



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

15th Congress
1st Regular Session

COMMITTEE REPORT NO. 913

Submitted by the Committee on Housing and Urban Development on 16 MAY 2011
Re: House Bill No. 4656
Recommending its approval in substitution of House Bill Nos. 2145 and 4101
Sponsors: Representatives Valencia, Bagatsing and Calimbas-Villarosa

Mr. Speaker:

The Committee on Housing and Urban Development to which were referred House Bill No. 2145 introduced by Rep. Ma. Amelita A. Calimbas-Villarosa, entitled:

"AN ACT AMENDING REPUBLIC ACT NO. 8368, OTHERWISE KNOWN AS THE
"ANTI-SQUATTING LAW REPEAL ACT OF 1997";

and House Bill No. 4101 introduced by Rep. Amado Bagatsing, entitled:

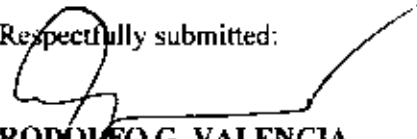
"AN ACT TO INSTITUTE REFORMS IN THE GOVERNMENT'S DRIVE AGAINST
PROFESSIONAL SQUATTERS AND SQUATTING RACKETEER/S OR SYNDICATES,
STRENGTHENING THE MECHANISMS THEREFOR, AND FOR OTHER PURPOSES";

has considered the same and recommends that the attached House Bill No. 4656, entitled:

"AN ACT INSTITUTING REFORMS IN THE GOVERNMENT'S DRIVE AGAINST
PROFESSIONAL SQUATTERS AND SQUATTING RACKETEER/S OR SYNDICATES,
STRENGTHENING THE MECHANISMS THEREFOR, AMENDING FOR THE PURPOSE
REPUBLIC ACT NO. 7279, AND FOR OTHER PURPOSES"

be approved in substitution of House Bill Nos. 2145 and 4101 with Reps. Bagatsing, Calimbas-Villarosa, Valencia, Uico, Violago, Leonen-Pizarro, Acharon, Kho, Herrera-Dy, ~~_____~~, Sy-Alvarado, De Jesus, Padilla and Ejercito as authors thereof.

Respectfully submitted:


RODOLFO G. VALENCIA

Chairman

Committee on Housing and Urban Development

THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
QUEZON CITY

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS

First Regular Session

House Bill No. **4656**

Introduced by: Representatives Amado S. Bagatsing, Ma. Amelita A. Calimbas-Villarosa, Rodolfo G. Valencia, Isidro Q. Lico, Joseph Gilbert F. Violago, Catalina Leonen-Pizarro, Pedro B. Acharon, Jr., David L. Kho, Bernadette Herrera-Dy, [REDACTED] Ma. Victoria R. Sy-Alvarado, Emerenciana De Jesus, Carlos M. Padilla, and Joseph Victor G. Ejercito

AN ACT

INSTITUTING REFORMS IN THE GOVERNMENT'S DRIVE AGAINST PROFESSIONAL SQUATTERS AND SQUATTING RACKETEER/S OR SYNDICATES, STRENGTHENING THE MECHANISMS THEREFOR, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7279, AND FOR OTHER PURPOSES

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

1 **Section 1. Short Title.** - This Act shall be known and cited as the "Anti-Professional
2 Squatters and Squatting Racketeer/s or Syndicates Drive Reforms Act of 2011."

3 **Sec. 2. Declaration of Policy.** - It is hereby declared the policy of the State to curb the
4 nefarious activities of professional squatters and the squatting racketeer /s or syndicates that
5 prey on both the underprivileged and homeless citizens and private property owners.

6 **Sec. 3. Statement of Objectives.** - This Act is intended to reinforce the drive against
7 professional squatters and squatting racketeer/s or syndicates and to strengthen the
8 mechanisms to effectively curtail their wicked activities, the usual victims of which are the
9 legitimate urban poor beneficiaries.

1 It also aims to provide relief to both the underprivileged and homeless citizens and
2 the small private property owners whose respective have been unduly occupied.

3 **Sec. 4. Definition of Terms.** - For purposes of this Act and consistent with the provisions
4 of Republic Act (R.A.) No. 7279, otherwise known as the Urban and Housing Development
5 Act of 1992, the following terms shall mean:

6 a) **Professional squatters** refer to individuals or groups who occupy land without the
7 express consent of the landowner and who have sufficient income for legitimate
8 housing; the term shall also apply to persons who have previously been awarded
9 homelots or housing units by the government but who sold, leased or transferred
10 the same to settle illegally in the same place or in another urban area; and to
11 non-bona fide occupants and intruders of lands reserved for socialized housing;
12 *Provided, That the term shall not apply to individuals or groups who simply rent*
13 land and housing from professional squatters or squatting syndicates:

14 b) **Resettlement areas** refer to areas identified by the appropriate national agency
15 or by the local government unit with respect to areas within its jurisdiction, which
16 shall be used for the relocation of the underprivileged and homeless citizens:

17 c) **Small property owners** refer to those whose only real property consists of
18 residential lands not exceeding three hundred square meters (300 sq.m) in highly
19 urbanized cities and eight hundred square meters (800 sq.m) in other urban areas:

20 d) **Socialized housing** refers to housing programs and projects covering houses and
21 lots or homelots only undertaken by the government or the private sector for the
22 underprivileged and homeless citizens which shall include sites and services
23 development, long-term financing, liberalized terms on interest payments, and
24 such other benefits in accordance with the provisions of this Act;

25 e) **Underprivileged and homeless citizens** refer to the beneficiaries of this Act and to
26 individuals or families residing in urban and urbanizable areas whose income or
27 combined household income falls within the poverty threshold as defined by the
28 National Economic and Development Authority and who do not own housing

1 facilities. These shall include those who live in makeshift dwelling units and do not
2 enjoy security of tenure.

3 **Sec. 5. "Illegal Business of Squatter Housing" and "Squatting Racketeer/s or**
4 **Syndicates" Defined.**

5 a) Section 3 of R.A. No. 7279 is hereby amended by inserting a new sub-
6 paragraph after sub-paragraph (e) to be designated as sub-paragraph (f) and which
7 shall read as follows:

8 "F) 'ILLEGAL BUSINESS OF SQUATTER HOUSING' REFERS TO THE CARRYING OUT
9 OF AN ACTIVITY, INTENDING TO DECEIVE OR DEFRAUD OTHER PERSON/S,
10 CLAIMING OWNERSHIP OF A PIECE OF LAND OR THE AUTHORITY TO DISPOSE SAID
11 LAND AND/OR TO CONVEY PROPRIETARY RIGHTS OR OWNERSHIP OVER THE SAME
12 OR EVEN PORTIONS THEREOF WHEN, IN TRUTH AND IN FACT, NO SUCH LEGAL RIGHT
13 OR AUTHORITY EXISTS. IT SHALL BE CONSIDERED AS AN OFFENSE INVOLVING
14 ECONOMIC SABOTAGE. THE PERSONS CRIMINALLY LIABLE FOR THE ABOVE
15 OFFENSE ARE THE PRINCIPAL, ACCOMPLICES, AND ACCESSORIES. IN THE CASE OF
16 A JURIDICAL PERSON, THE OFFICERS HAVING CONTROL, MANAGEMENT, OR
17 DIRECTION OF THEIR BUSINESS SHALL BE LIABLE;"

18 Accordingly, sub-paragraphs (f),(g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r),
19 (s), (t), (u), (v), (w), and (x) shall be re-designated as sub-paragraphs (g),(h), (i), (j),
20 (k), (l), (m), (n), (o), (p), (q), (r), (s), (t), (u), (v), (w), (x), and (y), respectively.

21 b) Re-designated sub-paragraph (t), Section 3 of the same Act is hereby
22 amended to read as follows:

23 "t) 'Squatting RACKETEER/S OR syndicates' refers to PERSON/S OR groups of
24 persons engaged in the ILLEGAL business of squatter housing for profit or gain,
25 WHETHER FOR FINANCIAL OR POLITICAL ADVANTAGE;"

26 **Sec. 6. Strengthening the Mechanisms in the Drive Against Professional Squatters and**
27 **Squatting Racketeer/s or Syndicates.** - In order to effectively suppress the activities of
28 professional squatters and the squatting racketeer/s or syndicates, it is imperative to

strengthen the present mechanisms being used against them and to increase the penalty for their nefarious acts. For this purpose, Section 27 of R.A. No. 7279 is hereby amended to read as follows:

"SEC. 27. Action Against Professional Squatters and Squatting RACKETEER/S OR Syndicates. - The CONCERNED local government units AND/OR THE HOUSING AND URBAN DEVELOPMENT COORDINATING COUNCIL, in cooperation with the Philippine National Police, the Presidential Commission for the Urban Poor (PCUP) and the PCUP accredited urban poor organizations in the area, shall adopt measures to identify and effectively curtail the nefarious and illegal activities of professional squatters and squatting RACKETEER/S OR syndicates, as herein defined.

THE DEPARTMENT OF JUSTICE SHALL, IN CONJUNCTION WITH THE LOCAL GOVERNMENT UNITS AND THE HOUSING AND URBAN DEVELOPMENT COORDINATING COUNCIL, TAKE THE LEAD IN THE PROSECUTION OF IDENTIFIED PROFESSIONAL SQUATTERS AND SQUATTING SYNDICATES.

THE HOUSING AND URBAN DEVELOPMENT COORDINATING COUNCIL, THE CONCERNED LOCAL GOVERNMENT UNIT, AND THE DEPARTMENT OF JUSTICE SHALL HAVE AUTHORITY TO CALL ON THE FULL SUPPORT AND ASSISTANCE OF THE FOLLOWING RELEVANT AGENCIES:

- A. PRESIDENTIAL COMMISSION FOR THE URBAN POOR
- B. DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT
- C. DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
- D. PHILIPPINE NATIONAL POLICE
- E. NATIONAL URBAN POOR SECTORAL COUNCIL OF THE NATIONAL ANTI-POVERTY COMMISSION
- F. NATIONAL BUREAU OF INVESTIGATION
- G. LAND REGISTRATION AUTHORITY, AND
- H. OFFICE OF THE SOLICITOR GENERAL

1 THE NATIONAL POLICE TASK FORCE TO APPREHEND SQUATTING SYNDICATES
2 AND PROFESSIONAL SQUATTERS CREATED UNDER EXECUTIVE ORDER NO., 178, S. 1999,
3 AS AMENDED BY EXECUTIVE ORDER NO. 153, S. 2002, AND HEREBY RENAMED THE
4 NATIONAL POLICE TASK FORCE TO APPREHEND PROFESSIONAL SQUATTERS AND
5 SQUATTING RACKETEER/S OR SYNDICATES, SHALL SERVE AS THE OPERATIONAL ARM OF
6 THE HOUSING AND URBAN DEVELOPMENT COORDINATING COUNCIL.

7 THE PHILIPPINE NATIONAL POLICE SHALL DESIGNATE SUCH FULL-TIME STAFF OR
8 PERSONNEL TO EFFECTIVELY PURSUE THE OBJECTIVES OF THE TASK FORCE.

9 THE PRESIDENTIAL COMMISSION FOR THE URBAN POOR SHALL EXTEND
10 SECRETARIAT SUPPORT TO THE HOUSING AND URBAN DEVELOPMENT COORDINATING
11 COUNCIL, DEPARTMENT OF JUSTICE AND THE NATIONAL POLICE TASK FORCE.

12 Any person or group identified as such shall be summarily evicted and their
13 dwellings or structures demolished AFTER DUE NOTICE, and shall be disqualified to
14 avail of the benefits of the Program. [A public official who tolerates or abets the
15 commission of the abovementioned acts shall be dealt with in accordance with
16 existing laws.]

17 For purposes of this Act, professional squatters [or members of squatting
18 syndicates] shall be imposed the penalty of [six (6) years] PRISION MAYOR OR
19 imprisonment OF SIX (6) YEARS AND ONE (1) DAY TO TWELVE (12) YEARS or a fine of
20 not less than [Sixty] TWO HUNDRED thousand pesos [(P60,000.00)] (P200,000.00)
21 but not more than [One] FIVE hundred thousand pesos [(P100,000)]
22 (P500,000.00), or both, at the discretion of the court. SQUATTING RACKETEER/S OR
23 MEMBERS OF SQUATTING SYNDICATES SHALL SUFFER THE PENALTY OF RECLUSION
24 PERPETUA OR LIFE IMPRISONMENT.

25 ANY PUBLIC OFFICIAL OR EMPLOYEE WHO TOLERATES OR ABETS THE
26 COMMISSION OF THE ABOVEMENTIONED ACTS SHALL LIKEWISE BE IMPOSED THE
27 PENALTY OF RECLUSION PERPETUA OR LIFE IMPRISONMENT AND PERMANENT ABSOLUTE
28 DISQUALIFICATION FROM HOLDING PUBLIC OFFICE, INCLUDING IN GOVERNMENT-

OWNED AND/OR-CONTROLLED CORPORATIONS, WITHOUT PREJUDICE TO THE PROSECUTION OF THE SAID OFFICIAL OR EMPLOYEE UNDER THE PROVISION OF THE REVISED PENAL CODE OR OTHER EXISTING LAWS.

Sec. 7. Additional Mechanisms to Curtail the Illegal Activities of Squatting Racketeer/s or Syndicates. – (a) In furtherance of the drive to effectively curtail the nefarious and illegal activities of squatting racketeer/s or syndicates there are hereby inserted after Sec. 27 of R.A. No. 7279 three (3) new sections to be designated as Section 28, Section 29, and Section 30 which shall read as follows:

"SEC. 28. PRIMA FACIE EVIDENCE AGAINST SQUATTING RACKETEER/S OR SYNDICATES. -- ANY OF THE FOLLOWING CIRCUMSTANCES SHALL CONSTITUTE PRIMA FACIE EVIDENCE AGAINST SQUATTING RACKETEER/S OR SYNDICATES.

A. THE USE OF FAKE AND/OR MANUFACTURED TRANSFER CERTIFICATE OF TITLE OR COURT DECISION;

B. THE USE OF A SPANISH TITLE OR ROYAL DECREE THAT WAS DECLARED BY FINAL JUDGMENT WITHOUT FORCE AND EFFECT OR OF A VOID CERTIFICATE OF TITLE;

C. THE USE OF A DEED OF ASSIGNMENT OR CERTIFICATE OF OCCUPANCY, OR A DONATION OR SALE BASED ON A SPANISH TITLE OR ROYAL DECREE THAT WAS DECLARED BY FINAL JUDGMENT WITHOUT FORCE AND EFFECT OR BASED ON VOID CERTIFICATES OF TITLE OR FAKE AND/OR MANUFACTURED CERTIFICATE OF TITLE OR COURT DECISION;

D. THE ACT OF ORGANIZING ASSOCIATIONS OR ORGANIZATIONS, INCLUDING COOPERATIVES, FOR THE PURPOSE OF COLLECTING MEMBERSHIP FEES OR OTHER CHARGES OR OF DERIVING GAIN, PROFIT OR FINANCIAL ADVANTAGE BASED ON A SPANISH TITLE OR ROYAL DECREE THAT WAS DECLARED BY FINAL JUDGMENT WITHOUT FORCE AND EFFECT OR BASED ON A VOID CERTIFICATE OF TITLE OR FAKE AND/OR MANUFACTURED TRANSFER CERTIFICATE OF TITLE OR COURT DECISION.

1 "SEC. 29. VENUE OF ACTION AGAINST ILLEGAL BUSINESS OF SQUATTER
2 HOUSING; MANDATORY PERIODS FOR RESOLUTION; AND PRESCRIPTIVE PERIOD. - A
3 CRIMINAL ACTION ARISING FROM ILLEGAL BUSINESS OF SQUATTER HOUSING AS HEREIN
4 DEFINED SHALL BE FILED WITH THE REGIONAL TRIAL COURT OF THE PROVINCE OR CITY
5 WHERE THE OFFENSE WAS COMMITTED OR WHERE THE OFFENDED PARTY ACTUALLY
6 RESIDES AT THE TIME OF THE COMMISSION OF THE OFFENSE; PROVIDED, THAT THE
7 COURT WHERE THE CRIMINAL ACTION IS FIRST FILED SHALL ACQUIRE JURISDICTION TO
8 THE EXCLUSION OF OTHER COURTS.

9 THE PRELIMINARY INVESTIGATION OF CASES UNDER THIS ACT SHALL BE
10 TERMINATED WITHIN A PERIOD OF THIRTY (30) CALENDAR DAYS FROM THE DATE OF
11 THEIR FILING. WHERE THE PRELIMINARY INVESTIGATION IS CONDUCTED BY A
12 PROSECUTOR AND A PRIMA FACIE CASE IS ESTABLISHED, THE CORRESPONDING
13 INFORMATION SHALL BE FILED IN COURT WITHIN TWENTY FOUR (24) HOURS FROM THE
14 TERMINATION OF THE INVESTIGATION. IF THE PRELIMINARY INVESTIGATION IS
15 CONDUCTED BY A PROSECUTOR AND A PRIMA FACIE CASE IS FOUND TO EXIST, THE
16 CORRESPONDING INFORMATION SHALL BE FILED BY THE PROPER PROSECUTOR WITHIN
17 FORTY EIGHT (48) HOURS FROM THE DATE OF RECEIPT OF THE RECORDS OF THE CASE.

18 ILLEGAL BUSINESS OF SQUATTER HOUSING CASES UNDER THIS ACT SHALL
19 PRESCRIBE IN TWENTY (20) YEARS.

20 "SEC. 30. FREE LEGAL ASSISTANCE; PREFERENTIAL ENTITLEMENT UNDER THE
21 WITNESS PROTECTION PROGRAM. - A MECHANISM FOR FREE LEGAL ASSISTANCE FOR
22 VICTIMS OF ILLEGAL BUSINESS OF SQUATTER HOUSING SHALL BE ESTABLISHED WITHIN
23 THE HOUSING AND URBAN DEVELOPMENT COORDINATING COUNCIL. SUCH
24 MECHANISM MUST INCLUDE COORDINATION AND COOPERATION WITH THE
25 DEPARTMENT OF JUSTICE, THE INTEGRATED BAR OF THE PHILIPPINES, AND OTHER NON-
26 GOVERNMENTAL ORGANIZATIONS AND VOLUNTEER GROUPS.

27 ANY PERSON WHO IS A VICTIM OF ILLEGAL BUSINESS OF SQUATTER HOUSING
28 SHALL BE ENTITLED TO THE WITNESS PROTECTION PROGRAM PROVIDED UNDER THE

1 PROVISIONS OF REPUBLIC ACT NO. 6981 ENTITLED "AN ACT PROVIDING FOR A WITNESS
2 PROTECTION, SECURITY AND BENEFIT PROGRAM AND, FOR OTHER PURPOSES."

3 Accordingly, Sections 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45,
4 46, 47, 48, 49 of R.A. No. 7279 shall be re-numbered as Sections 31, 32, 33, 34, 35, 36, 37, 38,
5 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, and 52, respectively.

6 (b) Re-designated Section 48 of R.A. No. 7279, is hereby amended to read as follows:

7 "SEC. 48. *Penalty Clause.* - Any person, OTHER THAN THOSE WHO COMMIT THE
8 ILLEGAL ACTS OF PROFESSIONAL SQUATTERS, SQUATTING RACKETEER/S OR SYNDICATES, THOSE
9 THAT TOLERATE OR ABET THE SAID ACTS, AND THOSE WHO ENGAGE IN THE ILLEGAL BUSINESS
10 OF SQUATTER HOUSING, who violates any provision of this Act shall be imposed the penalty
11 of not more than six (6) years of imprisonment or a fine of not less than Five Thousand Pesos
12 (P5,000) but not more than One Hundred Thousand Pesos (P100,000), or both, at the
13 discretion of the court: Provided, That, if the offender is a corporation, partnership,
14 association or other judicial entity, the penalty shall be imposed on the officer or officers of
15 said corporation, partnership, association or juridical entity who caused the violation.

16 PROSECUTION UNDER THIS ACT SHALL BE WITHOUT PREJUDICE TO ANY LIABILITY FOR
17 VIOLATION OF ANY PROVISION OF THE REVISED PENAL CODE.

18 ***Sec. 8. Relief to Private Property Owners and the Underprivileged and Homeless***
19 ***Citizens Occupying Privately-owned Lands.*** - In respect of the rights of private property
20 owners, especially small property owners, and in order to alleviate the condition of the
21 underprivileged and homeless citizens occupying privately-owned lands, re-designated
22 Sections 32 and 33 of R.A. No. 7279 are hereby amended.

23 a) Re-designated Section 32 of R.A. No. 7279 shall read as follows:

24 "SEC. 32. *Resettlement.* - Within two (2) years from the effectivity of this Act the
25 local government units, in coordination with the National Housing Authority shall
26 implement the relocation and resettlement of persons living in danger areas such as
27 esteros, railroad tracks, garbage dumps, riverbanks shorelines, waterways, and in
28 other public places such as sidewalks, roads, parks and playgrounds. The local

1 government unit, in coordination with the National Housing Authority, shall provide
2 relocation or resettlement sites with basic services and facilities and access to
3 employment and livelihood opportunities sufficient to meet the basic needs of the
4 affected families.

5 THE LOCAL GOVERNMENT UNIT SHALL, IN COORDINATION WITH THE NATIONAL
6 HOUSING AUTHORITY OR THE SOCIAL HOUSING FINANCE CORPORATION, LIKEWISE
7 PROVIDE RESETTLEMENT SITES OR RELOCATION TO A COMMUNITY MORTGAGE
8 PROGRAM HOUSING PROJECT, COMPLETE WITH BASIC SERVICES, TO
9 UNDERPRIVILEGED AND HOMELESS CITIZENS OCCUPYING PRIVATE LANDS OWNED BY
10 SMALL PROPERTY OWNERS UPON APPLICATION BY THE LATTER WITH THE LOCAL
11 GOVERNMENT UNIT CONCERNED FOR THE RESETTLEMENT OR RELOCATION OF THE
12 INDIVIDUALS OCCUPYING THEIR PROPERTY AND UPON PROPER QUALIFICATION OF THE
13 TARGET BENEFICIARIES. THE PCUP SHALL ASSIST THE LOCAL GOVERNMENT UNITS IN THE
14 REGISTRATION OF THE UNDERPRIVILEGED AND HOMELESS CITIZENS OCCUPYING SMALL
15 PRIVATELY-OWNED LANDS WITHIN THEIR RESPECTIVE JURISDICTION FOR QUALIFICATION
16 PURPOSES. ONCE QUALIFIED THROUGH THE REGISTRATION PROCESS, SAID
17 UNDERPRIVILEGED AND HOMELESS CITIZENS SHALL BE ENTITLED TO RESETTLEMENT OR
18 RELOCATION ASSISTANCE.

19 b) Re-designated Section 33 of R.A. 7279 shall read as follows:

20 "SEC. 33. *Prohibition Against New Illegal Structures.* - It shall be unlawful for any
21 person to construct any structure in areas mentioned in the preceding section,
22 INCLUDING PRIVATELY-OWNED LANDS.

23 **Sec. 9. Annual Report.** - The Housing and Urban Development Coordinating Council,
24 the local governments through the Department of Interior and Local Government, the
25 Department of Justice, the Presidential Commission for the Urban Poor, and, the Philippine
26 National Police shall submit a detailed annual report with respect to the implementation of
27 this Act to the President and to the House of Representatives and the Senate of the
28 Congress of the Republic of the Philippines through the House Committee on Housing and

Urban Development and the Senate Committee on Urban Planning, Housing, and Resettlement.

Sec. 10. Funding. - The initial funding requirement for the implementation of this Act shall be charged against the current budget of the Housing and Urban Development Coordinating Council (HUDCC) and thereafter to be included in the annual General Appropriations Act: Provided, That the National Housing Authority shall immediately set aside funds for the resettlement of the victims under this Act: Provided, further, That the National Home Mortgage Corporation through the Social Housing and Finance Corporation shall allocate any of its existing funds under the Community Mortgage Program (CMP) to immediately implement this Act and thereafter in the annual General Appropriations Act.

Sec. 11. Implementing Rules and Regulations. - The Housing and Urban Development Coordinating Council, Department of Justice, Department of Interior and Local Government, and Presidential Commission for the Urban Poor, in consultation with the Philippine National Police, shall promulgate the Implementing Rules and Regulations necessary to implement the provisions of Sections 6 and 7 hereof while the Housing and Urban Development Coordinating Council, Department of Interior and Local Government, Presidential Commission for the Urban Poor, National Housing Authority, and Social Housing Finance Corporation shall promulgate the Implementing Rules and Regulations necessary to implement the provisions of Section 8 hereof within ninety (90) days from the approval of this Act.

Sec. 12. Separability Clause. - If any provision of this Act shall be held unconstitutional or invalid, the other provisions not otherwise affected shall remain in full force and effect.

Sec. 13. Repealing Clause. - Sections 3 and 27, and re-designated Sections 32, 33, and 48 of R.A. No. 7279 are hereby amended. All other laws, decrees, executive orders, proclamations, rules and regulations and other issuances, or parts thereof, which are inconsistent with the provisions of this Act, are hereby repealed, amended, or modified accordingly.

1 **Sec. 14. Effectivity Clause.** - This Act shall take effect fifteen (15) days after the
2 completion of its publication in the Official Gazette or in at least two (2) national newspapers
3 of general circulation.
4 Approved,

FACT SHEET

House Bill No. **4656**

(As Approved on March 23, 2011)

**INSTITUTING REFORMS IN THE GOVERNMENT'S DRIVE AGAINST
PROFESSIONAL SQUATTERS AND SQUATTING RACKETEERS/SYNDICATES**

*Introduced by: REPRESENTATIVES BAGATSING, CALIMBAS-VILLAROSA,
VALENCIA, LICO, VIOLAGO, LEONEN-PIZARRO, ACHARON, KHO, HERRERA-
DY, MARIANO, SY-ALVARADO, DE JESUS, PADILLA and EJERCITO*

Committee Referral: COMMITTEE ON HOUSING AND URBAN DEVELOPMENT

Committee Chairperson: REP. RODOLFO G. VALENCIA

OBJECTIVES:

- To extend additional protection over the property rights of private property owners and make the drive against squatting more effective
- To hopefully bring to an end the formation of squatting syndicates by imposing stiffer penalty for the commission of such crime and providing for circumstances that shall constitute *prima facie* evidence against squatting syndicates
- To promote cooperation among government agencies such as the Department of Interior and Local Government (DILG) and the Housing and Urban Development Coordinating Council (HUDCC) in curtailing the nefarious and illegal activities of professional squatters and squatting syndicates

KEY PROVISIONS:

- Provides for the definition of "illegal business of squatter housing" and "squatting racketeer/s and/or syndicates" which were not previously stated under RA 7279
- Provides for the inclusion of the HUDCC to the agencies tasked to adopt measures to identify and effectively curtail the nefarious and illegal activities of professional squatters and squatting syndicates
- Identifies the Department of Justice as the lead agency in the prosecution of identified professional squatters and squatting syndicates
- Imposes a penalty of *Prision Mayor* or imprisonment of six (6) years and one (1) day to twelve (12) years or a fine of not less than Two Hundred Thousand Pesos (P200,000) but not more than Five Hundred Thousand Pesos (P500,000) against professional squatters, while squatting racketeer/s or squatting syndicates are imposed a penalty of *reclusion perpetua* or life imprisonment

- Penalizes a public official who tolerates or abets the commission of the illegal activities of squatting syndicates with a *reclusion perpetua* or life imprisonment and permanent absolute disqualification to hold public office including government-owned and/or controlled corporations
- Provides the circumstances constituting *prima facie* evidence against squatting racketeer/s or syndicates
- Defines the role of the local government units in the resettlement and relocation of underprivileged and homeless citizens occupying private lands owned by small property owners. The Presidential Commission for the Urban Poor is likewise directed to assist the local government unit in the registration of would be beneficiaries

RELATED LAWS:

- Republic Act No. 7279 – Urban Development and Housing Act
- Executive Order No. 153, S. 2002 – Instituting the National Drive to Suppress and Eradicate Professional Squatting and Squatting Syndicates, Amending Executive Orders Nos. 178, S. 1999 and 129, S. 1993, and for Other Purposes
- Executive Order No. 178, S. 1999 – Creating the National Police Task Force on Professional Squatters and Squatting Syndicates

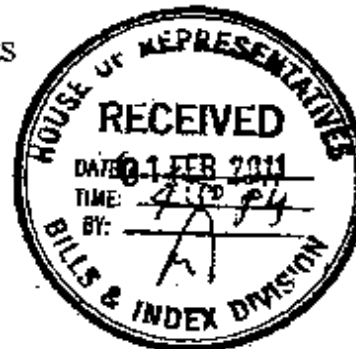
Republic of the Philippines
HOUSE OF REPRESENTATIVES

Quezon City

FIFTEENTH CONGRESS

First Regular Session

House Bill No. 4101



Introduced By Representative Amado S. Bagatsing

EXPLANATORY NOTE

According to the Philippine Constitutional Commission of 1986, squatting stems from the unbalanced socio-economic conditions obtaining in Philippine society. Hence, the 1987 Constitution incorporated in its social justice provisions that the State shall by law undertake a continuing program of urban land reform and housing and basic services to the underprivileged and homeless citizens in urban centers and resettlement areas. Accordingly, the Congress, in 1992, enacted Republic Act No. (R.A.) 7279 otherwise known as the Urban Development and Housing Act of 1992 (UDHA) where squatting syndicates was defined as groups of persons engaged in the business of squatter housing for profit or gain (Sec. 3[s], RA 7279) and punished.

Squatting business is a lucrative business where an individual could make hundreds of millions of pesos at the expense of the urban poor, hard-earning citizens such as the overseas Filipino workers (OFWs), as well as the unsuspecting retired citizens who all dream that someday they could have a lot of their own. In exchange for their hard-earned money, they are shown reproduction copies of Spanish titles purportedly extended by the King of Spain covering vast tracts of land and are deceived into occupying lots allegedly covered by the such titles notwithstanding a decree issued by then President Marcos and the declaration by the Supreme Court in the case of Intestate Estate of the late Don Mariano San Pedro Y Esteban (G.R. No. 103727 and G.R. No. 106496, Dec. 18, 1996) that Titulo de Propiedad No. 4136 is null and void. As a result, thousands of our citizens become victims by unscrupulous persons peddling such spurious titles.

It is worth noting, however, that nothing in our penal statute books state that an individual should be penalized for engaging in the business of squatter housing such as an individual squatter who engages in the squatting business by selling rights over a parcel of land not belonging to him/her. Neither is there anything in the penal statute books punishing a corporation, association, or organization that is engaged in squatting business by selling lands or rights over such lands not belonging to it.

The gravity of this offense, seen in the context of the present situation, is so alarming such that this bill seeks to remedy the situation. It defines the illegal business of squatter housing to include it in our penal statute books and penalize the same. It also redefines squatting syndicates to include racketeers.

This bill provides for additional mechanisms to curtail the illegal activities of squatting racketeers or syndicates, defining the prima facie evidence against them, the venue for the institution of criminal action, and the mandatory period for the resolution of cases against illegal business of squatter housing, among others.

It further strengthens the mechanisms in the government's drive against professional squatters and squatting syndicates or racketeers by defining the roles of the Housing and Urban Development Coordinating Council, the Philippine National Police, the Presidential Commission for the Urban Poor, the Department of Justice, and other certain agencies concerned.

Likewise, the bill provides stiffer penalties against professional squatters and squatting racketeers or syndicates.

Finally, the bill provides relief to private property owners, especially small private property owners, whose land is occupied by informal settlers by providing mechanisms for relocation assistance to the latter.

This bill which is being re-filed by the undersigned was a substitute bill to House Bill No. 1649, entitled: An Act Amending Section 27 of Republic Act No. 7279 Otherwise Known As "Urban Development and Housing Act of 1992," House Bill No. 2572, entitled: An Act Prohibiting Business for Squatting Housing, Providing Penalties Therefor, and for Other Purposes," both authored by the undersigned and House Bill No. 1087, entitled: An Act Amending Republic Act No. 8368, Otherwise Known as the "Anti-Squatting Law Repeal Act 1997," authored by the Honorable Ma. Amelita C. Villarosa. It was approved on third reading by the House of Representatives in January 2010 of the immediately preceding Congress as House Bill No. 6405, with, among others, the following as additional authors: Representatives Thelma Z. Almario, Antonio C. Alvarez, Antonio M. Diaz, Antonio T. Kho, Albert Raymond S. Garcia, Manuel S. Agyao, Florencio L. Vargas, Diosdado M. Arroyo, Rodolfo W. Antonino, Elpidio F. Barzaga Jr., Franklin P. Bautista, and Narciso R. Bravo Jr., all of whom were re-elected to their seat as members of the Fifteenth Congress.

In view hereof, early passage of this bill is earnestly sought.



AMADO S. BAGATSING
Representative
5th District of Manila

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS

Second Regular Session

House Bill No. **4101**

Introduced by Representative Amado S. Bagatsing

AN ACT

**TO INSTITUTE REFORMS IN THE GOVERNMENT'S DRIVE AGAINST PROFESSIONAL
SQUATTERS AND SQUATTING RACKETEERIS OR SYNDICATES, STRENGTHENING
THE MECHANISMS THEREFOR, AND FOR OTHER PURPOSES**

*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 and cited as the "Anti-
Professional Squatters and Squatting Racketeer/s or Syndicates Drive Reforms
Act of 2011."

Sec. 2. Declaration of Policy. - It is hereby declared the policy of the
State to curb the nefarious activities of professional squatters and the
squatting racketeer/s or syndicates that prey on both the underprivileged
and homeless citizens and private property owners.

1 **Sec. 3. Statement of Objectives.** - This Act is intended to reinforce the
2 drive against professional squatters and squatting racketeer/s or syndicates
3 and to strengthen the mechanisms to effectively curtail their wicked
4 activities, the usual victims of which are the legitimate urban poor
5 beneficiaries.

6 It also aims to provide relief to both the underprivileged and homeless
7 citizens and the small private property owners whose respective lands are
8 occupied by the former.

9 **Sec. 4. Definition of Terms.** - For purposes of this Act and consistent with
10 the provisions of Republic Act No. 7279, otherwise known as the Urban and
11 Housing Development Act of 1992, the following terms are hereby defined as
12 follows:

13 a) "professional squatters" refers to individuals or groups who occupy
14 land without the express consent of the landowner and who have
15 sufficient income for legitimate housing; the term shall also apply to
16 persons who have previously been awarded homelots or housing
17 units by the government but who sold, leased or transferred the
18 same to settle illegally in the same place or in another urban area,
19 and to non-bona fide occupants and intruders of lands reserved for
20 socialized housing: Provided, That the term shall not apply to
21 individuals or groups who simply rent land and housing from
22 professional squatters or squatting syndicates;

23 b) "resettlement areas" refers to areas identified by the appropriate
24 national agency or by the local government unit with respect to

1 areas within its jurisdiction, which shall be used for the relocation of
2 the underprivileged and homeless citizens;

3 c) "small property owners" refers to those whose only real property
4 consists of residential lands not exceeding three hundred square
5 meters (300 sq.m) in highly urbanized cities and eight hundred
6 square meters (800 sq.m) in other urban areas;

7 d) "socialized housing" refers to housing programs and projects
8 covering houses and lots or homelots only undertaken by the
9 government or the private sector for the underprivileged and
10 homeless citizens which shall include sites and services
11 development, long-term financing, liberalized terms on interest
12 payments, and such other benefits in accordance with the
13 provisions of this Act;

14 e) "underprivileged and homeless citizens" refers to the beneficiaries of
15 this Act and to individuals or families residing in urban and
16 urbanizable areas whose income or combined household income
17 falls within the poverty threshold as defined by the National
18 Economic and Development Authority and who do not own
19 housing facilities. This shall include those who live in makeshift
20 dwelling units and do not enjoy security of tenure.

21 **Sec. 5. "Illegal Business of Squatter Housing" and "Squatting Racketeer/s**
22 **or Syndicates" Defined.**

1 a) Section 3 of Republic Act No. 7279 is hereby amended by inserting a
2 new paragraph after paragraph (e) to be designated as paragraph
3 (f) and which shall read as follows:

4 "F) 'ILLEGAL BUSINESS OF SQUATTER HOUSING' REFERS TO THE
5 CARRYING OUT OF AN ACTIVITY, INTENDING TO DECEIVE OR
6 DEFRAUD OTHER PERSON/S, CLAIMING OWNERSHIP OF A PIECE OF
7 LAND OR THE AUTHORITY TO DISPOSE SAID LAND AND/OR TO
8 CONVEY PROPRIETARY RIGHTS OR OWNERSHIP OVER THE SAME OR
9 EVEN PORTIONS THEREOF WHEN, IN TRUTH AND IN FACT, NO SUCH
10 LEGAL RIGHT OR AUTHORITY EXISTS. IT SHALL BE CONSIDERED AS AN
11 OFFENSE INVOLVING ECONOMIC SABOTAGE. THE PERSONS
12 CRIMINALLY LIABLE FOR THE ABOVE OFFENSE ARE THE PRINCIPAL,
13 ACCOMPLICES, AND ACCESSORIES. IN THE CASE OF A JURIDICAL
14 PERSON, THE OFFICERS HAVING CONTROL, MANAGEMENT, OR
15 DIRECTION OF THEIR BUSINESS SHALL BE LIABLE;"

16 The succeeding paragraphs shall be redesignated accordingly.

17 b) Redesignated paragraph (f), Section 3 of the same Act is hereby
18 amended to read as follows:

19 "f) 'Squatting RACKETEERIS OR syndicates' refers to PERSON/S
20 OR groups of persons engaged in the ILLEGAL business of squatter
21 housing for profit or gain WHETHER FINANCIAL OR POLITICAL
22 ADVANTAGE;"

23 **Sec. 6. Strengthening the Mechanisms in the Drive Against Professional**
24 **Squatters and Squatting Racketeer/s or Syndicates.** - in order to effectively

1 suppress the activities of professional squatters and the squatting racketeer/s
2 or syndicates, it is imperative to strengthen the present mechanisms being
3 used against them and to increase the penalty for their nefarious acts. For this
4 purpose, Section 27 of Republic Act No. 7279 is hereby amended to read as
5 follows:

6 "SEC. 27. Action Against Professional Squatters and Squatting
7 RACKETEERIS OR Syndicates. - The CONCERNED local government units
8 AND/OR THE HOUSING AND URBAN DEVELOPMENT COORDINATING
9 COUNCIL, in cooperation with the Philippine National Police, the
10 Presidential Commission for the Urban Poor (PCUP) and the PCUP-
11 accredited urban poor organizations in the area, shall adopt measures
12 to identify and effectively curtail the nefarious and illegal activities of
13 professional squatters and squatting syndicates, as herein defined.

14 THE DEPARTMENT OF JUSTICE SHALL, IN CONJUNCTION WITH THE
15 LOCAL GOVERNMENT UNITS AND THE HOUSING AND URBAN
16 DEVELOPMENT COORDINATING COUNCIL, TAKE THE LEAD IN THE
17 PROSECUTION OF IDENTIFIED PROFESSIONAL SQUATTERS AND
18 SQUATTING SYNDICATES.

19 THE HOUSING AND URBAN DEVELOPMENT COORDINATING
20 COUNCIL, THE CONCERNED LOCAL GOVERNMENT UNIT, AND THE
21 DEPARTMENT OF JUSTICE SHALL HAVE AUTHORITY TO CALL ON THE FULL
22 SUPPORT AND ASSISTANCE OF THE FOLLOWING RELEVANT AGENCIES:

- 23 i. PRESIDENTIAL COMMISSION FOR THE URBAN POOR
24 ii. DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT

1 iii. DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

2 iv. PHILIPPINE NATIONAL POLICE

3 v. NATIONAL URBAN POOR SECTORAL COUNCIL OF THE
4 NATIONAL ANTI- POVERTY COMMISSION

5 vi. NATIONAL BUREAU OF INVESTIGATION

6 vii. LAND REGISTRATION AUTHORITY. AND

7 viii. OFFICE OF THE SOLICITOR GENERAL

8 THE NATIONAL POLICE TASK FORCE TO APPREHEND SQUATTING
9 SYNDICATES AND PROFESSIONAL SQUATTERS CREATED UNDER
10 EXECUTIVE ORDER NO., 178, S. 1999, AS AMENDED BY EXECUTIVE ORDER
11 NO. 153, S. 2002, AND HEREBY RENAMED THE NATIONAL POLICE TASK
12 FORCE TO APPREHEND PROFESSIONAL SQUATTERS AND SQUATTING
13 RACKETEER/S OR SYNDICATES SHALL SERVE AS THE OPERATIONAL ARM
14 OF THE HOUSING AND URBAN DEVELOPMENT COORDINATING
15 COUNCIL.

16 THE PHILIPPINE NATIONAL POLICE SHALL DESIGNATE SUCH FULL-
17 TIME STAFF OR PERSONNEL TO EFFECTIVELY PURSUE THE OBJECTIVES OF
18 THE TASK FORCE.

19 THE PRESIDENTIAL COMMISSION FOR THE URBAN POOR SHALL
20 EXTEND SECRETARIAT SUPPORT TO THE HOUSING AND URBAN
21 DEVELOPMENT COORDINATING COUNCIL, DEPARTMENT OF JUSTICE
22 AND THE NATIONAL POLICE TASK FORCE.

23 Any person or group identified as such shall be summarily evicted
24 and their dwellings or structures demolished AFTER DUE NOTICE, and

1 shall be disqualified to avail of the benefits of the Program. [A public
2 official who tolerates or abets the commission of the abovementioned
3 acts shall be dealt with in accordance with existing laws.]

4 For purposes of this Act, professional squatters [or members of
5 squatting syndicates] shall be imposed the penalty of [six (6) years]
6 PRISON MAYOR OR imprisonment OF SIX (6) YEARS AND ONE (1) DAY
7 TO TWELVE (12) YEARS or a fine of not less than [Sixty] TWO HUNDRED
8 thousand pesos [[P60,000.00]] (P200,000.00) but not more than [One]
9 FIVE hundred thousand pesos [[P100,000]] (P500,000.00), or both, at the
10 discretion of the court. SQUATTING RACKETEER/S OR MEMBERS OF
11 SQUATTING SYNDICATES SHALL SUFFER THE PENALTY OF RECLUSION
12 PERPETUA OR LIFE IMPRISONMENT.

13 ANY PUBLIC OFFICIAL OR EMPLOYEE WHO TOLERATES OR ABETS
14 THE COMMISSION OF THE ABOVEMENTIONED ACTS SHALL LIKEWISE BE
15 IMPOSED THE PENALTY OF RECLUSION PERPETUA OR LIFE IMPRISONMENT
16 AND PERMANENT ABSOLUTE DISQUALIFICATION FROM HOLDING PUBLIC
17 OFFICE, INCLUDING IN GOVERNMENT-OWNED AND/OR-CONTROLLED
18 CORPORATIONS, WITHOUT PREJUDICE TO THE PROSECUTION OF THE
19 SAID OFFICIAL OR EMPLOYEE UNDER THE PROVISION OF THE REVISED
20 PENAL CODE OR OTHER EXISTING LAWS.

21 **Sec. 7. Additional Mechanisms to Curtail the Illegal Activities of**
22 **Squatting Racketeer/s or Syndicates.** - In furtherance of the drive to
23 effectively curtail the nefarious and illegal activities of squatting racketeer/s
24 or syndicates, Sec. 27 of the same Act is further amended by inserting six (6)

1 new sections to be denominated as Section 27-A through Section 27-F, which
2 shall read as follows:

3 "SEC. 27-A. PRIMA FACIE EVIDENCE AGAINST SQUATTING
4 RACKETEER/S OR SYNDICATES. ANY OF THE FOLLOWING
5 CIRCUMSTANCES SHALL CONSTITUTE PRIMA FACIE EVIDENCE AGAINST
6 SQUATTING RACKETEER/S OR SYNDICATES.

7 a) THE USE OF FAKE AND/OR MANUFACTURED TRANSFER
8 CERTIFICATE TITLE OR COURT DECISION;

9 b) THE USE OF A SPANISH TITLE OR ROYAL DECREE THAT WAS
10 DECLARED BY FINAL JUDGMENT WITHOUT FORCE AND EFFECT
11 OR OF A VOID CERTIFICATE OF TITLE;

12 c) THE USE OF A DEED OF ASSIGNMENT OR CERTIFICATE OF
13 OCCUPANCY, OR A DONATION OR SALE BASED ON A SPANISH
14 TITLE OR ROYAL DECREE THAT WAS DECLARED BY FINAL
15 JUDGMENT WITHOUT FORCE AND EFFECT OR BASED ON VOID
16 CERTIFICATES OF TITLE OR FAKE AND/OR MANUFACTURED
17 CERTIFICATE OF TITLE OR COURT DECISION;

18 d) THE ACT OF ORGANIZING ASSOCIATIONS OR ORGANIZATIONS,
19 INCLUDING COOPERATIVES, FOR THE PURPOSE OF
20 COLLECTING MEMBERSHIP FEES OR OTHER CHARGES OR OF
21 DERIVING GAIN, PROFIT OR FINANCIAL ADVANTAGE BASED
22 ON A SPANISH TITLE OR ROYAL DECREE THAT WAS DECLARED
23 BY FINAL JUDGMENT WITHOUT FORCE AND EFFECT OR BASED
24 ON A VOID CERTIFICATE OF TITLE OR FAKE AND/OR

1 MANUFACTURED TRANSFER CERTIFICATE TITLE OR COURT
2 DECISION.

3 "SEC. 27-B. VENUE. - A CRIMINAL ACTION ARISING FROM ILLEGAL
4 BUSINESS OF SQUATTER HOUSING AS HEREIN DEFINED SHALL BE FILED
5 WITH THE REGIONAL TRIAL COURT OF THE PROVINCE OR CITY WHERE THE
6 OFFENSE WAS COMMITTED OR WHERE THE OFFENDED PARTY ACTUALLY
7 RESIDES AT THE TIME OF THE COMMISSION OF THE OFFENSE: PROVIDED,
8 THAT THE COURT WHERE THE CRIMINAL ACTION IS FIRST FILED SHALL
9 ACQUIRE JURISDICTION TO THE EXCLUSION OF OTHER COURTS.

10 "SEC. 27-C. MANDATORY PERIODS FOR RESOLUTION OF ILLEGAL
11 BUSINESS OF SQUATTER HOUSING. - THE PRELIMINARY INVESTIGATION OF
12 CASES UNDER THIS ACT SHALL BE TERMINATED WITHIN A PERIOD OF
13 THIRTY (30) CALENDAR DAYS FROM THE DATE OF THEIR FILING. WHERE
14 THE PRELIMINARY INVESTIGATION IS CONDUCTED BY A PROSECUTOR
15 AND A PRIMA FACIE CASE IS ESTABLISHED, THE
16 CORRESPONDING INFORMATION SHALL BE FILED IN COURT WITHIN
17 TWENTY FOUR (24) HOURS FROM THE TERMINATION OF THE
18 INVESTIGATION. IF THE PRELIMINARY INVESTIGATION IS CONDUCTED BY A
19 PROSECUTOR AND A PRIMA FACIE CASE IS FOUND TO EXIST, THE
20 CORRESPONDING INFORMATION SHALL BE FILED BY THE PROPER
21 PROSECUTOR WITHIN FORTY EIGHT (48) HOURS FROM THE DATE OF
22 RECEIPT OF THE RECORDS OF THE CASE.

1 "SEC. 27-D. PRESCRIPTIVE PERIOD. - ILLEGAL BUSINESS OF SQUATIER
2 HOUSING CASES UNDER THIS ACT SHALL PRESCRIBE IN TWENTY (20)
3 YEARS.

4 "SEC. 27-E. FREE LEGAL ASSISTANCE; PREFERENTIAL ENTITLEMENT
5 UNDER THE WITNESS PROTECTION PROGRAM. - A MECHANISM FOR FREE
6 LEGAL ASSISTANCE FOR VICTIMS OF ILLEGAL BUSINESS OF SQUATIER
7 HOUSING SHALL BE ESTABLISHED WITHIN THE HOUSING AND URBAN
8 DEVELOPMENT COORDINATING COUNCIL. SUCH MECHANISM MUST
9 INCLUDE COORDINATION AND COOPERATION WITH THE DEPARTMENT
10 OF JUSTICE, THE INTEGRATED BAR OF THE PHILIPPINES, AND OTHER NON-
11 GOVERNMENTAL ORGANIZATIONS AND VOLUNTEER GROUPS.

12 THE PROVISIONS OF REPUBLIC ACT NO. 6981 ENTITLED "AN ACT
13 PROVIDING FOR A WITNESS PROTECTION, SECURITY AND BENEFIT
14 PROGRAM AND, FOR OTHER PURPOSES," TO THE CONTRARY
15 NOTWITHSTANDING, ANY PERSON WHO IS A VICTIM OF ILLEGAL
16 BUSINESS OF SQUATIER HOUSING SHALL BE ENTITLED TO THE WITNESS
17 PROTECTION PROGRAM PROVIDED THEREUNDER.

18 "SEC. 27-F. LIABILITY UNDER THE REVISED PENAL CODE. -
19 PROSECUTION UNDER THIS ACT SHALL BE WITHOUT PREJUDICE TO ANY
20 LIABILITY FOR VIOLATION OF ANY PROVISION OF THE REVISED PENAL
21 CODE.

22 **Sec. 8. Relief to Private Property Owners and the Underprivileged and**
23 **Homeless Citizens Occupying Privately-owned Lands.** - In respect of the rights
24 of private property owners, especially small property owners, and in order to

1 alleviate the condition of the underprivileged and homeless citizens
2 occupying privately-owned lands, Sections 29 and 30 of RA 7279 are hereby
3 amended.

4 a) Section 29 of RA. 7279 is hereby amended to read as follows:

5 "SEC. 29 .. Resettlement. - Within two (2) years from the effectivity
6 of this Act, the local government units, in coordination with the
7 National Housing Authority, shall implement the relocation and
8 resettlement of persons living in danger areas such as esteros, railroad
9 tracks, garbage dumps, riverbanks shorelines, waterways, and in other
10 public places such as sidewalks, roads, parks and playgrounds. The
11 local government unit, in coordination with the National Housing
12 Authority, shall provide relocation or resettlement sites with basic
13 services and facilities and access to employment and livelihood
14 opportunities sufficient to meet the basic needs of the affected
15 families.

16 THE LOCAL GOVERNMENT UNIT SHALL, IN COORDINATION WITH
17 THE NATIONAL HOUSING AUTHORITY OR THE SOCIAL HOUSING FINANCE
18 CORPORATION, LIKEWISE PROVIDE RESETTLEMENT SITES OR RELOCATION
19 TO A COMMUNITY MORTGAGE PROGRAM HOUSING PROJECT,
20 COMPLETE WITH BASIC SERVICES, TO UNDERPRIVILEGED AND HOMELESS
21 CITIZENS OCCUPYING PRIVATE LANDS OWNED BY SMALL PROPERTY
22 OWNERS UPON APPLICATION BY THE LATTER WITH THE LOCAL
23 GOVERNMENT UNIT CONCERNED FOR THE RESETTLEMENT OR
24 RELOCATION OF THE INDIVIDUALS OCCUPYING THEIR PROPERTY AND

1 UPON PROPER QUALIFICATION OF THE TARGET BENEFICIARIES, THE PCUP
2 SHALL ASSIST THE LOCAL GOVERNMENT UNITS IN THE REGISTRATION OF
3 THE UNDERPRIVILEGED AND HOMELESS CITIZENS OCCUPYING SMALL
4 PRIVATELY-OWNED LANDS WITHIN THEIR RESPECTIVE JURISDICTION, FOR
5 QUALIFICATION PURPOSES ONCE QUALIFIED THROUGH THE
6 REGISTRATION PROCESS, SAID UNDERPRIVILEGED AND HOMELESS
7 CITIZENS SHALL BE ENTITLED TO RESETTLEMENT OR RELOCATION
8 ASSISTANCE.

9 b) Section 30 of R.A. 7279, is hereby amended to read as follows:

10 "SEC. 30. Prohibition Against New Illegal Structures. - It shall be
11 unlawful for any person to construct any structure in areas mentioned
12 in the preceding section, INCLUDING PRIVATELY-OWNED LANDS.

13 "X X X"

14 **Sec. 9. Annual Report.** - The Housing and Urban Development
15 Coordinating Council, the local governments through the Department of
16 Interior and Local Government, the Department of Justice, the Presidential
17 Commission for the Urban Poor, and the Philippine National Police shall submit
18 a detailed annual report with respect to the implementation of this Act to the
19 President and to the House of Representatives and the Senate of the
20 Congress of the Republic of the Philippines through the House Committee on
21 Housing and Urban Development and the Senate Committee on Urban
22 Planning, Housing, and Resettlement.

23 **Sec. 10. Funding.** - The initial funding requirement for the
24 implementation of this Act shall be charged against the current budget of

1 the Housing and Urban Development Coordinating Council (HUDCC) and
2 thereafter to be included in the annual General Appropriations Act:
3 *Provided, That the National Housing Authority shall immediately set aside*
4 *funds for the resettlement of the victims under this Act: Provided, further, That*
5 *the National Home Mortgage Corporation through the Social Housing and*
6 *Finance Corporation shall allocate any of its existing funds under the*
7 *Community Mortgage Program (CMP) to immediately implement this Act*
8 *and thereafter in the annual General Appropriations Act.*

9 **Sec. 11. Implementing Rules and Regulations.** - The Housing and Urban
10 Development Coordinating Council, Department of Justice, Department of
11 Interior and Local Government, and Presidential Commission for the Urban
12 Poor, in consultation with the Philippine National Police, shall promulgate the
13 implementing Rules and Regulations necessary to implement the provisions of
14 Sections 6 and 7 hereof and the Housing and Urban Development
15 Coordinating Council, Department of Interior and Local Government,
16 Presidential Commission for the Urban Poor, National Housing Authority, and
17 Social Housing Finance Corporation shall promulgate the implementing Rules
18 and Regulations necessary to implement the provisions of Section 8 hereof
19 within ninety (90) days from the approval of this Act.

20 **Sec. 12. Separability Clause.** - If any provision of this Act shall be held
21 unconstitutional or invalid, the other provisions not otherwise affected shall
22 remain in full force and effect.

23 **Sec. 13. Repealing Clause.** - Sections 3, 27, and 30 of Republic Act No.
24 7279 are hereby amended. All other laws, decrees, executive orders,

1 proclamations, rules and regulations and other issuances, or parts thereof,
2 which are inconsistent with the provisions of this Act, are hereby repealed,
3 amended, or modified accordingly

4 **Sec. 14. Effectivity Clause.** - This Act shall take effect fifteen (15) days
5 after the completion of its publication in the Official Gazette or in at least two
6 (2) national newspapers of general circulation.

7 Approved,

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2145

Introduced by **HON. MA. AMELITA A. CALIMBAS – VILLAROSA**

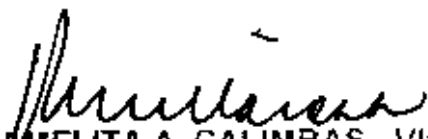
EXPLANATORY NOTE

Presidential Decree No. 772 criminalizing the practice of squatting in a sweeping manner was repealed in 1997 by Republic Act No. 8368 providing only an exemption in cases of professional squatters and squatting syndicates consistent with the provisions of Republic Act No. 7279 or the Urban Development and Housing Act of 1992 (UDHA). Unfortunately, more than seven years after, we have yet to see concrete benefits of such decriminalization.

Squatter colonies continue to mushroom with much greater pace all over the metropolis. This utter disrespect for property rights of others often find support from traditional politicians who, instead of seriously implementing the provision of summary eviction of professional squatters and squatting syndicates in the UDHA, countenance such nefarious and illegal activities for fear of losing potentially fertile sources of much needed votes. The obvious purpose of separating the grain from the shaft, so to speak, has not been served at all, rather, such delineation have paved the way for the sly to circumvent the law with impunity. It is common knowledge that many resettlement areas have become homes not for the urban poor but for those who take advantage of them.

The time has come to revisit Republic Act No. 8368 to evaluate the merits and demerits of a popular statute that purportedly upheld the rights of the less fortunate but at the great expense of the equally important rights of real property owners. A statute that has initially received much applause but appeared to have lost steam in mid-air due precisely to the universal principle that a wrong cannot be righted by another wrong, though the latter may be considered as one of lesser evil.

This bill will certainly be met with vigorous opposition but the will to do the right thing should stand mighty, though lonely, until enlightenment dawns upon society.


MA. AMELITA A. CALIMBAS - VILLAROSA

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2145

Introduced by **HON. MA. AMELITA A. CALIMBAS – VILLAROSA**

AN ACT
AMENDING REPUBLIC ACT NO. 8368, OTHERWISE KNOWN
AS THE "ANTI-SQUATTING LAW REPEAL ACT OF 1997"

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress so assembled.

SECTION 1. This Act shall be known as the "Revised Anti-Squatting Law of 2005".

SECTION 2. Section 4 of Republic Act No. 8368 is hereby amended to read as follows:

Section 4. Effect on Republic Act No. 7279. – Nothing herein shall be construed to nullify, eliminate or diminish in any way Section 27 of Republic Act No. 7279 or any of its provisions relative to sanctions against professional squatters and squatting syndicates. Provided, that any person or group of persons who, with the use of force, intimidation or threat, or taking advantage of the absence or tolerance of the landowner, succeeds in occupying or possessing the property of the latter against his will, and, having received a written demand to either vacate or pay rent from said landowner, shall refuse to do so within a period of ninety (90) days, shall be considered a professional squatter within the purview of Republic Act No. 7279.

SECTION 3. This Act shall take effect thirty (30) days after its publication in two (2) newspapers of national circulation.

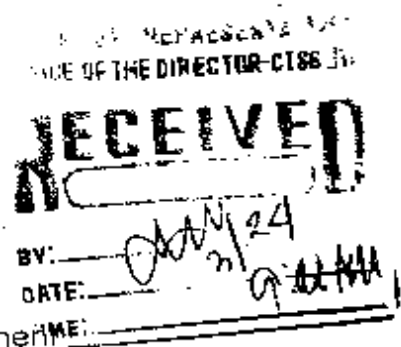
Approved.

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

15TH Congress

1st Regular Session

Committee on Housing and Urban Development



FOR : **THE HONORABLE SPEAKER**

THRU : **THE DEPUTY SECRETARY GENERAL
FOR COMMITTEE AFFAIRS**

RE : **SPOT REPORT ON THE MEETING OF THE COMMITTEE
ON HOUSING AND URBAN DEVELOPMENT HELD ON MARCH 23, 2011 AT
RVM CONFERENCE ROOM NOS. 1 & 2**

DATE : **23 MARCH 2011**

A. Approval of Committee Reports:

1. Committee report on the substitute bill to HB Nos. 154, 1161 & 3278 (Creation of A Local Housing Board);
2. Committee report on HB No. 4101 in consolidation with HB No. 2145 (Anti-Professional Squatters and Squatting Racketeer/s or Syndicates Drive Reforms Act of 2011); and
3. Committee report on the substitute bill to HB Nos. 1041, 1818, 2907, and 3040 (Prescribing the Mechanisms to Facilitate the Disposition of Government-Owned Lands for Socialized Housing)

B. Deliberation on Measures:

1. HR No. 535 (Urging the Full Implementation of the Local Housing Program); HB No. 3512 (Amending the Comprehensive and Integrated Shelter Financing Act to Implement Free Housing Projects in Selected Urban and Urbanizable Areas); and Privilege speech of Rep. Rodolfo Valencia re: Guidelines of the Local Housing Program

a. Major issues/positions and views aired

- the National Housing Authority and the Housing and Urban Development Coordination Council expressed their full support to the foregoing measures, suggesting that there is a need to review the non-cost recoverable provision of HB No. 3512 and for the Department of Budget and Management to release the remaining allocation for the Local Housing Program (LHP) which amounts to more than P2 Billion
- the National Housing Authority suggested to amend the Comprehensive and Integrated Shelter Financing Act to accommodate party-list representatives in the allocation of LHP

b. Agreements reached/Decisions made

- the committee requested the National Housing Authority to look into the possibility of utilizing the accrued interest of the LHP trust fund to augment the allocation for congressional districts in need of funds for relocation and resettlement
- the committee deferred further deliberation subject to the submission of a position paper on the matter by and the appearance of a representative each of the Department of Budget and Management and the Department of Finance in a subsequent meeting that will be called for the purpose

2. HB Nos. 3188 and 3189 (Requiring Developers of Condominium Projects to Develop an Area for Socialized Housing); HB No. 3451 (Amending Section 18 of RA 7279); and HB No. 4371 (Amending Sections 18 and 21 of RA 7279 or the UDHA to Include the Construction of Education Facilities)

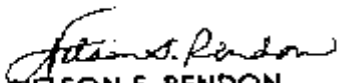
a. Major issues/positions and views aired

- all the agencies invited to the meeting, as well as the Subdivision and Housing Developers Association, posed no objection to the passage of the proposed measures with the exception of the Chamber of Real Estate and Builders Association which suggested instead the imposition of a new tax for socialized housing or the equitable distribution among developers of high-end real estate properties such as hotels, golf courses, and resorts the burden of shouldering the 20% requirement for developers to develop an area for socialized housing
- Rep. David Kho suggested that HB Nos. 3188 and 3189 be made applicable only to high-end condominium developers and not to low-end condominium developers

b. Agreement reached/Decision made

- the Committee approved the drafting of a substitute bill on the proposed measures

Prepared by:


NELSON F. RENDON
Committee Secretary

cc: The Deputy Speaker
The Chairperson, Committee on Rules
The Secretary General

Noted by:


ATTY. BENJAMIN M. TAGAYUNA, JR.
Service Director

The Executive Director, CAD
The Deputy Executive Director, CAD
The Service Director, CASS