

Republika ng Pilipinas
Kagawaran ng Edukasyon
Tanggapan ng Pangalawang Kalihim

AIDE MEMOIRE

Administration and Legal Strands
20 June 2022

**ADDRESSING THE ISSUES OF PUBLIC SCHOOL SITES
THROUGH LEGISLATION**

The education of the Filipino Youth is essential to nation building. It should therefore be the declared policy of the State that our learners are in a school environment that is safe, motivating, child-friendly, and conducive to teaching and learning. For this reason, DepEd schools are not only declared as “zones of peace” during armed conflict, but also zones of peace and neutrality at all times.

Our public school system is often subjected to property disputes, violence, irritation, physical if not verbal and psychological warfare between school administrators and teachers, and those claiming ownership over our school sites. Our learners, even at an early age, witness untoward incidents of usurpation of properties over real rights.

Thus, there is a compelling need to institutionalize and prioritize the acquisition and titling of DepEd school sites to ensure the smooth and continuous operation, maintenance, and development of public school system and protect the interest of our learners.

To date, the majority of our public school sites are untitled or unregistered. Some were donated for use as school sites but are now owned/titled in the name of LGUs. Some are subject to long-term lease agreements with private individuals.

There are also parcels of lands which were donated for educational purposes but lack proper legal documentation to support any effort by DepEd to register its title or ownership. Thus, the usual case is that heirs of the donors not only claim or assert ownership of the land through the revocation of the original donation, but also forcibly occupy the school sites, even if the property has been used as a school site for more than 10 years. The litigation is long-drawn-out with most of these cases pending in court for several years or even decades, to the prejudice of the public schools involved.



Scan this QR Code to view
Videos and Magazines
of Major Programs



Office of the Undersecretary for Administration (OUA)

[Administrative Service (AS), Information and Communications Technology Service (ICTS), Disaster Risk Reduction and Management Service (DRRMS), Bureau of Learner Support Services (BLSS), Baguio Teachers Camp (BTC), Central Security & Safety Office (CSSO)]

Department of Education, Central Office, Meralco Avenue, Pasig City
Rm 519, Mabini Bldg.; Mobile: +639260320762; Tel: (+632) 86337203, (+632) 86376207
Email: usec.admin@deped.gov.ph; Facebook/Twitter @depedtayo

As of May 2022, the DepEd Sites Titling Office (STO) database indicates the following:

- 5,516 school sites are titled under the name of DepEd.
- There are 16,117 public school sites which are not titled in the name of the Department, but the proof of occupancy is in favor of DepEd such as Deed of Sale, Deed of Donation, Tax Declaration, and Presidential Proclamation.
- Majority of these are covered by Deed of Donation or Tax Declaration. 7,779 sites covered by Deed of Donation and 7,672 sites are covered by Tax Declaration.
- Technically, **Eighty-Seven percent (87.63%) of the 44,599 (excluding BARMM) public school sites are not titled to DepEd.**

This clearly poses a problem as these school sites may be vulnerable to encroachment and adverse claims of ownership if DepEd's right over the properties remain unclear. The lack of titles or the problem of ownership by DepEd on existing school sites prevent not only the full implementation of the Department's school building program (SBP) but also discourage private individuals and corporations from donating classrooms and other needed school facilities.

Past DepEd efforts to obtain registration of title have proved futile, owing to warring relatives or heirs of those who have earlier donated their properties to the government. The lack of consistency in the policy of the LGUs also pose a problem, as the policy oftentimes changes whenever the leadership in the LGU changes.

One of the challenges faced by the Department in the titling of donated school sites is the incomplete documentary requirements being required by the Registry of Deeds such as the original copy of Deed of Donation or certified true copy of the deed, copy of the owner's duplicate of the title of the property donated and the issuance of BIR clearance which is issued after the payment of taxes.

Based on the DepEd Enhanced Basic Education Information System (EBEIS), data shows that the enrollment rate in junior high school has been increasing in the last five years. It is certain that the enrollment rate will continue to rise in the next few years, which will surely result in classroom shortage. There is thus a need for additional sites to meet the requirements for the construction of new school buildings and classrooms. In addition, there is also the need to protect existing public school sites from the threat of being displaced because of unclear title.

The funds allocated for Site Acquisition also need to be reviewed since the amount provided for this purpose remain sorely insufficient. The table below summarizes the allotment for Site Acquisition from the General Appropriations Act (GAA) from 2016 to 2022:



DepEd Site Acquisition Fund	
GAA	Allotment (Php)
2016	76,120,000
2017	65,000,000
2018	65,000,000
2019	65,000,000
2020	65,000,000
2021	65,000,000
2022	65,000,000

The fund allocation for Improvement and Acquisition of School Sites include the following provisions:

- shall be used for the acquisition of school sites with existing structures such as, but not limited to, school buildings and other facilities to address school congestion and safety issues, taking into consideration sites donated by LGUs and other stakeholders; and
- for the payment of the compensation for existing school sites pursuant to final and executory decisions of the courts.

Clearly, the amount of allocation for the improvement and acquisition of school sites from 2016 to 2022 is not enough. There is a need to increase these allocations to address the present needs of the Department.

With DepEd's mandate to ensure that all Filipinos have access to quality basic education, it is imperative to protect public school sites from being subjected to disposal, sale, lien or encumbrance, and against adverse suits and claims for payment from private entities/individuals or heirs or donors.

Accordingly, DepEd respectfully proposes a bill legislating the summary titling of unregistered real properties used as public school sites and offices of DepEd.

The passage of this bill will pave the way for the summary titling of all lands that are being used as public school sites throughout the country. This bill aims to provide all lands being utilized by the Department of Education (DepEd) with titles under the "Republic of the Philippines represented by the Department of Education" to enable it to have legal ownership over these school sites.

The summary titling will cover all sites of public schools under the DepEd which have been utilized as such for at least five (5) years preceding the effectivity of this proposed measure, which are composed of the following:

- a) Lands of the public domain;
- b) Those that are owned, whether registered or not, by persons or entities other than the DepEd.

This bill also seeks to address the need to acquire qualified School Sites on Privately-Owned Lots, Lots Owned by Local Government Units or other national government agencies, or any government agency, through donation, negotiated sale, expropriation or any other mode of acquisition as provided for by law.



The salient feature of this bill is the proposal to declare the Department of Education as the prima facie owner of all unregistered qualified school sites, thus, simplifying the process of land titling and registration in favor of DepEd.

This bill also seeks to quiet the title or remove the clouds hovering over our many school sites by the passage of this bill establishing summary registration of titles over the DepEd school sites.

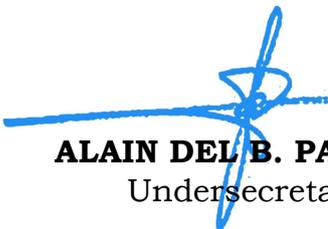
Further, the bill will strengthen DepEd’s capacity and authority to manage lands registered under its name, whether by Spanish title, American title or Torrens Certificate of Title, such as but not limited to “Ministry of Education”, as well as those declared for taxation purposes under its name. Thus, the creation of a DepEd real estate office is proposed.

If enacted into law, the school authorities will finally have direct control and supervision over the land occupied by the public schools. The comprehensive development and improvement of the public school system will finally be realized.

Attached is the proposed bill as an immediate legislative measure.

For the consideration of the Vice President and Secretary of Education, the President and Congress.

A Presidential Certification of this bill as priority and urgent is most desired and prayed for.



ALAIN DEL B. PASCUA
Undersecretary



OJAD00-0622-0 106
To authenticate this document,
please scan the QR Code.

SENATE/HOUSE BILL (SB/HB) No. _____

By _____

**AN ACT STRENGTHENING AND PROTECTING
THE LAND OWNERSHIP OF DEPED SCHOOL SITES,
MANDATING THE SUMMARY TITLING OF
REGISTERED AND UNREGISTERED REAL PROPERTIES
USED AS PUBLIC SCHOOL SITES,
AND FOR OTHER PURPOSES***

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

SECTION 1. Purpose of this Act. - It is hereby declared the policy of the State to register all lands being utilized as public school sites (“school sites”) by the Department of Education (DepEd) as owned by the Republic of the Philippines, and provide each school site with titles under the name “Republic of the Philippines represented by the Department of Education”. Towards this end, the State shall ensure the prompt payment of just compensation for the acquisition of real property utilized as public school sites and not owned by DepEd, in accordance with Article III, Section 9 of the Constitution which provides that private property shall not be taken for public use without just compensation.

SECTION 2. Coverage: This Act shall cover all lands registered in the name of DepEd or its predecessor-in-interest, such as but not limited to “Ministry of Education,” “Department of Education, Culture and Sports,” unregistered and current public school sites under the administration or use of the DepEd, including parcels of land not occupied by DepEd but which have been utilized as such for at least five (5) years immediately preceding the effectivity of this Act.

For purposes of this act, a public school site is a “qualified school site” if it is occupied by DepEd as a public school site or a school site that caters to the needs and requirements of DepEd which are necessary or vital to the performance of its mandate or functions under the Revised Administrative Code of 1987, including but not limited to areas where there are DepEd Division Offices, DepEd offices, DepEd training facilities, teacher’s camp, hotels, inns, hostels, or commercial spaces where the income derived therefrom are used for the school’s benefit, or the like.

If the parcel of land is not occupied by DepEd at the time of the filing of the case for summary titling but had been occupied as a public school site for at least five (5) years preceding the effectivity of this Act, it shall be deemed a “qualified school site”, whether or not the parcel of land is characterized as any of the following:



a) It is a property of the public domain;

b) It is owned by a person or entities other than the DepEd, whether the ownership thereof is registered or not.

SECTION 3. *Prima Facie* Ownership by DepEd of Unregistered Land. - The DepEd shall be the prima facie owner of all unregistered qualified school sites. The DepEd shall acquire ownership of the unregistered school sites either through the following:

- a) Filing of application for confirmation of title in the Regional Trial Court where the land is located;
- b) Filing of application for the issuance of special patent;
- c) Filing of an application of the issuance of Presidential Proclamation for school sites situated in forest or timber land.

SECTION 4. Summary Titling of Qualified School Sites on Unregistered Lots and Speedy Hearing. - When the qualified school site had been surveyed and plotted, the DepEd Secretary or his or her duly authorized representative, through the Office of the Solicitor General, shall institute original registration proceedings by filing the necessary petition in the Regional Trial Court of the place where the land is situated against any claimants, possessors, or occupants of such lands or any part thereof, stating in substance that public interest requires that the title to such lands be settled and adjudicated and praying that such titles be so settled and adjudicated in favor of the Republic of the Philippines through the Department of Education.

The petition shall contain a description of the land and shall be accompanied by an approved plan thereof, and may contain such other data as may serve to furnish full notice to the occupants of the lands and to all persons who may claim any right or interest therein.

The DepEd need only to establish the following:

- a) that the school site is not covered by a valid Torrens Certificate of Title,
- b) that it has been used as a school site for at least five (5) years, or it has been used in furtherance of the functions or mandate of DepEd for at least five (5) years,
- c) the land had been surveyed or plotted, its complete description, metes and bounds had been identified by a duly licensed surveyor or government surveyor and the approved survey is submitted to the Court.

All actions for the original registration of qualified school sites under this Act shall be summary in nature. The action for registration in this Section shall comply with



the notice requirements provided for in Section 23, Presidential Decree (P.D.) No. 1529.

Consistent with Section 27 of P.D. 1529, the Court, if it deems necessary, may refer the case or any part thereof to a Commissioner who shall hear the parties and their evidence, and the Commissioner shall submit his report thereon to the Court within fifteen days after the termination of such hearing. Hearing before a referee may be held at any convenient place within the province or city as may be fixed by him and after reasonable notice thereof shall have been served the parties concerned. The court may render judgment in accordance with the report as though the facts have been found by the judge himself: Provided, however, that the court may in its discretion accept the report, or set it aside in whole or in part, or order the case to be recommitted for further proceedings.

The Regional Trial Court shall see to it that all registration-proceedings under this Act are disposed of within one year from the date of filing.

SECTION 5. Immediate Transfer of Qualified School Sites Owned by the National Government and Local Government Units. - All qualified school sites established or occupied by DepEd on property registered under the name of the Republic of the Philippines or owned by any of its agencies or instrumentalities, as well as those owned by the local government units shall be immediately transferred to and titled in favor of DepEd. Such transfer shall include the buildings or other immovable real properties thereto, without prejudice to the arrangements for compensation, if any for government owned corporations, which shall be mutually agreed upon between the DepEd and the agencies concerned and recommended to the President for final approval.

SECTION 6. Modes of Acquiring Qualified School Sites not Occupied but Privately-Owned Lots, Lots Owned by National Government and Lots Owned by Local Government Units.-- For purposes of expanding existing school sites, the DepEd may commence acquisition of the following:

- a) privately-owned lots not occupied by DepEd
- b) lots owned by the National Government or any of its instrumentalities,
- c) lots owned by Local Government Units

through donation, negotiated sale, expropriation or any other modes of acquisition as provided by law.

The DepEd shall have the right of first refusal over parcel of lands surrounding the school sites. It is understood that whenever the owners of lands surrounding a school site will sell or alienate their rights over their lots in any manner, the same shall first be offered to the DepEd for determination of the necessity of acquiring the same for expansion or development purposes or not.

However, the failure to exercise the right of first refusal over the sale or alienation of any right to any property surrounding a school site shall not mean waiver to expropriate the same whenever necessary.



SECTION 7. Unaccepted and Undocumented Donations. - All donated school sites where proof of acceptance is wanting, as well as undocumented donations of property used as school sites, if the donor was alive during the occupation for use as school site, said donations shall be deemed perfected by implied acceptance of the government from the time the property was actually utilized as a public school site, or from the time that any acts of ownership thereon had been carried out, such as but not limited to planting, fencing, occupation, possession, use, or the like. In donation *mortis causa*, the acceptance is deemed made at the time of occupation thereof, which is anytime subsequent to the death of the donor.

SECTION 8. Guidelines for Negotiated Sale.- Should the DepEd and the owner of a titled private property agree on a negotiated sale for the acquisition of a privately-owned property to be established as a future school site, the standards prescribed in the pertinent provisions of Republic Act (R.A.) No.10752 or “The Right of Way Act,” and other related laws, rules and regulations, insofar as they are applicable, shall be used to determine the fair market value of the property, subject to the review and approval by the DepEd Secretary or his or her authorized representative.

SECTION 9. Summary Expropriation of Qualified School Sites. - Qualified School Sites on Privately-Owned Lots or Lots Owned by Local Government Units may be acquired by the DepEd through expropriation subject to the guidelines provided under Section 6 of R.A. No. 10752. Whenever the right of DepEd to expropriate qualified school sites is invoked, the filing of the expropriation case shall be deemed prima facie evidence of public use and necessity. There is hereby created a disputable presumption upon filing of the expropriation case that the taking thereof is for public use or for public purpose. Unless said presumption is overturned by a showing that the school site is not qualified under Section 2 hereof, the expropriation proceedings shall be limited to the determination of just compensation.

SECTION 10. Order of Registration Immediately Executory- All judgements ordering the registration of a qualified school sites shall be immediately executory. The Register of Deeds, upon receipt of such order, shall forthwith register and issue the title and the corresponding certificate of title in favor of DepEd.

SECTION 11. School Sites Privately-Owned under Contract of Usufruct. - In order to protect the rights and interest of DepEd in its use and enjoyment of a school site that are privately-owned under a Contract of Usufruct, the same shall be registered with the Registry of Deeds concerned and annotated in the Certificate of Title of such real property. All reasonable efforts should be exerted for the subsequent acquisition of these properties in favor of DepEd.

Provided, that when a school site under usufruct becomes a qualified school site and the registered owner does not want the same to be donated, the same may be acquired by expropriation as provided herein.



SECTION 12. Titling and Registration of School Sites based on Tax Declarations registered to DepEd - Real properties with Tax Declaration registered in the name of the DepEd which are being used as school sites shall be processed through the Department of Environment and Natural Resources (DENR) for titling through the issuance of Special Patents and Presidential Proclamations

The DENR shall facilitate the immediate issuance of special patents to school sites through a Memorandum of Agreement with the DepEd which must be consummated not more than 180 days after the effectivity of this Act.

SECTION 13. Expeditious Registration of Land Titles for School Sites - The Registry of Deeds (RoD), Bureau of Internal Revenue (BIR), Department of Agrarian Reform (DAR), DENR, and Local Government Units (LGUs) concerned shall forthwith process the registration and titling of the properties as provided herein in favor of DepEd in the most efficient and expeditious manner, the consummation of which must be made not more than 180 days after the effectivity of this Act.

SECTION 14. Exemption from Payment of Fees and Taxes for the Registration of Land titles for School Sites - The DepEd shall be exempt from payment of all related costs, fees, charges or all taxes to the National Government Agencies, including the Bureau of Internal Revenue (BIR), Land Registration Authority (LRA), Registry of Deeds (RD), DENR and Local Government Units, and other government agencies involved in the registration and titling of school sites as provided herein. Provided, further, that the DepEd shall enjoy all the rights, exemptions and privileges, as may be authorized by the law, in all its official transaction with National Government Agencies and Local Government Units involving titling and registration of its current school sites.

Donations of land or other properties, real or personal for the benefit of the DepEd shall be exempt from donor's tax.

SECTION 15. School Sites within Forest Land - The DepEd shall cause the application for the reclassification of land occupied by school sites, which are classified as forest or timber, into alienable or disposable to the Office of the President through the Department of Environment and Natural Resources (DENR).

Upon reclassification of school sites from forest land to alienable and disposable, the Office of the President shall issue Presidential Proclamation over such lands.

SECTION 16. School Sites within Ancestral Domain - The National Commission on Indigenous Peoples shall assist the DepEd in securing Free, Prior and Informed Consent (FPIC) from leaders or representatives of Indigenous Cultural Communities (ICCs) for school sites within ancestral domain for the eventual grant of usufruct by ICCs to DepEd for the use of their lands. The requirement for FPIC, however, is deemed waived if the ICCs have passed a resolution asking DepEd to establish and construct a new school or repair and rehabilitate an existing one.

SECTION 17. Ecological and Environmental Concerns- In cases involving the acquisition of private real property used as public school sites, the DepEd shall



take into account and consider environmental laws, land use ordinances and the pertinent provisions of R.A. No. 7160, as amended, otherwise known as the Local Government Code of 1991.

SECTION 18. Creation of DepEd Real Estate Management and Planning Office (DREAMPO). There is hereby created a DepEd Real Estate Management and Planning Office that will be in charge with the preservation, administration, management, planning, monitoring, documentation, supervision or control over the real properties of DepEd. Whenever the disposition or transfer of ownership of any DepEd property is necessary in the exigencies of the service, as may be recommended by the DREAMPO or the DepEd Secretary for the benefit of another government entity, such disposition shall be subject to the approval of the President of the Philippines.

SECTION 19. Titles of real properties registered under the name of DepEd- Existing titles of real properties registered under the name of the DepEd, or its predecessors-in-interest, such as but not limited to Ministry of Education, Department of Education, Culture and Sports, or in the name of any person or private individual where the title is in the possession of the DepEd, whether the title is Spanish, American or Torrens Certificate of Title, shall be cancelled upon application of the DepEd for cancellation thereof at the Register of Deeds, free from all transfer taxes, charges and fees, and a new title will be issued to reflect the name "Republic of the Philippines, represented by the Department of Education". The possession by DepEd of the original duplicate owner's copy of the title of a person or private individual over a property occupied as a school site shall be deemed prima facie evidence of a valid and accepted donation.

Certificate of Land Ownership or CLOA covering DepEd school sites shall be cancelled and recalled by the Department of Agrarian Reform upon application thereof by the DepEd stating that the area subject matter in the CLOA is an existing DepEd school site.

Lands donated to the government or DepEd and occupied as a school site within a parcel of land registered in the name of a person or private individual shall be issued a separate title in the name of the "Republic of the Philippines, represented by the Department of Education". For this purpose, the DepEd shall cause the segregation thereof after complying with the procedure of segregation or partition mandated by the Office of the Register of Deeds.

The transaction for segregation shall be free from registration expenses, such as but not limited to filing fees, docket fees or the like. It is understood that the Donor under this paragraph shall be exempt from donor's tax, or estate tax, documentary stamp tax, as the case maybe. Appropriate tax credit shall be given to the donor, commensurate to the value of the property at the time of donation, as may hereinafter be determined by the Bureau of Internal Revenue.

SECTION 20. Definition of Abandonment of School Purpose or School Use. Where the Deed of Donation states that the ownership of the property shall revert back to the donor if the school ceases to exist for three (3) years, such condition



shall be valid. However, if the school where the donation was made continues to exist elsewhere, such as when the school transfer to another location by reason of necessity for use of bigger space or location to cater to the growing population of the learners, or by reason of any natural hazard existing in the said donated land or nearby areas to ensure the safety of the learners, teachers and administrative staff, or the school has been integrated to another government entity for educational purposes, it is hereby declared that the operation of such school in another place other than the donated area, shall not, in any way mean abandonment of the school purpose or cessation of the operations of the said school.

SECTION 21. Appropriations - Funds necessary for the implementation of this Act shall be included in the annual appropriations for the DepEd under the annual General Appropriations Act.

SECTION 22. Rules and Regulations- The Department of Justice (DOJ), DepEd, DENR, Department of Finance (DoF), Department of Interior and Local Government (DILG), and NCIP shall jointly promulgate the implementing rules and regulations within sixty (60) days from the effectivity of this Act.

SECTION 23. Separability Clause. - If any part or provision of this Act is held unconstitutional or invalid, the other parts or provisions hereof which are not affected thereby, shall continue to be in full force and effect.

SECTION 24. Repealing Clause. All laws, decrees, rules and regulations or other issuances or parts thereof inconsistent with the provision of this Act are hereby repealed, amended or modified accordingly.

SECTION 25. Effectivity. This Act shall take effect fifteen (15) days following its publication in the official gazette or at least two (2) newspaper of General circulation



* - *Based on the following bills:*

- *Senate Bill No. 1730 dated September 24, 2013 by Senator Francis Escudero*
- *House Bill No. 3079 dated October 2, 2013 and No. 360 dated June 30, 2016 by Congressman Romero Quimbo*
- *House Bill No. 1052 dated July 5, 2016 by Congresswoman Magnolia Antonino*
- *House Bill No. 03754 dated September 26, 2016 by Congressman Ramon Rocamora*
- *House Bill No. 4395 dated November 15, 2016 and No. 2341 dated July 17, 2019 by Congresswoman Evelina Escudero*
- *House Bill No. 4350 dated November 10, 2016 by Congressman Alfredo Benitez*
- *House Bill No. 6942 dated January 15, 2018 and 04221 dated August 28, 2019 by Congressman Rufus Rodriguez*
- *House Bill No. 00489 dated July 1, 2019 by Congresswoman Cheryl Deloso-Montalla*
- *House Bill No. 04991 dated October 1, 2019 by Congressman Tyrone Agabas*
- *Senate Bill No. 1247 dated December 18, 2019 by Senator Panfilo Lacson*

⌘

