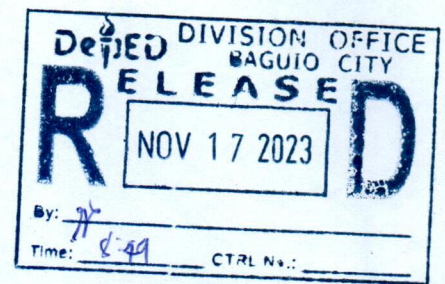




Republic of the Philippines
Department of Education
Cordillera Administrative Region
SCHOOLS DIVISION OF BAGUIO CITY



November 13, 2023

OFFICE MEMORANDUM **025-2023**

**RESOLUTION OF SCHOOL SITE CONCERNS RELATIVE TO THE INFORMAL
SETTLERS AND COMPLETION OF THE REQUIREMENTS FOR THE RENEWAL OF
THE DEED OF USUFRUCT BETWEEN THE DEPARTMENT OF EDUCATION AND
DEPARTMENT OF AGRICULTURE RE: SCHOOL SITE OF DONTOGAN
ELEMENTARY SCHOOL**

TO: CES, SGOD and CID
Educational Facilities Section
Legal Section
School Head, Dontogan Elementary School
Public Schools District Supervisor – Concerned District, and
All Others Concerned

1. In 2008, the Deed of Grant of Usufructuary Rights between the Department of Education and Department of Agriculture represented by the then Regional Executive Director and Schools Division Superintendent, respectively, were signed;
2. Prior thereto, informal settlers involving three structures already exist within the area covered by the grant of usufructuary;
3. The DepEd already initiated an action against one of the informal settlers and one of the issues raised is the authority of the signatories of the 2008 DOU; involving the same informal settlers, the DA in collaboration with the Schools Division Office, successfully stopped the impending construction of another building;
4. During the recent dialogue/meeting among the DA, DepEd-CAR, DepEd-Division of Baguio City, and Dontogan ES officials, an assessment of the school site status was made and the following were found:
 - a. As to the structure located at the center of the school site currently occupied by Rogelio Agcaoili and family – the DepEd initiated a demolition complaint against them; the last pleading received was the *Position Paper for the Respondent*;



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- b. With regard to the structure built by Eliza D. Alimba and family – the second/final demand to vacate was already served by the DA; and
 - c. As regards the New Hope Church – to the DA, this is outside the area of the school site, but in the sketch plan prepared in 2008 based on the technical descriptions provided in the grant of usufructuary, it is within the school site.
5. To resolve the issues, the DepEd and DA proposed and agreed for the following initial actions:
 - a. First structure (Agcaoili family) – Determine the status of the demolition complaint before any legal/court remedy will be initiated; In the event that issue will not be resolved administratively, DepEd will be in-charge in filing civil and/or criminal complaints;
 - b. Second structure (Alimba family) – prepare for the administrative remedy, file a demolition complaint when concern as to the third structure is resolved; and
 - c. Third structure (New Hope Church) – relocation survey is required to determine if it is part of the area granted with usufructuary rights in favor of DepEd; Once resolved, prepare for the administrative remedy
6. It was also agreed upon that the initiation of the abovementioned actions will pave the way for the renewal of the Deed of Grant of Usufructuary Rights even before the period of its expiration on November 10, 2028; When renewed, the Deed will be approved and signed by the respective Department Secretaries or by their authorized representatives after securing the proper Special Power of Attorneys pursuant to current rules and regulations pertaining thereto;
7. Concerned School and SDO officials and personnel are mandated to facilitate the appropriate actions thus:
 - a. First structure
 - i. School Head to follow-up the status of the demolition complaint filed in the Baguio Anti-Squatting and Anti-Illegal Structures Committee and submit the relevant report to the Division Office within five (5) days from receipt of this Memorandum;
 - ii. School Head to secure complete records of the demolition complaint/case and attach to the report before its submission to the Division Office within five (5) days from receipt of this Memorandum;
 - iii. School Head to revive the demolition complaint, if necessary, within five (5) days from the receipt of advice from this Office. Legal Officer and SGOD-Education Facility Section to assist;
 - iv. Legal Officer to coordinate with the DA representatives the report received from the School Head within three (3) days from receipt of the report and attachments, copy furnish the Legal Unit of the Regional Office; and



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- v. If demolition case is dismissed, Legal Officer to complete documents and draft communications to request for representation by the Solicitor General from the School Sites Titling Office of the Central Office, to file civil and/or administrative case. Regular coordination and reporting of the results with the DA must be made.
- b. Second structure
 - i. School Head to file the demolition complaint after the status of the third structure is determined for possible simultaneous filing of said complaint. Legal Officer and SGOD-Education Facility Section to assist;
 - c. Third structure
 - i. Legal Officer to draft and cause the submission of the request-letter for the DA's endorsement in requesting the Department of Environment and Natural Resources and appropriate Baguio City offices to conduct Relocation Survey of Dontogan ES site within five (5) days from the conclusion of the last dialogue/meeting with the DA;
 - ii. Regular coordination among the School Head, the Legal Officer and SGOD-Education Facility Section in completing the requirements of the DENR and City offices for the conduct of said survey;
 - iii. In the event that the request from the DENR and City offices is denied despite the endorsement from the DA, the School Head, the Legal Officer, and SGOD-Education Facilities Section to coordinate with the Division Finance sections for the possible funding and procurement of private surveyor's services; and
 - iv. If the structure is found to be within the school site, School Head to file the demolition complaint together with the complaint against occupants of the second structure within five (5) days from coordination with the DA. Legal Officer and SGOD-Education Facility Section to assist;
 - d. Renewal of the Deed of Grant of Usufructuary Rights upon completion of the requirements
 - i. Legal Officer to facilitate the request of relevant Special Power of Attorney from the Central Office after securing the Regional Office's endorsement, within five (5) days from receipt of advice from the DA.
8. Public Schools District Supervisor concerned shall monitor compliance of the school to the abovementioned requirements and the submission of the relevant reports.
9. Any changes in school administration or district supervision will not render this Memorandum ineffectual.



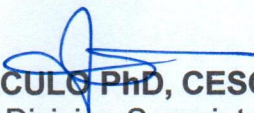
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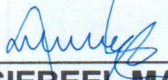
10. For strict compliance.


SORAYA T. FACULO PhD, CESO VI
Assistant Schools Division Superintendent
OIC – Office of the Schools Division Superintendent

Conforme:



JACQUELINE L. FIANZA
School Head
Date: _____



ROSIEBEEL MARZO
PSDS – District 5
Date: _____



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