



## HOUSE OF REPRESENTATIVES

H. No. 1422

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INTRODUCED BY HONORABLE BATERINA, VERGARA, TULAGAN, LORENZO-VILLAREAL, CALIMBAS-VILLAROSA, AUMENTADO, VERCELES JR., PALMA GIL, LIBAN, ABAYON, LIBANAN, MONFORT, BADELLES, ROMUALDO, ANGARA-CASTILLO, CRUZ (T.), GULLAS AND ESCUDERO, PER COMMITTEE REPORT NO. 226

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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 House of Representatives of the Philippines in Congress assembled:*

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

8           SEC. 2. *Special Right-of-Way Courts.* – The Supreme Court may  
9 designate any lower court as Special Right-of-Way Court, which shall

1 exclusively handle cases involving the acquisition, thru expropriation or  
2 other means, of private land and/or other real property including structures  
3 and other improvements therein, required as right-of-way or sites of  
4 government infrastructure projects including those of government-owned  
5 and -controlled corporations and local governments.

6 SEC. 3. *Right-of-Way Acquisition Procedures.* – The government  
7 may acquire land and other real property needed as right-of-way for its  
8 infrastructure projects, through donation, negotiated sale or expropriation.

9 If the property is to be acquired through expropriation, the  
10 government implementing agency responsible for the infrastructure project  
11 shall file with the Court the corresponding expropriation case. The said  
12 implementing agency shall make a deposit with the Court in the amount of  
13 (a) fifty percent (50%) of the estimated value of the land, based on the  
14 latest relevant zonal valuation of the Bureau of Internal Revenue, and (b)  
15 fifty percent (50%) of the estimated value of the structures and  
16 improvements on the land, based on the estimates of the building official of  
17 the city or municipality where the land is located.

18 Upon receipt of the said deposit, the Court shall immediately issue  
19 to the said government implementing agency a “Writ of Possession” for the  
20 property. With this “Writ of Possession,” the said implementing agency  
21 may enter and take possession of the subject property and start the  
22 implementation of the project. The Court shall immediately order the  
23 remittance of the said deposit to the owner of the property.

1           Within sixty (60) days from the date of filing of the expropriation  
2 case with the Court or before the date of the completion of the  
3 infrastructure project, whichever comes earlier, the Court shall determine  
4 the just compensation to be paid to the owner for the property acquired  
5 based on the market value of the property. On or before the date of the  
6 completion of the project, the said implementing agency shall pay to the  
7 owner of the property the difference between the just compensation as  
8 determined by the Court and the said fifty percent (50%) deposit.

9           SEC. 4. *Squatter Relocation Sites.* – The government, through the  
10 National Housing Authority, in coordination with the local government  
11 units and implementing agencies concerned, shall establish and develop  
12 squatter relocation sites including the provision of adequate utilities and  
13 services, in anticipation of squatters who have to be removed from the  
14 right-of-way of future infrastructure projects. The concerned local  
15 government units shall administer the relocation sites.

16           Upon receipt of the “Writ of Possession” or “Permit to Enter” for a  
17 property to be used as the right-of-way for an infrastructure project, the  
18 government implementing agency concerned is authorized to effect the  
19 immediate relocation of any squatters from the said right-of-way to the said  
20 relocation sites.

21           Funds for the relocation sites shall come from appropriations for the  
22 purpose under the General Appropriations Act, as well as from appropriate

1 infrastructure project funds of the implementing agency concerned with  
2 counterpart funds from the concerned local government units.

3         SEC. 5. *Appropriation for Acquisition of Right-of-Way in Advance*  
4 *of Project Implementation.* – The government shall provide adequate  
5 appropriations that will allow the concerned implementing agencies to  
6 acquire the required right-of-way for the infrastructure projects well in  
7 advance of actual project implementation.

8         SEC. 6. *Restriction on Restraining Orders and Injunctions.* – No  
9 court, except the Supreme Court, shall issue any Restraining Order or  
10 Preliminary Injunction to stop or suspend the acquisition, clearance and  
11 development of the right-of-way for any government infrastructure project.  
12 Similarly, no local government unit or any official or employee thereof  
13 shall stop or suspend the acquisition, clearance and development of the  
14 right-of-way for any government infrastructure project. This Act, however,  
15 shall not in any way modify, alter, amend or abrogate Sections 28 and 29  
16 of Republic Act No. 7279.

17         SEC. 7. *Sanctions.* – Violations or noncompliance of the provisions  
18 of this Act shall subject the government official or employee concerned to  
19 administrative, civil and/or criminal sanctions including suspension and/or  
20 dismissal from the government service and forfeiture of benefits.

21         SEC. 8. *Rules and Regulations.* – A committee composed of the  
22 secretaries of the Department of Public Works and Highways, the  
23 Department of Transportation and Communications, the Department of

1 Energy, the Department of the Interior and Local Government and the  
2 Department of Justice shall prepare the necessary rules and regulations for  
3 the proper implementation of this Act within ninety (90) days upon the  
4 approval hereof.

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

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

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

Approved,

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