

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**EIGHTEENTH CONGRESS**  
First Regular Session



HOUSE BILL NO. 4991

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Introduced by Representative **TYRONE D. AGABAS**  
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**AN ACT PROVIDING FOR THE SUMMARY TITLING OF REAL  
PROPERTIES USED AS SITES FOR PUBLIC SCHOOLS NATIONWIDE,  
AND FOR OTHER PUPOSES**

**EXPLANATORY NOTE**

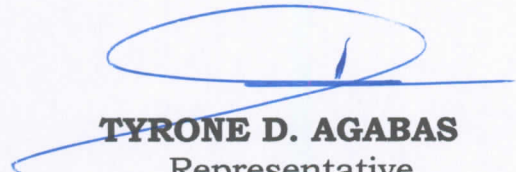
This bill seeks to provide for the summary titling of real properties used as sites for public schools in our educational system.

The State shall protect and promote the right of all citizens to quality education at all levels and shall take appropriate steps to make such education accessible to all (Section 1, Article XIV of the 1987 Constitution).

One of the major problems that beset access to quality education is the lack of buildable sites for our school buildings. A good number of school sites are unregistered and are subject to litigation, frequent transfer of locations, and revocation of land donation by the owners and their surviving heirs. Many school sites are also being used without legal documentation of transfer of ownership to the Department of Education (DepEd). For as long as the school sites remain unregistered in the name of the DepEd, the cloud of uncertainty will remain unresolved. When the question of ownership is litigated, no buildable sites for school buildings will be recognized by the DepEd, hence, no improvement of school facilities can be made.

Accordingly, there is a need to institutionalize the summary titling of lands to ascertain DepEd's ownership of school real properties and to secure future public school's development all over the country.

Hence, this earnest request for the immediate passage of this bill.



**TYRONE D. AGABAS**  
Representative  
6<sup>th</sup> District, Pangasinan

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

1       **SECTION 1. Purpose of this Act.** – It is hereby declared the policy of  
2       the State to provide all lands being utilized as public school sites  
3       (“school sites”) by the Department of Education (Department) with  
4       titles under the “Republic of the Philippines represented by the  
5       Department of Education” to enable it to have legal ownership over  
6       these schools sites. Towards this end, however, the State shall ensure  
7       the prompt payment of just compensation for the acquisition of real  
8       property utilized as school sites and not be taken for public use  
9       without just compensation.

10       **SECTION 2. Qualified School Sites.** – This Act shall cover all sites  
11       of public schools under the Department which have been utilized as  
12       such for at least five (5) years preceding the effectivity of this Act,  
13       which are composed of the following:

- 14       a)     Lands of the Public Domain; and  
15       b)     Those that are owned, whether registered or otherwise, by  
16       persons or entities other than the Department.

17       **SECTION 3. Prima facie Ownership by the Department of**  
18       **Unregistered Land.** – The Department shall be prima facie owner of  
19       all unregistered qualified school sites.



20 **SECTION 4. SUMMARY Titling of Qualified School Sites on**  
21 **Unregistered Lots.** – All actions for the original registration of  
22 qualified school sites under this Act shall be filed with the Regional  
23 Trial Court where the property is situated, and shall be summary in  
24 nature. The Department need only to establish that the school site is  
25 untitled and that it has been used as such for at least five (5) years,  
26 Provided, the notice requirements provided for in Section 23,  
27 Presidential Decree (P.D.) No. 1529 must be observed.

28 **SECTION 5. Transfer of Qualified School Sites Owned by the**  
29 **National Government.** – All Qualified School Sites established on  
30 registered property owned by the National Government and the  
31 agencies and instrumentalities thereof shall be immediately  
32 transferred to and titled in favor the Department.

33 **SECTION 6. Modes of Acquiring Qualified School Sites on**  
34 **Privately-Owned Lots and Lots Owned by Local Government**  
35 **Units.** – The Department of Education may acquire Qualified School  
36 Sites on Privately-Owned Lots and Lots Owned by Local Government  
37 Units through donation, negotiated sale, expropriation or any modes  
38 of acquisition as provided by law.

39 **SECTION 7. Unaccepted Donations.** – All unaccepted donation of  
40 property presently used as school sites shall be deemed perfected by  
41 implied acceptance from the time when the property was actually  
42 utilized as a public school site.

43 **SECTION 8. Guidelines for Negotiated Sale.** – Should the  
44 implementing agency and the owner of the property agree on a  
45 negotiated sale for the acquisition of the right-of-way, site or location  
46 for any national government infrastructure project, the standards  
47 prescribed under Section 10 of Republic Act (R.A.) No. 8974 hereof  
48 shall be used to determine the fair market value of the property,  
49 subject to review and approval by the head of the agency or  
50 department concerned.

51 **SECTION 9. Summary Expropriation of Qualified School Sites.** –  
52 Qualified School Sites on Privately-Owned Lots and Lots Owned by  
53 Local Government Units may be acquired by the Department through  
54 expropriation subject to the guidelines provided under Section 4 of  
55 R.A. No. 8974. Provided, that the right of the Department to

56 expropriate qualified schools sites, and that the taking is for public  
57 use and public purpose shall be presumed prima facie. Unless said  
58 presumption is overturned by a showing that the school site is not  
59 qualified under Section 2 hereof, the expropriation proceedings shall  
60 be limited to the determination of just compensation.

61 In the event that the owner of the property contests the  
62 Departments proffered value, the court shall determine the just  
63 compensation to be paid the owner within sixty (60) days from the  
64 date of filing of the expropriation case. When the decision of the court  
65 becomes final and executory, the Department shall pay the owner the  
66 difference between the amount already paid and just compensation  
67 as determined by the court.

68 **SECTION 10. Order of Registration Immediately Executory.** – All  
69 judgments ordering the registration of a qualified school site shall be  
70 final and executory, and not subject to appeal except in a Petition for  
71 Certiorari under Rule 65 to the Supreme Court. The Register of Deeds,  
72 upon receipt of such order, shall forthwith issue the corresponding  
73 certificate of title in favor of the Department.

74 **SECTION 11. School Sites under Contract of Usufruct.** – In order  
75 to protect the rights and interests of the Department in its use and  
76 enjoyment of a school site under a Contract of Usufruct, the same  
77 shall be annotated in the Certificate of Title of such real property. All  
78 reasonable efforts should be exerted for the subsequent donation of  
79 these properties in favor of the Department. Provided, that when a  
80 school site under usufruct becomes a qualified school site, the same  
81 may be acquired by expropriation as provided herein.

82 **SECTION 12. Titling and Registration of School Sites based on**  
83 **Tax Declarations registered to the Department.** – Real properties  
84 with Tax Declarations registered in the name of the Department which  
85 are being used as school sites shall be processed through the  
86 Department of Environment and Natural Resources (DENR) for titling  
87 through the issuance of Special Patents and Presidential  
88 Proclamations.

89 **SECTION 13. Expeditious Registration of Land Titles for School**  
90 **Sites.** – The Registry of Deeds, Bureau of Internal Revenue and Local  
91 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 (DOF) 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.

128       **SECTION 19. *Repealing Clause.*** – All laws, decrees, rules and  
129 regulations or other issuance or parts thereof inconsistent with the  
130 provisions of this Act are hereby repealed, amended or modified  
131 accordingly.

132       **SECTION 20. *Effectivity.*** – This Act shall take effect fifteen (15) days  
133 following its publication in at least two (2) newspapers of general  
134 circulation.

135       *Approved,*