

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



'22 DEC -5 P1:15

SENATE

S. No. 1582

RECEIVED BY

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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 documentation 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 in 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.

This bill was originally filed by Sen. Francis G. Escudero during the Seventeenth Congress.

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 bill is earnestly sought.



RAMON BONG REVILLA, JR.

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

1 Section 1. *Short Title.* - This Act shall be known as the "*Summary Titling of Real*
2 *Properties as Public-School Sites Act*".

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

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

11 Sec. 3. *Qualified School Sites.* - This Act shall cover all sites of public schools
12 under the DepEd that have been utilized as such for at least five (5) years preceding
13 the effectivity of this Act, which are:

- 14 a. Of the public domain; or
15 b. Owned, whether registered or otherwise, by persons or entities other than the
16 DepEd, including school sites that are owned by the National Government, or
17 any of its agencies and instrumentalities, or owned by the local government
18 units (LGUs).

1 Sec. 4. *Prima Facie Ownership by the DepEd of Unregistered Land.* - The DepEd
2 shall be the *prima facie* owner of all unregistered qualified school sites.

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

11 Sec. 6. *Transfer of Qualified School Sites Owned by the National Government.*
12 - All qualified school sites established on registered property owned by the National
13 Government, or any of its agencies and instrumentalities, shall be immediately
14 transferred to and titled in favor of DepEd.

15 Sec. 7. *Modes of Acquiring Qualified School Sites Owned on Privately-Owned*
16 *Lots and Lots Owned by the LGUs.* - The DepEd may acquire qualified school sites on
17 privately-owned lots and lots owned by the LGUs through donation, negotiated sale,
18 expropriation, or any other mode of acquisition as may be provided by law.

19 Sec. 8. *Donations not Formally Accepted.* - All donations of real property not
20 formally accepted but are used as school sites shall be deemed perfected from the
21 time the property was actually utilized as a public-school site: *Provided*, That a public
22 instrument signifying the acceptance of the donation is executed at the soonest
23 possible time by the authorized representative of the DepEd.

24 Sec. 9. *Guidelines for Negotiated Sale.* - Should the owner of the property agree
25 to a negotiated sale, the standards prescribed in Republic Act No. 8974 and other
26 related laws, rules, and regulations shall be used to determine the fair market value
27 of the property.

28 Sec. 10. *Summary Expropriation of Qualified School Sites.* - Qualified school
29 sites on privately-owned lots and lots owned by LGUs may be acquired by the DepEd
30 through expropriation, subject to the guidelines provided in Republic Act No. 8974:
31 *Provided*, That the right of the DepEd to expropriate qualified school sites and that
32 such taking is for public purpose, shall be presumed: *Provided, further*, That the

1 expropriation proceedings shall be limited to the determination of just compensation,
2 unless the presumption is overturned by showing that the school site is not qualified
3 under Section 2 of this Act.

4 Sec. 11. *Order of Registration Immediately Executory.* - All judgements ordering
5 registration of a qualified school site shall be final and executory and not subject to
6 appeal, except in a Petition for Certiorari under Rule 65 to the Supreme Court. The
7 Register of Deeds, upon receipt of such order, shall forthwith issue the corresponding
8 Certificate of Title in favor of the DepEd.

9 Sec. 12. *School Sites under Contract of Usufruct.* - In order to protect the rights
10 and interests of the DepEd in its use and employment of a school site under a Contract
11 of Usufruct, the same shall be annotated in the Certificate of Title of such real
12 property. All reasonable efforts should be exerted for the subsequent acquisition of
13 these properties in favor of the DepEd.

14 Sec. 13. *School Sites Owned by LGUs.* - School sites situated on real property
15 owned by LGUs may apply for the summary titling of the school site in the name of
16 the DepEd. If the LGU wishes to reclaim the land, the LGU must provide for the
17 replacement of the school site and the school buildings therein before this site is
18 vacated.

19 Sec. 14. *Exemption from Payment of Fees and Taxes for the Registration of*
20 *Land Titles for School Sites.* - The DepEd shall be exempt from payment of all related
21 costs, fees, and taxes to the national government agencies, including the Bureau of
22 Internal Revenue (BIR), the Land Registration Authority (LRA), the Registry of Deeds
23 (RD), the Department of Environment and Natural Resources-Land Management
24 Bureau (DENR-LMB), the LGUs, and other government agencies involved in the
25 registration and titling of school sites as provided herein: *Provided,* That the DepEd
26 shall enjoy all the rights, exemptions, and privileges as may be authorized by law in
27 all of its official transactions with national government agencies and LGUs involving
28 titling and registration of its current school sites.

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

1 Sec. 16. *Separability Clause.* - If any section or part of this Act is held
2 unconstitutional or invalid, the other sections or provisions shall remain in full force
3 and effect.

4 Sec. 17. *Repealing Clause.* - All laws, decrees, executive orders, rules and
5 regulations, issuances, or any part thereof contrary to, or inconsistent with, the
6 provisions of this Act are deemed repealed, modified or amended accordingly.

7 Sec. 18. *Effectivity.* - This Act shall take effect fifteen (15) days after its
8 publication either in the *Official Gazette* or in at least two (2) newspapers of general
9 circulation in the Philippines.

Approved,