

SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)



Senate
Office of the Secretary

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SENATE
S. No. 3193

RECEIVED BY: *J.*

Introduced by Senator Miriam Defensor Santiago

AN ACT
PROVIDING FOR A MANDATORY PERIOD TO RELOCATE SQUATTERS,
GRANTING DISTURBANCE FEES TO OWNERS OF ILLEGALLY OCCUPIED
RESIDENTIAL LAND

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. R.A. No. 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. 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. 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.- measure will not only give full meaning to the noble objectives of R.A. No. 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. This is a Senate counterpart bill to one filed in the House of Representatives by Rep. Emilio C. Macias II.¹


MIRIAM DEFENSOR SANTIAGO

¹ This bill was originally filed during the Fifteenth Congress, First Regular Session.

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AN ACT
PROVIDING FOR A MANDATORY PERIOD TO RELOCATE SQUATTERS,
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RESIDENTIAL LAND, AND PENALIZING VIOLATIONS THEREOF

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 as the "Landowners
2 Protection Act."

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

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

8 SECTION 4. *Relocation; Disturbance Fee.* - The local government unit shall, in
9 coordination with the Housing and Urban Coordinating Council and the National
10 Housing Authority, be responsible for the relocation of squatters within six months from
11 receipt of the written request for assistance to evict squatters from the landowner;
12 Provided, however, that, should relocation not be effected, the local government unit
13 concerned shall pay the landowner a disturbance fee equivalent to the tax due of the
14 illegally occupied land until the squatters have been relocated; Provided, further, that,

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

3 SECTION 5. *Fines and Penalties.* - Any person found guilty of violating any
4 provision of this Act shall suffer the penalty of imprisonment not more than three years
5 or a fine of Fifty Thousand Pesos (P50,000.00), or both, at the discretion of the court. The
6 Chief Executive and Punong Barangay, who fail to prevent the construction of any kind
7 of illegal dwelling unit or structure in privately owned residential land within their
8 jurisdiction shall face suspension for a period of six months and penal sanctions provided
9 under this Section.

10 SECTION 6. *Implementing Rules and Regulations.* - The Department of Interior
11 and Local Government, in coordination with the National Housing Authority, shall issue
12 the implementing rules and regulations within sixty (60) days upon approval of this Act.

13 SECTION 7. *Separability Clause.* - If any provision of this Act is held invalid or
14 unconstitutional, the same shall not affect the validity and effectivity of the other
15 provisions hereof.

16 SECTION 8. *Repealing Clause.* - All laws, decrees, orders, and issuances, or
17 portions thereof, which are inconsistent with the provisions of this Act, are hereby
18 repealed, amended or modified accordingly.

19 SECTION 9. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after
20 its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,

//fd 27Nov2015