

SENATE
S. No. 1947

Introduced by Senator Miriam Defensor Santiago

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. 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 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.

This is a Senate counterpart bill to one filed in the House of Representatives by Rep.
Emilio C. Macias II.¹

ccr.

MIRIAM DEFENSOR SANTIAGO

¹ This was originally filed during the 14th Congress 1st Regular Session

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1 AN ACT

2 PROVIDING FOR A MANDATORY PERIOD TO RELOCATE SQUATTERS, GRANTING
3 DISTURBANCE FEES TO OWNERS OF ILLEGALLY OCCUPIED RESIDENTIAL LAND,
4 AND PENALIZING VIOLATIONS THEREOF

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

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

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

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

11 SECTION 4, *Relocation; Disturbance Fee.* - The local government unit shall, in
12 coordination with the Housing and Urban Coordinating Council and the National Housing
13 Authority, be responsible for the relocation of squatters within six (6) months from receipt of the
14 written request for assistance to evict squatters from the landowner; Provided, however, That,
15 should relocation not be effected., the local government unit concerned shall pay the landowner a
16 disturbance fee equivalent to the tax due of the illegally occupied land until the squatters have
17 been relocated; Provided, further, That, payment of the disturbance fee shall commence one (1)
18 year after the prescribed period to relocate had lapsed.

1 SECTION 5. *Fines and Penalties.* - Any person found guilty of violating any provision of
2 this Act shall suffer the penalty of imprisonment not more than three (3) years or a fine of Fifty
3 Thousand Pesos (P50,000.00), or both, at the discretion of the court.

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

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

11 SECTION 7. *Separability Clause.* - If any part hereof, is held invalid or unconstitutional,
12 the remainder of the provision not otherwise affected shall remain valid and subsisting.

13 SECTION 8. *Repealing Clause.* - Any law, presidential decree or issuance, executive
14 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent
15 with, the provisions of this Act is hereby repealed, modified or amended accordingly.

16 SECTION 9. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its
17 publication in at least two (2) newspapers of general circulation.

Approved,