

Land as the Heritage of the Filipinos

Jacinto D. Jimenez

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The preservation of the nation's lands as the Filipino people's exclusive patrimony has been a source of a number of issues. This Article aims to analyze the nationalization of land in the Philippines, principally highlighting its development.

In discussing the matter, the Author first cites the first and the fifth sections of the 1935 Constitution as the first basis of the nationalization of land, prohibiting aliens to own such in the country. Subsequently, he provides for the philosophy behind such an aim, which is to prevent international complications as well as the loss of prime natural resources.

The Author then discusses the effects of vested rights, which entail the respect to be given to the right of aliens who already acquired land prior to the effectivity of the 1935 Constitution. Issues regarding citizenship, scope of the prohibition as well as the effects of the violation of such prohibitions are then analyzed. Subsequently, the Author gives a glimpse of the Public Land Act as well as the important changes under the present Constitution, including the prohibition against the acquisition of public land by private corporations as well as the reclassification of lands. He also discusses the instances where aliens are allowed to acquire land as well as the effect of the 1981 amendment of the Constitution.

Ultimately, the Author notes that the issues regarding the nationalization of land must be resolved in the context of the paramount intention of the framers of the Constitution to view land as principally a Filipino heritage.