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[REPUBLIC ACT NO. 12289]

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

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

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

SEC. 2. *Declaration of Policy.* — The State affirms that
private property shall not be taken for public use without just
compensation. It shall ensure that owners of real property
acquired for national government infrastructure projects and

private infrastructure projects for public use are promptly paid just compensation, based on a nationally consistent real property valuation for a more expeditious acquisition of the required right-of-way for the projects.

It is also declared a policy of the State to recognize the importance and participation of the private sector in delivering public services. To this end, the State shall encourage private enterprise involvement and facilitate the acquisition of right-of-way sites or locations for private infrastructure projects for public use to ensure a more efficient delivery of public services.

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

"SEC. 3. *Coverage.* – This Act shall apply to:

(a) The National Government Infrastructure Projects – As used in this Act, the term 'national government projects' shall refer to all national government infrastructure projects and its public service facilities, engineering works, and service contracts, including projects undertaken by government-owned or -controlled corporations (GOCCs), all projects covered by Republic Act No. 6957, as amended by Republic Act No. 7718, Republic Act No. 11966 or the 'Public-Private Partnership (PPP) Code of the Philippines', and other related and necessary activities such as site acquisition, supply or installation of equipment and materials, implementation, construction, completion, operation, maintenance, improvement, repair, and rehabilitation, regardless of the source of funding; and

(b) Private Entity Providing Public Service – As used in this Act, the term 'private entity' shall refer to an entity that has been granted the right to exercise the power of eminent domain under its franchise or other laws, and operates, manages, or controls any of the following public services:

- (1) Distribution of electricity;
- (2) Transmission of electricity;
- (3) Petroleum and petroleum products pipeline transmission systems;

(4) Water pipeline distribution systems and wastewater pipeline systems, including sewerage pipeline systems;

(5) Internet connection, telecommunications, and connectivity;

(6) Airports;

(7) Seaports;

(8) Irrigation projects; or

(9) Other similar public services.

Subject to the provisions of Republic Act No. 7160 or the 'Local Government Code of 1991', local government units (LGUs) may also adopt the provisions of this Act for use in the acquisition of right-of-way for local government infrastructure projects."

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

"SEC. 4. *Modes of Acquiring Real Property.* –

(a) The government may acquire real property needed as a 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 case of lands held by property owners through the grant of patents under Commonwealth Act No. 141 or 'The Public Land Act', as amended by Republic Act No. 10023 or 'An Act Authorizing the Issuance of Free Patents to Residential Lands', the implementing agency shall enforce the liens on these patented lands and is authorized to take immediate possession of the land to the extent of the lien after due notice to the property owners, with damages for improvements only.

When it is necessary to build, construct, or install on the subsurface or subterranean portion of private and government lands owned, occupied, or

leased by other persons, such infrastructure as subways, tunnels, underpasses, waterways, floodways, or utility facilities as part of the government or private entities' infrastructure and development project, the government or any of its authorized representatives and private entities or their authorized representatives shall not be prevented from entry into and use of the subsurface or subterranean portions 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: *Provided, however,* That for government priority infrastructure projects, eighteen (18) meters from the surface will be observed: *Provided, further,* That the implementing agency or private entity shall, during the design process, avoid existing subsurface structures to the extent that is technically reasonable: *Provided, finally,* That if existing structures cannot be avoided, their owners shall be duly compensated pursuant to this Act.

(b) Subject to the ownership restrictions under the Constitution, a private entity may acquire private land or patrimonial property for a right-of-way site or location of an infrastructure project, as may be reasonably necessary for the efficient maintenance and operation of the public service pursuant to the private entity's franchise or authority to operate: *Provided,* That any and all properties acquired by the private entity pursuant to its delegated power of eminent domain shall be registered in the name of the private entity with the following restrictions annotated at the back of the Certificate of Title, thus:

(1) Except by way of donation in favor of the national government, province, city, or municipality, no portion of any street, passageway, waterway, or open space so delineated on the plan as acquired shall be closed or otherwise disposed of by the registered owner without the approval of the appropriate regional trial court of the province or city in which the land is situated, that the property is being transferred solely for the purpose for which the same was acquired;

(2) Should the government or any of its subdivisions or instrumentalities deem the property

necessary for national government infrastructure projects, it shall be liable to pay the private entity its cost of acquisition; and

(3) Any and all improvements shall be paid replacement cost taking depreciation into consideration.

(c) Subject to relevant laws, rules, and regulations, the government or private entity may enter into agreements with property owners or national government agencies (NGAs) and GOCCs for donation, lease, usufruct, joint use, easement, right-of-way usage agreement, permit to enter, or other similar right to use the property necessary for infrastructure projects. The provisions of this Act shall apply suppletorily to such agreements."

SEC. 5. A new Section 5 is hereby inserted after Section 4 of Republic Act No. 10752 and the subsequent sections shall be renumbered accordingly:

"SEC. 5. *Entry and Use of Property Within Ancestral Domains.* – In the exercise of the power of eminent domain which involves the acquisition of land within ancestral domains covered by Certificates of Ancestral Domain Title (CADT) or are confirmed by the National Commission on Indigenous Peoples (NCIP) to be part of the ancestral domain but are pending issuance of the CADT, the provisions of Republic Act No. 8371 or 'The Indigenous Peoples' Rights Act of 1997' shall apply."

SEC. 6. Section 5 of Republic Act No. 10752 is hereby amended to read as follows:

"SEC. 6. *Rules on Negotiated Sale.* – The implementing agency or the private entity may offer to acquire, through negotiated sale, the right-of-way site or location for a national government infrastructure project or private infrastructure project, respectively, under the following rules:

(a) The implementing agency or the private entity shall offer to the property owner concerned, as compensation price, the sum of:

(1) The market value of the land based on the schedule of market values (SMV);

(2) The replacement cost of structures and improvements therein, taking depreciation into consideration; and

(3) The market value of crops and trees therein.

Initially, the appropriate price offer shall be based on the valuation system and SMV established under Republic Act No. 12001 or the 'Real Property Valuation and Assessment Reform Act': *Provided, however,* That the final negotiated amount shall not exceed the current fair market value of land and structures.

In the absence of the approved SMV, the following shall, in the interim, be used to determine the appropriate offer amount: (i) the Bureau of Internal Revenue (BIR) zonal valuation of the land, and (ii) the assessed value of the improvements, including machinery considered as immovables under Article 415 of the New Civil Code, structures, crops, or trees.

If the property owner does not accept the price offer, the implementing agency or the private entity shall initiate expropriation proceedings under Section 7 hereof.

The property owner is given thirty (30) days to decide whether to accept the offer as payment for the property. Upon refusal or failure of the property owner to accept such an offer or to submit the documents necessary for payment, the implementing agency or the private entity shall immediately initiate expropriation proceedings as provided in Section 7 hereof.

(b) Subparagraph (a)(2) of Section 6 hereof shall also apply to all owners of structures and improvements who do not have legally recognized rights to the land, and 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, as certified by the Department of Human Settlements and Urban Development (DHSUD);

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

(4) Must not occupy an existing right-of-way.

(c) With regard to the taxes and fees relative to the transfer of title of the property to the Republic of the Philippines through negotiated sale, the implementing agency or the private entity shall pay, for the account of the seller, the capital gains tax, as well as the documentary stamp tax, transfer tax, and registration fees, while the property owner shall pay any unpaid real property tax. To facilitate the payment of taxes, the implementing agency may deposit or transfer funds in advance to the BIR, which shall be deemed paid from said funds for all taxes arising from the sale as they fall due. This provision shall only apply to the negotiated sale of property classified as capital assets. Negotiated sale of property classified as ordinary assets are subject to the existing rules and regulations of the BIR.

(d) If requested by the property owner, the implementing agency or the private entity shall remit to the LGU concerned the amount corresponding to any unpaid real property tax, subject to the 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 or the private entity shall execute a deed of absolute sale: *Provided,* That the property owner has submitted to the implementing agency or the private entity the owner's duplicate copy of the original or Transfer Certificate of Title, Tax Declaration, Real Property Tax Certificate, and other documents necessary to transfer the title to the Republic of the Philippines: *Provided, further,* That in the case of untitled lands, the possessor of the property shall

submit to the implementing agency the following additional documents:

(1) Tax declaration showing the possessor's and the predecessors' open, continuous, exclusive, and notorious possession of the land for at least twenty (20) years;

(2) Affidavit from at least two (2) disinterested residents of the barangay where the land is located that the possessor or the predecessors have continuously occupied the land for at least twenty (20) years;

(3) Real Property Tax Certificate;

(4) Certification from the Department of Environment and Natural Resources (DENR) that the land is alienable and disposable;

(5) Technical description of the property and map based on a survey conducted by a licensed geodetic engineer and approved by the DENR; and

(6) Other documents that show ownership:

Provided, furthermore, That upon submission of all the above-listed requirements to cause the transfer of the title to the Republic of the Philippines, the property possessor shall be reimbursed the cost thereof upon sufficient proof.

(f) Upon the execution of a deed of sale, the implementing agency or the private entity shall pay the property owner:

(1) Fifty percent (50%) of the negotiated price of the affected land, exclusive of taxes remitted to the LGU concerned under subparagraph (d) herein; and

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

(g) The implementing agency or the private entity shall, at the times stated hereunder, pay the property owner the remaining fifty percent (50%) of

the negotiated price of the affected land, and thirty percent (30%) of the affected structures, improvements, 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 or the private entity, 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 price at the time of taking of the property."

SEC. 7. Section 6 of Republic Act No. 10752 is hereby amended to read as follows:

"SEC. 7. *Guidelines for Expropriation Proceedings.* - Whenever it is necessary to acquire real property for the right-of-way site or location of an infrastructure project through expropriation by the government or a private entity, the appropriate implementing agency, through the Office of the Solicitor General, the Office of the Government Corporate Counsel, their deputized government or private legal counsel, or the private entity, through its designated legal counsel, shall immediately 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 property owner, the implementing agency or the private entity shall immediately deposit to the court in favor of the property owner the amount equivalent to the sum of:

(1) Fifteen percent (15%) of the market value of the land;

(2) One hundred percent (100%) of the replacement cost, taking into consideration depreciation of the improvements, including machinery considered as immovable under Article 415 of the New Civil Code, and structures; and

(3) Fifteen percent (15%) of the market value of crops and trees located within the property.

The foregoing amounts shall be based on the approved SMV established under Republic Act No. 12001. In the absence of the approved SMV, the following shall, in the interim, be used in determining the appropriate amount for deposit: (i) the BIR zonal valuation of the land, and (ii) the assessed value of the improvements, including machinery considered as immovables under Article 415 of the New Civil Code, structures, crops, or trees.

Upon compliance with the above-mentioned guidelines, the court shall immediately issue to the implementing agency or the private entity an order to take possession of the property.

The court shall issue the writ of possession *ex parte*; no hearing shall be required.

The court shall release the amount to the property owner upon presentation of sufficient proof of ownership.

(b) In case the owner of the property cannot be found, is unknown, or deceased and the estate has not been settled, after exerting due diligence, or there are conflicting claims over the ownership of the property and improvements and/or structures thereon, the implementing agency or the private entity shall deposit the amount equivalent to the sum under subparagraphs (a)(1) to (a)(3) of this section to the court for the benefit of the person to be adjudged in the same proceeding as entitled thereto.

Upon compliance with the above-mentioned guidelines, the court shall immediately issue to the implementing agency or the private entity an order to take possession of the property.

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

(c) In provinces, cities, municipalities, and other areas where there is no land classification, the city or municipal assessor is hereby mandated, within a period of sixty (60) days from the date of filing of the expropriation case, to come up with the required land classification and the corresponding declaration of real property and improvement for the area.

(d) With reference to subparagraph (a)(1) of this section, in case the completion of a government infrastructure project is of utmost urgency and importance, and there is no land classification, the implementing agency or the private entity shall use the market value pursuant to the approved SMV established under Republic Act No. 12001 and land classification of similar lands within the adjacent vicinity as the basis for the valuation.

In the absence of the approved SMV under Republic Act No. 12001, the BIR zonal valuation of similar lands within the adjacent vicinity shall, in the interim, be used.

(e) In any of the cases in subparagraphs (a) to (d) of this section, upon its receipt of the writ of possession issued by the court, the implementing agency or the private entity may take possession of the property and start the implementation of the project.

(f) In the event that the owner of the property contests the implementing agency or the private entity's proffered value, the court shall determine the just compensation to be paid the property owner within sixty (60) days from the date of filing of the expropriation case. When the decision of the court becomes final and executory, the implementing agency or the private entity shall pay the property owner the difference between the amount already paid and the just compensation as determined by the court.

(g) With regard to the taxes and fees relative to the transfer of title of the property to the Republic of the Philippines through expropriation proceedings, the implementing agency or the private entity shall pay the documentary stamp tax, transfer tax, and registration fees, while the property owner shall pay the capital gains tax and any unpaid real property tax."

SEC. 8. Section 7 of Republic Act No. 10752 is hereby amended to read as follows and the subsequent sections shall be renumbered accordingly:

"SEC. 8. *Standards for the Assessment of the Value of the Property in Expropriation Cases.* – In order to facilitate the determination of the market value of the property, the following relevant standards shall be observed:

(a) The classification and use for which the property is suited;

(b) The current estimated development cost for improving the land;

(c) The value declared by the owners;

(d) The current market value of similar lands in the vicinity;

(e) The reasonable disturbance compensation for the removal and/or demolition of certain improvements on the land and for the value of improvements thereon;

(f) The size, shape or location, tax declaration, and the approved SMV established under Republic Act No. 12001, or in the absence of such SMV, the BIR zonal valuation of similar lands within the adjacent vicinity shall, in the interim, be used;

(g) x x x

(h) x x x."

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

"SEC. 10. *Relocation of Informal Settlers.* – The DHSUD, through the appropriate key shelter agency, in coordination with the LGUs 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 site or location of future infrastructure projects, pursuant to the provisions of Republic Act No. 7279, as amended. Whenever applicable, the concerned LGUs shall provide and administer the resettlement sites.

In case the expropriated land is occupied by informal settlers who refuse or are unable to demolish their structures and other improvements therein despite the writ of possession issued by the court under Section 7 hereof, the court shall issue the necessary writ of demolition for the purpose of dismantling any and all structures found within the subject property. The implementing agency shall take into account and observe diligently the procedure provided in Sections 28 and 29 of Republic Act No. 7279."

SEC. 10. A new Section 11 is hereby inserted after the renumbered Section 10 of Republic Act No. 10752 and the subsequent sections shall be renumbered accordingly:

"SEC. 11. *Relocation of Utilities and Facilities Owned by Utility Providers Affected by a National Government Project.* – The just compensation related to relocation of utilities owned by utility providers affected by a national government project shall be determined based on the guidelines of the concerned regulatory body. This shall include, among others, compensation for direct and indirect costs.

The inter-agency committee constituted under Section 19 of this Act shall issue the implementing rules and guidelines for this provision."

SEC. 11. Section 10 of Republic Act No. 10752 is hereby amended to read as follows:

"SEC. 12. 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) Compensation for the project-affected land, structures, improvements, including machinery considered as immovable under Article 415 of the New Civil Code, crops, and trees;

(c) Cost of development and implementation of resettlement projects covered by this Act, including planning, social preparation, and other activities under the resettlement action plan;

(d) Related expenses of the implementing agency, including capital gains tax in the case of negotiated sale under Section 6 hereof, documentary stamp tax, transfer tax, and registration fees for the transfer of titles, and other relevant administrative expenses for right-of-way management; and

(e) Such other entitlements that are necessary to allow affected persons to return to their respective way of life prior to the implementation of the project, such as, but not limited to:

(1) Transportation costs;

(2) Subsistence allowance or inconvenience allowance;

(3) Resettlement assistance or rental subsidy;

(4) Business income loss; and

(5) Skills training.

For Public-Private Partnership (PPP) projects, appropriations for the acquisition of right-of-way shall be in accordance with Republic Act No. 11966, its implementing rules and regulations (IRR), and any amendments thereto."

SEC. 12. Section 11 of Republic Act No. 10752 is hereby amended to read as follows:

"SEC. 13. Regulation of Developments Within Declared Right-of-Way. – Upon 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 LGU shall, within two (2) years from date of notice of taking, allow any development or construction, or issue any building, construction, development, or business permit contrary to the approved plans and purposes of the project, within the 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. 13. Section 12 of Republic Act No. 10752 is hereby amended to read as follows:

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

Violation by a private entity of any provision of this Act shall subject its president, manager, director, trustee, or responsible officers to civil or criminal sanctions."

SEC. 14. A new Section 15 is hereby inserted after the renumbered Section 14 of Republic Act No. 10752 and the subsequent sections shall be renumbered accordingly:

"SEC. 15. *Applicability of Republic Act No. 8975.* – The provisions of Republic Act No. 8975 on the prohibition and penal sanction on the issuance of temporary restraining orders, preliminary injunctions, or preliminary mandatory injunctions shall apply."

SEC. 15. A new Section 16 is hereby inserted after the new Section 15 of Republic Act No. 10752 and the subsequent sections shall be renumbered accordingly:

"SEC. 16. *Guidelines on Information Sharing and Assistance for Right-of-Way Acquisition.* – All concerned departments, agencies, instrumentalities, bureaus, and offices of the government, including GOCCs and LGUs, and private entities shall extend prompt assistance and provide relevant data for acquisition of right-of-way by implementing agencies or private entities. This shall include, but is not limited to, information and support related to appraisal, expropriation, resettlement of informal settler families, utility relocation, and permitting.

The inter-agency committee constituted under Section 19 of this Act shall issue the implementing rules and guidelines for this provision."

SEC. 16. A new Section 17 is hereby inserted after the new Section 16 of Republic Act No. 10752 and the subsequent sections shall be renumbered accordingly:

"SEC. 17. *Foreign-Assisted Projects.* – The guidelines and procedures concerning right-of-way acquisition, including resettlement action plans, under the approved loan or grant agreements signed and executed by the Government of the Philippines and the Official Development Assistance (ODA) institution, shall be observed.

Additionally, the required international social safeguards and/or environmental, social, and governance guidelines for PPP projects or projects with a PPP component, where an international

financing institution (IFI) handles project preparation and transaction advisory services, shall also be observed.

In case of conflict or ambiguity between the provisions of this Act and the ODA guidelines, including the relevant international social safeguards and/or environmental, social, and governance guidelines, the latter shall prevail."

SEC. 17. A new Section 18 is hereby inserted after the new Section 17 of Republic Act No. 10752 and the subsequent sections shall be renumbered accordingly:

"SEC. 18. *Public Disclosure of Essential Right-of-Way Information.* – The implementing agency or the private entity shall publish, through their respective websites, essential information on the right-of-way acquisition process such as, but not limited to: status of row claims and status of expropriation cases, subject to the provisions of Republic Act No. 10173 or "The Data Privacy Act of 2012."

SEC. 18. Section 13 of Republic Act No. 10752 is hereby amended to read as follows:

"SEC. 19. *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 the 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 Secretary of the Department of Economy, Planning, and Development as member;

(l) The Secretary of the DHSUD as member;

(m) The Secretary of the Department of Agrarian Reform as member; and

(n) Other representatives of concerned entities as determined by the committee as members."


SEC. 19. *Transitory Clause.* – The provisions of this Act shall apply to all right-of-way transactions, except those which, as of the effectivity of this Act, the implementing agency or the private entity and the property owner have reached a written agreement on the agreed amount of compensation.

SEC. 20. *Separability Clause.* – If any provision of this Act is declared unconstitutional, the remainder thereof not otherwise affected shall remain in full force and effect.

SEC. 21. *Repealing Clause.* – All laws, presidential decrees, executive orders, letters of instruction, proclamations, or administrative regulations that are inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SEC. 22. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,


FERDINAND MARTIN G. ROMUALDEZ
*Speaker of the House
of Representatives*


FRANCIS "CHIZ" G. ESCUDERO
President of the Senate

This Act, which is a consolidation of Senate Bill No. 2821 and House Bill No. 6571, was passed by the Senate of the Philippines and the House of Representatives on June 11, 2025.


REGINALD S. VELASCO
*Secretary General
House of Representatives*


RENATO N. BANTUG JR.
Secretary of the Senate

Approved: SEP 12 2025


FERDINAND ROMUALDEZ MARCOS JR.
President of the Philippines

