

**[ PNP CIRCULAR NO. 2002-05, MARCH 25, 2002,  
March 25, 2002 ]**

**ACQUISITION AND MANAGEMENT OF PHILIPPINE NATIONAL  
POLICE (PNP) REAL ESTATE PROPERTIES AND RESERVATIONS**

*SECTION I. References:*

1. Administrative Code of 1987;
2. Government Accounting and Auditing Manual;
3. Joint Circular No. 1 dated 30 Sept 89 bet. DENR, DBM, and DPWH;
4. Letter of Instruction (LOI) "TITULO"
5. Logistics Circular No. 002-02
6. Civil Code of the Philippines

*SECTION II. Purpose and Scope.*

This circular sets forth the policies, guidelines and procedures in the acquisition, administration, management and disposition of all PNP owned, occupied, possessed, administered, managed or controlled real properties and reservations.

*SECTION III. Definition of Terms.*

1. *PNP/Police Reservation.* — any real estate property which has been reserved/allocated for police functions/purposes by the President of the Republic of the Philippines through Presidential Proclamations/Executive Orders or Decrees, by Acts of Congress or any other competent authority.
2. *Real Property.* — estate/land/building or any man-made structure, more or less permanently attached to the land of immovable character and fixed in such a way that the same cannot be separated from the soil without damage or deterioration of the object.
3. *PNP Real Property.* — both land and structures as described in Nos.1 & 2 above, as well as those acquired through continuous occupation or possession and its prescription and exercise of ownership are governed by operation of law. Likewise, included are real properties now or in the future declared under the name of or acquired by whatever title in the name of the Philippine National Police (PNP).
4. *Unit(s).* — Regional Police Officers; PNP National Service Support Unit(s); Provincial, District, City and Municipal Police Offices/Task Forces or any PNP group organized by competent authority in charge with the administration, use, occupancy or actual possession of any real property.

5. *Head of Office.* — anyone who is designated Chief or Head of a PNP Office or unit.

#### *SECTION IV. General Guidelines.*

1. Only the Chief, Philippine National Police has the final authority to decide on transactions over all PNP real properties or modes of acquiring private properties.

2. All heads of offices of PNP Units are authorized to undertake preliminary steps in all transactions appurtenant to acquisition and management of PNP real property. Said preliminary steps shall include; among others, gathering of pertinent documents, initial communication with owner(s) and other essential matters.

3. Head of office can only enter into contracts involving any PNP real property upon prior written approval of the Chief, Philippine National Police.

4. In the conduct of any mode of acquisition of private real estate/property for the PNP, the following must be avoided, to wit:

4a. Dealing with unregistered properties;

4b. Properties with notice of lis pendens, liens, attachments and encumbrances like Mortgages/Lease/Tenancy agreements, etc;

4c. Donations with conditional terms/obligations. Absolute donations that impose no burden on the PNP are preferred; and

4d. Properties that are occupied by squatters, tenants, lessees and the likes.

5. Heads of units/offices must at their level consult their respective PNP Regional Legal Officers, or if possible, local lawyers sympathetic to the PNP prior to formally proceeding to any real property transaction.

6. Heads of units/offices shall review their existing records on properties acquired and donated to their units. Emphasis should be laid on those terms and conditions, or other burdens imposed on the PNP which may result in reversion of ownership to the donor(s) especially so if the PNP has already occupied the property or has initiated improvement.

7. In cases where such terms and conditions were not implemented, the head of the unit or office shall effect immediate remedial steps to overcome such oversights.

8. Where the donor, the heir, or successor in interest is re-claiming the donated property informally (no formal complaint filed in court) or where judicial proceedings had commenced, immediate notice/information must be relayed to C, PNP (Attn" ODL).

9. Heads of units/offices must not allow, either verbally or in any formal document, the entry, use, occupation or alienation of any PNP real property/reservations by any individual including PNP members, whether uniformed personnel or NUP, for their personal use. Serious administrative sanctions will be imposed on violators of this provision. Likewise, said heads of units/offices shall cause the removal, relocation, or transfer of individuals illegally or unlawfully

occupying or using PNP real estate properties in their respective areas. Said heads of units/offices shall be liable under the doctrine of command responsibility.

## **PROCEDURES PRIOR TO ACQUISITION**

### *SECTION V. Registered Property.*

Any PNP unit planning to acquire a registered property for police use shall determine the existence of the following documents.

#### *1. Original Transfer Certificate of Title*

The unit or officer charged with the administration of real properties in his jurisdiction will verify the existence of an original copy of OCT/TCT at the Register of Deeds of the province/city where the property is situated. A certified true copy of the Owner's Duplicate Copy shall be secured from the Register of Deeds to include any liens, encumbrances, mortgage, lease, notice of lis pendens, etc.

#### *2. Tax Declaration and Realty Tax payment*

The tax declaration of the prospective land shall be verified with the Municipal/City/Provincial Assessors Office. Proof of tax payment or tax certificate shall be secured from the City or Municipal Treasurer's office.

#### *3. Lot Survey Plan*

A certified copy of survey plan with technical description of the lot shall be secured from the Regional Office of DENR or from the local Bureau of Lands. Actual inspection of the site shall be undertaken to determine location of boundary monuments and the general condition of the area.

#### *4. Tenants/Squatters*

Certification from the local government units (LGUs) that the prospective lot is free from any claimant. Likewise, clearance from DAR/DA/DENR must be secured to ascertain the status of the said real property.

### *SECTION VI. Unregistered Property.*

#### *1. Documents of Ownership*

The unit in charge with the administration of land in the Regional Commands and National Support Units shall examine the authenticity of the supporting documents to ascertain ownership of the land. Verification shall be made with the Register of Deeds of the province or city where the property is situated. Such action will determine whether the land is registered under Act 496 better known as Spanish Mortgage Law or found in the books of unregistered lands.

#### *2. Tax Declaration*

The owner's copy of the latest tax declaration shall be scrutinized. The original of the tax declaration shall be verified on the file with the Municipal/City/Provincial Assessor's Office and certificate of tax payment shall be obtained from the Treasurer of the municipality/city where the land is situated.

#### *3. Lot Plan (Survey of Land)*

A certified copy of survey plan with complete technical description of the lot shall be secured from the Regional Office of DENR. Actual location/relocation survey of the lot shall be conducted to establish the boundaries, location of monuments and the general condition of the area.

#### 4. *Tenants/Squatters*

The Heads of PNP units or offices shall conduct site inspection to ascertain that the land to be acquired is free from any squatter, tenant and the like.

### *SECTION VII. Public/Private Domain.*

#### 1. Public Domain

Public domain planned to be acquired shall be surveyed and the plan submitted to the Department of Environment and Natural Resources for processing and approval.

#### 2. Private Domain

The status of the land shall be verified with the agencies of the government administering the property. Actual survey shall be undertaken. Location plan of the prospective land shall be approved by duly authorized offices.

### *SECTION VIII. Funds.*

All expenses necessary to secure the data mentioned in the preceding paragraphs shall be defrayed by the PNP.

## **MODE OF ACQUISITION AND PROCEDURES**

### SECTION IX. Donation.

1. Properties are donated to the Government either directly in exchange for direct benefits such as consideration for certain concessions or indirectly such as the promotion of peace and order in the locality. Procedure for a Donation is shown (Annex A)<sup>[1]</sup>

2. Whenever property is offered to the government for use of the PNP, the Head of unit/office to whom the property is offered shall undertake preliminary negotiation with the owner. Subsequently, and after activity report shall be submitted to the Chief, PNP through the Director for Logistics with the following data:

2a. Name and address of the prospective donor;

2b. Technical description of the property and vicinity plan of the area;

2c. Terms and conditions of the donated land, if any.

2d. A Statement as to its future or proposed utilization.

3. Preparation of Deed of Donation. The Head of unit/office to whom the property was offered shall prepare the Deed of Donation. (Annex "B")<sup>[2]</sup> which shall be signed by the donor before a duly acknowledged Notary Public. After due execution of the donation by the donor, the same shall be transmitted to the Chief,

PNP (Attn: Director for Logistics, PNP) in eight (8) copies with the following supporting papers:

- 3a. Transfer Certificate of Title;
  - 3b. Lot location plan of the property duly certified by a Registered Geodetic Engineer;
  - 3c. Tax Declaration (current);
  - 3d. Real Estate Tax Receipt;
  - 3e. Board/Sangguniang Bayan/Lungsod/Panlalawigan resolution confirming the act of the Donor. Included in the resolution is the juridical personality of the donor whether a corporation, LGU or individual.
4. The Chief, PNP upon the joint recommendation of the Director for Logistics, Director, Legal Service, and Director, Engineering Service shall hereafter approve/disapprove the donation. Approved Deed of Donation shall be kept at ODL.
  5. The Director, PNP Engineering Service shall cause the registration of the donated lot in the name of the Philippine National Police. The Directorate for Logistics shall provide funds for this purpose.
  6. The donor shall be notified of the acceptance and consummation of the donation.
  7. Immediate compliance shall be taken by the Donee on the terms and conditions provided for in the Deed of Donation, However, if said terms and conditions were not complied with within the specified period, the Donor shall be informed immediately stating the reasons/causes of delay.
  8. In case the land is unregistered in the Register of Deeds, cancel the proposed execution of Deed of Donation.
  9. The Office of the Director, PNP Engineering Service shall be the depository of the TCT of the donated property, a copy of which shall be furnished the Director for Logistics.

#### *SECTION X. Lease.*

1. Preliminary Negotiations. The head of unit/office desiring to lease a private property shall ascertain the willingness of the owner to lease the property and the rental rate of the same.
2. Subsequently, the head of unit/office concerned shall forward the request to the Chief, PNP (Attn: Director of Logistics, PNP) to include the following data or documents:

Land and/or Building:

- 2a. The PNP unit which needs the property;
- 2b. Location plan, approved plan and a brief description of the land with existing improvement/building plan duly approved by the Provincial/City/Municipal Engineer;