



OFFICE OF THE SECRETARY

Manila

NOV 21 2018

DEPARTMENT ORDER)
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**SUBJECT: DISPOSITION OF RIGHT
OF WAY CLAIMS FOR
JUST COMPENSATION IN
REGION XII**

No. _____
Series of 2018 *11. 21. 18*

As the Right of Way (ROW) "scam" surfaced in Region XII, this Office finds it necessary to protect the interest of the government. However, this is without prejudice to the rights of valid and legitimate owners of properties affected to claim for just compensation pursuant to the 1987 Constitution and the law at the time of taking or, if applicable, Republic Act No. 10752 (RA 10752) and its Implementing Rules and Regulations (IRR), and the urgency to complete the existing and planned government projects requiring ROW acquisition.

Accordingly, it is imperative to revisit Department Order No. 153, Series of 2017 (DO 153) and revalidate all requests for ROW claims for just compensation in Region XII, being mindful of various operative facts that might have already occurred.

Particularly, there may be instances when there are valid and legitimate outstanding claims prior to the issuance of D.O. 153, Series of 2017, viz: (1) the letter offer for the negotiated sale of the property was already accepted by the land owner, or Deed of Sale was already executed between the land owner and this Government covering the same; (2) a permit to enter was already granted by the property owner on the premise that the said property owner will be paid pursuant to RA 10752 and its IRR, or existing Right of Way law at the time of taking, subject to the applicability of Republic Act 10752 pursuant to the transitory provision; (3) there is an urgent need to acquire ROW for the purpose of the future or existing government projects.

The claims for just compensation should, therefore, be processed pursuant to the law at the time of taking or RA 10752 and its IRR, if applicable, **subject to the following due diligence guidelines** to ensure that the interest of the government is protected from fraudulent claims, viz:

1. In case of land registered under the Torrens system of registration:
 - a. Submission by the Implementing Unit (IU) of a **certification from the Registry of Deeds** that the property original certificate of title of the property or transfer certificate of title is existing with the Registry of Deeds; and

- b. Submission by the IU concerned of the **certified true copies** of titles and tax declaration.
2. In case of unregistered lands - submission by the IU of the following documents pursuant to the Section 6.12 of the IRR of RA 10752, viz:
 - a. Certified true copies of tax declarations and realty tax payments as proof of possession in the concept of an owner of the property for at least (30) years;
 - b. Proof that the land is classified as alienable and disposable as approved by the Department of Environment and Natural Resources (DENR) Secretary and certified as a true copy by the legal custodian of the official records, and that the land is within the approved area per verification through survey by the PENRO or CENRO;
 - c. Certification from the court and the assessor's office that there is no pending case involving the ownership of the property;
 - d. Other documents that may show proof of ownership.
 3. **Verified sworn statement** or certification by the highest ranking official, employee or personnel of the IU stating that:
 - a. They have verified the location of the properties concerned in relation to the government project and that the same is necessary for ROW;
 - b. They have conducted due diligence from the Land Registration Authority, Registry of Deeds, Local Government Unit, Barangay and other pertinent government offices to establish the identity of the property owners and location of the property to be affected by the ROW acquisition;
 - c. They attest to the genuineness of the documents submitted to DPWH Central Office.

The Regional Office should verify the accuracy of the claimants and the description of the properties subject of the ROW claims, and the existence

and authenticity of the documents in support of such proof of ownership, including the completeness of the documents.

The certified true copies of the titles and tax declaration should have been obtained by the IU from the Land Registration Authority and/or Municipality concerned **should not be earlier than October 2018**.

4. The foregoing requirements as enumerated in Nos. 1 to 3 hereof shall be **forwarded to the Right of Way Acquisition and Enforcement Division of the DPWH Central Office (ROWAED)**, which shall ascertain the completeness of the same. Otherwise, they shall be returned to the Regional Office for further compliance.
5. The ROWAED shall then **submit a consolidated list of titles affected by the ROW claim to the Land Registration Authority (LRA), Central Office, to verify its existence in its records and authenticity**.
6. On the basis of the compliance with the said documents and procedure undertaken, the ROWAED shall **transmit** the same to the Regional Offices or PPP Services, as the case may be, for the processing of claims for just compensation.
7. Upon payment of the said claims, the Regional Office shall process the titling or annotation of the subject properties in the affected titles and transmit the same to the Central Office for filing in the National Archives and entry in the ROW data base.

These procedure and requirements shall apply to all pending and future claims for compensation in Region XII and shall be without prejudice to the right of this Department to hold or suspend processing of any claims for just compensation in the event that the Department finds or suspects any irregularity in the documents submitted or its surrounding circumstances.

This order modifies, clarifies, and amends Department Order 153, Series of 2017 and shall take effect immediately.


MARK A. VILLAR
Secretary

Department of Public Works and Highways
Office of the Secretary



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