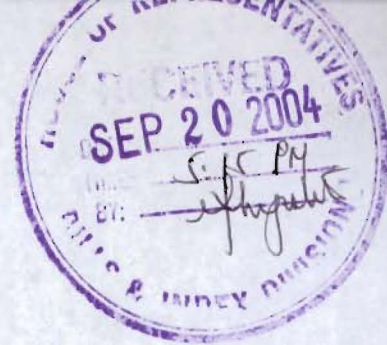


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

First Regular Session
THIRTEENTH CONGRESS

House Bill No. 2955



Introduced by Congressman Jose G. Solis

EXPLANATORY NOTE

Act No. 2259 otherwise known as the "Cadastral Act of 1913" has not been amended since. Time changes and the dynamic advancement of technology such as the birth of new instruments in the field of surveying is a clear manifestation that the said legislation is now rendered obsolete and no longer responsive to the needs of the present times. Some cadastral records were lost or destroyed during the war and some were damaged by fire, floods and/or eaten by termites. Others were lost in transit or maybe misplaced during the transfer of office by reason of the re-organization/decentralization of the DENR. Evidently the remaining records are now under porous state that the least touch would render the document useless.

In 1992, the Philippine Reference System (PRS'92) was introduced for the densification of reference points. Densification of reference points is part and parcel of cadastral surveys. A total of 125,859 monuments were projected to be established with a total amount of three billion, four hundred sixteen million, seven hundred fifty thousand, and seven hundred and fifty pesos (P3,416,750,750), or at the rate of eighteen thousand pesos (P18,000.00) per monument. To date, only 9,867 monuments were established or 8% were accomplished in twelve (12) years. This current rate of accomplishment would show that it will take 150 years to complete the project. PRS'92 is very vital in the execution of surveys and the application of the **geographic information system or GIS**. The government will save billions of pesos in the conduct of cadastral surveys and stands to be benefited once it will be given a significant attention.

PRS'92 was surveyed using global positioning system (GPS) by the Australians and the Coast and Geodetic Survey (CGSD) of the National Mapping and Resource Information Authority in 1989 to 1991. The old LUZON Datum, the datum of the old triangulation network of the Philippines (1903 to 1991) was forced fit into the PRS-92, which means the position of LUZON Datum was adopted in the PRS'92. This makes the PRS'92 still a static datum. Positions on the WGS-84 has to be transformed to arrived at PRS-92 positions. PRS'92 was adopted in subsequent surveys beginning 1992. To make PRS'92 truly homogenous and eliminate the transformation parameters there is a need to upgrade the PRS'92 by tying it with a global datum. Positions of controls established on PRS'92 might change on the global network.

As previously mentioned the LUZON Datum is a static geodetic control which is not stable and is riding along tectonic plates at varying velocities. In 1995 to 1998, the CGSD together with the Tokyo University conducted GPS measurement between Japan and Manila. The result showed that Manila is moving WNW at a rate of about 5cms/yr. After the 1990 earthquake, the CGSD and Sagric International measured by GPS a horizontal slippage of 3 meters and a vertical shift of 80 centimeters within a one hundred kilometer radius from the epicenter at Rizal, Nueva Ecija. PHIVOLCS also conducted measurements after the earthquake. They found a rupture of 125 kms long and measured vertical and horizontal displacement varying from 0.1 –2.5 meters and 0.2-6.2 meters respectively.

Scientists say that “the Philippines is composed of multiple lithospheric fragments of plates. These small plates or micro blocks are continuously moving at variable rates. This range of velocity vectors qualifies the archipelago to be among the fastest moving tectonic plates in the world.” This earth deformation affects the position of the Geodetic Network, thus there is a need to establish a GPS Continuous Operating Reference System (CORS) to monitor changes in the earth’s surface.

The PCORS shall not only be utilized to monitor shifting of the PRS but shall be used to speed up the cadastral surveys by reducing to a minimum the costly and ineffective densification of controls. The PCORS is a multi-user tool for land, air and water usage, where LMB can earn for the upkeep of the facility.

The disposition of lands to qualified beneficiaries obviously slowed down due to the absence of cadastral records which form the basis for the issuance of land patents or titles. Admittedly, there is no complete cadastral maps and records in the Philippines or even a complete information that would show properties that remain to be titled. In some instances especially friar lands, almost fifty (50%) percent of these records were either lost or destroyed. Thus, the proliferation of fake and spurious land titles has become rampant, eroding the faith and confidence of the public to our titling system and Torrens system of land registration. The circulation as well as the negotiations of these fake and spurious titles with private persons, real estate developers, brokers, banks and other financial institutions, which had gone into an intolerable limit, have adversely affected our economy.

Likewise, the absence of security of land tenure has greatly affected the collection of real estate taxes and such other taxes that may be imposed to subsequent transactions over the piece of land or property. Relatively, since there are no titles issued to these properties, there is an informal occupation, and as such the government cannot collect taxes. Moreover, the occupant cannot utilize the property as a collateral in securing a loan from the bank or financial institution to raise a capital in putting up his business.

At this juncture, we find a compelling necessity for the conduct of the cadastral survey of the entire country in order to eradicate the proliferation of fake and spurious land titles. This situation gives us no other alternative but to give the Land Management Bureau a fresh mandate to; upgrade the Philippine Reference System (PRS’92); establish a tool for monitoring earth’s deformation that affects the cadastral control network, effect the conduct of cadastral surveys thru GPS and the use of total stations, and thereafter dispose of these lands to *bonafide* claimants and qualified beneficiaries; and flush out illegal titles circulating in the country through a created Land Adjudication Board (LAB).

At this end, we believe that this proposed legislation is the only panacea that will address the malignant practice of faking land titles. In turn, the government will be able to collect taxes once the occupation of these lands will be formalized. And collectively, this will contribute to our effort towards economic recovery.

The passage of this bill at the earnest is therefore sought.



JOSE G. SOLIS

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

First Regular Session
THIRTEENTH CONGRESS

House Bill No. 2955

Introduced by Congressman Jose G. Solis

AN ACT
AUTHORIZING THE LAND MANAGEMENT BUREAU TO
CONDUCT THE CADASTRAL SURVEY OF THE ENTIRE
COUNTRY, AND APPROPRIATING FUNDS THEREFOR

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

SECTION 1. TITLE. – This Act shall be known as the “Cadastral Survey Act of 2004”.

SECTION 2. DECLARATION OF POLICY. – It is hereby declared the policy of the state to upgrade the Philippine Reference System of 1992 (PRS-92) connecting the network to a global datum. This upgraded PRS shall be the reference point for all land surveying, mapping, charting and geographic information system. On some of the PRS stations, a GPS continuous operating reference system shall be operated and shall be called Philippine Continuous Operating System (PCORS). The PCORS shall be managed and operated by the Land Management Bureau of the Department of Environment and Natural Resources(DENR). As the PRS and the PCORS shall be geocentric or tied with a global datum, the usage of the LUZON DATUM shall then cease. It shall be mandatory to utilize the PCORS and PRS in all surveying, mapping and charting. Thus, No official survey, maps and charts produced by government agencies shall be approved if these are not referred to the PRS and/or PCORS.

SECTION 3. CONDUCT OF SURVEY. – Any provision of law or regulations to the contrary notwithstanding, the Land Management Bureau, (LMB) is hereby authorized to conduct the cadastral survey of the entire country to identify **bonafide** landowners or claimants. The survey shall consist of the following major activities:

1. Research and reconnaissance;

2. Upgrading of the PRS-92 by connecting it with a global datum;
3. Establishment of the Philippine Continuous Operating Reference System (PCORS), which shall be tied to a global datum;
4. Integration of the old Luzon Datum Geodetic Controls, BLLM's, PRS-92 and BBM's to the PCORS and /or upgraded PRS.
5. Establishment of project control points;
6. Political boundary surveys;
7. Inspection, verification, and approval of project control points;
8. Setting of cadastral lots/boundary, and lot surveys and mapping;
9. Computation and data archiving;
10. Verification and approval of survey returns;
11. Plans finalization/cartographic work.

SECTION 4. – The Land Management Bureau, which shall now be transformed into a line bureau, shall have the primary and exclusive jurisdiction in the conduct of the cadastral survey. The Land Management Service (LMS) of the different regions which shall be under the direct supervision and control of the LMB, shall verify and approve the survey returns submitted by contractors, including all original and subdivision survey subsequent thereto.

SECTION 5. The LMB shall, within one (1) year after the approval of this Act, operationalize the PCORS.

SECTION 6. – The LMB shall be responsible in the sustainable management, administration and disposition of all lands of the public domain within the coverage of the "Public Land Act" (CA 141 as amended). In like manner, such jurisdiction shall include the cancellation, reversion, and revocation of illegally, spuriously or fraudulently issued titles emanating from patents, deeds, and other conveyances, by the Land Adjudication Board (LAB) which is hereby created.

SECTION 7. The LMB shall compile an annual assessment of the data collated at the PCORS. This shall be disseminated to all concerned agencies including the Congress. In the event of large earth deformation, information shall be submitted to the LAB for issuance of Administrative remedies to effect changes on the Land Titles.

SECTION 8. SUPPORT TO THE GENERAL PUBLIC. – The facilities of the PCORS and the LMB Data Bank and LMB survey equipment shall be made available to the general public. The survey services of LMB shall likewise be made available to the private and

other government sectors. The LMB shall be authorized to collect fees from the rental of facilities, survey services and GPS data.

SECTION 9. – PROCUREMENT SYSTEM AND TAX EXEMPTION. The LMB is hereby given the authority to strengthen its systems and procedures for equipment acquisition and hiring of experts, subject to the approval of the Secretary of DENR. LMB's purchase of GPS and survey equipment, computers and spare parts and related facilities whether made locally or imported, shall be tax exempt.

SECTION 10. AWARDING OF CONTRACTS. The Land Management Bureau shall, subject to applicable bidding rules and regulations, award the cadastral survey contract under this Act to qualified geodetic engineers engaged in survey work with the most advantageous terms to the government.

SECTION 11. – IMPLEMENTING RULES AND REGULATIONS. Within three months (3) months from the passage of this Act, the Land Management Bureau shall draw and adopt the required rules and regulations to the cadastral survey.

SECTION 12. – APPROPRIATIONS. The amount necessary for the implementation of this Act shall be included in the budget of the Land Management Bureau.

- a) An initial amount of Two Billion Pesos (Php 2,000,000,000.00) needed to implement this act shall be included in the budget of the Land Management Bureau. Thereafter, such amount shall be included in the general appropriations act.
- b) The accrued income from the sales of the PCORS data, rental of LMB facilities and fees for survey services shall be declared as Trust Receipts, which shall be made available to the LMB for maintenance of basic services and procurement of replacement and/or additional equipment, spare parts and supply materials for the PCORS and data bank.

SECTION 13. – REPEALING CLAUSE. All laws, executive orders, executive issuances or letters of instructions, or any part thereof, inconsistent with this Act, are hereby repealed, amended or modified accordingly.

SECTION 14. – SEPARABILITY CLAUSE. If, for any reason, any section or provision of this Act shall be declared unconstitutional or invalid, the other parts thereof not affected thereby shall remain valid.

SECTION 15. – EFFECTIVITY CLAUSE. This Act shall take effect fifteen (15) days after its publication in the official gazette or at least two (2) newspapers of general circulation.

Approved,