

Republika ng Pilipinas
(Republic of the Philippines)
KAGAWARAN NG EDUKASYON, KULTURA AT ISPORTS
(DEPARTMENT OF EDUCATION, CULTURE AND SPORTS)
Manila

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DECS O R D E R
No. 116, s. 1967

GUIDELINES ON USE OF SCHOOL BUILDINGS/HOUSES
FOR REFUGEE PURPOSES

To: Undersecretaries
Assistant Secretaries
Bureau Directors
Regional Directors
Schools Superintendents
Presidents, State Colleges and Universities
Vocational School Superintendents/Administrators

1. For the guidance of all concerned and for future reference, the reply to the query of Executive Secretary Macaraig regarding the use by refugees of school houses or premises as their homes and residences is hereunder quoted, in full:

Office of the President
Malacanang

November 11, 1967

MEMORANDUM

FOR : Secretary Catalino Macaraig, Jr.
FROM : Secretary Samilo Barlongay

The query is whether refugees can permanently use school houses or premises as their homes or residences.

The answer, I believe, is in the negative. School houses or premises are officially intended to be used in imparting education to pupils or students. They should be properly used as classrooms, school shops, home economics rooms, rooms for athletics and training, or for other similar or related uses or purposes connected with or promotive of education.

On the other hand, when refugees use them not in relation to education, but as their homes or residences, obviously, the purpose for which school houses are built is not served. The use of public property for a public use other than that for which they are intended by law or ordinance is illegal use of public property. Article 220 of the Revised Penal Code prohibits and penalizes the illegal use of public funds and property, to wit:

"Art. 220. Illegal use of public funds or property. Any public officer who shall apply any public fund or property under his administration to any public use other than that for which such fund or property were appropriated by law or ordinance shall suffer the penalty of prision correccional in its minimum period or a fine ranging from one half to the total value of the sum misapplied, if by reason of such misapplication, any damage or embarrassment shall have resulted to the public service. In either case, the offender shall also suffer the penalty of temporary special disqualification.

"If no damage or embarrassment to the public service has resulted, the penalty shall be a fine from 5 to 50 per cent of the sum misapplied.

However, the temporary use of school houses or premises by refugees on the occasion of calamities, like typhoons, floods, fire, etc., may be allowed because there is no intent to permanently utilize the same as residence for the calamity victims and in view of the existence of an emergency or urgent necessity. In fact, this is a common practice.

The query is answered accordingly."

2. Please be guided accordingly.

(SGD.) LOURDES R. QUISUMBING
Secretary

Reference:
None

Allotment: 1-2-3--(M.O. 1-87)

To be indicated in the Perpetual Index
under the following subjects:

BUILDINGS
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