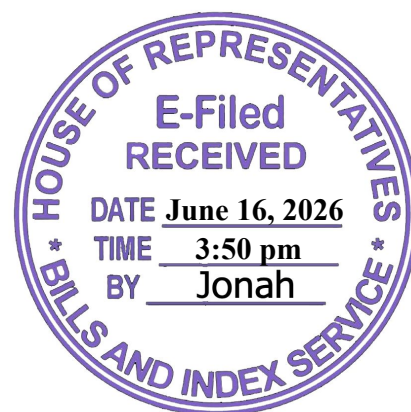


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
Second Regular Session

HOUSE BILL NO. 9888



Introduced by Representative Roman T. Romulo

EXPLANATORY NOTE

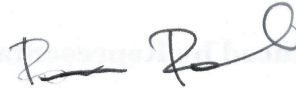
Section 1, Article XIV of the 1987 Philippine Constitution mandates the State to protect and promote the right of all citizens to quality education at all levels and to take appropriate steps to make such education accessible to all. In fulfillment of this constitutional duty, the State, through the Department of Education (DepEd), must ensure that public schools are supported by secure, legally recognized, and sustainable school sites capable of accommodating present and future educational needs.

However, a significant obstacle to the effective delivery of public education is the absence of clear land tenure and registered ownership over thousands of public school sites nationwide. Approximately sixty-nine percent (69%), or 32,424 public schools, remain untitled in the name of the DepEd. Of these, 6,045 schools, representing nineteen percent (19%) of untitled schools, are classified as congested, with elementary schools constituting the majority of such institutions. The lack of registered titles prevents or delays the implementation of government-funded infrastructures projects due to documentary, legal, and audit requirements governing the expenditure of public funds. It likewise exposes public schools to ownership disputes, adverse claims, risks of dispossession or eviction, and restrictions on the construction, expansion, and improvement of educational facilities.

The foregoing circumstances exacerbate the national shortage of more than 165,000 classrooms, compelling many schools to adopt double or triple shifting arrangements that adversely affect the quality of instruction and welfare of learners and educators alike. Without secure land titles, the government's capacity to address classroom congestion and undertake timely infrastructure development remains significantly constrained.

This bill seeks to establish a comprehensive and streamlined framework for the identification, validation, transfer, registration, and titling of public school sites in favor of the DepEd. By securing the legal ownership and tenure of these properties, the measure aims to safeguard public assets, minimize land-related disputes, facilitate compliance with legal and audit requirements, and expedite the implementation of school infrastructure projects necessary to address classroom shortages and improve learning conditions throughout the country.

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



ROMAN T. ROMULO

Lone District, Pasig City

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

TWENTIETH CONGRESS
Second Regular Session

HOUSE BILL NO. 9888

Introduced by Representative Roman T. Romulo

AN ACT
STRENGTHENING AND PROTECTING THE LAND OWNERSHIP OF DEPED
SCHOOL SITES AND MANDATING THE EXPEDITED ISSUANCE OF TITLES
FOR REAL PROPERTIES USED AS PUBLIC SCHOOL SITES, AND FOR
OTHER PURPOSES

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

1 **SECTION 1. Title.** – This Act shall be known as the “Expedited Issuance of Public
2 School Sites Titles Act.”

3 **SEC. 2. Declaration of Policy.** – It is hereby declared the policy of the State to
4 protect and promote the right of all citizens to quality education at all levels. Towards this end,
5 the State shall take appropriate and deliberate measures to ensure that such education is
6 accessible, inclusive, and equitable to all, regardless of personal, geographic, social, or economic
7 circumstances.

8 **SEC. 3. Coverage.** – All lands utilized by the Department of Education (DepEd) as
9 Public School Sites shall be registered under its name, including:

10 (a) All lands registered in the name of the predecessors-in-interest of DepEd, such as but
11 not limited to, the “Bureau of Education,” “Office of Education by the Government of
12 the Philippines,” “Ministry of Education,” “Department of Education, Culture and
13 Sports”; and

14 (b) Parcels of land acquired by DepEd through any of the modes of acquiring ownership:
15 *Provided, That for unregistered land, DepEd shall have been in open and continuous*
16 administration and use of the Public School Site in good faith for at least seven (7) years.

17 For purposes of this Act, a “Public School Site” refers to public schools utilized by DepEd
18 or sites catering to the needs of DepEd which are necessary or vital to the performance of its
19 mandate or functions. These shall include areas and locations of DepEd offices, training

1 facilities, and teacher's camp, except commercial spaces deriving income for the benefit of the
2 public.

3 **SEC. 4. *Disputable Presumption of Ownership and Dispute Periods.*** – The
4 disputable presumption of ownership shall apply exclusively to registered lands and shall not
5 diminish or affect the acquisition, confirmation, or titling of unregistered Public School Sites
6 under Sections 3 and 6 of this Act. The following rules on possession and disputes shall apply:

7 (a) **Presumption of Ownership.** Even in the absence of registrable documents effecting the
8 transfer of registered lands on its behalf, the DepEd shall have a disputable presumption
9 of ownership over the subject land. This presumption arises if the DepEd has been in
10 open, continuous, exclusive, and notorious possession of the property for a period of
11 twenty (20) years.

12 (b) **Commencement of the Possession Period.** For purposes of this Act, the twenty (20) year
13 period of possession shall be reckoned from the date the school building was visibly
14 established or constructed on the property.

15 (c) **Confirmation of Ownership.** The DepEd shall confirm its ownership upon the
16 submission of an Affidavit of Claim to the Registry of Deeds, which must include proof
17 of acquiring the property, evidence of the 20-year visible possession, and proof of
18 publication and posting of the Notice of Ownership Claim in a newspaper of general
19 circulation and notification to the registered owners or other interested persons.

20 (d) **Two-Year Post-Transfer Dispute Period.** In addition to the six-month period allowed
21 for the cancellation of an annotation under succeeding section, a period of two (2) years
22 is hereby established following the successful transfer of the title and issuance of the
23 Certificate of Title in the name of DepEd for interested parties to file the appropriate
24 action in the court having jurisdiction over the property.

25 During this two-year period, any claimant or aggrieved party may file the
26 appropriate legal action in a court of competent jurisdiction to contest the transfer of
27 ownership. Upon the expiration of this two-year period without any court challenge,
28 the title issued to DepEd shall be considered indefeasible.

29 **SEC. 5. *Annotation and Cancellation of DepEd's Affidavit of Claim.*** – Upon
30 receipt of the Registry of Deeds of the Affidavit of Claim of the DepEd, and after finding its
31 sufficiency in form and substance, the Registry of Deeds shall annotate the same in the title of
32 the subject property.

33 The registered owner or any interested party may file the appropriate petition with the
34 pertinent court seeking the cancellation of the annotation of the Affidavit of Claim within six
35 (6) months from the date of annotation thereof. Otherwise, the Registry of Deeds shall promptly
36 proceed with the issuance of the Certificate of Title under the name of the DepEd after payment
37 of the necessary and applicable fees and taxes.

38 **SEC. 6. *Summary Titling of Public School Sites on Unregistered Lots and***
39 ***Speedy Hearing.*** – When the Public School Site has been surveyed and plotted, the DepEd
40 Secretary or his or her duly authorized representative through the Office of the Solicitor

General or its deputized representatives, 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: *Provided*, That for unregistered lots, the period of open, continuous, exclusive, and notorious possession in good faith required for the DepEd to acquire the site and effectuate summary titling shall be set for seven (7) years.

SEC. 7. *Quantum of Proof.* – To establish its right to the corresponding title in its name, the DepEd must 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 seven (7) years, or it has been used in furtherance of the functions or mandate of the 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. 8. *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 facts 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. 9. *Power to Expropriate and Right of First Refusal.* – For purposes of expanding existing Public School Sites, the DepEd is hereby authorized to acquire lands adjacent thereto through any mode of acquisition authorized by law. In furtherance of this policy, the DepEd shall have the right of first refusal over any proposed sale, transfer, or conveyance of parcels of land adjacent to existing Public School Sites. The owner or authorized representative of such property shall provide written notice to DepEd of the proposed disposition, and the DepEd shall have a period of thirty (30) days from receipt of such notice within which to exercise its right of first refusal under the same terms and conditions offered to a third party; *Provided*, That the failure of DepEd to exercise such right within the prescribed period shall not preclude or impair its authority to subsequently acquire or expropriate the property in accordance with existing laws, whenever necessary for public school purposes.

SEC. 10. *Prioritization of Public School Site Acquisition and Titling.* – In recognition of the critical role of secure land tenure in the delivery of quality education, an accelerated processing framework shall be established for the acquisition, segregation, and titling of lands occupied or intended to be used as Public School Sites by DepEd.

SEC. 11. *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:

- 1 a. Identification and acquisition of qualified school sites for future use of the DepEd;
- 2 b. Maintaining all relevant records in connection to public school sites owned by the
- 3 DepEd, or those considered for acquisition;
- 4 c. Coordination with all relevant government agencies and private entities for the
- 5 acquisition of school sites; and
- 6 d. Any other task which is required for the full implementation of the provisions of this
- 7 Act, which includes but not limited to provision of appropriate funds and *plantilla* personnel
- 8 at both the Central Office and the Schools Division Offices.

9 **SEC. 12. Appropriations.** – Funds necessary for the implementation of this Act shall

10 be included in the annual appropriations for the DepEd under the annual General

11 Appropriations Act.

12 **SEC. 13. Implementing Rules and Regulations.** – The DepEd, in consultation

13 with the DENR, Department of Finance (DoF), Department of Interior and Local Government

14 (DILG), LRA and NCIP shall promulgate the implementing rules and regulations within one

15 hundred eighty (180) days from the effectivity of this Act.

16 **SEC. 14. Separability Clause.** - If any part or provision of this Act is held

17 unconstitutional or invalid, the other parts or provisions hereof which are not affected thereby,

18 shall continue to be in full force and effect.

19 **SEC. 15. Repealing Clause.** All laws, decrees, rules and regulations or other

20 issuances or parts thereof inconsistent with the provision of this Act are hereby repealed,

21 amended or modified accordingly.

22 **SEC. 16. Effectivity.** Notwithstanding the non-issuance of the IRR, this Act shall

23 take effect fifteen (15) days following its publication in the Official Gazette or at least two (2)

24 newspapers of general circulation.

25

26 *Approved,*