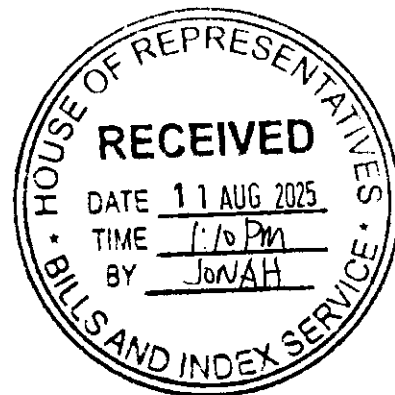




Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City, Metro Manila

**TWENTIETH CONGRESS**  
First Regular Session

HOUSE BILL NO. 3436



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**Introduced by Representative Crispin Diego "Ping" D. Remulla**

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**AN ACT**  
**PROVIDING A MECHANISM FOR THE EQUITABLE ACCESS TO AND**  
**OWNERSHIP OF PUBLIC LANDS BY FARMERS AND FISHERFOLK,**  
**MANDATING FOR THAT PURPOSE AN ADMINISTRATIVE PROCESS FOR THE**  
**TITLING OF SUCH PUBLIC LANDS THROUGH THE ISSUANCE OF FREE**  
**PATENT AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

The 1987 Constitution gives farmers and fisherfolk the right to own land and have priority access to natural resources. However, decades later, many farmers and fisherfolk still live without land of their own. They work every day to feed the country but remain landless and vulnerable. This bill aims to change that.

It proposes a clear and simple process that allows qualified farmers and fisherfolk to gain legal ownership of public lands they have long been using. The goal is to make land ownership more accessible through the issuance of free patents. This is a way of recognizing their years of hard work and their right to a better future.

The bill gives priority to those who have been cultivating or occupying public lands for years. It also includes fisherfolk living in coastal areas near fishing grounds. It sets rules to ensure that only the rightful beneficiaries are protected.

Giving land to the people who till and care for it is a powerful step toward justice. It gives farmers and fisherfolk a stronger sense of security. They can use their land to grow more, borrow capital, and build a better life. More importantly, secure land ownership leads to better food production and stronger rural communities.

This bill is not just for the few. It is for every Filipino who believes that hard work should be rewarded, and that land should serve the many, not just the privileged few.

For these reasons, the swift approval of this bill is strongly urged.

A handwritten signature in black ink, appearing to read 'Ping D. Remulla', with a stylized, cursive script.

**CRISPIN DIEGO “PING” D. REMULLA**



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

1        **SECTION 1. *Short Title.*** - This Act shall be known as the “*Farmers’ and*  
2 *Fisherfolk’s Free Patent Act*”.

3        **SEC. 2. *Declaration of Policy.*** - It is hereby declared the policy of the State to give  
4 utmost priority to the right of farmers and fisherfolk to an equitable access to and ownership  
5 of land. Toward these ends, the State shall implement a mechanism for an expeditious and  
6 affordable land titling process, thereby providing farmers and farmworkers an opportunity to  
7 directly own land and acquire security of land tenure. Further, the State shall endeavor to  
8 protect the rights of fisherfolk and ensure their preferential use to communal marine and  
9 fishing resources, both inland and offshore. Moreover, the State shall craft and implement  
10 measures that will bring about the optimum use of land as a resource and ensure the  
11 sustainable use and management of lands.

12        **SEC. 3. *Coverage.*** - This Act shall cover only alienable and disposable lands of the  
13 public domain classified as such in accordance with law.

14        **SEC. 4. *Qualified Beneficiaries.*** - The provisions of any law, rules or regulations to  
15 the contrary notwithstanding, any natural-born citizen of the Philippines who is not a

1 registered owner of more than twelve (12) hectares of alienable and disposable public land  
2 and who for ten (10) years or prior thereto, either by himself or through his *bona fide*  
3 predecessor-in-interest, has been actually residing on, and continuously possessing and  
4 occupying, under a *bona fide* claim of acquisition of ownership, a parcel of untitled land on  
5 the public domain classified as alienable and disposable, shall, upon application, be entitled  
6 to have a free patent issued to him for such parcel of land; *Provided*, That the land applied for  
7 is not needed for public service or public use and that no such free patent shall be issued for  
8 townsite reservations established under Chapter XI of the Public Land Act: *Provided further*,  
9 That none of the provisions of Presidential Decree No. 705, otherwise known as the *Revised*  
10 *Forestry Code* are violated by the issuance of such patent; *Provided finally*, That the land for  
11 which a free patent is applied for shall not be encumbered, sold, or converted into other uses  
12 by the applicant within five (5) years from the issuance of the free patent.

13 **SEC. 5. Preferential Right to Free Patent.** - Except when ownership of a parcel of  
14 land has already been acquired through homestead patents, judicial confirmation of title, or  
15 other modes of acquisition of title recognized under Commonwealth Act No. 141, otherwise  
16 known as the *Public Land Act*, the following shall have preferential right to apply for a free  
17 patent covering the public land which they occupy:

18 (1) Farmers and farmworkers who have continuously occupied and cultivated either by  
19 themselves or their predecessors-in-interest a parcel of public land; and,

20 (2) Fishermen and fisherfolk living along coastal areas and similar areas of the public  
21 domain near the fishing ground.

22 For purposes of this Act, “farmer” shall refer to a natural person whose primary  
23 livelihood is cultivation of land or the production of agricultural crops either by himself or  
24 with the help of his immediate household, “farmworker” shall refer to a natural person who  
25 renders service for value as an employee or laborer in an agricultural enterprise or farm  
26 regardless of whether his compensation is paid on a daily, weekly, monthly or “*pakyaw*”  
27 basis and “fisherfolk” shall refer to any natural person directly or personally and physically  
28 engaged in taking and/or culturing and processing fishery and/or aquatic resources.

29 **SEC. 6. Jurisdiction.** - The Provincial Environment and Natural Resources Officer or  
30 City Environment and Natural Resources Officer of the DENR shall have exclusive original  
31 jurisdiction over all applications for the issuance of a free patent under this Act for all  
32 alienable and disposable public lands within their area of jurisdiction. All protest and  
33 opposition to any application for the issuance of a free patent shall likewise be adjudicated  
34 exclusively by the Provincial or City Environment and Natural Resources Officer; *Provided*,

1    *That, jurisdiction over all conflicts and cases arising from ownership of private lands shall*  
2    *remain with the regular courts.*

3           **SEC. 7. *Requirements.*** - Every application under the provisions of this Act shall be  
4    made under oath and shall set forth

5           (1) The name and address of the applicant;

6           (2) That the applicant has all the qualifications required by this Act;

7           (3) That the application is made in good faith;

8           (4) That the application is made for the exclusive benefit of the applicant and not, either  
9           directly or indirectly for the benefit of any other person, or persons, corporation,  
10          association, or partnership,

11          (5) As accurate a description of the land as may be given, the city or municipality where  
12          it is located, and its limits and boundaries, specifying those having reference to  
13          accidents of the ground or permanent monuments, if any; and,

14          (6) That the land applied for shall not be encumbered, sold, or converted into other uses  
15          by the applicant within five (5) years from the issuance of the free patent.

16           **SEC. 8. *Publication.*** - All applications for a free patent filed under the provisions of  
17    this Act shall be posted in the Provincial or City Environment and Natural Resources Office  
18    and in the provincial capitol or city hall of the province or city where the land subject of the  
19    application is situated.

20           **SEC. 9. *Registration of Title.*** - If, after having duly complied with the posting  
21    requirement, without any objection or opposition having been filed thereto, the land is  
22    determined to be an alienable and disposable land of the public domain and the applicant is a  
23    qualified beneficiary under the provisions of this Act, an order for the approval of application  
24    and issuance of a free patent shall be signed and issued by the Provincial Environment and  
25    Natural Resources Officer or the City Environment and Natural Resources Officer.

26           The duly signed free patent shall be transmitted to the Register of Deeds of the  
27    province or city where the land subject of application is situated within five (5) working days  
28    from the time of its issuance for registration and the issuance of the corresponding certificate  
29    of title, in accordance with Section 103 of Presidential Decree 1529. It shall be the duty of the  
30    Register of Deeds to register the free patent within five (5) days from receipt thereof,  
31    whereupon a certificate of title shall be entered as in other cases of registered lands, and an  
32    owner's duplicate certificate of title shall be issued *to* the grantee.

1           **SEC. 10. Remedies.** - Any person may file an objection or opposition under oath to  
2 any application on the grounds that the applicant is not qualified under the provisions of this  
3 Act, or that the land subject of the application is needed for public use and purposes.

4           The City Environment and Natural Resources Officer or the Provincial Environment  
5 and Natural Officer shall resolve the matter raised by the opposition in accordance with the  
6 existing mechanism and procedure for Settlement of Land Disputes.

7           **SEC. 11. Bar Against Conversions.** - Any land whose title is secured under the  
8 provisions of this Act for the benefit of farmers/ farm workers and/or fishermen/ fisherfolk  
9 shall not be allowed for any large-scale conversions whether for residential, industrial or  
10 commercial purposes for a period of twenty (20) years beginning from the date of issuance of  
11 the title. This twenty-year bar against land conversions, as provided in this Section, shall be  
12 expressly noted in the land title issued under this Act.

13           **SEC. 12. Mandatory Support from Government Agencies.** - Any land whose title is  
14 secured under the provisions of this Act for the benefit of farmers/ farm workers and/or  
15 fishermen/fisherfolk shall be promptly given the adequate support from any government  
16 agency, particularly from the Departments of Trade and Industry, Agriculture and  
17 Environment and Natural Resources, which shall include such adequate entrepreneurial  
18 training, financial access programs, and such other administrative support services necessary  
19 to ensure that these lands and its use are maximized for the benefit of the farmers/fisherfolk  
20 and fishermen/fisherfolks.

21           **SEC. 13. Penalties.** - Any person who, without having the qualifications required by  
22 this Act, shall by deceit or fraud secures or attempts to secure a certificate of title through a  
23 free patent, or induces or knowingly permits another to do the same, and any person aiding  
24 and abetting him therein shall, upon conviction, be punished by a fine of not less than 10% of  
25 the fair market value of the land applied for as determined by the local government unit or by  
26 imprisonment of *prision mayor*, or both, in the discretion of the court: *Provided*, That if the  
27 offender is a public official, the penalty shall include removal from office, forfeiture of all  
28 retirement benefits and perpetual disqualification to hold any other appointive or elective  
29 positions.

30           Any person who willfully prevents or obstructs the acquisition of a free patent by a  
31 qualified beneficiary, or sells, transfers, acquires a land of the public domain for purposes of  
32 circumventing the provisions of this Act shall, upon conviction, be punished by a fine of not  
33 less than 20% of the fair market value of the land applied for as determined by the local  
34 government unit or by imprisonment of reclusion temporal, or both, in the discretion of the

1 court: *Provided*, That if the offender is a public official, the penalty shall include removal  
2 from office, forfeiture of all retirement benefits and perpetual disqualification to hold any  
3 other appointive or elective positions.

4 Any violation of Section 11 of this Act shall be punishable by imprisonment of  
5 *prision mayor*, or both, in the discretion of the court; provided that, if the offender is a public  
6 official, the penalty shall include removal from office, forfeiture of all retirement benefits and  
7 perpetual disqualification to hold any other appointive or elective positions.

8 **SEC. 14. *Monitoring and Reporting.*** – The DENR, in coordination with the DA and  
9 other relevant agencies, shall submit an annual report to Congress on the implementation of  
10 this Act.

11 **SEC. 14. *Separability Clause.*** - If, for any reason or reasons, any part or parts of this  
12 Act shall be declared unconstitutional or invalid by any competent court, other parts or  
13 provisions thereof not affected thereby shall continue to be in full force and effect.

14 **SEC. 15. *Repealing Clause.*** - All laws, decrees, executive orders, executive issuances  
15 or letters of instruction, rules and regulations, or any part thereof, inconsistent with or  
16 contrary to the provisions of this Act, are hereby deemed repealed, amended or modified  
17 accordingly.

18 **SEC. 16. *Effectivity Clause.*** - This Act shall take effect fifteen (15) days after its  
19 publication in two (2) national newspapers of general circulation.

*Approved,*