



ELEVENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
Third Regular Session )

SENATE  
OFFICE OF THE SECRETARY

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SENATE

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COMMITTEE REPORT NO. 384

Submitted by the Committees on Justice and Human Rights; Public Works; and Finance on 15 AUG 2000.

Re : Senate Bill No. 2117 (Prepared by the Committees)

Recommending its approval in substitution of Senate Bill Nos. 1223 and 1728.

Sponsors : Senators Cayetano, Revilla, Osmeña (J.), Osmeña III and Jaworski.

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MR. PRESIDENT :

The Committees on Justice and Human Rights; Public Works; and Finance to which were referred Senate Bill No. 1223, introduced by Senator Osmeña III, entitled:

**"AN ACT  
PROVIDING FOR MEASURES TO FACILITATE THE  
ACQUISITION OF RIGHT-OF-WAY FOR INFRASTRUCTURE  
PROJECTS, AND FOR OTHER PURPOSES";**

and Senate Bill No. 1728, introduced by Senator Jaworski, entitled:

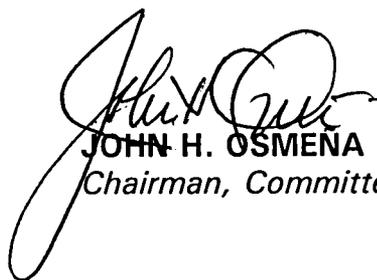
**"AN ACT  
FACILITATING ACQUISITION OF RIGHT-OF-WAY FOR  
GOVERNMENT INFRASTRUCTURE PROJECTS AND FOR  
OTHER PURPOSES";**

have considered the same and have the honor to report them back to the Senate with the recommendation that the attached bill, Senate Bill No. 2117, prepared by the Committees, entitled :

**"AN ACT  
PROVIDING GUIDELINES FOR EXPROPRIATION  
PROCEEDINGS, AND FOR OTHER PURPOSES"**

be approved in substitution of Senate Bill Nos. 1223 and 1728 with Senators Osmeña III, Jaworski, Cayetano, Revilla and Osmeña (J.) as authors thereof.

Respectfully submitted :



**JOHN H. OSMENA**  
*Chairman, Committee on Finance*

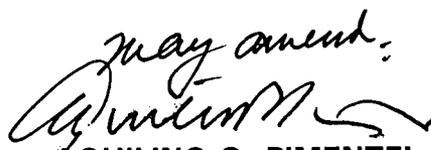


**RENATO L. COMPAÑERO CAYETANO**  
*Chairman, Committee on Justice  
and Human Rights  
Member, Committee on Finance*



**RAMON B. REVILLA**  
*Chairman, Committee on Public Works  
Member, Committee on Finance*

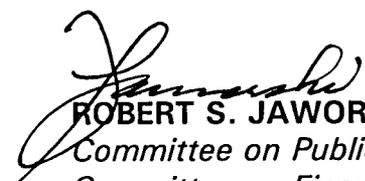
Vice - Chairpersons :



**AQUILINO Q. PIMENTEL JR.**  
*Committee on Justice and Human Rights  
Committee on Finance  
Member, Committee on Public Works*



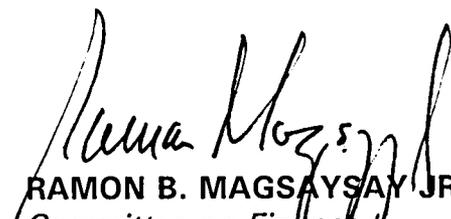
**ROBERT Z. BARBERS**  
*Committee on Justice and Human Rights  
Member, Committee on Public Works  
Member, Committee on Finance*



**ROBERT S. JAWORSKI**  
*Committee on Public Works  
Committee on Finance*



**GREGORIO B. HONASAN**  
*Committee on Finance  
Member, Committee on Public Works*



**RAMON B. MAGSAYSAY JR.**  
*Committee on Finance*



**ANNA DOMINIQUE M.L. COSETENG**  
*Committee on Finance  
Member, Committee on Public Works*



**TERESA AQUINO-ORETA**  
*Committee on Finance*

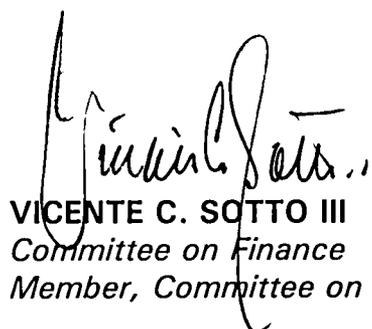
**RODOLFO G. BIAZON**  
*Committee on Finance*  
*Member, Committee on Justice*  
*and Human Rights*  
*Member, Committee on Public Works*



**SERGIO OSMEÑA III**  
*Committee on Finance*  
*Member, Committee on Justice*  
*and Human Rights*  
*Member, Committee on Public Works*



**JUAN PONCE ENRILE**  
*Committee on Finance*  
*Member, Committee on Justice*  
*and Human Rights*



**VICENTE C. SOTTO III**  
*Committee on Finance*  
*Member, Committee on Public Works*



**RAUL S. ROCO**  
*Committee on Finance*

Members:

**JUAN M. FLAVIER**  
*Committee on Justice and Human Rights*  
*Committee on Public Works*  
*Committee on Finance*

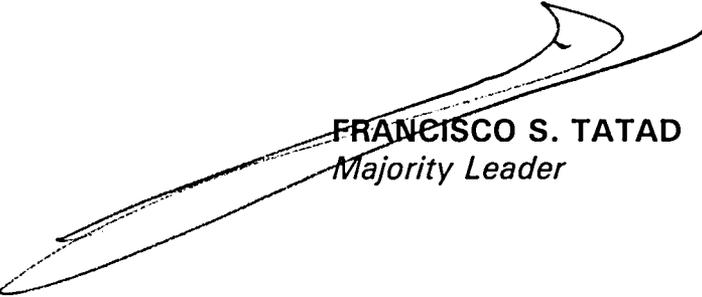


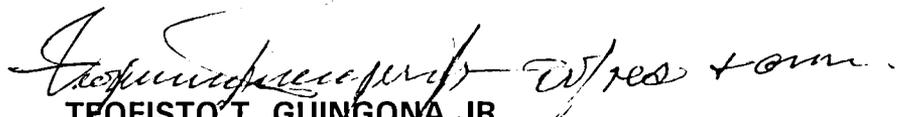
**LOREN LEGARDA-LEVISTE**  
*Committee on Public Works*  
*Committee on Finance*

Ex - Officio Members :

**BLAS F. OPLE**  
*President Pro-Tempore*

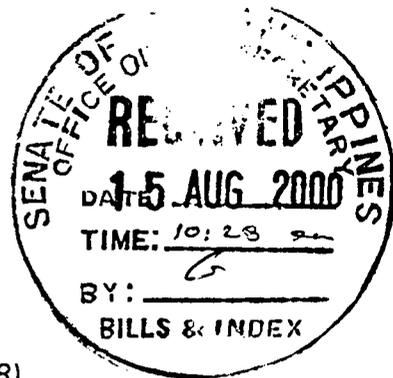
**FRANCISCO S. TATAD**  
*Majority Leader*



  
**TEOFISTO T. GUINGONA JR.**  
*Minority Leader*

**Hon. FRANKLIN M. DRILON**  
*President*  
*Senate of the Philippines*  
*Pasay City*

ELEVENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
Third Regular Session )



SENATE  
S. NO. 2117

(In substitution of Senate Bill Nos. 1223 and 1728)

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Prepared by the Committees on Justice and Human Rights; Public Works;  
and Finance with Senators Osmeña III, Jaworski,  
Cayetano, Revilla and Osmeña (J.) as authors

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**AN ACT**  
**PROVIDING GUIDELINES FOR EXPROPRIATION PROCEEDINGS, AND FOR**  
**OTHER PURPOSES**

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

1           **SEC. 1. Declaration of Policy.** – Section 9, Article III of the Constitution states  
2 that private property shall not be taken for public use without just compensation. To  
3 effectuate this provision, the State shall ensure that owners of real properties to be  
4 expropriated for any government infrastructure project are paid just and prompt  
5 compensation.

6           **SEC. 2. Government Infrastructure Project.** – The term “government  
7 infrastructure project” refers to all locally and/or internationally funded infrastructure  
8 works, service contracts and other related and necessary activities such as  
9 implementation, construction, completion, operation, maintenance, improvement, repair  
10 and rehabilitation of said infrastructure works, undertaken by the national government,  
11 its agencies and instrumentalities including government owned and controlled  
12 corporations and local government units, and all government projects covered under  
13 Republic Act No. 6957, as amended by Republic Act No. 7718, otherwise known as the  
14 Build-Operate-And-Transfer Law.

15           **SEC. 3. Guidelines for Expropriation Proceedings.** - The government may  
16 acquire real property needed as right-of-way and/or site or location of any government  
17 infrastructure project through donation, negotiated sale or expropriation.

18           If the property is to be acquired through expropriation, the implementing agency  
19 responsible for the infrastructure project shall file with the appropriate court the

1 corresponding expropriation case. The said implementing agency shall make a deposit  
2 with the court in the amount of (a) fifty percent (50%) of the estimated value of the land,  
3 based on the latest relevant Zonal Valuation of the Bureau of Internal Revenue, and (b)  
4 fifty percent (50%) of the estimated value of the structures and improvements based on  
5 the fair market value as stated in the current tax declaration.

6 Upon receipt of the said deposit, the court shall immediately issue to the said  
7 government implementing agency a "Writ of Possession" for the property. With this "Writ  
8 of Possession", the said implementing agency may enter and take possession of the  
9 subject property and start the implementation of the project. The court shall immediately  
10 order the remittance of the said deposit to the owner of the property.

11 In case the land is occupied by squatters, the court shall also issue a "Writ of  
12 Demolition" for the purpose of dismantling any and all structures found in the subject  
13 property.

14 Within sixty (60) days from the date of filing of the expropriation case, the court  
15 shall determine the just compensation to be paid to the owner for the property acquired,  
16 based on the market value of the property. On or before the date of the completion of  
17 the project, the said implementing agency shall pay to the owner of the property the  
18 difference between the just compensation as determined by the court and the said fifty  
19 percent (50%) deposit.

20 **SEC. 4. Squatter Relocation Sites.** - The Government, through the National  
21 Housing Authority, in coordination with the local government units and implementing  
22 agencies concerned, shall establish and develop squatter relocation sites, including the  
23 provision of adequate utilities and services, in anticipation of squatters that have to be  
24 removed from the right-of-way or site of future infrastructure projects.

25 Upon receipt of the "Writ of Possession" or "Permit to Enter" for a property to be  
26 used as the right-of-way and/or site or location for the government infrastructure project,  
27 the implementing agency concerned is authorized to effect the immediate relocation of  
28 any squatters to the said relocation sites.

29 Funds for the relocation sites shall come from appropriations for the purpose  
30 under the General Appropriations Act, as well as from appropriate infrastructure projects  
31 funds of the implementing agency concerned, with counterpart funds from the  
32 concerned local government units.

1           **SEC. 5. *Appropriation for Acquisition of Right-of-Way or Site for Infrastructure***  
2 *Project in Advance of Project Implementation.* - The Government shall provide  
3 adequate appropriation that will allow the concerned implementing agencies to acquire  
4 the required right-of-way and/or site or location for the government infrastructure  
5 projects.

6           **SEC. 6. *Separability Clause.*** - If any provision of this Act is declared  
7 unconstitutional or invalid, other parts or provisions hereof not affected thereby shall  
8 continue to be in full force and effect.

9           **SEC. 7. *Repealing Clause.*** - All laws, decrees, orders, rules and regulations or  
10 parts thereof inconsistent with this Act are hereby repealed or amended accordingly.

11           **SEC. 8. *Effectivity Clause.*** - This Act shall take effect fifteen (15) days following  
12 its publication in at least two (2) newspapers of general circulation.

Approved,

ELEVENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
First Regular Session )

'98 SEP 28 P6:56

SENATE

RECEIVED BY:                     

S. B. No. 1223

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**Introduced by Senator Sergio Osmeña III**

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It is a known fact that the completion of many infrastructure projects is hampered by problems in the acquisition of rights-of-way. Expropriation cases usually take several years before they are finally disposed of by the courts because of the number of cases pending before the courts.

This not only delays the infrastructure projects but also unduly burdens the owners of the property sought to be expropriated.

Prompt resolution of these expropriation cases will result in the efficient implementation of infrastructure projects. This can be achieved with the designation by the Supreme Court of special courts that will exclusively handle right-of-way cases.

The bill also provides for the streamlining of expropriation procedures, including the filing of a deposit with the court by the implementing agency, immediate issuance of the Writ of Possession which will authorize the agency to enter the property and start implementation of the project, and the immediate remittance of the deposit to the property owner.

To fast-track the implementation of projects, early passage of this bill is therefore earnestly requested.

  
**SERGIO OSMEÑA III**  
Senator

ELEVENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
First Regular Session )

'98 SEP 28 P 6:56

SENATE

RECEIVED BY:         

S. B. No. 1223

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**Introduced by Senator Sergio Osmeña III**

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**AN ACT  
PROVIDING FOR MEASURES TO FACILITATE THE ACQUISITION OF  
RIGHT-OF-WAY FOR INFRASTRUCTURE PROJECTS,  
AND FOR OTHER PURPOSES**

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

1           Section 1. **Declaration of Policy.** – It is hereby declared the policy of the State  
2 to promote the efficient execution of government infrastructure projects through, among  
3 others, the prompt acquisition and clearance of the right-of-way for the said projects, in  
4 order to reap the social and economic benefits therefrom as soon as possible and to avoid  
5 unnecessary increase in construction cost due to delayed project implementation.

6  
7           Section 2. **Special Right-of-Way Courts.** -- The Supreme Court may designate  
8 any lower courts as Special Right-of-Way Courts, which shall exclusively handle cases  
9 involving the acquisition, thru expropriation or other means, of private land or other real  
10 property, including structures and other improvements therein, required as right-of-way  
11 or sites of government infrastructure projects, including those of government-owned or  
12 controlled corporations and local governments.

13  
14           Section 3. **Right-of-Way Acquisition Procedures.** -- The government may  
15 acquire land and other real property needed as right-of-way for its infrastructure projects,  
16 thru donation, negotiated sale, or expropriation.

1           If the property is to be acquired thru expropriation, the government implementing  
2 agency responsible for the infrastructure project shall file with the Court the  
3 corresponding expropriation case. The said implementing agency shall make a deposit  
4 with the Court in the amount of (a) fifty percent (50%) of the estimated value of the land,  
5 based on the latest relevant Zonal Valuation of the Bureau of Internal Revenue, and (b)  
6 fifty percent (50%) of the estimated value of the structures and improvements on the  
7 land, based on the estimates of the Building Official of the City or Municipality where  
8 the land is located.

9           Upon receipt of the said deposit, the Court shall immediately issue to the said  
10 government implementing agency a “Writ of Possession” for the property. With this  
11 Writ of Possession, the said implementing agency may enter and take possession of the  
12 subject property and start the implementation of the project. The Court shall immediately  
13 order the remittance of the said deposit to the owner of the property.

14           Within sixty (60) days from the date of the filing of the expropriation case with  
15 the Court or before the date of the completion of the infrastructure project, whichever  
16 comes earlier, the Court shall determine the just compensation to be paid to the owner for  
17 the property acquired, based on the market value of the property. On or before the date  
18 of the completion of the project, the said implementing agency shall pay to the owner of  
19 the property the difference between the just compensation as determined by the Court and  
20 the said fifty (50%) deposit.

21  
22           Section 4. **Squatter Relocation Sites.** -- The government, thru the National  
23 Housing Authority in coordination with the local government units and implementing  
24 agencies concerned, shall establish and develop squatter relocation sites, including the  
25 provision of adequate utilities and services, in anticipation of squatters that have to be  
26 removed from the right-of-way of future infrastructure projects. The concerned local  
27 government units shall administer the relocation sites.

28           Upon receipt of the “Writ of Possession” or “Permit to Enter” for a property to be  
29 used as the right-of-way for an infrastructure project, the government implementing

1 agency concerned is authorized to effect the immediate relocation of any squatters from  
2 the said right-of-way to the said relocation sites.

3 Funds for the relocation sites shall come from appropriations for the purpose  
4 under the General Appropriations Act, as well as from appropriate infrastructure project  
5 funds of the implementing agency concerned, with counterpart funds from the concerned  
6 local government units.

7

8 **Section 5. Appropriation for Acquisition of Right-of-Way in Advance of**  
9 **Project Implementation.** -- The government shall provide adequate appropriation that  
10 will allow the concerned implementing agencies to acquire the required right-of-way for  
11 the infrastructure projects well in advance of actual project implementation.

12

13 **Section 6. Restriction on Restraining Orders and Injunctions.** -- No court,  
14 except the Supreme Court, shall issue any Restraining Order or Preliminary Injunction to  
15 stop or suspend the acquisition, clearance, and development of the right-of-way for any  
16 government infrastructure project. Similarly, no local government unit or any official or  
17 employee thereof shall stop or suspend the acquisition, clearance, and development of the  
18 right-of-way for any government infrastructure.

19

20 **Section 7. Sanctions.** -- Violations of, or non-compliance with, the provisions of  
21 this Act shall subject the government official or employee concerned to administrative,  
22 civil and/or criminal sanctions, including suspension and/or dismissal from the  
23 government service and forfeiture of benefits.

24

25 **Section 8. Rules and Regulations.** -- A Committee composed of the Secretaries  
26 of the Department of Public Works and Highways, the Department of Transportation and  
27 Communications, the Department of Energy, the Department of Interior and Local  
28 Government, and the Department of Justice shall prepare the necessary rules and

1 regulations for the proper implementation of this Act within ninety (90) days upon the  
2 approval hereof.

3

4       Section 9. **Separability Clause.** -- If any provision of this Act is declared  
5 unconstitutional or invalid, other parts or provisions hereof not affected thereby shall  
6 continue to be in full force and effect.

7

8       Section 10. **Repealing Clause.** -- All laws, decrees, orders, rules and  
9 regulations or parts thereof inconsistent with this Act are hereby repealed or amended  
10 accordingly.

11

12       Section 11. **Effectivity Clause.** -- This Act shall take effect fifteen (15) days  
13 following its publication in at least two (2) newspapers of general circulation.

Approved.

'99 SEP 21 A8:52

ELEVENTH CONGRESS OF THE REPUBLIC } s.s.  
OF THE PHILIPPINES }  
Second Regular Session }

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SENATE

Senate Bill No. 1728

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Introduced by Senator Robert S. Jaworski Sr.  
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**EXPLANATORY NOTE**

There is no denying that government infrastructure projects have to be expedited in view of the intent of the government to effect the re-structural adjustments it is undertaking. This is in response to the economic principle that for any country to be attractive to foreign investors the necessary infrastructure must be present. The present administration has shown its sincerity to fulfill its commitment in uplifting the quality of life of Filipinos, as shown by the continuation of the liberalization policies which was started by the Aquino and Ramos administrations.

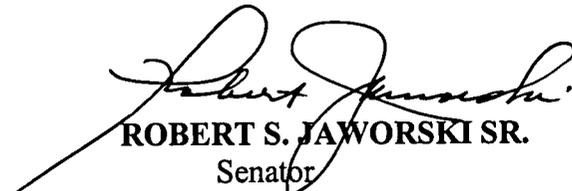
The administration of President Estrada has in fact taken bolder steps to ensure that the economic gains of the country and the relative stability being enjoyed by many may not be lost. There are massive programs on food security, peace and order, and strengthening of the democratic institutions. The combination of these programs exemplifies a balanced approach to national growth and development. Nobody is sidelined. Everybody is enjoined to participate.

In its effort to put in place the needed infrastructure facilities, it is often met by resistance. This is understandable in a free country like ours. However, there is a pressing concern that cannot be relegated in the background. Individual interests are often the motivation of resistance in so many cases.

For example, the construction of the P200 million megadike in Central Luzon was met by stiff opposition from some residents. Although the end goal is to protect the lives and properties of the people in the area, many resorted to court battles to keep the government away from their property situated along the channel of the dike. Few realized that when portions of the dike collapsed, the same could be attributed to the delay of the implementation of the project.

While the government observes the constitutional right of our people for just compensation, it is submitted in this measure that the collective interest of this country should prevail over individual self-serving motives. It is hightime that the government exert all its effort for the speedy development of this country.

In view of the foregoing, approval of this measure is earnestly requested.

  
ROBERT S. JAWORSKI SR.  
Senator

'99 SEP 21 A8:52

ELEVENTH CONGRESS OF THE REPUBLIC } s.s.  
OF THE PHILIPPINES }  
Second Regular Session }

RECEIVED BY:     

SENATE

Senate Bill No. 1728

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Introduced by Senator Robert S. Jaworski Sr.

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AN ACT  
FACILITATING ACQUISITION OF RIGHT-OF-WAY FOR GOVERNMENT  
INFRASTRUCTURE PROJECTS AND FOR OTHER PURPOSES

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

**Section 1. Declaration of Policy.**—It is hereby declared the policy of the State to promote the efficient execution of government infrastructure projects through among other, the prompt acquisition and clearance of the right-of-way for the said projects, in order to reap the social and economic benefits therefrom as soon as possible and to avoid the unnecessary increase in construction cost due to delayed implementation.

**Section 2. Special Right-of-Way Courts.** --- The Supreme Court may designate lower courts as Special Right-of-Way Courts, which shall exclusively handle cases involving the acquisition, thru expropriation or other means, of private lands or other real property, including structures and other improvements therein required as right-of-way or sites of government infrastructure projects, including those of government-owned or controlled corporations and local government undertakings.

**Section 3. Procedure.**— a) The government, any of its subdivisions, or any government owned or controlled corporations may acquire land or any other real property needed as right-of-way for its infrastructure projects thru donation, negotiated sale or expropriation.

b) If the property is to be acquired thru expropriation, the government implementing agency responsible for the infrastructure project shall file with the Court the corresponding expropriation case. The said implementing

agency shall make a deposit with the Court in the amount of (a) fifty percent (50%) of the estimated value of the land, based on the latest relevant Zonal Valuation of the Bureau of Internal Revenue or the average value of the property for the past three (3) years based on the assessment of the City or Provincial Assessor's Office , and (b) fifty percent (50%) of the estimated value of the structures and improvements on the land, based on the estimates of the Building Official of the City or Municipality where the land is located.

- c) Upon receipt of the said deposit, the Courts shall immediately issue to the implementing agency a "Writ of Possession" for the property. Thereafter, the implementing agency may enter and take possession of the subject property and start the implementation of the project. The Court shall immediately order the remittance of the said deposit to the owner of the property.
- d) Within sixty (60) days from the date of filing of the expropriation case with the Court or before the date of the completion of the infrastructure project, whichever comes earlier, the Court shall determine the just compensation to be paid to the owner for the property acquired, based on the market value of the property. On or before the date of the completion of the project, the implementing agency shall pay to the owner of the property the difference between the just compensation as determined by the Court and the said fifty percent (50%) deposit.

**Section 4. Relocation Sites.**—The National Housing Authority (NHA), in coordination with the local government units and implementing agencies concerned, shall establish and develop squatter relocation sites, including the provision of adequate utilities and services in anticipation of squatters that have to be removed from the right-of-way of future infrastructure projects. The local government unit shall administer the relocation sites.

Upon receipt of the "Writ of Possession" or "Permit to Enter" for the property to be used as the right-of-way for an infrastructure project, the government implementing agency concerned is hereby authorized to effect the immediate relocation of any squatters from the said right-of-way to the relocation sites.

**Section 5. Appropriations.**—Funding for the relocation sites shall come from the General Appropriations Act of the concerned agency with a counterpart fund from the local government unit for the administration of the site.

**Section 6. Restriction on Restraining Orders and Injunctions.**—Except the Supreme Court, no other court shall be allowed to issue any Restraining Order or Preliminary Injunction to stop or suspend the acquisition, clearance, and development of the right-of-way for government infrastructure projects.

The same prohibition shall apply to any local government unit or agencies vested with quasi-judicial powers.

**Section 7. Penalties.**—Any person, civil or juridical, who violates the provisions of this Act shall pay damages to the Philippine government at least fifty percent (50%) of the total cost of the project.

Government officials and employees shall suffer criminal and civil sanctions including suspension or removal from office when warranted by evidence.

**Section 8. Implementing Agency.**—The Department of Public Works and Highways (DPWH) shall be the lead agency in implementing the provisions of this Act. It shall coordinate with the Department of Interior and Local Government (DILG), Department of Transportation and Communications (DOTC), Department of Energy (DOE), and the Department of Justice (DOJ) for the preparation of the implementing rules and regulations for this law.

**Section 9. Separability Clause.**—If any provision of this Act is declared unconstitutional or invalid, other parts or provisions hereof not affected thereby shall continue to be in full force and effect.

**Section 10. Repealing Clause.**—All laws, decrees, orders, and rules and regulations inconsistent with the provisions of this Act are hereby repealed and modified accordingly.

***Section 11. Effectivity.***-- This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any newspaper of general circulation.

Approved,

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