

AMENDING PARAGRAPHS 1, 2, AND 3 OF PD NO. 1224 FURTHER DEFINING THE POLICY ON THE EXPROPRIATION OF PRIVATE PROPERTY FOR SOCIALIZED HOUSING UPON PAYMENT OF JUST COMPENSATION.

PRESIDENTIAL DECREE NO. 1259, December 11, 1977

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WHEREAS, despite the issuance of Presidential Decree No. 1224 to clarify and amend provisions of Presidential Decree No. 76, on the expropriation of private lands and improvements thereon, there are still certain doubts on the extent of the government's power to acquire lands for housing and its related components as provided for in PD No. 757 vesting the power to exercise the right of eminent domain to the National Housing Authority;

WHEREAS, housing is a development process which encompasses not only the provision of shelter but most of all the building of a total community in accordance with the human settlements concept;

WHEREAS, doubts have also been expressed as to the proper valuation to be followed in the determination of just compensation in expropriation proceedings.

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, do hereby order and decree that:

SECTION 1. Paragraph 1 of Presidential Decree No. 1224 dated October 21, 1977 is hereby amended to read as follows:

The term "public use" for purposes of acquisition by the government, either by itself or through any authorized agency or entity, of any private land and improvements thereon shall include, among others, the acquisition for the purpose of socialized housing. Socialized housing is hereby defined to include among others:

- The construction and/or improvement of dwelling units for the middle and lower income groups of the society, including the construction of the supporting infrastructure and other facilities;
- Slum clearance, relocation and resettlement of squatters and slum dwellers as well as the provision of related facilities and services;
- Slum improvement which consists basically of allocating homelots to the dwellers in the area or property involved, re-arrangement and re-alignment of existing houses and other dwelling structures and the construction and provision of basic community facilities and services, where there are none such as roads, footpaths, drainage, sewerage, water and power system, schools, barangay centers, community centers, clinics, open spaces, parks, playgrounds and other recreational facilities;
- The provision of economic opportunities, including the development of commercial and industrial estates and such other facilities to enhance the total community growth; and
- Such other activities undertaken in pursuance of the objective to provide and maintain housing for the greatest number of people under Presidential Decree No. 757.

SECTION 2. Paragraph 2 of the same decree is hereby amended to read as follows:

In the determination of just compensation for such private lands and improvements to be expropriated, the Government shall choose between the value of the real property and improvements thereon as declared by the owner or administrator thereof or the market value determined by the city or provincial assessor, which ever is lower, at the time of the filing of the expropriation complaint.

SECTION 3. Paragraph 3 of the same decree is hereby amended to read as follows:

Upon the filing of the petition for expropriation and the deposit of the amount of the just compensation provided for in Section 2 hereof, the Government, or its authorized agency or entity, shall immediately have possession, control and disposition of the real property and the improvements thereon even pending resolution of the issues that may be raised whether before the Court of First Instance, Court of Agrarian Relations or the higher courts.

SECTION 4. All acts, parts of acts, decrees, letters of instructions, orders, ordinances, or rules and regulations which are inconsistent herewith are hereby repealed, amended or modified accordingly.

DONE in the City of Manila, this 11th day of December, in the year of Our Lord, Nineteen Hundred and Seventy-Seven.

(Sgd.) FERDINAND E. MARCOS
President of the Philippines

By the President:

(Sgd.) JUAN C. TUVERA
Presidential Assistant

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