Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Thirteenth Congress
First Regular Session

House Bill No. 1382

Introduced by **Honorable Matias V. Defensor, Jr.**

AN ACT DECLARING SQUATTING SYNDICATE, PROFESSIONAL SQUATTING AND LARGE-SCALE LAND GRABBING AS HEINOUS CRIMES, AND PROVIDING THE IMPOSITION OF DEATH PENALTY THEREFOR

EXPLANATORY NOTE

Since the advent of urbanization, squatting has been a pervasive problem that society had to contend with. The proliferation of squatters in the suburbs motivated the late President Ferdinand E. Marcos to promulgate Presidential Decree 722 or the Anti-Squatting Law. It is sad to note, however, that from the end of the Marcos regime to the assumption of then President Corazon C. Aquino, the squatting menace has grown and is still with us. The ratification of the 1987 Constitution brought hope to the squatters. In addition, the enactment of the Republic Act 7279 provided a firmer and stricter provision that would penalize offenders.

Despite these legal developments on land and squatting, there are syndicates, which victimize the innocent and the underprivileged sectors of our society. These syndicates act in collusion with some government employees who falsify records and titles. Their activities threaten the stability of the Torrens System.

Existing land laws and rules do not provide stiff penalties against these syndicates, thus, posing no deterrence to them. According to the Q. C. Special Task Force on Resettlement and Squatting, approximately 47.51% of the total land area of Quezon City, or more concretely, 7,177.3 out of 15,061 hectares, is the subject of conflicting claims and overlapping titles and that is just Quezon City. Considering the magnitude and urgency of these problems, a radical approach is proposed.

This bill seeks to declare squatting syndicates, professional squatting and manufacturing of fake titles and other land related documents as heinous crimes, and providing the imposition of the death penalty therefor.

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Section 1. ***Declaration of Policy***

It is a declare policy of the State to promote public order, justice and peace. The 1987 Constitution, Article III, Section 19 states: Excessive fines shall not be imposed, nor cruel, degrading or inhuman punishment inflicted. Neither shall death penalty be imposed unless, for compelling reason involving heinous crimes, the Congress hereafter provided for it. Any death penalty already imposed shall be reduced to reclusion perpetua.

Section 2. ***Definition and Enumeration of Heinous Crimes.***

A. Squatting syndicates.

It refers to group of persons engaged in the illegal business of fake titling, fraudulent land claims and squatting and the activities numerated in Section 2, C1, C2 and C3 below, for profit or gain.

B. Professional Squatting.

It refers to person, who have previously been awarded home lots or housing units by the Government but who sold, leased or transferred the same and settled illegally in the same place or another urban area, and non-bonifide occupants and intruders of land reserved for socialized housing.

C. Heinous Crimes.

A heinous crime is one which, reason of its inherent or manifest wickedness, viciousness, atrocity or perversity, is repugnant and outrageous to the common standards of decency and morality in a just and civilized society. Therefore, the following crimes and such other crimes as Congress may hereinafter provide are hereby declared as heinous crimes:

1. Squatting Syndicate as defined in Republic Act 7279, Section 27 when at least two (2) persons for the purpose of carrying out activities which are intended to deceive/defraud, i.e. claiming that they own a piece of land or have authority to dispose and/or convey proprietary rights or ownership to said land or over portions thereof, when in truth they have no legal right or authority over the same herein defined; and when committed under any of the following circumstances:

a. Fake and / or manufactured transfer Certificates; or title based on fake "approval plan"

b. Spanish decrees declared by final judgment without force and effect, not having been registered under P.D. 892, such a Titulo de Propriedad 4136 or suffers some fatal legal defect;

c. Final Judgment of acquisitive prescription over lands of the public (e.g. WWII Veterans Legionnaires Inc.) but not surveyed/relocated with finality and registered under the Torrens System;

d. Ownership based on Certificates of Titles or its derivatives when invoked against actual possessors also holding OCT's or TCT's likewise appear regular on its face, and covering the same/identical lot(s) properties, unless and until latter is annulled by final judgment;

e. A Deed of Assignment, Certificate of Occupancy, Donation or Sale from alleged holders of adverse claims based on Titulo de Propriedad or other Spanish Titles not registered under P.D. 892 or suffer from some other fatal defect, unless and until the same been declared by final judgment has obtained annulling the latter;

f. The sale/conveyance/transfer, etc. by a holder of rights previously acquired under a Deed of Assignment, Certificate of Occupancy, Deed of Donation, etc. when effected during the pendency of an action for annulment instituted by said holder or assignee against the holder/owner of TCT over the same property, which TCT is on its face, regular;

g. Possessors of "Residential Use of Permits" over alleged unclassified forest lands in Quezon City, or elsewhere, regardless of the length of their possession which cannot legally ripen into ownership by very nature of the limited possession allowed thereby;

h. Organizing associations or organizations including cooperatives, premised among others, on the eventual ownership or beneficial use of a lot or portion of a parcel of land forming part of an area covered by any of the instrument described in par. (a), (b), (c), (d) and (f) above.

2. Professional squatting as defined in Republic Act 7279, Section (m).

A public official who connives or tolerates the commission of the acts shall be a principal to the crime.

3. Large-Scale Land Grabbing defined as taking over possession of land whether by force or stealth, and without color of title asserting ownership, and when committed under any of the following circumstances

Section 3. ***Repealing Clause.***

All laws, decrees, executive orders, proclamations, rules and regulations and other issuances or other parts thereof which are inconsistent with the provisions of this Act, are hereby repealed or modified accordingly.

Section 4. ***This Act shall take effect upon its publication in at least two (2) newspaper of general circulation.***

Approved.