

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

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 7440

(In substitution of House Bills Numbered 2763, 4945, 5018, 5128, 5139 and 5271)

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, Cyrille "Beng" F. Abueg-Zaldivar, "Kuya" Jose Antonio R. Sy-Alvarado, Ruwel Peter S. Gonzaga, Peter John D. Calderon, Argel Joseph T. Cabatbat, Lawrence "Law" H. Fortun, Henry S. Oaminal, Pablo John F. Garcia, Rosanna "Ria" Vergara, Rozzano Rufino B. Blazon, John Marvin C. Nieto and Joy Tambunting

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"

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. 6940¹, 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**

1 (CENRO) OF THE DEPARTMENT OF ENVIRONMENT AND
2 NATURAL RESOURCES (DENR). FOR PROVINCES WITH
3 NO CENRO, THE APPLICATION SHALL BE FILED WITH
4 THE PROVINCIAL ENVIRONMENT AND NATURAL
5 RESOURCES OFFICE (PENRO).
6

7 THE CENRO OR THE PENRO, AS THE CASE MAY BE,
8 IS MANDATED TO PROCESS THE APPLICATION WITHIN
9 ONE HUNDRED AND TWENTY (120) DAYS FROM FILING,
10 INCLUDING COMPLIANCE WITH THE REQUIRED
11 NOTICES AND OTHER LEGAL REQUIREMENTS. THE
12 CENRO SHALL THEREAFTER FORWARD ITS
13 RECOMMENDATION TO THE PENRO.
14

15 UPON RECEIPT OF THE RECOMMENDATION FROM
16 THE CENRO, OR UPON THE COMPLETION OF THE
17 PROCESSING OF THE APPLICATION WITHIN THE
18 REGLEMENTARY PERIOD, AS THE CASE MAY BE, THE
19 PENRO SHALL APPROVE OR DISAPPROVE THE
20 APPLICATION FOR AGRICULTURAL FREE PATENT
21 WITHIN FIVE (5) DAYS. IN CASE OF APPROVAL, THE
22 AGRICULTURAL FREE PATENT SHALL FORTHWITH BE
23 ISSUED.
24

25 IN CASE OF CONFLICTING CLAIMS AMONG
26 DIFFERENT CLAIMANTS, THE PARTIES MAY SEEK THE
27 PROPER ADMINISTRATIVE AND JUDICIAL REMEDIES."
28

29 **SEC 4.** Section 47 of Commonwealth Act No. 141, as amended by
30 Republic Act No. 9176, is hereby repealed:
31

32 [Section 47. The persons specified in the next following
33 section are hereby granted time, not to extend beyond
34 December 31, 2020 within which to avail of the benefits of this
35 Chapter: Provided, That this period shall apply only where the
36 area applied for does not exceed twelve (12) hectares:
37 Provided, further, That the several periods of time designated
38 by the President in accordance with Section Forty-five of this
39 Act shall apply also to the lands comprised in the provisions of
40 this Chapter, but this Section shall not be construed as
41 prohibiting any of said persons from acting under this Chapter
42 at any time prior to the period fixed by the President.]
43

44 **SEC. 5.** Section 48 of Commonwealth Act No. 141, as amended, is hereby
45 further amended to read as follows:
46

47 **SEC. 48.** The following-described citizens of the Philippines,
48 occupying lands of the public domain or claiming to own any
49 such lands or an interest therein, but whose titles have not been
50 perfected or completed, may **FILE A PETITION AT ANY TIME,**
51 **WHETHER PERSONALLY OR THROUGH THEIR DULY**
52 **AUTHORIZED REPRESENTATIVES,** [apply to the Court of

1 First Instance] **IN THE REGIONAL TRIAL COURT** of the
2 province where the land is located, for confirmation of their
3 claims and the issuance of a certificate of title [therefor, under
4 the Land Registration Act, to wit:] **TO LAND NOT EXCEEDING**
5 **TWELVE (12) HECTARES:**
6

7 [(a) Those who prior to the transfer of sovereignty from
8 Spain to the prior United States have applied for the purchase,
9 composition or other form of grant of lands of the public domain
10 under the laws and royal decrees then in force and have
11 instituted and prosecuted the proceedings in connection
12 therewith, but have with or without default upon their part, or
13 for any other cause, not received title therefor, if such
14 applicants or grantees and their heirs have occupied and
15 cultivated said lands continuously since the filing of their
16 applications.]
17

18 [(b)] **(A)** Those who by themselves or through their
19 predecessors-in-interest have been in open, continuous,
20 exclusive, and notorious possession and occupation of
21 **ALIENABLE AND DISPOSABLE** agricultural lands of the public
22 domain, under a bona fide claim of [acquisition or] ownership,
23 for at least [thirty (30)] **TEN (10)** years immediately preceding
24 the filing of the application for confirmation of title except when
25 prevented by war or force majeure. They shall be conclusively
26 presumed to have performed all the conditions essential to a
27 Government grant and shall be entitled to a certificate of title
28 under the provisions of this chapter.
29

30 [(c) Members of the national cultural minorities who by
31 themselves or through their predecessors-in-interest have been
32 in open, continuous, exclusive and notorious possession and
33 occupation of lands of the public domain suitable to agriculture,
34 whether disposable or not, under a bona fide claim of ownership
35 for at least 30 years shall be entitled to the rights granted in
36 sub-section (b) hereof.]
37

38 **(B) THOSE WHO HAVE ACQUIRED OWNERSHIP OF**
39 **PRIVATE LANDS OR ABANDONED RIVERBEDS BY RIGHT**
40 **OF ACCESSION OR ACCRETION UNDER THE PROVISION**
41 **OF EXISTING LAWS; AND**
42

43 **(C) THOSE WHO HAVE ACQUIRED OWNERSHIP OF**
44 **LAND IN ANY OTHER MANNER PROVIDED BY LAW.**
45

46 **SEC. 6.** Section 14 of Presidential Decree No. 1529 is hereby
47 amended to read as follows:
48

49 Section 14. Who may apply. The following persons may file **AT**
50 **ANY TIME**, in the proper [Court of First Instance] **REGIONAL**
51 **TRIAL COURT IN THE PROVINCE WHERE THE LAND IS**
52 **LOCATED**, an application for registration of title to land, **NOT**

1 **EXCEEDING TWELVE (12) HECTARES**, whether personally
2 or through their duly authorized representatives:
3

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

18
19 [(2) Those who have acquired ownership of private lands by
20 prescription under the provisions of existing laws.]

21
22 [(3)] (2) Those who have acquired ownership of private lands
23 or abandoned riverbeds by right of accession or accretion
24 under the **PROVISIONS OF** existing laws.

25
26 [(4)](3) Those who have acquired ownership of land in any
27 other manner provided for by law.

28
29 Where the land is owned in common, all the co-owners shall
30 file the application jointly.

31
32 Where the land has been sold under *pacto de retro*, the vendor
33 *a retro* may file an application for the original registration of
34 the land[,]: [p]**Provided**, however, [t] That should the period
35 for redemption expire during the pendency of the registration
36 proceedings and ownership to the property consolidated in the
37 vendee *a retro*, the latter shall be substituted for the applicant
38 and may continue the proceedings.

39
40 A trustee on behalf of [his] **THE** principal may apply for
41 original registration of any land held in trust by [him] **THE**
42 **TRUSTEE**, unless prohibited by the instrument creating the
43 trust.
44

45 **SEC. 7.** For judicial confirmation of imperfect titles, the certification that
46 the land being applied for is alienable and disposable shall be in the form of a
47 projection map prepared by a licensed geodetic engineer and verified and
48 approved by a DENR official designated by the DENR Secretary. A sworn
49 statement under oath by the licensed geodetic engineer that the land is within
50 the alienable and disposable lands of the public domain shall accompany the
51 projection map citing the applicable Forestry Administrative Order, DENR

1 Administrative Order, Executive Order, Proclamations and the Land Classification
2 Project Map covering the subject land.

3
4 In addition to the penalties provided in the Revised Penal Code and in
5 Republic Act No. 8560, as amended, otherwise known as the "Philippine Geodetic
6 Engineering Act of 1998", a geodetic engineer who shall prepare, willfully or
7 through gross inexcusable negligence, a projection map that contains false,
8 fraudulent, or incomplete data or information, and the DENR official who shall
9 certify and approve such projection map, shall be penalized with a fine of not
10 less than One hundred thousand pesos (P100,000.00) but not more than Five
11 hundred thousand pesos (P500,000.00), or imprisonment of not less than six (6)
12 months but not exceeding six (6) years, or both, at the discretion of the court.

13
14 **SEC. 8.** Within sixty (60) days from the effectivity of this Act, the
15 Secretary of the DENR shall promulgate the Implementing Rules and Regulations
16 to carry out the provisions of this Act.

17
18 **SEC. 9.** If any provision or part of this Act is declared invalid or
19 unconstitutional, the remaining parts or provisions not affected shall remain in
20 full force and effect.

21
22 **SEC. 10.** All laws, decrees, executive orders, executive issuances, letters
23 of instruction, rules and regulations, or any part thereof, which are inconsistent
24 with the provisions of this Act are hereby repealed, amended or modified
25 accordingly.

26
27 **SEC. 11.** This Act shall take effect fifteen (15) days after its publication in
28 the *Official Gazette* or in a newspaper of general circulation.

29
30 Approved,