

The Land Administration Reform Agenda*

Mylene G. Albano**

Introduction

A problem as big as the Philippines' present land administration system requires a long-term solution. It will be very difficult to reform a 100-year old system that has been institutionalized across, and implemented by, different government agencies. The policy studies, Project holders and stakeholders are in agreement in setting out a number of strategic policy recommendations that the country could take in reforming the land administration system. The directions point to institutions, laws, taxes and fees, and land valuation as the four critical areas of reform.

Strategic Directions

Institutions

1. Provide/Strengthen leadership and management of reform
2. Remove duplication and overlap in delivery of services
3. Improve the efficiency, responsiveness, transparency and accountability of services
4. Consolidate and coordinate the production of, and access to, land information

Laws

5. Abolish judicial processes for the issuance and registration of titles in favor of simple administrative processes.
6. Reform and consolidate land administration laws

* A paper delivered in the International Conference on Reform in Land Administration Systems (Lessons & Challenges) on 24 to 26 November 2003 in New World Renaissance Hotel, Makati City, Philippines; with Annexes on related points.

** Concurrently Assistant Secretary for General Services of the Department of Environment and Natural Resources and the Executive Director of the Land Administration and Management Project (LAMP).

7. Clarify rights of persons occupying land to obtain a title
8. Progressively extend the Torrens Title Registry to record all rights relating to lands

Taxes and Fees

9. Devolve responsibility for taxation of real property ownership and transfers to local government units
10. Streamline land transfers and remove disincentives to their formal registration by the Registry of Deeds
11. Progress towards cost recovery for services

Land Valuation

12. Remove local government political intervention in processes for assessment of property values
13. Adopt a single valuation basis for all real property taxation
14. Develop, implement and enforce uniform, best practice, valuation standards within government

The Land Administration Reform Act (LARA)

The first step in achieving land administration reform is to identify a lead agency that will carry out the reform process and administer the system, as land administration functions and services are provided by different government agencies. The proposal to merge these land administration agencies into a single Land Administration Authority (LAA) has been identified by the studies and stakeholders as the initial reform measure that needs to be introduced.

Several versions of the Land Administrations Reform Act (LARA) were filed both in the House of Representatives and in the Senate in 2003. The LARA is a product of joint efforts by the Department of Justice (DOJ)/Land Registration Authority (LRA), Department of Environment and Natural Resources (DENR) and civil society stakeholders.

The LARA was filed in the House of Representatives as House Bill No. 6070¹ by Congressman Francis Escudero and Neptali Gonzales II in June 2003. Another version, HB 6255 or the Land Administration System Act, was also filed by Speaker Jose de Venecia and Congressmen Veloso, Zialcita, Bacullo, Barbers, Libanan and Umali. In the Senate, similar versions of the LARA were filed by Senators Jaworski (Senate Bill No. 2592), Angara (SB 2593) and Legarda (SB 2614).

Four Public Hearings were conducted by the Natural Resources Committee of the House of Representatives in August 2003. In these hearings, key stakeholder groups and concerned government agencies were provided the floor to give statements on the Bill. To harmonize the different inputs of all groups, a Technical Working Group was formed and has been working on a revised version of the Bill before the Committee makes it report. One milestone for the LARA was its identification by President Arroyo through the Legislative and Executive Development Advisory Committee (LEDAC) as priority administration measure.

Advocating for the Reform Agenda

The most significant achievement of the Project in the area of consensus-building was the forging of partnerships with civil society organizations in July 2003. The organized Basic Sectors of farmers, fisherfolk, urban poor, indigenous peoples, workers in the informal sector, women and NGOs under the national Anti-Poverty Commission – which the Project tapped because of their nationwide credibility and influence – have issued official support to the Reform Agenda after a year-long consultation process. As a result of their continuous participation and representation in the drafting of the LARA, the Basic Sectors are now involved in partnership with LAMP in lobbying for the passage of the pending bills.

Consensus-building efforts with the private sector are also underway. The Bill has been presented to various business sector organizations and professional groups such as the Chamber of Real Estate and Builders' Associations (CREBA), National Real Estate Association (NREA), PARA, Institute of Philippine Real Estate Appraisers (IPREA), Society of the Philippine Review Appraisers (SOPRA), Geodetic Engineers of the

¹ Annex B

Philippines (GEP), and the watchdog group Transparency and Accountability Network (TAN). Recently, the LARA was presented in a major conference on housing and urban sustainability. Many of these groups have expressed official and informal support to the reform agenda, and LAMP is now looking into transforming these gains into concrete partnerships with the private sector.

Within the national government, LAMP has also made considerable gains in gathering support for the Reform Agenda. It has conducted several inter-agency consultations, taking into consideration their comments and inputs to the policy recommendations. Many of these agencies, especially the Department of Justice (DOJ), National Economic and Development Authority (NEDA), Department of Budget and Management (DBM) and the Department of Finance (DOF) have expressed support to the overall directions of LAMP.

The LARA has also been presented in various gatherings of Local Government Units; i.e., Mayors, Assessors, Treasurers, Planning Officers and officials of the Leagues of Cities, Municipalities and Provinces. A number of these groups have expressed resolutions of support to the proposed reforms, specifically on the creation of the LAA.

Strategies of the Land Administration Authority (LAA)

Under the provisions of the LARA, the LAA shall pursue the following strategic goals:

- Promote effective and efficient mapping, survey, valuations, titling and registration of lands;
- Eliminate overlapping and duplication of functions by merging the roles, functions and services of the DOJ's Land Registration Authority (LRA)/Registry of Deeds (RoD) and the DENR's Lands Management Bureau (LMB/Lands Management Services (LMS), DENR-CARP Secretariat, and National Mapping and Resource Information Authority (NAMRIA).
- Promote effective and efficient mapping, survey, valuation, titling, and registration of lands;

- Adopt policies and programs to accelerate land titling and registration of public alienable and disposable lands;
- Provide streamlined services through the establishment of One-Stop-Shops nationwide;
- Establish an administrative system to cancel duplicate and fake titles and eradicate land-grabbing activities;
- Mainstream gender in all aspects of the land administration system (i.e., ensure that women and men are equally able to exercise rights over land);
- Consolidate and rationalize all existing land administration laws and policies;
- Revamp records management for compatibility, reduction of duplication and reliable access across functions;
- Work towards the computerization of all functions and services;
- Promote and support the development of a national administration and management education system; and
- Observe transparency and accountability through citizen's representation in the proposed Stakeholder's Advisory Committee.

Implementing LAMP: Lessons and Challenges

A Learning and Innovation Project like LAMP focuses more on the identification of lessons rather than on the production of quantifiable outputs. After three years of Project implementation, LAMP has started to generate a number of major lessons that could carry it through to a long-term reform program.

Following is summary of Project lessons and challenges that are now being taken into account in the process of designing LAMP Phase 2:

On the Policy Reform Process

In initiating reforms in land administration systems, it is important for people to understand the benefits of the proposed reforms and their link with poverty reduction. While working for the reforms, stakeholders must also be informed of the alternatives available to them in present system.

For LAMP's consensus-building process to be an effective means for stakeholder participation, the following key elements are essential: a) strong constituency and partnership with civil society organizations; b) a well-defined framework and strategy; c) strong support of the lead executing agency; d) top-level government support; and e) relevance to the core agenda of stakeholders (i.e., civil society and poverty reduction).

In introducing broad reforms, the incremental or phased approach is effective in advancing priority and strategic reform proposals. The challenge lies in the identification of priority policy recommendations based on certain criteria such as ease in pursuing the recommendations, the logical sequence of implementation and urgency of the reform from the perspective of stakeholders.

On Inter-agency Arrangements

Inter-agency arrangements for land administration service delivery, as in the case of the One-Stop Shop (OSS), work effectively with the following elements; a) agencies' commitment to the OSS vision, concept and operations even prior to its establishment; b) a clear mandate and directive from top-level authority to streamline agency processes and systems; c) a clear and agreed-upon OSS management plan and operational manual; d) a clear appreciation of agency and personal benefits from the OSS; e) clear customer service strategies; f) a plan for progressive transfer of technology and responsibilities from the agencies to the OSS; and g) timely provision of technical and training support.

For Memoranda of Agreement (MOAs) to be effective, they need to be operationalized and levelled-off among the agencies involved at all levels of their hierarchy. To push for the land administration reform agenda and mainstream the innovations developed and tested by LAMP, there is a need to work at all levels to better understand the views of

officials and staff, inform them of the project and the benefits that it could provide, and emphasize the importance of their participation in Project activities.

On In-Country Technical Capacity and Preparedness for Large-Scale Survey and Land Titling Program

The overall problem in the Philippine land administration sector is characterized by: a) little change in the system over the years; b) limited education courses on land administration; c) an active informal sector; d) poorly managed government records resulting in poor public confidence; and d) minimal exchange of land information among agencies.

The Philippines' technical in-country capacity for conducting large-scale surveys and land titling programs is low as manifested by: a) a not well-densified survey network; b) limited capacity in the public sector to undertake control, orthophoto mapping and survey management; c) limited compliance on the transformation of existing surveys to PRS 92 coordinate system; and d) poor quality of approved surveys.

To successfully implement mass land survey and titling programs, the country needs to: a) provide enough lead time for survey activities prior to mapping and adjudication activities; b) develop standards and quality control process for new survey works; c) develop an evaluation and validation process for approved surveys; and d) undertake a systematic and sustainable education and capacity-building program.

On Accelerated Land Titling

The existing legal framework does not provide for a rapid and low-cost issuance of original titles. The Free patent is a faster and more flexible means of titling but has limitations in the area of mass registration. To support accelerated titling in the Philippines, LAMP needs to work for the amendment of the Public Land Act.

On the Land Records and Information Management

A land registration system transplanted from the West 100 years ago has not provided a strong foundation to meet the specific needs of a developing Asian country like the Philippines. This is especially true in

the provision of tenure security to the poor. The challenge is to find ways to change the existing system given the country's specific needs.

An effective land records and information management program has the following elements: a) fair and affordable public and inter-agency access to land records and information; b) production and utilization of cadastral index maps by the Registry of Deeds; c) land records database in support of Cadastral Index mapping (CIM); d) validation of records; e) a strategy for records storage, retention and disposal; f) complete inventory of records; and g) agency commitment to information-sharing. The challenge is to generate agency adoption of the national land records management strategy being developed and proposed by LAMP. Exchange of cadastral information between the land tax and land registration authorities offers significant benefits to each.

On Stakeholder Participation in Land Titling

The participation of communities, civil society organizations and local government units is important in developing more responsive, efficient and sustainable procedures/policies in land administration. Community relations strategies must be flexible enough to relate to the real situation of each Project area and not resort to a blanket strategy. The challenge is to develop cost-effective approaches in generating meaningful stakeholder participation, as well as mainstreaming social development approaches in technical activities and organizational operations and principles.

Information, Education and Communication (IEC) activities played a vital role in increasing communities' awareness of titling requirements, schedule of project activities, the potential benefits of titling activities, and how they could participate in the titling and records management program.

On Managing a Land Administration Project

Owing to the technical orientation of land administration agencies and the fact that they have not been tapped for a long time, the capacity to undertake project management and policy development work is limited.

To implement a large-scale land administration program in the Philippines, there is a need to develop a suitable human resource base with sufficient skills in planning, leadership, project management and policy formulation processes.

Any future capability or capacity-building initiative of the land administration sector would require a function to handle Human Resource Management (HRM) and Human Resource Development (HRD) systems. To implement a large-scale program, a larger contingent of qualified HR practitioners will be required to do all functions. An appropriate HRD database must also be adopted to facilitate the management of HR functions. Competency standards for the different functional areas should also be developed prior to implementation.

Annex A

The Land Administration and Management Project

The State of Land Administration in the Philippines

In the policy studies conducted by government agencies and the Land Administration and Management Project (LAMP), the Philippines' current land administration system was found to have the following structural defects:

- conflict among laws regulating the system and its administration;
- two processes for titling land (administrative and judicial processes);
- multiplicity in forms of ownership rights in land;
- multiplicity of property taxes and related disincentives to formalization of land transactions;
- multiplicity in land valuation methods; and
- duplication and overlap in the roles, functions and activities of land administration agencies.

The LAM Project is the first step towards the implementation of a proposed Land Administration and Management Program (LAM Program). The goal of the long-term program is to *alleviate poverty and enhance economic growth by improving the security of land tenure and efficiency of land markets through the development of an efficient system of land titling and administration that is based on clear and consistent policies and laws, gender-responsive and supported by an appropriate institutional structure.*

The LAM Project was designed to identify and test possible improvements to the land administration system and develop new directions in policy and laws to reform the sector. The scope of the problems and the status of the current policy, legal and institutional framework are such that a large-scale project could not be implemented without conducting further investigation first. LAMP was therefore set as a 3-year Learning and Innovation (LIL) Project from October 2000 to September 2003, with loan funding from the World Bank and technical assistance grant from the AusAID. LAMP Phase I was recently granted a 15-month extension phase from October 2003 to December 2004.

LAMP Project Components

Component 1

The Land Policy and Key Issues Studies Component, which aims to formulate policy and regulatory changes needed to support the implementation of land administration and management reform and advocating for the adoption of these changes by government and key stakeholders.

Component 2

Prototype on Land Titling and Administration (Prototype 1), which aims to develop and test approaches for large-scale registration and associated institutional and administrative arrangements in six municipalities in Leyte (Palo, Alang-alang, San Miguel, Sata Fe, Pastrana and Dagami).

Prototype on Land Records Management and Information (Prototype 2), which aims to develop and test systems, procedures and

associated institutional and administrative arrangements for improved land information management that will allow access to land records information and services in five barangays in Quezon City (Holy Spirit, Commonwealth, Bagong Silangan, Holy Spirit and Payatas).

Component 3

The Institutional Development Component, which sets up project management, education and training, and monitoring and evaluation systems for the effective implementation of the LAM Program.

Component 4

Preparation for the Next Phase, which prepares the design for the longer-term LAM Program using project outcomes and experiences.

Annex B

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

12th CONGRESS
Second Regular Session

HOUSE BILL NO. 6070

**Introduced by Hon. Neptali M. Gonzales II
and Hon. Francis G. Escudero**

EXPLANATORY NOTE

Land is vital to people's sense of security and quest for a better quality of life. However, the security of people's land tenure can only be achieved through an efficient land administration system including efficient survey and mapping of land, first-time titling of alienable and disposable land, registration of land title transfer and public land management.

The performance of government agencies in undertaking land surveys, mapping, classification, disposition and registration is currently hampered by fundamental legal and institutional defects in both the structure and operations of the land administration system, including:

- Multiple land administration agencies;
- Multiple land administration laws
- Multiple land titling processes;
- Multiple standards for mapping and land surveys;
- Multiple forms of title certificates;
- Multiple steps for land transfers;
- Multiple standards for land valuation;
- Multiple taxes on land ownerships and transfers;
- Multiple opportunities for graft and corruption.

These institutional and structural defects in land administration have given rise to major inefficiencies including extensive delays in the disposition and titling of alienable and disposable land, inaccurate and incomplete land records, duplicate and fake titles, duplication and overlap of activities between government agencies, and unnecessary costs to both the national and local governments and the users/clients of land administration services.

To address these problems, the Government has been undertaking a Land Administration and Management Project preparatory to a long-term program to fundamentally reform the present administration system, thereby promoting economic growth and poverty alleviation and asset reform in both rural and urban areas. The Project, and the long term program to follow it, aim to:

- Accelerate and complete the titling and registration of alienable and disposable lands, thereby providing security of tenure over these lands;
- Improve the efficiency, effectiveness, client focus, transparency and accountability of land services, including elimination of duplicate and fake titles;
- Provide accessible, efficient and affordable land administration services to the people through the establishment of One Stop Shops;
- Reform and codify all land administration laws and regulations;
- Establish one evaluation system for the purpose of all real property transactions; and
- Establish an effective land information system providing easy and cheap access by members of the public to land information.

There is widespread agreement that a fundamental prerequisite for the pursuit of the necessary reforms is the consolidation and streamlining within a single government agency of land administration powers and functions currently dispersed across the Department of Justice's Land Registration Authority and Registries of Deeds and the Department of Environment and Natural Resources' Lands Management Bureau, Land Management Services in the regional, provincial and community offices, National Mapping and Resource Information Authority, and CARP Secretariat and its field offices.

There are alternative ways in which the powers and functions of these agencies/offices could be consolidated within a single agency, including the option of attaching them to a particular Department. Careful study and discussion of the options has concluded that by far the best approach is to consolidate them within a newly created Land Administration Authority. This approach is best because, unlike the other option, it will enable the strengthening of coordination of land administration policies, programs and services. The integration of these agencies offices into a single agency will:

- Enable the integrated planning, budgeting and implementation of the long term land titling program, including the development of integrated land classification, land titling, records management and land information systems and services;
- Provide the necessary management structure of the creation and extension of a One Stop Shop network for the delivery of land titling, registration and information services to members of the public;
- Consolidate staffing patterns and training programs for the government staff engaged in the provision of land administration services, thereby establishing the basis for the major training and professional development of staff needed to support the proposed reforms and improve their career structures and opportunities;
- Create scope to achieve a significant savings through the elimination over time of duplicated administrative support services and other costs arising from the current fragmentation of land administration services; and
- Enable the development of increased transparency and enhancement of professionalism and accountability across the whole land administration system.

The Philippines is unusual, compared to its neighboring countries, in that the government's land administration functions are currently dispersed across multiple agencies. Without integrating these three agencies, it will be difficult to undertake the major long term investment of resources that will be necessary the required over all reforms.

The proposed Land Administration Reform Act seeks to enable the lands sector to contribute to economic growth and poverty alleviation. Its early enactment is vital to the future of land in the Philippines. We strongly recommend the Bill for favorable consideration by the House.

NEPTALI M. GONZALES II
FRANCIS G. ESCUDERO

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

[12TH CONGRESS]
Second Regular Session

HOUSE BILL NO. 6070

**INTRODUCED BY HON. NEPTALI M. GONZALEZ II AND
HON. FRANCIS G. ESCUDERO**

**AN ACT INSTITUTIONALIZING REFORMS IN LAND
ADMINSTRATION, CREATING FOR THE PURPOSE THE
LAND ADMINSTRATION AUTHORITY AND FOR OTHER
PURPOSES**

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

ARTICLE I

GENERAL PROVISIONS

SEC. 1 *Short Title.* – This Act shall be known as “The Land Administration Reform Act of 2003.”

SEC. 2 *Declaration of Policy.* – it is the policy of the State to institutionalize reforms in land administration to optimize and rationalize their contribution to the goals of national development, the eradication of poverty and the achievement of social, economic and cultural justice and asset reform.

SEC. 3 *Strategies.* – To pursue this policy, the State shall adopt the following strategies:

- (a) Provide leadership and management of reforms of land administration;

- (b) Promote the efficient and effective mapping, land survey, classification, disposition, valuation and registration of land management of public lands;
- (c) Undertake a comprehensive and continuing land administration program, which will make the acquisition and registration of real property affordable and expeditious; and assist in the attainment of the government's asset reform programs;
- (d) Adopt workable policies and programs, which will accelerate and complete the titling and registration of alienable & disposable lands, thereby providing security of land tenure;
- (e) Undertake reforms in land administration and management to ensure the equitable distribution and full utilization and development of alienable and disposable lands;
- (f) Improve the efficiency, effectiveness, transparency and accountability of land administration services;
- (g) Establish a sustainable and viable land administration by adopting the computerization of the land administration functions and removing of overlaps and duplication in the delivery of land administration services;
- (h) Establish an administrative system for the cancellation of duplicate and fake titles and eradication of land grabbing activities.
- (i) Provide accessible, efficient and affordable land administration services to the people through the establishment of One-Stop-Shops nationwide;
- (j) Establish an effective land information system and provide easy and cheap access to land information by members of the public;
- (k) Work towards the abolition of judicial registration of title in favor of more simple administrative processes, subject to rights of appeal to the Courts;
- (l) Reform and codify all land administration laws and regulation;

- (m) Rationalize and clarify the entitlements of persons to obtain land titles with the intention of making process of issuing original titles fast and low-cost;
- (n) Work towards the establishment of one valuation system for all real property taxation purposes;
- (o) Improve the skills of, and career opportunities for, government employees engaged in the provision of land administration services;
- (p) Promote and support the development of national land administration and management education system;
- (q) Reduce disincentives to the registration of property transactions;
- (r) Mainstream gender in all aspects of the land administration system;
- (s) Recognize, respect, ensure participation and assist in the enforcement of the land related rights of men and women of the basic sectors, as defined in RA 8425.

SEC. 4 *Definition of Terms.* – For purpose of this Act, the following terms shall, unless the context indicates otherwise, have the following meanings:

- (a) Director General – refers to the person occupying the position of Director General of the Land Administration Authority created by this Act including any person appointed as Acting Director General.
- (b) Land Administration and Public Land Management – refers to the administration of all functions, powers and activities related to the mapping, land survey, classification, ownership, disposition, and registration of land titles and deeds; and management of public lands.
- (c) Lands Management Bureau (LMB) – a staff Bureau of the Department of Environment and Natural Resources (DENR) and,

for the purposes of this Act, all other land administration and management functions and powers heretofore undertaken or exercised by that Department at its national, regional, provincial and all other levels by any Office of that Department, including the Office of the Secretary.

- (d) Lands Management Services (LMS) – refers to the lands management sector/offices of the DENR at the regional, provincial and district level.
- (e) Land Registration Authority (LRA) – an attached agency Department of Justice (DOJ)m, including the Register of Deeds (RoD).
- (f) National Mapping and Resource Information Authority (NAMRIA) – refers to the agency known by that name attached to the Department of Environment and Natural Resources.
- (g) Classification and Reclassification refers tot he act of Congress in setting the specific limits of forestlands and national parks and increasing or decreasing their boundaries by law, respectively as provided for in Article XII, Section 4 of the 1987 Philippine Constitution.

ARTICLE II

CREATION, MANDATE, POWERS AND FUNCTIONS OF THE LAND ADMINSTRATION AUTHORITY

SEC. 5 *Creation of the Land Administration Authority (LAA).* - To carry out the purposes of this Act, the Land Administration Authority, hereinafter referred to as the “Authority”, is hereby created and placed under the Office of the President.

SEC 6. *Mandate of the Authority.* - The Authority’s mandate is to lead and mange the implementation of th policy set forth in Sec. 2 hereof, though the Strategies set forth in Sec. 3 hereof, and such others as may be necessary to carry out its functions.

The authority shall be the primary government agency responsible for land administration and public land management, especially in surveying, mapping and charting, classification, disposition of alienable lands of the public domain and patrimonial lands, registration of tiles, and resource information generation and management in order to ensure that benefits therefrom are shared equitably among and by the present and future generations; and in a manner that meets the needs of users and the general public.

SEC. 7 Powers and Functions of the Authority. – to accomplish its mandate, the Authority shall perform the following powers and functions:

- (a) Conduct, integrate and regulate the functions of geodetic and geophysical surveys, land classification surveys, mapping, charting and oceanography aerial photography, remote sensing, management of resource information needed by both public and private sectors, and research development thereof in accordance with existing laws and internationally accepted norms and procedures and standards as provided under Executive Order No. 192;
- (b) Survey, map and maintain data base to support the determination of specific limits of forest lands and national parks by Congress as provided under Section 4, Article XII of the Constitution.
- (c) Survey, map, maintain database on, administer, manage and/or dispose of all alienable and disposable lands of the public domain and other lands, including foreshore and marsh lands, under the provisions of Commonwealth Act No. 141, as amended, otherwise known as the Public Land Act, and in accordance with existing laws such as but not limited to, RA 85550, RA 7279 and RA 6657;
- (d) Manage, sell and/or dispose the remaining Friar Lands under the provisions of Act No. 1120, as amended, and in accordance with existing laws;
- (e) Manage and dispose lands of patrimonial property of the National Government under the provisions of Act No. 3038, or such other Government lands as have not been placed under the

administration, management, control or exclusive use of any other Government agency by legislative or executive issuance;

- (f) Execute cadastral surveys in accordance with the provisions of Act No. 2259, as amended, and all other kinds of surveys for national mapping and land titling purposes;
- (g) Register original titles to land and subsequent dealings in registered lands under the provisions of Act No. 496 and Presidential Decree No. 1529, otherwise known as the Land Registration Act and the Property Registration Decree, respectively;
- (h) Such other functions as are currently undertaken by the LRA/RoD, LMB/LMS, NAMRIA, DENR-CARP national Secretariat under P.D. 1529 and C. A 141, as amended; and
- (i) Such other functions as are necessary, proper, and incidental to implement the provisions of this Act.

SEC. 8 *Stakeholder's Advisory Committee.* – The Authority shall be assisted by the 16-member Stakeholder's Advisory Committee composed of the following:

- (a) The DENR and DAR Secretaries and Heads of the Office of Muslim Affairs (OMA), Housing and Urban Development Coordinating Council (HUDCC) and the National Commission for Indigenous Peoples (NCIP), or their duly authorized representatives;
- (b) Six (6) Representatives from the Basic Sectors (farmers, fisherfolk, urban poor, workers in the informal sector; indigenous peoples and NGOs) chosen through the nomination process of the National Anti-Poverty Commission (NAPC);
- (c) Two (2) Representatives from the NAPC Women's Sectoral Council;

- (d) Two Representatives from the private sector such as, but not limited to, real estate, professionals/practitioners and academes to be chosen by the President; and
- (e) The Director General.

The President shall designate the Chairperson from among the members of the Committee excluding the Director General.

Members of the Committee, except for the Director general, shall receive such allowances and honoraria as are allowed by COA rules and regulations for actual attendance at meetings.

SEC. 9 *Meetings of the Committee.* - The Chair of the Committee Board shall convene regular meetings of the Board, which shall be at least once every quarter. Special meetings may be called by the Chair, as he/she may deem necessary, or at the initiative of at least five (5) members.

SEC. 11 *Secretariat and Logistical Support.* - The Office of the Director General shall provide secretariat and logistical support to the Committee.

ARTICLE III

MANAGEMENT, PERSONNEL, IMPLEMENTING AND COORDINATING MECHANISM

SEC. 12. *Structural Organization.* – The Authority shall consist of:

- (a) The Office of the Director General;
- (b) The Offices of the Deputy Director Generals;
- (c) The Offices of the Assistant Director Generals; and
- (d) Field offices

SEC. 13 *The Director General.* – The authority and responsibility for the exercise of the mandate of the Authority, the accomplishment of its objectives and discharge of its powers and functions shall be vested in the

Director general, a Cabinet rank, who shall supervise the Authority and shall be appointed by the President. For such purposes, he/she shall have the following functions:

- (a) Advise the President on the promulgation of rules, regulations and other issuances relative to land administration and public land management;
- (b) Establish policies and standards for the efficient and effective operations of the Authority in accordance with the programs of the Government;
- (c) Promulgate rules, regulations and other issuances necessary in carrying out the Authority's mandate, objectives, policies, plans programs and project;
- (d) Exercise supervision over all functions and activities of the Authority;
- (e) Delegate authority over all powers, functions and activities of the Authority;
- (f) Perform other functions as may be provided by law or assigned by the President.

SEC. 14 *Office of the Director General.* – The Office of the Director General shall consist of the Director General and his immediate staff.

SEC. 15 *Deputy Director Generals.* - The Director General shall be assisted by at least three (3) Deputy Director Generals, at least one of whom shall be a member of the Bar or a Geodetic Engineer with at least five (5) years experience in any land administration functions, who shall be appointed by the President upon the recommendation of the Director General. The Director general is hereby authorized to delineate, assign and/or reassign the respective functional areas of responsibility of the Deputy Director Generals, provided, that such responsibility shall be with respect to the mandate and objectives of the Authority; and provided, further, that no Deputy director General shall be assigned primarily administrative responsibilities. Within his functional area of responsibility, a Deputy General shall have the following functions:

- (a) Advise the Director General in the promulgation of department orders, administrative orders and other issuance, with respect to his area of responsibility;
- (b) Exercise supervision over the offices, departments, operating units of officers and employees under his responsibility;
- (c) Promulgate rules and regulations, consistent with Department policies that will efficiently and effectively govern the activities of units under his responsibility;
- (d) Coordinate the functions and activities of the units under his responsibility with those of other units under the responsibility of other Deputy Director Generals;
- (e) Exercise authority on substantive and administrative matters related to the functions and activities of units under his responsibility as may be delegated by the Director General; and
- (f) Perform other functions as may be provided by law or assigned by the Director General.

SEC. 16 *Assistant Director Generals.* – The Director general and Deputy Director Generals shall be assisted by five (5) Assistant Director Generals in the formulation, management and implementation of land administration and public land management laws, policies, plans and programs and projects.

SEC. 17. *Authority Functions.* - The Director General, Deputy Director Generals and Assistant Director Generals shall oversee day-to-day administration and supervision of all activities necessary for undertaking the Authority's powers and functions including, but not limited to, the following: legal affairs; financial services; general services; human resources development; policy development and evaluation; planning and programs and projects development, monitoring and evaluation; public land management and utilization; mapping services; cadastral surveys; land registration services; remote sensing; and coast surveys, oceanography and charting.

SEC. 18 *Field Offices of the Authority.* – The Authority shall establish field offices at such levels as it may determine to be required for the efficient and effective delivery of its services.

The Field offices shall undertake, among others, the following functions:

- (a) Implement laws, policies, plans, programs, projects, rules and regulations of the Authority on land administration and public land management;
- (b) Provide efficient and effective delivery of services to the people;
- (c) Coordinate with field offices of other agencies, departments, offices in the region and local government units in the enforcement of land administration and public land management laws and regulations and in the formulation and implementation of programs and projects;
- (d) Recommend and, upon approval, implement programs and projects on land administration a management and related concerns;
- (e) Conduct comprehensive inventory of alienable and disposable lands of the public domain and of patrimonial properties and formulate district/provincial regional short and long term development plans for the management administration/utilization/disposition of such toward national development;
- (f) Perform other functions as may be assigned by the Director general and/or as provided by law.

ARTICLE IV

ADMINISTRATIVE ADJUDICATION

SEC. 19 *Quasi-Judicial Powers of the Authority.* - The Authority is hereby vested with the primary jurisdiction to determine and adjudicate land administration and public land management matters and shall have exclusive original jurisdiction over all matters involving the

implementation of laws, rules and regulations on land administration and public land management.

It shall not be bound by technical rules of procedure and evidence but shall proceed to hear and decide all cases, disputes or controversies in a most expeditious manner, employing all reasonable means to ascertain the facts of every case in accordance with justice and equity and the merits of the case. Toward this end, it shall adopt a uniform rule of procedure to achieve a just, expeditious and inexpensive determination for every action or proceeding before it.

It shall have the power to investigate and resolve questions, complaints and issues involving maps, survey plans and certificate of land titles including the power to confiscate patently fake and spurious certificates of land title and declare their nullification in summary proceedings.

It shall have the power to correct a clerical or typographical errors committed in writing, copying, transcribing or typing an entry in the maps, survey plans and certificate of land titles.

It shall have the power to summon witnesses, administer oaths, take testimony, require submission of reports, compel the production of books and documents and answers to interrogatories and issue subpoena, and subpoena *duces tecum*, and enforce its writs through sheriffs or other duly deputized officers. It shall likewise have the power to punish direct and indirect contempts in the same manner and subject to the same penalties as provided in the Rules of Court.

Responsible persons shall be allowed to represent themselves or their organizations in any proceedings before the Authority: Provided, however, That when there are two or more representatives for any individual or group, the representatives should choose only one among themselves to represent such party or group before any Authority proceedings.

Notwithstanding an appeal to the Court of Appeals, the decision of the Authority shall be immediately executory.

SEC. 20 Finality of Determination. - Any case or controversy before it shall be decided within thirty (30) days after it is submitted for

resolution. Only one (1) motion for reconsideration shall be allowed. Any order, ruling or decision shall be final after the elapse of fifteen (15) days from receipt of a copy thereof.

SEC. 21 *Frivolous Appeals.* - To discourage frivolous or delatory appeals from the decisions or orders, the Authority may impose reasonable penalties including, but not limited to, fines or censures upon erring parties.

ARTICLE V

JUDICIAL REVIEW

SEC. 22 *Certiorari.* - Any decision, order, award or ruling of the Authority on any dispute or on any matter pertaining to the application, implementation, enforcement, or interpretation of this Act and other pertinent laws on land administration and public land management may be brought to the Court of Appeals by certiorari within fifteen (15) days from the receipt of a copy thereof.

The findings of act of the Authority shall be final and conclusive if based on substantial evidence.

SEC. 23 *No Restraining Order or Preliminary Injunction.* - No court in the Philippines shall have jurisdiction to issue any restraining order or writ of preliminary injunction against the Authority or any of its duly authorized or designated offices in any case, dispute or controversy arising from, necessary to, or in connection with the application, implementation, enforcement, or interpretation of this Act and other pertinent laws on land administration and public land management.

SEC. 24 *Procedure on Review.* - Review by the Court of Appeals or the Supreme Court, as the case may be, shall be governed by the Rules of Court. The Court of Appeals, however, may require to file simultaneous memoranda within a period of fifteen (15) days from notice, after which the case is deemed submitted for decision.

SEC. 25 *Preferential Attention in Courts.* – All courts in the Philippines shall give preferential attention to all cases arising from or in connection with the implementation of the provisions of this Act.

ARTICLE VI

TRANSITORY PROVISIONS

SEC. 26 *Transfer of Powers.* – All powers to perform the functions of the Authority heretofore vested by law in the DENR, Doj, LRA/RoD, LMB/LMS, NAMRIA and DENR-CARP National Secretariat, or in any Office within or attached to these agencies, are hereby transferred to and vested in the Office of the Director General of the Authority.

SEC. 27 *Creation of Interim Offices.* – Pending approval of a long-term organizational structure for the Authority, namely: a) the Lands Management Office, to perform the functions through the structures of the former LMB/LMS; b) the Land Registration Office, to perform the functions through the structures of the former LRA/RoD; and c) the National Mapping and Resource Information Office, to perform the functions through the structures of the former NAMRIA. These interim offices shall continue until the long-term organizational structure for the Authority has been approved.

SEC. 28 *Organization of the Authority.* – The Authority's organizational and administrative structure and functions and staffing pattern, including the personnel's duties and responsibilities and the appropriate compensation package shall be submitted by the Director General for approval of the President within six (6) months from the effectivity of this Act and shall be fully implemented within a period of three (3) months after such approval is given.

SEC. 29 *Transfer of Personnel.* – To ensure a smooth transition, all incumbent personnel of the DENR' LMB/LMS, NAMRIA, DENR/CARP National Secretariat and its field offices, and LAMP; the DOJ's LAR/Rod shall continue to perform their present duties and functions as interim personnel of the Authority until such time, being not later than twelve (12) months from the effectivity of this Act, that they have been appointed as regular staff of the Authority based on the new staffing pattern, or separated from the service: Provided, That such personnel shall be

appointed by the Director General, or his/her duly authorized representative, on the basis of merit and fitness: Provided further, That only personnel who are not offered appointment under the new staffing pattern of the Authority on the least equivalent terms and conditions as their present employment within twelve months of this Act's effectivity shall be entitled to a gratuity at a rate equivalent to three (3) months' salary for every year of continued and satisfactory service rendered, or the equivalent fraction thereof favorable to them on the basis of highest salary received, in addition to the retirement benefits or pensions under existing retirement law.

SEC. 30 Abolition of LMB/LMS, NAMRIA, DENR-CARP national Secretariat, and LRA/Rod. – The DENR's Lands Management Bureau, Land Management Services, National Mapping and Resources Information Authority and CARP National Secretariat and its field offices; and the DOJ's land Registration Authority and Register of Deeds, are hereby abolished.

SEC. 31. Unexpected Appropriations and Transfer of Assets. – The unexpected balances of appropriations in the current General Appropriations Act and other Acts in force upon approval hereof, pertaining to, or used by, or available to the LRA and RoD, NAMRIA, LMB, LMS, DENR-CARP National Secretariat and its field offices, and the land Administration and Management project (LAMP), are hereby transferred to the Authority.

Such other unexpected balances of appropriations as may be deemed appropriate by the Department of Budget and management for transfer to the Authority shall be transferred.

All real and personal properties, assets, liabilities, records, documents, positions, appropriations, contracts ,and agreements which, upon the effectivity of this Act, are vested in, or owned, by the LMB/LMS, NAMRIA, DENR-CARP National Secretariat and its field Offices, LRA/RoD, and LAMP, are hereby transferred to this Authority.

SEC. 32 Preservation of Records. – Pending a written notice of receipt issued by a duly authorized officer of the Authority, it shall be explicit duty of any and all personnel responsible for, or in possession of records relating to the affairs of the LMB, LMS, NAMRIA, the DENR-

CARP National Secretariat and its Field Offices, LRA and the RoDs to protect and preserve such records.

Without prejudice to any other penalties provided for by law, any person who fails to fulfill his/her duty pursuant to the above paragraph, shall be guilty of an offense against the provisions of this Act, punishable by a fine of not more than One million Pesos (Php 1,000,000.00) or imprisonment of not more than five years, or both, upon the discretion of the Courts. He/She shall also be removed from the office, forfeit all retirement benefits, except for accumulated leave credits and be perpetually disqualified from holding any public office.

SEC. 33 *Saving Clause.* – All orders, determination, rules, regulations, permits, certificates, licenses and privileges which have been issued, made, or granted effective by the former LMB, LMS, NAMRIA, the DENR-CARP National Secretariat and its Field Offices, and LAMP or their predecessors shall continue to be in effect according to their terms until modified, terminated, superseded, set aside, or repealed.

No suit, action or other proceeding commenced by or against any officer in his official capacity as an officer of any division or unit of the former LMB, LMS, NAMRIA, the DENR-CARP National Secretariat and its Field Offices, and LAMP, the functions of which are transferred by this Act to the Authority shall abate by reason of this Act. In like manner, no cause of action by or against such division or the enactment of this Act. Causes of actions, suits, or other proceedings may be asserted for or against the Authority or such official of the Authority as may be appropriate.

ARTICLE VII

MISCELLANEOUS PROVISIONS

SEC. 34 *Use of Income* – there is hereby established a trust fund to be known as Land Administration Authority Fund for purposes of financing projects of the Authority. The Authority may solicit and receive donations, endowments, and grants in the form of contributions, which shall all be exempted from income or gift taxes and all other taxes, charges or fees imposed by the Government or any political subdivision or instrumentality thereof.

Fifty percent (50%) of all revenue derived by the Authority from all fees, charges and other sources shall directly accrue to the Fund, and may be utilized directly by the Authority for the above purpose.

Provided, however, That no provisions of this Act shall be interpreted as amending, revoking or modifying any of the provisions of the Indigenous People's Rights Act (RA 9371), Agriculture and Fisheries Modernization Act (RA 8435), Urban Development and Housing Act (RA 7279) and the Comprehensive Agrarian Reform Act (Ra 6657).

SEC. 35 *Exemption from the Salary Standardization Law and Attrition Law.* The Authority is hereby exempted from the provisions of R.A. 6758, otherwise known as the Salary Standardization Law, and R.A. 7430, known as the Attrition Law.

SEC. 36 *Implementing Rules and Regulations.* – The Authority shall prepare, promulgate and adopt the implementing rules and regulations to carry out the provisions of this Act not later than 90 days after the effectivity of this Act.

SEC 37 *Separability Clause.* – Should any provision of this Act or any part thereof be declared unconstitutional or invalid by a court, the other provisions hereof which are not affected thereby, shall in force and effect.

SEC. 38 *Repealing Clause.* – All laws, decrees, orders, instructions, proclamations, rules and regulations or parts thereof, including pertinent provisions of Executive Order No. 192 and its related rules and regulations; EO 469 dated February 11, 1981 and the subsequent Presidential Memorandum Circular dated 30m September 1988 and their related rules and regulations and the Administrative Code of 1987, which are inconsistent with any provision of this Act are thereby repealed, modified or amended accordingly.

SEC. 39 *Effectivity.* – This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in a newspaper of general circulation.

Approved.