

SENATE

'18 JUL 31 P1:34

S.B. No. 1899

INTRODUCED BY: SENATOR EMMANUEL D. PACQUIAO

**AN ACT TO FURTHER STRENGTHEN THE SAFETY NETS IN ACQUISITION OF THE
RIGHT OF WAY FOR NATIONAL GOVERNMENT INFRASTRUCTURE PROJECTS,
AMENDING FOR THE PURPOSE SECTION 5 OF REPUBLIC ACT NO. 10752,
OTHERWISE KNOWN AS THE RIGHT OF WAY ACT**

EXPLANATORY NOTE

Section 9, Article III of the Constitution provides that "Private property shall not be taken for public use without just compensation."

In conformity with the said Constitutional mandate, Republic Act No. 10752, also known as "The Right-of-Way Act" was passed in 2016, amending Republic Act. No. 8974. The law provides in detail the procedures which the government must observe in facilitating acquisition of right-of-way (ROW) sites for public infrastructure projects. It also provides for guidelines in the appraisal values and time frames for resolution of expropriation disputes to address the delays in acquisition process.

Despite the laudable measures and safety nets provided under R.A. No. 10752, the controversial "General Santos Road Right of Way scam," which spawned in 2017, revealed that there is an immediate need for the procedures under the law to be fortified.

One of the contentious issues remain in the delays of acquisition of ROW. The bottleneck in the current procedure is mostly attributed to the appraisal of the compensation price in a negotiated sale. In particular, the Bureau of Internal Revenue (BIR) zonal value is not taken into account in the determination of the compensation.

Furthermore, the series of Senate Blue Ribbon Committee hearings on the controversy, bared, among others, the existence of syndicates that facilitate fraudulent claims of just compensation through spurious land titles to the prejudice of the rightful private property owners and of the State. As a result, government funds amounting to billions of pesos fell into the hands of the syndicates. All involved implementing government agencies in the hearing, however, denied responsibility over the irregularities.

To halt such anomalies and maintain the dignity of a public office being a public trust, this bill seeks to strengthen the procedure in acquisition of ROW by making concerned

SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
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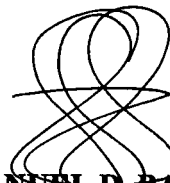
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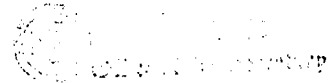
government agencies accountable for the veracity of claims and the legitimacy of identity of the claimants and the representatives of the latter under special power of attorney.

Acknowledging that the efficiency and expediency in acquisition of ROW is best addressed through negotiated sales, this bill seeks to promote a more mutually beneficial solution between the government and the property owners by providing more judicious compensation for the property owners to lead them to settle with the government during negotiated sales. This bill also aims to further tighten the safety nets under R.A. 10752 against corruption and misappropriation of public funds by increasing vigilance among public officials and employees in processing the right of way claims.

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



EMMANUEL D. PACQUIAO



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

1 **Section 1.** Section 5 (a) and (e) of Republic Act No. 10752 are hereby amended to read as
2 follows:

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

7
8 (a) The implementing agency shall offer to the property owner concerned, as
9 compensation price, the sum of:

10
11 (1) The current market value of the land **OR ITS ZONAL VALUATION**
12 **WHICHEVER IS HIGHER;**

13
14 (2) The replacement cost of structures and improvements therein; and

15
16 (3) The current market value of crops and trees therein.

17
18 xxx xxx xxx

19
20 (e) The property owner and the implementing agency shall execute a deed of absolute
21 sale: *Provided*, That the property owner has submitted to the implementing
22 agency the Transfer of Certificate of Title, Tax Declaration, Real Property Tax
23 Certificate, and other documents necessary to transfer the title to the Republic of
24 the Philippines; **AND PROVIDED FURTHER, THAT THE**
25 **IMPLEMENTING AGENCY MUST HAVE VALIDATED FROM**
26 **APPROPRIATE OFFICES OR AGENCIES THE AUTHENTICITY AND**
27 **VERACITY OF ALL THE CLAIMS, AS WELL AS THE LEGITIMACY**
28 **OF THE IDENTITY OF THE CLAIMANT OR THE REPRESENTATIVE**

1 **OF THE LATTER BY VIRTUE OF A SPECIAL POWER OF**
2 **ATTORNEY.**

3
4 **Section . *INTER-AGENCY COORDINATION.* – IMPLEMENTING AGENCIES**
5 **INVOLVED IN THE PROCESS MUST HAVE VALIDATED TO APPROPRIATE**
6 **OFFICES OR AGENCIES THE AUTHENTICITY AND VERACITY OF THE**
7 **CLAIMS, THE DOCUMENTS SUBMITTED REQUIRED FOR SUCH CLAIMS, AS**
8 **WELL AS THE LEGITIMACY OF THE IDENTITY OF THE CLAIMANT OR THE**
9 **REPRESENTATIVE OF THE LATTER BY VIRTUE OF A SPECIAL POWER OF**
10 **ATTORNEY.**

11
12
13 **Section 2. *Implementing Rules and Regulations (IRR)* –** The Committee for the
14 issuance of Implementing Rules and Regulations as stated in Section 13 of R.A. 10752 is
15 hereby directed to incorporate the changes stated herein in the IRR within thirty (30) days
16 from the approval of this Act.

17
18 **Section 3. *Separability Clause.*** - If, for any reason or reasons, any part of the
19 provision of this Act shall be held to be unconstitutional or invalid, other parts or provisions
20 hereof which are not affected thereby shall continue to be in full force and effect.

21
22 **Section 4. *Effectivity.*** - This Act shall take effect fifteen (15) days after its
23 publication in the Official Gazette or in a newspaper of general circulation. The publication
24 shall not be later than seven (7) days after the approval hereof.

25
26 Approved,