Submitted by the Committee on Justice on AUG 10 2020
Re: House Bill No. 7440

Recommend its approval in substitution of House Bills Numbered 2763, 4945, 5018, 5128, 5139 and 5271

Sponsors: Representatives Vicente “Ching” S. E. Veloso III, Rufus B. Rodriguez, Jose Christopher Y. Belmonte, Joey Sarte Salceda, Edgar M. Chatto, and Michael T. Defensor

Mr. Speaker:

The Committee on Justice, to which were referred House Bill No. 2763 introduced by Rep. Rufus B. Rodriguez, 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";

House Bill No. 4945 introduced by Rep. Joey Sarte Salceda, entitled:

"AN ACT
IMPROVING CONFIRMATION OF IMPERFECT TITLES UNDER SECTION 14 OF PRESIDENTIAL DECREE NO. 1529, IMPROVING THE PROCESSING OF AGRICULTURAL FREE PATENT UNDER SECTION 44 OF COMMONWEALTH ACT NO. 141, AND REMOVING THE PERIOD TO FILE APPLICATIONS THEREAT UNDER REPUBLIC ACT NO. 9176"; and

House Bill No. 5018 introduced by Rep. Rufus B. Rodriguez, entitled:

"AN ACT
IMPROVING CONFIRMATION OF IMPERFECT TITLES UNDER SECTION 14 OF PRESIDENTIAL DECREE NO. 1529, IMPROVING THE PROCESSING OF AGRICULTURAL FREE PATENT UNDER SECTION 44 OF COMMONWEALTH ACT NO. 141 AND REMOVING THE PERIOD TO FILE APPLICATIONS THEREAT UNDER REPUBLIC ACT NO. 9176";

House Bill No. 5128 introduced by Rep. Edgar M. Chatto, entitled:

"AN ACT
IMPROVING CONFIRMATION OF IMPERFECT TITLES UNDER SECTION 14 OF PRESIDENTIAL DECREE NO. 1529, IMPROVING THE PROCESSING OF AGRICULTURAL FREE PATENT UNDER SECTION 44 OF
COMMONWEALTH ACT NO. 141, AND REMOVING THE PERIOD TO FILE APPLICATIONS THEREAT UNDER REPUBLIC ACT NO. 9176";

House Bill No. 5139 introduced by Rep. Jose Christopher Y. Belmonte, entitled:

"AN ACT
IMPROVING THE PUBLIC LAND TITLING THROUGH JUDICIAL AND ADMINISTRATIVE PROCESSES"; and

House Bill No. 5271 introduced by Rep. Michael T. Defensor, entitled:

"AN ACT
IMPROVING CONFIRMATION OF IMPERFECT TITLES UNDER SECTION 14 OF PRESIDENTIAL DECREE NO. 1529, IMPROVING THE PROCESSING OF AGRICULTURAL FREE PATENT UNDER SECTION 44 OF COMMONWEALTH ACT NO. 141, AND REMOVING THE PERIOD TO FILE APPLICATIONS THEREAT UNDER REPUBLIC ACT NO. 9176

has considered the same and recommends that the attached House Bill No. ________ entitled:

"AN ACT
IMPROVING THE CONFIRMATION PROCESS FOR IMPERFECT LAND TITLES, AMENDING FOR THE PURPOSE COMMONWEALTH ACT NO. 141, AS AMENDED, OTHERWISE KNOWN AS THE "PUBLIC LAND ACT", AND PRESIDENTIAL DECREE NO. 1529, AS AMENDED, OTHERWISE KNOWN AS THE "PROPERTY REGISTRATION DECREE"


Respectfully submitted,

VICENTE "CHING" S.E. VELOSO III
Chairperson
Committee on Justice

THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
QUEZON CITY
AN ACT
IMPROVING THE CONFIRMATION PROCESS FOR IMPERFECT LAND
TITLES, AMENDING FOR THE PURPOSE COMMONWEALTH ACT NO. 141,
AS AMENDED, OTHERWISE KNOWN AS THE "PUBLIC LAND ACT", AND
PRESIDENTIAL DECREE NO. 1529, AS AMENDED, OTHERWISE KNOWN
AS THE "PROPERTY REGISTRATION DECREES"

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

SECTION 1. It is the declared policy of the State to harmonize and
update similar and related provisions of land laws in order to simplify and
remove ambiguities in their interpretation and implementation. It is also the
policy of the State to provide land tenure security efficiently by continuing
judicial and administrative titling processes.

SEC. 2. Section 44 of Commonwealth Act No. 141, as amended by
Republic Act No. 6940, is hereby further amended to read as follows:

"SEC. 44. Any natural-born citizen of the Philippines who
is not the owner of more than twelve (12) hectares OF LAND,
and who, for at least thirty (30) TEN (10) years prior to the
[effectivity of this amendatory act] FILING OF AN
APPLICATION FOR AGRICULTURAL FREE PATENT, has
continuously occupied and cultivated, either [by himself]
PERSONALLY or through [his] A predecessor[s]-in-interest,
a tract or tracts of ALIENABLE AND DISPOSABLE
agricultural public lands subject to disposition, AND who shall
have paid the real estate tax thereon [while the same has not

---

1 An Act Granting a Period Ending on December 31, 2000 for Filing Applications for Free Patent and Judicial Confirmation of Imperfect Title to Alienable and Disposable Lands of the Public Domain under Chapters VII and VIII of the Public Land Act (CA 141, as amended). Approved March 28, 1990
been occupied by any person] shall be entitled, under the provisions of this Chapter, to [have] BE ISSUED a free patent [issued to him] for such tract or tracts of such land not to exceed twelve (12) hectares.

[A member of the national cultural minorities who has continuously occupied and cultivated, either by himself or through his predecessors-in-interest, a tract or tracts of land, whether disposable or not since July 4, 1955, shall be entitled to the right granted in the preceding paragraph of this section: Provided, That at the time he files his free patent application he is not the owner of any real property secured or disposable under this provision of the Public Land Law."

SEC 3. Section 45 of Commonwealth Act No. 141, as amended, is hereby further amended to read as follows:

"SEC. 45. [The President of the Philippines, upon recommendation of the Secretary of Environment and Natural Resources, shall from time to time fix by proclamation the period within which applications for free patents may be filed in the Community Environment and Natural Resources Office or region specified in such proclamation, and upon the expiration of the period so designated, unless the same be extended by the President, all the lands comprised within such district, chartered city, province, municipality or region subject thereto under the provisions of this chapter may be disposed of as agricultural public land without prejudice to the prior right of the occupant and cultivator to acquire such land under this Act by means other than free patent. The time to be fixed in the entire Archipelago for the filing of applications under this Chapter shall not extend beyond 31 December 2020: Provided, That the period shall apply only when the area applied for does not exceed twelve (12) hectares. The period fixed for any district, chartered city, province or municipality shall take effect thirty (30) days after the publication of the proclamation in one (1) newspaper of general circulation in the city, province or municipality concerned. A certified copy of said proclamation shall be furnished by the Secretary of Environment and Natural resources within thirty (30) days counted from the date of the presidential proclamation to the Community Environment and Natural Resources Office and to the provincial board and municipal board or city council and barangay council affected, and copies thereof shall be posted on the bulletin board of the Community Environment and Natural Resources Office and at such conspicuous places in the provincial capitol, city or municipal hall, and in barangay hall or meeting place. It shall moreover be announced and aired over the government station in the concerned local area.] ALL APPLICATIONS FOR AGRICULTURAL FREE PATENTS SHALL BE FILED BEFORE THE COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
(CENRO) OF THE DEPARTMENT OF ENVIRONMENT AND
NATURAL RESOURCES (DENR). FOR PROVINCES WITH
NO CENRO, THE APPLICATION SHALL BE FILED WITH
THE PROVINCIAL ENVIRONMENT AND NATURAL
RESOURCES OFFICE (PENRO).

THE CENRO OR THE PENRO, AS THE CASE MAY BE,
IS MANDATED TO PROCESS THE APPLICATION WITHIN
ONE HUNDRED AND TWENTY (120) DAYS FROM FILING,
INCLUDING COMPLIANCE WITH THE REQUIRED
NOTICES AND OTHER LEGAL REQUIREMENTS. THE
CENRO SHALL THEREAFTER FORWARD ITS
RECOMMENDATION TO THE PENRO.

UPON RECEIPT OF THE RECOMMENDATION FROM
THE CENRO, OR UPON THE COMPLETION OF THE
PROCESSING OF THE APPLICATION WITHIN THE
REGLEMENTARY PERIOD, AS THE CASE MAY BE, THE
PENRO SHALL APPROVE OR DISAPPROVE THE
APPLICATION FOR AGRICULTURAL FREE PATENT
WITHIN FIVE (5) DAYS. IN CASE OF APPROVAL, THE
AGRICULTURAL FREE PATENT SHALL FORTHWITH BE
ISSUED.

IN CASE OF CONFLICTING CLAIMS AMONG
DIFFERENT CLAIMANTS, THE PARTIES MAY SEEK THE
PROPER ADMINISTRATIVE AND JUDICIAL REMEDIES.’”

SEC 4. Section 47 of Commonwealth Act No. 141, as amended by
Republic Act No. 9176, is hereby repealed:

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

SEC. 5. Section 48 of Commonwealth Act No. 141, as amended, is hereby
further amended to read as follows:

SEC. 48. The following-described citizens of the Philippines,
occupying lands of the public domain or claiming to own any
such lands or an interest therein, but whose titles have not been
perfected or completed, may FILE A PETITION AT ANY TIME,
WHETHER PERSONALLY OR THROUGH THEIR DULY
AUTHORIZED REPRESENTATIVES, [apply to the Court of
First Instance] IN THE REGIONAL TRIAL COURT of the province where the land is located, for confirmation of their claims and the issuance of a certificate of title [therefor, under the Land Registration Act, to wit:] TO LAND NOT EXCEEDING TWELVE (12) HECTARES:

[(a) Those who prior to the transfer of sovereignty from Spain to the prior United States have applied for the purchase, composition or other form of grant of lands of the public domain under the laws an royal decrees then in force and have instituted and prosecuted the proceedings in connection therewith, but have with or without default upon their part, or for any other cause, not received title therefor, if such applicants or grantees and their heirs have occupied and cultivated said lands continuously since the filing of their applications.]

[(b)] (A) Those who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive, and notorious possession and occupation of ALIENABLE AND DISPOSABLE agricultural lands of the public domain, under a bona fide claim of [acquisition or] ownership, for at least [thirty (30)] TEN (10) years immediately preceding the filing of the application for confirmation of title except when prevented by war or force majeure. They shall be conclusively presumed to have performed all the conditions essential to a Government grant and shall be entitled to a certificate of title under the provisions of this chapter.

[(c) Members of the national cultural minorities who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of lands of the public domain suitable to agriculture, whether disposable or not, under a bona fide claim of ownership for at least 30 years shall be entitled to the rights granted in sub-section (b) hereof.]

(B) THOSE WHO HAVE ACQUIRED OWNERSHIP OF PRIVATE LANDS OR ABANDONED RIVERBEDS BY RIGHT OF ACCESSION OR ACCRETION UNDER THE PROVISION OF EXISTING LAWS; AND

(C) THOSE WHO HAVE ACQUIRED OWNERSHIP OF LAND IN ANY OTHER MANNER PROVIDED BY LAW.

SEC. 6. Section 14 of Presidential Decree No. 1529 is hereby amended to read as follows:

Section 14. Who may apply. The following persons may file AT ANY TIME, in the proper [Court of First Instance] REGIONAL TRIAL COURT IN THE PROVINCE WHERE THE LAND IS LOCATED, an application for registration of title to land, NOT
EXCEEDING TWELVE (12) HECTARES, whether personally
or through their duly authorized representatives:

(1) Those who by themselves or through their predecessors-
in-interest have been in open, continuous, exclusive and
notorious possession and occupation of alienable and
disposable lands of the public domain NOT COVERED BY
EXISTING CERTIFICATES OF TITLE OR PATENTS under a
bona fide claim of ownership [since June 12, 1945, or earlier]
FOR AT LEAST TEN (10) YEARS IMMEDIATELY
PRECEDING THE FILING OF THE APPLICATION FOR
CONFIRMATION OF TITLE EXCEPT WHEN PREVENTED BY
WAR OR FORCE MAJEURE. THEY SHALL BE
CONCLUSIVELY PRESUMED TO HAVE PERFORMED ALL
THE CONDITIONS ESSENTIAL TO A GOVERNMENT
GRANT AND SHALL BE ENTITLED TO A CERTIFICATE OF
TITLE UNDER THIS SECTION.

[(2) Those who have acquired ownership of private lands by
prescription under the provisions of existing laws.]

[(3)] (2) Those who have acquired ownership of private lands
or abandoned riverbeds by right of accession or accretion
under the PROVISIONS OF existing laws.

[(4)][(3)] Those who have acquired ownership of land in any
other manner provided for by law.

Where the land is owned in common, all the co-owners shall
file the application jointly.

Where the land has been sold under pacto de retro, the vendor
a retro may file an application for the original registration of
the land[,] [p]Provided, however, [t] That should the period
for redemption expire during the pendency of the registration
proceedings and ownership to the property consolidated in the
vendee a retro, the latter shall be substituted for the applicant
and may continue the proceedings.

A trustee on behalf of [his] THE principal may apply for
original registration of any land held in trust by [him] THE
TRUSTEE, unless prohibited by the instrument creating the
trust.

SEC. 7. For judicial confirmation of imperfect titles, the certification that
the land being applied for is alienable and disposable shall be in the form of a
projection map prepared by a licensed geodetic engineer and verified and
approved by a DENR official designated by the DENR Secretary. A sworn
statement under oath by the licensed geodetic engineer that the land is within
the alienable and disposable lands of the public domain shall accompany the
projection map citing the applicable Forestry Administrative Order, DENR
Administrative Order, Executive Order, Proclamations and the Land Classification
Project Map covering the subject land.

In addition to the penalties provided in the Revised Penal Code and in Republic Act No. 8560, as amended, otherwise known as the "Philippine Geodetic Engineering Act of 1998", a geodetic engineer who shall prepare, willfully or through gross inexcusable negligence, a projection map that contains false, fraudulent, or incomplete data or information, and the DENR official who shall certify and approve such projection map, shall be penalized with a fine of not less than One hundred thousand pesos (₱100,000.00) but not more than Five hundred thousand pesos (₱500,000.00), or imprisonment of not less than six (6) months but not exceeding six (6) years, or both, at the discretion of the court.

SEC. 8. Within sixty (60) days from the effectivity of this Act, the Secretary of the DENR shall promulgate the Implementing Rules and Regulations to carry out the provisions of this Act.

SEC. 9. If any provision or part of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

SEC. 10. All laws, decrees, executive orders, executive issuances, letters of instruction, rules and regulations, or any part thereof, which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 11. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,
FACT SHEET

House Bill No. 7440
(in substitution of House Bills Numbered 2763, 4945, 5018, 5128, 5139 and 5271)
(Approved by the Committee on March 3, 2020)

“AN ACT

Introduced by: Representatives Rufus B. Rodriguez, Jose Christopher Y. Belmonte, Joey Sarte Salceda, Edgar M. Chatto, Michael T. Defensor, Vicente “Ching” S.E. Veloso III, Cyrilie “Beng” F. Abueg-Zaldivar, and “Kuya” Jose Antonio R. Sy-Alverado

Committee Referral: Committees on Justice
Committee Chairpersons: Reps. VICENTE “CHING” S.E. VELOSO III

OBJECTIVES:

- Addresses the various issues, problems and difficulties surrounding the administrative and judicial process of confirmation of imperfect land titles under the Public Land Act and the Property Registration Decree.

- To safeguard against unscrupulous individuals who might want to take advantage of the amendments proposed in the bill;

KEY PROVISIONS:

- Authorizes the DENR Secretary to delegate the authority to certify that the land being applied for is alienable and disposable to other officials of the Department;

- Imposes penal sanctions for false, misleading or fraudulent projection maps prepared by geodetic engineers;

- Harmonizes the provisions of Commonwealth Act No. 141 and Presidential Decree No. 1529, removing any ambiguity or incongruency in the interpretation of the provisions therein relative to the confirmation process on imperfect titles;

- Reduces the required period of continuous occupation and cultivation of land by the applicant, from thirty (30) years to ten (10) years;
• Removes the provision fixing a deadline for filing of application for agricultural free patent.

RELATED LAWS:

• Commonwealth Act No. 141 (as amended)
• P.D. 1529 (as amended)