

# A Primer

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## NATIONAL DRIVE AGAINST PROFESSIONAL SQUATTERS AND SQUATTING SYNDICATES



Series of 2014



## REFERENCE MATERIALS

- EXECUTIVE ORDER 153
- SECTION 27 OF R.A. 7279
- EXECUTIVE ORDER 129
- EXECUTIVE ORDER 178
- MEMORANDUM CIRCULAR NO. 2012-04
- IMPLEMENTING RULES & REGULATIONS OF SECTION 27 OF R.A. 7279
- IMPLEMENTING GUIDELINES OF EXECUTIVE ORDER NO. 153  
*(Subject to Board Approval)*

## ***Vision***

*“A society free from Professional Squatters and Squatting Syndicates (PSSS) where empowered and responsible Filipinos own decent homes, social justice is ensured and property rights respected.”*

## ***Mission***

*“As the government agencies tasked to undertake action against professional squatters and squatting syndicates, we commit to intensify the National Drive against them with the end in view of suppressing and eradicating their illegal operations.”*

## ***Objectives***

- *Assist the LGUs adopt measures to identify and effectively curtail the illegal activities of Professional Squatters and Squatting Syndicates (PSSS)*
- *Launch massive information dissemination campaigns against PSSS*
- *Conduct surveillance/investigation of complaints against PSSS*
- *Provide support in the apprehension and prosecution of PSSS*
- *Provide support in eradicating PSSS*

## SALIENT PROVISIONS OF EXECUTIVE ORDER No. 153

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

On November 10, 2002, Her Excellency President Gloria Macapagal-Arroyo issued Executive Order 153 and declared an intensified campaign of the government to curtail the activities of both the **professional squatters and squatting syndicates (PSSS)**.

### ***HUDCC and DOJ as Lead Agencies:***

The Housing and Urban Development Coordinating Council (**HUDCC**) and the Department of Justice (**DOJ**) are the primary agencies spearheading the drive against PSSS.

**HUDCC** is directed to take the lead in the identification of PSSS, monitor and launch operations against them through the proper agencies to curtail the PSSS' illegal activities.

**DOJ**, in conjunction with HUDCC's functions under this Order, shall take the lead in the prosecution of identified professional squatters and squatting syndicates.

### ***Support of Relevant Agencies.***

- a. Presidential Commission for the Urban Poor (**PCUP**)
- b. Department of Interior and Local Government (**DILG**)
- c. Department of Environment and Natural Resources (**DENR**);
- d. Philippine National Police (**PNP**);
- e. National Urban Poor Sectoral Council of the National Anti-Poverty Commission (**NUPSC-NAPC**);
- f. National Bureau of Investigation (**NBI**);
- g. Land Registration Authority (**LRA**); and
- h. Office of the Solicitor General (**OSG**)

***Strengthening of the National Police Task Force.***— The National Police Task Force (**NPTF**), **responsible** for the apprehension of *squatting syndicates* and *professional squatters*, created under Executive Order 178 dated 23 November 1999 is hereby strengthened. It shall serve as the operational arm of the HUDCC in the drive against professional squatters and squatting syndicates. The Philippine National Police (**PNP**) is hereby directed to designate full-time staff and/or personnel to the **NPTF**.

***Secretariat.*** — The Presidential Commission for the Urban Poor (**PCUP**) shall provide secretariat support to the HUDCC, DOJ, and NPTF.

**ARTICLE VII  
URBAN RENEWAL AND RESETTLEMENT**

**SEC. 27. Action Against Professional Squatters and Squatting Syndicates.** - The Local Government Units (LGU), in cooperation with the PNP, PCUP, and 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 syndicates, as herein defined { (in Art.1 sec 3 par (m) and (s)}.

Any person or group identified as such shall be summarily evicted and their dwellings or structures demolished, and shall be disqualified from availing the benefits of the program. A public official who tolerates or abets the commission of the abovementioned acts shall be dealt with in accordance with existing laws.



For purposes of this Act, professional squatters or members of squatting syndicates shall be imposed the penalty of six (6) years imprisonment or a fine of not less than Sixty thousand pesos (P60,000.00), but not more than One hundred thousand pesos (P100,000.00), or both, at the discretion of the court.

**SEC 28. Eviction and Demolition.**– Eviction or demolition, as a practice, shall be discouraged. Eviction or demolition, however, may be allowed under the following situations:

- a. When persons or entities occupy danger areas such as esteros, railroad tracks, garbage dumps, riverbanks, shorelines, waterways, and other public places such as sidewalks, roads, parks, and playgrounds;
- b. When government infrastructure projects with available funding are about to be implemented; or
- c. When there is a court order for eviction and demolition.

**SEC. 30. Prohibition Against New Illegal Structures.** - It shall be unlawful for any person to construct any structure in areas mentioned in the preceding section (refer to Sec 28 [a]).

After the effectivity of this Act, the barangay, municipal or city government units shall prevent the construction of any kind of illegal dwelling units or structures within their respective localities. The head of any local government unit concerned, who allows, abets or otherwise tolerates the construction of any structure in violation of this section shall be liable for administrative sanction(s) under existing laws and for penal sanction(s) provided for in this Act.

## EXECUTIVE ORDER 129

### ***ESTABLISHING AN INSTITUTIONAL MECHANISM TO CURTAIL THE ACTIVITIES OF PROFESSIONAL SQUATTING SYNDICATES AND PROFESSIONAL SQUATTERS AND INTENSIFYING THE DRIVE AGAINST THEM***

There is a need to protect the rightful beneficiaries of the UDHA from the squatter syndicates and professional squatters, who continuously prey on and victimize the former by sowing disinformation, collecting fees, and inflicting harassment;

It is imperative to establish a mechanism that shall ensure compliance with the provisions of the UDHA and its implementing rules and regulations relative to demolition and eviction.

**Professional Squatters** refer to individuals or groups who occupy lands without the express consent of the landowner and who have sufficient income for legitimate housing. The term shall also apply to persons who have previously been awarded home lots or housing units by the Government but who sold, leased or transferred the same and settled illegally in the same place or in another urban area, and non-bonafide occupants and intruders of lands reserved for socialized housing. The term shall not apply to individuals or groups, who simply rent land and housing from professional squatters or squatting syndicates.

**Squatting syndicates** refer to groups of persons engaged in the illegal business of' squatter housing for profit or gain.

### **CREATION OF LOCAL COMMITTEE AGAINST SQUATTING SYNDICATES AND PROFESSIONAL SQUATTERS**

All government units are hereby directed to create a Local Committee Against Squatting Syndicates and Professional Squatters (LCASSPS) composed of the following:

- a. The mayor of the concerned cities/municipalities with a permanent alternate;
- b. The local chief of PNP with a permanent alternate;
- c. Representative of the PGUP with a permanent alternate;
- d. President of the PCUP accredited urban poor organization with a permanent alternate; and
- e. A representative from the private sector, who shall be chosen by the above members.

The Committee shall have the following functions:

- a. Within 60 days from the effectivity of this Order, adopt the necessary measures to identify and effectively curtail the activities of professional squatters and squatting syndicates, including the names of public officials and/or private individuals or companies abetting or tolerating the commission of the act;
- b. Provide the Housing and Urban Development Coordinating Council (HUDCC) and NHA copies of list of identified squatting syndicates and professional squatters in order to safeguard against their inclusion in future programs/projects; and recommend disqualification in existing programs;
- c. Provide legal assistance to victims of professional squatters/syndicates and make available, through the PNP and DOJ, a consolidated list of squatting syndicates and professional squatters;
- d. File the necessary charges before the Court or Prosecutor's Office;

- e. Undertake investigation of violation cases on demolition and eviction forwarded to it; and recommend appropriate actions on the same to the concerned agencies;
- f. Monitor demolition and eviction activities; hence, it shall draw up and establish its monitoring system;
- g. Submit reports to the National Committee Office of the President, with a copy furnished for the concerned agencies involved in the implementation of RA 7279; and
- h. Call on any government entities for, assistance, if necessary.

### ***ACTION AGAINST OFFENDERS***

1. The LGUs, upon recommendation of their local committees, shall summarily evict the offenders and demolish their dwelling structures;
2. The LGUs, PGUP, and PNP shall monitor and implement Section 30 of Republic Act No. 7279 regarding new illegal entrants, defined as those guilty of squatting after the effectivity of said Act;
3. The concerned agencies herein identified shall enforce Section 45 (Penalty Clause) of Republic Act No. 7279 on new illegal entrants.

## EXECUTIVE ORDER 178

### CREATING THE NATIONAL POLICE TASK FORCE ON PROFESSIONAL SQUATTERS AND SQUATTING SYNDICATES



The Task Force shall be chaired by the Chief, Philippine National Police (PNP) and shall be composed of elements of various law enforcement agencies/entities as may be identified by the Chairman.

**FUNCTIONS.** In coordination with the National Committee Against Squatting Syndicates and Professional Squatters, the Task Force shall:

- Initiate the identification of professional squatters and squatting syndicates including the names of public officials and/or private individuals or companies abetting or tolerating the commission of the act;
- b. Conduct surveillance activities to check and verify initial intelligence information gathered concerning the identities of suspected professional squatters and squatting syndicates including the names of public officials and/or private individuals abetting or tolerating the commission of the act;
  - c. Closely coordinate with the Prosecutor's Office and the concerned LGU in gathering evidence, as well as testify during court proceedings, to ensure the speedy prosecution of identified professional squatters and squatting syndicates;
  - d. Provide police protection to victims of squatter syndicates and professional squatters, including the rightful beneficiaries of the government's housing program, who may have been victimized in various forms such as collection of exorbitant fees, issuance of fake titles, and sowing of disinformation;
  - e. Direct local police chiefs, through the PNP regional directors, to extend full support and assistance to the Local Committee Against Squatting Syndicates and Professional Squatters, created pursuant to Executive Order No. 129, in line with the intensified drive against squatting syndicates and professional squatters;
  - f. Perform such other functions as may be directed by the President.



## IMPLEMENTING RULES AND REGULATIONS

**Coverage** – The following shall be subject for summary eviction:

1. New squatter families whose structures were built after the effectivity of RA 7279; and
2. Squatter families identified by the LGU in cooperation with the Presidential Commission of the Urban Poor (PCUP), Philippine National Police (PNP) and accredited Urban Poor organization (UPO) as professional squatters or members of squatting syndicates as defined in the Act.

### Procedures and Guidelines

#### 1. Pre-requisite

1.1 The LGU or the concerned agency authorized to demolish thru their Task Forces on Relocation and Resettlement (TFRR) shall direct its Surveillance Team to conduct an ocular site inspection within 24 hours upon receipt of reports of violation by squatter families. A written report, on newly sighted illegal structure shall be prepared and signed by the team leader and any one representative of the UPO or PCUP, which shall then be submitted to the TFRR for immediate action.

1.2 Upon receipt of report from the Team, the Chairman of TFRR shall notify the PNP for the scheduled summary eviction and request security assistance thereof;

1.3 The TFRR shall submit a copy of the surveillance Team's report to the PCUP.

#### 2. Issuance of Summary Eviction Notice:



2.1 The Summary Eviction Notice shall be signed by the mayor or his authorized representative, and be worded and printed in English and Filipino or local dialect.

2.2 The notice shall specify the date and time; the summary eviction will be undertaken by the LGU.

2.3 The notice shall be prepared in triplicate copies--the original to the affected family, the second copy to be held by the Task Force and the third copy to the PCUP Office.

2.4 The notice shall be served by personal delivery to the squatter family. The occupant or any adult member of this household shall be requested to acknowledge receipt of the notice. Should the person refuse acknowledge the notice, the same shall be affixed conspicuously to the addressee's dwelling.

The serving official shall write on the duplicate copies of the notice, in the absence or refusal of the occupant to receive and acknowledge the same, the date and time of its issuance or posting.

2.5 In the issuance of notice, the following shall be strictly observed:

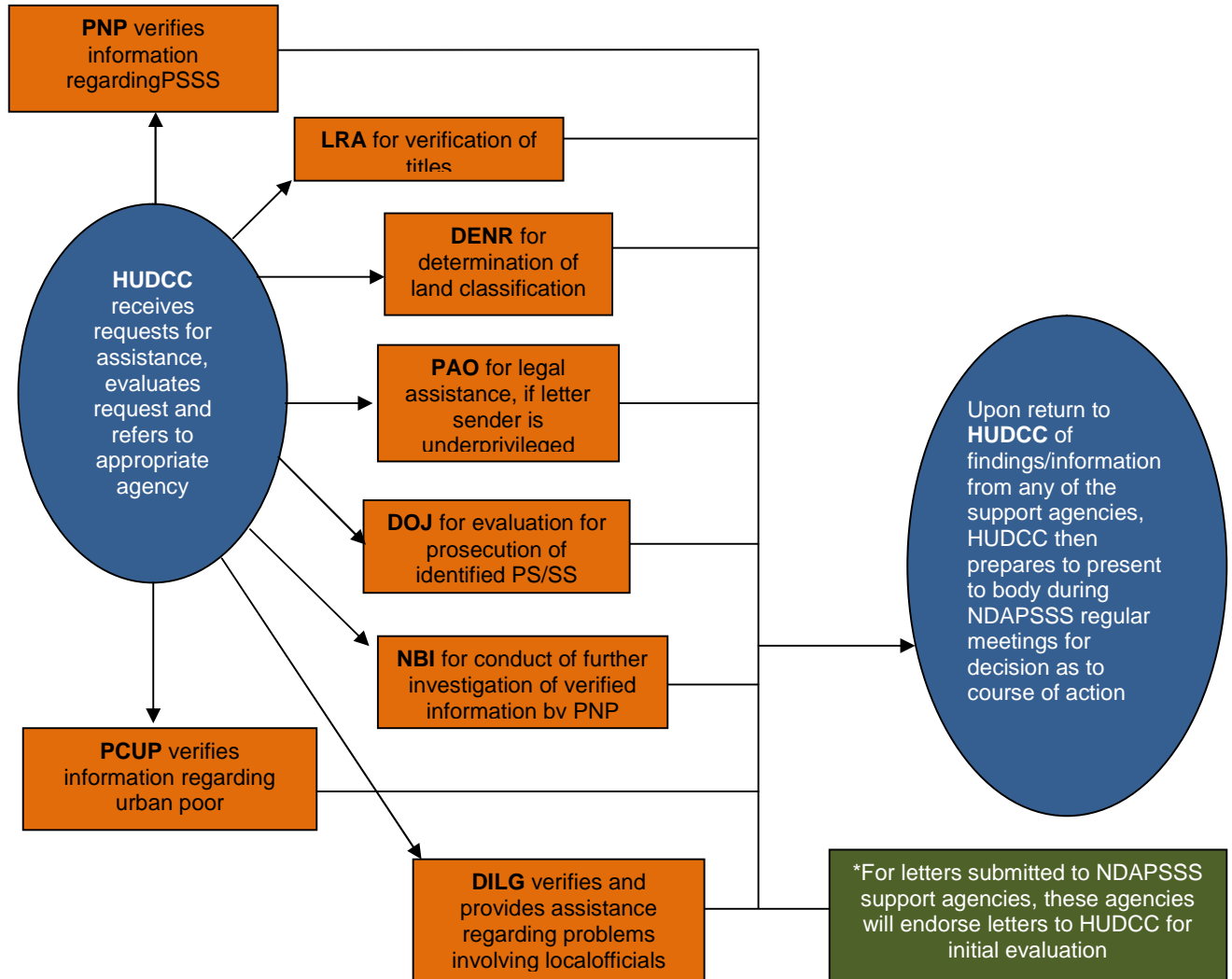
- a. For on-going construction, no notice shall be served. Dismantling of the structures shall be immediately served and addressed to the Barangay Chairman. Dismantling structures shall be enforced within 24 hours.
- b. If the dwelling unit/structure is closed or padlocked, the team shall cause the door to be opened forcibly in the presence of the barangay representative.
- c. Persons who refuse to leave the structure to be dismantled shall be moved out by force. The Barangay Official present shall be required to assist the dismantling team to perform this act. If only the minors are left in the premises by the household head or occupant, the Team shall leave these minors with the Barangay Chairman or President of the Community Association or the immediate neighbors where their parents or guardian may claim them.
- d. Whether the occupants voluntarily vacate or not, the Team leader will order the dismantling crew to remove all the occupants' belongings out of the premises. An inventory of the same shall be entrusted to the Barangay Chairman, as well as the dismantled materials to be impounded. Materials and belongings unclaimed within 15 days shall be utilized for the improvement of the concerned barangay. Light and water connections shall be cut. Removal of belongings/ furniture or dismantling of a structure shall be done carefully to the extent possible to avoid unnecessary destruction.

### 3. Post Eviction

- a. After the structure has been dismantled, the Team shall clear and secure the area and take measures to prevent re-entry of evicted occupants as well as any other intruders. If the occupants should surreptitiously re-enter premises and refuse to vacate, the Eviction Team shall re-evict them without notice and cause the filing or criminal charges against them.
- b. The Team Leader of the TFRR shall prepare the eviction report, which substantially recites the proceedings, the inventory of belongings removed and structures dismantled. The members of the team shall sign this report as well as the Barangay Chairman to attest the manner in which the eviction was conducted and the accuracy of the inventory. If the squatter family is willing, he may also sign the report.
- c. The eviction report shall be prepared in triplicate, the original to be filed with the Task Force, the duplicate with the Barangay Chairman and the triplicate with the PCUP office.

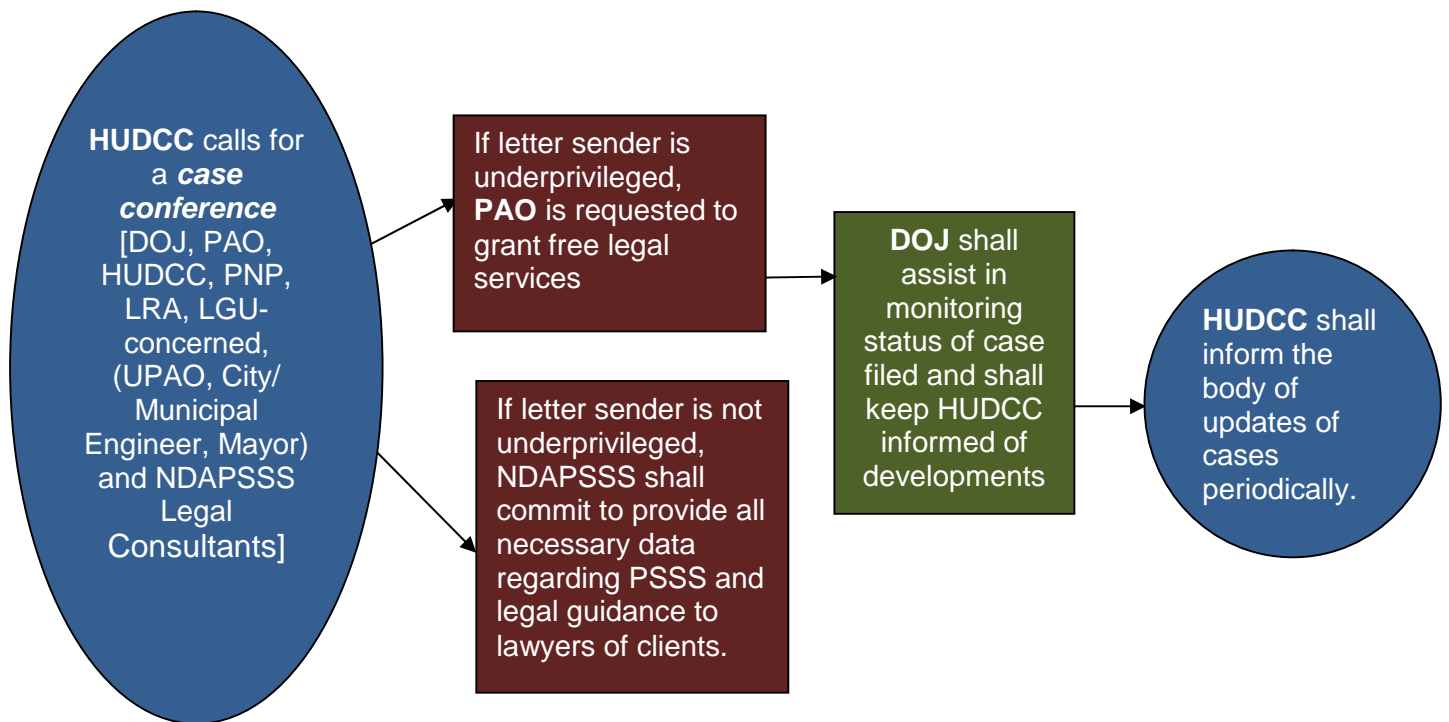
Any person who violates any provision of RA 7279 shall be imposed the penalty of not more than six (6) years of imprisonment or a fine of not less than Sixty Thousand Pesos (P60,000.00) but not more than One Hundred Thousand Pesos (P100,000.00) or both, at the discretion or judicial entity, the penalty shall be imposed on the officer who caused the violation, as provided for Section 45 of Republic Act 7279.

# WORKFLOW OF HANDLING LETTER REQUESTS FOR ASSISTANCE/CASES OF NDAPSSSS



❖ **If decided course of action is FILING OF LEGAL ACTION AGAINST PSSS :**

- HUDCC calls for a case conference involving DOJ, HUDCC, PNP, LRA, LGU concerned, and NDAPSSS Legal Consultants, if any
- If letter sender is underprivileged, a letter shall be endorsed to PAO for the grant of legal assistance for filing of necessary legal action
- If letter sender is not underprivileged, HUDCC officials and Legal Consultants shall commit to provide legal guidance and data regarding the PS/SS, to the legal counsels of the clients.
- DOJ shall assist in monitoring the status of cases filed and helped to be filed.
- HUDCC shall inform the body of updates periodically.



❖ **If decided course of action is SUMMARY DEMOLITION OF ILLEGAL STRUCTURES:**

- NDAPSSS, through PNP, shall investigate and file the necessary official report verifying/confirming the prevalence of PSSS in identified area.
- For the issue of prevalence of urban poor organizations being “victimized “ by PS/SS, PCUP shall likewise come up with an official report to verify/confirm reports.
- NDAPSSS body shall then discuss the information gathered and decide whether to pass a resolution to identify PSSS in the area.
- If NDAPSSS so decides to issue a resolution identifying concerned persons/groups as PS/SS, the concerned LGU/ LCASSPS will then issue a “final notice to vacate” to PS/SS within fifteen (15) days, upon issuance of the Resolution.
- If PSSS do not vacate voluntarily, concerned LGU (Mayor, City/Municipal Engineer, UPAO Head) and NDAPSSS will immediately plan the conduct of actual demolition.
- NDAPSSS will call for an Operations Meeting to discuss details of conduct of actual demolition which are:
  - Coordinate presence of reps of PCHR and Office of the Ombudsman during actual demolition to assure rights of all concerned/involved entities are protected.
  - Assure presence of DSWD reps and Barangay/City/Municipal Health Workers to provide immediate medical assistance, when necessary.
  - Coordinate with concerned LGU for the presence of sufficient police and military personnel for the conduct of a peaceful demolition.
  - For those clients with the affordability to provide logistical support, NDAPSSS, with coordination with the concerned LGU, shall present a budget for the conduct of the actual demolition. Budget shall include:
    - expenses for meals ;
    - equipments/supplies to be used in the demolition ;
    - allowances of personnel (usually personnel of LGU, etc.) who will do the actual demolition; and
    - contingency expenses
- NDAPSSS shall witness the proceedings of the actual demolition.

\* For LGUs with active LCSPASS who opt to authorize the demolition from their level, NTFPSSS would no longer need to issue any resolution.

## **NDAPSSS Member Agencies**

### ***HUDCC***

As the lead agency of this inter-agency effort, the HUDCC is tasked, not only to the reporting and monitoring of anti-squatting cases, but more importantly to assist victims in filing these cases. Consequently, the HUDCC is actively involved in case build up, case conference and continuous monitoring of status of cases already filed.

Likewise, the HUDCC organizes a massive information campaign in order to develop a more efficient mechanism to enhance greater information exchanges among the different participating agencies, thus taking a pro-active stance against PSSS. For this purpose, it conducts seminars and workshops and entertains walk-in complainants, phone calls, and letter-complaints.

### ***NBI***

The National Bureau of Investigation (NBI) assists in the identification and prosecution of professional squatters and squatting syndicates, as well as their protectors. It is responsible for investigation and intelligence work, gathering and presentation of pieces of evidence, the conduct of background or record check, and to render technical assistance.

### ***DOJ***

The Department of Justice serves as the prosecution arm. The DOJ's mandates include developing a reporting and monitoring mechanism of anti-squatting cases, building capacities in investigating and handling of cases, improving coordination with other agencies for more effective and efficient investigation of cases, improving the prosecution of cases, conducting massive information campaign regarding the government's drive against professional squatters and squatting syndicates, and familiarizing designated prosecutors with pertinent laws. In pursuit of these goals, it is obliged to develop a reporting format survey for anti-squatting cases, including the submission of status reports. It is also tasked to designate special prosecutors who will handle anti-squatting cases and to distribute copies of laws, executive orders and guidelines to prosecutors.

### ***PNP***

The Philippine National Police (PNP) serves as operational arm of HUDCC. The PNP identifies professional squatters and squatting syndicates, and files appropriate complaints against these groups. In this regard, the PNP conducts ocular inspections and surveillance activities. The PNP also helps in the conduct of an extensive information campaign through seminars and workshops on special laws, such as Executive Order No. 153 and Republic Act 7279, for their police investigators. Furthermore, it ensures the safety of the demolition team, as well as the evictees, if requested, during actual physical demolition so as to ensure that peace and order are observed.

### ***DENR***

The Department of Environment and Natural Resources (DENR) undertakes the classification, administration, management and disposition of lands of the public domain. It also assists NDAPSSS by providing information on matters pertaining to surveys and titling of agricultural (alienable and disposable) lands.

### ***PCUP***

The Presidential Commission for the Urban Poor (PCUP) serves as the secretariat. It identifies professional squatters and squatting syndicates by providing information on the presence of such entities in urban poor communities. It is also involved in the dissemination of information

by assisting the NDAPSSS in its drive against PSSS especially in urban poor areas and by providing venue for consultation.

***DILG***

The Department of Interior and Local Government (DILG) ensures the participation of LGUs in the drive against PSSS. It issues memorandum circulars requiring LGUs to create local bodies to ensure compliance with EO 153 and other laws. It identifies LGUs that do not cooperate in the drive against PSSS by issuing memorandum circulars which call their attention thereto.

***OSG***

OSG as statutory counsel of the government shall represent the Republic of the Philippines and its agencies and instrumentalities in litigations arising from the national drive against PSSS.

The OSG shall also support the NDAPSSS in providing legal research and other papers for trainings, seminars and other related activities.

***PAO***

Provide free legal services or assistance to victims of PSSS in the preparation for the filing of the complaints before the prosecution office.

***LRA***

Assist the NDAPSSS in determining the authenticity of land titles and assist in the investigation and prosecution of cases involving fake/ spurious and fraudulent land titles

## FREQUENTLY ASKED QUESTIONS

### ***Who are professional squatters?***

- Individuals or groups who occupy lands without the express consent of the landowner and who have sufficient income for legitimate housing.
- Persons who have previously been awarded homelots or housing units by the Government but who sold, leased or transferred the same to settle illegally in the same place or in another urban area.
- Non-bona fide occupants and intruders of lands reserved for socialized housing. Non-bona fide occupants refer to individuals not qualified to avail of government's socialized housing programs, or a beneficiary to refuses to comply with the terms and conditions of the program but continues to occupy the property.

### ***Who are squatting syndicates?***

Squatting syndicates are groups of persons engaged in the business of squatter housing for profit or gain.

### ***What are the types and modus operandi of Squatting Syndicates?***

**Class A Syndicate**—Its manner of operation is purely documentation. It falsifies land titles and other public documents, in connivance with unscrupulous employees of government agencies and courts.

- It identifies a large tract of land occupied by squatters. Then it shows a fake title to support the squatters occupancy; if accepted by the squatters, the syndicate will start collecting money from the occupants as initial payment.
- The squatters will then file a claim with the court against the legitimate lot owner.

**Class B Syndicate**—It will scout for a large community of squatters, organizes them and orients them about *Titulo de Propiedad* 4136 and OCT 01-4 Protocol.

- It collects money from the urban poor association or from any individual. After payment, it issues a bogus Deed of Absolute Sale based on TP 4136 or OCT 01-4. The vendee then invades the particular lot assigned to him.
- The syndicate together with the urban poor association will then file a case for cancellation of title against the legitimate lot owner.

**Class C Syndicate** —It organizes an Urban Poor Association and uses this as front. The front may also be a leader or leaders who are supposedly backed by certain government officials. The association will be emboldened and eventually invades a parcel of land within the local community.



- The syndicate sells spurious housing rights to any interested urban poor family. The family then constructs its dwellings without the knowledge of the legitimate lot owner.
- It will register the urban poor association with the Securities and Exchange Commission (SEC) and name drop high ranking officials of the government, to obtain a semblance of legitimacy and authority.

***What pertinent laws address the illegal activities of professional squatters and squatting syndicates?***

Section 27 and 28 of R.A. 7279 provide as follows:

**“Section 27. Action Against Professional Squatters and Squatting Syndicates.** The LGU, in cooperation with PNP, PCUP and PCUP accredited urban poor organization shall adopt measures to identify and effectively curtail nefarious and illegal activities of PSSS.”

“Any person or groups identified as such shall be summarily evicted and their dwelling or structures demolished and shall be disqualified to avail of the benefits of any government program for housing.

“A public official who tolerates or abets the commission of the abovementioned acts shall be dealt with in accordance with existing laws.

“For purposes of this Act, professional squatters or members of squatting syndicates shall be imposed the penalty of six (6) years imprisonment or a fine of not less than Sixty Thousand Pesos (P 60,000) but not more than One Hundred Thousand Pesos (P 100,000), or both, at the discretion of the court.”

**“Section 28. Eviction and Demolition.** Eviction or demolition as a practice shall be discouraged. Eviction or demolition, however, may be allowed under the following situations:

- a. When persons or entities occupy danger areas such as esteros, railroad tracks, garbage dumps, riverbanks, shorelines, waterways, and other public places such as sidewalks, roads, parks, and playgrounds;
- b. When government infrastructure projects with available funding are about to be implemented; or
- c. When there is a court order for eviction and demolition.”

***What should I do if there are professional squatters and/or squatting syndicates in our area?***

You may do the following:

- a. Notify the head of your barangay, who in turn shall immediately inform and coordinate with the Local Chief Executive or to the Local Committee Against Professional Squatters and Squatting Syndicates. The local chief executive shall take all the necessary action to prevent the illegal activities of PSSS in his or her locality; or
- b. Coordinate with the National Drive Against Professional Squatters and Squatting Syndicates (NDAPSSS) at the 15<sup>th</sup> floor, Banco De Oro Plaza, Paseo De Roxas, Makati City; or

- c. Submit to the NDAPSSS a formal letter stating the information plus necessary documents about PSSS activities in the area.

***What should barangay officials do if there are professional squatters and/or squatting syndicates in their area of jurisdiction?***

The barangay officials play an important role in preventing the intrusion of professional squatters and squatting syndicates in their area of jurisdiction. In case there are PSSS in their area, they should:

- Be vigilant in monitoring new settlers in the barangay;
- Be strict in issuing “barangay clearance for new construction” ensure that the requesting party presents legitimate documents i.e., land title or permission from the landowner where the structure will be constructed;
- Coordinate with the police if there is an information about selling of “rights” for lot award.

Under DILG Memorandum Circular No. 98-202 and 98-234, any barangay official who abets and tolerates activities of the professional squatters and squatting syndicates may be charged administratively or may be dismissed if found guilty.

***What initial pieces of evidence are needed to identify individual/s or group/s as squatting syndicates or professional squatters?***

To assist the PNP in investigating professional squatters and squatting syndicates, the following may be used as initial evidence:

- Sworn statement or complaint affidavit from the victims of selling of lots or “rights” for lot award from the suspected syndicates or professional squatters.
- Receipts of payments given by the alleged syndicate to the victim/s;
- Copy of “land title” or basis of ownership used by the alleged syndicate;
- “Certificate of Occupancy” or “Deed of Sale” issued by the alleged syndicate;
- Propaganda used by the syndicate to lure and deceive its supposed victims;
- Photograph of the office used by the alleged syndicate for its operation, if any, or the *modus operandi* carried out in its illegal activities;
- Official police report regarding the verified information about the *modus operandi* of the alleged syndicate and professional squatter.

***Are Spanish titles valid or recognized by law as evidence of ownership of real property?***

In *Intestate Estate of the Late Don Mariano San Pedro y Esteban v. Court of Appeals, et al.* (G.R. No. 103727, December 1, 1996)., the Supreme Court declared with finality that Spanish titles such as the *Titulo de Propiedad* No. 4136 and *Titulo de Propiedad* No. 01-4 are void and, therefore, no rights could be derived therefrom.

The Court also stated categorically that Presidential Decree 892 has outlawed Spanish titles as evidence of ownership. The high court also declared: “*It is settled that by virtue of Presidential Decree No. 892 which took effect on February 16, 1976, the system of registration under the Spanish Mortgage Law was abolished and all holders of Spanish titles or grants should cause their lands covered thereby to be registered under the Land Registration Act within six (6)*”

*months from the date of effectivity of the said Decree or until August 16, 1976. Otherwise, non-compliance therewith will result in a re-classification of their lands. Spanish titles can no longer be countenanced as indubitable evidence of land ownership.”*

***What Spanish titles are commonly used by squatting syndicates?***

The Spanish titles commonly used by squatting syndicates to deceive the poor homeless, as well as property owners are:

- *Titulo de Propiedad* No. 4136
- OCT 01-4 (Protocol)

Any certificates of title that are derived from the aforementioned Spanish titles are void.

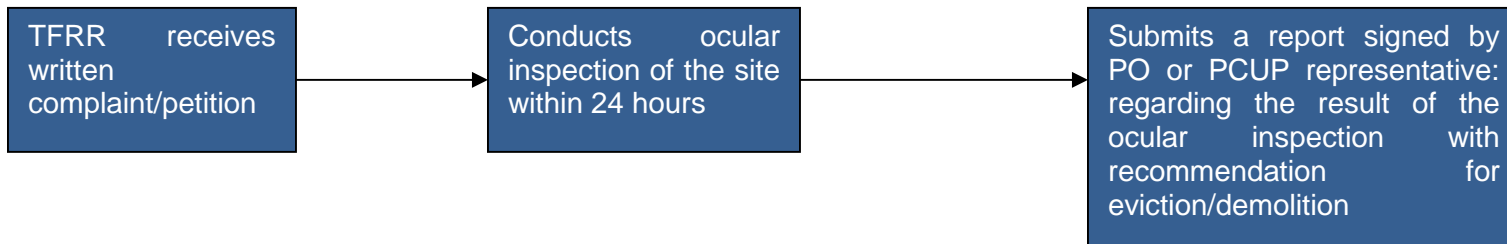
***What should I do about policemen who are identified as members or coddlers of a squatting syndicate?***

Any involvement by PNP personnel and PSSS illegal activities, shall be reported to any PNP unit who has jurisdiction in the area, or to his/her immediate supervisor. Personnel involved can be charged with Grave Misconduct, pursuant to NAPOLCOM Circular No. 2002-008.

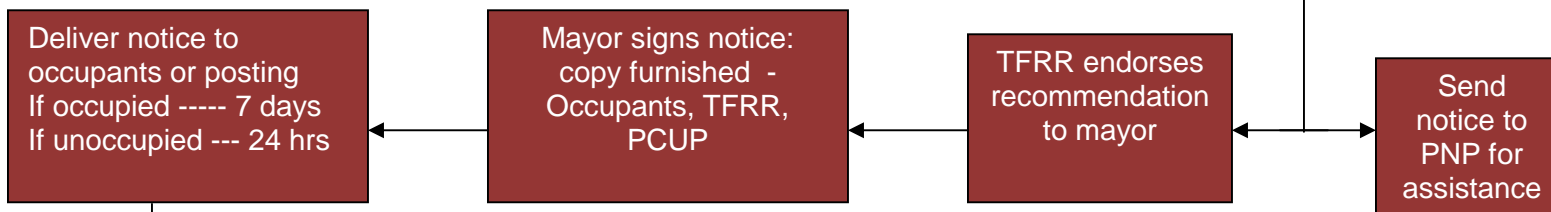
## IRR OF SEC 27, RA 7279 (UDHA)

### PRE-REQUISITE STAGE

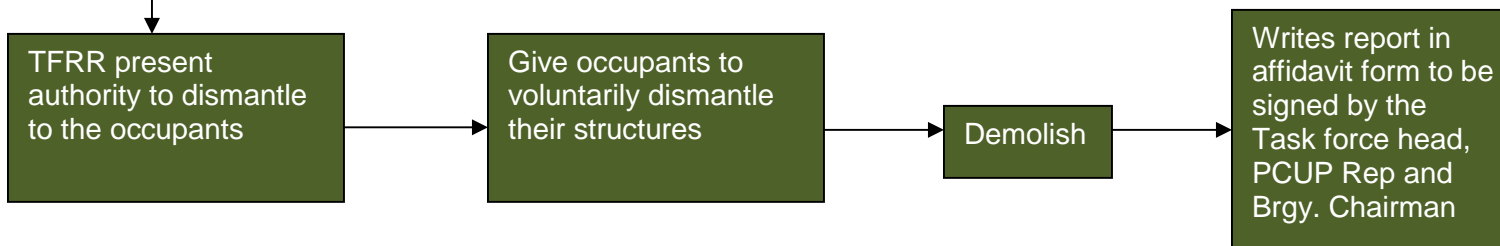
TFRR



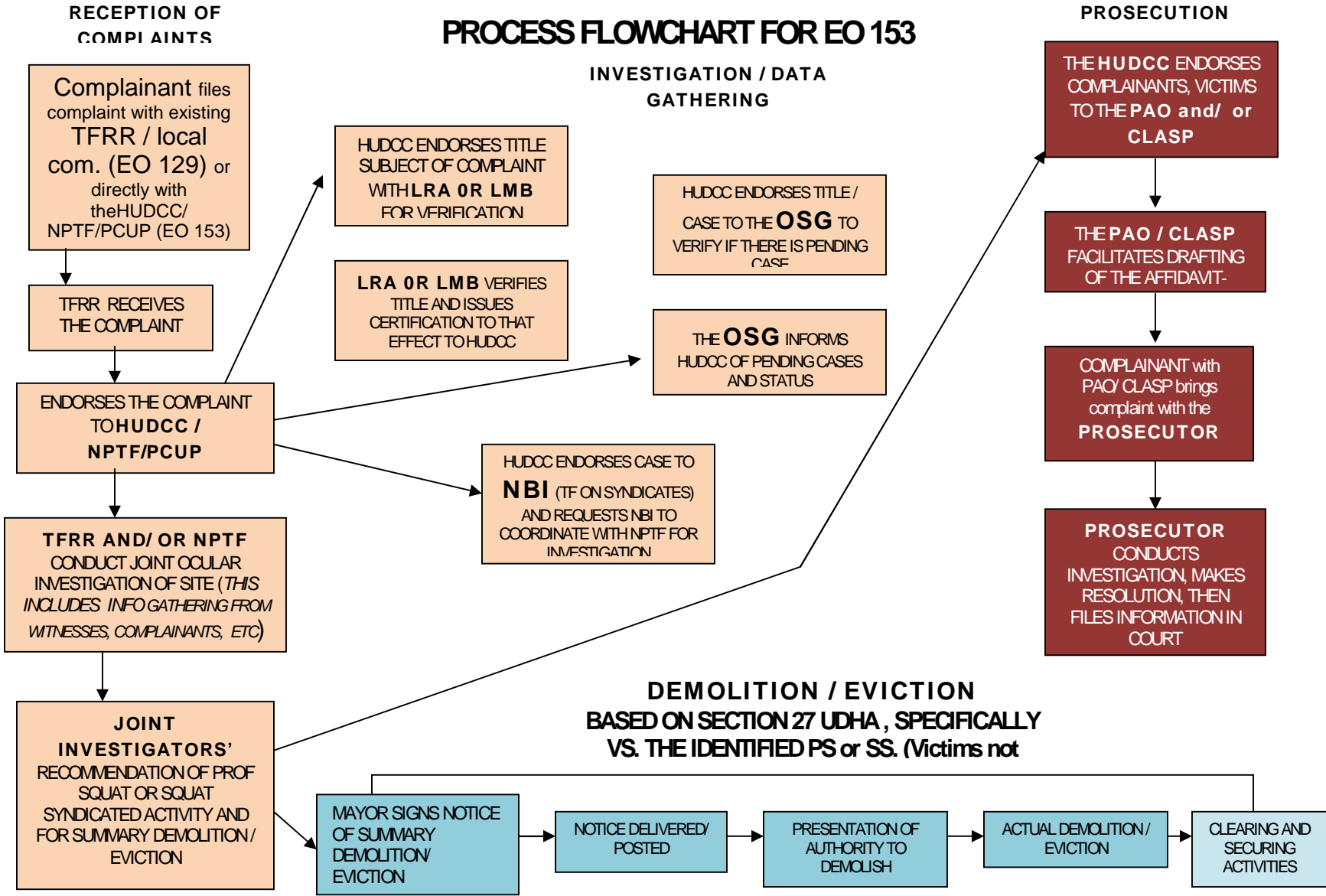
### ISSUANCE OF EVICTION NOTICE



### IMPLEMENTATION OF EVICTION AND DEMOLITION PROPER



# PROCESS FLOWCHART FOR EO 153



## THE CAMPAIGN AGAINST PROFESSIONAL SQUATTERS AND SQUATTING SYNDICATES (PSSS)

The Housing and Urban Development Coordinating Council (HUDCC) is in the forefront of the campaign against professional squatters and squatting syndicates since 2002 by virtue of Executive Order No. 153, entitled “***Instituting the National Drive to Suppress and Eradicate Professional Squatting and Squatting Syndicates.***” With the active participation of agencies such as the Philippine National Police, the Land Registration Authority, the Presidential Commission for the Urban Poor, and the Department of Justice, significant strides have been made in curtailing the activities of professional squatters and squatting syndicates.

The NDAPSSS undertakes the following activities:

### **Capacity-building and information awareness campaign**

#### ***Seminars***

In line with its mandate of intensifying the campaign against professional squatters and squatting syndicates, HUDCC, together with its active partner agencies, namely the PNP, LRA and PCUP, organizes and conducts regional and local seminars for public officers, non-profit organizations, housing developers, homeowners associations, and other stakeholders at the local, regional and national levels.

The seminars covers topics such as the modus operandi of squatting syndicates and professional squatters, the process of detecting fake titles, and the role of local government units, particularly the barangay, in the anti-squatting campaign.

#### ***Community Dialogues***

As a necessary complement to the anti-squatting seminars, the NDAPSSS conducts community dialogues at pre-identified areas where PSSS activities are prevalent. The discussion ranges from PSSS operations to issues involving the powers and obligations of homeowners’ or neighborhood associations.

To date, the HUDCC actively coordinates with LGUs where the presence of PSSS is believed to be prevalent and offers its services to conduct the dialogues.

#### ***Case Conferences***

The NDAPSSS also conducts with individuals, community organizations, homeowners’ associations, developers, and other stakeholders from. The case conference is aimed at surfacing and clarifying their issues and concerns regarding the activities of professional squatters and squatting syndicates, as well as other housing/real property concerns, exploring legal alternatives and providing legal advice.

#### **Public Assistance**

The HUDCC, PNP and PCUP have public assistance desks that provide assistance to victims of PSSS. A system is in place to ensure that complaints received by these agencies are endorsed to HUDCC for evaluation. The HUDCC makes the final determination as to whether there is sufficient ground to conduct further investigation.

## **Prosecution**

Since 2005, the HUDCC has already endorsed over two hundred written complaints to the PNP Task Force. Some of these complaints are in different stages of investigation, while the other cases were already filed before the prosecutor's office or regular courts.

With the active participation of the DOJ, the NDAPSSS was able to file cases that involved violation of anti-squatting laws, in close coordination with the other member agencies, particularly the HUDCC, PNP, LRA, PCUP and DOJ.

## Judicial Remedies Against Dispossession

1. Criminal case under section 27 of R.A. 7279
2. Civil action
  - A. Action interdictal – brought before the proper municipal trial court for recovery of possession where dispossession has not lasted more than one year.
    - (1) Forcible entry- possession unlawful at the inception.
    - (2) Unlawful detainer – possession lawful at the beginning but unlawful at a later time due to breach of contract
  - B. *Accion Publiciana* – recovery of possession of real property filed with the Regional Trial Court (RTC) where dispossession has lasted more than a year.
  - C. *Accion Reivindicatoria* – recovery of ownership of real property filed with Regional Trial Court
  - D. Writ of possession in case of:
    1. Rule 68 of the Rules of Court
    2. Extra judicial foreclosure of mortgage under section 7 of Act 3135 as amended by Act 4118 (Idolor vs. CA, GR. No.1617028, 1/31/05) and by R.A. 8791 (shortening the redemption period to 3 months in case of bank foreclosure)





NATIONAL DRIVE AGAINST PROFESSIONAL SQUATTERS  
AND SQUATTING SYNDICATES (NDAPSSS)  
**Series of 2014**

***Gaganda ang buhay kung legal ang pabahay.***

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