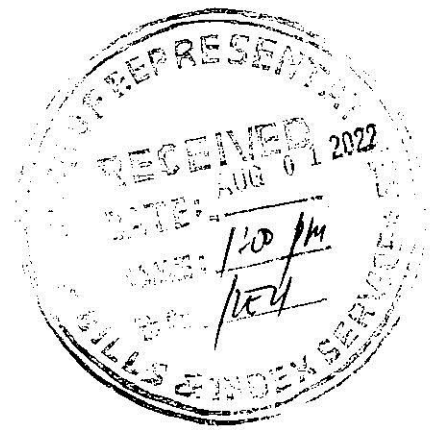


NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES

House Bill No. 2824

Introduced by Representative Ralph G. Recto

AN ACT

FURTHER FACILITATING THE ACQUISITION OF UNTITLED LANDS FOR PUBLIC USE, AMENDING FOR THIS PURPOSE SECTIONS 5 AND 6 OF REPUBLIC ACT NO. 10752, ENTITLED "AN ACT FACILITATING THE ACQUISITION OF RIGHT-OF-WAY SITE OR LOCATION FOR NATIONAL GOVERNMENT INFRASTRUCTURE PROJECTS"

EXPLANATORY NOTE

This proposed measure seeks to further facilitate the acquisition of untitled lands for national government infrastructure projects.

Section 9, Article III of the 1987 Constitution mandates that private property shall not be taken for public use without just compensation. In furtherance of this Constitutional precept, Republic Act No. 10752 was enacted in 2016 to ensure that owners of real property acquired for national government infrastructure projects are promptly paid just compensation for the expeditious government acquisition of the required right-of-way for the projects.

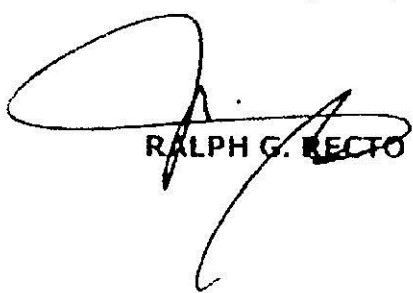
The perennial issue of determining the just compensation for private properties acquired or expropriated by the government has been addressed by the adoption of negotiated sale as one of the modes of acquiring real property under RA No. 10752. With this mode, the government through its implementing agencies and the property owner are, more or less, on equal footing in the course of the transaction.

However, there are still right-of-way issues that hound the implementing agencies of the government such as on the acquisition of untitled lands. The owners or occupants are experiencing difficulty in complying with the documentary requirements to show proof of ownership. Most of them only have the tax declaration in their possession as their proof of ownership while the implementing rules and regulations (IRR) of RA No. 10752 requires the current land owner to present not only the tax declaration showing his open and continuous possession of the property but also those of his predecessors' open and continuous possession of the property and that the cumulative period of possession should be for at least thirty (30) years.

In a long line of cases, the Supreme Court ruled that the tax declaration, by itself, is not a conclusive proof of ownership. The owner must also prove actual, adverse, public, continuous, peaceful and uninterrupted possession of the property to claim ownership. This is in line with the Civil Code provision on acquisitive prescription which states that ownership and other real rights over immovables also prescribe through uninterrupted adverse possession thereof for 30 years, without need of title or of good faith.

The difficulty in presenting all the necessary documents showing proof of ownership and possession of the property for the last 30 years causes undue delay in the acquisition of private properties, thereby forestalling the implementation of various infrastructure projects such as farm-to-market roads and bridges, among others. To address this problem, it is only reasonable that the law on acquisition of private property for public purpose must make room for an exception to the stringent requirements on acquisitive prescription and allow the tax declaration showing open and continuous possession of the property for at least five (5) years as sufficient proof of ownership.

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



RALPH G. RECTO

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

1 Section 1. Section 5 of Republic Act No. 10752, is hereby further amended to
2 read as follows:

3 "SEC. 5. *Rules on Negotiated Sale.* – The implementing agency may offer
4 to acquire, through negotiated sale, the right-of-way site or location for a
5 national government infrastructure project, under the following rules.

6 "(a) xxx

7 "xxx

8 "(e) The property owner and the implementing agency shall execute a
9 deed of absolute sale: *Provided*, That the property owner has submitted to the
10 implementing agency the Transfer Certificate of Title, Tax Declaration, Real
11 Property Tax Certificate, and other documents necessary to transfer the title to
12 the Republic of the Philippines. The implementing agency shall cause the
13 annotation of the deed of absolute sale on the Transfer Certificate of Title[.]:

14 **PROVIDED, FURTHER, THAT IN CASE OF UNTITLED LANDS SUBJECT**
15 **OF ACQUISITION THROUGH NEGOTIATED SALE, THE PROPERTY**
16 **OWNER SHALL BE COMPENSATED FOR THE VALUE OF THE LAND**

1 WHICH SHALL NOT EXCEED TWICE THE CURRENT ZONAL VALUATION
2 OF THE BUREAU OF INTERNAL REVENUE (BIR) UPON SUBMISSION
3 OF THE FOLLOWING DOCUMENTS:

4 (1) TAX DECLARATION SHOWING THE OWNER AND HIS
5 PREDECESSORS' OPEN AND CONTINUOUS POSSESSION OF THE
6 PROPERTY FOR AT LEAST FIVE (5) YEARS;

7 (2) AFFIDAVIT OF TWO (2) DISINTERESTED PERSONS WHO
8 ARE RESIDING IN THE BARANGAY OF THE CITY OR MUNICIPALITY
9 WHERE THE LAND IS LOCATED, ATTESTING TO THE TRUTH OF THE
10 FACTS THAT THE OWNER HAS, EITHER BY HIMSELF OR THROUGH HIS
11 PREDECESSOR-IN-INTEREST, ACTUALLY OCCUPIED AND
12 CONTINUOUSLY POSSESSED THE LAND FOR AT LEAST FIVE (5)
13 YEARS, UNDER A *BONA FIDE* CLAIM OF ACQUISITION OF
14 OWNERSHIP;

15 (3) REAL PROPERTY TAX CERTIFICATE;

16 (4) CERTIFICATION FROM THE DEPARTMENT OF
17 ENVIRONMENT AND NATURAL RESOURCES (DENR) THAT THE LAND
18 IS ALIENABLE AND DISPOSABLE;

19 (5) TECHNICAL DESCRIPTION AND MAP BASED ON AN
20 ACTUAL SURVEY CONDUCTED BY A LICENSED GEODETIC ENGINEER
21 AND APPROVED BY THE DENR; AND

22 (6) OTHER DOCUMENTS THAT MAY SHOW PROOF OF
23 OWNERSHIP.

24 "xxx"

25 Sec. 2. Section 6 of Republic Act No. 10752, is hereby further amended to read
26 as follows:

27 "SEC. 6. *Guidelines for Expropriation Proceedings* – xxx

28 "(a) xxx

29 "(1) xxx

30 "xxx

31 "(3) xxx

32 "xxx

1 “The court shall release the amount to the owner upon presentation of
2 sufficient proofs of ownership **SUCH AS THE TRANSFER CERTIFICATE OF**
3 **TITLE, TAX DECLARATION SHOWING THE OWNER AND HIS**
4 **PREDECESSORS’ OPEN AND CONTINUOUS POSSESSION OF THE**
5 **PROPERTY FOR AT LEAST FIVE (5) YEARS, REAL PROPERTY TAX**
6 **CERTIFICATE, AND OTHER DOCUMENTS SHOWING PROOF OF**
7 **OWNERSHIP.**

8 “xxx”

9 *Sec. 3. Implementing Rules and Regulations (IRR).* – Within thirty (30) days
10 from the effectivity of this Act, the Department of Public Works and Highways (DPWH),
11 Department of Transportation (DOTr), DENR, Department of Justice (DOJ), and the
12 Department of Budget and Management (DBM), shall promulgate the necessary rules
13 and regulations for its effective implementation.

14 *Sec. 4. Separability Clause.* – If any provision or part hereof is declared
15 unconstitutional, the remainder of this Act or any provision not affected thereby shall
16 remain in full force and effect.

17 *Sec. 5. Repealing Clause.* – All laws, acts, decrees, executive orders, issuances,
18 and rules and regulations or parts thereof which are contrary to and inconsistent with
19 this Act are hereby repealed, amended or modified accordingly.

20 *Sec. 6. Effectivity.* – This Act shall take effect fifteen (15) days after its complete
21 publication in the *Official Gazette* or in at least two (2) newspapers of general
22 circulation.

 Approved,