



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS
OFFICE OF THE SECRETARY
MANILA

AUG 08 2002

DEPARTMENT ORDER

NO. **185**
Series of 2002 8-08-02

SUBJECT: CREATION OF AN
INFRASTRUCTURE RIGHT-
OF-WAY TASK FORCE
(IROW) FOR VALIDATING
AND / OR PAYING
OUTSTANDING RIGHT OF
WAY CLAIMS (ROAD AND
FLOOD CONTROL)

In line with the Department's current reform efforts in streamlining and strengthening of policies and procedures, an Infrastructure Right of Way (IROW) Task Force is hereby created to address the outstanding Right of Way claims (both Road and Flood Control). The purpose of this Task Force is to ensure that the claims are legitimate, validated, and properly valued, to recommend payment priorities for these claims, and to make sure that payments are properly made.

I. Composition of the IROW Task Force

The IROW Task Force shall have the following members:

- Engr. Patrick Gatan, Project Manager IV, PMO-Manggahan Floodway - Chairperson
- Atty. Julieta D. Delfin, Legal Officer IV, Site Acquisition & Law Enforcement Division, Legal Service - Co-Chairperson
- Engr. Gil R. Villanueva, Project Manager IV, PMO-ADB
- Atty. Carlito Guimbarda, Legal Officer IV, Contract Letting and Litigation Division, Legal Service
- Engr. Froilan Y. Turingan, Engineer V, PAD II, Bureau of Construction

The Task Force shall be assisted by a Technical Working Group and Secretariat composed of personnel from PMO-Manggahan Floodway, DPWH Region V (Legal Staff), Legal Service (Site Acquisition & Law Enforcement Division), Bureau of Design (Survey and Investigation Division), Planning Service (Programming Division), CFMS (Assets and Supplies Management Control Division), and a Regional Office representative from each Region, to be designated by the IROW Task Force Chairperson as recommended by the head of offices concerned.

The above-mentioned IROW Task Force shall be responsible to the Secretary through the Executive Committee.

II. Duties and Responsibilities

The IROW Task Force is hereby created to effect the proper evaluation, management and settlement of all unpaid claims for right-of-way (ROW). The Task Force shall have the following functions:

1. Conduct an inventory of all unpaid or partially paid claims for ROW including any new claims received; prepare a comprehensive Master List of Claims and regular updates of the Master List of Claims;
2. Undertake screening of all claims in the said Master List and validation of the claims, including verification of the authenticity of all documents submitted and the ownership claimed; conduct inspection of project sites where the effected properties are located to ensure that the value of the claim is reasonable and in the best interest of the Government; recommend to the Secretary, through the Executive Committee, the priority of the payments, reductions, and cancellation of claims, in accordance with the Guidelines in Annex A of this Department Order;
3. Recommend to the Secretary, through the Executive Committee, the allocation of funds, including other mechanisms for payment and other sources of funds;
4. Manage the distribution of these funds to the appropriate Implementing Offices and monitor the sub-allotment advices (SAA) and disbursements of these funds, ensuring that the Implementing Office properly liquidates all ROW disbursements, and that the Master List of Claims is properly updated for all payments;
5. Coordinate with appropriate offices in the Department and other government agencies including Local Government Units;
6. Recommend appropriate disposition of deficient or spurious claims, as well as the appropriate disciplinary action on erring officials and staff;
7. Ensure the transfer, in the name of the Republic of the Philippines (DPWH), of all titles and other tenurial instruments of acquired properties by the Implementing Office;
8. Prepare an Action Plan for the IROW Task Force to achieve the objectives of this Department Order, and monitor the said Action Plan;
9. Recommend to the Secretary, through the Executive Committee, the list of claimants, and the value of the claim to be included in the Master List of Approved Claimants qualified to receive compensations, while subjecting questionable ROW claims to further scrutiny or verification in consultation with the Implementing Offices and other Agencies concerned.
10. Implement other related tasks assigned by the Secretary.

The Task Force shall have the appropriate funds for its day-to-day operations from the Engineering Supervision and Administrative Overhead (ESAO) Funds. The IROW Task Force is authorized to utilize all necessary and appropriate offices within the DPWH, avail itself of the services of the Provincial/City/MMDA Appraisal Committee, and hire Independent Appraisers in accordance with existing rules and regulations, as necessary.

The Task Force shall coordinate with the following Government and Line Agencies, among others, in carrying out its tasks:

- Department of Budget and Management
- Department of Environment and Natural Resources
- Department of Agrarian Reform

- Department of Finance
- Department of Interior and Local Government
- Department of Justice
- Records Management and Archives Office (National Archives)
- Land Registration Authority
- Land Management Bureau / Land Management Sector
- Housing and Urban Development Coordinating Council
- Local Government Units

This Order shall take effect immediately and supersede all previous Department Orders and other issuances or any provision thereof that are inconsistent herewith.


SIMEON DATUMANONG
Secretary

ANNEX A**GUIDELINES FOR VALIDATING CLAIMS AND RECOMMENDING PAYMENT PRIORITIES FOR CLAIMS****Validating Claims**

The IROW Task Force will validate all alleged outstanding Right of Way claims including any new claims of completed projects received, and include them in the Master List of Claims if the claim has found to meet the following:

1. All the following documents have been found to be complete and authentic to ensure that the claims are legitimate and validated:
 - Deed of sale signed by the owner and the duly authorized personnel of the DPWH;
 - Transfer Certificate of Title or Original Certificate of Title certified as true copy by the Registrar of Deeds
 - Tax Declaration certified as true copy by the Assessor's Office
 - Official receipts of tax payments for the past five (5) years or tax clearance issued by the local treasurer
 - Certification by the Regional Director that said lot is within the boundaries of the right-of-way limits as shown in the parcellary survey
 - Certification by the Planning Service that the claim is not within the ROW of a converted provincial road
 - Bill of materials, cost estimates for improvements, certified by head of Implementing Office or validated by Ad Hoc Committee organized for the purpose
 - Clear photographs (before and after demolition) of the improvements certified by Head of Implementing Office
 - Appraised value of trees and crops, certified by the Provincial / City / MMDA Assessor
 - Original parcellary survey plan, or if none, verification survey plan with sketches certified correct by Regional Director or Project Director
 - If a claim is for a portion of a property, the DENR approved subdivision plan must be provided
 - Certification from the Head of the Implementing Office that there is no previous pending claim nor that payment has already been received (or disclosure of partial payments received) for the acquisition of said property by the government.
 - Project Profile of the project certified correct by the Regional Director or Project Director
 - If the claim involves a structure or improvement, the copy of The Agreement to Demolish and Remove must be provided
 - In the case when the structure occupant or owner is different from the land owner, certification by Assessor's Office, Barangay Captain, and land owner that the claimant for housing structure resided in the property before the cut-off date

2. The value of the claim is found to be reasonable and in the best interest of the Government by the IROW Task Force to ensure that the claims are properly valued using any one of the following certifications:
 - Certification of zonal valuation from the Bureau of Internal Revenue
 - Resolution of appraisal value from the Provincial / City / MMDA Appraisal Committee
 - Certification of fair market value from the Independent Land Appraiser

Guidelines For Addressing Questionable Claims

In the event that the IROW Task Force has determined that the claim is questionable, the following guidelines will be utilized to further evaluate the claim:

1. If claims are not supported by any or all the required documents or in case such documents have not been satisfactorily authenticated by the proper authorities or officials abovementioned, said documents shall be returned to the Implementing Office for obtaining missing or incomplete documents, and/or for further validation and verification of documents; a copy shall also be furnished to the claimant so they are aware of the actions that are being taken;
2. The IROW Task Force may require the Implementing Office to provide additional information or documents, and/or seek the recommendation of the Provincial/City/MMDA Appraisal Committee, and/or utilize an Independent Appraiser, and/or conduct an ocular inspection of documents and/or properties under the following conditions:
 - a. The area allegedly taken exceeds the right of way limits or is outside the right of way boundaries;
 - b. The unit land valuation exceeds the unit cost of adjacent properties;
 - c. The unit structure valuation exceeds the unit cost of structures of the same construction material in the vicinity;
 - d. The value of individual or total claims already exceeds actual project cost or land acquisition budget;
 - e. Data on land valuation is different from that reflected on the deed of sale, or the structure valuation is different from that indicated on the claim;
 - f. Technical description on the deed of sale is different from that of the title, subdivision, survey plan or parcellary survey;
 - g. Current or previous proof of ownership is a free patent, Certificate of Ancestral Domain, Certificate of Land Ownership Award, Spanish Title, tax declaration, court order, or presidential proclamation;
 - h. If land is part of a body of water or easement of any body of water per the Water Code;
 - i. If land is already part of a road lot prior to this right-of-way acquisition;
 - j. For any deficiency found in the appraisal, the IROW Task Force may request from the Appraisal Committee the basis of the appraisal;
 - k. For any other deficiency the IROW Task Force finds with the information or documents provided.
3. The IROW Task Force may recommend the cancellation of a claim under the following conditions:

- a. The land and/or structure has already been acquired and fully paid by the Department;
 - b. The claimant has an existing/ duplicate claim on the same property or structure;
 - c. Name of claimant does not appear on the official census of PAPS;
 - d. Land or structure is not indicated on the parcellary map or Structure Map certified by the Regional Director/Project Director, or is outside the right of way boundaries;
 - e. If the claim has been found to be within the Right of Way of a converted Provincial Road;
 - f. For any other legitimate reason the IROW Task Force finds for disallowing the claim.
4. The IROW Task Force may reduce the value of the claim if:
- a. The Provincial/City/MMDA Appraisal Committee find that value of the property is lower than the amount claimed;
 - b. The Independent Appraiser finds that the value of the claim is lower than the amount claimed;
 - c. The IROW Task Force finds that a portion of the property, structures, improvements, or trees and crops is not within the Right of Way limits that is not properly justified;
 - d. Partial payments have already been paid to the claimant for the claim but have not been reflected in the amount of the claim;
 - e. Any other legitimate reason the IROW Task Force finds for reducing the claim.

Guidelines For Recommending Payment Priorities of Claims

In case the lump sum allotment for right of way payments will not be sufficient for paying all pending validated claims on the Master List of Claims, priority of payment of the claims shall be made in the following order:

1. The first P200,000 of all validated claims in the Master List of Claims shall be paid to all claimants nationwide up to the value of the claim. In case the allotment is not large enough to pay P200,000 on all claims, the amount shall be reduced so that all claimants are paid equally, which is computed by $(\text{Amount of Allotment} / \text{Number of Validated Claims} = \text{Amount per Claimant})$.
2. If the allotment is large enough to pay the first P200,000 of all valid claims, then the excess amount of the allotment is to be divided equally among the claims over P200,000 up to value of the claim until the allotment is exhausted.

The IROW Task Force will be responsible for determining the amount recommended to be paid to each claimant based upon the criteria above, making the request for the SARO distribution (to be approved by the Secretary), and ensure that the approved SARO amounts have the proper Sub-Allotment Advice (SAA) prepared and issued, that the disbursement is properly liquidated, and that the amounts actually paid to claimants are reflected in the Master List of Claimants. Implementing Offices are required to submit to the IROW Task Force quarterly (or as required by the IROW Task Force) copies of all SARO's, SAA's, NCA's, Disbursement Vouchers, and claims made for ROW in an organized manner. If the

Implementing Office does not submit all of this information and documents in an organized manner as required, then all ROW claims for the Implementing Office will be suspended until the same has been submitted.

This process will be followed for every ROW allotment until all claims are settled.

Project Profile And Description

The project profile and description shall be submitted prior to the screening of the claims for the project, certified by the Regional Director or PMO Project Director, containing the following information:

1. Name of Project and Location
2. Description of Project
3. Project Cost (actual), with a breakdown for civil works costs, ROW costs, and other costs
4. Length of Project and width of right-of-way
5. Actual Stations and Limits of Project
6. Date Started
7. Date Completed
8. Name of Contractor
9. Name of Project Manager and Project Engineer
10. Total amounts already paid for right-of-way acquisition
 - a. By the Contractor
 - b. By the DPWH
11. Straight-line diagram for construction and right-of-way limits