

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 2620

Introduced by **HON. IGNACIO T. ARROYO**

EXPLANATORY NOTE

The most important natural resource, upon which all human activity is based since time immemorial is land. As a valuable and vital resource, land needs to be utilized properly and developed appropriately with the general objective of sustainable development for the Philippines and the present and future generations of Filipinos. It is then very important that our country's land resources are effectively administered and equitably managed, a function that is bestowed mainly on the national government.

However, fundamental legal and institutional defects result from the current structure where land administration functions such as land surveys, mapping, classification, titling and disposition and registration are being undertaken by different government agencies. These institutional and structural defects in land administration caused major inefficiencies including extensive delays in the disposition and titling of alienable and disposable land, inaccurate and incomplete land records, duplicate and fake titles, duplication and overlapping of activities between government agencies, and unnecessary costs to both the national and local governments and the general public.

There is thus the need to reform the system of land administration in our country. The proposed Land Administration Reform Act aims to strengthen the integrity and marketability of land titles, survey plans, and other public documents pertaining to the country's land resources. It is also a strategy to shorten the notoriously tedious documentation process of acquiring and/or transferring proof of ownership of lands by consolidating and streamlining basic land administration functions within a single government agency.

Among the salient features this bill includes:

1. Creation of **Land Administration Authority (LAA)**- Consolidates under one agency major land administration functions such as surveying, mapping, land classification, titling, and registration, which are currently dispersed by virtue of separate institutional charters among the Department of Environment and Natural Resources (DENR), Department of Land Reform (DLR), National Commission on Indigenous Peoples (NCIP), and Land Registration Authority (LRA) of the Department of Justice (DoJ).

2. Creation of the **Land Adjudication Board**, which shall exercise original jurisdiction over all matters involving the implementation of laws, rules and regulations on land administration and public land management including petitions for the correction of clerical or typographical errors committed in writing, copying, transcribing, or typing of an entry in the maps, survey, plans, and certificate of land titles, except those cases falling under the jurisdiction of the Department of Land Reform (DLR) pursuant to the Comprehensive Agrarian Reform Law.
3. Provides an efficient feedback mechanism through the creation of a **Stakeholders Advisory Committee**, composed of representatives from the basic sectors, which shall assist the Land Administration Authority in the formulation and evolution of policies pertaining to land administration and public land management, and shall monitor the implementation and impacts of relevant policies and programs.

This Bill has been approved on third reading by the House of Representatives during the 14th Congress.

In view of the foregoing, the immediate passage of this measure is earnestly urged.


IGNACIO T. ARROYO
Representative

5th District, Negros Occidental

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Introduced by **HON. IGNACIO T. ARROYO**

AN ACT
INSTITUTING REFORMS IN LAND ADMINISTRATION

Be it enacted by the Senate and 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 2010."

Sec. 2. Declaration of Policies.- 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) Provide the leadership and management of reforms in land administration;
- b) Promote efficient and effective mapping, land survey, classification, disposition, registration and management of private and public lands;
- c) Undertake a comprehensive and continuing land administration program that will make the processes and procedures on land registration and titling affordable, reliable and expeditious;
- d) Assist in the attainment of the government's asset reform programs;
- e) Accelerate and complete the distribution, titling and registration of alienable or disposable lands to provide security of land tenure;

- 1 f) Undertake reforms in land administration and management to ensure equitable
- 2 distribution and full utilization and development of alienable or disposable lands;
- 3 g) Improve the efficiency, effectiveness, transparency and accountability of land
- 4 administration services;
- 5 h) Rationalize the structure, powers and functions of the different land
- 6 administration agencies and integrate all land administration and registration
- 7 policies, plans, programs and projects of various government agencies to increase
- 8 the efficiency of the land titling system of the government, with expeditious
- 9 delivery of services that are viable with sustainable land administration programs
- 10 and projects;
- 11 i) Establish a sustainable and viable administration of land through computerization
- 12 of functions and removal of overlaps and duplication in the delivery of land
- 13 administration services;
- 14 j) Establish an administrative system for the cancellation of duplicate and fake titles
- 15 and the eradication of land grabbing activities;
- 16 k) Provide accessible, efficient and affordable land administration services to the
- 17 people through the establishment of one-stop shops nationwide;
- 18 l) Establish an effective land information system and provide easy and affordable
- 19 access to land information by members of the public;
- 20 m) Improve the skills of and career opportunities for government employees engaged
- 21 in the provision of land administration services;
- 22 n) Rationalize and clarify the entitlements of persons to land titles to make the
- 23 process of issuing original titles fast and low-cost;
- 24 o) Promote and support the development of a national land administration and
- 25 management education system;
- 26 p) Identify and reduce disincentives to the registration of property transactions;
- 27 q) Mainstream gender in all aspects of the land administration system; and
- 28 r) Recognize, respect, ensure participation and assist in the enforcement of land
- 29 related rights of men and women of the basic sectors, as defined in Republic Act
- 30 No. 8425, otherwise known as the "Social Reform and Poverty Alleviation Act".

1 **Sec. 3. Definition of Terms.** - For the purpose of this Act, the following terms shall,
2 unless the context indicates otherwise, have the following meanings:

- 3 a) "Alienable and disposable lands" refers to agricultural lands of the public domain
4 which have been delineated, classified and certified as available for disposition
5 under the Public Land Act;
- 6 b) "Agricultural lands" refers to lands devoted to or suitable for the cultivation of the
7 soil, planting of crops or growing of trees, and not classified as mineral land,
8 forest land or national park, or sub-classified as residential land, commercial land
9 or industrial land;
- 10 c) "Automated Registration System" refers to a system using appropriate technology
11 for scanning, recording and land registration using electronic devices to store the
12 copy of certificates of title and other documents relative thereto;
- 13 d) "Classification and Reclassification" refers to the act of Congress in setting the
14 specific limits of forest lands and national parks and increasing or decreasing their
15 boundaries by law, as provided for in Article XII, Section 4 of the 1987 Philippine
16 Constitution;
- 17 e) "Consulta" refers to the procedure wherein the issue of registrability of certain
18 instruments is resolved in accordance with Presidential Decree No. 1529;
- 19 f) "Director General" refers to the person occupying the position of Director
20 General of the Land Administration Authority created by this Act;
- 21 g) "Land" refers to resources, both man-made and natural, found on the surface,
22 below and above the ground, including inland waters and the air therein;
- 23 h) "Land Administration and Public Land Management" refers to the administration
24 of all functions, powers and activities related to the mapping, land survey,
25 classification, ownership, disposition, and registration of land titles and deeds, and
26 the management of public lands;
- 27 i) "Land Information System" refers to a system of linking textual attributes (such
28 as ownership, identity, location and value) of land into spatial reference designed
29 to facilitate access to information and assist in planning and decision making;
- 30 j) "Land Management Bureau (LMB)" refers to the staff Bureau of the Department
31 of Environment and Natural Resources (DENR);

- 1 k) "Land Management Services (LMS)" refers to the land management sector or
2 offices of the DENR at the regional, provincial and district level;
- 3 l) "Land registration case" refers to the proceeding, either administrative or judicial,
4 for registering the title to, or interest in, a land so that such title or interest
5 becomes a matter for public record, and all persons who have interest in the land
6 may be informed thereof, actually or constructively, and be bound thereby if they
7 make no objections thereto within a specific time;
- 8 m) "Land Registration Authority (LRA)" including the Registers of Deeds (RoD),
9 refers to the agency mandated to issue decrees of registration and certificates of
10 title and register documents, patents and other land transactions;
- 11 n) "National Mapping and Resource Information Authority (NAMRIA)" refers to
12 the agency known by that name attached to the DENR;
- 13 o) "President" refers to the President of the Philippines
- 14 p) "Public domain" refers to lands that belong to the State, which may either be
15 agricultural, forest or timber, mineral or national park as provided for in the
16 Constitution; and
- 17 q) "Public lands" refer to lands which have not been subject to private property
18 rights or subject to sale or other modes of acquisition or concession under the
19 general laws, and are devoted to public use.

20 ARTICLE II

21 CREATION OF THE LAND ADMINISTRATION AUTHORITY

22 **Sec. 4. *Creation of the Land Administration Authority (LAA).***- To carry out the
23 purposes of this Act, the Land Administration Authority (herein after referred to as the
24 Authority) is hereby created and placed under the Office of the President. It shall be the
25 primary government agency responsible for land administration and public land
26 management.

27 The Authority shall be the sole agency that shall prepare, issue and register all titles to
28 land issued pursuant to Commonwealth Act No. 141, as amended, and subsequent
29 dealings of registered lands including all types of tenure instruments intended for the
30 implementation of R.A. No. 6657 or the Comprehensive Agrarian Reform Law (CARL)
31 and R.A. 8371 or the Indigenous People's Rights Act (IPRA).

1 **Sec. 5. *General Powers and Functions of the Authority.***- The Authority shall
2 exercise the following powers and functions:

3 a) Land Survey & Mapping

4 1) Execute, complete and continually update the nationwide cadastral surveys in
5 accordance with the provisions of Act No. 2259 as amended, and update all
6 existing cadastral maps;

7 2) Conduct nationwide survey and topographic mapping to assist Congress in
8 determining the specific limits of forest lands and national parks, to delimit
9 the specific boundaries and classification of alienable and disposable lands of
10 the public domain, and to identify the specific boundaries of environmentally
11 protected areas under Republic Act 7586 otherwise known as the National
12 Integrated Protected Areas System (NIPAS);

13 3) In coordination with local government units and the pertinent agencies,
14 conduct and/or approve surveys and mapping necessary in the implementation
15 of Republic Act No. 7160 or the Local Government Code, Republic Act No.
16 7279 or the Urban Development and Housing Act, Republic Act No. 8435 or
17 the Agriculture and Fisheries Modernization Act (AFMA), Republic Act 7916
18 or the Ecozone Law, Republic Act No. 6657 or the Comprehensive Agrarian
19 Reform Law (CARL), and Republic Act No. 8371 or the Indigenous Peoples'
20 Rights Act of 1997 (IPRA); and other existing laws requiring survey and
21 mapping;

22 4) Verify and approve all private land consolidation, subdivision and
23 consolidation-subdivision surveys intended for titling purposes;

24 5) Prescribe standards, rules and regulations for the conduct of all kinds of
25 geophysical surveys, mapping, aerial photography, remote sensing and similar
26 activities in accordance with existing laws and internationally accepted
27 principles, practices and standards;

1 6) Prescribe a uniform base map that shall be used for all public and private
2 mapping activities, and provide convenient and affordable public access to the
3 same; and

4 7) Establish and maintain an appropriate custodial and storage system that shall
5 ensure the security and integrity of all survey and mapping records.

6 b) Land Registration

7 1) Register original titles to land and subsequent dealings in registered lands
8 under the provisions of Act No. 496 and Presidential Decree No. 1529 as
9 amended; *provided*, that prior to registering a tenure instrument and issuing an
10 original certificate of title based thereon, the Authority shall first verify
11 compliance with the conditions and requirements prescribed under the law
12 authorizing the issuance of said tenure instrument;

13 2) Establish and maintain an appropriate custodial and storage system that shall
14 ensure the security and integrity of all registration and titling records, subject
15 to the provisions of Act No. 496, Presidential Decree 1529 and pertinent laws;
16 and

17 3) Compile a nationwide master list of suspected spurious land titles and tenure
18 instruments, undertake thorough investigation of the same and, when merited,
19 initiate the proper proceedings for the cancellation thereof by a competent
20 court; *provided*, that cancellation of instruments which have not yet been
21 registered under the Torrens system as provided under existing laws and
22 which are found to be spurious shall be effected by the Authority under rules
23 and procedures that it shall promulgate consistent with this Act and existing
24 laws, and provided further, that patently fake titles shall also be dealt with
25 administratively by the Authority.

26 c) Public Land Administration

27 1) Administer, manage and/or dispose of all alienable and disposable lands of the
28 public domain under the provisions of Commonwealth Act No. 141 otherwise
29 known as the Public Land Act, as amended, Friar Lands under the provisions

- 1 of Act No. 1120, patrimonial property of the National government under Act
2 No. 3038, and such other public lands as have not been placed under the
3 jurisdiction of any other government agency or instrumentality, in accordance
4 with existing laws; and
- 5 2) Coordinate with local government units and the appropriate agencies in
6 releasing alienable and disposable lands of the public domain for the
7 accelerated implementation of agrarian reform, socialized housing,
8 resettlement and other government programs requiring land.
- 9 d) Land Records and Information Technology
- 10 1) Establish and maintain a secure, integrated, and accessible computerized
11 database of all survey and mapping records, registration and titling records
12 and other land information data, and ensure the timely updating of said
13 database;
- 14 2) Establish and maintain an open system to provide convenient nationwide
15 public access to survey, mapping, registration, titling and other land data;
16 subject, however, to the requirements of security and confidentiality under
17 existing laws; and
- 18 3) Establish an information and technology system that will link and facilitate
19 information sharing among all concerned offices and units of the Authority.
- 20 e) Other functions:
- 21 1) Formulate and recommend policies and programs to achieve the intent and
22 purposes of this Act;
- 23 2) Determine, fix and collect reasonable amounts to be charged as fees, fines and
24 penalties in the implementation of this Act;
- 25 3) Receive grants and donations;
- 26 4) Enter into contracts in the implementation of this Act, subject to existing laws;

1 5) Perform such other powers and functions as are currently lodged with the
2 LRA/RoD, LMB/LMS, NAMRIA, DENR-CARP National Secretariat under
3 PD 1529, CA 141 as amended and other existing laws and issuances; and

4 6) Perform such other functions as are necessary, proper and incidental to
5 implement the provisions of this Act.

6 Whenever any reference is made to the LRA/RoD, the LMB/LMS and the DENR-
7 CARP National Secretariat under Executive Order No. 192, Presidential Decree No. 1529
8 and Commonwealth Act No. 141, as amended, pertaining to a duty, power, purpose,
9 responsibility or jurisdiction transferred to the Authority by this Act, it shall be deemed to
10 be a reference to, and to mean, the Authority and the Director General of the Authority,
11 as the case may be.

12 **Sec. 6. Stakeholder's Advisory Committee.**- The Authority shall be assisted by a
13 Stakeholders' Advisory Committee composed of the following:

- 14 a) Six representatives from the basic sectors chosen through the nomination process
15 of the National Anti-Poverty Commission;
16 b) Two representatives from the NAPC Women's Sectoral Council;
17 c) Three representatives from the private sector such as, but not limited to, real
18 estate, professionals/practitioners and the academe to be appointed by the
19 President; and
20 d) The Director General, as ex officio member.

21 The President shall designate the chairperson from among the members of the
22 committee. Except the Director General, the members of the advisory committee shall not
23 hold office at the Authority nor receive any salary but shall be entitled, for actual
24 attendance during meetings, to such allowances and honoraria as are allowed by the rules
25 and regulations promulgated by the Commission on Audit.

26 **Sec. 7. Functions of the Stakeholder's Advisory Committee.**- The Committee shall
27 advise the Authority on the formulation of policies and policy development pertaining to
28 land administration and public land management and shall monitor their implementation.
29 It shall submit, within three months following the end of each calendar year, a report to
30 the President on its advisory and monitoring activities.

1 **Sec. 12. Office of the Director General.**-The Office of the Director General shall
2 consist of the Director General and his immediate staff and the following offices:

- 3 a) Management Services Office;
- 4 b) Planning and Monitoring Office;
- 5 c) Human Resource Office;
- 6 d) Legal and Land Adjudication Office; and
- 7 e) Special Projects and Programs Office.

8 **Sec. 13. Deputy Directors General.**- The Director General shall be assisted by four
9 (4) Deputies who shall be appointed by the President. The Director General is hereby
10 authorized to delineate, assign and/or reassign the respective functional administrative
11 divisions of responsibility of the Deputy Director General, as follows:

- 12 a) Surveys- Provides all technical programs, procedures and operations involved in
13 the surveying and mapping activities of the Authority;
- 14 b) Land Title Registration- Provides all technical programs, procedures and
15 operations in the registration functions of the Authority;
- 16 c) Public Land Administration and Management- Provides all technical programs,
17 procedures and operations in the disposition, administration and management of
18 public lands not otherwise in the control of any other agency or instrumentality of
19 the government, functions of the Authority; and
- 20 d) Land Information and Technology- Provides all technical programs, procedures
21 and operations in the records and information technology management functions
22 of the Authority

23 No Deputy Director General shall be assigned primarily administrative
24 responsibilities. Within his/her functional area of responsibility, the Deputy Directors
25 General shall have the following functions:

- 26 a) Recommend policies and programs to the Director General and advise the
27 Director General in the promulgation of administrative orders and other issuances
28 with respect to his/her area of responsibility;
- 29 b) Issue technical and operating standards, guidelines, regulations and orders to
30 enforce policies with respect to his/her area of responsibility. *Provided*, that the
31 Deputy Director General assigned to land title registration shall resolve issues of

1 registrability of instruments elevated in *consulta* as provided for under PD 1529
2 as amended;

- 3 c) Provide opinion and advise the field office on the efficient and effective
4 implementation of policies, programs and projects in his/her area of
5 responsibility, consistent with policies of the Authority, that will efficiently and
6 effectively govern its activities and functions under his/her responsibility;
- 7 d) Coordinate the functions and activities of the units under his/her responsibility
8 with those of other units under the responsibility of other Deputies;
- 9 e) Exercise authority on monitoring and evaluation of technical and operating
10 standards related to the functions and activities of units under his/her
11 responsibility in the land offices of the Authority;
- 12 f) Exercise supervision over the offices, services, operating units and officers and
13 employees under his direct responsibility; and
- 14 g) Perform other functions as may be provided by law or assigned appropriately by
15 the Director General.

16 *Provided, That* the Deputy Director General for Land Title Registration should be a
17 member of the Philippine Bar with experience on land registration and the Deputy
18 Director General for Survey shall be a Geodetic Engineer.

19 *Provided, further That* aside from the functions above-stated, the Deputy Director
20 General for Land Title Registration shall exercise executive supervision over all clerks of
21 court and personnel of the regular courts throughout the Philippines with respect to the
22 discharge of their duties and functions in relation to the registration of lands.

23 **Sec. 14. Assistant Directors General.**- The Director General and the Deputies shall
24 be assisted by five (5) Assistant Directors General appointed by the Director General.
25 They shall oversee the general administration of the Authority and shall be responsible
26 for the following:

- 27 a) Management Services Office;
- 28 b) Planning and Monitoring Office;
- 29 c) Human Resource Office;
- 30 d) Legal and Land Adjudication Office; and
- 31 e) Special Projects and Programs Office.

Sec. 15. *Land Offices.* – Permanent field offices at the city and provincial levels are hereby established and shall be called Land Offices. The Authority may also establish additional Land Offices in a city or province as it may be determined for the efficient and effective delivery of its services. *Provided*, that provinces and cities with existing Registry of Deeds upon approval of this Act shall automatically be converted into the Land Offices of the Authority.

The Land Offices shall be headed by an Executive Land Officer. He/She shall exercise general supervision on land survey, land registration, public land administration and record and information management within his/her jurisdiction. He/She shall also implement such other functions of the Authority in his/her respective area of responsibility as may be delegated by the Director General to provide a more efficient and effective delivery of services. *Provided*, that the registration personnel shall continue to exercise its other registration functions in accordance with existing laws.

The Land Offices at the provincial and city levels shall be comprised of the following offices: (a) local surveys and mapping unit; (b) local registration and titling unit; (c) local public land administration unit; (d) local records and information technology unit; (e) administrative support unit; (f) legal unit, and (g) such other units as may be established thereat by appropriate directive of the Director-General: *Provided*, that the Land Offices herein created shall co-locate in a One-Stop-Shop concept as soon as the necessary infrastructure is made available.

ARTICLE IV

LAND ADJUDICATION BOARD

Sec. 16. Creation of the Land Adjudication Board (LAB). - There is hereby created a Land Adjudication Board (LAB). The LAB shall be the quasi-judicial body of the Authority and shall have the following functions:

- a) Exercise exclusive original jurisdiction over all matters involving the implementation of laws, rules and regulations on land administration and public land management, and all cases and /or controversies arising therefrom; *Provided*, that all petitions for the correction of clerical or typographical errors committed in writing, copying, transcribing, or typing of an entry in the maps, survey plans, and

1 certificate of land titles shall be administratively addressed by the Authority's
2 Land Offices; and

- 3 b) Exercise exclusive original jurisdiction on conflicts arising from the
4 determination and adjudication in land administration and public land
5 management matters, except cases falling under the jurisdiction of the Department
6 of Agrarian Reform (DAR) under the CARP law and the National Commission on
7 Indigenous Peoples under the IPRA law unless specifically provided herein.
8 *Provided*, that jurisdiction over conflicts and cases arising from ownership of
9 private lands shall remain with the regular courts. Provided further that existing
10 cases on land ownership and conflicts pending in the regular courts shall remain
11 under the court's jurisdiction unless otherwise remanded by the courts to the
12 Authority or LAB for disposition subject to the pertinent provisions of this Act.

13 The LAB shall be under the administrative supervision of the Director General and
14 shall be divided into three divisions. Each division shall exercise equal powers,
15 independently resolving cases raised on appeal from the decisions of the Local Land
16 Adjudication Boards, created pursuant to Section 18 hereof, from Luzon, Visayas, and
17 Mindanao: *Provided*, That the divisions assigned to handle cases from Visayas and
18 Mindanao shall hold permanent office in any of the cities therein

19 **Sec. 17. Composition.-** Each division of the LAB shall be composed of three (3)
20 members who shall be appointed by the President for a fixed term of (4) years and can be
21 reappointed for another term of four (4) years.

22 All members of the Land Adjudication Board shall be members of the Philippine Bar
23 with at least ten (10) years experience in property and land administration and
24 management related matters.

25 The members of each division shall elect their Presiding Officer who shall serve for a
26 term of four years.

27 **Sec. 18. Local Land Adjudication Board.-** Local Land Adjudication Boards (LLAB)
28 are hereby created in all provincial and city Land Offices that shall serve as first level
29 board. The LLAB shall be composed of four (4) members. The Presiding Officer shall be
30 the Executive Land Officer, the two other members shall be the head of the local surveys
31 unit and the head of the local registration unit while the fourth member shall be a

1 representative designated by the Chief Executive of the Local Government Unit where
2 the LLAB sits.

3 Decisions, orders, and resolutions of the Local Land Adjudication Board shall be
4 raised on appeal to the LAB.

5 **Sec. 19. Budget and Administrative Support.** - The LAB shall determine and propose
6 its budgetary requirements and shall be submitted as part of the Authority's budget
7 request. Disbursements of the approved budget resources shall be the sole responsibility
8 and accountability of the LAB. Secretariat services shall be provided by the Authority.

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

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

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

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

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

ARTICLE V

JUDICIAL REVIEW

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

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

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

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

ARTICLE VI

TRANSITORY PROVISIONS

Sec. 26. Transfer of Powers.- The powers and functions of the AUTHORITY heretofore vested by law in the DENR, the LRA/RoD, the LMB/LMS and the DENR-CARP National Secretariat, or in any office within or attached to these agencies, are hereby transferred to and vested in the office of the Authority Director General

Sec. 27. *Organization of the LAA.* - The Authority's organizational and administrative structure and functions and staffing pattern, including the personnel's

1 duties and responsibilities and the appropriate compensation package, shall be submitted
2 by the Director General for review and approval of the President and shall be fully
3 implemented within a period of six months after such approval.

4 **Sec. 28. *Transfer of Personnel.*** - To ensure a smooth transition, all incumbent
5 personnel of the DENR's LMB/LMS, the DENR-CARP National Secretariat and its field
6 offices, and the LRA/RoD shall continue to perform their present duties and functions as
7 interim personnel of the Authority until such time, being not later than twelve (12)
8 months from the effectivity of this Act, that the regular staff of the Authority, based on
9 the new staffing pattern, shall have been appointed: Provided, that all incumbent and
10 qualified personnel of the DENR's LMB/LMS, DENR-CARP National Secretariat and its
11 field offices and the LRA/ROD shall be prioritized in filling up the appropriate positions
12 for regular personnel of the Authority and its field offices. Provided further, that the
13 regular personnel shall be appointed by the Director General, or his/her duly authorized
14 representative, on the basis of merit, previous permanent appointment, fitness and
15 seniority.

16 The existing number of officials and employees of the Land Registration
17 Authority and other agencies to be integrated to the Land Administration Authority shall
18 not be increased and no new hiring shall be allowed until all of them shall have been
19 properly placed. Those who opt to stay shall retain their remuneration and seniority. No
20 official or personnel shall be dislocated and involuntarily separated, except for cause.

21 **Sec. 29. *Integration of the LMB/LMS, the DENR-CARP National Secretariat, and***
22 ***the LRA/RoD.*** - The DENR's Land Management Bureau, Land Management Services,
23 and CARP National Secretariat and its field offices, and the Land Registration Authority
24 and Register of Deeds, are hereby integrated into the Authority.

25 **Sec. 30. *Separation Pay and Other Benefits.*** - Personnel who are not offered
26 appointment within twelve (12) months upon the effectivity of this Act under the new
27 staffing pattern of the Authority on at least equivalent terms and conditions as their
28 present employment by reason of duplication or redundancy and those who decline an
29 appointment in the Authority by reason of diminution in rank and conditions shall be
30 entitled to a gratuity at the rate equivalent to the following:

- a) Two and one-half (2 1/2) months basic salary for every year of service for the first twenty (20) years;
- b) Two and three-fourths (2 3/4) months basic salary for every additional year of service from the twenty-first (21st) to the thirtieth (30th) year of service; and
- c) Three months basic salary for every additional year of service from the thirty-first (31st) year of service and onwards.

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

Employees who are offered appointments under the new staffing pattern of the Authority without any diminution in rank and work conditions but who decline such appointment shall be deemed to have voluntarily resigned and shall be entitled only to separation benefits equal to those provided for by other laws. Provided more over, That those who qualified to retire shall be allowed to retire and be entitled to all the benefits provided under any of the existing retirement laws.

Sec. 31. Reemployment. - Government personnel who are separated as a result of the integration of the aforecited offices may apply for positions and be employed in other agencies or branches of the government including Government-Owned and/or – Controlled Corporations (GOCCs), Government Financial Institutions (GFIs), or local government units (LGUs).

Sec. 32. Unexpended Appropriations and Transfer of Assets. - The unexpended balances of appropriations in the current General Appropriations Act and other laws in force upon approval hereof, pertaining to, held, or used by, or available to the LRA and RoD, the LMB, the LMS, the DENR-CARP National Secretariat and its field offices are hereby transferred to the Authority.

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

1 All real and personal properties, assets, liabilities, records, documents, positions,
2 appropriations, contracts and agreements which, upon the effectivity of this Act, are
3 vested in, or owned by the LMB/LMS, the DENR-CARP National Secretariat and its
4 field offices and the LRA/RoD are hereby transferred to the Authority.

5 **Sec. 33. Penal Provisions.** - Any person who sells forms issued and distributed
6 gratuitously under this Act or who, being an officer charged with distributing them
7 refuses or fails without sufficient reason, to furnish the same, shall be punished for each
8 offense by a fine of not less than one hundred thousand pesos (P100,000.00) and not
9 more than one million pesos (P1,000,000.00) or imprisonment of not less than six months
10 nor more than three years, or both, at the discretion of the Courts.

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

20 Any person who shall, by deceit or fraud, acquire or attempt to acquire lands of the
21 public domain or other real property or any right, title or interest, or property right of any
22 class to the same, and any person aiding and abetting him therein or serving as a means or
23 tool thereof, shall, upon conviction, be punished by a fine of not less than one hundred
24 thousand pesos (P 100,000.00) and imprisonment of not less than five years nor more
25 than twelve years, or both, in the discretion of the Courts.

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

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

5
6 **Sec. 34. *Preservation of Records.*** - The Authority shall have possession and control
7 of all records, books, papers, offices, equipment, supplies, moneys, funds, appropriations,
8 land and other property, real or personal, held for the benefit or use of all bodies, offices,
9 and officers whose duties, powers, and functions have been transferred to and conferred
10 upon the Authority.

11 Pending a written notice of receipt issued by a duly authorized officer of the
12 Authority, it shall be the duty of any and all personnel responsible for, or in possession of
13 records relating to the affairs of the LMB, LMS, the DENR-CARP National Secretariat
14 and its field offices, the LRA and the RoD to protect and preserve such records.

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

20
21 **Sec. 35. *Saving Clause.*** - All orders, determination, rules, regulations, permits,
22 certificates, licenses, and privileges which have been issued, made, or granted effective
23 by the former LMB, LMS, LRA, RoD, DENR-CARP National Secretariat and its field
24 offices, or their predecessors shall continue to be in effect according to their terms until
25 modified, terminated, superseded, set aside, or repealed.

26 No suit, action, or other proceeding commenced by or against any officer in his
27 official capacity as an officer of any division or unit of the former LMB, LMS, LRA,
28 RoD, DENR-CARP National Secretariat and its field offices, the functions of which are
29 transferred by this Act to the Authority shall abate by reason of this Act. In like manner,
30 no cause of action by or against such division or unit or by or against any officer thereof
31 in his official capacity shall abate by reason of the enactment of this Act. Causes of

1 actions, suits, or other proceedings may be asserted for or against the Authority or such
2 official of the Authority as may be appropriate.

3 4 ARTICLE VII

5 MISCELLANEOUS PROVISIONS

6 **Sec. 36. *Use of Income.*** - The Authority is hereby authorized to use twenty percent
7 (20%) of all revenues derived from fees, charges and other sources in the implementation
8 of its projects.

9 **Sec. 37. *Assurance Fund.*** - A special account within the Authority is hereby created
10 for the entire proceeds of the Assurance Fund, which shall no longer be paid to the
11 National Treasurer as provided for in Section 94 of Presidential Decree No. 1529.
12 Claims from the Assurance Fund shall be heard, decided and determined by the LAB.
13 All pending cases or claims against the Assurance Fund now being handled by the
14 Bureau of Treasury, through the Office of the Solicitor General, shall likewise be
15 transferred to the LAB. Thereafter, the National Treasurer shall no longer be impleaded
16 as party in any action against the Assurance Fund.

17 **Sec. 38. *Indemnification of Officials and Personnel.*** - The Authority shall indemnify
18 all officials and personnel for all costs and expenses reasonably incurred by such persons
19 in connection with any civil or criminal actions, suits, or proceedings to which they may
20 be or made a party by reason of the performance of their functions or duties, unless they
21 are finally adjudged in such actions or proceedings to be liable.

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

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

1 **Sec. 39. *Implementing Rules and Regulations.*** - Within sixty (60) days from the
2 effectivity of this Act, the Authority shall promulgate the rules and regulations to
3 implement the provisions of this Act. Said rules and regulations shall be submitted to the
4 Congressional Oversight Committee for approval.

5
6 **Sec. 40. *Congressional Oversight Committee on the Land Administration Reform***
7 ***Act.*** - There is hereby created a Congressional Oversight Committee composed of seven
8 (7) members from the Senate Committee on Environment and Natural Resources and
9 seven (7) members from the House of Representatives Committees on Natural Resources,
10 Housing and Urban Development, Justice and Government Reorganization.

11 The Congressional Oversight Committee, which shall function for a period not more
12 than three (3) years, shall review the implementing rules promulgated by the Authority
13 including the procedures on claims against the assurance fund and oversee the
14 implementation of this Act.

15 The secretariat of the Oversight Committee shall be drawn from the existing
16 secretariat personnel of the committees of the Senate and the House of Representatives
17 comprising the oversight and the funding for its operations shall be taken from the
18 existing budget of the concerned committees.

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

22 **Sec. 42. *Repealing Clause.*** - The pertinent provisions of the CARL and the IPRA
23 with regard to the conduct of survey, approval of survey results, preparation and issuance
24 of tenure instruments, and the provisions of Presidential Decree No. 1529 pertaining to
25 the Assurance Fund and their implementing rules and regulations are hereby amended or
26 modified accordingly.

27 All other laws, decrees, orders, instructions, proclamations, rules and regulations or
28 parts thereof, including pertinent provisions of Commonwealth Act No. 141, Act No.
29 496, Presidential Decree No. 1529, Executive Order No. 192 and its related rules and
30 regulations; Executive Order No. 469 dated February 11, 1981 and the subsequent
31 Presidential Memorandum Circular dated 30 September 1988 and their related rules and

1 regulations; and the Administrative Code of 1987, which are inconsistent with any
2 provision of this Act, are hereby repealed, modified, or amended accordingly.

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

5 Approved,
6