



Republic of the Philippines
Department of Education

for file
RECEIVED
APR 12 2018
DEPED DIVISION OF BAGUIO CITY

28 MAR 2018

OFFICE MEMORANDUM
O M - O S E C - 2 0 1 8 - 0 0 7

TO : **USec. ANNALYN M. SEVILLA**
Finance-Budget and Performance Monitoring (BPM)

USec. JESUS LORENZO R. MATEO
Planning and Field Operations

RECEIVED
APR 10 2018

FROM : 
LEONOR MAGTOLIS BRIONES
Secretary

DEPED-CAR Time: _____

SUBJECT : **GUIDELINES ON THE ACQUISITION OF NEW SCHOOL SITES**

The Department of Education (DepEd) issues the enclosed **Guidelines on the Acquisition of New School Sites** pursuant to Republic Act No. (RA) 10964 otherwise known as the *General Appropriations Act (GAA) of 2018*.

The Congress has allocated a total amount of P76,453,000.00 in GAA 2018 to DepEd for the acquisition, improvement, survey, and titling of school sites.

In Special Provision No. 7 of the DepEd budget in RA 10964, a specific portion of the total amount allocated as Capital Outlay (CO) shall be exclusively used for the acquisition of new school sites to address school congestion, environmental, and safety issues, and for the payment of compensation for existing school sites pursuant to final and executory decisions of the courts.

Strict compliance with this Memorandum is directed.



Republic of the Philippines
DEPARTMENT OF EDUCATION
CORDILLERA ADMINISTRATIVE REGION
Wangal, La Trinidad, Benguet



April 5, 2018


To: **Schools Division Superintendents**
All Division


For information, guidance and compliance.

To: All School Administrators, Principals & Teachers In-Charge
(Elementary & Secondary)

FOR YOUR INFORMATION & APPROPRIATE ACTION

Ord/Ad/Imp


FEDERICO P. MARTIN, Ed.D, CESO VI
Schools Division Superintendent


MAY B. ECLAR, Ph.D., CESO V
Officer-In-Charge
Office of the Regional Director




Republic of the Philippines
Department of Education

28 MAR 2018

OFFICE MEMORANDUM
O M - O S E C - 2 0 1 8 - 0 0 7

TO : **USec. ANNALYN M. SEVILLA**
Finance-Budget and Performance Monitoring (BPM)

USec. JESUS LORENZO R. MATEO
Planning and Field Operations

FROM : 
LEONOR MAGTOLIS BRIONES
Secretary

SUBJECT : **GUIDELINES ON THE ACQUISITION OF NEW SCHOOL SITES**

The Department of Education (DepEd) issues the enclosed **Guidelines on the Acquisition of New School Sites** pursuant to Republic Act No. (RA) 10964 otherwise known as the *General Appropriations Act (GAA) of 2018*.

The Congress has allocated a total amount of P76,453,000.00 in GAA 2018 to DepEd for the acquisition, improvement, survey, and titling of school sites.

In Special Provision No. 7 of the DepEd budget in RA 10964, a specific portion of the total amount allocated as Capital Outlay (CO) shall be exclusively used for the acquisition of new school sites to address school congestion, environmental, and safety issues, and for the payment of compensation for existing school sites pursuant to final and executory decisions of the courts.

Strict compliance with this Memorandum is directed.

**GUIDELINES ON THE ACQUISITION OF SCHOOL SITES IN ACCORDANCE WITH REPUBLIC ACT
(RA) NO. 10964 (GAA 2018)**

This pertains to the guidelines on the acquisition of school sites in accordance with Republic Act (RA) Nos. 10964 (GAA 2018) with an allocation of Php 76,453,000.00 for the budget item Improvement and Acquisition of School Sites.

Legal Bases

Republic Act Nos. 10964 or the General Appropriations Acts of 2018 has allocated a total amount of Php76,453,000.00 to the Department of Education (DepEd) for the improvement and acquisition of school sites. The total budget allocation for the 2018 GAA includes a total amount of Php11,453,000.00 for Maintenance and Other Operating Expenses (MOOE) and Php65,000,000.00 as Capital Outlay (CO).

In the utilization of the said fund, the Department shall take into consideration the need for the new school site/s, and other modes of acquisition such as donation of school sites in the name of DepEd from LGUs and other stakeholders.

The Republic Act (RA) No. 9184 of the "Government Procurement Reform Act" specifically provides that RA 9184 and its IRR shall not apply to the acquisition of real property which shall be governed by Republic Act No. 10752, an amendment to Republic Act No. 8974 or "An Act to Facilitate the Acquisition of Right-of-Way, Site or Location for National Government Infrastructure Projects and for Other Purposes," and other applicable laws.

Republic Act No. 10752 provides that the modes of acquisition of real property include donation, negotiated sale, expropriation or any other mode of acquisition as provided by law.

Since DepEd's budget allocation is for the acquisition of new school sites which would entail the acquisition of real property and any improvements thereon if any, RA No. 10752 will apply.

Determination of the Need for Acquisition of New School Sites

The provision of Republic Act No. 10964 provides that the amount of Php765,000,000.00 for FY 2018 shall be used for the acquisition of school sites.

Procedure:

- a. The DepEd Schools Division Superintendent (SDS) shall determine congested schools using the Pupil/Student Classroom Ration (PCR/SCR) and Pupil/Student Land Ration (PLR/SLR).

If the PCR/SCR results in a ratio greater than 45:1, the school is considered congested; if the PLR/SLR values is less than 10:1, connotes the lack of buildable space in the school site; if the PCR/SCR values greater than 56:1 and PLR/SLR values below 3:1 is indicative of acute school congestion.

- b. For acutely congested schools, the SDS shall consider Acquisition of New School Sites as a decongestion strategy. The SDS shall accomplish the Acquisition Assessment Form to identify properties (land or land and buildings) viable for acquisition. The SDS shall submit the Congested Schools Report and Acquisition Assessment Form (Annex 1) to the Regional Office (RO) for review and approval. The RO shall transmit its report to the Office of the Undersecretary for Regional Operations (OURO) with their recommendations.
- c. The Congested Schools Report and the Acquisition Form may be used by the RO for budget planning and programming for the succeeding year.
- d. The OURO shall prioritize which schools shall be included in the list for acquisition of new school sites, taking into consideration the provisions in the General Appropriations Act. The list of qualified schools shall be transmitted to the RO/SDS concerned for appropriate action.
- e. The SDS shall proceed to acquire the properties through donation, negotiated purchase, and expropriation respectively, upon the directives of the Central Office (CO).

Modes of Acquisition of School Sites

1. Donation (Section 3 of FA 897 4; Section 4 of the IRR)

DepEd may explore, as its first option, the donation of the needed portion or whole of the affected properties by their respective owners (i.e. lots with or without improvements).

Procedure:

- a. The DepEd Schools Division Superintendent (SDS) determines acutely-congested schools within their respective areas and identifies the areas where new school sites are needed.
- b. Upon determination of the congested schools and identification of areas needing new school sites, the SDS shall accomplish Acquisition and Assessment forms for the scanned private properties viable for acquisition. The SDS shall also post calls for donation in the areas where new school sites are needed (e.g. Division Office bulletin boards, city/ municipal halls, social media sites etc.). The SDS shall submit the forms to the Regional Office (RO) for review and approval.
- c. When interested parties respond to the call for donations, the SDS shall meet the potential donors and conduct an ocular inspection of the property. An ocular inspection report shall be submitted by the SDS to the RO for review. The RO shall approve the inspection report as to the suitability of the property as a school site and recommend its approval for site acquisition.
- d. Upon approval of the property's suitability as a school site, the SDS shall prepare the Deed of Donation and all pertinent documents for submission to the Central Office (CO) for review and approval. A request for the issuance of a Special Power of Attorney (SPA) authorizing the Regional Director (RD) or the Schools Division Superintendent (SDS) to accept the donation in favor of DepEd shall also be submitted.

shall sign the Deed of Donation. Upon signing of the Deed of Donation, the property owner shall issue to DepEd a permit to enter the property.

f. The SDS shall then process the registration of the donation in the proper Register of Deeds, its annotation in the property's Transfer Certificate of Title (TCT) and the transfer of the property in the name of DepEd.

g. If there are no persons interested to donate their properties, the SDS shall make a written report and submit the report to the RO together with the Acquisition and Assessment Forms. The RO shall submit the report and the forms to the CO for evaluation.

h. The CO shall prioritize the properties that shall be acquired and the priority list shall then be transmitted to the RO and SDS concerned.

i. Upon receipt of the priority list, the SDS shall request the property owners included in the list to donate their properties to DepEd.

j. If the property owner agrees, proceed to step (d). If the property owner does not intend to donate his property, he shall write a letter to the SDS expressing his intention. Upon knowledge of the property owner's intention, the SDS and the property owner shall consider the possibility of a negotiated sale for the acquisition of the property. (See Annex 2)

2. Negotiated Sale or Purchase (Section 5 and 7 of RA 10752; Section 6 and 12 of the IRR)

If the owner of the property is not willing to donate his property, DepEd shall negotiate with the owner for the purchase of the property.

Procedure:

a. If the property owner and the SDS agree on a negotiated sale, the SDS shall prepare an offer of the purchase price of the property based on the current zonal valuation of the BIR in the said area. The offer shall be submitted to the RO for review and upon approval, the SDS shall offer the purchase price to the property owner.

b. If the property owner accepts the purchase price offered by the SDS, the SDS shall prepare the Deed of Sale and other pertinent documents of the property and submit it to the RO for review. The SDS shall also submit a request for an SPA in favor of the RD or SDS to sign the Deed of Sale for and in behalf of DepEd and request for the budget for the acquisition of school sites to the RO for recommendation to the CO. The RO shall forward the Deed of Sale and its attachments, together with the request for SPA and budget to the CO, with its comments and recommendations.

c. The CO shall review the Deed of Sale and recommend its approval to the Office of the Secretary (OSEC). The requisite SPA shall be issued by the OSEC upon approval of the Deed of Sale. The CO shall likewise request from the Department of Budget and Management (DBM) the release of the budget for the payment of the purchase price of the property.

of Sale and the requisite SPA to the RD or SDS for the execution of the sale.

e. Upon receipt of the approved Deed of Sale and SPA, the RD or SDS shall sign and enter into the sale for and in behalf of DepEd. Upon execution and signing of the Deed of Sale, the property owner shall issue DepEd a permit to enter the property. Likewise, the CO shall request the downloading of the budget to the RO/SDS concerned and the property owner shall be paid the purchase price of the property.

f. The SDS shall process the registration of the sale in the proper Register of Deeds, the annotation of the sale in the property's TCT and the transfer of title in the name of DepEd.

g. Upon registration of the sale and the transfer of the property in the name of DepEd, the SDS shall inform the RO and the CO and provide copies of the pertinent documents pertaining to the transfer of property.

h. If the property owner does not agree to the offered purchase price, the SDS will request the property owner to submit his/her offered selling price, signed and sworn to by the owner or his/her authorized representative.

i. The SDS may then engage the services of a government financial institution (GFI) with adequate experience in property appraisal, or an independent property appraiser (IPA) accredited by the Bangko Sentral ng Pilipinas (BSP) or a professional association of appraisers recognized by the BSP to be procured by the implementing office under the provisions of Republic Act No. 9184, otherwise known as the "Government Procurement Reform Act" and its implementing rules and regulations pertaining to consulting services.

The GFI appraiser or the Independent Property Appraiser shall assess the land and improvements in accordance with RA No. 10752 and its IRR and shall submit its appraisal report to the SDS.

If the offered selling price is greater than the appraised value of the property, the SDS shall reject the offer and shall determine the negotiated purchase mode of acquisition to have failed. If the offered selling price is less than or equal to the appraised value of the property, the SDS may accept the offer, subject to review and approval of the Regional Office and the Central Office.

The SDS shall transmit a recommendation report to accept the negotiated purchase price of the property to be acquired to the RO for review and the RD shall recommend its approval to the CO. The CO shall review the RO's recommendations on the resolution and submit it for the approval of the Department Secretary.

j. If the offer is accepted by the Department Secretary, the CO shall direct the SDS to make an offer in writing to the property owner. The property owner is given 15 days within which to decide whether to accept the offer as payment for his property or not.

n. If the property owner rejects the offer or does not respond within 15 days, the SDS shall inform the RO in writing and submit copies of the documents pertaining to the negotiations with the property owner. The SDS shall finally recommend that expropriation proceedings be initiated against the property owner. The RO shall review the documents submitted by the SDS and approve the recommendation of the SDS. (See Annex 3)

Ex- Parte Motion for Issuance of Writ of Possession with the RTC. The CAF and the signed voucher shall be made necessary attachments in the Civil Case.

- i. The court shall issue a Writ of Possession to the plaintiff (DepEd, represented by the SDS), ordering the sheriff or the proper officer to place the plaintiff in possession of the property.
- j. When the decision of the court becomes final and executory, the SDS shall request for budget to pay the difference between the amount the property owner has received and the just compensation due the property owner as decided by the court in the expropriation case. The request shall be forwarded to the RO for recommendation and approval.
- k. The RO shall review the request and recommend its approval to the CO. The CO shall approve the request and forward the same to the DBM, together with the certified true copy of the court's decision in the expropriation case.
- l. Upon release of the budget, DepEd shall pay the property owner the difference between the amount already paid and the just compensation as determined by the court.
- m. Upon payment to the property owner, the SDS shall proceed to the Register of Deeds of the place where the property is located and present a certified true copy of the judgment for proper recording and processing. The SDS shall likewise process the transfer of the title of the property in the name of the DepEd.

4. Other Judicial Proceedings

The SDO concerned shall forward to the Central Office through the Regional Office, the final decision of the court awarding to the Department the land occupied by a public elementary and secondary school or directing the Department to either vacate or pay the amount of the land occupied by a public elementary or secondary school.

Funding Source

For acquisition of existing school sites pursuant to final and executory decisions of the courts, the funds to be utilized for such acquisition shall be taken from the Php65,000,000.00 Capital Outlay under GAA 2018. The acquisition of existing school sites by final and executory decision of the court is pursuant to DepEd Order No. 49, s. 2000.

Other Requirement for Acquisition of New Site

Pursuant to the provision of the abovementioned GAAs (FYs 2016 and 2017) in the acquisition of new school sites, the Department shall take into consideration the vulnerability, risk assessment and geohazard maps of the DENR. Thus, the Schools Division Offices concerned shall request a certification from the Department of Environment and Natural Resources (DENR)- Mines and Geosciences Bureau (MGB) that the property to be acquired is suitable for a school site.