

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



Thirteenth Congress
First Regular Session

HOUSE BILL NO. 2729

Introduced by Honorable Jose G. Solis

EXPLANATORY NOTE

C.A. No. 141, otherwise known as the Public Land Act, is the General Law governing the classification, delimitation, survey and disposition of alienable lands of the public domain. One of the modes of acquiring public lands under this law is by administrative legalization of imperfect title - more popularly known as Free Patent. Historically, it was intended to legalize the undocumented private land rights of native-born Filipinos who were found to be occupying and cultivating such lands for a certain period.

The amendments contained in this Bill have been drafted to reflect the realities on the ground and to remove disincentives on the formal system. They will remove outdated and obsolete provisions and will facilitate the mass titling public alienable and disposable lands in the Philippines.

The Salient Features of the bill are:

- Reduction of the period of cultivation and occupation from 30 years prior to effectivity of RA 6940, being April 15, 1960, to 10 years;
- Provision for the issue of Free Patents without payment of outstanding taxes
- Extension of free patents to residential, commercial and industrial lands
- Issuance of a certificate of possession/provisional free patent may be issued to the applicant, which may be exchanged for a free patent upon the expiration of 10 years of possession.
- Removal of restrictions on transfer and other conveyances for titles acquired through Free Patent
- Classification of areas that are unclassified land, but are already built-up or with settlers as alienable and disposable lands by virtue of the Act.
- Increase of penalty in the penal provisions for any person, public official or government official/employee who will commit an offense under the Act.
- Abolition of administrative fees and charges for free patents to encourage greater participation in the titling process.
- Adoption by the Department of Environment and Natural Resources of new mapping and surveying technologies as they become available to expedite the issuance of free patents.

The proposed amendment of specific provisions of the Commonwealth Act No. 141, Presidential Decree No. 152 and Presidential Decree No. 1529 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. The Bill will contribute in unlocking the "dead" capital amounting to US \$133 Billion.



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AN ACT
REMOVING RESTRICTIONS ON THE TRANSFER AND OTHER
CONVEYANCES OF TITLES ACQUIRED THROUGH FREE
PATENT, AMENDING COMMONWEALTH ACT NO. 141,
OTHERWISE KNOWN AS THE PUBLIC LAND ACT, AND OTHER
PERTINENT LAWS, AND OTHER PURPOSES

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

Section 1. – Paragraph 1, Section 44, Chapter VII, Title II of Commonwealth Act No. 141, as amended, is hereby further amended to read as follows:

“Section 44(1). – Any natural born citizen of the Philippines who is not the owner of more than twelve (12) hectares and who for at least ten (10) years prior to his/her filing of application for patent, has continuously possessed, either by himself/herself or through his/her predecessors-in-interest, a tract or tracts of agricultural public lands subject to issued to him/her for such tract or tracts of such land not to exceed twelve (12) hectares, inclusive of his/her currently owned agricultural lands; Provided: That if there are tenants, share croppers, regular or seasonal farm workers on the land,

the issuance of a free patent to the applicant shall be without prejudice to their rights under existing land reform laws; Provided further that if the land applied for is within ancestral domain land, the same shall be issued pursuant to the provisions of Republic Act 8371, Indigenous People Rights Act.

Free patents based on possession ten years before the commencement of this Act can be approved from the date of effectivity of this Section.”

Section 2. – Section 44, Chapter VII, Title II of Commonwealth Act No. 141, as amended, is hereby further amended by the addition of the following paragraph:

“**Section 44 (2).** - The provisions of any law to the contrary notwithstanding, any natural born citizen of the Philippines who is not the owner of any tract of land and who for at least ten (10) years prior to his/her application for patent, has continuously possessed either by himself/herself or through his/her predecessors-in-interest, a tract of land of the public domain subject to disposition for residential, commercial, or industrial purposes, shall also be entitled, under the provisions of this chapter, to have a free patent issued to him/her for such tract of land.

Patents based on possession ten years before the commencement of this Act can be approved from the date of effectivity of this Section.”

Section 3. – Section 44, Chapter VII, Title II of Commonwealth Act No. 141, as amended, is hereby further amended by the addition of the following paragraph:

“**Section 44 (3).** – Those who have continuously possessed a tract of land as described in Section 44 (1) and 44 (2) for at least three (3) years and have otherwise satisfied the requirements of that section prior to the effectivity of this Act shall be entitled to have a certificate of possession/provisional free patent issued to him/her for such tract of land but which shall not be subject to encumbrance or alienation until such

time that the beneficiary shall have completed ten (10) years of continuous possession over said tract of land, whereupon he/she shall be issued a free patent for such tract of land.”

Section 4. – Section 44, Chapter VII, Title II of Commonwealth Act No. 141, as amended, is hereby further amended by the addition of the following paragraph:

“**Section 44 (4).** -Land acquired by free patent under the provisions of this chapter shall be treated as any other private land with all the concomitant rights thereunto appertaining and shall not be subject to the restrictions of, nor shall it enjoy the exemption from being held in satisfaction of any debt, as heretofore provided in Section 118 and Sections 121, 122, 123 and 124 of Commonwealth Act No. 141.

This applies to patents issued before or after the date of effectivity of this Section.”

Section 5. – Section 44, Chapter VII, Title II of Commonwealth Act No. 141, as amended, is hereby further amended by the addition of the following paragraph:

“**Section 44 (5).** - Any encumbrance creating an interest in land that has been entered into before the land is acquired by free patent, which aside from the question of the status of the land would otherwise be lawful, and which remains in existence at the time of the grant of free patent, shall be preserved and may be recorded on the patent as an encumbrance at the time the patent is issued.”

Section 6. – Section 44, Chapter VII, Title II of Commonwealth Act No. 141, as amended, is hereby further amended by the addition of the following paragraph:

“**Section 44 (6).** – For the purposes of this Act, it is sufficient that the land applied for shall have been classified as alienable and disposable/agricultural at the time of the filing of application; Provided: That areas that are unclassified land, but

are already built-up or with settlers shall be deemed classified as alienable and disposable/agricultural by virtue of this Act.”

Section 7. – Section 44, Chapter VII, Title II of Commonwealth Act No. 141, as amended, is hereby further amended by the addition of the following paragraph:

“**Section 44 (7).** - Nothing in this Section shall prevent the Government of the Philippines and its public corporations and instrumentalities from applying for a free patent for government land.”

Section 8. – Section 44, Chapter VII, Title II of Commonwealth Act No. 141, as amended, is hereby further amended by the addition of the following paragraph:

“**Section 44 (8).** - Nothing in R.A. 6657 shall prevent the issue and registration of a free patent for land parcels up to twelve (12) hectares in area.”

Section 9. – Section 45, Chapter VII, Title II of Commonwealth Act No. 141 is hereby repealed.

Section 10. – Section 47, Chapter VII, Title II of commonwealth Act No. 141 is hereby repealed.

Section 11. – Section 48, Chapter VII, Title II of Commonwealth Act No. 141, as amended, is hereby further amended by the addition of the following paragraph:

“(d) Nothing in this provision shall be taken to preclude those in occupation of lands in the public domain from seeking administrative confirmation of their title.”

Section 12. – Section 107, Chapter XIV, Title VI of Commonwealth Act No. 141, as amended, is hereby further amended to read as follows:

“Sec. 107. All patents or certificates for land granted under this Act shall be issued in the name of the Government of

the Republic of the Philippines under the signature of the President of the Philippines: Provided, however, That the Secretary of Environment and Natural Resources may sign patents in lieu of the President: Provided, further, that the Secretary of environment and Natural Resources may delegate the power to sign patents or certificates: Provided, further, That Community and Environment Natural Resources Officers in every province are hereby empowered to sign patents or certificates converting lands not exceeding three (3) hectares in area when the office of the Community and Environment Natural Resources Officer is properly equipped to carry out the purposes of this Act: Provided, further, That Provincial Community and Environment Natural Resources Officers in every province are hereby empowered to sign patents or certificates covering lands not exceeding five (5) hectares: Provided, further, That Regional Community and Environment Natural Resources Officers in every province are hereby empowered to sign patents or certificates covering lands not exceeding ten (10) hectares in area: Provided, that no applicant shall be permitted to split the area applied for him in excess of the area fixed in this section among his relatives within the sixth degree of consanguinity or affinity excepting the applicants married children who are actually occupying the land. No patents or certificate shall be issued by the Community and Environment Natural Resources Officer unless the survey of the land covered by such patent or certificate, whether made by the Bureau of Lands or by a private surveyor, has been approved. The Department of Environment and Natural Resources shall promptly act upon all surveys submitted for approval and return the same to the Community and Environment and Natural Resources Officer within ninety days after receipt of such surveys by his office. In case of disapproval, the Department of Environment and Natural Resources shall state the reason therefore. Any person aggrieved by the decision or action of the district land officer may, within thirty days from receipt of the copy of the said decision, appeal to the Department of Environment and Natural Resources. Such patents or certificates shall be effective only for the purposes defined in section one hundred and twenty-two of the Land Registration

Act, and actual conveyance of the land shall be effected only as provided in said section.

“All surveys pending approval by the Department of Environment and Natural Resources at the time this Act takes effect shall be acted upon by him within ninety days from the effectivity of this act.

This amendment shall apply to all patent applications that are approved and awaiting signature at the time of effectivity of this Section and to applications lodged after that date.”

Section 13. – Section 119, Chapter XIV, Title VI of Commonwealth Act No. 141, is hereby repealed:

Section 14. – Section 129, Chapter XVI, Title VI of Commonwealth Act No. 141, as amended, is hereby further amended to read as follows:

“**Section 129.** Any person who presents or causes to be presented, or cooperates in the presentation of any false application, declaration, or evidence, or makes or causes to be made or cooperates in the making of a false affidavit in support of any petition, claim, or objection respecting lands of the public domain, shall be deemed guilty of perjury and punished accordingly. If the offender is a public official or government official/employee, he/she shall be, in addition, removed from the office, forfeit all retirement benefits, except for accumulated leave credits and be perpetually disqualified from holding any elective or appointive public office.”

Section 15. – Section 140, Chapter XVI, Title VI of Commonwealth Act No. 141, as amended, is hereby further amended to read as follows:

“**Section 130.** – Any person who voluntarily and maliciously prevents or hinders or attempts to prevent or hinder the presentation of any application for public land under this Act, or who in any manner attempts to execute or executes acts intended to dissuade or discourage, or aid to dissuade or

discourage, or aid to dissuade or discourage, the acquisition of public lands, shall be deemed guilty of coercion and be punished accordingly. If the offender is a public official or government official/employee, he/she shall be, in addition, removed from the office, forfeit all retirement benefits, except for accumulated leave credits and be perpetually disqualified from holding any elective or appointive public office."

Section 16. – Section 131, Chapter XVI, Title VI of Commonwealth Act No. 141, as amended, is hereby further amended to read as follows:

"Section 131. – Any person who sells forms issued and distributed gratuitously under this Act or who, being an officer charged with distributing them refuses or fails without sufficient reason, to furnish the same, shall be punished for each offense by a fine of not less than Fifty Thousand Pesos (P50,000.00) and not more than One Million Pesos (P1,000,000.00) or imprisonment of not more than one year, or both, in the discretion of the court. If the offender is a public official/employee, he/she shall be, in addition, removed from the office, forfeit all retirement benefits, except for accumulated leave credits and be perpetually disqualified from holding any elective or appointive public office."

Section 17. – Section 132, Chapter XVI, Title VI of Commonwealth act No. 141, as amended, is hereby further amended to read as follows:

"Section 132. – Any person, corporation, association or partnership which, not being qualified or no longer authorized to apply for public land under the provision of this Act, files or induces or knowingly permits another person, corporation, association or partnership to file an application in his/her or its behalf or for his/her interest, benefit or advantage, shall be punished by a fine of not less than 10% of the value of the land applied for, based on the zonal value or fair market value as determined by the concerned local government unit, whichever is higher or by imprisonment for not less than two (2) years nor more than twelve (12) years, or both, in the discretion of the

court; and the application shall be cancelled: Provided: That in case the offender is a corporation, association, or partnership their responsible officials shall be deemed jointly and severally liable; Provided further: That in the case the offender is a public official or government official/employee, he/she shall be, in addition, removed from the office, forfeit all retirement benefits, except for accumulated leave credits and be perpetually disqualified from holding any elective or appointive public office."

Section 18. – Section 133, Chapter XVI, Title VI of Commonwealth Act 141, as amended, is hereby further amended to read as follows:

"Section 133. – Any person who, without having the qualifications required by this Act, shall by deceit or fraud acquire or attempt to acquire lands of the public domain or other real property or any right, title or interest, or property right of any class to the same, and any person aiding and abetting him therein or serving as a means or tool thereof, shall, upon conviction, be punished by a fine of not less than 10% of the value of the land applied for, based on the zonal value or fair market value as determined by the concerned local government unit, whichever is higher or by imprisonment for not less than two (2) years nor more than twelve (12) years, or both, in the discretion of the court. If the offender is a public official or government official/employee, he/she shall be, in addition, removed from the office, forfeit all retirement benefits, except for accumulated leave credits and be perpetually disqualified from holding any elective or appointive public office."

Section 19. – Presidential Decree No. 152 is hereby amended by the addition of the following paragraph:

"Providing that this Decree does not, and was never intended to, apply to land grants under the free patent provisions of the Public Land Act"

Section 20. – Section 93 of Presidential Decree 1529 as amended, is hereby further amended by the addition of the following paragraph:

“Providing that the fee prescribed by this Section shall not apply to land grants under the free patent provisions of the Public Land Act.

Section 21. – Section 111 of Presidential Decree 1529 as amended, is hereby further amended by the addition of the following paragraph:

“Providing that the fees prescribed by this Section shall not apply to land grants under the free patent provisions of the Public Land Act.”

Section 22. – The penal provisions apply to acts committed after the date of effectivity of this Act.

Section 23. – The Department of Environment and Natural Resources may adopt such mapping and surveying technologies as it sees fit in order to expedite the issuance of free patents. The Department also has the authority to determine the format and style of the technical description of the land as it appears on the free patent and title issued subsequent thereto.

Section 24. – All pending applications filed before the effectivity of this Act shall be treated as having been filed in accordance with the provisions of this Act.

Section 25. – No fees shall henceforth be payable for the preparation, issue and registration of land grants under the free patent provisions of the Public Land Act.

Section 26. *Repealing Clause* - All laws, decrees, executive orders, executive issuances or letters of instructions, rules and regulations, or any part thereof, inconsistent or contrary to the provisions of this Act are hereby deemed repealed, amended or modified accordingly.

Section 27. *Separability Clause* - If any provision of this Act or the applicability of such provision to any person or circumstances shall be held invalid, the validity of the remainder of this Act and the applicability of such provision to the person or circumstances shall not be affected thereby.

Section 25. *Effectivity Clause* - This Act shall take effect fifteen days after its publication in two (2) newspapers of general Circulation.

Approved,