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**COALITIONS for CHANGE**

CEC REFORM STORY NO. 2 | MAY 2016

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# COALITIONS FOR CHANGE HELPS TITLE PUBLIC SCHOOL SITES



The Australian Embassy and The Asia Foundation, through its Coalitions for Change (CfC) flagship program, hopes to effect policy reform by encouraging civil society, the private sector, the academe, and the government to work together and contribute to transformative change.

CfC works on development concerns that are consistent with the government's agenda: improving education outcomes, reducing vulnerabilities to disaster, ensuring peace and stability in Mindanao, promoting economic growth, and advocating for effective governance.

A surprising 90 percent of 46,379 sites of Philippine public schools are not properly titled. This is problematic because schools may be vulnerable to usurpation and adverse claims of ownership if their rights to the property remain unclear. In several cases, the heirs of donors successfully regained the titles to the donated land, leading to the loss of the schools and displacing students, parents, and teachers. The lack of titles also deter private individuals and corporations from

donating classrooms and other needed facilities.

The Coalitions for Change (CfC) program worked with the Department of Education (DepEd) and Department of Environment and Natural Resources (DENR) to unravel the problem. In 2013, CfC helped obtain land titles for 2,053 schools; an unprecedented 51,225 percent increase from the previous average of four titles per year.

# 46,379 SCHOOLS

Source: DepEd, as of November 2013

**10%  
Titled**

**Number of Public  
School Sites**

**STATUS OF LAND TITLE**

Transfer Certificate of Title <sup>1</sup>	3,725
Usufruct Agreement <sup>2</sup>	540
Special Patent <sup>3</sup>	96
Presidential Proclamation <sup>4</sup>	348
<b>Total No. Schools Titled Properly</b>	<b>4,709</b>



**90%  
Untitled**

**STATUS OF LAND TITLE**

Tax Declaration	20,004
Deed of Donation	19,363
Deed of Sale	1,981
Survey Plan	322
<b>Total No. Schools Not Properly Titled</b>	<b>41,670</b>

**Number of Public  
School Sites**

<sup>1</sup> Transfer Certificate of Title certifies ownership of a particular land parcel given its location, size, and registration number as well as previous ownership

<sup>2</sup> Usufruct Agreement: gives someone a right to enjoy the property of another, given that its form and substance is preserved, unless otherwise provided by law

<sup>3</sup> Special Patents (Titles) may be issued under the name of a national agency or local government unit concerned, with the land's de-acquisition subject to the approval of Congress or sanggunian (local council) concerned

<sup>4</sup> A Proclamation of the President is promulgated with the force of an executive order (Administrative Code of 1987, Book III, Chapter 2, Section 4)

## DEVELOPMENT CHALLENGE

Majority of untitled public schools are covered by two types of claims: by tax declaration or by deed of donation. The former comes from tax payments paid by the DepEd to local governments in order to claim ownership. The latter are properties donated to the DepEd by prominent local families as gifts to the community.

Recognizing this negative impact, DepEd and DENR established the National Task Force on School Sites Titling (NTFSSST) in April 2011<sup>1</sup> with the aim to:

- firmly establish ownership of school sites occupied by public elementary and secondary schools nationwide
- contribute to the further development and improvement of the public school system on a more stable basis
- protect the rights and interests of the DepEd from legal and administrative issues affecting school sites, and
- ensure that the funds allocated for the titling and acquisition of DepEd properties will be utilized pursuant to the provisions of the national budget.

## THE PARTNERSHIP IN ACTION

In January 2014, Coalitions for Change began to work with DENR and DepEd to explore an alternative to the traditional approach which is based on Commonwealth Act No. 341, the amended Public Land Act of 1936.<sup>2</sup> The CA 341 titling process required two separate Presidential approvals. The first is a Presidential Proclamation reserving the land for use as public school site and the second is Presidential approval of a 'special patent' (title), awarding the parcel to DepEd. This cumbersome and time-consuming double Presidential approval process has produced unsatisfactory results, with an average of only four public schools titled per year.

CIC recommended using the Residential Free Patent Act of 2010<sup>3</sup> as the legal basis for an improved and more streamlined titling process. The law had two main innovations:

1. Using the administrative option as opposed to a longer judicial procedure for titling
2. Devolving the authority to approve title applications from the Central office to Provincial DENR offices

While the law primarily covered residential lands, a provision in Section 4 covered untitled government sites, such as city halls, parks, schools, etc. Senator Edgardo Angara who was then Secretary of Education included the section after witnessing the eviction of public schools due to the lack of titles. But despite its inclusion in the law in 2010, DENR had not issued the implementing rules and regulations.

It was between January and May in 2014, when CIC helped prepare, present, and discuss the draft rules with the National Task Force and within various DENR offices. By June 2014, the draft rules were presented to the final approving authority, the DENR Executive Committee, headed by DENR Secretary Ramon Paje. Unsure of his authority to dramatically change the titling process, Secretary Paje unexpectedly but understandably sought the Presidential Legal Counsel's opinion.

The challenge was to increase the understanding among decision-makers who may be unfamiliar with complex laws and processes for titling. Initially, the issues and responses were coursed through formal letters among the three agencies: Office of the Presidential Legal Advisor, DENR, and DepEd. Over time it became clear that some of the issues could not be adequately and quickly addressed in written form. For example, the Presidential Legal Advisor seemed unconvinced that the authority of awarding titles could be delegated to the Provincial DENR Officer. Recognizing the impasse, DepEd organized a meeting with Atty. Michael Aguinaldo, Deputy Executive Secretary for Legal Affairs from the office of the Presidential Legal Counsel in July 2014. During that meeting between DepEd and DENR, with assistance from CIC, the issues were discussed and an understanding was reached. As a final step, the CIC Team was asked to submit the complete staff work (CSW), which they immediately submitted in early August 2014, barely a month after the meeting. Soon after, the Presidential Legal Counsel issued a memo affirming the DENR Secretary's authority to issue new rules, and the legal basis of the proposed new rules.

With that memo, the review process of the implementing rules and regulations was restarted. Discussions, consultations, and TWGs were held between DENR and DepEd, with CIC assisting throughout this entire process including drafting talking points, minutes of meetings, preparing briefs and presentations, and preparing the draft rules.

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<sup>1</sup>Department of Education Order No. 33, s. 2011

<sup>2</sup>CA 341 is the law that outline the management and disposition of all public lands.

<sup>3</sup>Republic Act 10023



## THE REFORM'S IMPACT: SCHOOL TITLING SOARS WITH NEW RULES

On March 4, 2015 DENR Secretary Paje issued the new rules for public school titling<sup>1</sup>, authorizing the approval and signing of Special Patents by the Provincial Environment and Natural Resources Officer (PENRO) on behalf of the President.

The new rules unleashed the dedicated DepEd and DENR staff leading to the awarding of 2,053 titles for public schools in 2015. This is a remarkable increase from the previous average of four school titles per year.

With the new rules, it is expected that DepEd and DENR will successfully title the remaining public schools to ensure a stable and secure environment for students and faculty and contribute to improving education. Coalitions for Change has now shifted its focus to helping the government issue rules applicable to all other national and local government lands such as municipal halls, courts, post offices, military reservations, police precincts, and public hospitals, to name a few. As with the public schools, it is hoped that new rules will help agencies and local governments secure clean and proper titles to the parcels they use and occupy to provide public services.

<sup>1</sup>Guidelines for the Processing and Issuance of Special Patents for Public School Sites under Republic Act 10023, DENR Department Administrative Order 2015-01

# NUMBER OF SCHOOLS TITLED

(2010-2015)

