

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4601



Introduced by REP. BERNADETTE HERRERA

**AN ACT AMENDING REPUBLIC ACT NO. 10752, ENTITLED AN ACT
FACILITATING THE ACQUISITION OF RIGHT-OF-WAY, SITE, OR LOCATION FOR
NATIONAL GOVERNMENT INFRASTRUCTURE PROJECTS**

EXPLANATORY NOTE

The current right-of-way (ROW) Law, Republic Act (RA) No. 10752, has significantly facilitated the acquisition of ROW for infrastructure projects. There is a need, however, to amend this law to further expedite the implementation of infrastructure projects, as well as to provide clearer, fairer, and simpler terms for ROW acquisition for both property owners and the Government, as follows:

- a. Section 4 of RA 10752 provides for the acquisition of lands under Commonwealth Act (CA) 141 (Public Lands Act) for ROW. This is proposed to be amended to (i) include cases of lands under CA 141, where the landowner is the original patent holder or has acquired the land from the original patent holder through a gratuitous title, and has actually continuously occupied and made productive use of at least 20% of the land for at least the last ten years, and (ii) lands with titles under RA 10023 (Residential Free Patent Law),
- b. In Section 4, a new provision is proposed requiring, prior to actual ROW acquisition, the preparation of a ROW Action Plan (RAP) that includes a census of affected persons, inventory of affected assets, estimated ROW costs, including compensation for affected land, structures and improvements, crops and trees, relocation assistance, schedule of implementation, institutional arrangements, and proof of stakeholder consultations. The absence of such RAP has resulted in many issues during actual ROW acquisition, such as eligible persons to be compensated, valuation of properties, manner of compensation, documentary requirements, and agency budget shortfalls, which ultimately delay and complicate the entire ROW process.
- c. In Section 4, for subterranean properties to be used for infrastructure projects, the Bill reduces the depth beyond which the Government will not be prevented from using the properties, from the current 50 meters to 40 meters. The 50-meter threshold is excessive and

would make civil works and ROW costs prohibitive for most underground projects. This is because, in the Philippines, buildings, including their basements and foundations, do not generally extend deeper than 40 meters. For reference, Japan's laws allow underground works below 40 meters.

The Bill also provides that, for subterranean projects, no compensation shall be paid by the Government for the use of portions of lands deeper than 40 meters from the surface, except for the cost of existing structures affected by the projects. Portions of such lands and structures within 40 meters from the surface, however, shall be compensated.

- d. There is no provision in RA 10752 concerning ROW for areas within ancestral domain occupied by indigenous peoples. Thus, in Section 4, this Bill proposes that, in the case of lands within ancestral domains with certificates of ancestral domain title (CADTs) or lands with pending CADTs which the National Commission on Indigenous Peoples (NCIP) confirms as ancestral domain, an infrastructure ROW easement agreement shall be executed between the implementing agency and the NCIP-certified indigenous political structure as provided for in RA 8371 (Indigenous People's Rights or IPRA of 1997). Under this, the indigenous cultural communities (ICCs)/indigenous peoples (IPPs) shall grant the implementing agency the right to use the affected portion of their ancestral domain as ROW as long as the public purpose requirement subsists, but the ICCs/IPPs shall retain ownership of that portion of the land. For ICCs or IPs with no established indigenous political structure, provisions of the IPRA on the process of free and prior informed consent shall be observed.
- e. In Section 4, this Bill proposes that, for foreign-assisted projects under Official Development Assistance (ODA), the guidelines and procedures concerning ROW acquisition under the loan or grant agreement signed and executed by the Government of the Philippines and the ODA institution shall be observed.
- f. For negotiated sale, Section 5 provides that the compensation of the land shall be its current market value or the BIR zonal value, whichever is higher.
- g. Section 5 of RA 10752 requires that Independent Property Appraisers (IPAs) be accredited by the Bangko Sentral ng Pilipinas (BSP) or by a professional association of appraisers recognized by the BSP. Such accreditation, however, is not part of the BSP's core mandate. This has hampered the engagement of IPAs by implementing agencies. Thus, this Bill proposes to do away with the accreditation by the BSP of IPAs. Instead, the bill simply requires that IPAs be licensed by the Professional Regulation Commission and registered with the Professional Regulatory Board of Real Estate Service, since these are the Agencies that regulate property appraisal services. This will encourage the participation of more IPAs in property appraisal.
- h. Section 5 of RA 10752 also provides that owners of structures and improvements who do not have legally recognized rights to the land – i.e., informal settlers – may be compensated for the replacement cost of such structures and improvements if they meet three criteria – viz., must be Filipino citizens, must not own any real property or housing facility, and must not be professional squatters or members of squatting syndicates. The Bill adds a fourth criterion (now in the Implementing Rules and Regulations or IRR) - i.e., that the owners must not

occupy an existing government ROW; this will discourage illegal encroachment. The Bill also applies this to all types of land, government and private, acquired for infrastructure ROW.

- i. Section 5 of RA 10752 is further to be amended by clarifying that, in negotiated sale, the implementing agency shall pay, for account of the seller, the capital gains tax for capital assets, while adding that the agency shall pay, for the account of the seller, the value added tax and expanded withholding tax for ordinary assets.
- j. Also, Section 5 is to be amended to provide that, instead of the current 50%, 100% of the negotiated price of the land shall be immediately paid by the implementing agency to the owner upon execution of the deed of sale, provided that the title to the land is clean, free of encumbrances, and readily transferable to the name of the Republic, or in the case of untitled lands, that the Tax Declaration showing the owner's/predecessors' continuous possession of the land for at least 30 years. This will financially help the owner to quickly relocate to another property and will expedite project implementation.
- k. Furthermore, Section 5 will be amended so that subparagraph (a) shall also apply to outstanding claims for right-of-way payments, except that the amount to be offered shall be the BIR Zonal Value – instead of the price - at the time of taking of the property, including legal interest until fully paid. It is very difficult to backtrack the market value for properties with outstanding claims, especially those that are several decades ago.
- l. Section 6, Guidelines for Expropriation Proceedings, is proposed to be amended as follows:
 - (2) The replacement cost at current market value of the improvements and/or structures as determined by either of the following - instead of all of them which is impractical:
 - (i) The implementing agency; **OR**
 - (ii) A government financial institution with adequate experience in property appraisal;
OR
 - (iii) An independent property appraiser, selected in accordance with subparagraph (a) of Section 5 hereof, that must possess the license required for a Real Estate Appraiser by the Professional Regulation Commission and be Registered with the Professional Regulatory Board of Real Estate Service pursuant to Republic Act No. 9646.
- m. There are instances when the Commission on Audit questions the use of funds for necessary ROW expenses since these are not spelled out in the appropriations section of RA 10752. Thus, Section 10 will redefine and expand the eligible expenses for ROW activities.
- n. Minor updating/refinements are proposed in Sections 9 (Relocation of Informal Settlers) and 11 (Regulation of Developments within ROW).
- o. The IRR Committee in Section 13 is proposed to be amended to include the Secretaries of the Departments of Information and Communications Technology, Environment and Natural

Resources, Agriculture, Interior and Local Government, Finance, and Human Settlements and Urban Development.

Early approval of this measure is earnestly sought.



BERNADETTE "BH" HERRERA

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4601

Introduced by REP. BERNADETTE HERRERA

AN ACT AMENDING REPUBLIC ACT NO. 10752, ENTITLED AN ACT
FACILITATING THE ACQUISITION OF RIGHT-OF-WAY, SITE, OR LOCATION FOR
NATIONAL GOVERNMENT INFRASTRUCTURE PROJECTS

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

SECTION 1. Section 4 of Republic Act No. 10752 is hereby amended to read as follows:

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

“In cases of lands granted through Commonwealth Act 141 (*PUBLIC LAND ACT*) and its amendments *and Republic Act No. 10023 (RESIDENTIAL FREE PATENT LAW)*, the implementing agency shall:

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

“(B) FOLLOW THE MODES OF ACQUISITION PROVIDED IN THIS ACT IF THE LANDOWNER IS THE ORIGINAL PATENT HOLDER OR HAS ACQUIRED THE LAND FROM THE ORIGINAL PATENT HOLDER THROUGH A GRATUITOUS TITLE, AND HAS ACTUALLY CONTINUOUSLY OCCUPIED AND MADE PRODUCTIVE USE OF AT LEAST TWENTY PERCENT (20%) OF THE LAND FOR AT LEAST THE LAST TEN (10) YEARS; OR

“(C) Follow the provisions under Commonwealth Act 141 regarding acquisition of right-of-way on patent lands *UNDER THE SAID ACT*, if the landowner is the original patent holder or the acquisition of the land from the original patent holder is through a gratuitous title; **OR**

(D) FOLLOW THE MODES OF ACQUISITION PROVIDED IN THIS ACT, IF THE LANDOWNER HAS A VALID TITLE UNDER REPUBLIC ACT NO. 10023.

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

“PRIOR TO THE ACQUISITION OF PROPERTIES TO BE USED AS RIGHT-OF-WAY FOR AN INFRASTRUCTURE PROJECT, THE IMPLEMENTING AGENCY SHALL PREPARE A RIGHT-OF-WAY ACTION PLAN (RAP). THE RAP SHALL CONTAIN A CENSUS AND PROFILE OF AFFECTED PERSONS, INVENTORY OF AFFECTED ASSETS, ESTIMATED RIGHT-OF-WAY COSTS, INCLUDING COMPENSATION FOR AFFECTED LAND, STRUCTURES AND IMPROVEMENTS, CROPS AND TREES, RELOCATION ASSISTANCE, SCHEDULE OF IMPLEMENTATION, INSTITUTIONAL ARRANGEMENTS, AND PROOF OF STAKEHOLDER CONSULTATIONS.

“When it is necessary to build, construct, or install on the subsurface or subterranean portion of private and government owned lands owned, occupied or leased by other persons, such infrastructure as subways, tunnels, underpasses, waterways, floodways, or utility facilities as part of the government’s infrastructure and development project, the government or any of its authorized representatives shall not be prevented from entry into and use of such private and government lands by surface owners or occupants, if such entry and use are made more than **FORTY (40)** meters from the surface.

“FOR SUBTERRANEAN INFRASTRUCTURE PROJECTS, NO COMPENSATION SHALL BE PAID BY THE GOVERNMENT FOR THE USE OF PORTIONS OF SUCH LANDS DEEPER THAN FORTY (40) METERS FROM THE SURFACE, EXCEPT FOR THE COST OF EXISTING STRUCTURES THEREIN THAT ARE AFFECTED BY THE PROJECTS. PORTIONS OF SUCH LANDS AND STRUCTURES WITHIN A DEPTH OF FORTY (40) METERS FROM THE SURFACE, HOWEVER, SHALL BE COMPENSATED IN ACCORDANCE WITH THE PROVISIONS OF THIS ACT.

“IN THE CASE OF ACQUISITION OF LANDS WITHIN ANCESTRAL DOMAINS COVERED BY CERTIFICATES OF ANCESTRAL DOMAIN TITLE (CADT) OR LANDS WITH PENDING ISSUANCE OF THE CADT WHICH THE NATIONAL COMMISSION ON INDIGENOUS PEOPLES (NCIP) CONFIRMS AS ANCESTRAL DOMAIN, THE IMPLEMENTING AGENCY SHALL SECURE THE NECESSARY CERTIFICATION PRECONDITION, AFTER WHICH AN INFRASTRUCTURE RIGHT-OF-WAY EASEMENT AGREEMENT SHALL BE EXECUTED BY AND BETWEEN THE IMPLEMENTING AGENCY AND THE NCIP-CERTIFIED INDIGENOUS POLITICAL STRUCTURE AS PROVIDED FOR IN REPUBLIC ACT NO. 8371 (INDIGENOUS PEOPLE’S RIGHTS ACT OR IPRA OF 1997). UNDER THIS MODE, THE INDIGENOUS CULTURAL COMMUNITIES/INDIGENOUS PEOPLES SHALL GRANT THE IMPLEMENTING AGENCY THE ABSOLUTE AND UNIMPEDED RIGHT TO USE THE AFFECTED PORTION OF THEIR ANCESTRAL DOMAIN AS INFRASTRUCTURE RIGHT-OF-WAY FOR AS LONG AS THE PUBLIC PURPOSE REQUIREMENT

SUBSISTS, BUT THE INDIGENOUS CULTURAL COMMUNITIES/ INDIGENOUS PEOPLES SHALL RETAIN OWNERSHIP OF THAT PORTION OF THE LAND. FOR INDIGENOUS CULTURAL COMMUNITIES/INDIGENOUS PEOPLES WITH NO ESTABLISHED INDIGENOUS POLITICAL STRUCTURE, THE PROVISIONS OF THE IPRA ON THE PROCESS OF FREE AND PRIOR INFORMED CONSENT SHALL BE OBSERVED.

“FOR FOREIGN-ASSISTED PROJECTS WITH OFFICIAL DEVELOPMENT ASSISTANCE, NOTWITHSTANDING THE PROVISIONS OF THIS ACT, THE GUIDELINES AND PROCEDURES CONCERNING RIGHT-OF-WAY ACQUISITION UNDER THE APPROVED LOAN OR GRANT AGREEMENT SIGNED AND EXECUTED BY THE GOVERNMENT OF THE PHILIPPINES AND THE OFFICIAL DEVELOPMENT ASSISTANCE INSTITUTION SHALL BE OBSERVED.”

SEC. 2. Section 5 of Republic Act No. 10752 is hereby amended to read as follows:

“SEC. 5. Rules on Negotiated Sale. – The implementing agency may offer to acquire, through negotiated sale, the right-of-way, site or location for a national government infrastructure project, under the following rules:

“(a) The implementing agency shall offer to the property owner, as compensation price, the sum of:

“(1) The current market value of the land **OR THE APPLICABLE ZONAL VALUE SET BY THE BUREAU OF INTERNAL REVENUE, WHICHEVER IS HIGHER;**

“(2) The replacement cost of structures and improvements, **INCLUDING MACHINERY**, therein; and

“(3) The current market value of crops and trees therein;

“To determine the appropriate price offer, the implementing agency may engage the services of a government financial institution with adequate experience in property appraisal, or an independent property appraiser ~~accredited by the Bangko Sentral ng Pilipinas (BSP) or a professional association of appraisers recognized by BSP.~~ **THE INDEPENDENT PROPERTY APPRAISER MUST POSSESS THE LICENSE REQUIRED FOR A REAL ESTATE APPRAISER BY THE PROFESSIONAL REGULATION COMMISSION AND MUST BE REGISTERED WITH THE PROFESSIONAL REGULATORY BOARD OF REAL ESTATE SERVICE, PURSUANT TO REPUBLIC ACT NO. 9646 (REAL ESTATE SERVICE ACT OF THE PHILIPPINES, 2009).** **THE INDEPENDENT PROPERTY APPRAISER SHALL** ~~to~~ be procured, **EITHER BY ITSELF OR AS PART OF A CONSULTING GROUP**, by the implementing agency under the provisions of Republic Act No. 9184, otherwise known as the “Government Procurement Reform Act” and its implementing rules and regulations pertaining to consulting services.

~~“If the property owner does not accept the price offer, the implementing agency shall initiate expropriation proceedings pursuant to Section 6 hereof.~~

“The property owner is given thirty (30) days to decide whether or not to accept the offer as payment for his property. Upon refusal or failure of the property owner to accept such offer or fails or refuses to submit the documents necessary for payments, the implementing agency shall immediately initiate expropriation proceedings as provided in Section 6 herein.

“(b) Subparagraph a(2) of Section 5 shall also apply to all owners of structures and improvements, who do not have legally recognized rights to the land ***OF ALL TYPES, WHETHER GOVERNMENT OR PRIVATE, ACQUIRED AS RIGHT-OF-WAY FOR INRASTRUCTURE PROJECTS***, and who meet all of the following criteria:

“(1) Must be a Filipino citizen;

“(2) Must not own any real property or any other housing facility, whether in an urban or rural area;

“(3) Must not be a professional squatter or a member of a squatting syndicate, as defined in Republic Act No. 7279, otherwise known as the “Urban Development and Housing Act of 1992-; and

“(4) MUST NOT OCCUPY ANY EXISTING RIGHT-OF WAY OF THE GOVERNMENT.

“(c) With regard to the taxes and fees relative to the transfer of title of the property to the Republic of the Philippine through negotiated sale, the implementing agency shall pay, for account of the seller, the capital gains tax ***FOR CAPITAL ASSETS, OR VALUE ADDED TAX AND EXPANDED WITHHOLDING TAX FOR ORDINARY ASSETS. THE IMPLEMENTING AGENCY SHALL ALSO PAY*** the documentary stamp tax, transfer tax and registration fees. The owner shall pay any unpaid real property tax.

“(d) If requested by the property owner, the implementing agency shall remit to the LGU concerned the amount corresponding any unpaid real property tax, subject to deduction of this amount from the total negotiated price: Provided, however, That the said amount is not more than the negotiated price.

“(e) The property owner and the implementing agency shall execute a Deed of Absolute Sale: Provided, That the property owner has submitted to the implementing agency the Transfer Certificate of Title, Tax Declaration, Real Property Tax Certificate, and other documents necessary to transfer the title to the Republic of the Philippines. The implementing agency shall cause the annotation of the Deed of Absolute Sale on the Transfer Certificate of Title.

“(f) Upon the execution of a Deed of Sale, the implementing agency shall pay the property owner:

“(1A) **ONE HUNDRED** percent (**100%**) of the negotiated price of the affected land, exclusive of taxes remitted to the **LGU** under subparagraph (d) herein, **PROVIDED THAT THE TITLE TO THE LAND IS CLEAN, FREE OF ENCUMBRANCES, AND READILY TRANSFERABLE TO THE NAME OF THE REPUBLIC OF THE PHILIPPINES, OR IN THE CASE OF UNTITLED LANDS, THAT THE TAX DECLARATION SHOWING THE LANDOWNER’S AND HIS PREDECESSORS’ OPEN AND CONTINUOUS POSSESSION OF THE LAND FOR AT LEAST THIRTY (30) YEARS; OR**

“(1B) **FOR LANDS WITH LIEN, OR IN CASES WHERE THE OWNER IS DECEASED AND THE HEIRS ARE IN THE PROCESS OF SETTLING THE ESTATE, FIFTY PERCENT (50%) OF THE NEGOTIATED PRICE OF THE AFFECTED LAND, EXCLUSIVE OF TAXES REMITTED TO THE LGU UNDER SUBPARAGRAPH (D) HEREIN;** and

“(2) Seventy percent (70%) of the negotiated price of the affected structures, improvements **INCLUDING MACHINERY**, crops and trees, exclusive of unpaid taxes remitted to the **LGU** under subparagraph (d) herein.

“(g) The implementing agency shall, at the times stated below, pay the property owner the remaining fifty percent (50%) of the negotiated price of the affected land **UNDER SUBPARAGRAPH (F)-(IA) HEREIN**, and thirty percent (30%) of the affected structures, improvements **INCLUDING MACHINERY**, crops and trees, exclusive of unpaid taxes remitted to the LGU concerned under subparagraph (d) herein; Provided, That the land is already completely cleared of structures, improvements, crops and trees.

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

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

“The provisions of subparagraph (a) herein shall also apply to outstanding claims for right-of-way payments, except that the amount to be offered shall be the **BIR ZONAL VALUE** at the time of taking of the property, including legal interest until fully paid.

SEC. 3. The first paragraph of Section 6 of Republic Act No. 10752 is hereby amended to read as follows:

“**SEC. 6. Guidelines for Expropriation Proceedings.** – Whenever it is necessary to acquire real property for the right-of-way, site or location for any national government infrastructure through expropriation, the appropriate implementing agency, through the Office of the Solicitor General, the Office of the Government Corporate Counsel, or their deputized government or

private legal counsel, shall initiate the expropriation proceedings before the proper court under the following guidelines:

“(a) Upon the filing of the complaint or at any time thereafter, and after due notice to the defendant, the implementing agency shall immediately deposit to the court in favor of the owner the amount equivalent to the sum of:

“(1) One hundred per cent (100%) of the value of the land based on the current relevant zonal valuation of the Bureau of Internal Revenue (BIR), issued not more than three (3) years prior to the filing of the expropriation complaint subject to subparagraph (c) of this Section;

“(2) The replacement cost at current market value of the improvements and/or structures as determined by:

“(i) The implementing agency; **OR**

“(ii) A government financial institution with adequate experience in property appraisal; **OR**

“(iii) An independent property appraiser, ***SELECTED IN ACCORDANCE WITH SUBPARAGRAPH (A) OF SECTION 5 HEREOF, THAT MUST POSSESS THE LICENSE REQUIRED FOR A REAL ESTATE APPRAISER BY THE PROFESSIONAL REGULATION COMMISSION AND BE REGISTERED WITH THE PROFESSIONAL REGULATORY BOARD OF REAL ESTATE SERVICE PURSUANT TO REPUBLIC ACT NO. 9646 (REAL ESTATE SERVICE ACT OF THE PHILIPPINES, 2009).***

“(3) The current market value of crops and trees located within the property as determined by the government financial institution or an independent property appraiser to be selected as indicated in subparagraph (a) of Section 5 hereof, **OR RELEVANT GOVERNMENT AGENCY.**

SEC. 4. The first paragraph of Section 9 of Republic Act No. 10752 is hereby amended to read as follows:

“SEC. 9. Relocation of Informal Settlers. – The ***DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (DHSUD), THROUGH THE APPROPRIATE KEY SHELTER AGENCY,*** in coordination with the local government units and implementing agencies concerned, shall establish and develop resettlement sites for informal settlers, including the provision of adequate basic services and community facilities, in anticipation of informal settlers that have to be removed from the right-of-way or site of future infrastructure projects, pursuant to the provisions of the Republic Act No. 7279, otherwise known as the “Urban Development and Housing Act of 1992.” Whenever applicable, the concerned local government units shall provide and administer the resettlement sites.

SEC. 5. The first paragraph of Section 10 of Republic Act No. 10752 is hereby amended to read as follows:

“SEC. 10. Appropriations for Acquisition of Right-of-Way, Site or Location for National Government Infrastructure Projects in Advance of Project Implementation. – The government shall provide adequate appropriations that will allow the concerned implementing agencies to acquire the required right-of-way, site or location for national government infrastructure projects in advance of project implementation. These appropriations shall cover the funds needed to cover the following expenses for activities directly related to right-of-way acquisition for the projects as provided in this Act:

“(a) Cost of parcellary surveys and appraisal of properties affected by the projects;

“(B) **PREPARATION, VALIDATION OF A RIGHT-OF-WAY ACTION PLAN, INCLUDING LIVELIHOOD RESTORATION AND IMPROVEMENT;**

“(C) **COST OF PREPARATION OF APPROPRIATE ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REPORT AND OTHER ACTIVITIES IN SECURING ENVIRONMENTAL COMPLIANCE CERTIFICATE (ECC), INCLUDING PROCESSING FEES, REVIEW, MONITORING, AND GUARANTEE FUNDS;**

“(D) **COMPENSATION FOR THE PROJECT-AFFECTED LAND, STRUCTURES AND IMPROVEMENTS INCLUDING MACHINERY, AND CROPS AND TREES; AND**

“(E) Related expenses of the implementing agency, including capital gains tax in the case of negotiated sale under Section 5 hereof, documentary stamp tax, transfer tax and registration fees for the transfer of titles, **EXPROPRIATION-RELATED EXPENSES**, and other relevant administrative expenses for right-of-way management.

SEC. 6. Section 11 of Republic Act No. 10752 is hereby amended to read as follows:

“SEC. 11. Regulation of Developments within Declared Right-of-Way. – Upon the approval of an infrastructure project by the head of the implementing agency concerned, with funding authorized in the General Appropriations Act and with **APPROVED PARCELLARY SURVEY PLANS**, no National Government Agency or Local Government Unit shall, within two years from date of notice of taking, allow any development or construction, or issue any building, construction, development or business permit, which is contrary to the approved plans and purposes of the project, within the said right-of-way, unless explicitly authorized by the head of the implementing agency for justifiable reasons. **THE IMPLEMENTING AGENCY SHALL PROVIDE THE CONCERNED NATIONAL AGENCIES AND LGUS A COPY OF THE NOTICE OF TAKING UPON ITS ISSUANCE.**

SEC. 7. Section 131 of Republic Act No. 10752 is hereby amended to read as follows:

“SEC. 13. *Implementing Rules and Regulations (IRR).* – A committee shall prepare, in consultation with key stakeholders, the IRR for the proper implementation of this Act within sixty (60) days from its approval.

“The committee shall be composed of the following officials or their duly designated representatives:

“(a) The Secretary of the Department of Public Works and Highways as Chairperson;

“(b) The Secretary of the Department of Transportation as member;

“(c) The Secretary of the Department of Energy as member;

“(D) THE SECRETARY OF THE DEPARTMENT OF INFORMATION AND COMMUNICATIONS TECHNOLOGY AS MEMBER;

“(E) THE SECRETARY OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AS MEMBER;

(F) THE SECRETARY OF THE DEPARTMENT OF AGRICULTURE AS MEMBER;

(G) THE SECRETARY OF THE DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT AS MEMBER;

(H) THE SECRETARY OF THE DEPARTMENT OF FINANCE AS MEMBER;

(I) The Secretary of the Department of Justice as member;

“(J) The Secretary of the Department of Budget and Management as member;

“(K) The Director General of the National Economic and Development Authority as member;

“(L) ~~The Chairman of the HUDCC~~ **SECRETARY OF THE DEPARTMENT OF HUMAN SETTLEMENTS AND URBAN DEVELOPMENT** as member; and

“(M) Other representatives of concerned entities as determined by the committee as members.”

SEC. 8. *Repealing Clause.* – All laws, decrees, orders, rules and regulations or parts thereof inconsistent with this Act are hereby repealed or amended accordingly.

SEC. 9. *Separability Clause.* – If any provision of this Act is held invalid, the other provisions not affected thereby shall continue in operation.

SEC. 10. *Effectivity.* –This Act shall take effect fifteen (15) days following its publication in at least two (2) newspapers of general circulation.

Approved.