

SIXTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session



HOUSE OF REPRESENTATIVES

H.B. No. **3130**

Introduced by **Honorable EVELINA G. ESCUDERO**

EXPLANATORY NOTE

Section 17, Article II of the Constitution provides that "The State shall give priority to education, science and technology, arts, culture, and sports to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development."

Consistent with the above constitutional State policy, this bill is being submitted for immediate consideration and passage to promote and advance the potentials and talents of the Filipino youth by making their schools which are regarded as their second abode no longer subject to property disputes and frequent transfers of locations.

We submit.


EVELINA G. ESCUDERO

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AN ACT PROVIDING FOR THE SUMMARY TITLING OF REAL PROPERTIES USED AS PUBLIC SCHOOL SITES

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 the
3 Department of Education (Department) with titles under the "Republic of the
4 Philippines represented by the Department of Education" to enable it to have legal
5 ownership over these school sites. Towards this end, however, the State shall
6 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 accordance
8 with the constitutional guarantee that private property shall not be taken for public
9 use without just compensation.

10

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

14 a) Of the public domain;

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

3 **SECTION 3. *Prima Facie Ownership by the Department of Unregistered***
4 ***Land.*** -The Department shall be the *prima facie* owner of all unregistered qualified
5 school sites.
6

7 **SECTION 4. *Summary Titling of Qualified School Sites on Unregistered***
8 ***Lots.*** -All actions for the original registration of qualified school sites under this Act
9 shall be filed with the Regional Trial Court where the property is situated, and shall
10 be summary in nature. The Department need only establish that the school site is
11 untitled and that it has been used as such for at least five (5) years. Provided, the
12 notice requirements provided for in Section 23, Presidential Decree (P.D.) No. 1529,
13 shall be observed.
14

15 **SECTION 5. *Transfer of Qualified School Sites Owned by the National***
16 ***Government.*** - All Qualified School Sites established on registered property owned
17 by the National Government and the agencies and instrumentalities thereof shall be
18 immediately transferred to and titled in favor the Department.
19

20 **SECTION 6. *Modes of Acquiring Qualified School Sites on Privately-***
21 ***Owned Lots and Lots Owned by Local Government Units.*** - The Department of
22 Education may acquire Qualified School Sites on Privately-Owned Lots and Lots
23 Owned by Local Government Units through donation, negotiated sale,
24 expropriation or any other modes of acquisition as provided by law.
25

26 **SECTION 7. *Unaccepted Donations.*** - All unaccepted donations of property
27 presently used as school sites shall be deemed perfected by implied acceptance
28 from the time when the property was actually utilized as a public school site.
29

1 SECTION 8. *Guidelines for Negotiated Sale.* - Should the implementing
2 agency and the owner of the property agree on a negotiated sale for the acquisition
3 of right-of-way, site or location for any national government infrastructure project,
4 the standards prescribed in pertinent provisions of Republic Act (R.A.) No. 8974
5 and other related laws, rules and regulations shall be used to determine the fair
6 market value of the property, subject to review and approval by the head of the
7 agency or department concerned.

8
9 SECTION 9. *Summary Expropriation of Qualified School Sites.* - Qualified
10 School Sites on Privately-Owned Lots and Lots Owned by Local Government Units
11 may be acquired by the Department through expropriation subject to the guidelines
12 provided under Section 4 of R.A. No. 8974. Provided, that the right of the
13 Department to expropriate qualified school sites, and that the taking is for public
14 use and for public purpose shall be presumed *prima facie*. Unless said presumption
15 is overturned by a showing that the school site is not qualified under Section 2
16 hereof, the expropriation proceedings shall be limited to the determination of just
17 compensation.

18
19 SECTION 10. *Order of Registration Immediately Executory.* - All judgments
20 ordering the registration of a qualified school site shall be final and executory, and not
21 subject to appeal except in a Petition for *Certiorari* under Rule 65 to the Supreme Court.
22 The Register of Deeds, upon receipt of such order, shall forthwith issue the corresponding
23 certificate of title in favor of the Department.

24
25 SECTION 11. *School Sites under Contract of Usufruct.* - In order to protect
26 the rights and interests of the Department in its use and enjoyment of a school site
27 under a Contract of Usufruct, the same shall be annotated in the Certificate of Title
28 of such real property. All reasonable efforts should be exerted for the subsequent
29 donation of these properties in favor of the Department. Provided, that when a
30 school site under usufruct becomes a qualified school site, the same may be

1 acquired by expropriation as provided herein.

2
3 **SECTION 12. *Titling and Registration of School Sites based on Tax***
4 ***Declarations registered to the Department.*** - Real properties with Tax Declarations
5 registered in the name of the Department which are being used as school sites shall
6 be processed through the Department of Environment and Natural Resources
7 (DENR) for titling through the issuance of Special Patents and Presidential
8 Proclamations.

9
10 **SECTION 13. *Expeditious Registration of Land Titles for School Sites.*** -
11 The Registry of Deeds, Bureau of Internal Revenue and Local Government Units
12 concerned shall forthwith process the registration and titling of the properties as
13 provided herein in favor of the Department in the most efficient and expeditious
14 manner.

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

26 **SECTION 15. *Ecological and Environmental Concerns.*** - In cases involving
27 the acquisition of private real property used as public school site, the Department
28 shall take into account and consider environmental laws, land use ordinances and
29 the pertinent provisions of R.A. No. 7160, as amended, otherwise known as the

1 Local Government Code of 1991.

2

3 **SECTION 16. *Appropriations.*** - Funds necessary for the implementation of
4 this Act shall be included in the annual appropriations for the Department under
5 the General Appropriations Act.

6

7 **SECTION 17. *Rules and Regulations.*** - The Department of Justice (DOJ), the
8 Department, the Department of Environment and Natural Resources (DENR),
9 Department of Finance (DoF) and the Department of Interior and Local
10 Government (DILG) shall jointly promulgate the implementing rules and
11 regulations within sixty (60) days from the effectivity of this Act.

12

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

16

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

20

21 **SECTION 20. *Effectivity.*** - This Act shall take effect fifteen (15) days
22 following its publication in the official gazette or at least two (2) newspapers of
23 general circulation.