



HOUSE OF REPRESENTATIVES

H. No. 6571

BY REPRESENTATIVES GONZALES (A.), MOMO, PLEYTO, RECTO, HERRERA, ALVAREZ (J.), AQUINO, BOSITA, CHATTO, CRUZ (A.), CRUZ (R.), DAGOOC, DOMINGO, DUJALI, DY (I.P.), EMANO, FORTES, FRESNEDI, GARCIA (M.A.), GARCIA (V.), GALEOS, LARA, LEE, LOYOLA, LUISTRO, MAGSINO, MARQUEZ, OLASO, PANALIGAN, REGENCIA, RIVERA, REVILLA (R.J.), ROBES, SALI, SALVAME, TAN (J.), TANCHAY, TARRIELA, TULFO (R.W.), UMALI, VILLARICA, YAP (C.), CASTRO (F.), DIMAPORO (M.K.), DIMAPORO (S.A.), DY (F.), MADRONA, MARIÑO, OUANO-DIZON, ROQUE, SALIMBANGON, VALMAYOR, RIVERA, DALIPE, MERCADO-REVILLA AND CUA, PER COMMITTEE REPORT NO. 222

**AN ACT
PROVIDING ADDITIONAL GUIDELINES IN THE ACQUISITION OF
RIGHT-OF-WAY, SITE, OR LOCATION FOR NATIONAL GOVERNMENT
INFRASTRUCTURE PROJECTS, AMENDING FOR THE PURPOSE REPUBLIC
ACT NO. 10752, OTHERWISE KNOWN AS “THE RIGHT-OF-WAY ACT”**

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

1 **SECTION 1.** Section 4 of Republic Act No. 10752 is hereby amended to read as follows:
2

3 **“SEC. 4. Modes of Acquiring Real Property.** – The government may acquire
4 real property needed as right-of-way, site or location for any national government
5 infrastructure project through donation, negotiated sale, expropriation or any other
6 mode of acquisition as provided for by law.

7 In case of lands granted through Commonwealth Act No. 141, as amended,
8 otherwise known as “The Public Land Act” **AND REPUBLIC ACT**
9 **NO. 10023, OTHERWISE KNOWN AS THE “RESIDENTIAL FREE**
10 **PATENT ACT,”** the implementing agency shall:

1 (a) Follow the other modes of acquisition enumerated in this Act, if the landowner
2 is not the original patent holder and any previous acquisition of said land is
3 not through a gratuitous title; or

4 **(B) FOLLOW THE MODES OF ACQUISITION PROVIDED FOR IN THIS**
5 **ACT IF THE LANDOWNER IS THE ORIGINAL PATENT HOLDER**
6 **OR HAS ACQUIRED THE LAND FROM THE ORIGINAL PATENT**
7 **HOLDER THROUGH A GRATUITOUS TITLE, AND HAS**
8 **ACTUALLY CONTINUOUSLY OCCUPIED AND MADE**
9 **PRODUCTIVE USE OF AT LEAST TWENTY PERCENT (20%) OF**
10 **THE LAND FOR THE LAST TEN (10) YEARS; OR**

11 ~~(b)~~(C) Follow the provisions under Commonwealth Act 141, as amended,
12 regarding acquisition of right-of-way on patent lands **UNDER THE SAID**
13 **ACT**, if the landowner is the original patent holder or the acquisition of the
14 land from the original patent holder is through a gratuitous title; **OR**

15 ~~(e)~~(D) **FOLLOW THE MODES OF ACQUISITION PROVIDED FOR IN**
16 **THIS ACT, IF THE LANDOWNER HAS A VALID TITLE UNDER**
17 **REPUBLIC ACT NO. 10023.**

18 The implementing agency may utilize donation or similar mode of acquisition
19 if the landowner is a government-owned or government-controlled corporation.

20 **PRIOR TO THE ACQUISITION OF PROPERTIES TO BE USED**
21 **AS RIGHT-OF-WAY FOR AN INFRASTRUCTURE PROJECT, THE**
22 **IMPLEMENTING AGENCY SHALL PREPARE A RIGHT-OF-WAY**
23 **ACTION PLAN (RAP). THE RAP SHALL CONTAIN A CENSUS AND**
24 **PROFILE OF AFFECTED PERSONS, INVENTORY OF AFFECTED**
25 **ASSETS, ESTIMATED RIGHT-OF-WAY COSTS, INCLUDING**
26 **COMPENSATION FOR AFFECTED LAND, STRUCTURES AND**
27 **IMPROVEMENTS, CROPS AND TREES, RELOCATION ASSISTANCE,**
28 **INCLUDE BUT NOT LIMITED TO THE FOLLOWING: (1) INCOME**
29 **LOSS; (2) INCONVENIENCE ALLOWANCE; (3) REHABILITATION**
30 **ASSISTANCE; (4) RENTAL SUBSIDY; AND (5) TRANSPORTATION**
31 **ALLOWANCE OR ASSISTANCE, SCHEDULE OF IMPLEMENTATION,**

1 **INSTITUTIONAL ARRANGEMENTS, AND PROOF OF STAKEHOLDER**
2 **CONSULTATIONS.**

3 When it is necessary to build, construct, or install on the subsurface or
4 subterranean portion of private and government-owned lands owned, occupied or
5 leased by other persons, such infrastructure as subways, tunnels, underpasses,
6 waterways, floodways, or utility facilities as part of the government’s infrastructure
7 and development project, the government or any of its authorized representatives
8 shall not be prevented from entry into and use of such private and government
9 lands by surface owners or occupants, if such entry and use are made more than
10 [~~fifty (50)~~] **FORTY (40)** meters from the surface.

11 **FOR SUBTERRANEAN INFRASTRUCTURE PROJECTS, NO**
12 **COMPENSATION SHALL BE PAID BY THE GOVERNMENT FOR THE**
13 **USE OF PORTIONS OF SUCH LANDS DEEPER THAN FORTY (40)**
14 **METERS FROM THE SURFACE, EXCEPT FOR THE COST OF**
15 **EXISTING STRUCTURES THEREIN THAT ARE AFFECTED BY THE**
16 **PROJECTS. PORTIONS OF SUCH LANDS AND STRUCTURES WITHIN**
17 **A DEPTH OF FORTY (40) METERS FROM THE SURFACE, HOWEVER,**
18 **SHALL BE COMPENSATED IN ACCORDANCE WITH THE**
19 **PROVISIONS OF THIS ACT.**

20 **IF THE NATIONAL GOVERNMENT PROJECT INVOLVES**
21 **UNDERGROUND WORKS WITHIN A DEPTH OF FORTY (40) METERS**
22 **FROM THE SURFACE, THE IMPLEMENTING AGENCY SHALL**
23 **PURSUE EITHER OF THE FOLLOWING OPTIONS, DEPENDING ON**
24 **THE PROJECT CONCEPT IN THE APPROVED FEASIBILITY STUDY:**

25 **(A) IF THE PROJECT CONCEPT INVOLVES THE ACQUISITION**
26 **OF SUBTERRANEAN PORTIONS OF THE PROPERTY ONLY, THE**
27 **IMPLEMENTING AGENCY SHALL OFFER TO THE OWNER, THE**
28 **EASEMENT OF THE SAID SUBTERRANEAN PORTIONS FOR USE IN**
29 **THE PROJECT FOR AN EASEMENT FEE EQUIVALENT TO TWENTY**
30 **PERCENT (20%) OF THE CURRENT MARKET VALUE OF THE**
31 **AFFECTED LAND OR ITS APPLICABLE BUREAU OF INTERNAL**
32 **REVENUE (BIR) ZONAL VALUE, WHICHEVER IS HIGHER. IN**

1 **ADDITION, THE IMPLEMENTING AGENCY SHALL OFFER TO THE**
2 **OWNER THE PAYMENT OF (i) THE REPLACEMENT COST OF ALL**
3 **IMPROVEMENTS OR STRUCTURES AFFECTED BY THE PROJECT,**
4 **AND (ii) THE CURRENT MARKET VALUE OF ALL CROPS OR TREES**
5 **AFFECTED BY THE PROJECT, IN ACCORDANCE WITH THE**
6 **PROVISIONS OF THIS ACT.**

7 **IF THE OWNER REJECTS THE SAID OFFER FOR EASEMENT,**
8 **THE IMPLEMENTING AGENCY SHALL INITIATE EXPROPRIATION**
9 **PROCEEDINGS FOR THE AFFECTED SUBTERRANEAN PORTIONS**
10 **OF THE PROPERTY, AND SHALL DEPOSIT TO THE PROPER COURT,**
11 **IN FAVOR OF THE OWNER, AN AMOUNT EQUIVALENT TO THE**
12 **SUM OF (i) TWENTY PERCENT (20%) OF THE CURRENT MARKET**
13 **VALUE OF THE AFFECTED LAND OR ITS APPLICABLE BIR ZONAL**
14 **VALUE, WHICHEVER IS HIGHER, (ii) THE REPLACEMENT COST OF**
15 **IMPROVEMENTS OR STRUCTURES AFFECTED BY THE PROJECT,**
16 **AND (iii) THE CURRENT MARKET VALUE OF CROPS OR TREES**
17 **AFFECTED BY THE PROJECT. THE FINAL AMOUNT OF**
18 **COMPENSATION TO BE PAID TO THE OWNER SHALL BE**
19 **DETERMINED BY THE COURT.**

20 **(B) IF THE PROJECT CONCEPT INVOLVES THE ACQUISITION**
21 **OF THE ENTIRE PROPERTY, INCLUDING BOTH SURFACE AND**
22 **SUBTERRANEAN PORTIONS, THE IMPLEMENTING AGENCY**
23 **SHALL FOLLOW THE PROVISIONS OF THIS ACT.**

24 **IN THE CASE OF ACQUISITION OF LANDS WITHIN**
25 **ANCESTRAL DOMAINS COVERED BY CERTIFICATES OF**
26 **ANCESTRAL DOMAIN TITLE (CADT) OR LANDS WITH PENDING**
27 **ISSUANCE OF THE CADT WHICH THE NATIONAL COMMISSION ON**
28 **INDIGENOUS PEOPLES (NCIP) CONFIRMS AS ANCESTRAL**
29 **DOMAIN, THE IMPLEMENTING AGENCY SHALL SECURE THE**
30 **NECESSARY CERTIFICATION PRECONDITION, AFTER WHICH AN**
31 **INFRASTRUCTURE RIGHT-OF-WAY EASEMENT AGREEMENT**
32 **SHALL BE EXECUTED BY AND BETWEEN THE IMPLEMENTING**

1 AGENCY AND THE NCIP-CERTIFIED INDIGENOUS POLITICAL
2 STRUCTURE AS PROVIDED FOR IN REPUBLIC ACT NO. 8371,
3 OTHERWISE KNOWN AS THE “INDIGENOUS PEOPLE’S RIGHTS
4 ACT” OR IPRA OF 1997. UNDER THIS MODE, THE INDIGENOUS
5 CULTURAL COMMUNITIES OR INDIGENOUS PEOPLES SHALL
6 GRANT THE IMPLEMENTING AGENCY THE ABSOLUTE AND
7 UNIMPEDED RIGHT TO USE THE AFFECTED PORTION OF THEIR
8 ANCESTRAL DOMAIN AS INFRASTRUCTURE RIGHT-OF-WAY FOR
9 AS LONG AS THE PUBLIC PURPOSE REQUIREMENT SUBSISTS:
10 *PROVIDED, HOWEVER,* THAT THE INDIGENOUS CULTURAL
11 COMMUNITIES OR INDIGENOUS PEOPLES SHALL RETAIN
12 OWNERSHIP OF THAT PORTION OF THE LAND. FOR INDIGENOUS
13 CULTURAL COMMUNITIES OR INDIGENOUS PEOPLES WITH NO
14 ESTABLISHED INDIGENOUS POLITICAL STRUCTURE, THE
15 PROVISIONS OF THE IPRA ON THE PROCESS OF FREE AND PRIOR
16 INFORMED CONSENT SHALL BE OBSERVED. THE EASEMENT
17 PRICE TO BE PAID SHALL BE THE SUM OF (i) TWENTY PERCENT
18 (20%) OF THE CURRENT MARKET VALUE OF THE LAND OR ITS
19 APPLICABLE BIR ZONAL VALUE, WHICHEVER IS HIGHER, (ii) THE
20 REPLACEMENT COST OF IMPROVEMENTS OR STRUCTURES
21 AFFECTED BY THE PROJECT, AND (iii) THE CURRENT MARKET
22 VALUE OF CROPS OR TREES AFFECTED BY THE PROJECT.

23 FOR FOREIGN-ASSISTED PROJECTS WITH OFFICIAL
24 DEVELOPMENT ASSISTANCE, NOTWITHSTANDING THE
25 PROVISIONS OF THIS ACT, THE GUIDELINES AND PROCEDURES
26 CONCERNING RIGHT-OF-WAY ACQUISITION UNDER THE
27 APPROVED LOAN OR GRANT AGREEMENT SIGNED AND
28 EXECUTED BY THE GOVERNMENT OF THE PHILIPPINES AND THE
29 OFFICIAL DEVELOPMENT ASSISTANCE INSTITUTION SHALL
30 BE OBSERVED.

31 SEC. 2. Subparagraphs (a), (b), (e), (f) and (g) of the first paragraph and the second
32 paragraph of Section 5, Republic Act No. 10752 are hereby amended to read as follows:

1 “**SEC. 5. Rules on Negotiated Sale.** – The implementing agency may offer to
2 acquire, through negotiated sale, the right-of-way, site or location for a national
3 government infrastructure project, under the following rules:

4 (a) The implementing agency shall offer to the property owner the following
5 sums as compensation:

6 (1) The current market value of the land **OR THE APPLICABLE ZONAL**
7 **VALUE SET BY THE BIR, WHICHEVER IS HIGHER;**

8 (2) The replacement cost of structures and improvements, **INCLUDING**
9 **MACHINERY** therein, **WHICH COVERS THE COST OF PROVIDING**
10 **SIMILAR STRUCTURES OR IMPROVEMENTS IN PLACE OF THE**
11 **AFFECTED STRUCTURES OR IMPROVEMENTS AT CURRENT**
12 **MARKET PRICES WITHOUT DEDUCTING DEPRECIATION;**

13 (3) The current market value of crops and trees therein; **AND**

14 (4) **OTHER APPROPRIATE COMPENSATION, SUCH AS**
15 **FOR INCOME LOSS, DISTURBANCE COMPENSATION, AND**
16 **INCONVENIENCE ALLOWANCE, AS DETERMINED BY THE**
17 **IMPLEMENTING AGENCY.**

18 To determine the appropriate price offer, the implementing agency may
19 engage the services of a government financial institution with adequate experience
20 in property appraisal, or an independent property appraiser [~~accredited by the~~
21 ~~Bangko Sentral ng Pilipinas (BSP) or a professional association of appraisers~~
22 ~~recognized by BSP to~~]. **THE INDEPENDENT PROPERTY APPRAISER**
23 **MUST POSSESS THE LICENSE REQUIRED FOR A REAL ESTATE**
24 **APPRAISER BY THE PROFESSIONAL REGULATION COMMISSION**
25 **AND MUST BE REGISTERED WITH THE PROFESSIONAL**
26 **REGULATORY BOARD OF REAL ESTATE SERVICE, PURSUANT TO**
27 **REPUBLIC ACT NO. 9646, OTHERWISE KNOWN AS THE “REAL**
28 **ESTATE SERVICE ACT OF THE PHILIPPINES”. THE INDEPENDENT**
29 **PROPERTY APPRAISER SHALL** be procured, **EITHER BY ITSELF OR AS**
30 **PART OF A CONSULTING GROUP**, by the implementing agency under the
31 provisions of Republic Act No. 9184, otherwise known as the “Government

1 Procurement Reform Act” and its implementing rules and regulations pertaining to
2 consulting services.

3 ~~[If the property owner does not accept the price offer, the implementing~~
4 ~~agency shall initiate expropriation proceedings pursuant to Section 6 hereof.]~~

5 The property owner is given thirty (30) days to decide whether or not to accept
6 the offer as payment for his property. Upon refusal or failure of the property owner
7 to accept such offer or fails or refuses to submit the documents necessary for
8 payments, the implementing agency shall immediately initiate expropriation
9 proceedings as provided in Section 6 herein.

10 (b) Subparagraph a(2) of Section 5 hereof shall also apply to all owners
11 of structures and improvements who do not have legally recognized rights to the
12 land **OF ALL TYPES, WHETHER GOVERNMENT OR PRIVATE,**
13 **ACQUIRED AS RIGHT-OF-WAY FOR INFRASTRUCTURE PROJECTS,**
14 and who meet all of the following criteria:

15 (1) Must be a Filipino citizen;

16 (2) Must not own any real property or any other housing facility, whether in
17 an urban or rural area; ~~and]~~

18 (3) Must not be a professional squatter or a member of a squatting syndicate,
19 as defined in Republic Act No. 7279, otherwise known as the “Urban Development
20 and Housing Act of 1992”; **AND**

21 **(4) MUST NOT OCCUPY AN EXISTING RIGHT-OF-WAY WHICH IS**
22 **TITLED TO THE GOVERNMENT.**

23 (e) The property owner and the implementing agency shall execute a deed of
24 absolute sale: *Provided*, That the property owner has submitted to the implementing
25 agency the Transfer Certificate of Title, Tax Declaration, Real Property Tax
26 Certificate, and other documents necessary to transfer the title to the Republic of
27 the Philippines. The implementing agency shall cause the annotation of the Deed
28 of Absolute Sale on the Transfer Certificate of Title: **PROVIDED, FURTHER,**
29 **THAT IN THE CASE OF UNTITLED LANDS, THE POSSESSOR OF**
30 **PROPERTY SHALL SUBMIT TO THE IMPLEMENTING AGENCY THE**
31 **(i) TAX DECLARATION SHOWING THE OWNER’S AND THE**
32 **PREDECESSORS’ OPEN, CONTINUOUS, EXCLUSIVE, AND**

1 NOTORIOUS POSSESSION OF THE LAND FOR AT LEAST TEN (10)
2 YEARS; (ii) AFFIDAVIT FROM AT LEAST TWO (2) DISINTERESTED
3 RESIDENTS OF THE BARANGAY WHERE THE LAND IS LOCATED
4 THAT THE OWNER OR THE PREDECESSORS HAVE CONTINUOUSLY
5 OCCUPIED THE LAND FOR AT LEAST TEN (10) YEARS; (iii) REAL
6 PROPERTY TAX CERTIFICATE, (iv) CERTIFICATION FROM THE
7 DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
8 (DENR) THAT THE LAND IS ALIENABLE AND DISPOSABLE;
9 (v) TECHNICAL DESCRIPTION OF THE PROPERTY AND A MAP
10 BASED ON A SURVEY CONDUCTED BY A LICENSED GEODETIC
11 ENGINEER AND APPROVED BY THE DENR; AND (vi) OTHER
12 DOCUMENTS THAT SHOW OWNERSHIP: *PROVIDED, FURTHER,*
13 *THAT UPON SUBMISSION OF ALL THE ABOVE-LISTED*
14 *REQUIREMENTS TO CAUSE THE TRANSFER OF THE TITLE TO THE*
15 *REPUBLIC OF THE PHILIPPINES, THE PROPERTY OWNER SHALL BE*
16 *REIMBURSED OF THE COST THEREOF UPON SUFFICIENT PROOF.*

17 (f) Upon the execution of a deed of sale, the implementing agency shall pay the
18 property owner:

19 [(1)] (1A) [~~Fifty(50%)~~] **ONE HUNDRED** percent (**100%**) of the negotiated
20 price of the affected land, exclusive of taxes remitted to the LGU under
21 subparagraph (d) herein: [~~and~~] *PROVIDED, THAT THE TITLE TO THE*
22 *LAND IS CLEAN, AND FREE OF ENCUMBRANCES, AND READILY*
23 *TRANSFERABLE TO THE NAME OF THE REPUBLIC OF THE*
24 *PHILIPPINES; OR*

25 (1B) **FIFTY PERCENT (50%) OF THE NEGOTIATED PRICE FOR**
26 **UNTITLED LAND, EXCLUSIVE OF TAXES REMITTED TO THE LGU**
27 **UNDER SUBPARAGRAPH (D) HEREIN, AND WHICH MEET THE**
28 **REQUIREMENTS UNDER SUBPARAGRAPH (E) HEREIN, OR LANDS**
29 **WITH LIEN, OR IN CASES WHERE THE OWNER IS DECEASED AND**
30 **THE HEIRS ARE IN THE PROCESS OF SETTTLING THE ESTATE; AND**

1 (2) Seventy percent (70%) of the negotiated price of the affected structures,
2 improvements, **INCLUDING MACHINERY**, crops and trees, exclusive of unpaid
3 taxes remitted to the LGU under subparagraph (d) herein.

4 (g) The implementing agency shall, at the times stated below, pay the property
5 owner the remaining fifty percent (50%) of the negotiated price of the affected land
6 **UNDER SUBPARAGRAPH (F)-(1B) HEREIN**, and thirty percent (30%) of the
7 affected structures, improvements, **INCLUDING MACHINERY**, crops and
8 trees, exclusive of unpaid taxes remitted to the LGU concerned under
9 subparagraph (d) herein: *Provided*, That the land is already completely cleared of
10 structures, improvements, crops and trees:

11 (1) At the time of the transfer of title in the name of the Republic of the
12 Philippines, in cases where the land is wholly affected; or

13 (2) At the time of the annotation of a deed of sale on the title, in cases where
14 the land is partially affected.

15 The provisions of subparagraph (a) herein shall also apply to outstanding
16 claims for right-of-way payments, except that the amount to be offered shall be the
17 [~~price~~] **ZONAL VALUE OF THE BIR** at the time of taking of the property,
18 including legal interest until fully paid.

19 **SEC. 3.** Subparagraphs (a) and (b) of the first paragraph of Section 6, Republic Act
20 No. 10752 are hereby amended to read as follows:

21 “**SEC. 6. Guidelines for Expropriation Proceedings.** – Whenever it is
22 necessary to acquire real property for the right-of-way, site or location for any
23 national government infrastructure through expropriation, the appropriate
24 implementing agency, through the Office of the Solicitor General, the Office of the
25 Government Corporate Counsel, or their deputized government or private legal
26 counsel, shall initiate the expropriation proceedings before the proper court under
27 the following guidelines:

28 (a) Upon the filing of the complaint or at any time thereafter, and after due
29 notice to the defendant, the implementing agency shall immediately deposit to the
30 court in favor of the owner the amount equivalent to the sum of:

1 (1) One hundred per cent (100%) of the value of the land based on the current
2 relevant zonal valuation of the BIR, issued not more than three (3) years prior to
3 the filing of the expropriation complaint subject to subparagraph (c) of this section;

4 (2) The replacement cost at current market value of the improvements or
5 structures, **WHICH INCLUDE THE COST OF PROVIDING SIMILAR**
6 **STRUCTURES OR IMPROVEMENTS IN PLACE OF THE AFFECTED**
7 **STRUCTURES OR IMPROVEMENTS AT CURRENT MARKET PRICES**
8 **WITHOUT DEDUCTING DEPRECIATION**, as determined by:

9 (i) The implementing agency; **OR**

10 (ii) A government financial institution with adequate experience in property
11 appraisal; ~~and~~ **OR**

12 (iii) An independent property appraiser, ~~[accredited by the BSP]~~ **SELECTED**
13 **IN ACCORDANCE WITH SUBPARAGRAPH (A) OF SECTION 5**
14 **HEREOF, THAT MUST POSSESS THE LICENSE REQUIRED FOR A**
15 **REAL ESTATE APPRAISER BY THE PROFESSIONAL REGULATION**
16 **COMMISSION AND IS REGISTERED AS SUCH WITH THE**
17 **PROFESSIONAL REGULATORY BOARD OF REAL ESTATE SERVICE**
18 **PURSUANT TO REPUBLIC ACT NO. 9646.**

19 (3) The current market value of crops and trees located within the property as
20 determined by the government financial institution, [or] an independent property
21 appraiser to be selected as indicated in subparagraph (a) of Section 5 hereof, **OR**
22 **BY A RELEVANT GOVERNMENT AGENCY;**

23 **(4) OTHER APPROPRIATE ENTITLEMENTS, SUCH AS INCOME**
24 **LOSS, DISTURBANCE COMPENSATION, AND INCONVENIENCE**
25 **ALLOWANCE, AS DETERMINED BY THE IMPLEMENTING AGENCY.**

26 Upon compliance with the abovementioned guidelines, the court shall
27 immediately issue to the implementing agency an order to take possession of the
28 property and start the implementation of the project.

29 If, within seven (7) working days after the deposit to the court of the amount
30 equivalent to the sum under subparagraphs (a)(1) to (a)~~(3)~~(4) of this section, the
31 court has not issued to the implementing agency a writ of possession for the
32 affected property, the counsel of the implementing agency shall immediately seek

1 from the court the issuance of the writ of possession. The court shall issue the writ
2 of possession *ex parte*; no hearing shall be required.

3 The court shall release the amount to the owner upon presentation of sufficient
4 proofs of ownership.

5 (b) In case the owner of the property cannot be found, unknown, or deceased
6 in cases where the estate has not been settled, after exerting due diligence, or there
7 are conflicting claims over the ownership of the property and improvements and/or
8 structures thereon, the implementing agency shall deposit the amount equivalent to
9 the sum under subparagraphs (a)(1) to (a)~~(3)~~(4) of this section to the court for the
10 benefit of the person to be adjudged in the same proceeding as entitled thereto.

11 Upon compliance with the guidelines abovementioned, the court shall
12 immediately issue to the implementing agency an order to take possession of the
13 property and start the implementation of the project.

14 If, within seven (7) working days after the deposit with the court of the amount
15 equivalent to the sum under subparagraphs (a)(1) to (a) ~~(a)(3)~~(4) of this section,
16 the court has not issued to the implementing agency a writ of possession for the
17 affected property, the counsel of the implementing agency shall immediately seek
18 with the court the issuance of the writ of possession.

19 The court shall release the said amount to the person adjudged in the same
20 expropriation proceeding as entitled thereto.

21 **SEC. 4.** The first paragraph of Section 9 of Republic Act No. 10752 is hereby amended to
22 read as follows:

23 **“SEC. 9. *Relocation of Informal Settlers.*** – The ~~[government]~~
24 **DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (DHSUD),**
25 through the ~~[Housing and Urban Development Coordinating Council (HUDCC)~~
26 ~~and the National Housing Authority (NHA)]~~ **APPROPRIATE KEY SHELTER**
27 **AGENCY,** shall in coordination with the LGUs and implementing agencies
28 concerned establish and develop resettlement sites for informal settlers, including
29 the provision of adequate basic services and community facilities, pursuant to the
30 provisions of the Republic Act No. 7279, otherwise known as the “Urban
31 Development and Housing Act of 1992.” Whenever applicable, the concerned
32 LGUs shall provide and administer the resettlement sites.

1 **SEC. 5.** Section 11 of Republic Act No. 10752 is hereby amended to read as follows:

2 **“SEC. 11. *Regulation of Developments within Declared Right-of-Way.*** –

3 Upon the approval of an infrastructure project by the head of the implementing
4 agency concerned, with funding authorized in the General Appropriations Act and
5 with [~~defined right of way~~] **APPROVED PARCELLARY SURVEY PLANS**,
6 no National Government Agency or Local Government Unit shall, within two
7 (2) years from date of notice of taking, allow any development or construction, or
8 issue any building, construction, development or business permit, which is
9 contrary to the approved plans and purposes of the project, within the said right-
10 of-way, unless explicitly authorized by the head of the implementing agency for
11 justifiable reasons. **THE IMPLEMENTING AGENCY SHALL PROVIDE**
12 **THE CONCERNED NATIONAL AGENCIES AND LGUS A COPY OF**
13 **THE NOTICE OF TAKING UPON ITS ISSUANCE.**

14 **SEC. 6.** Section 13 of Republic Act No.10752 is hereby amended to read as follows:

15 **“SEC. 13. *Implementing Rules and Regulations (IRR).*** – A committee shall
16 prepare, in consultation with key stakeholders, the IRR for the proper
17 implementation of this Act within sixty (60) days from its approval.

18 The committee shall be composed of the following officials or their duly
19 designated representatives:

20 (a) Secretary of the Department of Public Works and Highways as
21 Chairperson;

22 (b) Secretary of the Department of Transportation [~~and Communications~~] as
23 member;

24 (c) Secretary of the Department of Energy as member;

25 **(D) SECRETARY OF THE DEPARTMENT OF INFORMATION**
26 **AND COMMUNICATIONS TECHNOLOGY AS MEMBER;**

27 **(E) SECRETARY OF THE DEPARTMENT OF ENVIRONMENT**
28 **AND NATURAL RESOURCES AS MEMBER;**

29 **(F) SECRETARY OF THE DEPARTMENT OF AGRICULTURE AS**
30 **MEMBER;**

31 **(G) SECRETARY OF THE DEPARTMENT OF INTERIOR AND**
32 **LOCAL GOVERNMENT AS MEMBER;**

1 **(H) SECRETARY OF THE DEPARTMENT OF FINANCE AS**
2 **MEMBER;**

3 **(I)** Secretary of the Department of Justice as member;

4 **(J)** Secretary of the Department of Budget and Management as member;

5 **(K)** Director General of the National Economic and Development Authority
6 as member;

7 **(L)** [~~Chairperson~~] **SECRETARY** of the [~~HUDCC~~] **DEPARTMENT OF**
8 **HUMAN SETTLEMENTS AND URBAN DEVELOPMENT** as member;

9 **(M) SECRETARY OF THE DEPARTMENT OF AGRARIAN**
10 **REFORM AS MEMBER;** and

11 **(N)** Other representatives of concerned entities as determined by the
12 committee as members.

13 **SEC. 7. *Transitory Clause.*** – The provisions of this Act shall apply to all right-of-way
14 transactions, except those which, as of the effectivity of this Act, the implementing agency and
15 the property owner have reached a written agreement on the agreed amount of compensation.

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

18 **SEC. 9. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in the
19 *Official Gazette* or in a newspaper of general circulation.

Approved,