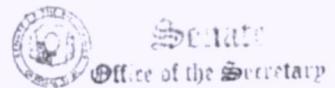


EIGHTEENTH CONGRESS OF THE REPUBLIC }
OF THE PHILIPPINES }
First Regular Session }



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RECEIVED DEPT

SENATE
Senate Bill No. 1247

Introduced by SENATOR LACSON

**AN ACT
STRENGTHENING AND PROTECTING THE LAND OWNERSHIP
OF DEPED SCHOOLSITES, MANDATING THE SUMMARY TITLING
OF UNREGISTERED REAL PROPERTIES USED AS PUBLIC SCHOOL
SITES, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

The education of the Filipino Youth is essential in nation building. Thus, it should be declared the policy of the State to ensure that our learners are in a school environment that is safe, motivating, child-friendly and conducive to learning. For this reason, schools of the Department of Education (DepEd) are not only declared as “zones of peace” during armed conflict, but are zones of peace and neutrality at all times.

Our public school system is often subjected to property disputes, violence, irritation, physical if not verbal and psychological warfare between the school administrators, teachers, and those who claim ownership over our school sites. Our learners, even at an early age, witness untoward incidents constituting usurpation of properties over real rights.

Thus, there is a compelling necessity and urgency to institutionalize and prioritize the acquisition and titling of DepEd school sites to ensure their continuous and smooth operation, maintenance and development for the benefit of our learners in the public school system.

The current data from the Department of Education (DepEd) shows that majority of our public school sites are untitled or unregistered. Some school sites were donated for use as school sites but are now owned/titled in the name of LGUs. Some are subject to long-term lease agreements with private individuals.

The passage of this bill will pave the way for the summary titling of all lands which are being utilized as public school sites throughout the country. This bill aims to provide all lands being utilized by the Department of Education (DepEd) with

titles under the "Republic of the Philippines represented by the Department of Education" to enable it to have legal ownership over these school sites.

The summary titling will cover all sites of public schools under the DepEd which have been utilized as such for at least five (5) years preceding the effectivity of this proposed measure, which are composed of the following:

- a) Lands of the public domain;
- b) Those that are owned, whether registered or otherwise, by persons or entities other than the DepEd.

This bill also seeks to address the need to acquire qualified School Sites on Privately-Owned Lots, Lots Owned by Local Government Units or other national government agencies, or any government agency, through donation, negotiated sale, expropriation or any other modes of acquisition as provided by law.

This bill also seeks to quiet the title or remove the clouds hovering over our many school sites by the passage of this bill establishing summary registration of titles over the DepEd school sites.

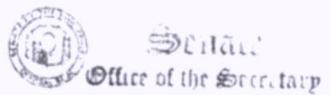
Further, the bill will strengthen DepEd's capacity and authority to manage lands registered under its name, whether by Spanish title, American title or Torrens Certificate of Title, such as but not limited to "Ministry of Education", as well as those declared for taxation purposes under its name. Thus, the creation of a DepEd real estate office is proposed.

If enacted into law, the school authorities will finally have direct control and supervision over the land occupied by the public schools. The comprehensive development and improvement of the public school system will finally be realized.

In line with the mandate of the DepEd in ensuring access to quality basic education for all Filipino learners, there is an imperative need to safeguard the interest of public school sites from being subjected to disposal, sale, lien or encumbrance, and against reconveyance suits and claims for payment from private entity/individual or heirs of donors. After all, a school is our children's second home.

Hence the proposal for an immediate legislative measure.


PANFILO M. LACSON
Senator



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STRENGTHENING AND PROTECTING THE LAND OWNERSHIP
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OF UNREGISTERED 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:

SECTION 1. *Purpose of this Act.* - It is hereby declared the policy of the State to register all lands being utilized as public school sites ("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". Towards this end, the State shall ensure the prompt payment of just compensation for the acquisition of real property utilized as public school sites and not owned by DepEd, in accordance with Article III, Section 9 of the Constitution which provides that private property shall not be taken for public use without just compensation.

SECTION 2. *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.

For purposes of this act, a public school site is a "qualified school site" if it is 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.

If the parcel of land is 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, it shall be deemed a "qualified school site", whether or not the parcel of land is characterized as any of the following:

- a) It is a property of the public domain;
- b) It is owned by a person or entities other than the DepEd, whether the ownership thereof is registered or not.

SECTION 3. *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 either 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;
- c) Filing of an application of the issuance of Presidential Proclamation for school sites situated in forest or timber land

SECTION 4. *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.

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.

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,
- 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.

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

1 comply with the notice requirements provided for in Section 23, Presidential Decree
2 (P.D.) No. 1529.

3 Consistent with Section 27 of P.D. 1529, the Court, if it deems necessary,
4 may refer the case or any part thereof to a referee who shall hear the parties and their
5 evidence, and the referee shall submit his report thereon to the Court within fifteen
6 days after the termination of such hearing. Hearing before a referee may be held at
7 any convenient place within the province or city as may be fixed by him and after
8 reasonable notice thereof shall have been served the parties concerned. The court
9 may render judgment in accordance with the report as though the facts have been
10 found by the judge himself: Provided, however, that the court may in its discretion
11 accept the report, or set it aside in whole or in part, or order the case to be
12 recommitted for further proceedings.

13 The Regional Trial Court shall see to it that all registration-proceedings under
14 this Act are disposed of within one year from the date of filing.

15 **SECTION 5. Immediate Transfer of Qualified School Sites Owned by the**
16 *National Government and Local Government Units.* - All qualified school sites
17 established or occupied by DepEd on property registered under the name of the
18 Republic of the Philippines or owned by any of its agencies or instrumentalities, as
19 well as those owned by the local government units shall be immediately transferred
20 to and titled in favor of DepEd. Such transfer shall include the buildings or other
21 immovable real properties thereto, without prejudice to the arrangements for
22 compensation, if any for government owned corporations, which shall be mutually
23 agreed upon between the DepEd and the agencies concerned and recommended to
24 the President for final approval.

25 **SECTION 6. Modes of Acquiring Qualified School Sites not Occupied but**
26 *Privately-Owned Lots, Lots Owned by National Government and Lots Owned by*
27 *Local Government Units.* - For purposes of expanding existing school sites, the
28 DepEd may commence acquisition of the following:

- 29 a) privately-owned lots not occupied by DepEd
30 b) lots owned by the National Government or any of its instrumentalities,
31 c) lots owned by Local Government Units

32 through donation, negotiated sale, expropriation or any other modes of acquisition
33 as provided by law.

34 The DepEd shall have the right of first refusal over parcel of lands
35 surrounding the school sites. It is understood that whenever the owners of lands
36 surrounding a school site will sell or alienate their rights over their lots in any
37 manner, the same shall first be offered to the DepEd for determination of the
38 necessity of acquiring the same for expansion or development purposes or not.

39 However, the failure to exercise the right of first refusal over the sale or
40 alienation of any right to any property surrounding a school site shall not mean
41 waiver to expropriate the same whenever necessary.

42 **SECTION 7. Guidelines for Negotiated Sale.**- Should the DepEd and the
43 owner of a titled private property agree on a negotiated sale for the acquisition of a
44 privately-owned property to be established as a future school site, the standards

1 prescribed in the pertinent provisions of Republic Act (R.A.) No.10752 or "The
2 Right of Way Act," and other related laws, rules and regulations, insofar as they are
3 applicable, shall be used to determine the fair market value of the property, subject
4 to the review and approval by the DepEd Secretary or his or her authorized
5 representative.

6

7 **SECTION 8. Order of Registration Immediately Executory-** All judgements
8 ordering the registration of a qualified school sites shall be immediately executory.
9 The Register of Deeds, upon receipt of such order, shall forthwith issue register the
10 title and the corresponding certificate of title in favor of DepEd.

11

12 **SECTION 9. Summary Expropriation of Qualified School Sites.-** Qualified
13 School Sites on Privately-Owned Lots or Lots Owned by Local Government Units
14 may be acquired by the DepEd through expropriation subject to the guidelines
15 provided under Section 6 of R.A. No. 10752. Whenever the right of DepEd to
16 expropriate qualified school sites is invoked, the same shall be deemed for public
17 use or purpose, unless the same is overturned by a showing that the school site is
18 not qualified under Section 2 hereof.

19

20 **SECTION 10. School Sites Privately-Owned under Contract of Usufruct. -** In
21 order to protect the rights and interest of DepEd in its use and enjoyment of a
22 school site that are privately-owned under a Contract of Usufruct, the same shall be
23 registered with the Registry of Deeds concerned and annotated in the Certificate of
24 Title of such real property. All reasonable efforts should be exerted for the
25 subsequent negotiated sale of these properties in favor of DepEd. Provided, that
26 when a school site under usufruct becomes a qualified school site, the same may be
27 acquired by expropriation as provided herein.

28

29 **SECTION 11. Titling and Registration of School Sites based on Tax
30 Declarations registered to DepEd -** Real properties with Tax Declaration registered
31 in the name of the DepEd which are being used as school sites shall be processed
32 through the Department of Environment and Natural Resources (DENR) for titling
33 through the issuance of Special Patents and Presidential Proclamations

34

35 The DENR shall facilitate the immediate issuance of special patents to school
36 sites through a Memorandum of Agreement with the DepEd which must be
37 consummated not more than 180 days after the effectivity of this Act.

38

39 **SECTION 12. Expeditious Registration of Land Titles for School Sites.-** The
40 Registry of Deeds (RoD), Bureau of Internal Revenue (BIR), Department of
41 Agrarian Reform (DAR), DENR, and Local Government Units (LGUs) concerned
42 shall forthwith process the registration and titling of the properties as provided
43 herein in favor of DepEd in the most efficient and expeditious manner, the
44 consummation of which must be made not more than 180 days after the effectivity
45 of this Act.

46

47 **SECTION 13. Exemption from Payment of Fees and Taxes for the
48 Registration of Land titles for School Sites.-** The DepEd shall be exempt from
49 payment of all related costs, fees, charges or all taxes to the National Government
50 Agencies, including the Bureau of Internal Revenue (BIR), Land Registration
51 Authority (LRA), Registry of Deeds (RD), DENR and Local Government Units,
52 and other government agencies involved in the registration and titling of school sites

1 as provided herein. Provided, further, that the DepEd shall enjoy all the rights,
2 exemptions and privileges, as may be authorized by the law, in all its official
3 transaction with National Government Agencies and Local Government Units
4 involving titling and registration of its current school sites.

5
6 Donations of land or other properties, real or personal for the benefit of the
7 DepEd shall be exempt from donor's tax.
8

9 **SECTION 14. School Sites within Forest Land -** The DepEd shall cause the
10 application for the reclassification of land occupied by school sites, which are
11 classified as forest or timber, into alienable or disposable to the Office of the
12 President through the Department of Environment and Natural Resources (DENR).
13

14 Upon reclassification of school sites from forest land to alienable and
15 disposable, the Office of the President shall issue Presidential Proclamation over
16 such lands.
17

18 **SECTION 15. School Sites within Ancestral Domain –** The National
19 Commission on Indigenous Peoples shall assist the DepEd in securing Free, Prior
20 and Informed Consent (FPIC) from leaders or representatives of Indigenous
21 Cultural Communities (ICCs) for school sites within ancestral domain for the
22 eventual grant of usufruct by ICCs to DepEd for the use of their lands. The
23 requirement for FPIC, however, is deemed waived if the ICCs have passed a
24 resolution asking DepEd to establish and construct a new school or repair and
25 rehabilitate an existing one.
26

27 **SECTION 16. Ecological and Environmental Concerns-** In cases involving
28 the acquisition of private real property used as public school sites, the DepEd shall
29 take into account and consider environmental laws, land use ordinances and the
30 pertinent provisions of R.A. No. 7160, as amended, otherwise known as the Local
31 Government Code of 1991.
32

33 **SECTION 17. Creation of DepEd Real Estate and Management Office**
34 (*DepEd REMO*). There is hereby created a Real Estate and Management Office that
35 will be in charge with the preservation, administration, management, monitoring,
36 documentation, supervision or control over the real properties of DepEd. Whenever
37 the disposition or transfer of ownership of any DepEd property is necessary in the
38 exigencies of the service, as may be recommended by the DepEd REMO or the
39 DepEd Secretary for the benefit of another government entity, such disposition shall
40 be subject to the approval of the President of the Philippines.
41

42 **SECTION 18. Titles of real properties registered under the name of DepEd-**
43 Existing titles of real properties registered under the name of the DepEd, or its
44 predecessors-in-interest, such as but not limited to the Ministry of Education,
45 Department of Education, Culture and Sports, or in the name of any person or
46 private individual where the title is in the possession of the DepEd, whether the title
47 is Spanish, American or Torrens Certificate of Title, shall be cancelled upon
48 application of the DepEd for cancellation thereof at the Register of Deeds, free from
49 all transfer taxes, charges and fees, and a new title will be issued to reflect the name
50 "Republic of the Philippines, represented by the Department of Education".
51

1 Certificate of Land Ownership or CLOA covering DepEd school sites shall
2 be cancelled and recalled by the Department of Agrarian Reform upon application
3 thereof by the DepEd stating that the area subject matter in the CLOA is an existing
4 DepEd school site.

5
6 Lands donated to the government or DepEd and occupied as a school site
7 within a parcel of land registered in the name of a person or private individual shall
8 be issued a separate title in the name of the “Republic of the Philippines, represented
9 by the Department of Education”. For this purpose, the DepEd shall cause the
10 segregation thereof after complying with the procedure of segregation or partition
11 mandated by the Office of the Register of Deeds.

12
13 The transaction for segregation shall be free from registration expenses, such
14 as but not limited to filing fees, docket fees or the like. It is understood that the
15 Donor under this paragraph shall be exempt from donor’s tax, or estate tax,
16 documentary stamp tax, as the case maybe. Appropriate tax credit shall be given to
17 the donor, commensurate to the value of the property at the time of donation, as may
18 hereinafter be determined by the Bureau of Internal Revenue.

19
20 **SECTION 19. Definition of Abandonment of School Purpose or School Use.**
21 Where the Deed of Donation states that the ownership of the property shall revert
22 back to the donor if the school ceases to exist, such condition shall be valid.
23 However, if the school where the donation was made continues to exist elsewhere,
24 such as when the school transfer to another location by reason of necessity for use
25 of bigger space or location to cater to the growing population of the learners, or by
26 reason of any natural hazard existing in the said donated land or nearby areas to
27 ensure the safety of the learners, teachers and administrative staff, or the school has
28 been integrated to another government entity for educational purposes, it is hereby
29 declared that the operation of such school in another place other than the donated
30 area, shall not, in any way mean abandonment of the school purpose or cessation of
31 the operations of the said school.

32
33 **SECTION 20. Appropriations** - Funds necessary for the implementation of
34 this Act shall be included in the annual appropriations for the DepEd under the
35 annual General Appropriations Act.

36
37 **SECTION 21. Rules and Regulations**- The Department of Justice (DOJ),
38 DepEd, DENR, Department of Finance (DoF), Department of Interior and Local
39 Government (DILG), and NCIP shall jointly promulgate the implementing rules and
40 regulations within sixty (60) days from the effectivity of this Act.

41
42 **SECTION 22. Separability Clause.** - If any part or provision of this Act is
43 held unconstitutional or invalid, the other parts or provisions hereof which are not
44 affected thereby, shall continue to be in full force and effect.

45
46 **SECTION 23. Repealing Clause.** All laws, decrees, rules and regulations or
47 other issuances or parts thereof inconsistent with the provision of this Act are hereby
48 repealed, amended or modified accordingly.

1 **SECTION 24.** *Effectivity.* This Act shall take effect fifteen (15) days
2 following its publication in the official gazette or at least two (2) newspaper of
3 General circulation

4
5 Approved,
6