

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 489



INTRODUCED BY HONORABLE CHERYL P. DELOSO-MONTALLA

EXPLANATORY NOTE

Education plays an essential role in the overall development effort of the nation particularly in tapping the potentials and harnessing the talents of the Filipino youth. However, this noble objective may not be fully realized if the schools, considered as their second abode, are always subjected to property disputes, frequent transfer of locations, revocation of donations of lands where they are situated and urban planning and development programs of the Local Government Units (LGUs).¹

Data of the Department of Education (DepED) showed that there are still a number of untitled and unregistered school sites throughout the nation and that the government does not have legal property rights over these lands occupied by public schools. In most cases, these school sites are owned by LGUs or are subject to long-term lease agreements with private individuals.²

There are also parcels of lands which were donated exclusively for educational purposes but lack the proper legal documentation to support any efforts by DepED on the transfer of ownership. Thus, upon the death of the donors, the heirs of the latter claim ownership of the land through the revocation of the original donation which subsequently lead to endless court litigations. Most of these cases languish in court for several years, even decades, to the prejudice of the public schools involved.³

The passage of this bill will pave the way for the summary titling of all lands, which are being utilized as public school sites throughout the country. This bill aims to provide all lands being utilized by the Department of Education (DepED) 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. It covers all sites of public schools under the DepED that have been utilized as such for at least five (5) years preceding the effectivity of this proposed measure, which are composed of the following:

- a) Lands of the public domain;
- b) Those that are owned, whether registered or otherwise, by persons or entities other than the DepED.⁴

This bill also seeks to address the need to 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. In addition, the proposed measure declares that DepED will be the prima facie owner of all unregistered qualified school sites, thus, simplifying the process of land titling and registration in favor of DepED. If enacted

¹ <https://senate.gov.ph/lisdata/1787515098!.pdf>

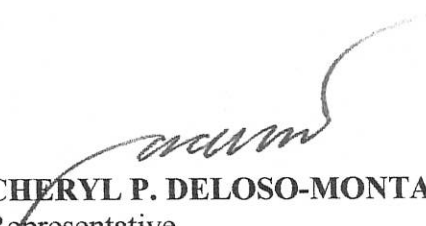
² http://www.congress.gov.ph/legisdocs/basic_16/HB03079.pdf

³ <https://senate.gov.ph/lisdata/1787515098!.pdf>

⁴ Ibid.

into law, this measure will also enable the school authorities to have direct control and supervision over the land occupied by the public schools.

Immediate passage of this bill is earnestly sought.



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INTRODUCED BY HONORABLE CHERYL P. DELOSO-MONTALLA

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:

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:

- c) of the public domain;
- d) 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 must 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 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 utilized as 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 under Section 10 of Republic Act (R.A.) No. 8974 hereof 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 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 Presidential Proclamations.

SECTION 13. *Expeditious Registration of Land 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 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 National Government Agencies and Local Government Units involving titling and registration of its current school sites.

SECTION 15. *Ecological and Environmental Concerns.* - In cases involving the acquisition of private real property used as public school site, the Department shall take into account and consider environmental laws, land use ordinances and all pertinent provisions of Republic Act 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 of Education under the General Appropriations Act.

SECTION 17. *Implementing Rules and Regulations.* - The Department of Justice (DOJ), the Department of Education (DepED), the Commission on Higher Education (CHED) Technical Education and Skills Development Authority (TESDA), Department of Environment and Natural Resources (DENR) Department of Finance (BoF) and the Department of Interior and 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 or provision of this Act is held unconstitutional or invalid, the other parts or provisions 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 at least two (2) newspapers of general circulation

Approved,