

DSWD OPINION NO. 16 S. 2024

DRN: LS-L-LO-23-12-22816-C

MEMORANDUM

FOR : ATTY. KARINA ANTONETTE A. AGUDO
Director, Administrative Service

FROM : THE OFFICER-IN-CHARGE¹

SUBJECT : TRANSFER OF DSWD PROPERTY IN PAGADIAN CITY TO
BALANGASAN CENTRAL ELEMENTARY SCHOOL

DATE : 26 JANUARY 2024

This pertains to your MEMORANDUM² dated 29 November 2023 requesting for legal advice on the best course of action to take, in the management of the DSWD property located in Pagadian City.

Background

The real property or parcel of land involved in this case is entirely reserved for DSWD purposes pursuant to Presidential Proclamation No. 260, dated 1 September 1967³. However, records show that the DSWD have yet to occupy the entire property. Further, we note that the Balangasan Central Elementary School (BCES) is currently occupying the subject property and has even built permanent structures in the area.

In a letter dated 9 October 2023, the Representative of the First District of Zamboanga del Sur has asked the DSWD Secretary to consider transferring full ownership over the portion of land reserved for the DSWD, to the BCES. Consequently, the Office of the Secretary referred the said letter to the Administrative Service (AS) for action. And in response, your office has requested the Field Office (FO) IX for its comments on the proposal.

In the MEMORANDUM dated 22 November 2023, the Regional Director of FO IX asserted that the DSWD should enforce its rights over the subject land in Pagadian City, to further the Department's social protection mandate. In fact, they filed an application on 21 September 2022 for a Special Patent with the Community Environment and Natural Resources Office (CENRO) in the Municipality of Ramon Magsaysay, Zamboanga del Sur for the lots 2396 and 2397 in order to obtain Title over the real property. The FO also recommended for the possible execution of a

¹ Special Order No.6021 dated December 4, 2023

² REQUEST MEMORANDUM FROM ADMINISTRATIVE SERVICE

³ Proclamation 260 series of 1967 "Reserving for the Administration Building and Demonstration site purposes of the Social Welfare Administration certain parcels of land of the Public Domain situated in the Municipality of Pagadian Province of Zamboanga Del Sur" Island of Mindanao".

usufruct agreement between the DSWD and BCES, for the latter to continue utilizing the covered lots.

This level's opinion

For clarity, it is imperative that we cite the pertinent law on the matter under review.

PROCLAMATION NO. 260

Reserving for Administration Building and Demonstration Center site Purposes of the Social Welfare Administration Certain Parcels of Land of the Public Domain situated in the Municipality of Pagadian, Province of Zambaonga Del Sur, Island of Mindanao.⁴

That is, in Presidential Proclamation No. 260, certain parcels of land located in Balangasan, Pagadian City were reserved for the use by the Social Welfare Administration (now DSWD). Here, the DSWD has a better right over the subject land based on the said proclamation. However, this Level recommends that DSWD should solidify its right over the land by pursuing the titling of the subject real property.

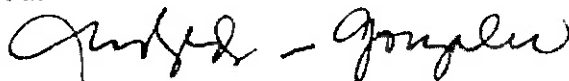
In the recent consultation meeting of the DSWD Legal Service and the members of the DSWD-OSG Taskforce lawyers, it was agreed upon that this case involving the real property of DSWD in Pagadian City, in relation to the BCES claim, should be endorsed to the Office of the Solicitor General (OSG), as counsel for the Department, for initial assessment and further recommendations. Hence, **may we respectfully request the AS to submit to Legal Service, the complete case records for subsequent endorsement to the Office of the Solicitor General.**

As for the counter-proposal of the FO for the DSWD to execute a Usufruct Agreement with the BCES, we respectfully recommend that AS consider awaiting the case assessment to be conducted by the OSG lawyers, for this purpose, so that the Department is duly guided on its ways forward.

For consideration.

Lastly, kindly fill-out the Customer Feedback Form and return the same to the Legal Service.

Thank you.



ATTY. MARIA CASSANDRA M. URBIZTONDO-GONZALES



FBT/SBR/10065