

Republic of the Philippines  
DEPARTMENT OF EDUCATION, CULTURE AND SPORTS  
UL Complex, Pasig City

September 14, 1995

DECS O R D E R  
No. 57, s. 1995

SCHOOL SITE ACQUISITION AND DOCUMENTATION FOR ALL  
PUBLIC ELEMENTARY AND SECONDARY SCHOOLS

To: Regional Directors  
Schools Superintendents

1. In spite of numerous issuances to the field relative to the problem of school sites (registration, titling, squatting), this Office continues to receive information on disputes regarding school site ownership. Claims for payment for sites have also been submitted to DECS.
2. Over the years, the Department has encouraged the field to acquire titles to school sites for the following reasons:
  - a. To safeguard the interest of the school against reconveyance suits and claims for payment of parcels of land used as school sites filed against the Department by private individuals/entities (heirs) claiming ownership over said properties (e.g. squatting, undue disposition, boundary disputes, etc.);
  - b. To generate data to facilitate the allotment of national appropriations for schoolbuildings, furniture (desks, etc.) and possibly securing torrens title to unregistered school sites;
  - c. To support site ownership requirements necessitated by foreign-assisted projects such as JICA, SEDP, etc.
3. The following guidelines are hereby issued for the acquisition of school sites:
  - a. DECS discourages the use of its own funds to purchase school sites or properties. However, beginning with CY 1996 budget of DECS, the allocation for capital outlay may be used for the acquisition or improvement of school sites (DECS Order No. 23, s. 1995 "Rules and Regulations for the Implementation of Republic Act No. 7880").
    - (1) Donation of land. This must be duly accepted either on the Deed of Donation or in a separate document by the DECS Secretary or his representative, provided, that the same is absolute in character, that is, the donation

does not impose any onerous condition or burden on the Department, and must be duly registered with the Register of Deeds, and the appropriate memorandum of transfer is annotated on the back of the certificate of title.

(2) Contract of Usufruct. In case the property is registered in the name of an individual, municipality or city but is not allowed to be donated, but DECS (the school) is allowed full use or perpetual right of use through gratuitous act (without consideration), a Contract of Usufruct with the registered owner for as long as the property is to be solely and exclusively used for educational purposes is executed. The contract must be registered with the Register of Deeds and duly annotated on the certificate of title. The contract shall define in clear terms the conditions relative to the use of the land, the control and supervision of the school site, particularly the ownership of the building or facility constructed, as well as the party responsible for all real property taxes that may be due and payable on the subject parcel of land.

(3) Absolute Deed of Sale. DECS encourages the local governments to provide for this, since this is the most reliable, stable and non-controversial mode of acquisition. A new Torrens Title and registry with the Register of Deeds should be turned over to the school administrator.

(4) Exchange. This may be resorted to with the school administrators exercising care and caution that in the exchange process, the government (school) will stand to gain and not to lose in the transaction since the lots being exchanged may not be of the same size and/or value. This transaction should again be registered with the Register of Deeds.

b.1. Sites covered by Presidential Proclamation and/or declared as Reservation Areas:

Public lands declared as reservation areas (including ancestral lands) through Presidential Proclamation are sometimes targetted as sites for educational purposes. In some instances, DECS may be able to acquire a parcel thereof as school site with the least cost using the following procedure/guidelines:

(1) Upon request of the residents, a Resolution is passed expressing the realization of the urgent need to provide for and establish a public elementary school in the locality in

order to give the residents (cultural minorities, special groups, etc.) therein the opportunity to avail of the government's policy of free elementary education to all.

(2) As manifested in the Resolution, there is a need for a survey and mapping of the portion of the reservation area intended for a school site with the residents expressing their approval of the said school project. (A survey fee of at least ₱8,000.00 is needed for this activity).

(3) The residents agree between and among themselves for their own benefit to donate to the DECS the one (1) hectare proposed school site.

(4) The DENR which has jurisdiction over government reservation areas will transfer the title and ownership to the DECS through a Memorandum of Agreement (MOA) with the Secretaries of both agencies as signatories.

(5) The newly acquired property should be registered with the Register of Deeds and annotation of the same would be reflected in the title.

(6) A new title issued to the DECS should be worked out with the Register of Deeds. (Some minimal amount will be needed for this purpose).

b.2 On Sites covered by the Comprehensive Agrarian Reform Program (CARP).

Upon the effectivity of the Act (R.A. No. 6657) signed on June 10, 1988, any sale, disposition, lease, management contract or transfer of possession of private lands executed by the Original Landowner shall be null and void; those executed prior to the Act shall be valid only when registered with the Register of Deeds within a period of three (3) months after the effectivity of the Act. Thereafter, all Registers of Deeds shall inform the Department of Agrarian Reform (DAR) within (30) days of any transaction involving agricultural lands in excess of five (5) hectares.

Excluded and exempted from coverage of the Act are school sites and campuses including experimental farm stations operated by public or private schools for educational purposes, and seeds and seedlings research and pilot production centers.

In case a parcel of land after the lapse of five (5) years from its award has ceased to be economically feasible and sound for agricultural purposes, or the locality has become urbanized and the land will have a greater economic value for residential, commercial or industrial purposes, the Department of

Agrarian Reform (DAR), upon the application of the landowner, with due notice to the affected parties, and subject to existing laws, may authorize the reclassification or conversion of the land and its disposition as non - CARP property: Provided, that the beneficiary shall have fully paid his obligation. A parcel of the reclassified land may be opted for school site purposes and the owner may either donate or enter into a Contract of Usufruct with DECS for this matter.

c. For sites still under the jurisdiction/administration of DENR, National Housing Authority (NHA) and/or other government agencies/entities, arrangements may be made to acquire parcels of land for school site purposes, through the Contract of Usufruct cited earlier.

d. If a parcel of land is presently used for school site purposes without any adverse party - claimant, appropriate steps to ascertain the probable basis for DECS to acquire a title should first be taken before any further construction of a facility is undertaken. The results of the verification together with the available and/or complete records should be forwarded to the DECS Central Office for appropriate legal attention and action.

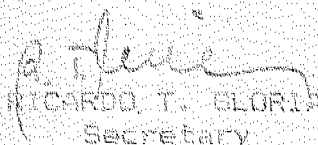
e. In cases where transfer cannot be effected due to lack of the subdivision plan segregating the conveyed area from the main portion of the property, steps to have a subdivision survey should be taken. Expenses for survey are authorized to be disbursed from the funds of the Region applying the Implementing Rules and Regulations (IRR) of Republic Act No. 7880. Thereafter, the land should be registered with the Register of Deeds of the province or City where the land is located, and appropriate memorandum thereof annotated at the back of the certificate of title.

4. To ensure that the DECS has an updated record of the status of school sites to serve the objectives cited earlier, the Regional Directors and Schools Division Superintendents are enjoined to conduct an inventory of school sites as contained in DECS Memorandum No. 83, s. 1995 entitled "Inventory of All Real Properties". Only partial reports have been so far received. It is expected that a complete report be submitted not later than November 30, 1995.

5. The inventory should form part of the Regional/Division/School Educational Management System (EMIS). Efforts to acquire titles to untitled school sites are necessary to avoid being the subject of disposal, sale, lien or encumbrance, or use other than what is specified.

6. An Inter-agency ad hoc committee will be proposed preferably lawyers from the DECS Central Office, DECS Regional Offices, Solicitor General's Office, Department of Justice (DOJ), Department of Agrarian Reform (DAR), and Department of Environment and Natural Resources (DENR), to address the legal problem of squatters, registration of unregistered land, etc.

7. Compliance with this directive is enjoined.

  
RICARDO T. GLORIA  
Secretary

References: DECS Orders: Nos. 19 and 19-A, s. 1994  
and (No. 23, s. 1995)  
DECS Memorandum: (No. 83, s. 1995)

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

To be indicated in the Perpetual Index  
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