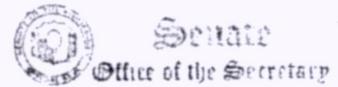


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



SENATE

'19 OCT 14 P 3:52

S. No. 1115

RECEIVED

Introduced by SENATOR RAMON BONG REVILLA, JR.

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

EXPLANATORY NOTE

Education plays a vital role in the development of a nation. Not only does it stand as a foundation of our country's future leaders, but also, it provides the necessary preparations, skills, and even the character of our inhabitants to help themselves out of poverty and lead themselves into prosperity. However, the ends to be achieved will not come into fruition if the properties where public schools are situated are still subject to disputes such as frequent transfer of locations, revocation of donations of these lands and urban planning and development programs of the Local Government Units (LGUs).

The Department of Education's (DepEd) recent statistical data showed that there are still a number of untitled and unregistered public school sites across the country. The state has no legal ownership rights over these lands. Most of these properties are owned by LGUs or are subject to lease agreements with private individuals.

Moreover, there are certain parcels of lands that cannot be the subject of transfers because of the lack of proper legal documentations to support such transfer of ownership by the DepEd. Hence, because of the lack of documents, the heirs of a deceased donor

claim ownership over the subject property through the revocation of the original donation which results to an endless litigation prejudicing the public schools involved.

This bill seeks to address the need to acquire School Sites on Privately-Owned Lots and Lots Owned by the LGUs through donation, negotiated sale, expropriation or any other or any other modes of acquisition as provided by law. In addition, the proposed measure declares that DepEd will be the prima facie owner of all unregistered qualified school sites, thus, simplifying the process of land titling and registration in favor of DepEd.

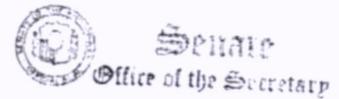
Furthermore, if enacted into law, this measure will enable the school authorities to have direct control and supervision over the land occupied by the public schools.

In view of the foregoing, the approval of this bill¹ is earnestly sought.


RAMON BONG REVILLA, JR.

¹ This bill was originally filed by Francis G. Escudero during the Seventeenth Congress, First Regular Session

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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:

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

5
6 Toward this end, the State shall ensure to prompt payment of just compensation
7 for the acquisition of real property utilized as school sites and not owned by the DepEd,
8 in accordance with the constitutional guarantee that private property shall not be taken
9 for public use without just compensation.

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

14
15 (a) of the public domain; or
16

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

5
6 Sec. 3. *Prima Facie Ownership by the DepEd of Unregistered Land.* - The DepEd
7 shall be the prima facie owner of all unregistered qualified school sites.

8
9 Sec. 4. *Summary Titling of Qualified School Sites on Unregistered Lots.* - All actions
10 for the original registration of qualified school sites under this Act shall be filed by the
11 Office of the Solicitor General or by the municipal, city, or provincial prosecutor with the
12 Regional Trial Court where the property is located with the action being summary in
13 nature. The DepEd unit concerned need only establish that the school site is untitled and
14 that it has been used as such for at least five (5) years; *Provided,* That the notice
15 requirements stated in Section 23 of Presidential Decree No. 1529 shall be observed.

16
17 Sec. 5. *Transfer of Qualified School Sites Owned by the National Government.* - All
18 qualified school sites established on registered property owned by the national
19 government or any of its agencies and instrumentalities shall be immediately transferred
20 to and titled in favor of DepEd.

21
22 Sec. 6. *Modes of Acquiring Qualified School Sites Owned on Privately-Owned Lots*
23 *and Lots Owned by the LGUs.* - The DepEd may acquire qualified school sites on privately-
24 owned lots and lots owned by the LGU's through donation, negotiated sale, expropriation,
25 or any other mode of acquisition as may be provided by law.

26
27 Sec. 7. *Donations not Formally Accepted.* - All donations of real property not
28 formally accepted but are used as school sites shall be deemed perfected from the time
29 the property was actually utilized as a public school site; *Provided,* That a public

1 instrument signifying the acceptance of the donation is executed at the soonest possible
2 time by the authorized representative of the DepEd.

3
4 Sec. 8. *Guidelines for Negotiated Sale.* - Should the owner of the property agree
5 to a negotiated sale, the standards prescribed in Republic Act No. 8974 and other related
6 laws, rules, and regulations shall be used to determine the fair market value of the
7 property.

8
9 Sec. 9. *Summary Expropriation of Qualified School Sites.* - Qualified school sites
10 on privately-owned lots and lots owned by LGUs may be acquired by the DepEd through
11 expropriation, subject to the guidelines provided in Republic Act No. 8974; *Provided,* That
12 the right of the DepEd to expropriated qualified school sites and that such taking is for a
13 public purpose shall be presumed; *Provided, further,* That the expropriation proceedings
14 shall be limited to the determination of just compensation unless the presumption is
15 overturned by showing that the school site is not qualified under Section 2 of this Act.

16
17 Sec. 10. *Order of Registration Immediately Executory.* - All judgements ordering
18 registration of a qualified school site shall be final and executory and not subject to appeal
19 except in a Petition for Certiorari under Rule 65 to the Supreme Court. The Register of
20 Deeds, upon receipt of such order, shall forthwith issue the corresponding certificate of
21 title in favor of the DepEd.

22
23 Sec. 11. *School Sites under Contract of Usufruct.* - In order to protect the rights
24 and interests of the DepEd in its use and employment of a school site under a Contract
25 of Usufruct, the same shall be annotated in the Certificate of Title of such real property.
26 All reasonable efforts should be exerted for the subsequent acquisition of these properties
27 in favor of the DepEd.

28
29 Sec. 12. *School Sites Owned by LGUs.* - School sites situated on real property
30 owned by LGUs may apply for the summary titling of the school site in the name of the

1 DepEd. If the LGU wishes to reclaim the land, the LGU must provide for the replacement
2 of the school site and the school buildings therein before this site is vacated.

3

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

13

14 *Sec. 14. Appropriations.* - The funds necessary for the implementation of this Act
15 shall be included in the annual appropriations of the DepEd under the General
16 Appropriations Act.

17

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

21

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

25

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

28

29

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Approved,