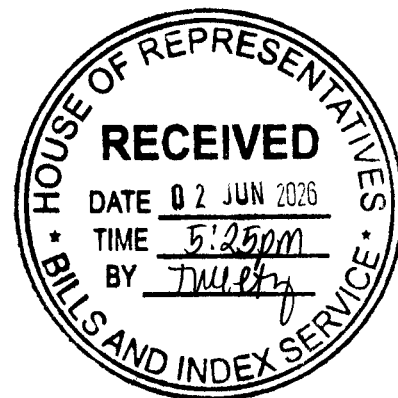




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Twentieth Congress
First Regular Session

HOUSE BILL NO. 9686



Introduced by Representative Ma. Cristina Talavera Lopez

EXPLANATORY NOTE

Commonwealth Act No. 141, or the Public Land Act, remains the cornerstone of the country's land grant system, governing the disposition of public lands and the conditions under which free patents are issued to private individuals. While the law has served its purpose, one of its provisions has produced an inequitable result that this measure seeks to remedy.

Under the current text of Section 112 of C.A. No. 141, as amended by Presidential Decree No. 1361, all lands granted through patent are subject to a statutory lien in favor of the government, allowing the latter to take up to sixty (60) meters thereof as right-of-way for the implementation of government infrastructure projects. However, and despite this express power granted by law to take the property for public purpose, the landowner is entitled only to compensation or damages for improvements, regardless of how long the title over the land has been held or how deeply the owner's livelihood has become rooted in it. Worse, the lien is perpetual. The law does not provide a point at which this lien expires; there is no threshold of possession after which the landowner is freed from the lien's reach. In fact, the present text of Section 112 unequivocally provides that a land granted through free patent may be taken without full recompense, not once, but repeatedly, for as long as the government requires.

What makes this gap more glaring is that subsequent legislations have had every opportunity to correct it. When Congress enacted Republic Act. No. 10023, governing the grant of free patents over untitled public alienable and disposable lands zoned as residential, it expressly removed the restrictions found in Sections 118, 119, 121, 122, and 123 of C.A. No. 141. Unfortunately, the said law left Section 112 entirely untouched. The same legislative silence attended the enactment of R.A. No. 11231. As a result, the perpetual lien under Section 112 continues to burden all patent holders

to this day, including those who received their titles under these more recent grants, with no relief in sight. This is especially true with the rise of infrastructure projects being implemented by the government. The omission was not an affirmation of the provision's equity, rather, it was an oversight that has gone uncorrected for far too long.

To make it even worse, this oversight bears most heavily on farmers—the very sector the Public Land Act was designed to uplift—who hold their land as agricultural free patent or homestead grantees, and for whom the land is not merely property but their sole productive asset and their family's inheritance.

This state of affairs runs directly against Section 9, Article III of the Constitution, which guarantees that no private property shall be taken for public use without just compensation. A regime that allows the State to take titled, privately held land while paying only for improvements cannot be said to honor that guarantee.

This measure addresses that gap. This bill introduces a proviso in Section 112 of C.A. No. 141 providing that where the title has been held by the grantee or his heirs for twenty (20) years or more, the owner shall be entitled to just compensation for the land itself, in addition to improvements. The twenty-year threshold recognizes that long, continuous, and good faith possession transforms a conditional public grant into genuinely private property deserving of the Constitution's full protection—a threshold that most farmer-grantees have long surpassed.

The lien under Section 112 is not abolished by this measure. What is curtailed is the government's ability to enforce it indefinitely without fulfilling its constitutional obligation to pay just compensation in full. It is a modest but necessary correction—one that brings the Public Land Act in line with the Constitution, and ensures that the farmers who have made public land their own are not left holding title to land the State may take from them, at any time, for less than it is worth.

In view of the foregoing, the immediate approval of this bill is earnestly sought.



MA. CRISTINA TALAVERA LOPEZ
Representative, ALONA Party List



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HOUSE BILL NO. 9686

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**AN ACT LIMITING THE GOVERNMENT RIGHT-OF-WAY LIEN ON LANDS
GRANTED THROUGH FREE PATENT TO TWENTY YEARS, FURTHER
AMENDING SECTION 112 OF COMMONWEALTH ACT NO. 141, AS AMENDED
BY PRESIDENTIAL DECREE NO. 1361**

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

SECTION 1. – Section 112 of Commonwealth Act No. 141, as amended by Presidential Decree No. 1361, or “*The Public Land Act*” is hereby further amended to read as follows:

Sec. 112. Said land shall further be subject to a right-of-way not exceeding sixty (60) meters on width for public highways, railroads, irrigation ditches, aqueducts, telegraph and telephone lines, airport runways, including sites necessary for terminal buildings and other government structures needed for full operation of the airport, as well as areas and sites for government buildings for Resident and/or Project Engineers needed in the prosecution of government-infrastructure projects, and similar works as the Government or any public or quasi-public service or enterprise, including mining or forest concessionaires, may reasonably require for carrying on their business, with damages for the improvements only; **PROVIDED, THAT, IF THE TITLE OF THE LAND RECEIVED UNDER THIS ACT HAS BEEN HELD BY THE GRANTEE OR HIS/HER HEIRS FOR TWENTY (20) YEARS OR MORE, THE**

OWNER SHALL BE ENTITLED TO RECEIVE JUST COMPENSATION ON THE LAND.

SUBJECT TO LAWS GOVERNING THE ACQUISITION OF RIGHT-OF-WAY FOR NATIONAL GOVERNMENT PROJECTS, Government officials charged with the prosecution of these projects or their representatives are authorized to take immediate possession of the portion of the property subject to the lien as soon as the need arises and after due notice to the owners. It is however, understood that ownership over said properties shall immediately revert to the title holders should the airport be abandoned or when the infrastructure projects are completed and buildings used by project engineers are abandoned or dismantled, but subject to the same lien **OR EXPROPRIATION, WHICHEVER IS APPLICABLE,** for future improvements.

SECTION 2. *Retroactivity.* – The provisions of this Act shall apply to all pending acquisition of right-of-way proceedings of lands granted under Commonwealth Act No. 141, as amended, where no final and executory judgment has yet been rendered as of the effectivity of this Act, *provided*, that nothing in this Act shall impair vested rights or affect final and executory judgments rendered prior to its effectivity.

SECTION 3. *Separability Clause.* – If, for any reason, any section or provision of this Act is declared unconstitutional or invalid, the other sections or provisions which are not affected shall continue to be in full force and effect.

SECTION 4. *Repealing Clause.* – All laws, presidential decrees, executive orders, or issuances, or any part thereof which are inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SECTION 5. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or any newspaper of general circulation.

Approved,