

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)



SENATE

S. No. 2718

Introduced by Senator FRANCIS "CHIZ" G. ESCUDERO

AN ACT
INSTITUTING REFORMS IN THE ACQUISITION OF RIGHT-OF-WAY FOR
INFRASTRUCTURE PROJECTS BY THE NATIONAL GOVERNMENT AND BY
PUBLIC SERVICE PROVIDERS, AMENDING FOR THE PURPOSE REPUBLIC ACT
NO. 10752, OTHERWISE KNOWN AS THE "RIGHT-OF-WAY ACT"

EXPLANATORY NOTE

The bill seeks to expedite the implementation of infrastructure projects in the country by expanding the application of the law to cover infrastructure projects undertaken by private entities, particularly those that are engaged in public services including, but not limited to: electricity distribution and transmission, petroleum pipeline transmission, water pipeline distribution, wastewater and sewerage management, internet and telecommunications, airport and seaport management, and irrigation project implementation. This allows covered private entities to acquire private lands needed for right-of-way or location for any private infrastructure projects through donation, negotiated sale, expropriation, or any other mode of acquisition as provided by law and the Constitution.

To facilitate the acquisition of land by implementing agencies and private entities, the bill proposes several amendments to the Right-of-Way Act. For land acquisition under negotiated sale, the bill provides that the market value of land, crops and trees, as well as the replacement cost of structures and improvement shall be

reckoned against the schedule of market values as provided under Republic Act No. 12001, otherwise known as Real Property Valuation and Assessment Reform Act.

It also provides a price floor for determining the offer to be made in a negotiated sale, which shall not be lower than the purchase price or acquisition cost of the property concerned. It likewise increases the mandated initial payment to be made to the property owner upon the execution of the deed of sale from fifty percent (50%) to seventy percent (70%) of the negotiated price of affected lands, structures, improvements, crops and trees.

For land acquisition through expropriation proceedings, the bill requires that prior to the issuance of a writ of possession, the government agency or private entity concerned shall deposit to the court, in favor of the property owner, the amount equivalent to fifteen percent (15%) of the market value of land, crops and trees, as well as the replacement cost of structures and improvements.

Finally, the bill restricts to the Supreme Court the power to issue temporary restraining order, preliminary injunction or preliminary mandatory injunction on matters pertaining to the acquisition of right-of-way site or location by government agencies and private entities concerned.

Through these interventions, the proposed measure enhances the government capacity to realize its declared policy to ensure that owners of real property acquired for infrastructure projects are promptly paid just compensation for the expeditious acquisition of the required right-of-way for the projects.

Given the above premises, and in faithful compliance with the Constitutional directive to ensure that no private property shall be taken for public use without just compensation, consideration and approval of this bill is respectfully requested.


FRANCIS G. ESCUDERO

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NO. 10752, OTHERWISE KNOWN AS "THE RIGHT-OF-WAY ACT"

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 Section 1. *Short Title.* – This Act shall be known as the "Accelerated and Reformed
2 Right-of-Way (ARROW) Act".

3 Sec. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to
4 recognize the vital role of the private sector in the delivery of public services. Towards
5 this end, the State shall pursue policies that encourage private enterprise and facilitate
6 the easier acquisition of right-of-way, site or location for private infrastructure projects
7 for public use to ensure a more efficient delivery of public services.

8 The State affirms that private property shall not be taken for public use without
9 just compensation. It shall ensure that owners of real property acquired for national
10 government infrastructure projects and private infrastructure projects for public use are
11 promptly paid just compensation, based on a nationally consistent real property valuation
12 for a more expeditious acquisition of the required right-of-way for the projects.

13 Sec. 3. Section 3 of Republic Act No. 10752 or "The Right-of-Way Act" is hereby
14 amended to read as follows:

1 "SEC. 3. [~~National Government Projects~~] **COVERAGE. – THIS ACT**
2 **SHALL APPLY TO INFRASTRUCTURE PROJECTS OF THE NATIONAL**
3 **GOVERNMENT OR A PRIVATE ENTITY THAT PROVIDES A PUBLIC**
4 **SERVICE.**

5 **"(A)** As used in this Act, the term "national government projects" shall refer
6 to all national government infrastructure projects and its public
7 service facilities, engineering works and service contracts, including
8 projects undertaken by government-owned and -controlled
9 corporations, all projects covered by Republic Act No. 6957, as
10 amended by Republic Act No. 7718, otherwise known as the "Build-
11 Operate-and-Transfer Law", **REPUBLIC ACT NO. 11966,**
12 **OTHERWISE KNOWN AS THE "PUBLIC-PRIVATE**
13 **PARTNERSHIP (PPP) CODE OF THE PHILIPPINES"**, and other
14 related and necessary activities, such as site acquisition, supply or
15 installation of equipment and materials, implementation,
16 construction, completion, operation, maintenance, improvement,
17 repair and rehabilitation, regardless of the source of funding.

18 **"(B)** [~~Subject to~~ ~~the~~] The provisions of Republic Act No. 7160, otherwise
19 known as the "Local Government Code of 1991", [~~local government~~
20 ~~units (LGUs) may also adopt the provisions of this Act for use in the~~
21 ~~acquisition of right of way for local government infrastructure~~
22 ~~projects] **ON EMINENT DOMAIN SHALL CONTINUE TO HAVE**
23 **FORCE AND EFFECT.**~~

24 **"(C) AS USED IN THIS ACT, THE TERM "PRIVATE ENTITY" SHALL**
25 **REFER TO AN ENTITY THAT HAS BEEN GRANTED THE RIGHT**
26 **OF EMINENT DOMAIN UNDER ITS FRANCHISE OR OTHER**
27 **LAWS AND OPERATES, MANAGES, OR CONTROLS ANY OF**
28 **THE FOLLOWING PUBLIC SERVICES:**

- 29 **(1) DISTRIBUTION OF ELECTRICITY;**
30 **(2) TRANSMISSION OF ELECTRICITY;**

- 1 **(3) PETROLEUM AND PETROLEUM PRODUCTS**
2 **PIPELINE TRANSMISSIONS SYSTEMS;**
3 **(4) WATER PIPELINE DISTRIBUTION SYSTEMS AND**
4 **WASTEWATER PIPELINE SYSTEMS, INCLUDING**
5 **SEWERAGE PIPELINE SYSTEMS;**
6 **(5) INTERNET CONNECTION,**
7 **TELECOMMUNICATIONS, AND CONNECTIVITY;**
8 **(6) AIRPORTS;**
9 **(7) SEAPORTS; OR**
10 **(8) IRRIGATION PROJECTS."**

11 Sec. 4. Section 4 of Republic Act No. 10752 is hereby amended to read as follows:

12 "SEC. 4. *Modes of Acquiring Real Property.* – **(A)** The government
13 may acquire real property needed as right-of-way site or location for any
14 national government infrastructure project, through donation, negotiated
15 sale, expropriation, or any other mode of acquisition as provided by law.

16 "In case of lands granted through Commonwealth Act No. 141, [~~as~~
17 ~~amended,~~] otherwise known as "The Public Land Act", **AS AMENDED**, the
18 implementing agency shall:

19 (a) Follow the other modes of acquisition enumerated in this Act, if
20 the landowner is not the original patent holder and any previous
21 acquisition of said land is not through a gratuitous title; or

22 (b) Follow the provisions under Commonwealth Act No. 141, as
23 amended, regarding acquisition of right-of-way on patent lands,
24 if the landowner is the original patent holder or the acquisition of
25 the land from the original patent holder is through a gratuitous
26 title.

27 "The implementing agency may utilize donation or similar mode of
28 acquisition if the landowner is a government-owned or government-
29 controlled corporation.

1 "When it is necessary to build, construct, or install on the subsurface or
2 subterranean portion of private and government lands owned, occupied, or
3 leased by other persons, such infrastructure as subways, tunnels,
4 underpasses, waterways, floodways, or utility facilities as part of the
5 government's infrastructure and development project, the government or
6 any of its authorized representatives shall not be prevented from entry into
7 and use of the subsurface or subterranean portions of such private and
8 government lands by surface owners or occupants, if such entry and use
9 are made more than fifty (50) meters from the surface.

10 **"(B) SUBJECT TO THE OWNERSHIP RESTRICTIONS UNDER THE**
11 **CONSTITUTION, A PRIVATE ENTITY MAY ACQUIRE PRIVATE LAND**
12 **FOR RIGHT-OF-WAY SITE OR LOCATION OF AN INFRASTRUCTURE**
13 **PROJECT, AS MAY BE REASONABLY NECESSARY FOR THE**
14 **EFFICIENT MAINTENANCE AND OPERATION OF THE PUBLIC**
15 **SERVICE PURSUANT TO THE PRIVATE ENTITY'S FRANCHISE OR**
16 **AUTHORITY TO OPERATE."**

17 Sec. 5. Section 5 of Republic Act No. 10752 is hereby amended to read as follows:

18 "SEC. 5. *Rules on Negotiated Sale.* – The implementing agency **OR**
19 **THE PRIVATE ENTITY** may offer to acquire, through negotiated sale, the
20 right-of-way site or location for a national government infrastructure project
21 **OR PRIVATE INFRASTRUCTURE PROJECT, RESPECTIVELY,** under
22 the following rules:

23 "(a) The implementing agency **OR THE PRIVATE ENTITY** shall offer to
24 the property owner concerned, as compensation price, the sum of:

- 25 (1) The ~~[current]~~ market value of the land;
- 26 (2) The replacement cost of structures and improvements therein;
- 27 and
- 28 (3) The ~~[current]~~ market value of crops and trees therein.

29 ~~[To determine the appropriate price offer, the implementing agency~~
30 ~~may engage the services of a government financial institution with adequate~~

1 ~~experience in property appraisal, or an independent property appraiser~~
2 ~~accredited by the Bangko Sentral ng Pilipinas (BSP) or a professional~~
3 ~~association of appraisers recognized by the BSP to be procured by the~~
4 ~~implementing agency under the provisions of Republic Act No. 9184,~~
5 ~~otherwise known as the "Government Procurement Reform Act", and its~~
6 ~~implementing rules and regulations pertaining to consulting services.]~~

7 **THE APPROPRIATE PRICE OFFER SHALL BE BASED ON THE**
8 **VALUATION SYSTEM AND SCHEDULE OF MARKET VALUES**
9 **ESTABLISHED UNDER REPUBLIC ACT NO. 12001, OTHERWISE**
10 **KNOWN AS THE "REAL PROPERTY VALUATION AND ASSESSMENT**
11 **REFORM ACT": PROVIDED, THAT THE PRICE OFFER SHALL IN NO**
12 **CASE BE LOWER THAN THE PROPERTY OWNER'S PURCHASE**
13 **PRICE OR ACQUISITION COST OF THE LAND.**

14 If the property owner does not accept the price offer, the
15 implementing agency **OR THE PRIVATE ENTITY** shall initiate
16 expropriation proceedings pursuant to Section 6 hereof.

17 The property owner is given thirty (30) days to decide whether ~~or~~
18 ~~not~~ to accept the offer as payment for his property. Upon refusal or failure
19 of the property owner to accept such **AN** offer or ~~[fails and/or refuses]~~ to
20 submit the documents necessary for payments, the implementing agency
21 **OR THE PRIVATE ENTITY** shall immediately initiate expropriation
22 proceedings as provided in Section 6 herein.

23 "(b) Subparagraph (a)(2) of Section 5 hereof shall also apply to all owners
24 of structures and improvements who do not have legally recognized rights
25 to the land, and who meet all of the following criteria:

- 26 (1) Must be a Filipino citizen;
27 (2) Must not own any real property or any other housing facility,
28 whether in an urban or rural area; and

1 (3) Must not be a professional squatter or a member of a squatting
2 syndicate, as defined in Republic Act No. 7279, otherwise known as
3 the "Urban Development and Housing Act of 1992", **AS AMENDED.**

4 "(c) With regard to the taxes and fees relative to the transfer of title of the
5 property to the Republic of the Philippines through negotiated sale, the
6 implementing agency **OR THE PRIVATE ENTITY** shall pay, for the
7 account of the seller, the capital gains tax, as well as the documentary
8 stamp tax, transfer tax and registration fees, while the **PROPERTY** owner
9 shall pay any unpaid real property tax.

10 "(d) If requested by the property owner, the implementing agency **OR THE**
11 **PRIVATE ENTITY** shall remit to the LGU concerned the amount
12 corresponding to any unpaid real property tax, subject to the deduction of
13 this amount from the total negotiated price: *Provided, however,* That the
14 said amount is not more than the negotiated price.

15 "(e) The property owner and the implementing agency **OR THE PRIVATE**
16 **ENTITY** shall execute a deed of absolute sale: *Provided,* That the property
17 owner has submitted to the implementing agency **OR THE PRIVATE**
18 **ENTITY** the **ORIGINAL OR** Transfer Certificate of Title, Tax Declaration,
19 Real Property Tax Certificate, and other documents necessary to transfer
20 the title to the Republic of the Philippines. The implementing agency **OR**
21 **THE PRIVATE ENTITY** shall cause the annotation of the deed of absolute
22 sale on the Transfer Certificate of Title.

23 "(f) Upon the execution of a deed of sale, the implementing agency **OR**
24 **THE PRIVATE ENTITY** shall pay the property owner:

25 (1) [~~Fifty percent (50%)~~] **SEVENTY PERCENT (70%)** of the
26 negotiated price of the affected land, exclusive of taxes remitted to
27 the LGU concerned under subparagraph (d) herein; and

28 (2) Seventy percent (70%) of the negotiated price of the affected
29 structures, improvements, crops and trees, exclusive of unpaid taxes
30 remitted to the LGU concerned under subparagraph (d) herein.

1 **THE IMPLEMENTING AGENCY OR PRIVATE ENTITY SHALL**
2 **PROMPTLY PAY THE ABOVE SUMS UPON THE EXECUTION OF THE**
3 **DEED OF SALE OR NO LATER THAN THIRTY (30) DAYS**
4 **THEREAFTER.**

5 "(g) The implementing agency **OR THE PRIVATE ENTITY** shall, at the
6 times stated hereunder, pay the property owner the remaining [~~fifty percent~~
7 ~~(50%)~~] **THIRTY PERCENT (30%)** of the negotiated price of the affected
8 land[~~;~~] and [~~thirty percent (30%)~~] of the affected structures,
9 improvements, crops and trees, exclusive of unpaid taxes remitted to the
10 LGU concerned under subparagraph (d) herein: *Provided*, That the land is
11 already completely cleared of structures, improvements, crops and trees:

12 (1) At the time of the transfer of title in the name of the Republic of
13 the Philippines, in cases where the land is wholly affected; or

14 (2) At the time of the annotation of a deed of sale on the title, in
15 cases where the land is partially affected.

16 **THE IMPLEMENTING AGENCY OR PRIVATE ENTITY SHALL**
17 **PROMPTLY PAY THE REMAINING BALANCE NO LATER THAN SIXTY**
18 **(60) DAYS FROM THE TRANSFER OF TITLE OR ANNOTATION OF**
19 **THE DEED OF SALE THEREON.**

20 The provisions of subparagraph (a) herein shall also apply to
21 outstanding claims for right-of-way payments, except that the amount to
22 be offered shall be the price at the time of taking of the property, including
23 legal interest until fully paid."

24 Sec. 6. Section 6 of Republic Act No. 10752 is hereby amended to read as follows:

25 "SEC. 6. *Guidelines for Expropriation Proceedings.* – Whenever it is
26 necessary to acquire real property for the right-of-way site or location [~~for~~]
27 **OF** an[~~y national government~~] infrastructure **PROJECT** through
28 expropriation **BY THE GOVERNMENT OR A PRIVATE ENTITY**, the
29 appropriate implementing agency, through the Office of the Solicitor
30 General, the Office of the Government Corporate Counsel, [~~or~~] their

1 deputized government or private legal counsel, **OR THE PRIVATE**
2 **ENTITY, THROUGH ITS DESIGNATED LEGAL COUNSEL**, shall initiate
3 the expropriation proceedings before the proper court under the following
4 guidelines:

5 "(a) Upon the filing of the complaint or at any time thereafter, and after
6 due notice to the [~~defendant~~] **PROPERTY OWNER**, the implementing
7 agency **OR THE PRIVATE ENTITY** shall immediately deposit to the court
8 in favor of the **PROPERTY** owner the amount equivalent to the sum of:

9 (1) [~~One hundred percent (100%)~~] **FIFTEEN PERCENT**
10 **(15%)** of the [~~value of the land based on the current relevant zonal~~
11 ~~valuation of the BIR, issued not more than three (3) years prior to~~
12 ~~the filing of the expropriation complaint subject to subparagraph (c)~~
13 ~~of this section~~] **MARKET VALUE PURSUANT TO THE**
14 **VALUATION SYSTEM AND SCHEDULE OF MARKET VALUES**
15 **ESTABLISHED UNDER REPUBLIC ACT NO. 12001:**

16 ***PROVIDED, THAT DISTRIBUTION UTILITIES***
17 **EXERCISING EMINENT DOMAIN SHALL DEPOSIT TO THE**
18 **COURT ONE HUNDRED PERCENT (100%) OF THE MARKET**
19 **VALUE OF THE LAND ESTABLISHED UNDER REPUBLIC ACT**
20 **NO. 12001.**

21 ***PROVIDED, FURTHER THAT IN THE ABSENCE OF***
22 **APPROVED AND UPDATED SCHEDULE OF MARKET VALUES**
23 **UNDER REPUBLIC ACT NO. 12001, THE BIR ZONAL**
24 **VALUATION OF THE LAND SHALL, IN THE *INTERIM*, BE USED**
25 **AS BASIS FOR THE DEPOSIT.**

26 (2) **FIFTEEN PERCENT (15%) OF [F]**The replacement cost
27 at [~~current~~] market value of the improvements or structures [~~as~~
28 ~~determined by:~~

29 (i) ~~The implementing agency;~~

- 1 (ii) ~~A government financial institution with adequate~~
2 ~~experience in property appraisal; and~~
3 (iii) ~~An independent property appraiser accredited by the~~
4 ~~BSP].~~

5 **PURSUANT TO THE VALUATION SYSTEM AND**
6 **SCHEDULE OF MARKET VALUES ESTABLISHED UNDER**
7 **REPUBLIC ACT NO. 12001 FOR NATIONAL GOVERNMENT**
8 **INFRASTRUCTURE PROJECTS AND THIRTY PERCENT (30%)**
9 **FOR PRIVATE INFRASTRUCTURE PROJECTS: *PROVIDED,***
10 **THAT IN THE ABSENCE OF SUCH APPROVED AND UPDATED**
11 **SCHEDULE OF MARKET VALUES, THE ASSESSED VALUE OF**
12 **THE IMPROVEMENTS OR STRUCTURES SHALL, IN THE**
13 ***INTERIM,* BE USED AS BASIS FOR THE DEPOSIT.**

14 (3) **FIFTEEN PERCENT (15%) OF [±]The [current] market**
15 **value of crops and trees located within the property [as determined**
16 **by the government financial institution, or an independent property**
17 **appraiser to be selected as indicated in subparagraph (a) of Section**
18 **5 hereof] **PURSUANT TO THE VALUATION SYSTEM AND****
19 **SCHEDULE OF MARKET VALUES ESTABLISHED UNDER**
20 **REPUBLIC ACT NO. 12001 FOR NATIONAL GOVERNMENT**
21 **INFRASTRUCTURE PROJECTS AND THIRTY PERCENT (30%)**
22 **FOR PRIVATE INFRASTRUCTURE PROJECTS: *PROVIDED,***
23 **THAT IN THE ABSENCE OF SUCH APPROVED AND UPDATED**
24 **SCHEDULE OF MARKET VALUES, THE ASSESSED VALUE OF**
25 **THE CROPS AND TREES SHALL, IN THE INTERIM, BE USED**
26 **AS BASIS FOR THE DEPOSIT.**

27 Upon compliance with the abovementioned guidelines, the court
28 shall immediately issue to the implementing agency **OR THE PRIVATE**
29 **ENTITY** an order to take possession of the property and start the
30 implementation of the project.

1 If, within seven (7) working days after the deposit to the court of the
2 amount equivalent to the sum under subparagraphs (a)(1) to (a)(3) of this
3 section, the court has not issued to the implementing agency **OR THE**
4 **PRIVATE ENTITY** a writ of possession for the affected property, the
5 counsel of the implementing agency **OR THE PRIVATE ENTITY** shall
6 immediately seek from the court the issuance of the writ of possession. The
7 court shall issue the writ of possession *ex parte*; no hearing shall be
8 required.

9 The court shall release the amount to the **PROPERTY** owner upon
10 presentation of sufficient proof[s] of ownership.

11 "(b) In case the owner of the property cannot be found, **IS** unknown, or
12 deceased in cases where the estate has not been settled, after exerting due
13 diligence, or there are conflicting claims over the ownership of the property
14 and improvements and/or structures thereon, the implementing agency **OR**
15 **THE PRIVATE ENTITY** shall deposit the amount equivalent to the sum
16 under subparagraphs (a)(1) to (a)(3) of this section to the court for the
17 benefit of the person to be adjudged in the same proceeding as entitled
18 thereto.

19 Upon compliance with the guidelines abovementioned, the court
20 shall immediately issue to the implementing agency **OR THE PRIVATE**
21 **ENTITY** an order to take possession of the property and start the
22 implementation of the project.

23 If, within seven (7) working days after the deposit with the court of
24 the amount equivalent to the sum under subparagraphs (a)(1) to (a)(3) of
25 this section, the court has not issued to the implementing agency **OR THE**
26 **PRIVATE ENTITY** a writ of possession for the affected property, the
27 counsel of the implementing agency **OR THE PRIVATE ENTITY** shall
28 immediately seek with the court the issuance of the writ of possession.

29 The court shall release the said amount to the person adjudged in
30 the same expropriation proceeding as entitled thereto.

1 "(c) In provinces, cities, municipalities, and other areas where there is no
2 land classification, the city or municipal assessor is hereby mandated, within
3 the period of sixty (60) days from the date of filing of the expropriation
4 case, to come up with the required land classification and the corresponding
5 declaration of real property and improvement for the area. ~~[In provinces,
6 cities, municipalities, and other areas where there is no zonal valuation, or
7 where the current zonal valuation has been in force for more than three (3)
8 years, the BIR is mandated, within the period of sixty (60) days from the
9 date of filing of the expropriation case, to conduct a zonal valuation of the
10 area, based on the land classification done by the city or municipal
11 assessor.]~~

12 "(d) With reference to subparagraph (a)(1) of this section, in case the
13 completion of a government infrastructure project is of utmost urgency and
14 importance, and there is no land classification ~~[or no existing zonal
15 valuation of the area concerned or the zonal valuation has been in force for
16 more than three (3) years,]~~ the implementing agency **OR THE PRIVATE
17 ENTITY** shall use the ~~[BIR zonal]~~ **MARKET** value **PURSUANT TO THE
18 VALUATION SYSTEM AND SCHEDULE OF MARKET VALUES
19 ESTABLISHED UNDER REPUBLIC ACT NO. 12001** and land
20 classification of similar lands within the adjacent vicinity as the basis for the
21 valuation.

22 "(e) In any of the cases in subparagraphs (a) to (d) of this section, upon its
23 receipt of the writ of possession issued by the court, the implementing
24 agency **OR THE PRIVATE ENTITY** may take possession of the property
25 and start the implementation of the project.

26 "(f) In the event that the owner of the property contests the implementing
27 agency **OR THE PRIVATE ENTITY's** proffered value, the court shall
28 determine the just compensation to be paid the **PROPERTY** owner within
29 sixty (60) days from the date of filing of the expropriation case. When the
30 decision of the court becomes final and executory, the implementing agency

1 **OR THE PRIVATE ENTITY** shall pay the **PROPERTY** owner the difference
2 between the amount already paid and the just compensation as determined
3 by the court.

4 "(g) With regard to the taxes and fees relative to the transfer of title of the
5 property to the Republic of the Philippines through expropriation
6 proceedings, the implementing agency **OR THE PRIVATE ENTITY** shall
7 pay the documentary stamp tax, transfer tax and registration fees, while
8 the **PROPERTY** owner shall pay the capital gains tax and any unpaid real
9 property tax."

10 Sec. 7. Section 12 of Republic Act No. 10752 is hereby amended to read as follows:

11 "SEC. 12. *Sanctions.* – Violation of any provision of this Act shall
12 subject the government official or employee concerned to appropriate
13 administrative, civil, or criminal sanctions, including suspension or dismissal
14 from the government service and forfeiture of benefits in accordance with
15 the provisions of the law.

16 **VIOLATION BY A PRIVATE ENTITY OF ANY PROVISION OF**
17 **THIS ACT SHALL SUBJECT ITS PRESIDENT, MANAGER, DIRECTOR,**
18 **TRUSTEE, OR RESPONSIBLE OFFICERS TO CIVIL OR CRIMINAL**
19 **LIABILITY."**

20 Sec. 8. A new Section 13 is hereby inserted after Section 12 of Republic Act No.
21 10752 and the subsequent sections shall be renumbered accordingly:

22 **"SEC. 13. *PROHIBITION AND PENAL SANCTION ON THE***
23 ***ISSUANCE OF TEMPORARY RESTRAINING ORDERS,***
24 ***PRELIMINARY INJUNCTIONS OR PRELIMINARY MANDATORY***
25 ***INJUNCTIONS.* – NO COURT, EXCEPT THE SUPREME COURT,**
26 **SHALL ISSUE ANY TEMPORARY RESTRAINING ORDER,**
27 **PRELIMINARY INJUNCTION OR PRELIMINARY MANDATORY**
28 **INJUNCTION ON MATTERS PERTAINING TO THE ACQUISITION OF**
29 **RIGHT-OF-WAY SITE OR LOCATION AGAINST:**

1 (a) THE NATIONAL GOVERNMENT, ANY OF ITS
2 SUBDIVISIONS AND OFFICIALS, OR ANY PERSON OR
3 ENTITY ACTING UNDER ITS AUTHORITY AND
4 DIRECTION; AND

5 (b) THE PRIVATE ENTITY, AS DEFINED UNDER THIS ACT
6 OR ANY OF ITS REPRESENTATIVES.

7 IN ADDITION TO CIVIL AND CRIMINAL LIABILITY UNDER
8 EXISTING LAWS, A JUDGE WHO ISSUES A TEMPORARY
9 RESTRAINING ORDER, PRELIMINARY INJUNCTION, OR
10 PRELIMINARY MANDATORY INJUNCTION IN VIOLATION OF THIS
11 SECTION SHALL SUFFER THE PENALTY OF SUSPENSION OF AT
12 LEAST SIXTY (60) DAYS WITHOUT PAY."

13 Sec. 9. *Transitory Clause.* – The provisions of this Act shall apply to all right-of-
14 way transactions, except those which, as of the effectivity of this Act, the IA or the Private
15 Entity and the property owner have reached a written agreement on the agreed amount
16 of compensation.

17 Sec. 10. *Implementing Rules and Regulations.* – Within sixty (60) days upon the
18 effectivity of this Act, the Department of Public Works and Highways, in consultation with
19 other concerned government agencies and stakeholders, shall promulgate the necessary
20 implementing rules and regulations for the effective implementation of this Act.

21 Sec. 11 *Separability Clause.* – If any provision of this Act is declared
22 unconstitutional, the remainder thereof not otherwise affected shall remain in full force
23 and effect.

24 Sec. 12. *Repealing Clause.* – All laws, presidential decrees, executive orders, letters
25 of instruction, proclamations, or administrative regulations that are inconsistent with the
26 provisions of this Act are hereby repealed, amended, or modified accordingly.

27 Sec. 13. *Effectivity Clause.* – This Act shall take effect after fifteen (15) days
28 following its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,