

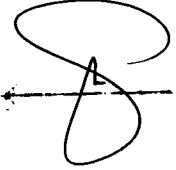
NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)

Office of the Secretary

24 SEP 11 P6:32

SENATE

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COMMITTEE REPORT No. 320

Submitted by the Committee on Public Works (upon the recommendation of the Subcommittee on the Right-of-Way Act), jointly with the Committees on Justice and Human Rights; and Ways and Means on SEP 11 2024

Re: Senate Bill No. 2821

Recommending its approval in substitution of Senate Bill Nos. 1537, 2718, and 2769; taking into consideration House Bill No. 6571

Sponsor: Senator Mark A. Villar

MR. PRESIDENT:

The Committee on Public Works (upon recommendation of the Subcommittee on the Right-of-Way Act), joint with the Committees on Justice and Human Rights; and Ways and Means to which were referred **Senate Bill No. 1537**, introduced by Senator Ramon Bong Revilla Jr., entitled:

"AN ACT

AMENDING SECTION 5 OF REPUBLIC ACT NO. 10752, OTHERWISE KNOWN AS 'AN ACT FACILITATING THE ACQUISITION OF RIGHT-OF-WAY SITE OR LOCATION FOR NATIONAL GOVERNMENT INFRASTRUCTURE PROJECTS AND FOR OTHER PURPOSES'"

Senate Bill No. 2718, introduced by Senator Francis "Chiz" G. Escudero, entitled:

"AN ACT

INSTITUTING REFORMS IN THE ACQUISITION OF RIGHT-OF-WAY FOR INFRASTRUCTURE PROJECTS BY THE NATIONAL GOVERNMENT AND BY PUBLIC SERVICE PROVIDERS, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 10752, OTHERWISE KNOWN AS 'THE RIGHT-OF-WAY ACT'"

and **Senate Bill No. 2769**, introduced by Senator Mark A. Villar, entitled:

"AN ACT

PROVIDING ADDITIONAL GUIDELINES IN THE ACQUISITION OF RIGHT-OF-WAY, SITE, OR LOCATION FOR NATIONAL GOVERNMENT INFRASTRUCTURE PROJECTS, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 10752, OTHERWISE KNOWN AS 'THE RIGHT-OF-WAY ACT'"

taking into consideration **House Bill No. 6571**, introduced by Representatives Gonzales, A., Momo, Pleyto, Recto, Herrera, *et al.*, entitled:

"AN ACT

PROVIDING ADDITIONAL GUIDELINES IN THE ACQUISITION OF RIGHT-OF-WAY, SITE, OR LOCATION FOR NATIONAL GOVERNMENT INFRASTRUCTURE PROEJCTS, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 10752, OTHERWISE KNOWN AS 'THE RIGHT-OF-WAY ACT'"

have considered the same and have the honor to report them back to the Senate with the recommendation that the attached **Senate Bill No. 2821**, prepared by the Committees entitled:

**"AN ACT
INSTITUTING REFORMS IN THE ACQUISITION OF RIGHT-OF-
WAY FOR INFRASTRUCTURE PROJECTS BY THE NATIONAL
GOVERNMENT AND BY PUBLIC SERVICE PROVIDERS,
AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 10752,
OTHERWISE KNOWN AS 'THE RIGHT-OF-WAY ACT'"**

be approved in substitution of Senate Bill Nos. 1537, 2718 and 2769, taking into consideration HBN 6571 with Senators Revilla, Escudero, and Villar M. as authors thereof.

Respectfully Submitted:

Chairpersons



SEN. MARK A. VILLAR

*Sub-Committee on Right-Of-Way
Vice Chairman, Committee on Public
Works
Member, Committee on Ways and Means
Deputy Majority Leader*

SEN. RAMON BONG REVILLA JR.

Committee on Public Works

SEN. WIN GATCHALIAN

*Committee on Ways and Means
Vice Chairman, Committee on Public Works*

Vice Chairperson

SEN. RAFFY T. TULFO

*Committee on Justice and Human Rights
Member, Committee on Public Works
Member, Committee on Ways and Means*

Respectfully Submitted:

Chairpersons

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Sub-Committee on Right-Of-Way
Vice Chairman, Committee on Public
Works
Member, Committee on Ways and Means
Deputy Majority Leader


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SEN. RAFFY T. TULFO
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*Committee on Public Works
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SEN. JOSEPH VICTOR G. EJERCITO

*Committee on Public Works
Committee on Justice and Human Rights
Committee on Ways and Means
Deputy Majority Leader*



SEN. GRACE POE

*Committee on Public Works
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SEN. IMEE R. MARCOS

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SEN. MANUEL "LITO" M. LAPID

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SEN. PIA S. CAYETANO
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SEN. JUAN MIGUEL "MIGZ" F. ZUBIRI
Committee on Ways and Means

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SEN. JINGGOY EJERCITO ESTRADA
President Pro Tempore


SEN. FRANCIS N. TOLENTINO
Majority Leader


SEN. AQUILINO "KOKO" PIMENTEL III
Minority Leader
Chairperson
Committee on Justice and Human Rights

HON. FRANCIS "CHIZ" G. ESCUDERO
Senate President



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SENATE

S.B. No. 2821

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(In substitution of S.B. Nos. 1537, 2718, and 2769, taking into consideration H.B. No. 6571)

Prepared by the Committee on Public Works (upon the recommendation of the Subcommittee on the Right-of-Way Act), jointly with the Committees on Justice and Human Rights and Ways and Means with Senators Revilla, Escudero, and Villar M., as authors thereof

AN ACT

INSTITUTING REFORMS IN THE ACQUISITION OF RIGHT-OF-WAY FOR INFRASTRUCTURE PROJECTS BY THE NATIONAL GOVERNMENT AND BY PUBLIC SERVICE PROVIDERS, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 10752, OTHERWISE KNOWN AS "THE RIGHT-OF-WAY ACT"

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 "Accelerated and
2 Reformed Right-of-Way (ARROW) Act".

3 Sec. 2. *Declaration of Policy.* – The State hereby affirms that private property
4 shall not be taken for public use without just compensation. It shall ensure that
5 owners of real property acquired for national government infrastructure projects and
6 private infrastructure projects for public use are promptly paid just compensation,
7 based on a nationally consistent real property valuation for a more expeditious
8 acquisition of the required right-of-way for the projects.

9 It is also declared a policy of the State to recognize the importance and
10 participation of the private sector in delivering public services. Towards this end,
11 the State shall pursue policies that encourage private enterprise involvement and
12 facilitate the easier acquisition of right-of-way sites or locations for private
13 infrastructure projects for public use to ensure a more efficient delivery of public
14 services.

15 Sec. 3. Section 3 of Republic Act No. 10752 or "The Right-of-Way Act" is
16 hereby amended to read as follows:

1 "SEC. 3. [~~National Government Projects~~] **COVERAGE. – THIS**
2 **ACT SHALL APPLY TO INFRASTRUCTURE PROJECTS OF:**

3 **(A) THE NATIONAL GOVERNMENT** - As used in this Act, the
4 term "national government projects" shall refer to all national
5 government infrastructure projects and its public service facilities,
6 engineering works and service contracts, including projects undertaken
7 by government-owned [~~and~~] – **OR** controlled corporations, all projects
8 covered by Republic Act No. 6957, as amended by Republic Act No.
9 7718, [~~otherwise known as the "Build-Operate-and-Transfer Law",~~]
10 **REPUBLIC ACT NO. 11966, OR THE "PUBLIC-PRIVATE**
11 **PARTNERSHIP (PPP) CODE OF THE PHILIPPINES"**, and other
12 related and necessary activities[~~,~~] such as site acquisition, supply or
13 installation of equipment and materials, implementation, construction,
14 completion, operation, maintenance, improvement, repair and
15 rehabilitation, regardless of the source of funding[~~;~~] ; **AND**

16 **"(B) PRIVATE ENTITY PROVIDING PUBLIC SERVICE - AS**
17 **USED IN THIS ACT, THE TERM "PRIVATE ENTITY" SHALL**
18 **REFER TO AN ENTITY THAT HAS BEEN GRANTED THE**
19 **RIGHT OF EMINENT DOMAIN UNDER ITS FRANCHISE**
20 **OR OTHER LAWS AND OPERATES, MANAGES, OR**
21 **CONTROLS ANY OF THE FOLLOWING PUBLIC SERVICES:**

- 22 **(1) DISTRIBUTION OF ELECTRICITY;**
23 **(2) TRANSMISSION OF ELECTRICITY;**
24 **(3) PETROLEUM AND PETROLEUM PRODUCTS**
25 **PIPELINE TRANSMISSIONS SYSTEMS;**
26 **(4) WATER PIPELINE DISTRIBUTION SYSTEMS**
27 **AND WASTEWATER PIPELINE SYSTEMS,**
28 **INCLUDING SEWERAGE PIPELINE SYSTEMS;**
29 **(5) INTERNET CONNECTION,**
30 **TELECOMMUNICATIONS, AND CONNECTIVITY;**
31 **(6) AIRPORTS;**
32 **(7) SEAPORTS;**

1 **(8) IRRIGATION PROJECTS; OR**
2 **(9) OTHER SIMILAR PUBLIC SERVICES.**

3 ~~[Subject to t]~~ The provisions of Republic Act No. 7160,
4 ~~[otherwise known as]~~ **OR** the "Local Government Code of
5 1991", ~~[local government units (LGUs) may also adopt the~~
6 ~~provisions of this Act for use in the acquisition of right-of-way~~
7 ~~for local government infrastructure projects]~~ **ON EMINENT**
8 **DOMAIN SHALL CONTINUE TO HAVE FORCE AND**
9 **EFFECT.**

10 Sec. 4. Section 4 of Republic Act No. 10752 is hereby amended to read as
11 follows:

12 "SEC. 4. *Modes of Acquiring Real Property.* – **(A)** The
13 government may acquire real property needed as right-of-way site or
14 location for any national government infrastructure project, through
15 donation, negotiated sale, expropriation, or any other mode of
16 acquisition as provided by law.

17 "In case of lands granted through Commonwealth Act No. 141, ~~[as~~
18 ~~amended, otherwise known as]~~ **OR** "The Public Land Act", **AS**
19 **AMENDED, AND REPUBLIC ACT NO. 10023**, the implementing
20 agency shall:

21 ~~(a)~~ **(i)** Follow the other modes of acquisition enumerated in
22 this Act, if the landowner is not the original patent holder
23 and any previous acquisition of said land is not through a
24 gratuitous title; or

25 ~~(b)~~ **(ii)** Follow the provisions under Commonwealth Act No.
26 141, as amended, regarding acquisition of right-of-way on
27 patent lands, if the landowner is the original patent holder or
28 the acquisition of the land from the original patent holder is
29 through a gratuitous title.

30 The implementing agency may utilize donation or **A** similar mode of
31 acquisition if the landowner is a government-owned or ~~[government]-~~
32 controlled corporation.

1 When it is necessary to build, construct, or install on the subsurface or
2 subterranean portion of private and government lands owned,
3 occupied, or leased by other persons, such infrastructure as subways,
4 tunnels, underpasses, waterways, floodways, or utility facilities as part
5 of the government's infrastructure and development project, the
6 government or any of its authorized representatives shall not be
7 prevented from entry into and use of the subsurface or subterranean
8 portions of such private and government lands by surface owners or
9 occupants, if such entry and use are made more than fifty (50) meters
10 from the surface.

11 **"(B) SUBJECT TO THE OWNERSHIP RESTRICTIONS UNDER**
12 **THE CONSTITUTION, A PRIVATE ENTITY MAY ACQUIRE**
13 **PRIVATE LAND OR PATRIMONIAL PROPERTY FOR RIGHT-OF-**
14 **WAY SITE OR LOCATION OF AN INFRASTRUCTURE PROJECT,**
15 **AS MAY BE REASONABLY NECESSARY FOR THE EFFICIENT**
16 **MAINTENANCE AND OPERATION OF THE PUBLIC SERVICE**
17 **PURSUANT TO THE PRIVATE ENTITY'S FRANCHISE OR**
18 **AUTHORITY TO OPERATE."**

19 Sec. 5. A new Section 5 is hereby inserted after Section 4 of Republic Act No.
20 10752 and the subsequent sections shall be renumbered accordingly:

21 **"SEC. 5. RIGHT-OF-WAY ACTION PLAN. - THE**
22 **IMPLEMENTING AGENCY SHALL PREPARE A RIGHT-OF-WAY**
23 **ACTION PLAN (RAP) BEFORE THE ACQUISITION OF**
24 **PROPERTIES NEEDED AS RIGHT-OF-WAY FOR AN**
25 **INFRASTRUCTURE PROJECT, WHICH SHALL CONTAIN THE**
26 **FOLLOWING:**

27 **(A) CENSUS AND PROFILE OF AFFECTED PERSONS;**

28 **(B) INVENTORY OF AFFECTED ASSETS;**

29 **(C) ESTIMATED RIGHT-OF-WAY COSTS, INCLUDING**
30 **COMPENSATION FOR AFFECTED LAND, STRUCTURES, AND**
31 **IMPROVEMENTS, INCLUDING MACHINERY CONSIDERED AS**

1 **IMMOVABLES UNDER ARTICLE 415 OF THE NEW CIVIL CODE,**
2 **AND CROPS AND TREES TO PROJECT-AFFECTED PERSONS;**
3 **(D) SCHEDULE OF IMPLEMENTATION;**
4 **(E) INSTITUTIONAL ARRANGEMENTS; AND**
5 **(F) PROOF OF STAKEHOLDER CONSULTATIONS."**

6 Sec. 6. A new Section 6 is hereby inserted after the new Section 5 of
7 Republic Act No. 10752 and the subsequent sections shall be renumbered
8 accordingly:

9 **"SEC. 6. ENTRY AND USE OF PROPERTY WITHIN**
10 **ANCESTRAL DOMAINS. - IN CASE OF ACQUISITION OF LAND**
11 **WITHIN ANCESTRAL DOMAINS COVERED BY CERTIFICATES**
12 **OF ANCESTRAL DOMAIN TITLE (CADT) OR ARE CONFIRMED**
13 **BY THE NATIONAL COMMISSION ON INDIGENOUS PEOPLES**
14 **(NCIP) TO BE PART OF THE ANCESTRAL DOMAIN BUT ARE**
15 **PENDING ISSUANCE OF THE CADT, THE IMPLEMENTING**
16 **AGENCY SHALL SECURE THE NECESSARY CERTIFICATION**
17 **PRECONDITION. AN INFRASTRUCTURE RIGHT-OF-WAY**
18 **EASEMENT AGREEMENT SHALL BE EXECUTED BETWEEN THE**
19 **IMPLEMENTING AGENCY AND THE NCIP-CERTIFIED**
20 **INDIGENOUS POLITICAL STRUCTURE, AS PROVIDED FOR IN**
21 **REPUBLIC ACT NO. 8371 OR THE "INDIGENOUS PEOPLES'**
22 **RIGHTS ACT". UNDER THIS MODE, THE INDIGENOUS**
23 **CULTURAL COMMUNITIES (ICCS) OR THE INDIGENOUS**
24 **PEOPLES (IPS) SHALL GRANT THE IMPLEMENTING AGENCY**
25 **THE ABSOLUTE AND UNIMPEDED RIGHT TO USE THE**
26 **AFFECTED PORTION OF THEIR ANCESTRAL DOMAIN AS**
27 **INFRASTRUCTURE RIGHT-OF-WAY WHILE THE PUBLIC**
28 **PURPOSE REQUIREMENT SUBSISTS: *PROVIDED, HOWEVER,***
29 **THAT THE ICCS OR IPS SHALL RETAIN OWNERSHIP OF THAT**
30 **PORTION OF THE LAND. FOR ICCS OR IPS WITH NO**
31 **ESTABLISHED INDIGENOUS POLITICAL STRUCTURE, THE**
32 **PROVISIONS OF REPUBLIC ACT NO. 8371 ON THE PROCESS**

1 **OF FREE AND PRIOR INFORMED CONSENT (FPIC) SHALL BE**
2 **OBSERVED. THE EASEMENT PRICE TO BE PAID SHALL BE IN**
3 **ACCORDANCE WITH THE PROVISIONS OF THIS ACT."**

4 Sec. 7. Section 5 of Republic Act No. 10752 is hereby amended to read as
5 follows:

6 "SEC. [5] 7. *Rules on Negotiated Sale.* – The implementing
7 agency **OR THE PRIVATE ENTITY** may offer to acquire, through
8 negotiated sale, the right-of-way site or location for a national
9 government infrastructure project **OR PRIVATE INFRASTRUCTURE**
10 **PROJECT, RESPECTIVELY**, under the following rules:

11 "(a) The implementing agency **OR THE PRIVATE ENTITY** shall offer
12 to the property owner concerned, as compensation price, the sum of:

- 13 (1) The ~~[current]~~ market value of the land;
- 14 (2) The replacement cost of structures and improvements
15 therein; and
- 16 (3) The ~~[current]~~ market value of crops and trees therein.

17 ~~[To determine the appropriate price offer, the implementing~~
18 ~~agency may engage the services of a government financial institution~~
19 ~~with adequate experience in property appraisal, or an independent~~
20 ~~property appraiser accredited by the Bangko Sentral ng Pilipinas (BSP)~~
21 ~~or a professional association of appraisers recognized by the BSP to be~~
22 ~~procured by the implementing agency under the provisions of Republic~~
23 ~~Act No. 9184, otherwise known as the "Government Procurement~~
24 ~~Reform Act", and its implementing rules and regulations pertaining to~~
25 ~~consulting services.]~~

26 **THE APPROPRIATE PRICE OFFER SHALL BE BASED ON**
27 **THE VALUATION SYSTEM AND SCHEDULE OF MARKET VALUES**
28 **ESTABLISHED UNDER REPUBLIC ACT NO. 12001, OR THE**
29 **"REAL PROPERTY VALUATION AND ASSESSMENT REFORM**
30 **ACT".**

1 If the property owner does not accept the price offer, the
2 implementing agency **OR THE PRIVATE ENTITY** shall initiate
3 expropriation proceedings [~~pursuant to~~] **UNDER** Section [6] **8** hereof.

4 The property owner is given thirty (30) days to decide whether
5 [~~or not~~] to accept the offer as payment for his property. Upon refusal
6 or failure of the property owner to accept such **AN** offer or [~~fails~~
7 ~~and/or refuses~~] to submit the documents necessary for payments, the
8 implementing agency **OR THE PRIVATE ENTITY** shall immediately
9 initiate expropriation proceedings as provided **FOR** in Section [6] **8**
10 [~~herein~~] **HEREOF**.

11 "(b) Subparagraph (a)(2) of Section [5] **7** hereof shall also apply to all
12 owners of structures and improvements who do not have legally
13 recognized rights to the land, and who meet all of the following
14 criteria:

- 15 (1) Must be a Filipino citizen;
- 16 (2) Must not own any real property or any other housing facility,
17 whether in an urban or rural area; [~~and~~]
- 18 (3) Must not be a professional squatter or a member of a
19 squatting syndicate, as defined in Republic Act No. 7279,
20 [~~otherwise known as~~] **OR** the "Urban Development and Housing
21 Act of 1992", **AS AMENDED; AND**
- 22 **(4) MUST NOT OCCUPY AN EXISTING RIGHT-OF-WAY**
23 **WHICH IS TITLED TO THE GOVERNMENT.**

24 "(c) With regard to the taxes and fees relative to the transfer of title of
25 the property to the Republic of the Philippines through negotiated sale,
26 the implementing agency **OR THE PRIVATE ENTITY** shall pay, for
27 the account of the seller, the capital gains tax[~~7~~]. **THIS PROVISION**
28 **SHALL ONLY APPLY TO THE NEGOTIATED SALE OF PROPERTY**
29 **CLASSIFIED AS CAPITAL ASSETS. NEGOTIATED SALE OF**
30 **PROPERTY CLASSIFIED AS ORDINARY ASSETS ARE SUBJECT**
31 **TO THE EXISTING RULES AND REGULATIONS OF THE BIR, as**

1 well as the documentary stamp tax, transfer tax and registration fees,
2 while the **PROPERTY** owner shall pay any unpaid real property tax.

3 "(d) If requested by the property owner, the implementing agency **OR**
4 **THE PRIVATE ENTITY** shall remit to the LGU concerned the amount
5 corresponding to any unpaid real property tax, subject to the deduction
6 of this amount from the total negotiated price: *Provided, however,*
7 That the said amount is not more than the negotiated price.

8 "(e) The property owner and the implementing agency **OR THE**
9 **PRIVATE ENTITY** shall execute a deed of absolute sale: *Provided,*
10 That the property owner has submitted to the implementing agency
11 **OR THE PRIVATE ENTITY** the **ORIGINAL OR** Transfer Certificate of
12 Title, Tax Declaration, Real Property Tax Certificate, and other
13 documents necessary to transfer the title to the Republic of the
14 Philippines. The implementing agency **OR THE PRIVATE ENTITY**
15 shall cause the annotation of the deed of absolute sale on the
16 [~~Transfer~~] Certificate of Title[-:] : ***PROVIDED, FURTHER, THAT IN***
17 **THE CASE OF UNTITLED LANDS, THE POSSESSOR OF THE**
18 **PROPERTY SHALL SUBMIT TO THE IMPLEMENTING AGENCY,**
19 **THE FOLLOWING:**

20 **(I) TAX DECLARATION SHOWING THE POSSESSOR'S AND**
21 **THE PREDECESSORS' OPEN, CONTINUOUS, EXCLUSIVE,**
22 **AND NOTORIOUS POSSESSION OF THE LAND FOR AT**
23 **LEAST TWENTY (20) YEARS;**

24 **(II) AFFIDAVIT FROM AT LEAST TWO (2) DISINTERESTED**
25 **RESIDENTS OF THE BARANGAY WHERE THE LAND IS**
26 **LOCATED THAT THE POSSESSOR OR THE PREDECESSORS**
27 **HAVE CONTINUOUSLY OCCUPIED THE LAND FOR AT**
28 **LEAST TWENTY (20) YEARS;**

29 **(III) REAL PROPERTY TAX CERTIFICATE;**

30 **(IV) CERTIFICATION FROM THE DENR THAT THE LAND IS**
31 **ALIENABLE AND DISPOSABLE;**

1 (V) TECHNICAL DESCRIPTION OF THE PROPERTY AND
2 MAP BASED ON A SURVEY CONDUCTED BY A LICENSED
3 GEODETIC ENGINEER AND APPROVED BY THE DENR; AND
4 (VI) OTHER DOCUMENTS THAT SHOW OWNERSHIP:
5 *PROVIDED, FURTHERMORE,* THAT UPON SUBMISSION OF
6 ALL THE ABOVE-LISTED REQUIREMENTS TO CAUSE THE
7 TRANSFER OF THE TITLE TO THE REPUBLIC OF THE
8 PHILIPPINES, THE PROPERTY POSSESSOR SHALL BE
9 REIMBURSED THE COST THEREOF UPON SUFFICIENT
10 PROOF.

11 "(f) Upon the execution of a deed of sale, the implementing agency
12 **OR THE PRIVATE ENTITY** shall pay the property owner:

13 (1) [~~Fifty percent (50%)~~] **SEVENTY PERCENT (70%)** of the
14 negotiated price of the affected land, exclusive of taxes remitted
15 to the LGU concerned under subparagraph (d) herein; and

16 (2) Seventy percent (70%) of the negotiated price of the
17 affected structures, improvements, crops and trees, exclusive of
18 unpaid taxes remitted to the LGU concerned under
19 subparagraph (d) herein.

20 **THE IMPLEMENTING AGENCY OR PRIVATE ENTITY**
21 **SHALL PROMPTLY PAY THE ABOVE SUMS UPON THE**
22 **EXECUTION OF THE DEED OF SALE OR NO LATER THAN**
23 **THIRTY (30) DAYS THEREAFTER.**

24 "(g) The implementing agency **OR THE PRIVATE ENTITY** shall, at
25 the times stated hereunder, pay the property owner the remaining
26 [~~fifty percent (50%)~~] **THIRTY PERCENT (30%)** of the negotiated
27 price of the affected land[,] and [~~thirty percent (30%)~~] of the affected
28 structures, improvements, crops and trees, exclusive of unpaid taxes
29 remitted to the LGU concerned under subparagraph (d) herein:
30 *Provided,* That the land is already completely cleared of structures,
31 improvements, crops and trees:

1 (1) At the time of the transfer of title in the name of the
2 Republic of the Philippines, in cases where the land is wholly
3 affected; or

4 (2) At the time of the annotation of a deed of sale on the title,
5 in cases where the land is partially affected.

6 **THE IMPLEMENTING AGENCY OR PRIVATE ENTITY**
7 **SHALL PROMPTLY PAY THE REMAINING BALANCE NO LATER**
8 **THAN SIXTY (60) DAYS FROM THE TRANSFER OF TITLE OR**
9 **ANNOTATION OF THE DEED OF SALE THEREON.**

10 The provisions of subparagraph (a) herein shall also apply to
11 outstanding claims for right-of-way payments, except that the amount
12 to be offered shall be the price at the time of taking of the property,
13 including legal interest until fully paid."

14 Sec. 8. Section 6 of Republic Act No. 10752 is hereby amended to read as
15 follows:

16 "SEC. [6] **8. Guidelines for Expropriation Proceedings.** –
17 Whenever it is necessary to acquire real property for the right-of-way
18 site or location [~~for~~] **OF** an[~~y national government~~] infrastructure
19 **PROJECT** through expropriation **BY THE GOVERNMENT OR A**
20 **PRIVATE ENTITY**, the appropriate implementing agency, through the
21 Office of the Solicitor General, the Office of the Government Corporate
22 Counsel, [~~or~~] their deputized government or private legal counsel, **OR**
23 **THE PRIVATE ENTITY, THROUGH ITS DESIGNATED LEGAL**
24 **COUNSEL**, shall immediately initiate the expropriation proceedings
25 before the proper court under the following guidelines:

26 "(a) Upon the filing of the complaint or at any time thereafter, and
27 after due notice to the [~~defendant~~] **PROPERTY OWNER**, the
28 implementing agency **OR THE PRIVATE ENTITY** shall immediately
29 deposit to the court in favor of the **PROPERTY** owner the amount
30 equivalent to the sum of:

31 (1) [~~One hundred percent (100%)~~] **FIFTY PERCENT**
32 **(50%)** of the [~~value of the land based on the current relevant~~

1 zonal valuation of the BIR, issued not more than three (3) years
2 prior to the filing of the expropriation complaint subject to
3 subparagraph (c) of this section] **MARKET VALUE OF THE**
4 **LAND;**

5 (2) **SEVENTY PERCENT (70%) OF** [F]The
6 replacement cost at [current] market value of the
7 improvements, **MACHINERY CONSIDERED AS IMMOVABLE**
8 **UNDER ARTICLE 415 OF THE NEW CIVIL CODE** and
9 structures; **AND** [as determined by:

10 (i) The implementing agency;

11 (ii) A government financial institution with adequate
12 experience in property appraisal; and

13 (iii) An independent property appraiser accredited by the
14 BSP].

15 (3) **SEVENTY PERCENT (70%) OF** [F]The [current]
16 market value of crops and trees located within the property. [as
17 determined by the government financial institution, or an
18 independent property appraiser to be selected as indicated in
19 subparagraph (a) of Section 5 hereof]

20 **THE FOREGOING AMOUNTS SHALL BE BASED ON THE**
21 **APPROVED SMV ESTABLISHED UNDER R.A. NO. 12001. IN**
22 **THE ABSENCE OF THE APPROVED SMV, THE FOLLOWING**
23 **SHALL, IN THE INTERIM, BE USED IN DETERMINING THE**
24 **APPROPRIATE AMOUNT FOR DEPOSIT: (I) THE BIR ZONAL**
25 **VALUATION OF THE LAND, AND (II) THE ASSESSED VALUE OF**
26 **THE IMPROVEMENTS, INCLUDING MACHINERY CONSIDERED**
27 **AS IMMOVABLES UNDER ARTICLE 415 OF THE NEW CIVIL**
28 **CODE, STRUCTURES, CROPS OR TREES.**

29 Upon compliance with the guidelines above-mentioned, the
30 court shall immediately issue to the implementing agency **OR THE**
31 **PRIVATE ENTITY** an order to take possession of the property and
32 start the implementation of the project.

1 ~~[If, within seven (7) working days after the deposit to the court~~
2 ~~of the amount equivalent to the sum under subparagraphs (a)(1) to~~
3 ~~(a)(3) of this section, the court has not issued to the implementing~~
4 ~~agency a writ of possession for the affected property, the counsel of~~
5 ~~the implementing agency shall immediately seek from the court the~~
6 ~~issuance of the writ of possession.]~~ The court shall issue the writ of
7 possession *ex parte*; no hearing shall be required.

8 The court shall release the amount to the **PROPERTY** owner
9 upon presentation of sufficient proof[s] of ownership.

10 "(b) In case the owner of the property cannot be found, [if] **IS**
11 unknown, or deceased in cases where the estate has not been settled,
12 after exerting due diligence, or there are conflicting claims over the
13 ownership of the property and improvements and/**OR** structures
14 thereon, the implementing agency **OR THE PRIVATE ENTITY** shall
15 deposit the amount equivalent to the sum under subparagraphs (a)(1)
16 to (a)(3) of this section to the court for the benefit of the person to be
17 adjudged in the same proceeding as entitled thereto.

18 Upon compliance with the guidelines above-mentioned, the
19 court shall immediately issue to the implementing agency **OR THE**
20 **PRIVATE ENTITY** an order to take possession of the property and
21 start the implementation of the project.

22 ~~[If, within seven (7) working days after the deposit with the~~
23 ~~court of the amount equivalent to the sum under subparagraphs~~
24 ~~(a)(1) to (a)(3) of this section, the court has not issued to the~~
25 ~~implementing agency a writ of possession for the affected property,~~
26 ~~the counsel of the implementing agency shall immediately seek with~~
27 ~~the court the issuance of the writ of possession.]~~

28 The court shall release the said amount to the person adjudged
29 in the same expropriation proceeding as entitled thereto.

30 "(c) In provinces, cities, municipalities, and other areas where there is
31 no land classification, the city or municipal assessor is hereby
32 mandated, within the period of sixty (60) days from the date of filing

1 of the expropriation case, to come up with the required land
2 classification and the corresponding declaration of real property and
3 improvement for the area. [~~In provinces, cities, municipalities, and~~
4 ~~other areas where there is no zonal valuation, or where the current~~
5 ~~zonal valuation has been in force for more than three (3) years, the~~
6 ~~BIR is mandated, within the period of sixty (60) days from the date of~~
7 ~~filing of the expropriation case, to conduct a zonal valuation of the~~
8 ~~area, based on the land classification done by the city or municipal~~
9 ~~assessor.]~~

10 "(d) With reference to subparagraph (a)(1) of this section, in case the
11 completion of a government infrastructure project is of utmost urgency
12 and importance, and there is no land classification [~~or no existing zonal~~
13 ~~valuation of the area concerned or the zonal valuation has been in~~
14 ~~force for more than three (3) years,] the implementing agency **OR**
15 **THE PRIVATE ENTITY** shall use the [~~BIR zonal~~] **MARKET** value
16 **PURSUANT TO THE APPROVED SMV ESTABLISHED UNDER R.A.**
17 **NO. 12001** and land classification of similar lands within the adjacent
18 vicinity as the basis for the valuation.~~

19 **IN THE ABSENCE OF THE APPROVED SMV UNDER REPUBLIC**
20 **ACT NO. 12001, THE BIR ZONAL VALUATION OF SIMILAR**
21 **LANDS WITHIN THE ADJACENT VICINITY, SHALL, IN THE**
22 **INTERIM BE USED.**

23 "(e) In any of the cases in subparagraphs (a) to (d) of this section,
24 upon its receipt of the writ of possession issued by the court, the
25 implementing agency **OR THE PRIVATE ENTITY** may take
26 possession of the property and start the implementation of the project.

27 "(f) In the event that the owner of the property contests the
28 implementing agency **OR THE PRIVATE ENTITY's** proffered value,
29 the court shall determine the just compensation to be paid the
30 **PROPERTY** owner within sixty (60) days from the date of filing of the
31 expropriation case. When the decision of the court becomes final and
32 executory, the implementing agency **OR THE PRIVATE ENTITY** shall

1 pay the **PROPERTY** owner the difference between the amount already
2 paid and the just compensation as determined by the court.

3 "(g) With regard to the taxes and fees relative to the transfer of title of
4 the property to the Republic of the Philippines through expropriation
5 proceedings, the implementing agency **OR THE PRIVATE ENTITY**
6 shall pay the documentary stamp tax, transfer tax and registration
7 fees, while the **PROPERTY** owner shall pay the capital gains tax and
8 any unpaid real property tax."

9 Sec. 9. Section 7 of Republic Act No. 10752 is hereby amended to read as
10 follows and the subsequent sections shall be renumbered accordingly:

11 "SEC. [7] **9. Standards for the Assessment of the Value of the**
12 *Property Subject to Negotiated Sale.* – In order to facilitate the
13 determination of the market value of the property, the following
14 relevant standards shall be observed:

15 (a) The classification and use for which the property is suited;

16 (b) The **CURRENT ESTIMATED** development cost for
17 improving the land;

18 (c) The value declared by the owners;

19 (d) The current [~~selling price~~] **MARKET VALUE** of similar
20 lands in the vicinity;

21 (e) The reasonable disturbance compensation for the removal
22 and/**OR** demolition of certain improvements on the land and for the
23 value of improvements thereon;

24 (f) The size, shape or location, tax declaration, and **THE**
25 **APPROVED SMV ESTABLISHED UNDER R.A. NO. 12001, OR**
26 [~~zonal valuation of the land~~] **IN THE ABSENCE OF SUCH SMV, THE**
27 **BIR ZONAL VALUATION OF SIMILAR LANDS WITHIN THE**
28 **ADJACENT VICINITY SHALL, IN THE INTERIM, BE USED."**

29 "(g) **xxx**

30 "(h) **xxx**

31 "The implementing rules and regulations (IRR) to be prepared
32 under Section 13 hereof shall include, among other things, the terms

1 of reference which shall be used by the government financial
2 institutions and independent property appraisers in the determination
3 of the market value of the land. The terms of reference shall define in
4 detail the standards stated herein.”

5 Sec. 10. Section 9 of Republic Act No. 10752 is hereby amended to read as
6 follows:

7 “SEC. ~~[9]~~ **11. Relocation of Informal Settlers.** – The
8 **DEPARTMENT OF HUMAN SETTLEMENTS AND URBAN**
9 **DEVELOPMENT (DHSUD), THROUGH THE APPROPRIATE KEY**
10 **SHELTER AGENCY,** [~~government, through the Housing and Urban~~
11 ~~Development Coordinating Council (HUDGC) and the National Housing~~
12 ~~Authority (NHA),]~~ in coordination with the LGUs and implementing
13 agencies concerned, shall establish and develop resettlement sites for
14 informal settlers, including the provision of adequate basic services and
15 community facilities, in anticipation of informal settlers that have to be
16 removed from the right-of-way site or location of future infrastructure
17 projects, pursuant to the provisions of Republic Act No. 7279,
18 [~~otherwise known as~~] **OR** the “Urban Development and Housing Act of
19 1992.” Whenever applicable, the concerned LGUs shall provide and
20 administer the resettlement sites.

21 In case the expropriated land is occupied by informal settlers
22 who refuse or are unable to demolish their structures and other
23 improvements therein despite the writ of possession issued by the
24 court under Section ~~[6]~~ **8** hereof, the court shall issue the necessary
25 writ of demolition for the purpose of dismantling any and all structures
26 found within the subject property. The implementing agency shall take
27 into account and observe diligently the procedure provided for in
28 Sections 28 and 29 of Republic Act No. 7279.”

29 Sec. 11. Section 10 of Republic Act No. 10752 is hereby amended to read as
30 follows:

31 “SEC. ~~[10]~~ **12. Appropriations for Acquisition of Right-Of-Way**
32 *Site or Location for National Government Infrastructure Projects in*

1 *Advance of Project Implementation.* – The government shall provide
2 adequate appropriations that will allow the concerned implementing
3 agencies to acquire the required right-of-way site or location for
4 national government infrastructure projects in advance of project
5 implementation. These appropriations shall cover the funds needed to
6 cover the following expenses for activities directly related to right-of-
7 way acquisition for the projects as provided in this Act:

8 (a) Cost of parcellary surveys and appraisal of properties
9 affected by the projects;

10 (b) Compensation for the project-affected land, structures,
11 improvements, **INCLUDING MACHINERY CONSIDERED AS**
12 **IMMOVABLE UNDER ARTICLE 415 OF THE NEW CIVIL CODE,**
13 crops and trees;

14 (c) Cost of development and implementation of resettlement
15 projects covered by this Act, including planning, social preparation, and
16 other activities under the resettlement action plan; and

17 (d) Related expenses of the implementing agency, including
18 capital gains tax in the case of negotiated sale under Section [5] 7
19 hereof documentary stamp tax, transfer tax and registration fees for
20 the transfer of titles, and other relevant administrative expenses for
21 right-of-way management.

22 **FOR PUBLIC-PRIVATE PARTNERSHIP (PPP) PROJECTS,**
23 **APPROPRIATIONS FOR THE ACQUISITION OF RIGHT-OF-WAY**
24 **SHALL BE IN ACCORDANCE WITH REPUBLIC ACT NO. 11966,**
25 **ITS IMPLEMENTING RULES AND REGULATIONS, AND ANY**
26 **AMENDMENTS THERETO.**

27 ~~[In public-private partnership (PPP) projects, the modalities~~
28 ~~of which are defined in Republic Act No. 6957 as amended by~~
29 ~~Republic Act No. 7718, the implementing agency may, as part of the~~
30 ~~contract terms and conditions, require the project proponent to:~~

1 ~~(1) Advance the funds covering the cost of the right-of-way~~
2 ~~which shall be reimbursed later by the implementing agency, except~~
3 ~~for unsolicited proposals; or~~

4 ~~(2) Finance the right-of-way cost which shall be recovered~~
5 ~~partly or fully by the proponent from the tolls, fees, or tariffs to be~~
6 ~~charged to the users of the completed project.]”~~

7 Sec. 12. Section 11 of Republic Act No. 10752 is hereby amended to read as
8 follows:

9 “SEC. [11] **13. Regulation of Developments Within Declared**
10 *Right-of-Way* – Upon [the] approval of an infrastructure project by the
11 head of the implementing agency concerned, with funding authorized
12 in the General Appropriations Act and with **APPROVED PARCELLARY**
13 **SURVEY PLANS**, [defined right-of-way,] no national government
14 agency or **LOCAL GOVERNMENT UNIT (LGU)** shall, within two (2)
15 years from date of notice of taking, allow any development or
16 construction, or issue any building, construction, development, or
17 business permit[, which is] contrary to the approved plans and
18 purposes of the project, within the right-of-way, unless explicitly
19 authorized by the head of the implementing agency for justifiable
20 reasons. **THE IMPLEMENTING AGENCY SHALL PROVIDE THE**
21 **CONCERNED NATIONAL AGENCIES AND LGUS A COPY OF THE**
22 **NOTICE OF TAKING UPON ITS ISSUANCE.”**

23 Sec. 13. Section 12 of Republic Act No. 10752 is hereby amended to read as
24 follows:

25 “SEC. [12] **14. Sanctions.** – Violation of any provision of this Act
26 shall subject the government official or employee concerned to
27 appropriate administrative, civil, or criminal sanctions, including
28 suspension or dismissal from the government service and forfeiture of
29 benefits in accordance with the provisions of the law.

30 **VIOLATION BY A PRIVATE ENTITY OF ANY PROVISION OF**
31 **THIS ACT SHALL SUBJECT ITS PRESIDENT, MANAGER,**

1 **DIRECTOR, TRUSTEE, OR RESPONSIBLE OFFICERS TO CIVIL OR**
2 **CRIMINAL SANCTIONS.”**

3 Sec. 14. A new Section 15 is hereby inserted after the renumbered Section
4 14 of Republic Act No. 10752 and the subsequent sections shall be renumbered
5 accordingly:

6 **“SEC. 15. APPLICABILITY OF REPUBLIC ACT NO. 8975. –**
7 **THE PROVISIONS OF REPUBLIC ACT NO. 8975 ON THE**
8 **PROHIBITION AND PENAL SANCTION ON THE ISSUANCE OF**
9 **TEMPORARY RESTRAINING ORDERS, PRELIMINARY**
10 **INJUNCTIONS, OR PRELIMINARY MANDATORY INJUNCTIONS**
11 **SHALL APPLY.”**

12 Sec. 15. A new Section 16 is hereby inserted after the new Section 15 of
13 Republic Act No. 10752 and the subsequent sections shall be renumbered
14 accordingly:

15 **“SEC. 16. PUBLIC DISCLOSURE OF ESSENTIAL RIGHT-**
16 **OF-WAY INFORMATION. - THE IMPLEMENTING AGENCY OR**
17 **THE PRIVATE ENTITY SHALL PUBLISH, THROUGH THEIR**
18 **RESPECTIVE WEBSITES, ESSENTIAL INFORMATION ON THE**
19 **RIGHT-OF-WAY ACQUISITION PROCESS SUCH AS, BUT NOT**
20 **LIMITED TO: ROW ACTION PLAN (RAP), STATUS OF ROW**
21 **CLAIMS AND STATUS OF EXPROPRIATION CASES, SUBJECT TO**
22 **THE PROVISIONS OF REPUBLIC ACT NO. 10173 OR “THE DATA**
23 **PRIVACY ACT OF 2012.”**

24 Sec. 16. Section 13 of Republic Act No. 10752 is hereby amended to read as
25 follows:

26 **“SEC. [13] 17. Implementing Rules and Regulations (IRR). – A**
27 committee shall prepare, in consultation with key stakeholders, the IRR
28 for the proper implementation of this Act within sixty (60) days from its
29 approval.

30 The committee shall be composed of the following officials or
31 their duly designated representatives:

1 (a) The Secretary of the Department of Public Works and
2 Highways as Chairperson;

3 (b) The Secretary of the Department of Transportation [~~and~~
4 ~~Communications~~] as member;

5 (c) The Secretary of the Department of Energy as member;

6 **(D) THE SECRETARY OF THE DEPARTMENT OF**
7 **INFORMATION AND COMMUNICATIONS TECHNOLOGY AS**
8 **MEMBER;**

9 **(E) THE SECRETARY OF THE DEPARTMENT OF**
10 **ENVIRONMENT AND NATURAL RESOURCES AS MEMBER;**

11 **(F) THE SECRETARY OF THE DEPARTMENT OF**
12 **AGRICULTURE AS MEMBER;**

13 **(G) THE SECRETARY OF THE DEPARTMENT OF**
14 **INTERIOR AND LOCAL GOVERNMENT AS MEMBER;**

15 **(H) THE SECRETARY OF THE DEPARTMENT OF FINANCE**
16 **AS MEMBER;**

17 ~~(d)~~ **(I)** Secretary of the Department of Justice as member;

18 ~~(e)~~**(J)** Secretary of the Department of Budget and
19 Management as member;

20 ~~(f)~~ **(K)** The **SECRETARY** [~~Director-General~~] of the National
21 Economic and Development Authority as member;

22 ~~(g)~~ **(L) THE SECRETARY OF THE DEPARTMENT OF**
23 **HUMAN SETTLEMENTS AND URBAN DEVELOPMENT** [~~The~~
24 ~~Chairperson of the HUDCC~~] as member; [~~and~~]

25 **(M) THE SECRETARY OF THE DEPARTMENT OF**
26 **AGRARIAN REFORM AS MEMBER; AND**

27 ~~(h)~~ **(N)** Other representatives of concerned entities as
28 determined by the committee as members."

29 *Sec. 17. Transitory Clause.* – The provisions of this Act shall apply to all right-
30 of-way transactions, except those which, as of the effectivity of this Act, the
31 Implementing Agency or the Private Entity and the property owner have reached a
32 written agreement on the agreed amount of compensation.

1 Sec. 18. *Separability Clause.* – If any provision of this Act is declared
2 unconstitutional, the remainder thereof not otherwise affected shall remain in full
3 force and effect.

4 Sec. 19. *Repealing Clause.* – All laws, presidential decrees, executive orders,
5 letters of instruction, proclamations, or administrative regulations that are
6 inconsistent with the provisions of this Act are hereby repealed, amended, or
7 modified accordingly.

8 Sec. 20. *Effectivity Clause.* – This Act shall take effect after fifteen (15) days
9 following its publication in the *Official Gazette* or in a newspaper of general
10 circulation.

11 Approved,