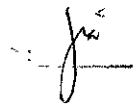


SIXTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
First Regular Session )

Senate  
Office of the Secretary

1913 JUL 18 9 4 19

SENATE  
P. S. R. No. 77



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Introduced by Senator Miriam Defensor Santiago

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RESOLUTION

DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE NEED TO INCREASE THE PENALTIES UNDER ARTICLE 316 OF THE PENAL CODE, PENALIZING ANY PERSON WHO, PRETENDING TO BE OWNER OF ANY REAL PROPERTY, SHALL CONVEY, SELL, ENCUMBER OR MORTGAGE THE SAME TO ANOTHER

WHEREAS, the Constitution, Article 2, Section 5 provides: "The maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy";

WHEREAS, Article 316 (1) of Republic Act No. 3815, also known as the Penal Code of the Philippines, states:

*"Other forms of swindling.* — The penalty of *arresto mayor* in its minimum and medium period and a fine of not less than the value of the damage caused and not more than three times such value, shall be imposed upon:

1. Any person who, pretending to be owner of any real property, shall convey, sell, encumber or mortgage the same."

WHEREAS, several complaints have pointed to the increase of fraudulent sale of real properties by syndicate members;

WHEREAS, it was alleged that the lands sold were vacant lots inside subdivisions and quiet residential areas, or near commercial districts;

WHEREAS, it could be gathered from the complaints that most of the victims were those who came from the province or those who were previously informal settlers;

WHEREAS, it was alleged that the a member of the syndicate would misrepresent himself or herself as either the owner of the lot being sold, or a government employee with the power to relocate informal settlers;

WHEREAS, these lots were sold at P15,000 to P150,000, depending on the size of the lot;

WHEREAS, syndicate members would allow the victim to make a down payment of P5,000 and pay in installments;

WHEREAS, one lot, partitioned into several areas, were normally sold to several buyers at the same time in order for the syndicate to collect a bigger amount of money; also, such would allow an influx of people to transfer immediately to the lots sold, making it more difficult to remove the occupants from the land;

WHEREAS, although the real owner of the land has a civil cause of action against the fraudulent seller, he or she should also be afforded the right to institute a criminal action against such person or persons;

WHEREAS, due to the machinations of these syndicates, the number of illegal settlers in the city and within subdivisions has risen to an alarming rate;

WHEREAS, the increase of illegal settlers in privately owned lands have led to numerous suits in court, clogging their dockets while causing undue anguish and unnecessary expenses on the part of the litigants;

WHEREAS, it has also been complained that illegal settlers inside residential areas or subdivisions have taken arms to defend the properties sold to them by these syndicates;

WHEREAS, the government should prevent the proliferation of illegal settlers and syndicated estafa of lands by hitting at the source of these menace;

WHEREAS, members of syndicates should be punished with full force of the law for depriving real owners of their properties, and for taking undue advantage of buyers in good faith, especially those buyers with little or no education at all;

WHEREAS, the legislature should create measures to increase the penalties for those who make a business out of fraudulently selling land, while law enforcement agencies should be more vigilant in pursuing members belonging to such syndicates;

WHEREFORE, be it hereby resolved by the Philippine Senate to direct the proper Senate committee to conduct an inquiry, in aid of legislation, on the need to increase the penalties under Article 316 of the Penal Code, penalizing any person who, pretending to be owner of any real property, shall convey, sell, encumber, or mortgage the same to another.

Adopted,

*miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO  
*our*

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