

HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **4350**



Introduced by **REP. ALFREDO "ALBEE" B. BENITEZ**

EXPLANATORY NOTE

Public investment on education is crucial to a nation's development efforts as it builds the citizens' capacity for future progress by ensuring that the youth are equipped with knowledge and their talents harnessed. In this regard, education has always taken up the largest chunk of the government's budget. However, there are still a number of factors that impede the delivery of quality education.

One of these impediments is the backlog on school building which impacts on the Filipinos' right to access quality education. Adding to this problem is the fact that a number of school sites are unregistered and are subjected to disputes, frequent transfer of locations and/or revocation of donations of lands where they are situated. Some of the school sites that were donated lack proper legal documentation of transfer of ownership to the Department of Education which results to the land disputes filed by some of the relatives of the donors.

This proposed measure would effectively address the issue on the ownership of several school sites in the country by providing for the summary titling of real properties used a public school sites. In addition, said bill also declares that DepEd will be the prima facie owner of all unregistered qualified school sites.

The enactment of this proposed policy shall respond to the problems over land disputes over school sites and more importantly, allow school administrators to focus in the improvement and efficient delivery of quality education to their students instead.

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


REP. ALFREDO "ALBEE" B. BENITEZ

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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:

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

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

- a) of the public domain;
- b) are owned, whether registered or otherwise, by persons or entities other than the Department.

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

SECTION 4. *Summary Titling of Qualified School Sites on Unregistered Lots.* – All actions for the original registration of qualified school sites under this Act shall be filed with the Regional Trial Court where the property is situated, and shall be summary in nature. The

Department need only establish that the school site is untitled and that it has been used as such for at least five (5) years. Provided, the notice requirements provided for in Section 23, Presidential Decree (P.D.) No. 1529, shall be observed.

SECTION 5. *Transfer of Qualified School Sites Owned by the National Government.* –

All Qualified School Sites established on registered property owned by the National Government and the agencies and instrumentalities thereof shall be immediately transferred to and titled in favor of the Department.

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

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

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

SECTION 9. *Summary Expropriation of Qualified 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. 8974. Provided, that the right of the Department to expropriate qualified school sites, and 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.

SECTION 10. *Order if Registration Immediately Executory.* – All judgments ordering the registration of a qualified school site shall be final and executory, and not subjected 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 interest 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 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 Presidential Proclamations.

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

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

SECTION 15. *Ecological and Environment Concerns.* - In cases involving the acquisition of private real property used as public school sites, the Department shall take into account and consider environmental laws, land use ordinances and the pertinent provisions of R.A. No. 7160, as amended, otherwise known as the Local Government Code of 1991.

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

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

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

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

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

Approved,