

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 45

Introduced By: HON. EMILIO C. MACIAS II

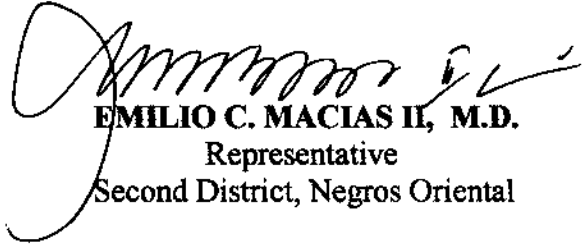
EXPLANATORY NOTE

The severe lack of affordable housing in the Philippines greatly contributed to the proliferation of squatters in the urban areas, particularly in Metro Manila. The squatting problem was considered one of our major problems that the Marcos regime issued Presidential Decree No. 772, which made squatting unlawful. However, notwithstanding the existence of the Anti-Squatting Law, the problem on squatting continued. It is thus quite perplexing that even before giving protection to the legitimate landowners, Republic Act No. 7279 otherwise known as the Urban Development and Housing Act of 1992 was passed discouraging the eviction and demolition of illegal dwellings. RA 7279 also mandates the local government units, in coordination with national housing agencies, to provide squatters adequate relocation and financial assistance should relocation not be possible within a specific period. It also prohibits the construction of illegal dwellings but this provision would simply become a writing on the wall because Republic Act No. 8386 decriminalized squatting giving formidable strength to squatters' rights.

The noble objectives of these social legislations are primarily to protect the rights of the underprivileged and homeless citizens but no protection has been granted to legitimate land titleholders, who are continuously assessed with taxes to the land illegally occupied by others. Under the prevailing situation, while the squatters continue to reap the benefits of the land they illegally occupy, the legitimate landowners are being deprived of their rights to improve, utilize or cultivate their own land for any productive undertakings. The issue of relocating or resettling the squatters has become a dilemma either due to inadequacy of funds or relocation sites, or plain lack of political will on the part of the government officials concerned.

This bill seeks to provide a mandatory period in the relocation of squatters and to grant tax exemption to illegally occupied residential lands. It also seeks to compensate the landowners in case of failure of the local government unit concerned to act on the request for assistance to evict illegal occupants within the prescribed period. The foremost intention of this measure is to provide equal protection to the squatters and to the landowners. This measure will not only give full meaning to the noble objectives of RA 7279 but will also minimize, if not totally eliminate squatting because local government units will be compelled to monitor vacant lands to prevent trespassers from constructing illegal structures within their respective localities.

The foregoing reasons warrant the immediate approval of this bill.


EMILIO C. MACIAS II, M.D.
Representative
Second District, Negros Oriental

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HOUSE BILL NO. 45

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AN ACT
PROVIDING FOR A MANDATORY PERIOD TO RELOCATE SQUATTERS,
GRANTING DISTURBANCE FEE AND TAX EXEMPTION TO OWNER OF
ILLEGALLY OCCUPIED RESIDENTIAL LAND, AND PENALIZING
VIOLATION THEREFOR

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

SECTION 1. Short Title.- This Act shall be known as the "**Landowners Protection Act of 2004.**"

SEC. 2. Declaration of Policy. - It is hereby declared to be the policy of the State to afford protection and to promote full respect for property rights of every citizen to ensure optimum utilization of one's property free from any obstacle.

SEC. 3. Definition. - As used in this Act, the term "**squatter**" shall refer to any person who occupies residential land without the consent of the landowner.

SEC. 4. Relocation; Disturbance fee.- The local government unit shall, in coordination with the Housing and Urban Coordinating Council and the National Housing Authority, be responsible for the relocation of squatters within six (6) months from receipt of the written request for assistance to evict squatters from the landowner.

Provided, however, That, should relocation not be effected, the local government unit concerned shall pay the landowner a disturbance fee equivalent to the tax due of the illegally occupied land until the squatters have been relocated.

Provided, further, That, payment of the disturbance fee shall commence one (1) year after the prescribed period to relocate had lapsed.

SEC. 5. Tax Exempt. - All residential lands illegally occupied shall be exempt from taxation during the period of occupancy. Provided, That, tax exemption under this Section, shall commence sixty (60) days after presentation of the written request for assistance to evict squatters.

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SEC. 6. *Fines and Penalties.* - Any person found guilty of violating the provision of this Act shall suffer the penalty of imprisonment not more than three (3) years or a fine of Fifty Thousand Pesos (P50,000.00), or both, at the discretion of the court.

The Chief Executive and Punong Barangay, who fail to prevent the construction of any kind of illegal dwelling unit or structure in privately owned residential land within their jurisdiction shall face suspension for a period of six (6) months and penal sanctions provided under this Section.

SEC. 7. *Rules and Regulations.* The Department of Interior and Local Government, in coordination with the national Housing Authority, shall issue the implementing rules and regulations within sixty (60) days upon approval of this Act.

SEC. 8. *Effectivity.* This Act shall take effect upon its approval.

Approved,