

FOURTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
Third Regular Session

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9 SEP -8 AM 1:50

SENATE

COMMITTEE REPORT NO. 609

Submitted jointly by the Committees on Constitutional Amendments, Revision of Codes and Laws; on Environment and Natural Resources; and on Finance on SEP 08 2009.

Re: Senate Bill No. 3429, prepared by the Committees.

Recommending its approval in substitution of Senate Bill Nos. 1849, 1931, 2003, 2239, 2318, 2382, 2401 and taking into consideration House Bill No. 5618.

Sponsors: Senators Escudero and Gordon.

MR. PRESIDENT:

The Committees on Constitutional Amendments, Revision of Codes and Laws; on Environment and Natural Resources; and on Finance, to which were referred Senate Bill No. 1849, introduced by Senator Defensor Santiago, *entitled:*

"AN ACT
REFORMING THE ADMINISTRATIVE TITLING PROCESS BY
AMENDING CERTAIN PROVISIONS OF COMMONWEALTH
ACT NO. 141, OTHERWISE KNOWN AS THE PUBLIC LAND
ACT, AND OTHER RELATED LAWS"

Senate Bill No. 1931, introduced by Senator Honasan, *entitled:*

"AN ACT
REFORMING THE ADMINISTRATIVE TITLING PROCESS BY
AMENDING CERTAIN PROVISIONS OF COMMONWEALTH
ACT NO. 141 OTHERWISE KNOWN AS THE PUBLIC LAND
ACT, AS AMENDED"

Senate Bill No. 2003, introduced by Senator Gordon, *entitled:*

**“AN ACT
REFORMING THE ADMINISTRATIVE TITLING PROCESS,
AMENDING CERTAIN PROVISIONS OF
COMMONWEALTH ACT NO. 141 OTHERWISE KNOWN AS
THE PUBLIC LAND ACT AS AMENDED”**

Senate Bill No. 2239, introduced by Senators Zubiri, *entitled:*

**“AN ACT
TO HASTEN TITLING OF RESIDENTIAL LANDS OF THE
PUBLIC DOMAIN BY EXTENDING THE GRANT OF FREE
PATENT TO RESIDENTIAL LANDS UNDER CERTAIN
CONDITIONS”**

Senate Bill No. 2318, introduced by Senator Ejercito-Estrada, *entitled:*

**“AN ACT
TO HASTEN TITLING OF RESIDENTIAL LANDS OF THE
PUBLIC DOMAIN BY EXTENDING THE GRANT OF FREE
PATENT TO RESIDENTIAL LANDS UNDER CERTAIN
CONDITIONS”**

Senate Bill No. 2382, introduced by Senator Legarda, *entitled:*

**“AN ACT
TO HASTEN TITLING OF RESIDENTIAL LANDS OF THE
PUBLIC DOMAIN BY EXTENDING THE GRANT OF FREE
PATENT TO RESIDENTIAL LANDS UNDER CERTAIN
CONDITIONS”**

and Senate Bill No. 2401, introduced by Senator Roxas, *entitled:*

**“AN ACT
PROVIDING FOR AN EQUITABLE ACCESS TO
OWNERSHIP OF RESIDENTIAL LANDS, ESTABLISHING
FOR THAT PURPOSE AN ADMINISTRATIVE PROCESS
FOR THE TITLING OF RESIDENTIAL LANDS THROUGH
THE ISSUANCE OF A RESIDENTIAL PATENT,
APPROPRIATING FUNDS THEREFOR AND FOR OTHER
PURPOSES”**

taking into consideration House Bill No. 5618, introduced by Representatives Cerilles, Abaya, Chungalao, Garay, Dimaporo, Valdez, Gonzales (N.), De Guzman, Agbayani, Velarde and Romulo, *entitled:*

**"AN ACT
AUTHORIZING THE ISSUANCE OF FREE PATENT TITLE FOR
RESIDENTIAL LAND"**

have considered the same and have the honor to report them back to the Senate with the recommendation that the attached bill, S. No. 3429, prepared by the Committee, *entitled*:

**"AN ACT
REFORMING THE ADMINISTRATIVE TITLING PROCESS BY
AMENDING CERTAIN PROVISIONS OF COMMONWEALTH
ACT NO. 141 OTHERWISE KNOWN AS THE PUBLIC LAND ACT
AS AMENDED, AND OTHER RELATED LAWS"**

be approved in substitution of Senate Bill Nos. 1849, 1931, 2003, 2239, 2318, 2382 and 2401, taking into consideration H. No. 5618, with Senators Defensor Santiago, Honasan, Gordon, Zubiri, Ejercito-Estrada, Legarda, Roxas, Escudero, ^{and for} Madrigal, ^{and} ~~Angara~~, as authors thereof.

Respectfully submitted.



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Member, Committees on Constitutional Amendments,
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*Chairman
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Committee on Finance
Member, Committees on Constitutional Amendments,
Revision of Codes and Laws; and
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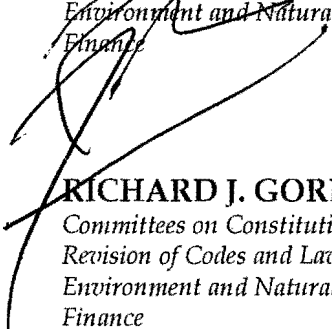


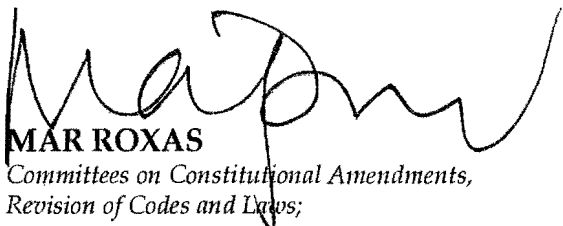
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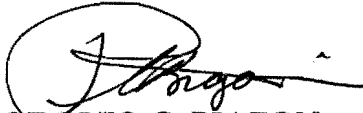
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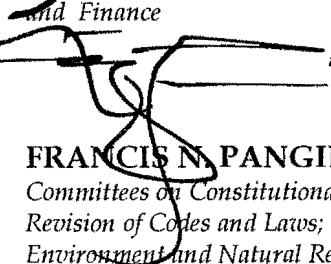

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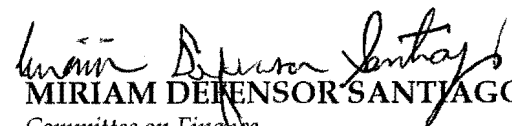

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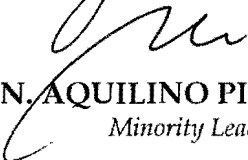
ALAN PETER "COMPANERO" S. CAYETANO
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Committee on Finance*

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President Pro Tempore


HON. JUAN MIGUEL F. ZUBIRI
Majority Leader

may amend:

HON. AQUILINO PIMENTEL, JR.
Minority Leader

HON. JUAN PONCE ENRILE
Senate President

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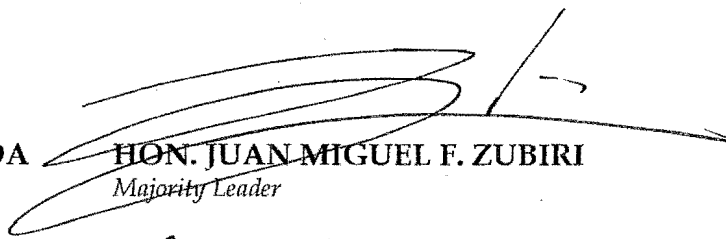


ANTONIO "SONNY" F. TRILLANES IV
*Member
Committee on Finance*

Ex Officio Members:



HON. JINGGOY EJERCITO-ESTRADA
President Pro Tempore



HON. JUAN MIGUEL F. ZUBIRI
Majority Leader

may amend:



HON. AQUILINO PIMENTEL, JR.
Minority Leader

HON. JUAN PONCE ENRILE
Senate President

FOURTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
Third Regular Session

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9 SEP -8 AM 1950

SENATE

RECEIVED

S. NO. 3429

*(In substitution of S. Nos. 1849, 1931, 2003 2239, 2318, 2382, 2401 and
taking into consideration H. No. 5618)*

Prepared by the Committees on Constitutional Amendments, Revision of Codes and Laws; Environment and Natural Resources; and Finance, with Senators Santiago, Honasan, Gordon, Zubiri, Ejercito-Estrada, Legarda, Roxas, Escudero and Madrigal, as authors thereof.

**“AN ACT
REFORMING THE ADMINISTRATIVE TITLING PROCESS BY
AMENDING CERTAIN PROVISIONS OF COMMONWEALTH ACT NO.
141 OTHERWISE KNOWN AS THE PUBLIC LAND ACT AS AMENDED,
AND OTHER RELATED LAWS”**

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

1 **Section 1.** – Paragraph 1, Section 44, Chapter VII, Title II of
2 Commonwealth Act No.141, as amended, is hereby further amended to read as
3 follows:

4 “**Section 44 (A).** – Any natural born citizen of the
5 Philippines, **WHO IS THE HEAD OF THE FAMILY**, who is not
6 the owner of more than **AN AGGREGATE OF** twelve (12) hectares
7 and who, for at least [thirty (30) years prior to the effectivity of this
8 amendatory Act] **TEN (10) YEARS PRIOR TO HIS/HER**
9 **FILING OF APPLICATION FOR PATENT**, has continuously
10 occupied, [and] cultivated **OR POSSESSED**, either by
11 himself/**HERSELF** or through his/**HER** predecessors-in-interest a

1 tract or tracts of agricultural public lands subject to disposition,
2 [who shall have paid the real estate tax thereon while the same has
3 not been occupied by any person] shall be entitled, under the
4 provisions of this Chapter, to have a free patent issued to him/HER
5 for such tract or tracts of land not to exceed twelve (12) hectares,
6 **INCLUSIVE OF HIS/HER CURRENTLY OWNED LANDS;**
7 **PROVIDED: THAT IF THERE ARE TENANTS, SHARE**
8 **CROPPERS, REGULAR OR SEASONAL FARM WORKERS**
9 **ON THE LAND, THE ISSUANCE OF A FREE PATENT TO**
10 **THE APPLICANT SHALL BE WITHOUT PREJUDICE TO**
11 **THEIR RIGHTS UNDER EXISTING LAND REFORM LAWS.**

12 **Section 2.** – New Sections 44 (B), (C), (D) and (E) in Chapter VII, Title II
13 of Commonwealth Act No. 141, as amended are hereby inserted to read as
14 follows:

15 **“SECTION 44 (B).- THE PROVISIONS OF ANY LAW**
16 **TO THE CONTRARY NOTWITHSTANDING, ANY NATURAL**
17 **BORN CITIZEN OF THE PHILIPPINES WHO IS NOT THE**
18 **OWNER OF MORE THAN AN AGGREGATE OF TWELVE (12)**
19 **HECTARES AND WHO FOR AT LEAST TEN (10) YEARS**
20 **PRIOR TO HIS/HER APPLICATION FOR PATENT, HAS**
21 **CONTINUOUSLY POSSESSED AND USED, EITHER BY**
22 **HIMSELF/HERSELF OR THROUGH HIS/HER**
23 **PREDECESSORS-IN-INTEREST, A TRACT OR TRACTS OF**

1 LAND OF THE PUBLIC DOMAIN SUBJECT TO
2 DISPOSITION FOR RESIDENTIAL AND/OR COMMERCIAL
3 PURPOSES SHALL BE ENTITLED, UNDER THE
4 PROVISIONS OF THIS CHAPTER TO HAVE A FREE
5 PATENT ISSUED TO HIM/HER FOR SUCH TRACT OR
6 TRACTS OF LAND. *PROVIDED* THAT THESE LAND SHALL
7 NOT EXCEED ONE THOUSAND SQUARE METERS (1,000
8 SQ. M.), *PROVIDED FURTHER*, THAT THE LAND APPLIED
9 FOR IS NOT NEEDED FOR PUBLIC SERVICE OR PUBLIC
10 USE AND HAS BEEN DETERMINED AS RESIDENTIAL
11 AND/OR COMMERCIAL BY THE LOCAL GOVERNMENT
12 UNIT CONCERNED IN ACCORDANCE WITH LAW;
13 *PROVIDED MOREOVER*, THAT NO APPLICANT FOR
14 RESIDENTIAL AND/OR COMMERCIAL FREE PATENT
15 SHALL BE GRANTED MORE THAN ONE SUCH PATENT;
16 AND PROVIDED FINALLY, THAT NO APPLICANT SHALL
17 BE GRANTED PATENTS OF ANY TYPE FOR PARCELS OF
18 LAND EXCEEDING TWELVE (12) HECTARES.”

19 (C). LAND ACQUIRED BY FREE PATENT UNDER
20 THE PROVISIONS OF THIS CHAPTER SHALL BE
21 TREATED AS ANY OTHER PRIVATE LAND WITH ALL THE
22 CONCOMITANT RIGHTS APPERTAINING THERETO AND
23 SHALL NOT BE SUBJECT TO THE RESTRICTIONS AS

1 PROVIDED IN SECTIONS 118, 121, 122 AND 123 OF
2 COMMONWEALTH ACT NO. 141: PROVIDED THAT SUCH
3 LAND SHALL NOT BE SUBJECT TO ENCUMBRANCE OR
4 ALIENATION FOR A PERIOD OF ONE (1) YEAR FROM THE
5 DATE OF APPROVAL OF THE APPLICATION, NOR SHALL
6 IT BECOME LIABLE FOR THE SATISFACTION OF ANY
7 DEBT CONTRACTED PRIOR TO THE EXPIRATION OF
8 SAID PERIOD.

9 THIS PROVISION SHALL HAVE RETROACTIVE
10 EFFECT ON PATENTS ISSUED BEFORE THE
11 EFFECTIVITY OF THIS ACT.”

12 (D). ANY ENCUMBRANCE CREATING A LAWFUL
13 INTEREST IN THE LAND SUBJECT OF THE PATENT THAT
14 HAS BEEN ENTERED INTO BEFORE THE GRANT OF
15 SUCH PATENT, AND WHICH REMAINS IN EXISTENCE AT
16 THE TIME OF THE GRANT, SHALL BE RECORDED ON
17 THE PATENT UPON REGISTRATION;

18 (E). ALL APPLICANTS FOR FREE PATENT SHALL
19 BE REQUIRED TO SUBMIT PROOF OF THE
20 QUALIFICATIONS AS PROVIDED FOR UNDER SECTIONS
21 44(A) AND 44(B).

22 Section 3. – Section 45, Chapter VII, Title II of Commonwealth Act No.
23 141, as amended is hereby deleted.

1 ["Sec. 45. The President of the Philippines, upon
2 recommendation of the Secretary of Environment and Natural
3 Resources, shall from time to time fix by proclamation the period
4 within which applications for free patents may be filed in the
5 Community Environment and Natural Resources Office or region
6 specified in such proclamation, and upon the expiration of the
7 period so designated, unless the same be extended by the President,
8 all the lands comprised within such district, chartered city,
9 province, municipality or region subject thereto under the
10 provisions of this chapter may be disposed of as agricultural public
11 land without prejudice to the prior right of the occupant and
12 cultivator to acquire such land under this Act by means other than
13 free patent. The time to be fixed in the entire Archipelago for the
14 filing of applications under this Chapter shall not extend beyond 31
15 December 2020: Provided, That the period shall apply only when
16 the area applied for does not exceed twelve (12) hectares. The period
17 fixed for any district, chartered city, province or municipality shall
18 take effect thirty (30) days after the publication of the proclamation
19 in one (1) newspaper of general circulation in the city, province or
20 municipality concerned. A certified copy of said proclamation shall
21 be furnished by the Secretary of Environment and Natural
22 Resources within thirty (30) days counted from the date of the
23 presidential proclamation to the Community Environment and

1 Natural Resources Office and to the provincial board and municipal
2 board or city council and barangay council affected, and copies
3 thereof shall be posted on the bulletin board of the Community
4 Environment and Natural Resources Office and at such conspicuous
5 places in the provincial capitol, city or municipal hall, and in
6 barangay hall or meeting place. It shall moreover be announced and
7 aired over the government station in the concerned local area."]

8 **Section 4.** – Section 46, Chapter VIII, Title II of Commonwealth Act No.
9 141, as amended is hereby renumbered as Section 47.

10 **Section 5.** – Section 47, Chapter VIII, Title II of Commonwealth Act No.
11 141, as amended is hereby deleted.

12 [“Sec. 47. The persons specified in the next following Sec. are
13 hereby granted time, not to extend beyond December 31, 2020
14 within which to avail of the benefits of this Chapter. Provided, That
15 this period shall apply only where the area applied for does not
16 exceed twelve (12) hectares. Provided, further, That the several
17 periods of time designated by the President in accordance with Sec.
18 Forty-five of this Act shall apply also to the lands comprised in the
19 provisions of this Chapter, but this Sec. shall not be construed as
20 prohibiting any of said persons from acting under this Chapter at
21 any time prior to the period fixed by the President.]

22 **Section 6.** – Section 48, Chapter VIII, Title II of Commonwealth Act No.
23 141, as amended, is hereby further amended to read as follows:

1 “SECTION 48. The following described citizens of the
2 Philippines, occupying lands of the public domain or claiming to
3 own any such lands or an interest therein, but whose titles have not
4 been perfected or completed, may apply to the [Court of First
5 Instance] **REGIONAL TRIAL COURTS** of the province where the
6 land is located for confirmation of their claims and the issuance of a
7 certificate of title therefor, under the Land Registration Act, to wit:

8 (a) xxx

9 (b) xxx

10 © Members of the national cultural minorities who, by themselves
11 or through their predecessors-in-interest, have been in open,
12 continuous, exclusive and notorious possession and occupation of
13 lands of the public domain suitable to agriculture, whether
14 disposable or not, under a *bona fide* claim of ownership for at least
15 thirty (30) years, shall be entitled to the rights granted in
16 subsection (b) hereof: **PROVIDED, THAT NOTHING IN THIS**
17 **PROVISION SHALL BE TAKEN TO PRECLUDE THOSE IN**
18 **POSSESSION OF PUBLIC ALIENABLE AND DISPOSABLE**
19 **LAND FROM SEEKING ADMINISTRATIVE**
20 **CONFIRMATION OF THEIR TITLE.”**

21 Section 7. - Section 119, Chapter XIV, Title VI of Commonwealth Act No.
22 141, as amended, is hereby deleted.

1 [SECTION 119. Every conveyance of land acquired under the
2 free patent or homestead provisions, when proper, shall be subject
3 to repurchase by the applicant, his widow, or legal heirs, within a
4 period of five years from the date of the conveyance.]

5 **Section 7.** - Sections 120 to 130 of the same Act are hereby renumbered
6 accordingly as Sections 119 to 129.

7 **Section 8.** - Section 131, Chapter XVI, Title VI of Commonwealth Act No.
8 141, as amended is hereby further amended to read as follows:

9 “**Section [131] 130.** Any person who sells forms issued and
10 distributed gratuitously under this Act or who, being an officer
11 charged with distributing them, refuses or fails, without sufficient
12 reason, to furnish the same, shall be punished for each offense by a
13 fine of [not more than one hundred pesos] **NOT LESS THAN**
14 **FIFTY THOUSAND PESOS (P50,000) AND NOT MORE THAN**
15 **FIVE HUNDRED THOUSAND PESOS (P500,000)** or by
16 imprisonment [for not more than three months] **FOR NOT MORE**
17 **THAN ONE YEAR**, or both, upon the discretion of the court.”

18 “**Section 9.** - Section 132, Chapter XVI, Title VI of Commonwealth Act
19 No. 141, as amended is hereby further amended to read as follows:

20 “**Section [132] 131.** - Any person, corporation, association or
21 partnership which, not being qualified or no longer authorized to
22 apply for public land under the provisions of this Act, files or
23 induces or knowingly permits another person, corporation,

1 association or partnership to file an application in his/HER or its
2 behalf or for his/HER or its interest, benefit or advantage, shall be
3 punished by a fine of not less than [two hundred nor more than five
4 thousand pesos] **10% OF THE FAIR MARKET VALUE OF THE**
5 **LAND APPLIED FOR** or by imprisonment [for not less than two
6 months nor more than five years] **FROM SIX (6) YEARS TO**
7 **TWELVE (12) YEARS**, or both, upon the discretion of the court;
8 and the application shall be cancelled: *PROVIDED, THAT IN*
9 **CASE THE OFFENDER IS A CORPORATION, ASSOCIATION**
10 **OR PARTNERSHIP, THEIR RESPONSIBLE OFFICERS**
11 **SHALL BE DEEMED JOINTLY AND SEVERALLY LIABLE;**
12 *PROVIDED FURTHER, THAT IN CASE THE OFFENDER IS*
13 **A PUBLIC OFFICER OR EMPLOYEE, HE/SHE SHALL ALSO**
14 **SUFFER THE PENALTIES OF DISMISSAL FROM SERVICE,**
15 **FORFEITURE OF ALL RETIREMENT BENEFITS, EXCEPT**
16 **ACCUMULATED LEAVE CREDITS, AND PERPETUAL**
17 **DISQUALIFICATION FROM HOLDING ANY ELECTIVE OR**
18 **APPOINTIVE PUBLIC OFFICE.”**

19 **Section 10.** – Section 133, Chapter XVI, Title VI of Commonwealth Act
20 No. 141, as amended, is hereby further amended to read as follows:

21 “**Section [133]132.** – Any person who, without having the
22 qualifications required by this Act, shall by deceit or fraud acquire
23 or attempt to acquire lands of the public domain or other real

1 property or any right, title or interest, or property right of any class
2 to the same, and any person aiding and abetting him therein or
3 serving as a means or tool therefor, shall, upon conviction, be
4 punished by a fine of [not more than five thousand pesos] **NOT**
5 **LESS THAN 10% OF THE FAIR MARKET VALUE OF THE**
6 **LAND APPLIED FOR**, or by imprisonment [for not more than five
7 years] **FROM SIX (6) YEARS TO TWELVE (12) YEARS**, or both,
8 upon the discretion of the court. **IF THE OFFENDER IS A**
9 **PUBLIC OFFICER OR EMPLOYEE, HE/SHE SHALL ALSO**
10 **SUFFER THE PENALTIES OF DISMISSAL FROM SERVICE,**
11 **FORFEITURE OF ALL RETIREMENT BENEFITS, EXCEPT**
12 **ACCUMULATED LEAVE CREDITS, AND PERPETUAL**
13 **DISQUALIFICATION FROM HOLDING ANY ELECTIVE OR**
14 **APPOINTIVE PUBLIC OFFICE.”**

15 **Section 11.** – Sections 134, 135 and 136 of the same Act are hereby
16 renumbered accordingly as Sections 133, 134 and 135.

17 **Section 12.** – In order to expedite the issuance of free patents, the
18 Department Environment and Natural Resources, through the Land
19 Management Sector and the Land Management Bureau, or any agency that
20 will, in the future, be charged with the disposition of public lands, shall
21 determine the appropriate form, style and definition of technical description
22 which should not be limited to metes and bounds. Such technical description
23 shall form part of the patent, subsequent title and derivatives thereof. Land

1 titles granted through free patents having technical description other than
2 metes and bounds shall be treated as any private land with all the concomitant
3 rights thereto pursuant to this Act and other existing laws.

4 **Section 13.** – Upon effectivity of this act, no government fees shall
5 henceforth be paid for the preparation, issuance and registration of free patents
6 and no contribution to the Assurance Fund shall be assessed or collected by the
7 Register of Deeds.

8 **Section 14.** – The Department of Environment and Natural Resources or
9 any future agency that will be charged with disposition of public lands shall
10 promulgate such rules and regulations as may be necessary to carry out the
11 provisions of this Act.

12 **Section 15. *Repealing Clause*** – All other laws, decrees, executive orders,
13 executive issuances or letters of instructions, rules and regulations, or any part
14 thereof, inconsistent or contrary to the provisions of this Act are hereby deemed
15 repealed, amended or modified accordingly.

16 **Section 16. *Separability Clause*** – If any provision of this Act is declared
17 unconstitutional or invalid, other parts or provisions hereof not affected shall
18 continue to be in full force and effect.

19 **Section 17. *Effectivity Clause*** – This Act shall take effect fifteen (15) days
20 after its complete publication in the Official Gazette or in two (2) newspapers of
21 general circulation.

22 Approved,