

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Thirteenth Congress

First Regular Session

HOUSE BILL NO. 2779



Introduced by Representatives **LEOVIGILDO B. BANAAG, PROSPERO C. NOGRALES, and HUSSIN U. AMIN**

EXPLANATORY NOTE

This measure aims to put an end to the unfair but popular perception that titles, survey plans, and other public documents pertaining to the country's land resources including the issuance of these documents lack integrity and transparency and promises no security.

Indeed, structural and institutional limitations in the current land administration system have resulted in the present inefficiencies in land administration.

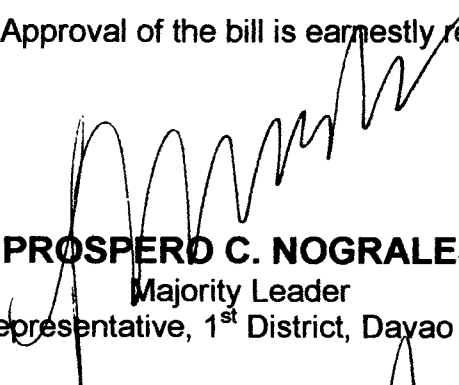
Extensive delays in the disposition and titling of alienable and disposable lands, inaccurate and incomplete land information and records, duplicate and fake titles, and duplication and overlapping activities among government agencies entailing unnecessary costs to the national and local governments and the clients of land administration services are just some of the manifestations of these weaknesses.

The main strategy offered by this measure is to consolidate the major land administration functions such as land surveying, mapping, classification, titling, disposition, and registration, currently dispersed through the Department of Environment and Natural Resources (DENR), Department of Agrarian Reform (DAR), National Commission on Indigenous Peoples (NCIP), and Land Registration Authority of the Department of Justice (DoJ), in one government agency, the proposed Land Administration Authority.

The bill is the result of extensive hearings and testimonies generated from expert witnesses, resource persons, and stakeholders during the Twelfth Congress. Validated during the congressional hearings was the necessity of consolidating and streamlining basic land administration functions within a single government agency.

The passage of this bill into law will enable the lands sector to effectively contribute to sustainable development, economic growth, and poverty alleviation.

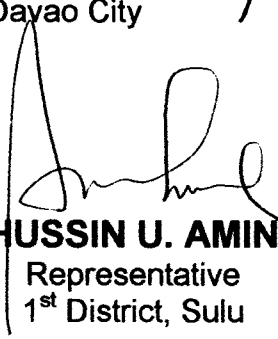
Approval of the bill is earnestly recommended.



PROSPERO C. NOGRALES
Majority Leader
Representative, 1st District, Dayao City



LEOVIGILDO B. BANAAG
Representative
1st District, Agusan del Norte



HUSSIN U. AMIN
Representative
1st District, Sulu

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Introduced by Representatives **LEOVIGILDO B. BANAAG, PROSPERO C. NOGRALES** and **HUSSIN U. AMIN**

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 hereby declared 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, eradication of poverty, and 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 ensure
2 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 and
14 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 management
8 sector or offices of the DENR at the regional, provincial, and district level.

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

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

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

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

21 22 **ARTICLE II**

23 **CREATION OF THE LAND ADMINISTRATION AUTHORITY**

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

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

31 (a) Conduct, integrate and regulate the functions of geodetic and
32 geophysical surveys, land classification surveys, mapping, aerial photography,
33 remote sensing, management of resource information needed by both public and

1 private sectors, and research development thereof in accordance with existing
2 laws and internationally accepted norms, procedures, and standards;

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

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

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

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

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

22 (g) Conduct, regulate and approve all types of land surveys including
23 surveys intended for the implementation of Commonwealth Act No. 141, Republic
24 Act No. 6657 or the Comprehensive Agrarian Reform Law (CARL) and Republic
25 Act No. 8371 or the Indigenous Peoples Rights Act of 1997 (IPRA);

26 (h) Prepare, issue, and register all titles to land issued pursuant to
27 Commonwealth Act No. 141 and subsequent dealings of registered lands
28 including all types of tenure instruments intended for the implementation of the
29 CARL and the IPRA;

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

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

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

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

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

8 Whenever any reference is made to the LRA/RoD, LMB/LMS, NAMRIA,
9 DENR-Comprehensive Agrarian Reform Program (DENR-CARP) National
10 Secretariat under E.O. 192, P.D. 1529, and C.A. 141, as amended, pertaining to
11 a duty, power, purpose, responsibility, or jurisdiction transferred to the LAA by
12 this Act, it shall be deemed to be a reference to, and to mean, the Land
13 Administration Authority and the Director General of the LAA, as the case may
14 be.

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

17 (a) Six (6) representatives from the basic sectors chosen through the
18 nomination process of the National Anti-Poverty Commission (NAPC);

19 (b) Two (2) representatives from the NAPC Women's Sectoral Council;

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

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

24 The President shall designate the chairperson from among the members
25 of the Committee. Except the LAA Director General, the members of the
26 Advisory Committee shall not hold office in the LAA nor receive any salary but
27 shall be entitled, for actual attendance during meetings, to such allowances and
28 honoraria as are allowed by rules and regulations promulgated by the
29 Commission on Audit.

30 **Section 7. Functions of the Stakeholders Advisory Committee.-** The
31 Committee shall advise the LAA on the formulation of policies and policy
32 development pertaining to land administration and public land management and
33 shall monitor their implementation. It shall submit, within three months following

1 the end of each calendar year, a report to the President on its advisory and
2 monitoring activities.

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

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

10 **ARTICLE III**

11 **IMPLEMENTING MECHANISM**

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

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

17 **Section 11. The Director General.-** The authority and responsibility for
18 the exercise of the mandate of the LAA, the accomplishment of its objectives, and
19 the discharge of its powers and functions shall be vested in the Director General,
20 a cabinet rank, who shall exercise control and supervision over the LAA and shall
21 be appointed by the President. For such purposes, the Director General shall
22 have the following functions:

- 23 (a) Advise the President on the promulgation of rules, regulations, and
24 other issuances relative to land administration and public land management;
- 25 (b) Exercise appellate jurisdiction of all cases arising from conflicting land
26 surveys;
- 27 (c) Establish policies and standards for the efficient and effective
28 operations of the LAA in accordance with the programs of the Government;
- 29 (d) Promulgate rules, regulations, and other issuances necessary in
30 carrying out the LAA's mandate, objectives, policies, plans, programs and project;
- 31 (e) Exercise control and supervision over all functions and activities of the
32 LAA;

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

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

5 **Section 12. Office of the Director General.-** The Office of the Director
6 General shall consist of the Director General, his immediate staff, and the Office
7 of the Legal Services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24

25 ARTICLE IV

26 LAND ADJUDICATION BOARD

27 **Section 16. Creation of the Land Adjudication Board (LAB).-** There is
28 hereby created a Land Adjudication Board (LAB) that will exercise primary
29 jurisdiction to determine and adjudicate land administration and public land
30 management matters and shall have exclusive original jurisdiction over all
31 matters involving the implementation of laws, rules and regulations on land
32 administration and public land management including petitions for the correction
33 of clerical or typographical errors committed in writing, copying, transcribing, or

1 typing of an entry in the maps, survey plans, and certificate of land titles, except
2 those cases falling under the jurisdiction of the Department of Agrarian Reform
3 unless specifically provided herein.

4 **Section 17. Composition.-** The LAB shall be composed of five (5)
5 members who shall be appointed by the President. The Presiding Officer shall
6 be selected by the members from among themselves

7 **Section 18. Local Land Adjudication Board.-** The Board shall create a
8 Local Land Adjudication Board in the provincial or city office which shall be
9 composed of three members who shall be appointed by the LAB. Decisions,
10 orders, and resolutions of the Local Land Adjudication Board shall be raised on
11 appeal to the LAB.

12 **Section 19. Budget and Administrative Support.-** The LAB shall
13 determine and propose its budgetary requirements and shall be submitted as part
14 of the LAA's budget request. Disbursements of the approved budget resources
15 shall be the sole responsibility of the LAB. Secretariat services shall be provided
16 by the LAA.

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

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

32 Responsible persons shall be allowed to represent themselves or their
33 organizations in any proceedings before the LAB: *Provided, however*, That when

1 there are two or more representatives for any individual or group, the
2 representatives should choose only one from among themselves to represent
3 such party or group before any LAB proceedings.

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

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

13 14 **ARTICLE V** 15 **JUDICIAL REVIEW**

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

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

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

30 **Section 25. *Procedure on Review.***- Review by the Court of Appeals or
31 the Supreme Court, as the case may be, shall be governed by the Rules of Court.
32 The Court of Appeals, however, may require the parties to file simultaneous

1 memoranda within a period of fifteen (15) days from notice, after which the case
2 is deemed submitted for decision.

3 4 **ARTICLE VI**

5 **TRANSITORY PROVISIONS**

6 **Section 26. *Transfer of Powers.***- The powers and functions of the LAA
7 heretofore vested by law in the DENR, DOJ, LRA/RoD, LMB/LMS, NAMRIA
8 except the powers and functions of its Coast and Geodetic Surveys Department,
9 DENR-Comprehensive Agrarian Reform Program National Secretariat, LAMP, or
10 in any office within or attached to these agencies, are hereby transferred to and
11 vested in the Office of the LAA Director General.

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

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

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

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

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

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

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

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

30 Employees who are offered appointments under the new staffing pattern of
31 the LAA without any diminution in rank and work conditions but who decline such
32 appointments shall be deemed to have voluntarily resigned and shall be entitled
33 only to separation benefits equal to those provided for by other laws: *Provided*,

1 *moreover*, That those who are qualified to retire shall be allowed to retire and be
2 entitled to all the benefits provided under any of the existing retirement laws.

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

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

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

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

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

29 **Section 34. Penal Provisions. –**

30 Any person who sells forms issued and distributed gratuitously under this
31 Act or who, being an officer charged with distributing them refuses or fails without
32 sufficient reason, to furnish the same, shall be punished for each offense by a
33 fine of not less than one hundred thousand pesos and not more than one million

1 pesos or imprisonment of not less than six months nor more than three years, or
2 both, in the discretion of the Courts.

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

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

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

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

31 **Section 35. *Preservation of Records.***- The LAA shall have possession
32 and control of all records, books, papers, offices, equipment, supplies, moneys,
33 funds, appropriations, land and other property, real or personal, held for the

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

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

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

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

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

28 29 **ARTICLE VII**

30 **MISCELLANEOUS PROVISIONS**

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

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

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

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

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

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

30 **Section 41. Congressional Oversight Committee on the Land**
31 **Administration Act.-** There is hereby created a Congressional Oversight
32 Committee composed of seven (7) members from the Senate Committee on
33 Environment and Natural Resources and seven (7) members from the House of

1 Representatives Committee on Natural Resources.

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

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

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

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

27 **Section 44. Effectivity.-** This Act shall take effect fifteen (15) days after
28 its complete publication in the *Official Gazette* or in a newspaper of general
29 circulation.

30 Approved: _____