

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**FIFTEENTH CONGRESS**  
First Regular Session

**HOUSE BILL NO. 1152**

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**Introduced by HONORABLE LUIS R. VILLAFUERTE**  
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**EXPLANATORY NOTE**

Squatting on private lands belonging to others has been a national problem. It violates the basic concept of private ownership preserved and protected by our Constitution. It usually leads to social unrest, disorder, and even to violence.

A root cause of this problem is the fact that Filipinos by nature are tolerant and magnanimous. By reason of this tolerance and magnanimity, they allow relatives, friends, and even strangers who have no place to stay to enter and occupy their lands with the belief that they can get back possession of their property anytime they need them for their own use, development or disposition. However, when the owners begin to initiate moves to reclaim possession of said land, they sometimes find to their dismay and disappointment that the recipients of their tolerance and magnanimity begin to resist by finding all kinds of excuses thereby showing an intention to continue their occupancy or possession against the will of the owners.

There are also those who take advantage of the absence of the landowner by occupying lands not their own or with the use of stealth, strategy and other schemes to enter upon the possession of lands. In some cases, others have been known to use threats, force and intimidation to acquire possession of lands and thereafter use all kinds of fabricated evidence to show some legitimacy in their possession no matter how tenuous. In all these cases, the landowners, either because of oversight, or because of inability to finance proper proceedings, or because they are awed by the complexity of their legal problems, or because of fear or inability to bear the cost of litigation or to resort to less complicated legal remedies to recover possession of their lands, such owners end up being unduly deprived of exercising ownership rights and the enjoyment of their own lands.

Moreover, even those who are clearly squatters, holding possession against the will of the owners, sometimes acquire by quirk of existing

laws some recognizable right to prolong possession under the provisions of the New Civil Code, specifically on the "Effects of Possession" found in Chapter 3, Title V thereof, in relation to those of Rule 70 of the Revised Rules of Court on "Forcible Entry and Detainer." Jurisprudence interpreting these provisions hold that actions for forcible entry and detainer invariably provide an indirect mantle of protection to the person who in fact has actual possession of the land, and, in case of controversy, require the parties to preserve the **status quo** until one or the other of them sees fit to invoke the decision of a court of competent jurisdiction upon the question of ownership, since in actions for forcible entry and detainer, physical possession **de facto**, not possession **de jure**, is at issue.

The widespread abuse by squatters or intruders demonstrates a growing lack of respect of private ownership by those who take undue advantage of the tolerant and magnanimous nature of Filipinos, the prevalent use of strategy and stealth, even of threats and intimidation to gain occupancy or possession of lands must now also be corrected and remedied within a manageable legal framework.

It is for the foregoing reasons that the proponent of this bill has deemed it urgent and necessary to define a framework of enforceable juridical relations between a possessor or occupant of private land and the owner of said land. Outside this framework, the possessor or occupant should be deemed to be occupying or possessing land by the mere tolerance or magnanimity of the owner, or deemed to be occupying or possessing land without recognizable legal basis and shall be obligated to vacate the premises within sixty (60) days from receipt of written notice therefor by the owner, otherwise he/she shall be deemed to be a possessor or occupant in bad faith from the beginning and shall be construed to have no recognizable right to continue occupying or possessing the land from and after the end of the sixty (60) day period of notice to vacate.



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**AN ACT TO DEFINE ENFORCEABLE JURIDICAL RELATIONS ON  
OCCUPANCY ON OR POSSESSION OF PRIVATE LANDS IN THE  
PHILIPPINES**

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

1       **SEC. 1.** Every possessor or occupant of a private land owned by  
2 another has a right to be respected in his possession provided his  
3 possession is supported by any of the following enforceable juridical  
4 relations:

5       a. Where possession is by virtue of a verbal agreement with  
6 the owner of the private land provided that written  
7 receipts of payment of rentals or other compensation to  
8 the owner, be it in cash or in kind are available to the  
9 possessor or occupant;

10       b. A letter of the owner of the private land confirming the  
11 right of the possessor to possess or occupy the same;

12       c. A letter written by the possessor to the owner showing his  
13 right to possess or occupy which is not disputed in writing

1 by the owner within thirty (30) working days upon receipt  
2 of such letter; and

3 d. Lease or other written contracts or agreements permitting  
4 the use, occupancy or possession of the private land.

5 **SEC. 2.** Any possessor or occupant of a private land who does not  
6 have any of the proof enumerated in Section 1 hereof is deemed to be  
7 occupying or possessing the same merely by the tolerance or  
8 magnanimity of the owner, in which event, the owner, upon sixty (60)  
9 days written notice to said occupant or possessor shall have the right to  
10 demand that the occupant or possessor thereof vacate the land and said  
11 occupant or possessor shall be deemed acting in gross bad faith if he/she  
12 fails or refuses to do so, and such possession or occupancy shall be  
13 deemed unlawful *ab initio*.

14 **SEC 3.** This Act shall take effect thirty (30) days upon approval  
15 thereof.

16 Approved,