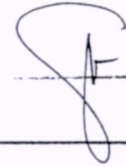


SENATE

'19 SEP 30 P12:07

S. No. 1079

RECEIVED



Introduced by Senator Ralph G. Recto

AN ACT
FURTHER FACILITATING THE ACQUISITION OF UNTITLED LANDS FOR
PUBLIC USE, AMENDING FOR THIS PURPOSE SECTIONS 5 AND 6 OF
REPUBLIC ACT NO. 10752, ENTITLED "AN ACT FACILITATING THE
ACQUISITION OF RIGHT-OF-WAY SITE OR LOCATION FOR NATIONAL
GOVERNMENT INFRASTRUCTURE PROJECTS"

EXPLANATORY NOTE

This proposed measure seeks to further facilitate the acquisition of untitled lands for national government infrastructure projects.

Section 9, Article III of the 1987 Constitution mandates that private property shall not be taken for public use without just compensation. In furtherance of this Constitutional precept, Republic Act No. 10752 was enacted in 2016 to ensure that owners of real property acquired for national government infrastructure projects are promptly paid just compensation for the expeditious acquisition of the required right-of-way for the projects.


The perennial issue of determining the just compensation for private properties acquired or expropriated by the government has been addressed by the adoption of negotiated sale as one of the modes of acquiring real property under RA No. 10752. With this mode, the government through its implementing agencies and the property owner are, more or less, on equal footing in the course of the transaction.

However, there are still right-of-way issues that hound the implementing agencies of the government such as on the acquisition of untitled lands. The owners or occupants are experiencing difficulty in complying with the documentary requirements to show proof of ownership. Most of them only have the tax declaration in their possession as their proof of ownership while the implementing rules and regulations (IRR) of RA No. 10752 requires the current land owner to present not only the tax declaration showing his open and continuous possession of the property but also those of his predecessors' open and continuous possession of the property and that the cumulative period of possession should be for at least thirty (30) years.

In a long line of cases, the Supreme Court ruled that the tax declaration, by itself, is not a conclusive proof of ownership. The owner must also prove actual, adverse, public, continuous, peaceful and uninterrupted possession of the property to claim ownership. This is in line with the Civil Code provision on acquisitive prescription which states that ownership and other real rights over immovables also prescribe through uninterrupted adverse possession thereof for 30 years, without need of title or of good faith.

The difficulty in presenting all the necessary documents showing proof of ownership and possession of the property for the last 30 years causes undue delay in the acquisition of private properties, thereby forestalling the implementation of various infrastructure projects such as farm-to-market roads and bridges, among others. To address this problem, it is only reasonable that the law on acquisition of private property for public purpose must make room for an exception to the stringent requirements on acquisitive prescription and allow the tax declaration showing open and continuous possession of the property for at least five (5) years as sufficient proof of ownership.

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




RALPH G. RECTO

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SENATE

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FURTHER FACILITATING THE ACQUISITION OF UNTITLED LANDS FOR
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GOVERNMENT INFRASTRUCTURE PROJECTS"

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

1 Section 1. Section 5 of Republic Act No. 10752, is hereby further amended to
2 read as follows:

3 "SEC. 5. *Rules on Negotiated Sale.* – The implementing agency may
4 offer to acquire, through negotiated sale, the right-of-way site or location for
5 a national government infrastructure project, under the following rules.

6 "(a) xxx

7 "xxx

8 "(e) The property owner and the implementing agency shall execute a
9 deed of absolute sale: *Provided*, That the property owner has submitted to
10 the implementing agency the Transfer Certificate of Title, Tax Declaration,
11 Real Property Tax Certificate, and other documents necessary to transfer the
12 title to the Republic of the Philippines. The implementing agency shall cause
13 the annotation of the deed of absolute sale on the Transfer Certificate of
14 Title[-]: **PROVIDED, FURTHER, THAT IN CASE OF UNTITLED LANDS**
15 **SUBJECT OF ACQUISITION THROUGH NEGOTIATED SALE, THE**
16 **PROPERTY OWNER SHALL BE COMPENSATED FOR THE VALUE OF**

1 THE LAND WHICH SHALL NOT EXCEED TWICE THE CURRENT ZONAL
2 VALUATION OF THE BUREAU OF INTERNAL REVENUE (BIR) UPON
3 SUBMISSION OF THE FOLLOWING DOCUMENTS:

4 (1) TAX DECLARATION SHOWING THE OWNER AND HIS
5 PREDECESSORS' OPEN AND CONTINUOUS POSSESSION OF THE
6 PROPERTY FOR AT LEAST FIVE (5) YEARS;

7 (2) AFFIDAVIT OF TWO (2) DISINTERESTED PERSONS WHO ARE
8 RESIDING IN THE BARANGAY OF THE CITY OR MUNICIPALITY
9 WHERE THE LAND IS LOCATED, ATTESTING TO THE TRUTH OF THE
10 FACTS THAT THE OWNER HAS, EITHER BY HIMSELF OR THROUGH
11 HIS PREDECESSOR-IN-INTEREST, ACTUALLY OCCUPIED AND
12 CONTINUOUSLY POSSESSED THE LAND FOR AT LEAST FIVE (5)
13 YEARS, UNDER A BONA FIDE CLAIM OF ACQUISITION OF
14 OWNERSHIP;

15 (3) REAL PROPERTY TAX CERTIFICATE;

16 (4) CERTIFICATION FROM THE DEPARTMENT OF ENVIRONMENT
17 AND NATURAL RESOURCES (DENR) THAT THE LAND IS ALIENABLE
18 AND DISPOSABLE;

19 (5) TECHNICAL DESCRIPTION AND MAP BASED ON AN ACTUAL
20 SURVEY CONDUCTED BY A LICENSED GEODETIC ENGINEER AND
21 APPROVED BY THE DENR; AND

22 (6) OTHER DOCUMENTS THAT MAY SHOW PROOF OF
23 OWNERSHIP.

24 "xxx"

25 Sec. 2. Section 6 of Republic Act No. 10752, is hereby further amended to
26 read as follows:

27 "SEC. 6. *Guidelines for Expropriation Proceedings* – xxx

28 "(a) xxx

29 "(1) xxx

30 "xxx

31 "(3) xxx

32 "xxx

1 “The court shall release the amount to the owner upon presentation of
2 sufficient proofs of ownership **SUCH AS THE TRANSFER CERTIFICATE OF**
3 **TITLE, TAX DECLARATION SHOWING THE OWNER AND HIS**
4 **PREDECESSORS' OPEN AND CONTINUOUS POSSESSION OF THE**
5 **PROPERTY FOR AT LEAST FIVE (5) YEARS, REAL PROPERTY TAX**
6 **CERTIFICATE, AND OTHER DOCUMENTS SHOWING PROOF OF**
7 **OWNERSHIP.**

8 “xxx”

9 Sec. 3. *Implementing Rules and Regulations (IRR).* – Within thirty (30) days
10 from the effectivity of this Act, the Department of Public Works and Highways
11 (DPWH), Department of Transportation (DOTr), Department of Environment and
12 Natural Resources (DENR), Department of Justice (DOJ), and the Department of
13 Budget and Management (DBM), shall promulgate the necessary rules and
14 regulations for its effective implementation.

15 Sec. 4. *Separability Clause.* – If any provision or part hereof is declared
16 unconstitutional, the remainder of this Act or any provision not affected shall remain
17 in full force and effect.

18 Sec. 5. *Repealing Clause.* – All laws, acts, decrees, executive orders,
19 issuances, and rules and regulations or parts thereof which are contrary to and
20 inconsistent with this Act are hereby repealed, amended or modified accordingly.

21 Sec. 6. *Effectivity.* – This Act shall take effect fifteen (15) days after its
22 complete publication in the *Official Gazette* or in at least two (2) newspapers of
23 general circulation.

 Approved,