

REPUBLIC OF THE PHILIPPINES
House of Representatives
Quezon City



SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3062

Introduced by **HONORABLE DAKILA CARLO E. CUA**

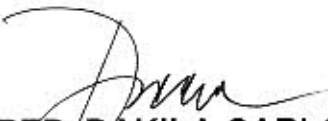
EXPLANATORY NOTE

In 2011, the Department of Education identified approximately 5,000 untitled and unregistered school sites in the Philippines. Hence, it can be said that in theory, these schools are "squatters" as they do not have legal property rights over the land they occupy. Although covered by Deeds of Donation,

In most cases, these school sites are either owned by local government units or leased from private individuals. Other school sites, although covered by Deeds of Donation or verbally donated, still lack the proper legal documents to support the transfer of ownership. As a result, there are instances wherein, upon the death of the donors, heirs claim ownership of the land leading to tedious, expensive and protracted court litigation. Most of these cases have been pending in court for years.

The passage of this bill will provide for the summary titling of real properties used as sites for public schools nationwide—requiring the registration of these real properties with the Registry of Deeds in the name of the Department of Education—thereby protecting these schools from encroachment, illegal settling and adverse claims of private and well as public entities.

In view thereof, the approval of this bill is earnestly sought.


REP. DAKILA CARLO E. CUA
Lone District, Quirino Province

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AN ACT
PROVIDING FOR THE SUMMARY TITLING OF REAL PROPERTIES
USED AS SITES FOR PUBLIC SCHOOLS NATIONWIDE, AND FOR
OTHER PURPOSES

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

1 **SECTION 1. Purpose of this Act.** - It is hereby declared the policy of the
2 State to provide all lands being utilized as public school sites ("school sites") by
3 the Department of Education (Department) with titles under the "Republic of the
4 Philippines represented by the Department of Education" to enable it to have
5 legal ownership over these school sites. Towards this end, however, the State
6 shall ensure the prompt payment of just compensation for the acquisition of real
7 property utilized as school sites and not owned by the Department, in
8 accordance with the constitutional guarantee that private property shall not be
9 taken for public use without just compensation.

10

11 **SECTION 2. Qualified School Sites.** - This Act shall cover all sites of
12 public schools under the Department which have been utilized as such for at
13 least five (5) years preceding the effectivity of this Act, which are:

14 a) Of the public domain;

15 b) Are owned, whether registered or otherwise, by persons or entities
16 other than the Department.

17

1 **SECTION 3. *Prima Facie Ownership by the Department of Unregistered***
2 ***Land.*** -The Department shall be the *prima facie* owner of all unregistered
3 qualified school sites.
4

5 **SECTION 4. *Summary Titling of Qualified School Sites on Unregistered***
6 ***Lots.*** -All actions for the original registration of qualified school sites under this
7 Act shall be filed with the Regional Trial Court where the property is situated,
8 and shall be summary in nature. The Department need only establish that the
9 school site is untitled and that it has been used as such for at least five (5) years.
10 Provided, the notice requirements provided for in Section 23, Presidential Decree
11 (P.D.) No. 1529 must be observed.
12

13 **SECTION 5. *Transfer of Qualified School Sites Owned by the National***
14 ***Government.*** - All Qualified School Sites established on registered property
15 owned by the National Government and the agencies and instrumentalities
16 thereof shall be immediately transferred to and titled in favor the Department.
17

18 **SECTION 6. *Modes of Acquiring Qualified School Sites on Privately-***
19 ***Owned Lots and Lots Owned by Local Government Units.*** - The Department of
20 Education may acquire Qualified School Sites on Privately-Owned Lots and Lots
21 Owned by Local Government Units through donation, negotiated sale,
22 expropriation or any other modes of acquisition as provided by law.
23

24 **SECTION 7. *Unaccepted Donations.*** - All unaccepted donations of
25 property presently used as school sites shall be deemed perfected by implied
26 acceptance from the time when the property was actually utilized as a public
27 school site.

28 **SECTION 8. *Guidelines for Negotiated Sale.*** - Should the implementing
29 agency and the owner of the property agree on a negotiated sale for the
30 acquisition of right-of-way, site or location for any national government
31 infrastructure project, the standards prescribed under Section 10 of Republic Act
32 (R.A.) No. 8947 hereof shall be used to determine the fair market value of the
33 property, subject to review and approval by the head of the agency or
34 department concerned.

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SECTION 9. *Summary Expropriation of Qualifed School Sites.* - Qualified School Sites on Privately-Owned Lots and Lots Owned by Local Government Units may be acquired by the Department through expropriation subject to the guidelines provided under Section 4 of R.A. No. 8947. Provided, that the right of the Department to expropriate qualified school sites, and that the taking is for public use and for public purpose shall be presumed *prima facie*. Unless said presumption is overturned by a showing that the school site is not qualified under Section 2 hereof, the expropriation proceedings shall be limited to the determination of just compensation.

In the event that the owner of the property contests the Departments proffered value, the court shall determine the just compensation to be paid the owner within sixty (60) days from the date of filing of the expropriation case. When the decision of the court becomes final and executory, the Department shall pay the owner the difference between the amount already paid and the just compensation as determined by the court.

SECTION 10. *Order of Registration Immediately Executory.* - All judgments ordering the registration of a qualified school site shall be final and executory, and not subject to appeal except in a Petition for *Certiorari* under Rule 65 to the Supreme Court. The Register of Deeds, upon receipt of such order, shall forthwith issue the corresponding certificate of title in favor of the Department.

SECTION 11. *School Sites under Contract of Usufruct.* - In order to protect the rights and interests of the Department in its use and enjoyment of a school site under a Contract of Usufruct, the same shall be annotated in the Certificate of Title of such real property. All reasonable efforts should be exerted for the subsequent donation of these properties in favor of the Department. Provided, that when a school site under usufruct becomes a qualified school site, the same may be acquired by expropriation as provided herein.

SECTION 12. *Titling and Registration of School Sites based on Tax Declarations registered to the Department.* - Real properties with Tax Declarations registered in the name of the Department which are being used as school sites shall be processed through the Department of Environment and Natural Resources (DENR) for titling through the issuance of Special Patents and

1 Presidential Proclamations.

2

3 **SECTION 13. *Expeditious Registration of Land Titles for School Sites.*** -

4 The Registry of Deeds, Bureau of Internal Revenue and Local Government Units
5 concerned shall forthwith process the registration and titling of the properties as
6 provided herein in favor of the Department in the most efficient and expeditious
7 manner.

8

9 **SECTION 14. *Exemption from Payment of Fees and Taxes for the***

10 *Registration of Land Titles for School Sites.* The Department shall be exempt
11 from payment of all related costs, fees and taxes to the National Government
12 Agencies, including the Bureau of Internal Revenue (BIR), Land Registration
13 Authority (LRA) -Registry of Deeds, (RD), DENR-Land Management Bureau and
14 Local Government Units, and other government involved in the registration and
15 titling of school sites as provided herein. Provided, further, that the Department
16 shall enjoy all the rights, exemptions and privileges, as may be authorized by
17 law, in all its official transactions with National Government Agencies and Local
18 Government Units involving titling and registration of its current school sites.

19

20 **SECTION 15. *Ecological and Environmental Concerns.*** - In cases

21 involving the acquisition of private real property used as public school site, the
22 Department shall take into account and consider environmental laws, land use
23 ordinances and all pertinent provisions of Republic Act No. 7160, as amended,
24 otherwise known as the Local Government Code of 1991.

25

26 **SECTION 16. *Appropriations.*** - Funds necessary for the implementation
27 of this Act shall be included in the annual appropriations for the Department of
28 Education under the General Appropriations Act.

29

30 **SECTION 17. *Rules and Regulations.*** - The Department of Justice (DOJ),
31 the Department of Education (DepED), the Commission on Higher Education
32 (CHED) Technical Education and Skills Development Authority (TESDA),
33 Department of Environment and Natural Resources (DENR) Department of
34 Finance (DoF) and the Department of Interior and Local Government (DILG)
35 shall jointly promulgate the implementing rules and regulations within sixty (60)
36 days from the effectivity of this Act.

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2 **SECTION 18. *Separability Clause.*** – If any part or provision of this Act is
3 held unconstitutional or invalid, the other parts or provisions hereof which are
4 not affected thereby, shall continue to be in full force and effect.

5

6 **SECTION 19. *Repealing Clause.*** – All laws, decrees, rules and regulations
7 or other issuances or parts thereof inconsistent with the provisions of this Act
8 are hereby repealed, amended or modified accordingly.

9

10 **SECTION 20. *Effectivity.*** – This Act shall take effect fifteen (15) days
11 following its publication in at least two (2) newspapers of general circulation.

A handwritten signature in black ink, appearing to be 'J. M. M.', is located in the lower right quadrant of the page.