

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

TWENTIETH CONGRESS
2nd Regular Session

House Bill No. 11047



Introduced by Representative HON. ADRIAN JAY C. ADVINCULA

**AN ACT STRENGTHENING AND PROTECTING LAND TENURE
SECURITY FOR PUBLIC SCHOOL SITES AND MANDATING THE
EXPEDITED TITLING OF PROPERTIES USED BY THE DEPARTMENT
OF EDUCATION, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

The Second Congressional Commission on Education (EDCOM II) has highlighted one of the most urgent challenges facing our education system: the severe shortage of classrooms nationwide. Overcrowded classes, makeshift structures, and multi-shift schedules continue to undermine learning conditions for millions of Filipino students. A critical, often overlooked factor behind this backlog is the lack of secure, buildable, and properly titled school sites where new classrooms can be constructed.

For decades, many public schools have operated on land that is unregistered, informally donated, or still titled under private owners, local governments, or other national government agencies. Others sit on parcels that DepEd has long used in good faith but remain undocumented or under dispute. These issues with school site ownership expose campuses to legal challenges, risk the revocation of land donations, and leave even long-established schools vulnerable to eviction or litigation.

This problem has had direct consequences for classroom construction. Projects, whether for expansion, repair, or new buildings, cannot proceed without secure land tenure. EDCOM II reports that many school building projects are

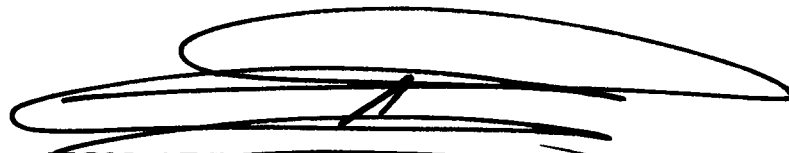
delayed or shelved because the site cannot be legally recognized as buildable. Even when funding is available, land registration and titling issues stall projects, worsening the classroom shortage nationwide.

This bill addresses this barrier by strengthening and protecting DepEd's ownership of public school sites and mandating the expedited titling of all real properties used for public schools. It establishes a disputable presumption of ownership in favor of DepEd for sites it has openly, continuously, and exclusively used for at least twenty years. Streamlined, summary procedures are created to fast-track the titling of both registered and unregistered lands, with priority processing by the Registry of Deeds, DENR, BIR, DAR, and LGUs. The bill also mandates the automatic transfer of sites registered under the National Government, LGUs, or government-owned and controlled corporations to DepEd, eliminating administrative bottlenecks.

To secure existing and future campuses, the bill reinforces DepEd's existing authority to expropriate privately owned lots used as school sites and its right of first refusal for adjacent parcels needed for expansion. These powers already exist but are strengthened and streamlined under this measure to ensure efficiency. All fees and taxes related to the titling and transfer of school sites are waived to prevent bureaucratic costs from delaying the creation of safe, permanent learning spaces.

The passage of this measure directly supports our priority agenda to finally and urgently address the country's classroom construction backlog. By resolving land issues upfront, the government can accelerate the building, upgrading, and expansion of schools, ensuring Filipino learners have access to safe, permanent, and adequate learning environments.

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



HON. ADRIAN JAY C. ADVINCULA
3rd District - Cavite

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

1
2 Section 1. Short Title. -This Act shall be known as the "Public
3 School Sites Titling and Protection Act."
4

5 Sec. 2. Declaration of Policy. - It is hereby declared the policy of the
6 State to protect and promote the right of all citizens to quality education
7 at all levels. Towards this end, the State shall take appropriate and
8 deliberate measures to ensure that such education is accessible,
9 inclusive, and equitable to all, regardless of personal, geographic, social,
10 or economic circumstances.
11

12 Sec. 3. Coverage. - All lands utilized by the Department of
13 Education (DepEd) as Public School Sites shall be registered under its
14 name, including:
15

- 16 a) All lands registered in the name of DepEd or its predecessor-in-
17 interest, such as but not limited to, the "Bureau of Education,"
18 "Office of Education by the Government of the Philippines,"

1 "Ministry of Education," "Department of Education, Culture and
2 Sports"; and

- 3 b) Parcels of land acquired by DepEd through any of the modes of
4 acquiring ownership: Provided, That for unregistered land, DepEd
5 shall have been in open and continuous administration and use of
6 the Public School Site in good faith for at least five (5) years.

7
8 For purposes of this Act, a "Public School Site" refers to public
9 schools utilized by DepEd or sites catering to the needs of DepEd that
10 are necessary or vital to the performance of its mandate or functions.
11 These shall include areas and locations of DepEd offices, training
12 facilities, teachers' camps, or commercial spaces incidental to school
13 operations deriving income for the benefit of the public.

14
15 Sec. 4. Disputable Presumption of Ownership. — The disputable
16 presumption of ownership shall apply exclusively to registered lands
17 and shall not diminish or affect the acquisition, confirmation, or titling
18 of unregistered Public School Sites under Sections 3 and 6 of this Act.
19 Even in the absence of registrable documents effecting the transfer of
20 registered lands on its behalf, the DepEd shall have a disputable
21 presumption of ownership over the subject land if it has been in open,
22 continuous, exclusive, and notorious possession over the property for at
23 least twenty (20) years.

24
25 DepEd shall confirm its ownership upon the submission of an
26 Affidavit of Claim to the Registry of Deeds containing the following:

- 27
28 1. Mode of acquiring ownership over the property;
29 2. The circumstances and/or proof of open, continuous, exclusive,
30 and notorious possession over the property for twenty (20) years;
31 3. Proof of publication of the Notice of Ownership Claim in a
32 newspaper of general circulation and notification to the registered
33 owners or other interested persons; and
34 4. Proof of posting of the Notice of Ownership Claim for three (3)
35 consecutive weeks in a conspicuous place located within the

1 Public School Site, and in the Barangay Hall and City or Municipal
2 Hall that have territorial jurisdiction over the Public School Sites.
3

4 For these purposes, a "Notice of Ownership Claim" refers to a
5 written document declaring DepEd's claim over a Public School Site:
6 Provided, That, the publication and posting of the Notice of Ownership
7 Claim shall be done within six (6) months immediately preceding the
8 filing of the Affidavit of Claim.
9

10 Sec. 5. Annotation and Cancellation of DepEd's Affidavit of Claim.

11 – Upon receipt of the Registry of Deeds of DepEd's Affidavit of Claim
12 and after finding its sufficiency in form and substance, the Registry of
13 Deeds shall annotate the same in the title of the subject property.
14

15 The registered owner or any interested party may file the
16 appropriate petition with the appropriate court seeking the cancellation
17 of the annotation of the Affidavit of Claim within six (6) months from
18 the date of annotation thereof. Otherwise, the Registry of Deeds shall
19 promptly proceed with the issuance of the Certificate of Title under the
20 name of DepEd after payment of the necessary and applicable fees and
21 taxes.
22

23 Sec. 6. Summary Titling of Public School Sites on Unregistered
24 Lots and Speedy Hearing. – DepEd shall acquire ownership of the
25 unregistered school sites through the following:
26

- 27 a) Filing of application for Judicial Confirmation of Imperfect or
28 Incomplete Title;
29 b) Filing of application for the issuance of a special patent; or
30 c) Filing of an application for the issuance of a Presidential
31 Proclamation for school sites situated in forest or timber land.
32

33 When the Public School Site has been surveyed and plotted, the
34 DepEd Secretary or his or her duly authorized representative, through
35 the Office of the Solicitor General or its deputized representatives, shall

1 institute original registration proceedings by filing the necessary petition
2 in the Regional Trial Court of the place where the land is situated
3 against any claimants, possessors, or occupants of such lands or any part
4 thereof. The petition shall state, in substance, that public interest
5 requires that the title to such lands be settled and adjudicated and that
6 such titles be so settled and adjudicated in favor of DepEd. The petition
7 shall likewise contain a description of the land and shall be accompanied
8 by an approved plan thereof, as issued by the relevant authority, and
9 may contain such other data as may serve to furnish full notice to the
10 occupants of the lands and to all persons who may claim any right or
11 interest therein.

12
13 In the registration proceedings under this Act, only the following
14 shall be established by the claimant:

- 15
- 16 a) that the school site is not covered by a valid Torrens Certificate of
17 Title;
 - 18 b) that the land had been surveyed or plotted;
 - 19 c) that its complete description, metes, and bounds had been
20 identified by a duly licensed surveyor or government surveyor,
21 and that the approved survey has been submitted to the Court;
22 and
 - 23 d) that DepEd has open and continuous administration or use of the
24 Public School Site for at least five (5) years for unregistered lands
25 covered under Section 3 (b), as may be applicable.
- 26

27 Sec. 7. Immediate Transfer of Public School Sites Registered Under
28 the Name of the National Government, Local Government Units, and
29 Government-Owned and Controlled Corporations. — All Public School
30 Sites occupied or used by DepEd under a claim of ownership, registered
31 under the name of the Republic of the Philippines or by any of its
32 agencies or instrumentalities, as well as by the local government units,
33 and by government-owned and controlled corporations shall be
34 immediately transferred to and titled in favor of DepEd. Such transfer
35 shall include the buildings or other immovable real properties situated

1 therein, without prejudice to applicable accounting and asset
2 management requirements, if applicable.

3
4 Sec. 8. DepEd's Power to Expropriate. — DepEd shall have the
5 power to expropriate real properties for Public School Sites.

6
7 Sec. 9. DepEd's Right of First Refusal Over Adjacent Lands of
8 Public School Sites. — For purposes of expanding existing Public School
9 Sites, DepEd, through any mode of acquisition as allowable under the
10 law, may acquire lands adjacent to the existing Public School Sites.
11 Further, notwithstanding any contrary interest, DepEd shall have the
12 right of first refusal over parcels of lands adjacent to the Public School
13 Sites which shall be exercised for a period of thirty (30) days from notice
14 of sale: Provided, that, the failure to exercise the right of first refusal
15 over the sale of any property adjacent to a Public School Site, within the
16 period provided under this section, shall not be construed as a waiver
17 for DepEd to expropriate the same whenever necessary.

18
19 Sec. 10. Expedited Expropriation of Public School Sites. — Public
20 School Sites on privately-owned lots may be acquired by DepEd through
21 expropriation, subject to the provisions of R.A. No. 10752 or "The Right-
22 of-Way Act" and its pertinent rules, regulations, and guidelines.

23 Whenever the right of DepEd to expropriate Public School Sites is
24 exercised, the filing of the expropriation case shall be deemed prima
25 facie evidence of public use and necessity, upon proof that the same
26 shall be used as a Public School Site as defined under Section 3 hereof.

27 Unless said presumption is overturned by a showing that the use
28 of the subject property does not fall within the definition of a Public
29 School Site, the expropriation proceedings shall be limited to the
30 determination of just compensation.

31
32 Sec. 11. Order of Registration Immediately Executory. — All
33 judgments ordering the registration of a Public School Site shall be
34 immediately executory even pending appeal, without prejudice to
35 appeals solely as to the determination of just compensation or damages,

1 if applicable. The Registry of Deeds, upon receipt of such order, shall
2 forthwith register and issue the title and the corresponding certificate of
3 title in favor of DepEd.

4
5 Sec. 12. Titling and Registration of Public School Sites Based on
6 Tax Declarations Registered to DepEd. — Real properties not under the
7 Torrens Title System but with tax declaration registered in the name of
8 DepEd which are being used as Public School Sites, shall be processed
9 through the Department of Environment and Natural Resources (DENR)
10 for titling through the issuance of Special Patents and Presidential
11 Proclamations. DENR shall facilitate the immediate issuance of special
12 patents to Public School Sites through a Memorandum of Agreement
13 with DepEd which must be consummated not more than one hundred
14 eighty (180) days after the effectivity of the implementing rules and
15 regulations of this Act.

16
17 Sec. 13. Expeditious Registration of Land Titles for Public School
18 Sites. - The Registry of Deeds, Bureau of Internal Revenue (BIR),
19 Department of Agrarian Reform (DAR), DENR, and Local Government
20 Units (LGUs) concerned shall process the registration and titling of the
21 properties as provided herein, in favor of DepEd, in the most efficient
22 and expeditious manner.

23
24 Sec. 14. Prioritization of Public School Site Acquisition and Titling.
25 - In recognition of the critical role of secure land tenure in the delivery of
26 quality education, an accelerated processing framework shall be
27 established for the acquisition, segregation, and titling of lands occupied
28 or intended to be used as Public School Sites by DepEd.

29
30 Sec. 15. Exemption from Payment of Fees and Taxes for the
31 Registration of Land Titles for Public School Sites. - All costs, fees,
32 charges, and taxes to the national and local government relating to the
33 registration, titling, and transfer of Public School Sites to DepEd shall be
34 exempt from payment.

1 Sec. 16. School Sites within Forest Land. - DepEd shall cause the
2 application for the reclassification of land occupied by Public School
3 Sites, which are classified as forest or timber, into alienable or disposable
4 land, with the Office of the President through the DENR.

5
6 Sec. 17. Public School Sites within Ancestral Domain. - The
7 National Commission on Indigenous Peoples shall assist DepEd in
8 securing Free, Prior and Informed Consent (FPIC) from leaders or
9 representatives of Indigenous Cultural Communities (ICCs) for Public
10 School Sites within ancestral domain for the eventual grant of usufruct
11 by ICCs to DepEd for the use of their lands. The requirement for FPIC,
12 however, is deemed waived if the ICCs have passed a resolution asking
13 DepEd to establish and construct a new school or repair and rehabilitate
14 an existing one.

15
16 Sec. 18. Appropriations. — Funds necessary for the
17 implementation of this Act shall be included in the annual
18 appropriations for the DepEd under the annual General Appropriations
19 Act.

20
21 Sec. 19. Implementing Rules and Regulations. — The DepEd, in
22 consultation with the DENR, Department of Finance (DOF), Department
23 of Interior and Local Government (DILG), LRA, and NCIP, shall
24 promulgate the implementing rules and 7 regulations within one
25 hundred eighty (180) days from the effectivity of this Act.

26
27 Sec. 20. Separability Clause. — If any part or provision of this Act
28 is held 9 unconstitutional or invalid, the other parts or provisions hereof
29 which are not affected thereby, shall continue to be in full force and
30 effect.

31
32 Sec. 21. Repealing Clause. — All laws, decrees, rules, regulations,
33 or other issuances or parts thereof inconsistent with the provisions of
34 this Act are hereby repealed, amended, or modified accordingly.

1 Sec. 22. Effectivity. — This Act shall take effect fifteen (15) days
2 following its publication in the Official Gazette or at least two (2)
3 newspapers of general circulation.

Approved,