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SENATE

SENATE BILL NO. 3222
(in substitution of SBNs 558, 944 and 1730)

RECEIVED BY: 

Prepared jointly by the Committees on Environment and Natural Resources; Education, Arts and Culture; Finance; and Ways and Means with Senators Ejercito Estrada, Revilla Jr., Escudero, Cayetano (P.), Legarda and Angara as authors

AN ACT
PROVIDING FOR THE SUMMARY TITLING OF REAL PROPERTIES USED AS PUBLIC SCHOOL SITES

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

1 **SECTION 1. Purpose of this Act.** – It is hereby declared the policy of the State to provide
2 all lands being utilized as public school sites (“school sites”), by the Department of Education
3 (DepEd) and State Universities and Colleges (SUCs), with titles under the “Republic of the
4 Philippines represented by the DepEd” and SUCs concerned, to enable it to have legal ownership
5 over these school sites.

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

10 **SEC. 2. Qualified School Sites.** – This Act shall cover all sites of public schools under the
11 DepEd and those occupied by SUCs which have been utilized as such for at least five (5) years
12 preceding the effectivity of this Act, which are:

13 (a) of the public domain;

1 (b) owned, whether registered or otherwise, by persons or entities other than the
2 DepEd and SUCs, including school sites which are owned by the local government units (LGUs).

3 **SEC. 3. *Prima Facie Ownership by the Department or SUCs of Unregistered Land.*** - The
4 DepEd or SUCs shall be the *prima facie* owner of all unregistered qualified school sites.

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

12 **SEC. 5. *Transfer of Qualified School Sites Owned by the National Government.*** - All
13 qualified school sites established on registered property owned by the national government and
14 its agencies and instrumentalities thereof shall be immediately transferred to and titled in favor
15 of the DepEd or the particular SUC located therein.

16 **SEC. 6. *Modes of Acquiring Qualified School Sites on Privately-Owned Lots and Lots Owned***
17 ***by the LGUs.*** - The DepEd or SUCs may acquire qualified school sites on privately-owned lots
18 and lots owned by the LGUs through donation, negotiated sale, expropriation or any other
19 modes of acquisition as provided by law.

20 **SEC. 7. *Donations not Formally Accepted.*** - All donations of real property not formally
21 accepted but are used as school sites shall be deemed perfected from the time the property was
22 actually utilized as a public school site: *Provided*, That a public instrument signifying the
23 acceptance of the donation is executed by the authorized representative of the DepEd or the
24 SUCs concerned.

25 **SEC. 8 *Guidelines for Negotiated Sale.*** - Should the implementing agency or the owner of
26 the property agree on a negotiated sale for the acquisition of the right-of-way, the site or

1 location for any national infrastructure project, the standards prescribed in pertinent provisions
2 of Republic Act No. 8974 and other related laws, rules and regulations shall be used to
3 determine the fair market value of the property, subject to review and approval by the head of
4 the agency or department concerned.

5 **SEC. 9 Summary Expropriation of Qualified School Sites.** - Qualified school sites on
6 privately-owned lots and lots owned by LGUs may be acquired by the DepEd or SUCs through
7 expropriation subject to the guidelines provided under Section 4 of Republic Act No. 8974:
8 *Provided, That the right of the DepEd or SUCs to expropriate qualified school sites and that the*
9 *taking is for public use and for public purpose shall be presumed prima facie. Unless said*
10 *presumption is overturned by a showing that the school site is not qualified under Section 2*
11 *hereof, the expropriation proceedings shall be limited to the determination of just*
12 *compensation.*

13 **SEC. 10. Order of Registration Immediately Executory.** - All judgments ordering the
14 registration of a qualified school site shall be final and executory, and not subject to appeal
15 except in a *Petition for Certiorari* under Rule 65 to the Supreme Court. The Register of Deeds,
16 upon receipt of such order, shall forthwith issue the corresponding certificate of title in favor of
17 the DepEd or the SUC concerned.

18 **SEC. 11. School Sites Under Contract of Usufruct.** - In order to protect the rights and
19 interests of the DepEd or SUCs in their use and enjoyment of a school site under a Contract of
20 Usufruct, the same shall be annotated in the Certificate of Title of such real property. All
21 reasonable efforts should be exerted for the subsequent donation of these properties in favor of
22 the DepEd or the SUC concerned: *Provided, That when a school site under usufruct becomes a*
23 *qualified school site, the same may be acquired by expropriation as provided therein.*

24 **SEC. 12. Titling and Registration of school Sites Based on Tax Declarations Registered to**
25 **the DepEd or SUCs.** - Real properties with tax declarations registered in the name of the DepEd
26 or SUCs which are being used as school sites shall be processed through the Department of

1 Environment and Natural Resources (DENR) for titling through the issuance of special patents
2 and presidential proclamations.

3 **SEC. 13. *School sites Owned by LGUs.*** – School sites situated on real property owned by
4 LGUs may apply for the summary titling of the school site in the name of the DepEd or the
5 particular SUC located thereon. In the event that the LGU wishes to reclaim the land used as
6 school site, the LGU must provide for the replacement of the school site and the school buildings
7 thereon before the school site is vacated.

8 **SEC. 14. *Expeditious Registration of Land Titles for School Sites.*** – The Registry of Deeds,
9 Bureau of Internal Revenue (BIR) and LGUs concerned shall forthwith process the registration
10 and titling of the properties as provided herein in favor of the DepEd or the SUCs in the most
11 efficient and expeditious manner.

12 **SEC. 15. *Exemption from Payment of Fees and Taxes for the Registration of Land Titles for***
13 ***School Sites.*** – The DepEd or SUCs shall be exempted from payment of all related costs, fees and
14 taxes to the national government agencies, including the BIR, Land Registration Authority
15 (LRA), Registry of Deeds, DENR–Land Management Bureau, LGUs and other government
16 agencies involved in the registration and titling of school sites as provided herein: *Provided,*
17 *further,* That the DepEd or SUCs shall enjoy all the rights, exemptions and privileges, as may be
18 authorized by law, in all its official transactions with national government agencies and LGUs
19 involving titling and registration of its current school sites.

20 **SEC. 16. *Ecological and Environmental Concerns.*** – In cases involving the acquisition of
21 private real property used as school sites, the DepEd or SUCs shall take into account and
22 consider pertinent environmental laws, geological and geohazard assessments and reports from
23 the Mines and Geosciences Bureau, land use ordinances and the pertinent provisions of
24 Republic Act No. 7160, as amended, otherwise known as the Local Government Code of 1991.

1 **SEC. 17. Appropriations.** - The funds necessary for the Implementation of this Act shall
2 be included by the Department of Budget and Management (DBM) in the annual appropriations
3 for the DepEd under the General Appropriations Act.

4 **SEC. 18. Implementing Rules and Regulations.** - The DepEd, Department of Justice,
5 Commission on Higher Education, DENR, Department of Finance, DBM and the Department of
6 the Interior and Local Government shall jointly promulgate the implementing rules and
7 regulations within sixty (60) days from the effectivity of this Act.

8 **SEC. 19. Separability Clause.** - If any provision of this Act is declared unconstitutional or
9 invalid, the other parts or provisions hereof which are not affected thereby, shall continue to be
10 in full force and effect.

11 **SEC. 20. Repealing Clause.** - All laws, decrees, rules and regulations and other issuances
12 or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended or
13 modified accordingly.

14 **SEC. 21. Effectivity.** - This Act shall take effect fifteen (15) days after its complete
15 publication in the *Official Gazette* or in at least two (2) newspapers of general circulation in the
16 Philippines.

Approved,