QUEZON CITY COUNCIL

Quezon City
19th City Council

PO19CC-451

87th Regular Session

ORDINANCE NO. SP-2491, S-2016

AN ORDINANCE PENALIZING PROFESSIONAL SQUATTING, PROVIDING FOR SUMMARY DEMOLITION AND RELOCATION WITHIN QUEZON CITY, PURSUANT TO REPUBLIC ACT NO. 7279, AND FOR OTHER PURPOSES.

Introduced by Councilors RANULFO Z. LUDOVICA and ALEXIS R.HERRERA.

Co-Introduced by Councilors Precious Hipolito Castelo, Voltaire Godofredo L. Liban III, Roderick M. Paulate, Ramon P. Medalla, Estrella C. Valmocina, Anthony Peter D. Crisologo, Ricardo T. Belmonte, Jr., Dorothy A. Delarmente, Lena Marie P. Juico, Victor V. Ferrer, Jr., Allan Benedict S. Reyes, Gian Carlo G. Sotto, Franz S. Pumaren, Eufemio C. Lagumbay, Jose Mario Don S. De Leon, Jaime F. Borres, Jesus Manuel C. Suntay, Marvin C. Rillo, Vincent DG. Belmonte, Raquel S. Malañgen, Jessica Castelo Daza, Bayani V. Hipol, Jose A. Visaya, Julienne Alyson Rae V. Medalla, Godofredo T. Liban II, Andres Jose G. Yllana, Jr., Allan Butch T. Francisco, Karl Edgar C. Castelo, Candy A. Medina, Diorella Maria G. Sotto, Marivic Co-Pilar, Rogelio "Roger" P. Juan, Melencio "Bobby" T. Castelo, Jr., Donato C. Matias and Ricardo B. Corpuz.

WHEREAS, due to poverty and the inability to acquire low-cost or socialized housing, many homeless citizens, informal settlers families or those belonging to the so-called underprivileged sector of society are lured to occupy vacant urban lands, both public and private, and danger zones for the purpose of setting up residence;

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WHEREAS, there are persons who have previously been awarded home lots or housing units by the government but, for profit or gain, deliberately sold, leased or transferred the same to settle illegally in the same place or another urban area;

WHEREAS, for humanitarian consideration and in line with the principle of social justice, even without the appropriate permit, the government as well as the concerned private landowners tolerate such occupancy subject to the condition that the occupants will vacate the premises once needed by the rightful owner;

WHEREAS, despite the privilege being given by, or the generosity of, the government and private landowners, there are abusive occupants and settlers who persuade their relatives from the provinces to occupy available vacant urban lands or put up extentions or annexes to their shanties/dwellings in exchange for a certain amount, in which case they are called "sharers";

WHEREAS, unsatisfied by merely staying in their occupied urban lands, unscrupulous occupants/settlers also resorted to money-making business by selling/leasing the whole or portion of their rights over the occupied land/constructed house or surreptitiously construct another structures for the purpose of selling/leasing;

WHEREAS, these illegal and nefarious activities of professional squatters, in conspiracy with squatting syndicates and erring barangay officials, do no only hamper the delivery of basic services and the housing program of the government, but greatly contribute to the occurrence of other social problems;

WHEREAS, to protect the interest of the legitimate landowners and bonafide occupants/settlers of urban lands in Quezon City, there is an imperative need to stop this illegal and nefarious practice and to punish professional squatters.

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WHEREAS, Ordinance No. SP-2187, S-2012, provides the Housing Community Development and Resettlement Department (HCDRD) to undertake the establishment and maintainance of a Management Information System (MIS) on informal settlers in Quezon City;

WHEREAS, Section 16 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, expressly provides that:

> *"Section 16. General Welfare. Every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. x-x-x"*

WHEREAS, Section 27 of Republic Act No. 7279, otherwise known as the Urban Development and Housing Act of 1992, in part, provides for the adoption of measures to identify and effectively curtail the nefarious and illegal activities of profesisonal squatters and squatting syndicates, x-x-x;

WHEREAS, the City Council, in the exercise of its police power, may enact ordinances as may be necessary and proper for the health and safety, prosperity, morals, peace, good order, comfort, and convenience of the city and its inhabitants, and for the protection of their property.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

SECTION 1. Short Title – This Ordinance shall be known and cited as the "Anti-Professional Squatting Ordinance of Quezon City".

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SECTION 2. Declaration of Policy – It is hereby declared the policy of the City Government to safeguard the interest of legitimate landowners, title holder, and bonafide occupants/settlers of urban lands in Quezon City, as well as the welfare of the city's inhabitants and the citizens from other localities who are potential victims of professional squatters and squatting syndicates.

Toward this end, the city government shall pursue an intensive and unrelenting campaign against professional squatters and squatting syndicates through an integrated system of monitoring, planning, implementation and enforcement of pertinent city ordinances and national laws.

SECTION 3. Definition of Terms – For the purpose of this ordinance, the following terms shall be defined:

a) *Professional Squatting – refers to the act of the occupants/settlers of urban lands or awardee of home lots/housing units in Quezon City but who sold, leased or transferred the same to settle illegally in the same place or another urban area. It includes the the act of constructing extensions or annexes to the occupants/settlers' houses for the purpose of selling/leasing, or constructing new structure within the same barangay without proper permit/authority.*

b) *Squatting Syndicates – refers to a group of persons engaged in the business of squatters housing for profit or gain.*

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c) *Professional squatters - refers 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 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, and non-bona fide 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;*

d) *Residential Extension/Annex – refers to any structure to be attached to an existing residential unit in urban lands, whether vertical or horizontal, for the purpose of selling, leasing or any gainful activity.*

e) *New Structure – refers to a new structure constructed by any bonafide occupant of urban lands in Quezon City separate from his/her actual residential unit without the consent of the landowner or the appropriate permit from the city government.*

f) *Urban Areas - refers to all cities regardless of their population density and to municipalities with a population density of at least five hundred (500) persons per square kilometer;*

g) *Victims of Professional Squatting – refers to any person who are lessees or buyers of residential extension/annex or new structure.*

SECTION 4. Prohibited Acts – (a) It shall be unlawful for any occupants/settlers of urban lands in Quezon City:

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1) To sell, lease or transfer their occupied land/constructed house and then settle illegally in the same place or another urban area;

2) To construct residential extensions or annexes (vertical or horizontal) to an already built houses, shanties or residential units for the purpose of selling/leasing; and

3) To construct new structure/building or subdivide vacant lands within the same barangay without the authority of the landowner or appropriate permit from the government.

(b) In the case of an awardee of home lots or residential unit, he/she is likewise covered by the foregoing prohibitions, except the provisions in Number Two (2) thereof.

SECTION 5. Census and Tagging – Within thirty (30) days from the effectivity of this Ordinance, all barangays, with the assistance of the Housing Community Development and Resettlement Department (HCDRD), are hereby mandated to conduct Census and appropriate Tagging of all residential units within their territorial jurisdiction to be completed within a period of six (6) months. The status of residency/occupancy whether as House Owner, Renter or Sharer, as well as the names of the family members must be expressly stated in the said census.

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SECTION 6. Summary Demolition – Residential extentions/annexes or new structure constructed for the purpose of selling, leasing or any gainful activity, after the effectivity of this ordinance, without the consent of the landowner or appropriate permit from the city government shall be summarily demolished.

In conducting the demolition, the following procedures shall be observed:

a) Notice upon the affected persons at least thirty (30) days prior to the date of demolition;

b) Presence of the Punong Barangay or his/her representative during demolition;

c) Proper identification of all persons taking part in the demolition;

d) Execution of demolition only during regular office hours from Mondays to Fridays and during good weather, unless the affected families consent otherwise;

e) No use of heavy equipment for demolition except for structures that are permanent and of concrete materials; and

f) Proper uniform for members of the Philippine National Police (PNP) who shall occupy the first line of law enforcement and observe proper disturbance control procedure.

SECTION 7. Relocation – The victims of professional squatters and squatting syndicates shall be relocated in feasible areas identified by the Quezon City Government, through the HCDRD, preferably within the city.

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SECTION 8. Monitoring and Reporting. – The Punong Barangay, Barangay Kagawad and other barangay officials are hereby mandated to monitor and report any act of professional squatting within their respective jurisdiction. However, this provision does not bar any resident of the barangay from performing the same function, as well as from filing the appropriate complaint.

SECTION 9. Implementing Office – The Housing Community Development and Resettlement Department (HCDRD), and the Task Force COPRISS shall lead in the implemention of this ordinance. However, the City Mayor, as the case may be, may direct other offices/departments of the City Government as well as the Punong Barangay, Barangay Kagawad and Barangay Public Safety Officer (BPSO) to assist in the implementation hereof.

SECTION 10. Implementing Guidelines – The Housing Community Development and Resettlement Department (HCDRD), the Task Force COPRISS and the President of the Liga ng mga Barangay shall formulate an Implementing Guidelines for the effective implementation of this ordinance within sixty (60) days from the effectivity hereof.

SECTION 11. Penalty – Any violation of this Ordinance shall be meted with a fine of Five Thousand Pesos (P5,000.00) or an imprisonment of one (1) year, or both such fine and imprisonment at the discretion of the court.

SECTION 12. Separability Clause – If any provision of this Ordinance is declared invalid or unconstitutional, the other provisions not affected thereby shall contitnue to be in full force and effect.

SECTION 13. Repealing Clause – City Ordinances, Resolutions, Local Executive Orders or other administrative issuances found to be inconsistent with any provision of this Ordinance are hereby repealed or modified accodingly.

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SECTION 14. Effectivity Clause – This Ordinance shall take fifteen (15) days after its publication in a newspaper of general circulation.

ENACTED: February 22, 2016.

VINCENT DG. BELMONTE
President Pro-Tempore
Acting Presiding Officer

ATTESTED:

Atty. JOHN THOMAS S. ALFEROS III
City Gov't. Asst. Dept. Head III

APPROVED: 20 APR 2016

HERBERT M. BAUTISTA
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on February 22, 2016 and was PASSED on Third/Final Reading February 29, 2016.

Atty. JOHN THOMAS S. ALFEROS III
City Gov't. Asst. Dept. Head III

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