# Another cure for right of way woes

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On March 25, 2024, President Marcos signed Administrative Order No. 19 creating the interagency committee for right of way (ROW) activities for national railway projects. Noting how ROW issues delay the completion of new railway systems, the President stressed the need to accelerate the implementation of railway projects and ensure high level cooperation and support from concerned government agencies to streamline the process of land acquisition and resettlement of the affected people.

A year later, it seems that nothing much has resulted from that body, prompting the Private Sector Advisory Council (PSAC) to recommend last week the creation this time of a ROW office under the President’s direction. Its task will be the same: To streamline the land acquisition process and resettlement to hopefully put an end to ROW issues that have been pestering major government infrastructure projects for decades. The President agreed on the need to create a dedicated ROW office.

Sad to say, creating a dedicated office under the Chief Executive or any other department will not magically make ROW problems disappear. This nagging issue has taken a lot of casualties in the past decades. Even today, the Metro Manila subway project, which was initially slated for partial operations by 2028, is now expected to open in 2032 because of ROW issues. Other major railway projects, such as the North South Commuter Railway and the LRT 1 extension to Cavite, also face further delays due to similar ROW challenges.

## Problematic valuation

Sadder still is that for the longest time, the government knows the root cause of the problem: It has a problematic valuation system and it lacks the money to pay the affected landowners and resettle households occupying the property. This has always resulted in what the PSAC pointed out as lengthy legal disputes, court backlogs, and bureaucratic inefficiencies that delay the ROW acquisition. Landowners go to court because they feel short changed in the pricing of their property. Even in many instances when an agreed price is reached, landowners go to court because the government did not pay them on time.

Landowners cannot question the right of the state to take possession of their property. Under Republic Act No. 10752 or the 2016 Right of Way Act, the government is authorized to acquire real property needed as ROW site or location for any national government infrastructure project through donation, negotiated sale, expropriation, or any other mode of acquisition as provided by law. But they can go to court if they feel the price offered by the government is way too low, or if the payment does not come as agreed.

What is worth noting in PSAC’s latest proposal is that it now considers addressing this funding issue. The council recommended that a portion of the Motor Vehicle User’s Charge—also called the road user’s tax that is collected during the yearly vehicle registration—be used in land purchases.

## Fair market prices

It also noted that a multiyear allocation is more appropriate to ensure continuous funding for ROW concerns instead of relying on the annual government budget. In response, Mr. Marcos said the funding requirements for ROW can be included in the proposed ROW Act.

But the bill is languishing in the Senate despite the House version having been approved back in February 2023. House Bill No. 6571, according to its proponents, aims to make the acquisition of ROW “quicker, simpler, and fairer to both property owners and the government” by having an action plan that would include “an accurate census of affected persons, accurate technical surveys of properties, realistic estimates of (ROW) costs, including fair market prices to be paid for the lands, crops and trees, and current replacement costs to be paid for the affected houses and structures, as well as resettlement plans.” If it becomes law, the concerned government agencies can offer landowners affected by ROW acquisition a fair market value for their property. The bill also addresses the issues of squatting as it would mandate the Department of Human Settlements and Urban Development to develop resettlement sites for informal settlers.

## ‘Out of the box’ solution

Addressing ROW concerns require Congress to also do its part in passing the amendments to the 2016 ROW law to help cure the problem of valuation.

In the meantime, the Department of Transportation deserves credit for adopting what its chief, Vince Dizon, calls “out of the box solutions” for people affected by ROW processes. Dizon told PSAC that the agency currently grants interim rental subsidies to informal sectors amounting to P7,000 monthly for the next 18 months to support their temporary relocation.

People are simply inured to the delays in vital infrastructure projects. It is hoped that something worthwhile will come out of the latest proposal from PSAC, that it will not go the way of the interagency committee formed a year ago that apparently accomplished very little in acting on ROW issues.