



AUG 22 2022

Republic of the Philippines
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS
CENTRAL OFFICE
Manila

DEPARTMENT ORDER)

No. 187)

Series of 2022 6/25/2022

**SUBJECT: Streamlining DPWH Process
Involving Requests for Funding
and Release of Funds of Right-of-
Way Claims**

In line with the continuing efforts of the Department to streamline its operations, all requests for funding, release of funds, including review, verification and validation of supporting documents on ROW claims, shall be the responsibility of the concerned Implementing Offices to be submitted directly to the Planning Service for budgetary purposes, pursuant to the following Department Orders:

1. **D.O. No. 203, Series of 2016** – Creation of Unified Project Management Office Right-of-Way (UPMO-ROW) Task Force;
2. **D.O. No. 65, Series of 2017** - Re-issuance of Department Order No. 19, s. 2017, Delegating to Regional Directors the Approval/Signing of Documents Pertaining to Infrastructure Right-of-Way (ROW) for National Projects Including the Approval for Payments of Claims and Signing of Checks;
3. **D.O. No. 110, Series of 2019** – Clarifying and Amending Department Order No. 65, series of 2017, and Amending Department Order No. 56, Series of 2019, on Infrastructure Right-of-Way (ROW) Matters; and
4. **D.O. No. 37, Series of 2021** – Clarifying Department Order No. 110, Series of 2019 Particularly in Entering Compromise Agreement, Filing an Appeal, Motion for Reconsideration, Petition for Certiorari, or Other Legal Remedies in Court Case involving DPWH Right-of-Way Acquisition.

For monitoring purposes, the Implementing Offices shall furnish the Legal Service with a copy of the request for funds submitted directly to the Planning Service. Further, every quarter of the year, the Implementing Offices shall also provide the Legal Service a list or copy of paid and unpaid ROW claims and the reason for non-payment thereof.

Accordingly, D.O. No. 52, and Special Order No. 48, both series of 2022, the Unnumbered Memorandum dated March 10, 2022 (*Subject: Signatory of Reply Letters*), and all other issuances inconsistent herewith, are hereby superseded.

This Order shall take effect immediately.

MANUEL M. BONOAN
Secretary

Department of Public Works and Highways
Office of the Secretary



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Republic of the Philippines
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS
OFFICE OF THE SECRETARY
Manila

097.13 0.004
10-18-2014

14 OCT 2016
DEPARTMENT ORDER)
203)
NO.)
Series of 2016)

**SUBJECT: CREATION OF UNIFIED PROJECT
MANAGEMENT OFFICE RIGHT-OF-WAY
(UPMO-ROW) TASK FORCE**

In line with the Department's decentralization efforts to streamline procedures for a more effective and expeditious implementation of urgent national roads, bridges and various flood control projects being implemented by the Unified Project Management Offices which are hampered by the delay in the Right-of-Way (ROW) acquisition, a Task Force on UPMO-ROW and Technical Working Group are hereby created.

1. Composition of the UPMO-ROW Task Force and Technical Working Group (TWG)

1.1 The UPMO-ROW Task Force shall be composed of the following:

Chairman : Undersecretary for UPMO Operations
Vice- Chairman : Director Legal Service
Members : UPMO Cluster Directors

1.2 The UPMO-ROW Task Force shall be supported by a Technical Working Group (TWG) to be composed of representatives of the members of the UPMO-ROW Task Force.

2. Functions of the UPMO-ROW Task Force

- 2.1 Organize ROW Team for each UPMO Cluster that will handle the ROW acquisition of its projects, to be headed by the Project Manager assigned to the project.
- 2.2 Monitor the ROW acquisition status and recommend appropriate actions to projects with problematic ROW.
- 2.3 Execute and recommend appropriate resolutions pertaining to payment of ROW affected by various UPMO projects which are beyond the authority of the Project Directors, and
- 2.4 Review the validation of supporting documents undertaken by its TWG and recommend payments after evaluation as to propriety of the claims.

3. Functions of the Technical Working Group

- 3.1 Ensure that all relevant papers and documents in support of the IROW claim are carefully screened and verified as to their authenticity and genuineness in order to forestall fraud, pursuant to the provisions of the Simplified Guidelines for Validation and Evaluation of IROW Claims.
- 3.2 Ensure that the computation of land valuations and disturbance compensation (structures and other improvements) are based on the RA 10752 and its Implementing Rules and Regulations (IRR) and other applicable laws, policies and department orders.

4. Processing and Payment of Valid Claims

- 4.1 Processing of claim shall only be made upon the approval of the UPMO-ROW Task Force/ROW Team Resolution.
- 4.2 Payment for lots and improvements (structures & trees) should be effected in accordance with the provisions of RA 10752 and IRR and other governing laws, policies and department orders.
- 4.3 Payments of ROW claims shall be made by the concerned District Engineering Offices.

5. Submission of Documents

- 5.1 The UPMO concerned shall submit to the UPMO-ROW Task Force Chairperson the inventory and status of IROW claims every month. The UPMO-ROW Task Force Chairperson shall submit the overall accomplishments of the UPMO-ROW Task Force to the Secretary, thru Undersecretary for UPMO Operations every quarter.

6. Records Keeping

- 6.1 The UPMO concerned shall safe keep IROW documents within their jurisdiction and prepare inventory of lots acquired for ROW for submission to the UPMO-ROW Task Force and the Records Management Division, HRAS, Central Office.
- 6.2 The UPMO-ROW Task Force shall likewise safe keep the UPMO-ROW Task Force Resolutions including other ROW documents submitted by the UPMOs such as Deeds, Court Orders, Transfer Certificate Title and deliver the same to the National Archive.
- 6.3 The Records Management Division, HRAS, Central Office shall also safe keep authentic copies of related documents from the UPMO concerned.

7. Signing Authority

In addition to Department Order No. 112 s. 2016, approval of IROW Committee Resolutions, Deed of Sale, Voucher (for Payment Properties and Court Deposit) and Signing of Verification and Certification of Expropriation Complaints shall be:

- a) Project Manager – for claims amounting up to ₱5 Million

This Order shall take effect immediately and supersedes previous orders to the contrary.


MARK A. VILLAR
Acting Secretary

Department of Public Works and Highways
Office of the Secretary



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2.5 SOC/EKS



Republic of the Philippines
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS
OFFICE OF THE SECRETARY
Manila

DPWH 13 DPWH
05-11-2017

09 MAY 2017

**DEPARTMENT
ORDER**

No. 65
Series of 2017

SUBJECT: Re-issuance of department order no. 19, s. 2017, delegating to regional directors the approval/signing of documents pertaining to infrastructure right-of-way (row) for national projects including the approval for payments of claims and signing of checks

In line with the continuing efforts of the Department of Public Works and Highways (DPWH) to streamline its operations, decentralize and rationalize right-of-way (ROW) operations for a more effective and expeditious implementation of infrastructure projects, and in the interest of efficient public service, ROW functions are hereby delegated, and a system of deploying ROW task forces in support of this delegation is hereby established, as follows:

1. Scope and Delegation of ROW Functions

- 1.1 The approving authority for all ROW functions, claims and transactions, regardless of amount, involving both Public-Private Partnership (PPP) and Toll Regulatory Board (TRB) projects, shall be lodged with the PPP Service (PPPS) Director.

For all PPP and TRB projects, the Legal Service (LS) shall turn over ROW-related project documents to the PPPS Director.

All existing ROW personnel and other ROW functions/operations, however, as a general rule, shall be retained by the LS as a support function, to the extent unmodified by this Order.

- 1.2 The approving authority for ROW claims and transactions, regardless of amount, for regional projects, that are neither PPP, TRB, nor Unified Project Management Office (UPMO) projects, shall be lodged with the Regional Director(s) concerned.

For regional projects, the LS shall turn over all ROW-related project documents to the Regional Directors concerned.

- 1.3 UPMO-ROW activities and their approving authorities shall continue to be governed by Department Order (DO) No. 203, s. 2016, and Special Order (SO) No. 1, s. 2017.

1.4 Each ROW Task Force created by virtue of this Order shall take all steps for the timely completion of all ROW functions under its authority and, thus, first, to secure full site possession of the required ROW to allow the immediate commencement of construction of the PPP, TRB, or Regional Office project concerned, and, second, to complete the legal acquisition of such ROW, as outlined in the DPWH ROW Acquisition Manual (DRAM) and all relevant ROW Department Orders and issuances.

1.5 Existing ROW personnel and ROW functions of the Legal Service

1.5.1 The LS is directed to perform the support functions described in § 1.5.2 of this Order in the pursuit of the objectives of ROW Task Forces organized hereunder. For this purpose, the LS shall use applicable staff drawn from the existing ROW personnel of the LS, including Job Orders (JO) and other project hires. The LS shall also use existing applicable funds, facilities, and other resources of its ROW Acquisition and Enforcement Division (ROWAED).

1.5.2 Such ROW support functions include:

- ROWA activities described in **Annex "A"** and in the latest version of the DRAM insofar as they are consistent with the terms of this Order, especially those provisions which concern the designation and delegation of new signing/ approving authorities.
- Pre-validation, validation, or re-validation of ROW transactions, as necessary.
- Technical assistance.
- Logistics and ground works.
- Advisory functions.
- Inter-agency consultation, coordination, and collaboration.
- Other activities necessary or related to ROW acquisition and enforcement consistent with the terms of this Order.

2. Creation and Composition of ROW Task Forces:

2.1 For PPP and TRB projects

The PPPS Director is hereby given the authority to constitute a ROW Task Force with a mandate described in § 1.4 for each PPP and TRB project, or for any portion thereof, as necessary, the ROW acquisition of which is being implemented by the Department.

2.1.1 Each ROW Task Force under § 2.1 shall consist of the following officials:

Head	:	PPPS Director or his/her duly authorized representative
Deputy Head	:	Director of LS
Staff	:	Project Manager concerned, PPPS
		Division Chief, ROWAED, LS

A representative from the Planning Service, as designated by the Director of the Planning Service

A representative from the Stakeholders Relations Service (SRS), as designated by the SRS Director

A representative from the Office of the Undersecretary or Assistant Secretary for Regional Operations concerned, as designated by such Undersecretary/Assistant Secretary

A representative from the Office of the Undersecretary for Legal Affairs and Priority Projects, as designated by such Undersecretary, and

Other staff, as provided in § 2.3 below.

- 2.1.2 All members of any ROW Task Force constituted under § 2.1 shall be under the control and supervision of the Task Force Head, or in the absence or incapacity of the Head or his/her authorized representative, its respective Deputy Head, for all matters falling within the scope and authority of ROW Task Force.

2.2 For Regional Projects

Whenever a Regional Office is faced with ROWA capacity constraints for its regional projects, the Regional Director concerned may notify in writing the Undersecretary for Legal Affairs and Priority Projects of his/her intention to constitute a ROW Task Force and shall state the reasons therefor. Upon receipt of this notice, the Undersecretary for Legal Affairs and Priority Projects shall consider the same and, if deemed necessary, forthwith assist in the organization of the ROW Task Force(s) under the command of the Regional Director concerned.

- 2.2.1 Each ROW Task Force under § 2.2 shall consist of the following officials:

Head : Regional Director concerned

Deputy Head : Assistant Regional Director concerned

Staff : Any number of representatives from the Planning and Design Division and Construction Division, Regional Office, as determined by the Regional Director

Any number of attorneys from the Regional Office, as determined by the Regional Director

Any number of representatives from the Planning and Design Section and Construction Section of the concerned District Engineering Office(s), as determined by the District Engineer(s) and concurred upon by the Regional Director

Any number of representatives from the Office of the Undersecretary for Legal Affairs and Priority Projects, including its Legal Service, as determined by such Undersecretary

Any number of representatives from the Office of the Undersecretary or Assistant Secretary for Regional Operations concerned, as designated by such Undersecretary/Assistant Secretary

Any number of representatives from the Office of the Undersecretary for PPP and Planning, as determined by such Undersecretary

Other staff, as provided in § 2.3 below.

- 2.2.2 All members and staff of any ROW Task Force constituted under § 2.2 shall be under the control and supervision of its respective Head, or in the absence or incapacity of the Head, its respective Deputy Head, for all matters falling within the scope and authority of ROW Task Forces defined herein.

2.3 All Other Staff

All other staff of the Task Force shall be employed, selected, detailed, transferred, assigned, designated, or appointed by the Head of the ROW Task Force (RTF Head), who shall be drawn, as far as practicable, from ROW team members, JO personnel, and project hires, subject to Department personnel policies and rules.

2.4 Inclusion of Regional Directors or District Engineers in PPP or TRB Task Forces

In the case of PPP or TRB projects, the RTF Head under § 2.1 may include, as necessary, Regional Director(s) of affected Regional Office(s), and/or District Engineer(s) of affected District Engineering Office(s), or their duly authorized representative(s), as part of the ROW Task Force, with the aim of sharing, delegating, or discharging some of such Task Force's functions.

The RTF Head may further delegate the authority to conduct certain ROW functions and activities, including any ground works and clearing operations, to any officials in affected Regional Offices and District Engineering Offices as he/she may consider expedient or necessary.

2.5 Augmentation

The RTF Head may augment a ROW Task Force with support personnel from (i) the project concessionaire(s) or project proponent(s) concerned, to the extent permissible by law; (ii) any DPWH office or unit; and, (iii) in the case of PPP or TRB projects, concerned regional and district offices.

2.6 Immediate Deployment

The RTF Head and the LS Director with respect to support functions as provided under § 1.5 are hereby directed to immediately organize and deploy ROW Task Force(s) as required by this Order, as follows:

- 2.6.1 The RTF Head shall issue memoranda, letters of appointment, or any necessary or proper documents to meet all organizational and staffing requirements for the ROW Task Force, which shall include the selection and designation of specific signatories for various ROW documents and transactions. It shall be the duty of the RTF Head to issue internal rules governing the conduct of each ROW Task Force constituted under his/her command in the form of memoranda, office orders, or other written issuance.
- 2.6.2 All Service/Regional/Bureau/Project Directors are hereby directed to provide all reasonably necessary assistance and support to all RTF Heads for the accomplishment of the objectives of this Order.
- 2.6.3 The RTF Head shall formulate sunset clauses to provide guidelines on winding down of affairs of the ROW Task Force which he/she heads. Such sunset clauses are subject to the review of the Secretary or Undersecretary for Legal Affairs and Priority Projects.

3. General Functions of All ROW Task Forces

- 3.1. In addition to the basic mandate set forth in § 1.4, every ROW Task Force shall take all steps necessary for the timely completion of all ROW functions, including:
 - Exercising, as primary function and jurisdiction, all tasks and functions associated with ROWA as described in in **Annex "A"** and in the latest version of the DRAM insofar as they are consistent with the terms of this Order.
 - Engaging in inter-agency coordination and consultation.
 - Recommending, to the appropriate authority, appropriate measures to address ROW problem areas which lie outside the authority of any member of the ROW Task Force.
 - Advising and recommending to the Undersecretary for Planning and PPP, budgetary matters for purposes of submitting accurate, complete, and informed budget requests to the Department of Budget and Management, and for other budgetary planning objectives.
- 3.2. Each ROW Task Force may, subject to the approval of the Secretary, enter into memoranda of agreement, memoranda of understanding, or other similar joint undertakings with other government agencies in furtherance of its function.

3.3. Record Keeping

- 3.3.1. The PPPS as regards PPP and TRB projects, or the Regional Office concerned as regards regional projects, shall have custody of all original or authentic copies of ROW documents, such as deeds, court orders, certificates of title, and tax instruments, and shall deliver the same to the National Archive when necessary.
- 3.3.2. The PPPS or the Regional Office, as the case may be, in ensuring the safety and integrity of the aforementioned documents, may introduce or implement technological security measures, such as automation of processes, digitization of documents, and provision of secured storage area (both physical and electronic), as well as adopt best practices of relevant Document Management Systems (DMS). To the extent practicable, every ROW Task Force may resort to the use of electronic signatures for approval purposes and electronic documentation in accordance with the spirit and intents of Executive Order (E.O.) No. 810 (June 15, 2009), DOST-ICT Memorandum Circular No. 2014-001 (April 25, 2014), The Rules on Electronic Evidence under A.M. No. 01-7-01-SC (July 17, 2001), Republic Act No. 8792 (2000), and all applicable law on electronic signatures.
- 3.3.3. Every ROW Task Force shall protect and keep safe all original or authentic documents gathered in the performance of its duties and shall turn over the same to the PPPS or Regional Office, as appropriate, within seven (7) calendar days upon receipt thereof. Each Task Force may cause the reproduction of said documents for reference purposes.
- 3.3.4. Every RTF Head shall cause the preparation and submission of inventories of properties subject to ROW claims and all ROW transactions when so required by the Secretary or Undersecretary for Legal Affairs and Priority Projects.
- 3.3.5. The Records Management Division, Human Resources and Administrative Service, Central Office, shall also keep safe all copies of related documents from every ROW Task Force. Any request from any person/office for certified true copies or faithful reproductions of ROW documents shall be forwarded to the PPPS, the Regional Office concerned, or other appropriate legal custodian, for appropriate action.

4. Signing Authority

- 4.1. Processing of ROW claims shall be made upon the authority and approval of the PPPS Director or his/her duly authorized representative(s) for PPP and TRB projects, or of the Regional Director or his/her duly authorized representative(s) for regional projects.

- 4.1.1. Sub-delegation may include assigning select approval authority or signing authority ordinarily reposed in the PPPS Director or Regional Director, as the case may be, pursuant to this Order, to other officials of the Regional Office(s) or District Engineering Office(s) under the authority of § 2.4, as necessary and to the extent permissible by law.
- 4.1.2. Guidelines for more specific designations of requisite signing authorities for typical ROW transactions are attached hereto as **Annex "B"**. The RTF Head shall issue more particular designations or specifications of signing authorities as necessary.
- 4.2. In the interest of expediency and to prevent duplication of prior staff work in good order, the RTF Head may, upon the exercise of due diligence, accede to, ratify, confirm, recognize, or validate, all prior acts and transactions, after the fact of their completion by any DPWH personnel, through the issuance of ratification letters of general application or similar written forms or signatures indicating acceptance. To the extent practicable and permissible under law, ROW Task Forces shall resort to the use of electronic signatures for approval purposes and electronic documentation as provided under § 3.3.2.
- 4.3. For accounting purposes, all ROW transaction documents duly signed in the conduct of ROW claims processing and pursuant to their applicable levels of authority up to February 21, 2017, shall be acknowledged and processed according to the system in place prior to February 22, 2017 (the date of the original issuance of D.O. 19, s. 2017).

Thereafter, beginning February 22, 2017, the signing authority for all ROW transactions shall be lodged accordingly in the PPPS Director or his/her authorized representatives (for PPP and TRB projects), Regional Directors or their authorized representatives (for regional projects), and the UPMO-ROW Task Force (as per D.O. 203, s. 2016 and S.O. 1, s. 2017).

5. Discretionary Creation of Technical Working Group or Groups (TWG)

- 5.1. The RTF Head may create a Technical Working Group or Groups (TWG), composed of representatives belonging to the ROW Task Force concerned and/or any other DPWH office. For the inclusion of members from such other DPWH offices, the RTF Head shall secure the requisite consent from the appropriate authority concerned.
- 5.2. A TWG may perform functions and tasks related to a project's ROW requirements which the RTF Head may assign to it from time to time, which may include:
 - 5.2.1. Validating or re-validating ROW claims and recommending payment upon diligent evaluation.
 - 5.2.2. Screening and verifying the authenticity and genuineness of ROW documents.

5.2.3. Ensuring that the computation of land valuations/replacement cost of improvements are in accordance with law.

5.2.4. Engaging in inter-agency coordination/consultation.

6. Technical Assistance from the Finance Service

Representatives from the Finance Service, including those belonging to its Accounting Division, are hereby directed to provide assistance necessary for the proper processing and review of any aspect of the ROW claims.

7. Subject to the provisions of § 4.3, the Director of the Finance Service, DPWH Central Office, is hereby directed to download, or affirm any prior downloading of, both obligated and unobligated funds for the payment of infrastructure ROW claims and ROW-related expenses to the appropriate offices, as follows:

7.1. For regional projects that are neither PPP, TRB, nor UPMO projects – to the Regional Offices concerned.

7.2. For PPP and TRB projects – to the PPPS as the Implementing Office.

7.3. For UPMO-ROW activities - to be governed by D.O. 203, s. 2016 and S.O. 1, s. 2017.

The downloading and disbursement of such funds shall at all times be consistent with existing government accounting and auditing guidelines and procedures.

8. Initiation of Expropriation Proceedings and Management of ROW Cases

8.1. It is hereby clarified that the authority delegated to the Division Chief of ROWAED, LS, under D.O. 48, s. 2017, concerning the "approval and signing of comments on right-of-way (ROW) cases in response to routine requests of the Office of the Solicitor General (OSG)" shall, with respect to all ROW-related cases that are pending as of February 22, 2017 (the original issuance date of D.O. 19, s. 2017) include the authority to sign and execute all court-bound papers, including verifications and/or certifications of non-forum shopping, only for the purpose of appeal. In this regard, and in accordance with the tenor of D.O. 48, s. 2017, the Division Chief of ROWAED shall continue to coordinate and collaborate with the OSG as necessary or desirable.

8.2. On the other hand, it is hereby clarified that, for purposes of initiating original expropriation complaints or other original ROW-related cases on or after February 22, 2017 (the original issuance date of D.O. 19, s. 2017), being in the nature of a ROW claim or transaction, the following officials shall be deemed to be the

authorized signatories for verifications and/or certifications of non-forum shopping and for all related pleadings and other court-bound papers:

8.2.1. For regional projects that are neither PPP, TRB, nor UPMO projects – The Regional Directors concerned.

8.2.2. For PPP and TRB projects – The PPPS Director.

8.2.3. For UPMO-ROW activities – These shall continue to be governed by D.O. 203, s. 2016 and S.O. 1, s. 2017.

8.3. For purposes of case management in collaboration with the OSG, it is hereby clarified that the official who signed the initiatory pleading or court-bound paper pursuant to § 9.2 shall be the same official or office who/which shall principally transact and coordinate with the OSG or any of its attorneys.

8.3.1. The official or office concerned is hereby directed to immediately engage the OSG in pursuit of the objectives of this Order.

8.3.2. In case of resource constraints, the official or office concerned may at any time call upon the LS to provide technical assistance and general support.

9. Reporting

All RTF Heads shall submit to the Secretary, through the Undersecretary for Legal Affairs and Priority Projects, quarterly reports on all ROW transactions in their respective offices, which shall include explanations on budget use, accounting, and financial summaries. All reports shall be certified by the RTF Head concerned or his/her authorized representative as true and correct based on personal knowledge and/or authentic records.

10. Verification of ROW Claims

All approving authorities defined under this Order are hereby directed to screen and verify ROW claimants as well as the genuineness and authenticity of ROW documents in order to prevent fraudulent and excessive claims, pursuant to the provisions of the Republic Act (RA) No. 10572, "An Act Facilitating the Acquisition of Right-of-Way Site of Location for National Government Infrastructures Projects" issued on March 7, 2016, pertinent COA rules and regulations, and applicable law.

11. Non-Impairment

Nothing in this Order shall be construed to affect, diminish, or impair the power of control and general supervision of the Secretary reposed in him by statute and executive orders.

12. Retroactivity

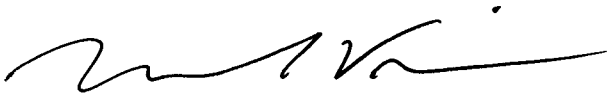
This Order shall be given retroactive effect for purposes of recognizing ROW claims and transactions, and divisible aspects thereof, which were perfected or approved between the date of the original issuance of D.O. 19 (February 22, 2017) and the date of this Order,

including those transactions contemplated under § 4.3 para. 2 and cases under § 9, unless otherwise ordered by the Secretary.

For all other matters, this Order shall be prospective in application.

13. This Order supersedes D.O. 19 (s. 2017), D.O. 156 (s. 2016), D.O. 133 and 133-A (s. 2014), D.O. 24 (s. 2007), D.O. 327 (s. 2003), and all other department orders and policies, or portions thereof, contrary to or inconsistent with this Order are amended accordingly.

This Order shall take effect immediately.



MARK A. VILLAR
Secretary

Department of Public Works and Highways
Office of the Secretary



WIN7A02978

I. Pre-Acquisition Activities and General Activities

- Ensuring appropriate changes in signatories of all ROW transactions
- Feasibility Study
- Assist in the Application for Environmental Compliance Certificate (ECC)
- Preliminary ROW/Resettlement Action Plan (RAP)
- Detailed Engineering Design
- Parcellary Survey
- Public information campaign in coordination with LGU officials
- Census/tagging and measurement of structures/improvements
- Preparation of cost estimates of structures/improvements
- Providing assistance to NHA and other housing agencies/LGU in the identification of informal settler families
- Final RAP
- Validation of RAP (optional, as directed by ROW Task Force Head)
- Validation of parcellary plans/identification of affected lots and improvements/preparation of structural mapping
- Issuance of notice of taking of property and submission of documents
- Gathering and validation of documents
- Inventory of outstanding claims
- ROW training program (office/field)
- Custody and safekeeping of ROW files for ready access by the authorized signatory
- Updating ROW Acquisition Manual
- Clearing operations and other groundworks

II. ROW Acquisition Stage

For Negotiated Purchase

- Issuance of notice of taking, letter offer
- Negotiation with owners and issuance of letters offer (lot, improvements)
- Deeds of Absolute Sale and/or Agreement to Demolish and Remove Improvements
- Preparation of documents for processing initial payments
- Secure Eviction and Demolition Compliance Certificate from respective Local Housing Boards/LIAC (for cases involving the homeless and underprivileged citizens)
- Providing assistance to NHA and other housing agencies/LGU in the relocation of informal settler families
- Removal of structures/improvements
- Relocation of public utilities
- Processing of fund release allotment by DBM

- Preparation of documents for processing of full payment
- Facilitating the transfer of the affected properties in the name of RP

For Expropriation

- Preparation of documents for expropriation
- Endorsement to the Office of the Solicitor General for filing of expropriation complaints
- Execution of verifications / certifications of non-forum shopping by newly designated authorized signatories pursuant to D.O. 19, s. 2017, D.O. 48, s. 2017, and this Order.
- Preparation of checks representing initial payment based on BIR zonal valuation for the lots and replacement cost for the improvements
- Attend court hearings as witnesses for the expropriated property
- Secure Eviction and Demolition Compliance Certificate from respective Local Housing Boards/LIAC (for cases involving the homeless and underprivileged citizens)
- Providing assistance to NHA and other housing agencies/LGU in the relocation of informal settler families
- Removal of structures / demolition / implementation of writ of possession
- Payment of just compensation
- Facilitate the transfer of affected properties in the name of the Republic of the Philippines
- Case management, legal issues, appeal

Key Points:

- Department policy is in favor of signing authority being delegated to lower level accountable officers (§ 4 of this Order).
- For forms and documents omitted from this list, it shall be the RTF Head who, following management prerogative, shall make the designation(s) and shall select from among any member of the ROW Task Force. The RTF Head is advised to be consistent with the current Document Tracking System (DoTS) and COA Circular 2012-002.

1. Disbursement Voucher for Payments to Owner, BIR, LGUs, and Register of Deeds

Certification of all expenses/cash advances are necessary, lawful, and incurred under one's supervision.	Any Member or Staff of the ROW Task Force duly authorized by the RTF Head to sign in this capacity. <i>Recommendation:</i> Signor should be occupying a permanent or co-terminus position, equivalent to the level of an Engineer III or Project Manager II or higher.
Certification: (i) cash available, (ii) subject to authority to debit account, (iii) and/or supporting documents complete and amount claimed proper.	At least the level of Chief Accountant / Head, Accounting Unit
Approved for Payment	RTF Head

2. Checks or List of Due and Demandable Accounts Payable –authorized signatory/ies

- 3. Request for the Issuance of Certificate of Availability of Funds for Properties Affected by [Project].** – Any member or staff of the ROW Task Force duly authorized by the RTF Head to sign in this capacity.

Recommendation: Signor should be occupying a permanent or co-terminus position, equivalent to the level of an Assistant Division Chief (LS) or Project Manager II (PPPS) or higher.

4. Certification – lot/improvement

- that the lot/improvement is affected by the Project
- that the lot/improvement is within the boundaries of the right of way limits as per parcellary plan

- that the owner of the lot/improvement has no previous or pending claim, neither payment already made
- that the lot/improvement is not within the original ROW of a converted local road
- All requirements and supporting documents pursuant to existing department orders and policy are complete, authenticated, validated, and are found to be in order

Prepared by:	Any Member or Staff of the ROW Task Force duly authorized by the RTF Head to sign in this capacity.
Checked by:	Any Member or Staff of the ROW Task Force duly authorized by the RTF Head to sign in this capacity. <i>Recommendation:</i> This field should be deleted or merged with "Recommending Approval".
Recommending Approval:	Any Member or Staff of the ROW Task Force duly authorized by the RTF Head to sign in this capacity. <i>Recommendation:</i> This field should be deleted or merged with "Checked by".
Approved by:	As per DoTS, this is the Head of the Implementing Office, which is the PPPS Director or the Regional Director, as appropriate.
Noted by:	Any Member or Staff of the ROW Task Force duly authorized by the RTF Head to sign in this capacity. <i>Recommendation:</i> This "Noted by" field should be deleted.

5. Program of Expenditures

Prepared by:	Any Member or Staff of the ROW Task Force duly authorized by the RTF Head to sign in this capacity.
Checked by:	Any Member or Staff of the ROW Task Force duly authorized by the RTF Head to sign in this capacity. <i>Recommendation:</i> Signor should be

	occupying a permanent or co-terminus position, equivalent to the level of an Engineer III or Project Manager II or higher.
Submitted by:	RTF Head <i>Recommendation:</i> This field should be merged or deleted for appearing redundant.
Recommending Approval:	Undersecretary for Planning & PPPS <i>Recommendation:</i> This field should be merged or deleted for appearing redundant.
Approved by:	Secretary

6. Masterlist of Unfunded Claims Program of Expenditures

Prepared by:	Any Member or Staff of the ROW Task Force duly authorized by the RTF Head to sign in this capacity.
Checked by:	Any Member or Staff of the ROW Task Force duly authorized by the RTF Head to sign in this capacity. <i>Recommendation:</i> Signor should be occupying a permanent or co-terminus position, equivalent to the level of an Engineer III or Project Manager II or higher.
Submitted by:	RTF Head <i>Recommendation:</i> This field should be merged or deleted for appearing redundant.
Recommending Approval:	Undersecretary for Planning & PPP <i>Recommendation:</i> This field should be merged or deleted for appearing redundant.
Approved by:	Secretary

7. Memorandum to the Budget Officer – Obligation Request Issuance

Certification that the charges against	RTF Head or his/her representative duly
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appropriation / allotment are necessary, lawful and under one's direct supervision.	authorized to sign in this capacity.
Certification that the supporting documents are valid, proper, and legal.	

8. Obligation Request and Status

Certification that the charges against appropriation / allotment are necessary, lawful and under one's direct supervision.	RTF Head or his/her representative duly authorized to sign in this capacity.
Certification that the supporting documents are valid, proper, and legal.	
Certification that allotment is available and obligated for the purpose / adjustment necessary as indicated above.	Head, Budget Unit / Authorized Representative

9. **Letter Offer** – RTF Head or his/her representative duly authorized to sign in this capacity. In the case of a representative, he/she should be an attorney occupying a permanent position.

10. **Notice (to Owner) of Taking** – RTF Head or his/her representative duly authorized to sign in this capacity. In the case of a representative, he/she should be an attorney occupying a permanent position.

11. **Endorsement to the Office of the Solicitor General for Expropriation** – Any attorney who is a member of the ROW Task Force and duly authorized to sign in this capacity.

12. Agreement to Demolish and Remove Improvements (ADRI)

"First Party"	RTF Head
Witnesses	Any member of the ROW Task Force, upon authority of the RTF Head. <i>Recommendation:</i> At least one signatory should be a DPWH engineer of any rank occupying a permanent or co-terminus position.

13. Easement Agreement

"First Party"	RTF Head
Witnesses	<p>Any member of the ROW Task Force, upon authority of the RTF Head.</p> <p><i>Recommendation:</i> At least one signatory should be a DPWH engineer of any rank occupying a permanent or co-terminus position.</p>

14. Deed of Absolute Sale / Deed of Barter or Exchange

"First Party"	RTF Head
Witnesses	<p>Any member of the ROW Task Force, upon authority of the RTF Head</p> <p><i>Recommendation:</i> At least one signatory should be occupying a permanent or co-terminus position.</p>

15. Compromise Agreement

"First Party"	RTF Head
Witnesses	<p>Any member of the ROW Task Force, upon authority of the RTF Head</p> <p><i>Recommendation:</i> At least one signatory should be occupying a permanent or co-terminus position.</p>

16. Deed of Donation

"First Party"	RTF Head
Witnesses	<p>Any member of the ROW Task Force, upon authority of the RTF Head</p> <p><i>Recommendation:</i> At least one signatory should be occupying a permanent or co-terminus position.</p>

17. Deed of Assignment

"First Party"	RTF Head
Witnesses	Any member of the ROW Task Force, upon authority of the RTF Head <i>Recommendation:</i> At least one signatory should be occupying a permanent or co-terminus position.

18. Quit Claim – RTF Head

19. Parcenary Plan indicating the name of the owner, lot, and area – PPPS Director or Regional Director (as the case may be) as head of the Implementing Office (as per DoTS).

20. Summary and detailed computation of Replacement Cost – PPPS Director or Regional Director (as the case may be) as head of the Implementing Office (DoTS/COA Circular 2012-002).

21. Certification that the actual type and kind of improvement removed and demolished was the same with the improvements shown in the attached photos and as stated in the ADRI – Any DPWH engineer who is a member of the ROW Task Force, upon authority of the RTF Head

22. Letter of Transmittal to COA submitting pertinent documents duly received by COA with list of documents transmitted. – Any member of the ROW Task Force, upon authority of the RTF Head

23. Checklist of supporting documents and attachments for DoTS – Any member of the ROW Task Force, upon authority of the RTF Head.

24. Program of Work – RTF Head

25. Validation of ROW Action Plan – RTF Head

26. Deed of Reconveyance to or Repurchase by Land Owner, or Deed of Transfer – President / Office of the President, upon recommendation by the DPWH Secretary

27. Reimbursement Agreements – RTF Head

- For forms and documents which happened to be omitted from this list, it shall be the RTF Head who, following management prerogative, shall make the designation(s) and shall select from among any member of the ROW Task Force. The RTF Head is advised to be consistent with the current Document Tracking System (DoTS) and COA Circular 2012-002.



Republic of the Philippines
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS
OFFICE OF THE SECRETARY
Manila

19-11855
097.13 DPWH
10-15-2019

OCT 15 2019

DEPARTMENT ORDER)
NO. **110**)
Series of 2019)

SUBJECT: Clarifying and Amending Department Order No. 65, Series of 2017, and Amending Department Order No. 56, Series of 2019, on Infrastructure Right-of-Way (ROW) Matters

In line with the continuing efforts of the Department of Public Works and Highways (DPWH) to streamline its operations, and in the interest of efficient and expedient public service, contained herein are the guidelines clarifying D.O. 65 (s. 2017), insofar as compromise agreements, verifications and/or certifications of non-forum shopping, communications and endorsements to the Office of the Solicitor General (OSG) and payment of claims essential in expropriation proceedings are concerned, and amending for the purpose, certain provisions of D.O. 65 (s. 2017) and D.O. 56 (s. 2019) inconsistent herewith.

Compromise Agreement and Appeal

Consistent with Section 7(8), Chapter 2, Book IV and Sections 39(1)(a) and 40, Chapter 8, Book IV of the Administrative Code of 1987, the Heads of the PPP Service, Regional Offices, and Unified Project Management Office – Right of Way (collectively, the Implementing Offices) have been delegated the authority to approve right-of-way (ROW) claims and transactions. Among the transactions conducive for the acquisition of ROW are compromise agreements, which are practical and beneficial for the government since it shortens the time needed to acquire ROW and helps decongest court dockets.

Item 15, page 5, Annex B of D.O. 65 (s. 2017) states that the signatory for compromise agreements is the ROW Task Force Head or the Heads of the Implementing Offices. Hence, Implementing Offices may enter into compromise agreements for expropriation cases pending in court, on behalf of DPWH with respect to ROW claims, provided that the following are present:

1. All papers and documents in support of the ROW are complete as required under D.O. 65 (s. 2017);
2. The amount involved therein shall not exceed the following:
 - a. For expropriation cases instituted by the DPWH:
 - i. Lots – based on the appraisal value of the property (GFI/IPA) or BIR zonal value at the time of taking, whichever is higher
 - ii. Structures/Improvements and Crops/Trees – based on the replacement cost as appraised by the DPWH
 - b. For determination of just compensation initiated by the claimant-owner – value based on the BIR zonal value of the property at the time of taking.
3. There exists no issue or dispute regarding ownership or title to the property;
4. The agreement to be entered into is not prejudicial to the interest of the government as reviewed, recommended, and approved by the OSG, as the Implementing Office's counsel;

5. The amount subject of compromise agreement shall not include payment of accrued interest;
6. Capital gains tax, expanded withholding tax, estate tax, and other taxes and fees as required by Republic Act No. 10752 to be paid by the property owner, shall be paid by the property owner;
7. The property owner shall waive any right or interest to file any action in relation to the expropriation case. The compromise agreement shall be submitted to the court for approval as not being contrary to law, morals, good customs, public order, or public policy; and
8. Other matters or concerns to be introduced in the compromise agreement which are not specifically mentioned or enumerated above shall not be covered by compromise agreement.

In all cases, the Implementing Offices shall ensure that compromise agreements entered into by them is neither prejudicial nor grossly disadvantageous to the interest of the government.

The aforementioned conditions shall also serve as guidelines for the ROW Task Force Head or the Heads of the Implementing Offices in reviewing court decisions and resolutions, including advising the OSG on appropriate courses of action for ROW-related cases, viz: NOT TO APPEAL, or to FILE A MOTION FOR RECONSIDERATION, PETITION FOR CERTIORARI, or any other remedy provided under the Rules of Court in assailing a judgment or court decision.

Amendments to D.O. 65 (s. 2017) and D.O. 56 (s. 2019) in Relation to Proper Signatories of Verification and/or Certification of Non-Forum Shopping, Court-Bound Documents, and Communications and Endorsements to the OSG

For purposes of initiating original expropriation complaints or other original ROW-related cases, Verifications and/or Certifications of Non-Forum Shopping and all related pleadings and court-bound papers shall be signed and executed by the ROW Task Force Head or Heads of the Implementing Offices, pursuant to Item 8.2 of D.O. 65 (s. 2017).

For purposes of appeal with respect to all ROW-related cases, authority to sign and execute all court-bound papers, including Verifications and/or Certifications of Non-Forum Shopping, shall be granted to the ROW Task Force Head or the Heads of the Implementing Offices, amending for the purpose Item 8.1 of D.O. 65 (s. 2017) and D.O. 48 (s. 2017). The tasks of reviewing court decisions and resolutions, including advising the OSG on appropriate courses of action for ROW-related cases shall also be lodged on the ROW Task Force Head or the Heads of the Implementing Offices.

Necessary communications with the OSG for case management purposes which do not involve policy direction and other day-to-day, ordinary transactions involving the said cases shall be lodged with the Implementing Offices/ROW Task Force. The signature and approval for the same shall remain with the ROW Task Force Head or the Heads of the Implementing Offices, pursuant to D.O. No. 65 (s. 2017). Examples of these standard transactions are the routinary

filing of expropriation cases at first instance, which includes the signing of Verification and Certification of Non-Forum Shopping and Special Power of Attorney, pursuant to Item 8.2 of D.O. No. 65 (s. 2017), and the operations transmittal and endorsement of documents for filing of complaints for expropriation to the OSG, pursuant to Item 8.3 and Item 11, page 4, Annex B of D.O. No. 65 (s. 2017). The authority to sign is already vested with the Implementing Offices/ROW Task Force under D.O. No. 65 (s. 2017).

**Requests for Release of Funds for
Payment of ROW Claims**

Requests for release of payment for ROW claims in order to facilitate the processing of fund release allotment by the Department of Budget and Management (DBM) shall be accomplished by the Implementing Offices for the purpose of submitting accurate, complete, and informed budget requests. The requests shall include all supporting documents and shall be duly reviewed/validated by the Implementing Offices, in accordance with pertinent laws, rules and regulations, prior to submission to the Office of the Undersecretary for Planning and PPP Services. Said requests shall thereafter be endorsed by the Undersecretary for Planning and PPP to the Undersecretary for Operations or UPMO concerned. The Undersecretary for Operations or UPMO concerned shall then directly request the DBM for the release of funds for payment.

This Order supplements D.O. 19 (s. 2017), D.O. 65 (s. 2017), and D.O. 101 (s. 2019) and amends the provisions of D.O. 48 (s. 2017), D.O. 65 (s. 2017), and D.O. 56 (s. 2019) which are inconsistent herewith. This Order shall take effect immediately.

For information and guidance.



MARK A. VILLAR
Secretary

Department of Public Works and Highways
Office of the Secretary



WIN9A04095



MAY 06 2021

DEPARTMENT ORDER

NO. **37**
Series of 2021 *May 5/7/2021*

) **SUBJECT: Clarifying Department Order No.**
) **110, Series of 2019 Particularly in Entering**
) **Compromise Agreement, Filing an Appeal,**
) **Motion for Reconsideration, Petition for**
) **Certiorari, or Other Legal Remedies in**
) **Court Case involving DPWH Right-of Way**
Acquisition

The constitutional mandate on eminent domain is enshrined in Section 9, Article III of the 1987 Constitution which provides that private property shall not be taken for public use without just compensation.

Consistent therewith, Section 2 of Republic Act (RA) No. 10752, otherwise known as "The Right-of-Way Act", provides that the State shall ensure that the owners of real property acquired for national government infrastructure projects are promptly paid just compensation for the expeditious acquisition of the required right-of-way for the projects.

In a plethora of cases decided by the Supreme Court, just compensation in expropriation cases has been held to contemplate just and timely payment; it embraces not only the correct determination of the amount to be paid to the landowner, but also the payment of the land within a reasonable time from its taking. Equally important is the rule that just compensation does not imply fairness to the property owner alone. Compensation must also be just to the public, which ultimately bears the cost of expropriation.

By virtue of the delegated authority provided for in Department Order No. 110, series of 2019 (DO No. 110, s. 2019), in relation to Department Order No. 65, Series of 2017, the Head of the Right-of-Way Task Force shall be responsible for determining the appropriateness of entering into a compromise agreement or pursuing an appeal for an expropriation case, and/or for any court action initiated by the property owner wherein the subject matter is the taking of his/her property by the DPWH without payment of compensation.

Guided by the foregoing principles, this Department is continuously adopting mechanisms to effectively implement national infrastructure projects as well as to compensate the property owners within the bounds of law and dictates of jurisprudence, thus these clarificatory guidelines:

I. Compromise Agreement

Consistent with DO 110, s. 2019, the following factors, among others, may be used by the Head of ROW Task Force in determining the appropriateness of entering into a compromise agreement with property owners whose property was acquired the right-of-way for national infrastructure projects and is a subject of a pending court action:

1. The offer to compromise is initiated by the claimant;
2. All papers and documents in support of the right-of-way acquisition are complete based on prevailing DPWH requirements;
3. There is no pending legal issue or dispute regarding ownership or title to the property as determined by the court and the only matter left to be resolved by the court is the amount of just compensation to be paid to the property owner;
4. The amount involved therein does not exceed:
 - a. For expropriation cases instituted by this Department:
 - i. Lots – the amount stated in the letter-offer which may be the current market value as appraised by a Government Financial Institution or an Independent Property Appraiser, or the Bureau of Internal Revenue (BIR) Zonal Value at the time of taking¹, whichever is higher;
 - ii. Structures/Improvements – the replacement costs, as appraised by this Department, stated in the letter-offer; and
 - iii. Crops/Trees – the current market value, as appraised by competent government agencies, stated in the letter-offer.
 - b. For any court action initiated by the property owner wherein the subject matter is the taking of his/her property by the DPWH without payment of compensation:
the BIR Zonal Value of the property at the time of taking and if the parties cannot reasonably determine the time of taking of the property based on existing records, the BIR Zonal Value at the time of the completion of the project affecting the subject property may be considered;
5. All defendants agreed to waive the payment of damages of any kind, including interest accrued from the time of filing of the case;
6. Capital gains tax and unpaid real property tax shall be paid by the property owner. Expanded withholding tax, estate tax, and other taxes and fees due shall also be paid by the property owner except those that the government shall pay in accordance with RA No. 10752;
7. The property owner waived any right or interest to file any action in relation to the subject properties and/or the expropriation case.

The Head of ROW Task Force shall certify that the agreement to be entered into is neither prejudicial nor grossly disadvantageous to the interest of the government after the same is reviewed, recommended, and approved by the Office of the Solicitor General (OSG), as the government's legal counsel. The compromise agreement shall be submitted to the court for approval as not being contrary to law, morals, good customs, public order, or public policy.

¹ Time of taking shall mean the date when the implementing agency actually entered the property or the date of the filing of the complaint for expropriation, whichever came first.

II. Appeal and Other Legal Remedies

Appeal, motion for reconsideration, petition for certiorari, or other legal remedies available under the Rules of Court after a judgment or decision was rendered by the courts of law may no longer be availed of in an expropriation case if upon assessment of the Head of the ROW Task Force, taking the totality of circumstances surrounding the case, the effect of pursuing said remedies will result to a similar, or an increase in, liability of this Department. In its assessment, the following factors, among others, may be considered by the ROW Task Force Head in evaluating whether further legal action/s will serve the best interest of the Department:

1. Factors stated in Item No. I (Compromise Agreement), particularly sub-item nos. 2, 3, and 4;
2. If the amount of just compensation is more than: 1) the current market value of the land and the BIR zonal value; 2) the replacement cost of structures or improvements; and 3) the current market value of the crops and trees:
 - a. The difference between the total amount of just compensation awarded in the decision of the court sought to be appealed, and the total amount contained in the Department's letters offer for the affected properties or the total amount deposited with the court pursuant to RA No. 10752, whichever is higher, is not more than six percent (6%). The threshold of 6% shall be based on the higher amount between the amount stated in the Department's letters offer or amount deposited with the court pursuant to RA No. 10752; or
 - b. The amount does not exceed the value awarded in a final and executory judgment of the Supreme Court of the Philippines for an adjacent property subject of another expropriation proceeding;
3. The length of time that elapsed between the date of filing and the date the case is finally resolved by the court;
4. The case was already remanded by the appellate court to the trial court for proper determination of just compensation;
5. The subject infrastructure project is already being utilized despite pendency of the case;
6. For expropriation cases pending before collegiate courts, the interest accrued is already higher than the difference as mentioned in matter No. II (Appeal and Other Legal Remedies) particularly sub-item no. (2)(a).
7. The legal interest imposed by the court is consistent with BSP-MB Circular No. 799, series of 2013²;

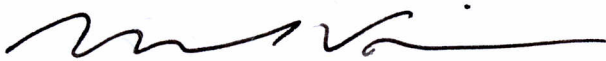
² Interest shall accrue as follows:

(a) The difference between the principal amount of just compensation and the amount of initial deposit shall earn legal interest of 12% per annum from the date of taking until June 30, 2013.

8. There is a favorable recommendation not to appeal the case from the Solicitor General or his duly authorized representative;
9. Availability of additional pieces of evidence to bolster the position of this Department.

The presence or absence of any of the circumstances in Item Nos. I and II shall not prevent the Head of the ROW Task Force to exercise its discretion on whether a compromise, an appeal or otherwise is the best course of action for the government. Other relevant and/or related circumstances may be considered by the Head of the ROW Task Force Head thru a Cost-Benefit Analysis that it may conduct. It is emphasized that the Head of the ROW Task Force shall, at all times, consider the best interest of the government in deciding on these matters.

This Order shall take effect immediately. Any/all previous issuances in conflict with this Order shall be repealed or amended accordingly.



MARK A. VILLAR

Secretary

Department of Public Works and Highways
Office of the Secretary



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- (b) The difference between the principal amount of just compensation and the amount of initial deposit shall earn legal interest of 6% per annum from July 1, 2013 until the finality of the decision.
 - (c) The total amount of just compensation, or the sum of legal interest in items a and b above plus the unpaid portion of just compensation shall earn legal interest of 6% per annum from the finality of the decision until full payment thereof.