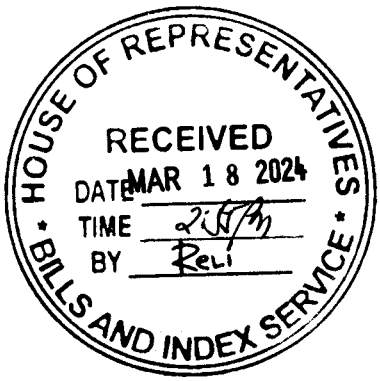
Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila



NINETEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 10161

Introduced by **Representative Jaime R. Fresnedi**

EXPLANATORY NOTE

This bill seeks to rectify the situation where a public school site is not titled in favor of the Department of Education (DepEd). There are 17,742 such sites, even as they are already occupied by DepEd and their occupancy is supported by documents such as deeds of sale, deeds of donation, and even presidential proclamations. As an example, 90% of school sites in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM), are not titled in favor of DepEd.

This situation requires immediate action. So long as these sites are in legal limbo, government and private sector efforts to build more classrooms and facilities will be inhibited. In some instances, lands donated for educational purposes become subject to court proceedings by the heirs of the donor, affecting the delivery of educational services to children in that community.

Bureaucracy, the lack of proper documentation, changing policies in local government units and national government agencies that have donated land all contribute to the situation. This bill will give priority to the acquisition and titling of school sites to ensure the smooth operation, maintenance and development of school sites.

The Philippine educational system needs a lot of reforms, reforms which require the immediate and unequivocal support of the government. It needs curriculum reform, more classrooms, and more teachers, among others. However, all these reforms will be for naught if students will not have a place conducive to their education due to the lack of titles to assert DepEd ownership over public school sites.

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

JAIME R. FRESNEDI
Representative
Lone District, Muntinlupa City

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
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HOUSE BILL NO. 10161

Introduced by **Rep. Jaime R. Fresnedi**

AN ACT REINFORCING, PROTECTING, AND MANAGING THE DEPARTMENT OF EDUCATION'S OWNERSHIP OF LOTS OCCUPIED BY PUBLIC SCHOOLS, PROVIDING FOR THE SUMMARY TITLING OF ALL REAL PROPERTIES USED AS PUBLIC SCHOOL SITES, AND FOR OTHER PURPOSES

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

SECTION 1. *Short Title.* – This Act shall be referred to as the *"Public School Lands Act"*.

SEC. 2. *Declaration of Policy.* – It is the policy of the State to ensure an environment conducive to the education of the youth in order to prepare them to be responsible and active contributors to the progress of Philippine society, including measures to protect and enhance the physical infrastructure that serve learners all over the country.

Towards this end, the State shall register all lands being utilized as public school sites by the Department of Education (DepEd) as owned by the Republic of the Philippines, and provide each school site with titles under the name "Republic of the Philippines represented by the Department of Education."

SEC. 3. *Definition of Terms.* – For purposes of this Act, the following terms shall be defined as follows:

(a) *Public school site* is defined as sites occupied by DepEd as a public school site or a school site that caters to the needs and requirements of DepEd which are necessary or vital to the performance of its mandate or functions under the Revised Administrative Code of 1987, including but not limited to areas where there are DepEd Division Offices, DepEd offices, DepEd training facilities, teacher's camp, hotels, inns, hostels, or commercial spaces where the income derived therefrom are used for the school's benefit, or the like.

(b) *Qualified school site* is defined as land not occupied by DepEd at the time of the filing of the case for summary titling but had been occupied as a public school site for at least five (5) years preceding the effectivity of this Act, whether or not the parcel of land is a property of the public domain, or it is owned by a person or entities other than the DepEd, whether the ownership thereof is registered or not.

SEC. 4. *Coverage*. This Act shall cover all lands registered in the name of DepEd or its predecessor-in-interest, such as but not limited to "Ministry of Education," "Department of Education, Culture and Sports," unregistered and current public school sites under the administration or use of the DepEd, including parcels of land not occupied by DepEd but which have been utilized as such for at least five (5) years immediately preceding the effectivity of this Act.

SEC. 5. *Prima Facie Ownership by DepEd of Unregistered Land.* – The DepEd shall be the prima facie owner of all unregistered qualified school sites. The DepEd shall acquire ownership of the unregistered school sites through the following:

a) Filing of application for confirmation of title in the Regional Trial Court where the land is located;
b) Filing of application for the issuance of special patent; or
c) Filing of an application of the issuance of Presidential Proclamation for school sites situated in forest or timber land.

SEC. 6. *Summary Titling of Qualified School Sites on Unregistered Lots and Speedy Hearing.* – When the qualified school site had been surveyed and plotted, the DepEd Secretary or his or her duly authorized representative, through the Office of the Solicitor General, shall institute original registration proceedings by filing the necessary petition in the Regional Trial Court of the place where the land is situated against any claimants, possessors, or occupants of such lands or any part thereof, stating in substance that public interest requires that the title to such lands be settled and adjudicated and praying that such titles be so settled and adjudicated in favor of the Republic of the Philippines through the Department of Education.

SEC. 7. *Contents of the Petition.* – The petition shall contain a description of the land and shall be accompanied by an approved plan thereof, and may contain such other data as may serve to furnish full notice to the occupants of the lands and to all persons who may claim any right or interest therein.

SEC. 8. *Burden of Proof of DepEd.* – The DepEd need only to establish the following:

a) That the school site is not covered by a valid Torrens Certificate of Title;

b) That it has been used as a school site for at least five (5) years, or it has been used in furtherance of the functions or mandate of DepEd for at least five (5) years; and
c) The land had been surveyed or plotted, its complete description, metes and bounds had been identified by a duly licensed surveyor or government surveyor and the approved survey is submitted to the Court.

SEC. 9. *Nature of Court Action.* – All actions for the original registration of qualified school sites under this Act shall be summary in nature. The action for registration in this section shall comply with the notice requirements provided for in Section 23, Presidential Decree (P.D.) No. 1592.

SEC. 10. *Disposal of Cases.* – Consistent with Section 27 of P.D. 1592, the Court, if it deems necessary, may refer the case or any part thereof to a Commissioner who shall hear the parties and their evidence, and the Commissioner shall submit his report thereon to the Court within fifteen days after the termination of such hearing. Hearing before a referee may be held at any convenient place within the province or city as may be fixed by him and after reasonable notice thereof shall have been served the parties concerned. The court may render judgment in accordance with the report as though the facts have been found by the judge himself: *Provided,* That the court may in its discretion accept the report, or set it aside in whole or in part, or order the case to be recommitted for further proceedings. The Regional Trial Court shall see to it that all registration-proceedings under this Act are disposed of within one year from the date of filing.

SEC. 11. *Immediate Transfer of Qualified School Sites Owned by the National Government and Local Government Units.* – All qualified school sites established or occupied by DepEd on property registered under the name of the Republic of the Philippines or owned by any of its agencies or instrumentalities, as well as those owned by the local government units (LGUs) shall be immediately transferred to and titled in favor of DepEd. Such transfer shall include the buildings or other immovable real properties thereto, without prejudice to the arrangements for compensation, if any for government owned corporations, which shall be mutually agreed upon between the DepEd and the agencies concerned and recommended to the President for final approval.

SEC. 12. *Modes of Acquiring Qualified School Sites Not Occupied but Privately-Owned, Owned by National Government, or Owned by Local Government Units.* – For purposes of expanding existing school sites, the DepEd may commence acquisition of the following through donation, negotiated sale, or any other modes of acquisition as provided by law:

a) Privately-owned lots not occupied by DepEd;
b) Lots owned by the National Government or any of its instrumentalities; and

c) Lots owned by Local Government Units

SEC. 13. *Unaccepted and Undocumented Donations.* – All donated school sites where proof of acceptance is insufficient, as well as undocumented donations of property used as school sites, if the donor was alive during the occupation for use as school site, said donations shall be deemed perfected by implied acceptance of the government from the time the property was actually utilized as a public school site, or from the time that any acts of ownership thereon had been carried out, such as but not limited to planting, fencing, occupation, possession, use, or the like. In donation mortis causa, the acceptance is deemed made at the time of occupation thereof, which is anytime subsequent to the death of the donor.

SEC. 14. *Guidelines for Negotiated Sale.* – Should the DepEd and the owner of a titled private property agree on a negotiated sale for the acquisition of a privately-owned property to be established as a future school site, the standards prescribed in the pertinent laws, rules and regulations, insofar as they are applicable, shall be used to determine the fair market value of the property, subject to the review and approval by the DepEd Secretary or his or her authorized representative.

SEC. 15. *Order of Registration Immediately Executory.* – All judgements ordering the registration of a qualified school sites shall be immediately executory. The Register of Deeds, upon receipt of such order, shall forthwith register and issue the title and the corresponding certificate of title in favor of DepEd.

SEC. 16. *School Sites Privately-Owned under Contract of Usufruct.* – To protect the rights and interest of DepEd in its use and enjoyment of a school site that are privately-owned under a Contract of Usufruct, the same shall be registered with the Registry of Deeds concerned and annotated in the Certificate of Title of such real property. All reasonable efforts should be exerted for the subsequent acquisition of these properties in favor of DepEd.

SEC. 17. *Titling and Registration of School Sites based on Tax Declarations registered to DepEd* - Real properties with tax declarations registered in the name of the DepEd 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. The DENR shall facilitate the immediate issuance of special patents to school sites through a Memorandum of Agreement with the DepEd which must be consummated not more than 180 days after the effectivity of this Act.

SEC. 18. *Expeditious Registration of Land Titles for School Sites* - The Registry of Deeds (RoD), Bureau of Internal Revenue (BIR), Department of Agrarian Reform (DAR), DENR, and Local Government Units (LGUs) concerned shall process the registration and titling of the properties as provided herein in favor of DepEd in the most efficient and

expeditious manner, the consummation of which must be made not more than 180 days after the effectivity of this Act.

SEC. 19. *Exemption from Payment of Fees and Taxes for the Registration of Land titles for School Sites* - The DepEd shall be exempt from payment of all related costs, fees, charges or all taxes to the National Government Agencies, including the Bureau of Internal Revenue (BIR), Land Registration Authority (LRA), Registry of Deeds (RD), DENR and Local Government Units, and other government agencies involved in the registration and titling of school sites as provided herein. The DepEd shall also enjoy all the other rights, exemptions and privileges authorized by the law, in all its official transactions with National Government Agencies and Local Government Units involving titling and registration of its current school sites. Donations of land or other properties, real or personal for the benefit of the DepEd shall also be exempt from donor's tax.

SEC. 20. *School Sites within Forest Land* - The DepEd shall cause the application for the reclassification of land occupied by school sites, which are classified as forest or timber, into alienable or disposable to the Office of the President through the Department of Environment and Natural Resources (DENR). Upon reclassification of school sites from forest land to alienable and disposable, the Office of the President shall issue Presidential Proclamation over such lands.

SEC. 21. *School Sites within Ancestral Domain.* – The National Commission on Indigenous Peoples shall assist the DepEd in securing Free, Prior and Informed Consent (FPIC) from leaders or representatives of Indigenous Cultural Communities (ICCs) for school sites within ancestral domain for the eventual grant of usufruct by ICCs to DepEd for the use of their lands. The requirement for FPIC, however, is deemed waived if the ICCs have passed a resolution asking DepEd to establish and construct a new school or repair and rehabilitate an existing one.

SEC. 22. *Ecological and Environmental Concerns.* - In cases involving the acquisition of private real property used as public school sites, the DepEd 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.

SEC. 23. *Titles of real properties registered under the name of DepEd.* –

a) Existing titles of real properties registered under the name of the DepEd, or its predecessors-in-interest, such as but not limited to Ministry of Education, Department of Education, Culture and Sports, or in the name of any person or private individual where the title is in the possession of the DepEd, whether the title is Spanish, American or Torrens Certificate of Title, shall be cancelled upon application of the DepEd for cancellation thereof at the Register of Deeds, free from all transfer taxes, charges and

fees, and a new title will be issued to reflect the name "Republic of the Philippines, represented by the Department of Education". The possession by DepEd of the original duplicate owner's copy of the title of a person or private individual over a property occupied as a school site shall be deemed prima facie evidence of a valid and accepted donation.

b) Certificate of Land Ownership or CLOA covering DepEd school sites shall be cancelled and recalled by the Department of Agrarian Reform upon application thereof by the DepEd stating that the area subject matter in the CLOA is an existing DepEd school site.
c) Lands donated to the government or DepEd and occupied as a school site within a parcel of land registered in the name of a person or private individual shall be issued a separate title in the name of the "Republic of the Philippines, represented by the Department of Education". For this purpose, the DepEd shall cause the segregation thereof after complying with the procedure of segregation or partition mandated by the Office of the Register of Deeds.
d) The transaction for segregation shall be free from registration expenses, such as but not limited to filing fees, docket fees or the like. It is understood that the Donor under this paragraph shall be exempt from donor's tax, or estate tax, documentary stamp tax, as the case maybe. Appropriate tax credit shall be given to the donor, commensurate to the value of the property at the time of donation, as may hereinafter be determined by the Bureau of Internal Revenue.

SEC. 24. *Sites Titling and Management Office.* – The existing Sites Titling Office of the DepEd shall be reorganized and expanded to the Sites Titling and Management Office, which shall, in addition to its current responsibilities, be responsible for the following:

a) Identification and acquisition of qualified school sites for future use of the DepEd;
b) Maintaining all relevant records in connection to public school sites owned by the DepEd, or those considered for acquisition;
c) Coordination with all relevant government agencies and private entities for the acquisition of school sites; and
d) Any other task which is required for the full implementation of the provisions of this Act.

SEC. 25. *Appropriations.* – Funds necessary for the implementation of this Act shall be included in the annual appropriations for the DepEd in the General Appropriations Act.

SEC. 26. *Implementing Rules and Regulations.* – The Department of Education, in cooperation with all other relevant agencies, shall promulgate the rules and regulations for the proper implementation of this Act within six (6) months from its effectivity.

SEC. 27. *Separability Clause.* – If any provision of this Act shall be deemed unconstitutional or invalid, the other provisions not affected there shall remain in force and effect.

SEC. 28. *Repealing Clause.* – All Acts, Presidential Decrees, Executive Orders and Administrative Orders, Rules and Regulations and other such issuances or parts thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Approved,