

Republic of the Philippines
Bangsamoro Autonomous Region in Muslim Mindanao
BANGSAMORO TRANSITION AUTHORITY
Cotabato City

Second Parliament
Second Regular Session

BTA Parliament
Bill No. 224



Introduced by:

MP MARJANIE S. MACASALONG and MP MOHAGHER M. IQBAL

Co-author:

MEMBERS OF PARLIAMENT ABDULAZIS M. AMENODEN, ALI MONTAHA D. BABAO, ALI B. SOLAIMAN, BASIT S. ABBAS, DON MUSTAPHA A. LOONG, ALBAKIL D. JIKIRI, DENMARTIN A. KAHALAN, MICHAEL E. MIDTIMBANG, RAMON A. PIANG SR., RANDOLPH C. PARCASIO, ABDULWAHAB M. PAK, MUDJIB C. ABU, ABDULLAH B. HASHIM, AMROUSSI A. MACATANONG, ABDULLAH G. MACAPAAR, MOHAMMAD S. YACOB, SAID M. SHIEK, TAWAKAL B. MIDTIMBANG

AN ACT PROTECTING THE BANGSAMORO GOVERNMENT LAND OWNERSHIP OVER SITES ACTUALLY OCCUPIED BY PUBLIC SCHOOLS WITHIN THE BANGSAMORO AUTONOMOUS REGION, MANDATING THE SUMMARY TITLING OF REGISTERED AND UNREGISTERED REAL PROPERTIES USED AS PUBLICSCHOOL SITES, PROVIDING FUNDS THEREOF AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Cognizant of the predicaments experienced nowadays by some public schools in the Bangsamoro Autonomous Region relative to land disputes over school sites, it is imperative that the Bangsamoro Government should institutionalize the acquisition and titling of the Ministry of Basic, Higher and Technical Education school sites to ensure the continuous operation and maintenance of the schools. These cases include the sudden claim by private persons (the donor or their heirs) of these school sites. They deny donating the same to the school and want to immediately possess the land. While asserting ownership over the school site, they forcibly occupy the same. As a result, schools are being padlocked by these claimants and classes are disrupted for an indefinite period to the prejudice of the students. Worse, violence becomes part of the school setting and students become affected in some way. Thus, the drafting of this bill.

The bill seeks to address the issue that if MBHTE's ownership rights are not clarified, school sites may be exposed to encroachment and competing claims of ownership. It also aims to mandate that anyone claiming ownership of land where a public school is located submit the documentation needed by the Registry of Deeds, including an original copy of the deed or a certified true copy of the deed, a copy of the owner's duplicate title and the BIR clearance, which is granted following the payment of taxes.

To date, majority of our public school sites are untitled or unregistered. Some were donated for use as school sites but are now owned or titled by the Local Government Units. Some are subject to long-term lease agreement 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 MBHTE to support title or ownership. The lack of titles or the problem of ownership by the MBHTE on existing school sites prevent not only the full implementation of school building programs but also discourage private individuals from donating classroom and other school facilities.

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 Bangsamoro Autonomous Region. The salient feature of this bill is the proposal to declare the Ministry of Basic, Higher and Technical Education as the prima facie owner of all unregistered school sites.

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.

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Proposed Resolution No. 224



Introduced by:

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AN ACT PROTECTING THE BANGSAMORO GOVERNMENT LAND OWNERSHIP OVER SITES ACTUALLY OCCUPIED BY PUBLIC SCHOOLS WITHIN THE BANGSAMORO AUTONOMOUS REGION, MANDATING THE SUMMARY TITLING OF REGISTERED AND UNREGISTERED REAL PROPERTIES USED AS PUBLICSCHOOL SITES, PROVIDING FUNDS THEREOF AND FOR OTHER PURPOSES

Be it enacted by the Bangsamoro Transition Authority in Parliament assembled:

SECTION 1. DECLARATION OF POLICY. – It is hereby declared the policy of the Bangsamoro Autonomous Region in Muslim Mindanao that all lands being utilized as public schools sites by the Ministry of Basic, Higher and Technical Education as owned by the Bangsamoro Government and evidenced by land titles under the name of Bangsamoro Government represented by the Ministry of Basic, Higher and Technical Education. Toward this end, the Bangsamoro Government shall ensure the prompt payment of just compensation for the acquisition of real property utilized as school sites and not owned by the Ministry, in accordance with the Constitutional guarantee that private property shall not be taken for public use without just compensation.

SECTION 2. SCOPE OF APPLICATION. – This Act shall cover all public school sites under the Ministry of Basic, Higher and Technical Education which have been utilized as such for at least (5) years preceding the effectivity of this Act which are properties of public dominion or owned, whether registered or unregistered, by persons or entities other than the Ministry. For the purpose of this Act, a land is a “qualified school site” if it is occupied by the Ministry as a public school site.

SECTION 3. PRIMA FACIE OWNERSHIP OF UNREGISTERED LANDS BY THE MINISTRY OF BASIC, HIGHER AND TECHNICAL EDUCATION. – The Ministry of Basic, Higher and Technical Education shall be the prima facie owner of all unregistered lands occupied by public schools.

SECTION 4. SUMMARY TITLING OF QUALIFIED SCHOOL SITES ON UNREGISTERED LANDS. – All actions for the original registration of qualified school sites under this Act shall be filed with the Regional Trial Court where the property is situated and shall be summary in nature. The Ministry need only establish that the school site is untitled and that it has been used as such for at least five (5) years. Provided, the notice requirements provided for in Section 23 of Presidential Decree No. 1529 must be complied.

SECTION 5. TRANSFER OF QUALIFIED SCHOOL SITES OWNED BY THE BANGSAMORO GOVERNMENT AND LOCAL GOVERNMENT UNITS. - All qualified school sites established or occupied by the Ministry of Basic, Higher and Technical Education on property registered under the name of the Bangsamoro Government 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 the Ministry. Such transfer shall include the buildings or other immovable properties thereto, without prejudice to the agreement as to compensation between the Ministry and the concerned agencies, instrumentalities or local government units.

SECTION 6. REQUIREMENT OF PROOF OF CONVEYANCE. – All public schools within the Bangsamoro Autonomous Region shall be required to submit proof of conveyance of the land where the school is situated in favor of the Bangsamoro Government through Ministry of Basic, Higher and Technical Education. Should any school refuses or fails to comply with the said requirement, the said school must prove their ownership of the land through Certificate of Title or Transfer Certificate of Title as the case may be.

SECTION 7. EXPROPRIATION OF QUALIFIED SCHOOL SITES. – Qualified school sites on privately-owned lands may be acquired by the Ministry of Basic, Higher and Technical Education through expropriation subject to the guidelines provided under existing laws. Whenever the right of the Ministry to expropriate qualified school sites is invoked, the filing of the expropriation case shall be deemed prima facie evidence of public use and necessity.

For the purpose of this provision, just compensation shall be based on the amount of the property at the time of the taking by the Bangsamoro Government.

SECTION 8. ORDER OF REGISTRATION IMMEDIATELY EXECUTORY. – All judgments 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 the Ministry of Basic, Higher and Technical Education.

SECTION 9. SCHOOL SITES UNDER A CONTRACT OF USUFRUCT. – In order to protect the interest of the Ministry of Basic, Higher and Technical Education, school sites under a Contract of Usufruct shall be annotated in the Certificate of Title of such property. The Ministry may initiate expropriation proceedings mentioned in Section 7 of this Act upon expiration of the Contract of Usufruct.

SECTION 10. EXPEDITIOUS REGISTRATION OF LAND TITLES FOR SCHOOL SITES. – The Registry of Deeds, Local Government Units and other concerned agencies shall forthwith process the registration and titling of the lands as provided herein in favor of the Ministry of Basic, Higher and Technical Education in the most efficient and expeditious manner the completion of which must be made not more than One-hundred and Eighty (180) days from the effectivity of this Act.

SECTION 11. APPROPRIATIONS. – Funds necessary for the implementation of this Act shall be included in the annual appropriations for the Ministry of Basic, Higher and Technical Education under the Bangsamoro Appropriations Act.

SECTION 12. IMPLEMENTING RULES AND REGULATIONS. – The Ministry of Basic, Higher and Technical Education shall promulgate the Implementing Rules and Regulations within sixty (60) days from the effectivity of this Act.

SECTION 13. SEPARABILITY CLAUSE. – If any part or provision of this Act is held unconstitutional or invalid, the other part or provision hereof which are not affected thereby, shall continue to be in full force and effect.

SECTION 14. 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 15. EFFECTIVITY. – This Act shall take effect fifteen (15) days following its complete publication in at least one (1) newspaper of general circulation in the Bangsamoro Autonomous Region in Muslim Mindanao.

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Certified correct:

PROF. RABY B. ANGKAL
Secretary-General

Attested by:

ATTY. PANGALIAN M. BALINDONG
Speaker

Approved:

HON. AHOD BALAWAG EBRAHIM
Chief Minister