



HOUSE OF REPRESENTATIVES

H. No. 4656

BY REPRESENTATIVES BAGATSING, CALIMBAS-VILLAROSA, VALENCIA, LICO,
VIOLAGO, LEONEN-PIZARRO, ACHARON, KHO (D.), HERRERA-DY,
SY-ALVARADO, DE JESUS, PADILLA AND EJERCITO, PER COMMITTEE
REPORT NO. 913

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 House of Representatives of the Philippines in
Congress assembled:*

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

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

8 SEC. 3. *Statement of Objectives.* – This Act is intended to reinforce
9 the drive against professional squatters and squatting racketeer/s or syndicates

1 and to strengthen the mechanisms to effectively curtail their wicked activities,
2 the usual victims of which are the legitimate urban poor beneficiaries.

3 It also aims to provide relief to both the underprivileged and homeless
4 citizens and the small private property owners whose respective lands have
5 been unduly occupied.

6 **SEC. 4. *Definition of Terms.*** – For purposes of this Act and consistent
7 with the provisions of Republic Act No. 7279, otherwise known as the “Urban
8 Development and Housing Act of 1992”, the following terms shall mean:

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

18 (b) *Resettlement areas* refer to areas identified by the appropriate
19 national agency or by the local government unit with respect to areas within its
20 jurisdiction, which shall be used for the relocation of the underprivileged and
21 homeless citizens.

22 (c) *Small property owners* refer to those whose only real property
23 consists of residential lands not exceeding three hundred square meters
24 (300 sq.m.) in highly urbanized cities and eight hundred square meters
25 (800 sq.m.) in other urban areas.

26 (d) *Socialized housing* refers to housing programs and projects
27 covering houses and lots or homelots only undertaken by the government or
28 the private sector for the underprivileged and homeless citizens which shall

1 include sites and services development, long-term financing, liberalized terms
2 on interest payments, and such other benefits in accordance with the provisions
3 of this Act.

4 (e) *Underprivileged and homeless citizens* refer to the beneficiaries of
5 this Act and to individuals or families residing in urban and urbanizable areas
6 whose income or combined household income falls within the poverty
7 threshold as defined by the National Economic and Development Authority
8 (NEDA) and who do not own housing facilities. These shall include those who
9 live in makeshift dwelling units and do not enjoy security of tenure.

10 SEC. 5. *Illegal Business of Squatter Housing and Squatting*
11 *Racketeer/s or Syndicates Defined.* – (a) Section 3 of Republic Act No. 7279
12 is hereby amended by inserting a new subparagraph after subparagraph (e) to
13 be designated as subparagraph (f) and which shall read as follows:

14 “(F) ‘**ILLEGAL BUSINESS OF SQUATTER HOUSING**’
15 **REFERS TO THE CARRYING OUT OF AN ACTIVITY, INTENDING**
16 **TO DECEIVE OR DEFRAUD OTHER PERSON/S, CLAIMING**
17 **OWNERSHIP OF A PIECE OF LAND OR THE AUTHORITY TO**
18 **DISPOSE SAID LAND AND/OR TO CONVEY PROPRIETARY RIGHTS**
19 **OR OWNERSHIP OVER THE SAME OR EVEN PORTIONS THEREOF**
20 **WHEN, IN TRUTH AND IN FACT, NO SUCH LEGAL RIGHT**
21 **OR AUTHORITY EXISTS. IT SHALL BE CONSIDERED AS AN**
22 **OFFENSE INVOLVING ECONOMIC SABOTAGE. THE PERSONS**
23 **CRIMINALLY LIABLE FOR THE ABOVE OFFENSE ARE THE**
24 **PRINCIPAL, ACCOMPLICES AND ACCESSORIES. IN THE CASE OF**
25 **A JURIDICAL PERSON, THE OFFICERS HAVING CONTROL,**
26 **MANAGEMENT OR DIRECTION OF THEIR BUSINESS SHALL BE**
27 **LIABLE;”**

28 Accordingly, subparagraphs (f), (g), (h), (i), (j), (k), (l), (m), (n), (o),
29 (p), (q), (r), (s), (t), (u), (v), (w) and (x) shall be redesignated as

1 subparagraphs (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (s), (t), (u),
2 (v), (w), (x) and (y), respectively.

3 (b) Redesignated subparagraph (t), Section 3 of the same Act is hereby
4 amended to read as follows:

5 “(t) ‘Squatting RACKETEER/S OR syndicates’ refer[s] to
6 PERSON/S OR groups of persons engaged in the ILLEGAL
7 business of squatter housing for profit or gain, WHETHER FOR
8 FINANCIAL OR POLITICAL ADVANTAGE;”

9 SEC. 6. *Strengthening the Mechanisms in the Drive Against*
10 *Professional Squatters and Squatting Racketeer/s or Syndicates.* – In order
11 to effectively suppress the activities of professional squatters and the squatting
12 racketeer/s or syndicates, it is imperative to strengthen the present mechanisms
13 being used against them and to increase the penalty for their nefarious acts.
14 For this purpose, Section 27 of Republic Act No. 7279 is hereby amended to
15 read as follows:

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

26 “THE DEPARTMENT OF JUSTICE (DOJ) SHALL, IN
27 CONJUNCTION WITH THE LOCAL GOVERNMENT UNITS (LGUs)
28 AND THE HUDCC, TAKE THE LEAD IN THE PROSECUTION OF

1 IDENTIFIED PROFESSIONAL SQUATTERS AND SQUATTING
2 SYNDICATES.

3 "THE HUDCC, THE CONCERNED LGU AND THE DOJ
4 SHALL HAVE THE AUTHORITY TO CALL ON THE FULL SUPPORT
5 AND ASSISTANCE OF THE FOLLOWING RELEVANT AGENCIES:

6 "(A) PRESIDENTIAL COMMISSION FOR THE URBAN
7 POOR (PCUP);

8 "(B) DEPARTMENT OF THE INTERIOR AND LOCAL
9 GOVERNMENT (DILG);

10 "(C) DEPARTMENT OF ENVIRONMENT AND NATURAL
11 RESOURCES (DENR);

12 "(D) PHILIPPINE NATIONAL POLICE (PNP);

13 "(E) NATIONAL URBAN POOR SECTORAL COUNCIL OF
14 THE NATIONAL ANTI-POVERTY COMMISSION;

15 "(F) NATIONAL BUREAU OF INVESTIGATION (NBI);

16 "(G) LAND REGISTRATION AUTHORITY (LRA); AND

17 "(H) OFFICE OF THE SOLICITOR GENERAL (OSG).

18 "THE NATIONAL POLICE TASK FORCE TO APPREHEND
19 SQUATTING SYNDICATES AND PROFESSIONAL SQUATTERS
20 CREATED UNDER EXECUTIVE ORDER NO. 178, Series of 1999,
21 AS AMENDED BY EXECUTIVE ORDER NO. 153, Series of 2002,
22 AND HEREBY RENAMED THE NATIONAL POLICE TASK FORCE
23 TO APPREHEND PROFESSIONAL SQUATTERS AND SQUATTING
24 RACKETEER/S OR SYNDICATES, SHALL SERVE AS THE
25 OPERATIONAL ARM OF THE HUDCC.

26 "THE PNP SHALL DESIGNATE SUCH FULL-TIME STAFF
27 OR PERSONNEL TO EFFECTIVELY PURSUE THE OBJECTIVES OF
28 THE TASK FORCE.

1 **"THE PCUP SHALL EXTEND SECRETARIAT SUPPORT TO**
2 **THE HUDCC, THE DOJ AND THE NATIONAL POLICE TASK**
3 **FORCE.**

4 "Any person or group identified as such shall be
5 summarily evicted and their dwellings or structures demolished
6 **AFTER DUE NOTICE**, and shall be disqualified to avail of the
7 benefits of the Program. [A public official who tolerates or abets
8 the commission of the abovementioned acts shall be dealt with in
9 accordance with existing laws.]

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

20 **"ANY PUBLIC OFFICIAL OR EMPLOYEE WHO TOLERATES**
21 **OR ABETS THE COMMISSION OF THE ABOVEMENTIONED ACTS**
22 **SHALL LIKEWISE BE IMPOSED THE PENALTY OF RECLUSION**
23 **PERPETUA OR LIFE IMPRISONMENT AND PERMANENT**
24 **ABSOLUTE DISQUALIFICATION FROM HOLDING PUBLIC OFFICE,**
25 **INCLUDING IN GOVERNMENT-OWNED AND/OR -CONTROLLED**
26 **CORPORATIONS, WITHOUT PREJUDICE TO THE PROSECUTION**

1 OF THE SAID OFFICIAL OR EMPLOYEE UNDER THE PROVISION
2 OF THE REVISED PENAL CODE OR OTHER EXISTING LAWS.”

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

9 “SEC. 28. *PRIMA FACIE EVIDENCE AGAINST*
10 *SQUATTING RACKETEER/S OR SYNDICATES.* – ANY OF THE
11 FOLLOWING CIRCUMSTANCES SHALL CONSTITUTE *PRIMA*
12 *FACIE* EVIDENCE AGAINST SQUATTING RACKETEER/S OR
13 SYNDICATES:

14 “(A) THE USE OF FAKE AND/OR MANUFACTURED
15 TRANSFER CERTIFICATE OF TITLE OR COURT DECISION;

16 “(B) THE USE OF A SPANISH TITLE OR ROYAL DECREE
17 THAT WAS DECLARED BY FINAL JUDGMENT WITHOUT FORCE
18 AND EFFECT OR OF A VOID CERTIFICATE OF TITLE;

19 “(C) THE USE OF A DEED OF ASSIGNMENT OR
20 CERTIFICATE OF OCCUPANCY, OR A DONATION OR SALE BASED
21 ON A SPANISH TITLE OR ROYAL DECREE THAT WAS DECLARED
22 BY FINAL JUDGMENT WITHOUT FORCE AND EFFECT OR BASED
23 ON VOID CERTIFICATES OF TITLE OR FAKE AND/OR
24 MANUFACTURED CERTIFICATE OF TITLE OR COURT DECISION;

25 “(D) THE ACT OF ORGANIZING ASSOCIATIONS OR
26 ORGANIZATIONS, INCLUDING COOPERATIVES, FOR THE
27 PURPOSE OF COLLECTING MEMBERSHIP FEES OR OTHER
28 CHARGES OR OF DERIVING GAIN, PROFIT OR FINANCIAL
29 ADVANTAGE BASED ON A SPANISH TITLE OR ROYAL DECREE
30 THAT WAS DECLARED BY FINAL JUDGMENT WITHOUT FORCE

1 AND EFFECT OR BASED ON A VOID CERTIFICATE OF TITLE OR
2 FAKE AND/OR MANUFACTURED TRANSFER CERTIFICATE OF
3 TITLE OR COURT DECISION.”

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

15 “THE PRELIMINARY INVESTIGATION OF CASES UNDER
16 THIS ACT SHALL BE TERMINATED WITHIN A PERIOD OF THIRTY
17 (30) CALENDAR DAYS FROM THE DATE OF THEIR FILING.
18 WHERE THE PRELIMINARY INVESTIGATION IS CONDUCTED BY
19 A PROSECUTOR AND A *PRIMA FACIE* CASE IS ESTABLISHED, THE
20 CORRESPONDING INFORMATION SHALL BE FILED IN COURT
21 WITHIN TWENTY-FOUR (24) HOURS FROM THE TERMINATION
22 OF THE INVESTIGATION. IF THE PRELIMINARY INVESTIGATION
23 IS CONDUCTED BY A PROSECUTOR AND A *PRIMA FACIE* CASE IS
24 FOUND TO EXIST, THE CORRESPONDING INFORMATION SHALL
25 BE FILED BY THE PROPER PROSECUTOR WITHIN FORTY-EIGHT
26 (48) HOURS FROM THE DATE OF RECEIPT OF THE RECORDS OF
27 THE CASE.

28 “ILLEGAL BUSINESS OF SQUATTER HOUSING CASES
29 UNDER THIS ACT SHALL PRESCRIBE IN TWENTY (20) YEARS.”

1 **"SEC. 30. FREE LEGAL ASSISTANCE; PREFERENTIAL**
2 **ENTITLEMENT UNDER THE WITNESS PROTECTION PROGRAM. –**
3 **A MECHANISM FOR FREE LEGAL ASSISTANCE FOR VICTIMS OF**
4 **ILLEGAL BUSINESS OF SQUATTER HOUSING SHALL BE**
5 **ESTABLISHED WITHIN THE HUDCC. SUCH MECHANISM MUST**
6 **INCLUDE COORDINATION AND COOPERATION WITH THE DOJ,**
7 **THE INTEGRATED BAR OF THE PHILIPPINES (IBP) AND OTHER**
8 **NONGOVERNMENTAL ORGANIZATIONS AND VOLUNTEER**
9 **GROUPS.**

10 **"ANY PERSON WHO IS A VICTIM OF ILLEGAL BUSINESS**
11 **OF SQUATTER HOUSING SHALL BE ENTITLED TO THE WITNESS**
12 **PROTECTION PROGRAM PROVIDED UNDER THE PROVISIONS OF**
13 **REPUBLIC ACT NO. 6981, ENTITLED "AN ACT PROVIDING FOR**
14 **A WITNESS PROTECTION, SECURITY AND BENEFIT PROGRAM**
15 **AND FOR OTHER PURPOSES."**

16 Accordingly, Sections 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40,
17 41, 42, 43, 44, 45, 46, 47, 48 and 49 of Republic Act No. 7279 shall be
18 renumbered as Sections 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44,
19 45, 46, 47, 48, 49, 50, 51 and 52, respectively.

20 (b) Redesignated Section 48 of Republic Act No. 7279, is hereby
21 amended to read as follows:

22 **"SEC. 48. *Penalty Clause.* – Any person, OTHER THAN**
23 **THOSE WHO COMMIT THE ILLEGAL ACTS OF PROFESSIONAL**
24 **SQUATTERS, SQUATTING RACKETEER/S OR SYNDICATES, THOSE**
25 **THAT TOLERATE OR ABET THE SAID ACTS, AND THOSE WHO**
26 **ENGAGE IN THE ILLEGAL BUSINESS OF SQUATTER HOUSING,**
27 **who violates any provision of this Act shall be imposed the**
28 **penalty of not more than six (6) years of imprisonment or a fine**
29 **of not less than Five thousand pesos (P5,000) but not more than**

1 One hundred thousand pesos (P100,000), or both, at the
2 discretion of the court: *Provided, That, if the offender is a*
3 *corporation, partnership, association or other juridical entity, the*
4 *penalty shall be imposed on the officer or officers of said*
5 *corporation, partnership, association or juridical entity who*
6 *caused the violation.*

7 **“PROSECUTION UNDER THIS ACT SHALL BE WITHOUT**
8 **PREJUDICE TO ANY LIABILITY FOR VIOLATION OF ANY**
9 **PROVISION OF THE REVISED PENAL CODE.”**

10 *SEC. 8. Relief to Private Property Owners and the Underprivileged*
11 *and Homeless Citizens Occupying Privately-Owned Lands. – In respect of*
12 *the rights of private property owners, especially small property owners, and in*
13 *order to alleviate the condition of the underprivileged and homeless citizens*
14 *occupying privately-owned lands, redesignated Sections 32 and 33 of Republic*
15 *Act No. 7279 are hereby amended.*

16 (a) Redesignated Section 32 of Republic Act No. 7279 shall read as
17 follows:

18 *“SEC. 32. Resettlement. – Within two (2) years from the*
19 *effectivity of this Act, the local government units, in*
20 *coordination with the National Housing Authority, shall*
21 *implement the relocation and resettlement of persons living in*
22 *danger areas such as esteros, railroad tracks, garbage dumps,*
23 *riverbanks, shorelines, waterways, and in other public places*
24 *such as sidewalks, roads, parks, and playgrounds. The local*
25 *government unit, in coordination with the National Housing*
26 *Authority, shall provide relocation or resettlement sites with*
27 *basic services and facilities and access to employment and*

1 livelihood opportunities sufficient to meet the basic needs of the
2 affected families.

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

22 (b) Redesignated Section 33 of Republic Act No. 7279 shall read as
23 follows:

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

28 SEC. 9. *Annual Report.* - The HUDCC, the local governments through
29 the DILG, the DOJ, the PCUP and the PNP shall submit a detailed annual
30 report with respect to the implementation of this Act to the President and to the

1 House of Representatives and the Senate of the Congress of the Republic of the
2 Philippines through the House Committee on Housing and Urban Development
3 and the Senate Committee on Urban Planning, Housing and Resettlement.

4 SEC. 10. *Funding.* – The initial funding requirement for the
5 implementation of this Act shall be charged against the current budget of the
6 HUDCC and thereafter to be included in the annual General Appropriations
7 Act: *Provided*, That the National Housing Authority shall immediately set
8 aside funds for the resettlement of the victims under this Act: *Provided*,
9 *further*, That the National Home Mortgage Finance Corporation, through the
10 SHFC, shall allocate any of its existing funds under the Community Mortgage
11 Program (CMP) to immediately implement this Act and thereafter in the annual
12 General Appropriations Act.

13 SEC. 11. *Implementing Rules and Regulations.* – The HUDCC, the
14 DOJ, the DILG and the PCUP, in consultation with the PNP, shall promulgate
15 the implementing rules and regulations necessary to implement the provisions
16 of Sections 6 and 7 hereof while the HUDCC, the DILG, the PCUP, the
17 National Housing Authority and the SHFC shall promulgate the implementing
18 rules 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
21 held unconstitutional or invalid, the other provisions not otherwise affected
22 shall remain in full force and effect.

23 SEC. 13. *Repealing Clause.* – Sections 3 and 27, and redesignated
24 Sections 32, 33 and 48 of Republic Act No. 7279 are hereby amended. All
25 other laws, decrees, executive orders, proclamations, rules and regulations and
26 other issuances or parts thereof which are inconsistent with the provisions of
27 this Act are hereby repealed, amended or modified accordingly.

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

Approved,

O