

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. **3754**



Introduced by Representative RAMON V. A. "RAV" ROCAMORA

EXPLANATORY NOTE

According to the Department of Education (DepEd), as of 2015 there are 15,581 sites where public elementary and secondary schools have been built where the land these schools are situated on are not titled in favor of the DepEd. This leaves a looming threat to the security of the permanent buildings erected thereon if there will be a continuous vulnerability as to the ownership over the land these schools are on.

The previous administration has attempted to address this decades-old problem by having the Department of Environment and Natural Resources work together with the DepEd to fast-track the titling of lands in favor of the latter. However, this only covered those lands that are classified as already alienable and disposable, with special patents being issued regarding these lands pursuant to Republic Act No. 10023, or the Residential Free Patent Act. This fails to address the issue of those lots occupied by public schools on the basis of donations that have not been formally accepted or those lands that are titled to a different government entity, such as the local government unit.

Therefore, there is a need to provide a simpler mechanism for the school sites to be titled in favor of the DepEd to secure the ownership over these lands and remove the risk of the schools being displaced.

Thus, enactment of this bill is earnestly urged.

RAMON V.A. "RAV" ROCAMORA
Representative
Lone District, Siquijor

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. **3754**

Introduced by Rep. Ramon V.A. "Rav" Rocamora

**AN ACT PROVIDING FOR THE SUMMARY TITLING OF REAL PROPERTIES USED AS
PUBLIC SCHOOL SITES**

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

SECTION 1. Declaration of Policy. – It is hereby the policy of the State to provide all
lands being utilized as public school sites by the Department of Education (DepEd) with
titles under the "Republic of the Philippines represented by the Department of
Education" to the DepEd to enable it to have legal ownership over these school sites.

Toward this end, the State shall ensure the prompt payment of just compensation for
the acquisition of real property utilized as school sites and not owned by the DepEd, in
accordance with the constitutional guarantee that private property shall not be taken
for public use without just compensation.

SECTION 2. Qualified School Sites. – This Act shall cover all sites of public schools under
the DepEd that have been utilized as such for at least five (5) years preceding the
effectivity of this Act, which are:

(a) of the public domain; or

(b) owned, whether registered or otherwise, by persons or entities other than
the DepEd, including school sites that are owned by the national government
or any of its agencies and instrumentalities or owned by the local
government units (LGUs).

SECTION 3. Prima Facie Ownership by the DepEd of Unregistered Land. – The DepEd
shall be the prima facie owner of all unregistered qualified school sites.

SECTION 4. Summary Titling of Qualified School Sites on Unregistered Lots. – All actions
for the original registration of qualified school sites under this Act shall be filed by the
Office of the Solicitor General or by the municipal, city, or provincial prosecutor with
the Regional Trial Court where the property is located with the action being summary

1 in nature. The DepEd unit concerned need only establish that the school site is untitled
2 and that it has been used as such for at least five (5) years; Provided, That the notice
3 requirements stated in Section 23 of Presidential Decree No. 1529 shall be observed.

4
5 **SECTION 5. *Transfer of Qualified School Sites Owned by the National Government.*** – All
6 qualified school sites established on registered property owned by the national
7 government or any of its agencies and instrumentalities shall be immediately
8 transferred to and titled in favor of the DepEd.

9
10 **SECTION 6. *Modes of Acquiring Qualified School Sites on Privately-Owned Lots and Lots***
11 ***Owned by the LGUs.*** – The DepEd may acquire qualified school sites on privately-owned
12 lots and lots owned by the LGUs through donation, negotiated sale, expropriation, or
13 any other mode of acquisition as may be provided by law.

14
15 **SECTION 7. *Donations not Formally Accepted.*** – All donations of real property not
16 formally accepted but are used as school sites shall be deemed perfected from the time
17 the property was actually utilized as a public school site; Provided, That a public
18 instrument signifying the acceptance of the donation is executed at the soonest possible
19 time by the authorized representative of the DepEd.

20
21 **SECTION 8. *Guidelines for Negotiated Sale.*** – Should the owner of the property agree to
22 a negotiated sale, the standards prescribed in Republic Act No. 8974 and other related
23 laws, rules, and regulations shall be used to determine the fair market value of the
24 property.

25
26 **SECTION 9. *Summary Expropriation of Qualified School Sites.*** – Qualified school sites on
27 privately-owned lots and lots owned by the LGUs may be acquired by the DepEd
28 through expropriation, subject to the guidelines provided in Republic Act No. 8974;
29 Provided, That the right of the DepEd to expropriate qualified school sites and that such
30 taking is for a public purpose shall be presumed; Provided, further, That the
31 expropriation proceedings shall be limited to the determination of just compensation
32 unless the said presumption is overturned by a showing that the school site is not
33 qualified under Section 2 of this Act.

34
35 **SECTION 10. *Order of Registration Immediately Executory.*** – All judgments ordering the
36 registration of a qualified school site shall be final and executory and not subject to
37 appeal except in a Petition for Certiorari under Rule 65 to the Supreme Court. The
38 Register of Deeds, upon receipt of such order, shall forthwith issue the corresponding
39 certificate of title in favor of the DepEd.

40
41 **SECTION 11. *School Sites under Contract of Usufruct.*** – In order to protect the rights and
42 interests of the DepEd in its use and enjoyment of a school site under a Contract of
43 Usufruct, the same shall be annotated in the Certificate of Title of such real property. All
44 reasonable efforts should be exerted for the subsequent acquisition of these properties
45 in favor of the DepEd.

46
47 **SECTION 12. *School Sites Owned by LGUs.*** – School sites situated on real property
48 owned by LGUs may apply for the summary titling of the school site in the name of the
49 DepEd. If the LGU wishes to reclaim the land, the LGU must provide for the replacement

1 of the school site and the school buildings therein before the site is vacated.

2
3 **SECTION 13. *Exemption from Payment of Fees and Taxes for the Registration of Land***
4 ***Titles for School Sites.*** – The DepEd shall be exempt from payment of all related costs,
5 fees, and taxes to the national government agencies, including the Bureau of Internal
6 Revenue, the Land Registration Authority, the Registry of Deeds, the Department of
7 Environment and Natural Resources-Land Management Bureau, the LGUs, and other
8 government agencies involved in the registration and titling of school sites as provided
9 herein; Provided, That the DepEd shall enjoy all the rights, exemptions, and privileges
10 as may be authorized by law in all its official transactions with national government
11 agencies and LGUs involving titling and registration of its current school sites.

12
13 **SECTION 14. *Appropriations.*** – The funds necessary for the implementation of this Act
14 shall be included in the annual appropriations of the DepEd under the General
15 Appropriations Act.

16
17 **SECTION 15. *Separability Clause.*** – If any section or part of this Act is held
18 unconstitutional or invalid, the other sections or provisions shall remain in full force
19 and effect.

20
21 **SECTION 16. *Repealing Clause.*** – All laws, decrees, executive orders, rules and
22 regulations, issuances, or any part thereof inconsistent with the provisions of this Act
23 are deemed repealed or amended accordingly.

24
25 **SECTION 17. *Effectivity.*** – This Act shall take effect fifteen (15) days after its
26 publication in at least two (2) national newspapers of general circulation.

27
28 *Approved.*