

[**PRESIDENTIAL DECREE NO. 1224, October 21, 1977**]

DEFINING THE POLICY ON THE EXPROPRIATION OF PRIVATE PROPERTY FOR SOCIALIZED HOUSING UPON PAYMENT OF JUST COMPENSATION

WHEREAS, in the pursuit of the social reform program, there is need to clarify the basic policies concerning the acquisition by government of private property for public use after payment of just compensation;

WHEREAS, Presidential Decree No. 76 which requires declaration by sworn statement of the true value of real property and improvements thereon as of June 30, 1973, provides that "for purposes of just compensation in cases of private property acquired by the government for public use, the basis shall be the current and fair market value declared by the owner or administrator, or such market value as determined by the assessor, whichever is lower."

WHEREAS, there are some doubts raised as to whether the government can acquire upon payment of just compensation private lands for social housing for the middle and lower class members of society;

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, by virtue of the powers vested in me by the Constitution, do hereby order and decree that:

1. The term "public use" for purposes of acquisition by government, either by itself or through any authorized agency or entity, of any private land and improvements thereon shall include acquisition for the purpose of socialized housing (the construction of dwelling units for the middle and lower class members of our society, including the construction of the supporting infrastructure and other facilities).
2. 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 the improvements thereon as declared by the owner or administrator thereof from time to time or the market value as may be determined by the city or provincial assessor, whichever is lower.
3. Upon the filing of the petition for expropriation and the deposit of the amount of just compensation as provided for herein, 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 or the higher courts.

This Decree shall take effect immediately.

Done in the City of Manila, this 21st day of October, in the year of Our Lord, nineteen hundred and seventy-seven.

(Sgd.) FERDINAND E.