Any person, corporation, association, or partnership which, not being qualified
9 or no longer authorized to apply for registration purposes, files or induces or
10 knowingly permits another person, corporation, association, or partnership to file an
11 application in his/her or its behalf or for his/her or its interest, benefit, or advantage,
12 shall be punished for each offense by a fine of not less than one hundred thousand
13 pesos (P100,000.00) or imprisonment of not less than five (5) years, or both, at the
14 discretion of the Courts: *Provided*, That in case the offender is a corporation,
15 association, or partnership, their responsible officials shall be deemed jointly and
16 severally liable. The application shall be cancelled.

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

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

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

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

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

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

Section 36. Saving Clause.- All orders, determination, rules, regulations, permits, certificates, licenses, and privileges which have been issued, made, or granted effective by the former LMB, LMS, NAMRIA, LRA, RoDs, DENR-CARP National Secretariat and its field offices, and LAMP, 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 LMB, LMS, NAMRIA, LRA, RoDs, DENR-CARP National Secretariat and its field offices, and LAMP, the functions of which are transferred by this Act to the LAA 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 asserted for or against the LAA or such official of the LAA as may be appropriate.

ARTICLE VII

MISCELLANEOUS PROVISIONS

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

4 **Section 38. Assurance Fund.-** A special account within the LAA is hereby
5 created for the entire proceeds of the Assurance Fund, which shall no longer be paid
6 to the National Treasurer as provided for in Section 94 of PD No. 1529. Claims from
7 the Assurance Fund shall be heard, decided, and determined by the Land
8 Adjudication Board. All pending cases or claims against the Assurance Fund now
9 being handled by the Bureau of Treasury, through the Office of the Solicitor General,
10 shall likewise be transferred to the Land Adjudication Board. Thereafter, the
11 National Treasurer shall no longer be impleaded as party in any action against the
12 Assurance Fund.

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

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

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

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

33 **Section 41. Congressional Oversight Committee on the Land**
34 **Administration Act.-** There is hereby created a Congressional Oversight

1 Committee composed of seven (7) members from the Senate Committee on
2 Environment and Natural Resources and seven (7) members from the House of
3 Representatives Committee on Natural Resources.

4 The oversight committee, which shall function for a period not more than three
5 (3) years, shall review the administrative structure, functions, staffing pattern, duties
6 and responsibilities of personnel, the implementing rules promulgated by the LAA
7 including the procedures on claims against the assurance fund, and oversee the
8 implementation of this Act: *Provided*, That the secretariat of the Oversight Committee
9 shall be drawn from the existing secretariat personnel of the committees comprising
10 the oversight and the funding shall be taken from the appropriations of both the
11 House of Representatives and the Senate.

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

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

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

28 **Section 44. 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.

30 *Approved,*