



Senate  
Office of the Secretary

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REPUBLIC OF THE PHILIPPINES )  
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'13 SEP 24 AIO 51

SENATE

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S.B. No. 1730

Introduced by Senator Francis G. Escudero

EXPLANATORY NOTE

Education plays an essential role in the overall development effort of the nation particularly in tapping the potentials and harnessing the talents of the Filipino youth. However, this noble objective may not be fully realized if the schools, considered as their second abode, are always subjected to property disputes, frequent transfer of locations, revocation of donations of lands where they are situated and urban planning and development programs of the Local Government Units (LGUs).

The latest statistical data of the Department of Education (DepED) showed that there are still a number of untitled and unregistered school sites throughout the nation and that the government does not have legal property rights over these lands occupied by public schools. In most cases, these school sites are owned by LGUs or are subject to long-term lease agreements with private individuals.

On the other hand, there are parcels of lands which were donated exclusively for the educational purposes but lacks the proper legal documentation to support any efforts by DepED on the transfer of ownership. Thus, upon the death of the donors, the heirs of the latter claim ownership of the land through the revocation of the original donation which subsequently results to endless court litigations. Most of these cases are pending in court for several years and even decades, to the prejudice of the public schools involved.

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. It 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 and Lots Owned by Local Government Units through donation, negotiated sale, expropriation 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.

Moreover, 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 thereof, the approval of this bill is earnestly sought.



FRANCIS G. ESCUDERO

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

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

- 14           a) Of the public domain;  
15           b) Are owned, whether registered or otherwise, by persons or entities other  
16           than the Department.

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

21

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

8  
9           **SECTION 5. *Transfer of Qualified School Sites Owned by the National***  
10 ***Government.*** - All Qualified School Sites established on registered property owned  
11 by the National Government and the agencies and instrumentalities thereof shall be  
12 immediately transferred to and titled in favor the Department.

13  
14           **SECTION 6. *Modes of Acquiring Qualified School Sites on Privately-***  
15 ***Owned Lots and Lots Owned by Local Government Units.*** - The Department of  
16 Education may acquire Qualified School Sites on Privately-Owned Lots and Lots  
17 Owned by Local Government Units through donation, negotiated sale,  
18 expropriation or any other modes of acquisition as provided by law.

19  
20           **SECTION 7. *Unaccepted Donations.*** - All unaccepted donations of property  
21 presently used as school sites shall be deemed perfected by implied acceptance  
22 from the time when the property was actually utilized as a public school site.

23  
24           **SECTION 8. *Guidelines for Negotiated Sale.*** - Should the implementing  
25 agency and the owner of the property agree on a negotiated sale for the acquisition  
26 of right-of-way, site or location for any national government infrastructure project,  
27 the standards prescribed in pertinent provisions of Republic Act (R.A.) No. 8974  
28 and other related laws, rules and regulations shall be used to determine the fair  
29 market value of the property, subject to review and approval by the head of the  
30 agency or department concerned.

31  
32           **SECTION 9. *Summary Expropriation of Qualified School Sites.*** - Qualified  
33 School Sites on Privately-Owned Lots and Lots Owned by Local Government Units  
34 may be acquired by the Department through expropriation subject to the guidelines  
35 provided under Section 4 of R.A. No. 8974. Provided, that the right of the

1 Department to expropriate qualified school sites, and that the taking is for public  
2 use and for public purpose shall be presumed *prima facie*. Unless said presumption  
3 is overturned by a showing that the school site is not qualified under Section 2  
4 hereof, the expropriation proceedings shall be limited to the determination of just  
5 compensation.

6

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

12

13         **SECTION 11. *School Sites under Contract of Usufruct.*** - In order to protect  
14 the rights and interests of the Department in its use and enjoyment of a school site  
15 under a Contract of Usufruct, the same shall be annotated in the Certificate of Title  
16 of such real property. All reasonable efforts should be exerted for the subsequent  
17 donation of these properties in favor of the Department. Provided, that when a  
18 school site under usufruct becomes a qualified school site, the same may be  
19 acquired by expropriation as provided herein.

20

21         **SECTION 12. *Titling and Registration of School Sites based on Tax***  
22 ***Declarations registered to the Department.*** - Real properties with Tax Declarations  
23 registered in the name of the Department which are being used as school sites shall  
24 be processed through the Department of Environment and Natural Resources  
25 (DENR) for titling through the issuance of Special Patents and Presidential  
26 Proclamations.

27

28         **SECTION 13. *Expeditious Registration of Land Titles for School Sites.*** -  
29 The Registry of Deeds, Bureau of Internal Revenue and Local Government Units  
30 concerned shall forthwith process the registration and titling of the properties as  
31 provided herein in favor of the Department in the most efficient and expeditious  
32 manner.

33

34         **SECTION 14. *Exemption from Payment of Fees and Taxes for the***  
35 ***Registration of Land Titles for School Sites.*** The Department shall be exempt from  
36 payment of all related costs, fees and taxes to the National Government Agencies,

1 including the Bureau of Internal Revenue (BIR), Land Registration Authority (LRA)  
2 -Registry of Deeds, (RD), DENR-Land Management Bureau and Local Government  
3 Units, and other government agencies involved in the registration and titling of  
4 school sites as provided herein. Provided, further, that the Department shall enjoy  
5 all the rights, exemptions and privileges, as may be authorized by law, in all its  
6 official transactions with National Government Agencies and Local Government  
7 Units involving titling and registration of its current school sites.

8         **SECTION 15. *Ecological and Environmental Concerns.*** - In cases involving  
9 the acquisition of private real property used as public school site, the Department  
10 shall take into account and consider environmental laws, land use ordinances and  
11 the pertinent provisions of R.A. No. 7160, as amended, otherwise known as the  
12 Local Government Code of 1991.

13

14         **SECTION 16. *Appropriations.*** - Funds necessary for the implementation of  
15 this Act shall be included in the annual appropriations for the Department under  
16 the General Appropriations Act.

17

18         **SECTION 17. *Rules and Regulations.*** - The Department of Justice (DOJ), the  
19 Department, the Department of Environment and Natural Resources (DENR),  
20 Department of Finance (DoF) and the Department of Interior and Local  
21 Government (DILG) shall jointly promulgate the implementing rules and  
22 regulations within sixty (60) days from the effectivity of this Act.

23

24         **SECTION 18. *Separability Clause.*** - If any part or provision of this Act is  
25 held unconstitutional or invalid, the other parts or provisions hereof which are not  
26 affected thereby, shall continue to be in full force and effect.

27

28         **SECTION 19. *Repealing Clause.*** - All laws, decrees, rules and regulations or  
29 other issuances or parts thereof inconsistent with the provisions of this Act are  
30 hereby repealed, amended or modified accordingly.

31

32         **SECTION 20. *Effectivity.*** - This Act shall take effect fifteen (15) days  
33 following its publication in the official gazette or at least two (2) newspapers of  
34 general circulation.