



S E N A T E

S. No. 2821*

(In substitution of Senate Bill Nos. 1537, 2718, 2769, taking into consideration House Bill No. 6571)

PREPARED AND SUBMITTED JOINTLY BY THE COMMITTEES ON PUBLIC WORKS (UPON THE RECOMMENDATION OF THE SUBCOMMITTEE ON THE RIGHT-OF-WAY ACT); JUSTICE AND HUMAN RIGHTS; AND WAYS AND MEANS WITH SENATORS REVILLA JR., ESCUDERO, VILLAR (M.), VILLAR (C.), VILLANUEVA, AND TULFO 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
2 the “Accelerated and Reformed Right-of-Way (ARROW)
3 Act”.

1 SEC. 2. *Declaration of Policy.* – The State affirms that
2 private property shall not be taken for public use without
3 just compensation. It shall ensure that owners of real
4 property acquired for national government infrastructure
5 projects and private infrastructure projects for public use
6 are promptly paid just compensation, based on a nationally
7 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
10 the importance and participation of the private sector in
11 delivering public services. To this end, the State shall
12 encourage private enterprise involvement and facilitate the
13 acquisition of right-of-way sites or locations for private
14 infrastructure projects for public use to ensure a more
15 efficient delivery of public services.

16 SEC. 3. Section 3 of Republic Act No. 10752 or “The
17 Right-of-Way Act” is hereby amended to read as follows:

18 “SEC. 3. [~~National Government Projects~~]

19 *COVERAGE.* – THIS ACT SHALL APPLY TO:

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

1 improvement, repair and rehabilitation,
2 regardless of the source of funding[-]; AND

3 (B) PRIVATE ENTITY PROVIDING
4 PUBLIC SERVICE – AS USED IN THIS ACT,
5 THE TERM “PRIVATE ENTITY” SHALL
6 REFER TO AN ENTITY THAT HAS BEEN
7 GRANTED THE RIGHT TO EXERCISE THE
8 POWER OF EMINENT DOMAIN UNDER ITS
9 FRANCHISE OR OTHER LAWS, AND
10 OPERATES, MANAGES, OR CONTROLS
11 ANY OF THE FOLLOWING PUBLIC
12 SERVICES:

13 (1) DISTRIBUTION OF ELECTRICITY;

14 (2) TRANSMISSION OF ELECTRICITY;

15 (3) PETROLEUM AND PETROLEUM
16 PRODUCTS PIPELINE TRANSMISSION
17 SYSTEMS;

18 (4) WATER PIPELINE DISTRIBUTION
19 SYSTEMS AND WASTEWATER PIPELINE

1 SYSTEMS, INCLUDING SEWERAGE
2 PIPELINE SYSTEMS;

3 (5) INTERNET CONNECTION,
4 TELECOMMUNICATIONS, AND CONNECTIVITY;

5 (6) AIRPORTS;

6 (7) SEAPORTS;

7 (8) IRRIGATION PROJECTS; OR

8 (9) OTHER SIMILAR PUBLIC SERVICES.

9 [~~Subject to t~~] The provisions of Republic
10 Act No. 7160, [~~otherwise known as~~] OR the
11 “Local Government Code of 1991”, [~~local~~
12 ~~government units (LGUs) may also adopt the~~
13 ~~provisions of this Act for use in the acquisition~~
14 ~~of right of way for local government~~
15 ~~infrastructure projects]~~ ON EMINENT
16 DOMAIN SHALL CONTINUE TO HAVE
17 FORCE AND EFFECT.”

18 SEC. 4. Section 4 of Republic Act No. 10752 is hereby
19 amended to read as follows:

1 “SEC. 4. *Modes of Acquiring Real*
2 *Property.* – (A) The government may acquire
3 real property needed as right-of-way site or
4 location for any national government
5 infrastructure project, through donation,
6 negotiated sale, expropriation, or any other
7 mode of acquisition as provided by law.

8 In case of lands [~~granted through~~] HELD
9 BY PROPERTY OWNERS THROUGH THE
10 GRANT OF PATENTS UNDER
11 Commonwealth Act No. 141 [~~as amended,~~
12 ~~otherwise known as~~] OR “The Public Land
13 Act”, AS AMENDED BY REPUBLIC ACT
14 NO. 10023 OR “AN ACT AUTHORIZING THE
15 ISSUANCE OF FREE PATENTS TO
16 RESIDENTIAL LANDS”, the implementing
17 agency shall ENFORCE THE LIENS ON
18 THESE PATENTED LANDS AND IS
19 AUTHORIZED TO TAKE IMMEDIATE
20 POSSESSION OF THE LAND TO THE

1 EXTENT OF THE LIEN AFTER DUE
2 NOTICE TO THE PROPERTY OWNERS,
3 WITH DAMAGES FOR IMPROVEMENTS
4 ONLY[;].

5 ~~[(a) Follow the other modes of acquisition~~
6 ~~enumerated in this Act, if the landowner is not~~
7 ~~the original patent holder and any previous~~
8 ~~acquisition of said land is not through a~~
9 ~~gratuitous title; or~~

10 ~~(b) Follow the provisions under~~
11 ~~Commonwealth Act No. 141, as amended,~~
12 ~~regarding acquisition of right of way on patent~~
13 ~~lands, if the landowner is the original patent~~
14 ~~holder or the acquisition of the land from the~~
15 ~~original patent holder is through a gratuitous~~
16 ~~title.~~

17 ~~The implementing agency may utilize~~
18 ~~donation or similar mode of acquisition if the~~
19 ~~landowner is a government owned or~~
20 ~~government controlled corporation.]~~

1 When it is necessary to build, construct,
2 or install on the subsurface or subterranean
3 portion of private and government lands
4 owned, occupied, or leased by other persons,
5 such infrastructure as subways, tunnels,
6 underpasses, waterways, floodways, or utility
7 facilities as part of the government[?]s] OR
8 PRIVATE ENTITIES' infrastructure and
9 development project, the government or any of
10 its authorized representatives AND PRIVATE
11 ENTITIES OR THEIR AUTHORIZED
12 REPRESENTATIVES shall not be prevented
13 from entry into and use of the subsurface or
14 subterranean portions of such private and
15 government lands by surface owners or
16 occupants, if such entry and use are made more
17 than [~~fifty (50)~~] EIGHTEEN (18) meters from
18 the surface[.]: *PROVIDED*, THAT THE
19 IMPLEMENTING AGENCY OR PRIVATE
20 ENTITY SHALL, DURING THE DESIGN

1 PROCESS, AVOID EXISTING SUBSURFACE
2 STRUCTURES TO THE EXTENT THAT IS
3 TECHNICALLY REASONABLE: *PROVIDED*,
4 *FURTHER*, THAT IF EXISTING
5 STRUCTURES CANNOT BE AVOIDED,
6 THEIR OWNERS SHALL BE DULY
7 COMPENSATED PURSUANT TO THIS ACT.

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

1 PROPERTIES ACQUIRED BY THE PRIVATE
2 ENTITY PURSUANT TO ITS DELEGATED
3 POWER OF EMINENT DOMAIN SHALL BE
4 REGISTERED IN THE NAME OF THE
5 PRIVATE ENTITY WITH THE FOLLOWING
6 RESTRICTIONS ANNOTATED AT THE
7 BACK OF THE CERTIFICATE OF TITLE,
8 THUS:

9 (D) EXCEPT BY WAY OF DONATION IN
10 FAVOR OF THE NATIONAL GOVERNMENT,
11 PROVINCE, CITY, OR MUNICIPALITY, NO
12 PORTION OF ANY STREET, PASSAGEWAY,
13 WATERWAY, OR OPEN SPACE SO
14 DELINEATED ON THE PLAN AS
15 ACQUIRED SHALL BE CLOSED OR
16 OTHERWISE DISPOSED OF BY THE
17 REGISTERED OWNER WITHOUT THE
18 APPROVAL OF THE APPROPRIATE
19 REGIONAL TRIAL COURT OF THE
20 PROVINCE OR CITY IN WHICH THE LAND

1 IS SITUATED THAT THE PROPERTY IS
2 BEING TRANSFERRED SOLELY FOR THE
3 PURPOSE FOR WHICH THE SAME WAS
4 ACQUIRED;

5 (II) SHOULD THE GOVERNMENT OR ANY
6 OF ITS SUBDIVISIONS OR
7 INSTRUMENTALITIES DEEM THE PROPERTY
8 NECESSARY FOR NATIONAL GOVERNMENT
9 INFRASTRUCTURE PROJECTS, IT SHALL BE
10 LIABLE TO PAY THE PRIVATE ENTITY ITS
11 COST OF ACQUISITION; AND

12 (III) ANY AND ALL IMPROVEMENTS
13 SHALL BE PAID REPLACEMENT COST
14 TAKING DEPRECIATION INTO
15 CONSIDERATION.

16 C) SUBJECT TO RELEVANT LAWS,
17 RULES, AND REGULATIONS, THE
18 GOVERNMENT OR PRIVATE ENTITY MAY
19 ENTER INTO AGREEMENTS WITH
20 PROPERTY OWNERS OR NATIONAL

1 GOVERNMENT AGENCIES (NGAs) AND
2 GOVERNMENT-OWNED OR -CONTROLLED
3 CORPORATIONS (GOCCs) FOR DONATION,
4 LEASE, USUFRUCT, JOINT USE,
5 EASEMENT, RIGHT-OF-WAY USAGE
6 AGREEMENT, PERMIT TO ENTER, OR
7 OTHER SIMILAR RIGHT TO USE THE
8 PROPERTY NECESSARY FOR
9 INFRASTRUCTURE PROJECTS. THE
10 PROVISIONS OF THIS ACT SHALL APPLY
11 SUPPLETORILY TO SUCH AGREEMENTS.”

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

15 “SEC. 5. *ENTRY AND USE OF*
16 *PROPERTY WITHIN ANCESTRAL*
17 *DOMAINS. – IN THE EXERCISE OF THE*
18 *POWER OF EMINENT DOMAIN WHICH*
19 *INVOLVES THE ACQUISITION OF LAND*
20 *WITHIN ANCESTRAL DOMAINS COVERED*

1 BY CERTIFICATES OF ANCESTRAL
2 DOMAIN TITLE (CADT) OR ARE
3 CONFIRMED BY THE NATIONAL
4 COMMISSION ON INDIGENOUS PEOPLES
5 (NCIP) TO BE PART OF THE ANCESTRAL
6 DOMAIN BUT ARE PENDING ISSUANCE
7 OF THE CADT, THE PROVISIONS OF
8 REPUBLIC ACT NO. 8371 OR 'THE
9 INDIGENOUS PEOPLES' RIGHTS ACT OF
10 1997' SHALL APPLY."

11 SEC. 6. Section 5 of Republic Act No. 10752 is hereby
12 amended to read as follows:

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

1 (a) The implementing agency OR THE
2 PRIVATE ENTITY shall offer to the property
3 owner concerned, as compensation price, the
4 sum of:

5 (1) The ~~current~~ market value of the land
6 BASED ON THE SCHEDULE OF MARKET
7 VALUES (SMV);

8 (2) The replacement cost of structures and
9 improvements therein, TAKING
10 DEPRECIATION INTO CONSIDERATION;
11 and

12 (3) The ~~current~~ market value of crops
13 and trees therein.

14 ~~[To determine the appropriate price offer,~~
15 ~~the implementing agency may engage the~~
16 ~~services of a government financial institution~~
17 ~~with adequate experience in property~~
18 ~~appraisal, or an independent property~~
19 ~~appraiser accredited by the Bangko Sentral ng~~
20 ~~Pilipinas (BSP) or a professional association of~~

1 ~~appraisers recognized by the BSP to be~~
2 ~~procured by the implementing agency under~~
3 ~~the provisions of Republic Act No. 9184,~~
4 ~~otherwise known as the “Government~~
5 ~~Procurement Reform Act”, and its~~
6 ~~implementing rules and regulations pertaining~~
7 ~~to consulting services.]~~

8 THE APPROPRIATE PRICE OFFER
9 SHALL BE BASED ON THE VALUATION
10 SYSTEM AND SMV ESTABLISHED UNDER
11 REPUBLIC ACT NO. 12001 OR THE REAL
12 PROPERTY VALUATION AND ASSESSMENT
13 REFORM ACT.

14 IN THE ABSENCE OF THE APPROVED
15 SMV, THE FOLLOWING SHALL, IN THE
16 INTERIM, BE USED TO DETERMINE THE
17 APPROPRIATE OFFER AMOUNT: (I) THE
18 BUREAU OF INTERNAL REVENUE (BIR)
19 ZONAL VALUATION OF THE LAND, AND (II)
20 THE ASSESSED VALUE OF THE

1 IMPROVEMENTS, INCLUDING MACHINERY
2 CONSIDERED AS IMMOVABLES UNDER
3 ARTICLE 415 OF THE NEW CIVIL CODE,
4 STRUCTURES, CROPS, OR TREES.

5 If the property owner does not accept the
6 price offer, the implementing agency OR THE
7 PRIVATE ENTITY shall initiate expropriation
8 proceedings [~~pursuant to~~] UNDER Section [6] 7
9 hereof.

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

1 (b) Subparagraph (a)(2) of Section [5] 6
2 hereof shall also apply to all owners of
3 structures and improvements who do not have
4 legally recognized rights to the land, and who
5 meet all of the following criteria:

6 (1) Must be a Filipino citizen;

7 (2) Must not own any real property or any
8 other housing facility, whether in an urban or
9 rural area, AS CERTIFIED BY THE
10 DEPARTMENT OF HUMAN SETTLEMENTS
11 AND URBAN DEVELOPMENT (DHSUD);
12 [~~and~~]

13 (3) Must not be a professional squatter or
14 a member of a squatting syndicate, as defined
15 in Republic Act No. 7279[~~, otherwise known as~~]
16 OR the “Urban Development and Housing Act
17 of 1992”, AS AMENDED; AND

18 (4) MUST NOT OCCUPY AN EXISTING
19 RIGHT-OF-WAY.

1 (c) With regard to the taxes and fees
2 relative to the transfer of title of the property
3 to the Republic of the Philippines through
4 negotiated sale, the implementing agency OR
5 THE PRIVATE ENTITY shall pay, for the
6 account of the seller, the capital gains tax, as
7 well as the documentary stamp tax, transfer
8 tax and registration fees, while the
9 PROPERTY owner shall pay any unpaid real
10 property tax. TO FACILITATE THE
11 PAYMENT OF TAXES, THE
12 IMPLEMENTING AGENCY MAY DEPOSIT
13 OR TRANSFER FUNDS IN ADVANCE TO
14 THE BIR, WHICH SHALL BE DEEMED PAID
15 FROM SAID FUNDS FOR ALL TAXES
16 ARISING FROM THE SALE AS THEY FALL
17 DUE. THIS PROVISION SHALL ONLY
18 APPLY TO THE NEGOTIATED SALE OF
19 PROPERTY CLASSIFIED AS CAPITAL
20 ASSETS. NEGOTIATED SALE OF

1 PROPERTY CLASSIFIED AS ORDINARY
2 ASSETS ARE SUBJECT TO THE EXISTING
3 RULES AND REGULATIONS OF THE BIR.

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

13 (e) The property owner and the
14 implementing agency OR THE PRIVATE
15 ENTITY shall execute a deed of absolute sale:
16 *Provided,* That the property owner has
17 submitted to the implementing agency OR
18 THE PRIVATE ENTITY the OWNER'S
19 DUPLICATE COPY OF THE ORIGINAL OR
20 Transfer Certificate of Title, Tax Declaration,

1 Real Property Tax Certificate, and other
2 documents necessary to transfer the title to the
3 Republic of the Philippines[~~-The implementing~~
4 ~~agency shall cause the annotation of the deed~~
5 ~~of absolute sale on the Transfer Certificate of~~
6 ~~Title.]: *PROVIDED, FURTHER,* THAT IN
7 THE CASE OF UNTITLED LANDS, THE
8 POSSESSOR OF THE PROPERTY SHALL
9 SUBMIT TO THE IMPLEMENTING AGENCY
10 THE FOLLOWING ADDITIONAL DOCUMENTS:~~

11 (I) TAX DECLARATION SHOWING THE
12 POSSESSOR'S AND THE PREDECESSORS'
13 OPEN, CONTINUOUS, EXCLUSIVE, AND
14 NOTORIOUS POSSESSION OF THE LAND
15 FOR AT LEAST TWENTY (20) YEARS;

16 (II) AFFIDAVIT FROM AT LEAST TWO (2)
17 DISINTERESTED RESIDENTS OF THE
18 BARANGAY WHERE THE LAND IS LOCATED
19 THAT THE POSSESSOR OR THE
20 PREDECESSORS HAVE CONTINUOUSLY

1 OCCUPIED THE LAND FOR AT LEAST
2 TWENTY (20) YEARS;

3 (III) REAL PROPERTY TAX
4 CERTIFICATE;

5 (IV) CERTIFICATION FROM THE
6 DEPARTMENT OF ENVIRONMENT AND
7 NATURAL RESOURCES (DENR) THAT THE
8 LAND IS ALIENABLE AND DISPOSABLE;

9 (V) TECHNICAL DESCRIPTION OF
10 THE PROPERTY AND MAP BASED ON A
11 SURVEY CONDUCTED BY A LICENSED
12 GEODETIC ENGINEER AND APPROVED BY
13 THE DENR; AND

14 (VI) OTHER DOCUMENTS THAT
15 SHOW OWNERSHIP: *PROVIDED,*
16 *FURTHERMORE,* THAT UPON
17 SUBMISSION OF ALL THE ABOVE-LISTED
18 REQUIREMENTS TO CAUSE THE
19 TRANSFER OF THE TITLE TO THE
20 REPUBLIC OF THE PHILIPPINES, THE

1 PROPERTY POSSESSOR SHALL BE
2 REIMBURSED THE COST THEREOF UPON
3 SUFFICIENT PROOF.

4 (f) Upon the execution of a deed of sale,
5 the implementing agency OR THE PRIVATE
6 ENTITY shall pay the property owner:

7 (1) Fifty percent (50%) of the negotiated
8 price of the affected land, exclusive of taxes
9 remitted to the LGU concerned under
10 subparagraph (d) herein; and

11 (2) Seventy percent (70%) of the
12 negotiated price of the affected structures,
13 improvements, crops, and trees, exclusive of
14 unpaid taxes remitted to the LGU concerned
15 under subparagraph (d) herein.

16 (g) The implementing agency OR THE
17 PRIVATE ENTITY shall, at the times stated
18 hereunder, pay the property owner the
19 remaining fifty percent (50%) of the negotiated
20 price of the affected land, and thirty percent

1 (30%) of the affected structures, improvements,
2 crops, and trees, exclusive of unpaid taxes
3 remitted to the LGU concerned under
4 subparagraph (d) herein: *Provided*, That the
5 land is already completely cleared of
6 structures, improvements, crops, and trees:

7 (1) At the time of the transfer of title in
8 the name of the Republic of the Philippines OR
9 THE PRIVATE ENTITY, in cases where the
10 land is wholly affected; or

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

14 The provisions of subparagraph (a) herein
15 shall also apply to outstanding claims for right-
16 of-way payments, except that the amount to be
17 offered shall be the price at the time of taking
18 of the property[, ~~including legal interest until~~
19 ~~fully paid~~].”

1 SEC. 7. Section 6 of Republic Act No. 10752 is hereby
2 amended to read as follows:

3 “SEC. [6] 7. *Guidelines for Expropriation*
4 *Proceedings.* – Whenever it is necessary to
5 acquire real property for the right-of-way site
6 or location [~~for~~] OF an[~~y national government~~]
7 infrastructure PROJECT through
8 expropriation BY THE GOVERNMENT OR A
9 PRIVATE ENTITY, the appropriate
10 implementing agency, through the Office of the
11 Solicitor General, the Office of the Government
12 Corporate Counsel, [~~or~~] their deputized
13 government or private legal counsel, OR THE
14 PRIVATE ENTITY, THROUGH ITS
15 DESIGNATED LEGAL COUNSEL, shall
16 immediately initiate the expropriation
17 proceedings before the proper court under the
18 following guidelines:

19 (a) Upon the filing of the complaint or at
20 any time thereafter, and after due notice to the

1 ~~[defendant]~~ PROPERTY OWNER, the
2 implementing agency OR THE PRIVATE
3 ENTITY shall immediately deposit to the court
4 in favor of the PROPERTY owner the amount
5 equivalent to the sum of:

6 (1) ~~[One hundred percent (100%)]~~
7 FIFTEEN PERCENT (15%) of the ~~[value of the~~
8 ~~land based on the current relevant zonal~~
9 ~~valuation of the BIR, issued not more than~~
10 ~~three (3) years prior to the filing of the~~
11 ~~expropriation complaint subject to~~
12 ~~subparagraph (e) of this section]~~ MARKET
13 VALUE OF THE LAND;

14 (2) ONE HUNDRED PERCENT (100%)
15 OF ~~[T]~~the replacement cost, TAKING INTO
16 CONSIDERATION DEPRECIATION ~~[at~~
17 ~~current market value]~~ of the improvements,
18 INCLUDING MACHINERY CONSIDERED AS
19 IMMOVABLE UNDER ARTICLE 415 OF THE

1 NEW CIVIL CODE, and structures; AND [as
2 ~~determined by:~~

3 (i) ~~The implementing agency;~~

4 (ii) ~~A government financial institution
5 with adequate experience in property
6 appraisal; and~~

7 (iii) ~~An independent property appraiser
8 accredited by the BSP].~~

9 (3) FIFTEEN PERCENT (15%) OF [T]the
10 [~~current~~] market value of crops and trees
11 located within the property [~~as determined by~~
12 ~~the government financial institution, or an~~
13 ~~independent property appraiser to be selected~~
14 ~~as indicated in subparagraph (a) of Section 5~~
15 ~~hereof~~].

16 THE FOREGOING AMOUNTS SHALL BE
17 BASED ON THE APPROVED SMV
18 ESTABLISHED UNDER REPUBLIC ACT NO.
19 12001. IN THE ABSENCE OF THE APPROVED
20 SMV, THE FOLLOWING SHALL, IN THE

1 INTERIM, BE USED IN DETERMINING THE
2 APPROPRIATE AMOUNT FOR DEPOSIT: (I)
3 THE BIR ZONAL VALUATION OF THE LAND,
4 AND (II) THE ASSESSED VALUE OF THE
5 IMPROVEMENTS, INCLUDING MACHINERY
6 CONSIDERED AS IMMOVABLES UNDER
7 ARTICLE 415 OF THE NEW CIVIL CODE,
8 STRUCTURES, CROPS, OR TREES.

9 Upon compliance with the guidelines
10 above-mentioned, the court shall immediately
11 issue to the implementing agency OR THE
12 PRIVATE ENTITY an order to take possession
13 of the property ~~{and start the implementation~~
14 ~~of the project}~~.

15 ~~[If, within seven (7) working days after~~
16 ~~the deposit to the court of the amount~~
17 ~~equivalent to the sum under subparagraphs~~
18 ~~(a)(1) to (a)(3) of this section, the court has not~~
19 ~~issued to the implementing agency a writ of~~
20 ~~possession for the affected property, the~~

1 ~~counsel of the implementing agency shall~~
2 ~~immediately seek from the court the issuance~~
3 ~~of the writ of possession.]~~ The court shall issue
4 the writ of possession *ex parte*; no hearing shall
5 be required.

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

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

1 Upon compliance with the guidelines
2 above-mentioned, the court shall immediately
3 issue to the implementing agency OR THE
4 PRIVATE ENTITY an order to take possession
5 of the property [~~and start the implementation~~
6 ~~of the project~~].

7 ~~[If, within seven (7) working days after~~
8 ~~the deposit with the court of the amount~~
9 ~~equivalent to the sum under subparagraphs~~
10 ~~(a)(1) to (a)(3) of this section, the court has not~~
11 ~~issued to the implementing agency a writ of~~
12 ~~possession for the affected property, the~~
13 ~~counsel of the implementing agency shall~~
14 ~~immediately seek with the court the issuance of~~
15 ~~the writ of possession.]~~

16 The court shall release the said amount to
17 the person adjudged in the same expropriation
18 proceeding as entitled thereto.

19 (c) In provinces, cities, municipalities, and
20 other areas where there is no land

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

17 (d) With reference to subparagraph (a)(1)
18 of this section, in case the completion of a
19 government infrastructure project is of utmost
20 urgency and importance, and there is no land

1 classification [~~or no existing zonal valuation of~~
2 ~~the area concerned or the zonal valuation has~~
3 ~~been in force for more than three (3) years~~], the
4 implementing agency OR THE PRIVATE
5 ENTITY shall use the [~~BIR zonal~~] MARKET
6 value PURSUANT TO THE APPROVED SMV
7 ESTABLISHED UNDER REPUBLIC ACT NO.
8 12001 and land classification of similar lands
9 within the adjacent vicinity as the basis for the
10 valuation.

11 IN THE ABSENCE OF THE APPROVED
12 SMV UNDER REPUBLIC ACT NO. 12001,
13 THE BIR ZONAL VALUATION OF SIMILAR
14 LANDS WITHIN THE ADJACENT VICINITY
15 SHALL, IN THE INTERIM, BE USED.

16 (e) In any of the cases in subparagraphs
17 (a) to (d) of this section, upon its receipt of the
18 writ of possession issued by the court, the
19 implementing agency OR THE PRIVATE

1 ENTITY may take possession of the property
2 and start the implementation of the project.

3 (f) In the event that the owner of the
4 property contests the implementing agency OR
5 THE PRIVATE ENTITY's proffered value, the
6 court shall determine the just compensation to
7 be paid the PROPERTY owner within sixty (60)
8 days from the date of filing of the expropriation
9 case. When the decision of the court becomes
10 final and executory, the implementing agency
11 OR THE PRIVATE ENTITY shall pay the
12 PROPERTY owner the difference between the
13 amount already paid and the just
14 compensation as determined by the court.

15 (g) With regard to the taxes and fees
16 relative to the transfer of title of the property
17 to the Republic of the Philippines through
18 expropriation proceedings, the implementing
19 agency OR THE PRIVATE ENTITY shall pay
20 the documentary stamp tax, transfer tax, and

1 registration fees, while the PROPERTY owner
2 shall pay the capital gains tax and any unpaid
3 real property tax.”

4 SEC. 8. Section 7 of Republic Act No. 10752 is hereby
5 amended to read as follows and the subsequent sections
6 shall be renumbered accordingly:

7 “SEC. [7] 8. *Standards for the Assessment*
8 *of the Value of the Property* [~~Subject to~~
9 ~~Negotiated Sale~~] *IN EXPROPRIATION*
10 *CASES.* – In order to facilitate the
11 determination of the market value of the
12 property, the following relevant standards
13 shall be observed:

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

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

18 (c) The value declared by the owners;

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

1 (e) The reasonable disturbance
2 compensation for the removal and/OR
3 demolition of certain improvements on the land
4 and for the value of improvements thereon;

5 (f) The size, shape or location, tax
6 declaration, and [~~zonal valuation of the land~~]
7 THE APPROVED SMV ESTABLISHED
8 UNDER REPUBLIC ACT NO. 12001, OR IN
9 THE ABSENCE OF SUCH SMV, THE BIR
10 ZONAL VALUATION OF SIMILAR LANDS
11 WITHIN THE ADJACENT VICINITY SHALL,
12 IN THE INTERIM, BE USED;

13 (g) xxx

14 (h) xxx

15 ~~[The implementing rules and regulations~~
16 ~~(IRR) to be prepared under Section 13 hereof~~
17 ~~shall include, among other things, the terms of~~
18 ~~reference which shall be used by the~~
19 ~~government financial institutions and~~
20 ~~independent property appraisers in the~~

1 ~~determination of the market value of the land.~~
2 ~~The terms of reference shall define in detail the~~
3 ~~standards stated herein.]”~~

4 SEC. 9. Section 9 of Republic Act No. 10752 is hereby
5 amended to read as follows:

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

1 ~~[, otherwise known as the “Urban Development~~
2 ~~and Housing Act of 1992.”]~~, AS AMENDED.

3 Whenever applicable, the concerned LGUs
4 shall provide and administer the resettlement
5 sites.

6 In case the expropriated land is occupied by
7 informal settlers who refuse or are unable to
8 demolish their structures and other
9 improvements therein despite the writ of
10 possession issued by the court under Section [6] 7
11 hereof, the court shall issue the necessary writ
12 of demolition for the purpose of dismantling
13 any and all structures found within the subject
14 property. The implementing agency shall take
15 into account and observe diligently the
16 procedure provided in Sections 28 and 29 of
17 Republic Act No. 7279.”

1 SEC. 10. A new Section 11 is hereby inserted after the
2 renumbered Section 10 of Republic Act No. 10752 and the
3 subsequent sections shall be renumbered accordingly:

4 SEC. 11. *RELOCATION OF UTILITIES*
5 *AND FACILITIES OWNED BY UTILITY*
6 *PROVIDERS AFFECTED BY A NATIONAL*
7 *GOVERNMENT PROJECT.* – THE JUST
8 COMPENSATION RELATED TO
9 RELOCATION OF UTILITIES OWNED BY
10 UTILITY PROVIDERS AFFECTED BY A
11 NATIONAL GOVERNMENT PROJECT
12 SHALL BE DETERMINED BASED ON THE
13 GUIDELINES OF THE CONCERNED
14 REGULATORY BODY. THIS SHALL
15 INCLUDE, AMONG OTHERS,
16 COMPENSATION FOR DIRECT AND
17 INDIRECT COSTS.

18 THE INTER-AGENCY COMMITTEE
19 CONSTITUTED UNDER SECTION 19 OF
20 THIS ACT SHALL ISSUE THE

1 IMPLEMENTING RULES AND GUIDELINES
2 FOR THIS PROVISION.

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

5 “SEC. [10] 12. *Appropriations for*
6 *Acquisition of Right-of-Way Site or Location for*
7 *National Government Infrastructure Projects in*
8 *Advance of Project Implementation.* – The
9 government shall provide adequate
10 appropriations that will allow the concerned
11 implementing agencies to acquire the required
12 right-of-way site or location for national
13 government infrastructure projects in advance
14 of project implementation. These
15 appropriations shall cover the funds needed to
16 cover the following expenses for activities
17 directly related to right-of-way acquisition for
18 the projects as provided in this Act:

19 (a) Cost of parcellary surveys and
20 appraisal of properties affected by the projects;

1 (b) Compensation for the project-affected
2 land, structures, improvements, INCLUDING
3 MACHINERY CONSIDERED AS
4 IMMOVABLE UNDER ARTICLE 415 OF THE
5 NEW CIVIL CODE, crops and trees;

6 (c) Cost of development and
7 implementation of resettlement projects
8 covered by this Act, including planning, social
9 preparation, and other activities under the
10 resettlement action plan; [~~and~~]

11 (d) Related expenses of the implementing
12 agency, including capital gains tax in the case
13 of negotiated sale under Section [~~5~~] 6 hereof,
14 documentary stamp tax, transfer tax, and
15 registration fees for the transfer of titles, and
16 other relevant administrative expenses for
17 right-of-way management[-]; AND

18 (E) SUCH OTHER ENTITLEMENTS
19 THAT ARE NECESSARY TO ALLOW
20 AFFECTED PERSONS TO RETURN TO

1 THEIR RESPECTIVE WAY OF LIFE PRIOR
2 TO THE IMPLEMENTATION OF THE
3 PROJECT, SUCH AS BUT NOT LIMITED TO:

4 (I) TRANSPORTATION COSTS;

5 (II) SUBSISTENCE ALLOWANCE OR
6 INCONVENIENCE ALLOWANCE;

7 (III) RESETTLEMENT ASSISTANCE OR
8 RENTAL SUBSIDY;

9 (IV) BUSINESS INCOME LOSS; AND

10 (V) SKILLS TRAINING.

11 FOR PUBLIC-PRIVATE PARTNERSHIP
12 (PPP) PROJECTS, APPROPRIATIONS FOR
13 THE ACQUISITION OF RIGHT-OF-WAY
14 SHALL BE IN ACCORDANCE WITH
15 REPUBLIC ACT NO. 11966, ITS
16 IMPLEMENTING RULES AND
17 REGULATIONS, AND ANY AMENDMENTS
18 THERE TO.

19 ~~[In public private partnership (PPP)~~
20 ~~projects, the modalities of which are defined in~~

1 ~~Republic Act No. 6957 as amended by Republic~~
2 ~~Act No. 7718, the implementing agency may, as~~
3 ~~part of the contract terms and conditions,~~
4 ~~require the project proponent to:~~

5 (1) ~~Advance the funds covering the cost of~~
6 ~~the right of way which shall be reimbursed~~
7 ~~later by the implementing agency, except for~~
8 ~~unsolicited proposals; or~~

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

13 SEC. 12. Section 11 of Republic Act No. 10752 is
14 hereby amended to read as follows:

15 “SEC. [11] 13. *Regulation of Developments*
16 ~~*Within Declared Right-of-Way*~~ – Upon [the]
17 approval of an infrastructure project by the
18 head of the implementing agency concerned,
19 with funding authorized in the General
20 Appropriations Act and with [defined right of-

1 ~~way,]~~ APPROVED PARCELLARY SURVEY
2 PLANS, no national government agency or
3 LGU shall, within two (2) years from date of
4 notice of taking, allow any development or
5 construction, or issue any building,
6 construction, development, or business permit~~f~~
7 ~~which is]~~ contrary to the approved plans and
8 purposes of the project, within the right-of-way,
9 unless explicitly authorized by the head of the
10 implementing agency for justifiable reasons.
11 THE IMPLEMENTING AGENCY SHALL
12 PROVIDE THE CONCERNED NATIONAL
13 AGENCIES AND LGUs A COPY OF THE
14 NOTICE OF TAKING UPON ITS ISSUANCE.”

15 SEC. 13. Section 12 of Republic Act No. 10752 is
16 hereby amended to read as follows:

17 “SEC. [~~12~~] 14. *Sanctions.* – Violation of
18 any provision of this Act shall subject the
19 government official or employee concerned to
20 appropriate administrative, civil, or criminal

1 sanctions, including suspension or dismissal
2 from the government service and forfeiture of
3 benefits in accordance with the provisions of
4 the law.

5 VIOLATION BY A PRIVATE ENTITY OF
6 ANY PROVISION OF THIS ACT SHALL
7 SUBJECT ITS PRESIDENT, MANAGER,
8 DIRECTOR, TRUSTEE, OR RESPONSIBLE
9 OFFICERS TO CIVIL OR CRIMINAL
10 SANCTIONS.”

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

14 “SEC. 15. *APPLICABILITY OF REPUBLIC*
15 *ACT NO. 8975. – THE PROVISIONS OF*
16 *REPUBLIC ACT NO. 8975 ON THE*
17 *PROHIBITION AND PENAL SANCTION ON*
18 *THE ISSUANCE OF TEMPORARY*
19 *RESTRAINING ORDERS, PRELIMINARY*

1 INJUNCTIONS, OR PRELIMINARY
2 MANDATORY INJUNCTIONS SHALL APPLY.”

3 SEC. 15. A new Section 16 is hereby inserted after
4 the new Section 15 of Republic Act No. 10752 and the
5 subsequent sections shall be renumbered accordingly:

6 “SEC. 16. *GUIDELINES ON*
7 *INFORMATION SHARING AND ASSISTANCE*
8 *FOR RIGHT-OF-WAY ACQUISITION. – ALL*
9 CONCERNED DEPARTMENTS, AGENCIES,
10 INSTRUMENTALITIES, BUREAUS, AND
11 OFFICES OF THE GOVERNMENT,
12 INCLUDING GOCCs AND LGUs, AND PRIVATE
13 ENTITIES SHALL EXTEND PROMPT
14 ASSISTANCE AND PROVIDE RELEVANT
15 DATA FOR ACQUISITION OF RIGHT-OF-WAY
16 BY IMPLEMENTING AGENCIES OR PRIVATE
17 ENTITIES. THIS SHALL INCLUDE, BUT IS
18 NOT LIMITED TO, INFORMATION AND
19 SUPPORT RELATED TO APPRAISAL,
20 EXPROPRIATION, RESETTLEMENT OF

1 INFORMAL SETTLER FAMILIES, UTILITY
2 RELOCATION, AND PERMITTING.

3 THE INTER-AGENCY COMMITTEE
4 CONSTITUTED UNDER SECTION 19 OF THIS
5 ACT SHALL ISSUE THE IMPLEMENTING
6 RULES AND GUIDELINES FOR THIS
7 PROVISION.”

8 SEC. 16. A new Section 17 is hereby inserted after
9 the new Section 16 of Republic Act No. 10752 and the
10 subsequent sections shall be renumbered accordingly:

11 “SEC. 17. *FOREIGN-ASSISTED PROJECTS.* –
12 THE GUIDELINES AND PROCEDURES
13 CONCERNING RIGHT-OF-WAY ACQUISITION,
14 INCLUDING RESETTLEMENT ACTION PLANS,
15 UNDER THE APPROVED LOAN OR GRANT
16 AGREEMENTS SIGNED AND EXECUTED BY
17 THE GOVERNMENT OF THE PHILIPPINES
18 AND THE OFFICIAL DEVELOPMENT
19 ASSISTANCE (ODA) INSTITUTION, SHALL BE
20 OBSERVED.

1 ADDITIONALLY, THE REQUIRED
2 INTERNATIONAL SOCIAL SAFEGUARDS
3 AND/OR ENVIRONMENTAL, SOCIAL, AND
4 GOVERNANCE GUIDELINES FOR PPP
5 PROJECTS OR PROJECTS WITH A PPP
6 COMPONENT, WHERE AN INTERNATIONAL
7 FINANCING INSTITUTION (IFI) HANDLES
8 PROJECT PREPARATION AND TRANSACTION
9 ADVISORY SERVICES, SHALL ALSO BE
10 OBSERVED.

11 IN CASE OF CONFLICT OR AMBIGUITY
12 BETWEEN THE PROVISIONS OF THIS ACT
13 AND THE ODA GUIDELINES, INCLUDING THE
14 RELEVANT INTERNATIONAL SOCIAL
15 SAFEGUARDS AND/OR ENVIRONMENTAL,
16 SOCIAL, AND GOVERNANCE GUIDELINES,
17 THE LATTER SHALL PREVAIL.”

18 SEC. 17. A new Section 18 is hereby inserted after
19 the new Section 17 of Republic Act No. 10752 and the
20 subsequent sections shall be renumbered accordingly:

1 “SEC. 18. *PUBLIC DISCLOSURE OF*
2 *ESSENTIAL RIGHT-OF-WAY INFORMATION.* –
3 THE IMPLEMENTING AGENCY OR THE
4 PRIVATE ENTITY SHALL PUBLISH,
5 THROUGH THEIR RESPECTIVE WEBSITES,
6 ESSENTIAL INFORMATION ON THE RIGHT-
7 OF-WAY ACQUISITION PROCESS SUCH AS,
8 BUT NOT LIMITED TO: STATUS OF ROW
9 CLAIMS AND STATUS OF EXPROPRIATION
10 CASES, SUBJECT TO THE PROVISIONS OF
11 REPUBLIC ACT NO. 10173 OR ‘THE DATA
12 PRIVACY ACT OF 2012.’”

13 SEC. 18. Section 13 of Republic Act No. 10752 is
14 hereby amended to read as follows:

15 “SEC. [~~18~~] 19. *Implementing Rules and*
16 *Regulations (IRR).* – A committee shall
17 prepare, in consultation with key stakeholders,
18 the IRR for the proper implementation of this
19 Act within sixty (60) days from its approval.

1 The committee shall be composed of the
2 following officials or their duly designated
3 representatives:

4 (a) The Secretary of the Department of
5 Public Works and Highways as Chairperson;

6 (b) The Secretary of the Department of
7 Transportation [~~and—Communications~~] as
8 member;

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

11 (D) THE SECRETARY OF THE
12 DEPARTMENT OF INFORMATION AND
13 COMMUNICATIONS TECHNOLOGY AS
14 MEMBER;

15 (E) THE SECRETARY OF THE
16 DEPARTMENT OF ENVIRONMENT AND
17 NATURAL RESOURCES AS MEMBER;

18 (F) THE SECRETARY OF THE
19 DEPARTMENT OF AGRICULTURE AS
20 MEMBER;

1 (G) THE SECRETARY OF THE
2 DEPARTMENT OF THE INTERIOR AND
3 LOCAL GOVERNMENT AS MEMBER;

4 (H) THE SECRETARY OF THE
5 DEPARTMENT OF FINANCE AS MEMBER;

6 ~~{(d)}~~ (I) The Secretary of the Department
7 of Justice as member;

8 ~~{(e)}~~ (J) The Secretary of the Department
9 of Budget and Management as member;

10 ~~{(f)}~~ (K) The ~~[Director-General]~~ SECRETARY
11 of the ~~[National Economic and Development~~
12 ~~Authority]~~ DEPARTMENT OF ECONOMY,
13 PLANNING, AND DEVELOPMENT as member;

14 ~~{(g)}~~ (L) The ~~[Chairperson of the HUDCC]~~
15 SECRETARY OF THE DHSUD as member;
16 [and]

17 (M) THE SECRETARY OF THE
18 DEPARTMENT OF AGRARIAN REFORM AS
19 MEMBER; AND

1 ~~{(h)}~~ (N) Other representatives of
2 concerned entities as determined by the
3 committee as members.”

4 SEC. 19. *Transitory Clause.* – The provisions of this
5 Act shall apply to all right-of-way transactions, except
6 those which, as of the effectivity of this Act, the
7 Implementing Agency or the Private Entity and the
8 property owner have reached a written agreement on the
9 agreed amount of compensation.

10 SEC. 20. *Separability Clause.* – If any provision of
11 this Act is declared unconstitutional, the remainder thereof
12 not otherwise affected shall remain in full force and effect.

13 SEC. 21. *Repealing Clause.* – All laws, presidential
14 decrees, executive orders, letters of instruction,
15 proclamations, or administrative regulations that are
16 inconsistent with the provisions of this Act are hereby
17 repealed, amended, or modified accordingly.

1 SEC. 22. *Effectivity.* – This Act shall take effect fifteen
2 (15) days after its publication in the *Official Gazette* or in a
3 newspaper of general circulation.

Approved,