



Republic of the Philippines
Caraga Region XIII
Province of Surigao del Norte
Municipality of Alegria



SANGGUNIANG BAYAN OF ALEGRIA

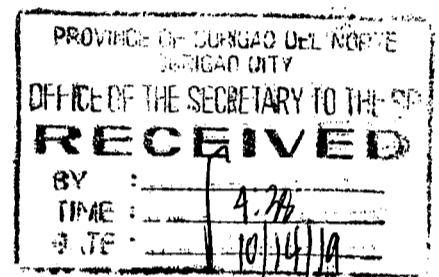
EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF ALEGRIA, SURIGAO DEL NORTE, HELD IN OUTDOOR SESSION AT BIG TIME BEACH RESORT, LIANGA, SURIGAO DEL SUR ON SEPTEMBER 30, 2019.

PRESENT:

Hon. Reuel O. Jalasan	- SB Member
Hon. Nimfa N. Sagaral	- SB Member
Hon. Erlinda B. Silvosa	- SB Member
Hon. Emalyn S. Micompal	- SB Member
Hon. Arnold L. Dagcuta	- SB Member, Temporary Presiding Officer
Hon. Ryan T. Abarico	- SB Member
Hon. Reynaldo B. Ranay	- SB Member
Hon. Eldy S. Gabeligno	- SB Member
Hon. Almasur G. Opalia	- LNMB President
Hon. Reil John A. Esma	- SK Fed. President

ABSENT:

Hon. Dominador G. Esma, Jr. - Mun. Vice Mayor, ON V/L



MUNICIPAL ORDINANCE NO. 008
Series of 2019

Introduced by: Hon. Reynaldo B. Ranay

AN ORDINANCE CREATING THE LOCAL COMMITTEE AGAINST SQUATTING SYNDICATES AND PROFESSIONAL SQUATTERS (LCASSPS) IN THE MUNICIPALITY OF ALEGRIA, SURIGAO DEL NORTE AND PROVIDING PENALTIES FOR VIOLATION THEREOF

WHEREAS, pursuant to the Department of Interior and Local Government (DILG) Memorandum Circular No. 2012-04, entitled Creation of Local Committees and/or similar bodies against Squatting Syndicates and Professional Squatters (LCASSPS) Section 2.2., Executive Order No. 129, s. 2002 as amended, Section 13 of the Implementing Guidelines of Executive Order No. 153, approved on December 17, 2007 and in line with the National Drive to Suppress Professional Syndicates, all Local Government Units are hereby directed to create their respective Local Committee Against Squatting Syndicates and Professional Squatters (LCASSPS);

WHEREAS, Republic Act 8368, otherwise known as "Anti-Squatting Law Repeal Act of 1997, repealing P.D. 772 " an act penalizing squatting and other similar acts, clearly provided that there is an appropriate penalty for squatting syndicates and other similar acts;

NOW THEREFORE: be it ORDAINED by the Sangguniang Bayan in session, assembled that:

[Handwritten signatures of the Sangguniang Bayan members]

SECTION 2. Composition. The Local Committee Against Squatting Syndicates and Professional Squatters (LCASSPS), herein referred to as the Committee shall be headed by the Municipal Mayor and shall be composed of, but not limited to the following members:

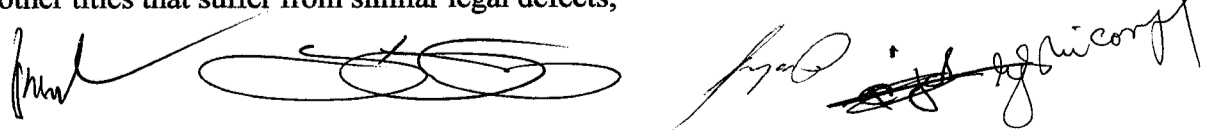
1. The Chief of Police, Alegria Municipal Police Station or his duly authorized representative;
2. The Representative Housing Association in the Municipality of Alegria;
The designated or authorized representative from the Housing and Urban Development Coordinating Council;
3. The President, Liga ng mga Barangay
4. A representative from the private sector who shall be chosen by the above members.

SECTION 3. Powers and Functions. The Local Committee Against Squatting Syndicates and Professional Squatters (LCASSPS) shall have the following functions:

1. 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 entities suspected of abetting or tolerating the commission of the said acts;
2. Provide Housing and Urban Development Coordinating Council and the National Housing Authority (NHA) copies of the list of identified professional squatters and squatting syndicates in order to safeguard against their inclusion in the future government housing programs/projects and recommend their disqualification in existing programs;
3. Provide legal assistance to victims of professional squatters and squatting syndicates, giving priority to small property owners, and make available through the PNP and the DOJ, a consolidated list of professional squatters and squatting syndicates;
4. Fire or assist the complainant in filing the appropriate charges before the prosecutor's office;
5. Undertake investigation of cases of violations of laws, or rules on eviction and demolition forwarded to it and recommend appropriate actions on the same to the concerned agencies;
6. Monitor eviction and demolition activities and draw up and establish its own monitoring;
7. Submit reports to the Housing and Urban Development Coordinating Council (HUDCC) and to the Office of the President, copy furnished the concerned agencies involved in the implementation of Republic Act 7279; and
8. Request for assistance from any government entity, if necessary.

SECTION 4. Identification of Squatting Syndicates and Professional Squatters. The term "squatting syndicate" shall refer to two (2) or more persons committing for profit or gain, in any of the following acts:

- a. False claiming ownership or authority to dispose of and/or convey proprietary rights over a piece of land or a portion thereof;
- b. Making use in any of the following:
 1. Fake or falsified Transfer Certificates of Title (TCT) or titles based on spurious approved plans;
 2. Spanish titles that are without force and effect for lack of registration pursuant to Presidential Decree No. 892 or their derivatives such as "Titulo de Propiedad" 4136 and other titles that suffer from similar legal defects;



3. False ownership based on acquisitive prescription over lands of public domain that are neither surveyed/relocated with finality nor registered under the Torrens System;
 4. Expired residential use permits over unclassified forest lands regardless of the length of possession; or;
 5. Other similar documents for the purpose of deceiving individuals or entities and depriving rightful owners/possessors of their rights.
- c. Organizing associations, cooperative or other similar groups, and/or collecting fees, with intent to deceive individuals or entities or to deprive the rightful owners/possessors of the right.

The term "*Professional squatters*" shall refer to any of the following:

1. Individual or groups who occupy lands without the consent of the land owners and who have sufficient income for legitimate housing;
 2. Person who have been previously awarded home lots 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;
 3. A non-bona fide occupants and intruders of lands reserved for socialized housing.
 4. A settler with no legal title to the land occupied, typically on land yet allocated by the government.
- d. Individual or groups who occupy lands without the express consent of the landowners and who have sufficient income for legitimate housing.

The determination of sufficient income shall be based on, but shall not be limited to, the following factors:

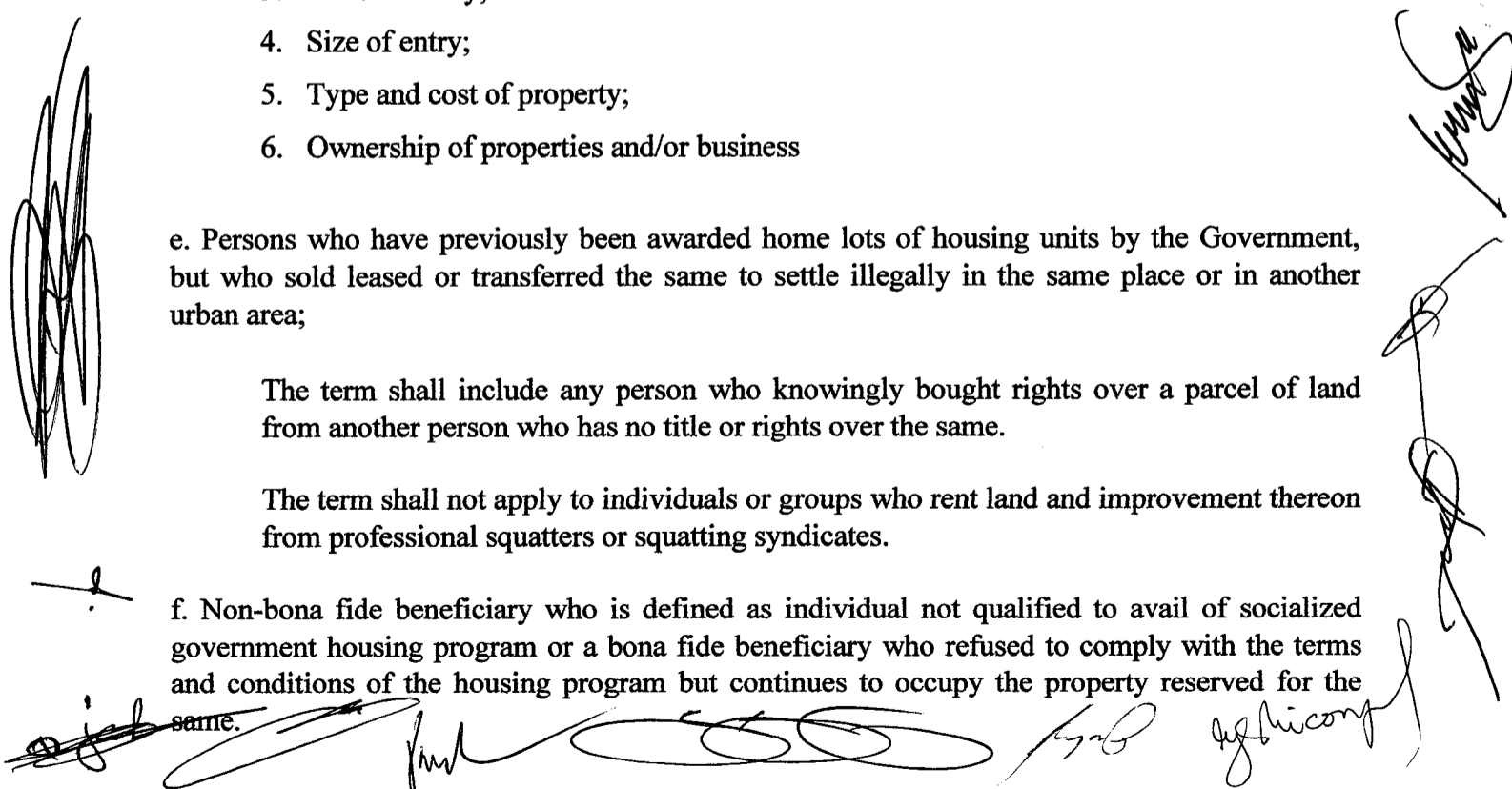
1. Aggregate family income;
2. Poverty threshold;
3. Time of Entry;
4. Size of entry;
5. Type and cost of property;
6. Ownership of properties and/or business

- e. Persons who have previously been awarded home lots of 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;

The term shall include any person who knowingly bought rights over a parcel of land from another person who has no title or rights over the same.

The term shall not apply to individuals or groups who rent land and improvement thereon from professional squatters or squatting syndicates.

- f. Non-bona fide beneficiary who is defined as individual not qualified to avail of socialized government housing program or a bona fide beneficiary who refused to comply with the terms and conditions of the housing program but continues to occupy the property reserved for the same.

The bottom of the page contains several handwritten signatures and scribbles. On the left, there is a large, dark scribble. On the right, there are several distinct signatures, including one that appears to be 'Kunwa' and another that looks like 'Aglicorn'. There are also some smaller, less legible signatures and marks scattered across the bottom.

SECTION 5. Operational Arm of the LCASSPS. Pursuant to the Implementing Rules and Regulations of Sections 44 and 27 of R. A. 7279, the Local Chief Executive, is hereby authorize to create a Task Force on Eviction and Demolition or Resettlement and Relocation or similar body that shall be operational arm of the LACASSPS in undertaking activities relative to eviction and demolition.

SECTION 6. Summary Eviction and Demolition. Pursuant to Section 27 of R.A. 7279 any person or person or group shall be summarily evicted and their dwellings of structures demolished and shall be disqualified to avail of these benefits under the said law. A public Official who tolerates or abets the commission of the above-mentioned acts shall be dealt with in accordance with existing laws.

For purposes of this Section, the following shall be observed;

- a. The Local Government of Alegria, Surigao del Norte shall summarily evict the members of squatting syndicates and professional squatters and demolish their dwelling structures in accordance with existing laws; rules and regulations and upon resolution of LCASSPS.
- b. The Alegria PNP shall provide assistance to the Local Government of Alegria, Surigao del Norte in the maintenance of peace and order during the conduct of eviction and/or demolition activities;
- c. The following documents shall be submitted by any interested party or entity to the Local Government Unit of Alegria, Surigao del Norte prior to the conduct of eviction and/or demolition activities;
 1. Investigation Report by the Alegria PNP showing *prima facie* evidence of the Commission of specific acts constituting illegal activities by the professional squatters and squatting syndicates;
 2. Resolution of LCASSPS identifying the individuals or groups as professional squatters or squatting syndicates, and where available, a certification from the concerned agency establishing that these individuals or groups are considered as previous awardees of government projects, or are intruders or non-bona fide occupants;
 3. Compliance with the requirements on summary eviction, as provided for in the implementing rules and regulations (IRR) of Sec. 27 of RA 7279, provided that the following shall be submitted to the Local Housing Board, or, in the absence, the Local Inter-agency Committee for the assurance of the required Certificate of Compliance, pursuant to Executive Order No. 708, series of 2008 and DILG Memorandum Circular No. 2009-05;
 - 3.1. Notarized Application Form;
 - 3.2. List of Affected Families with addresses and location;
 - 3.3. Demolition Notice or Sample Demolition Notice in case of numerous affected families, bearing acknowledgment receipt;
 - 3.4. Grounds constituting the basis for summary eviction and demolition; a n d
 - 3.5. Local or National Task Force Resolution identifying the professional squatters or members of national syndicates.

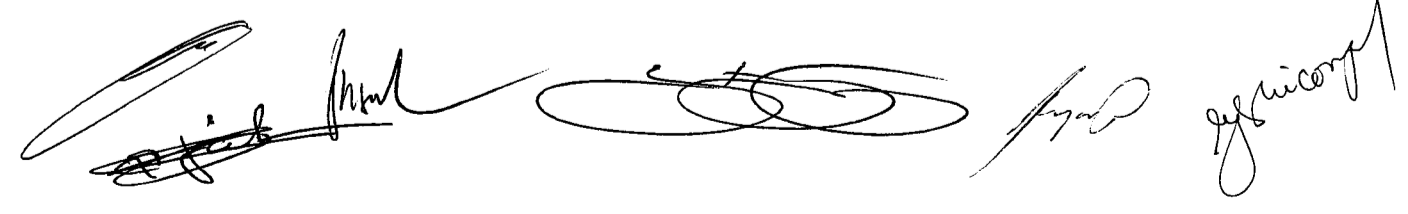
SECTION 7. Procedures and Guidelines on Summary Eviction and/or Eviction. The following procedures shall be observed in the conduct of summary eviction and/or demolition:

(a) Pre-eviction and/or demolition

1. The Local Government of Alegria, Surigao del Norte through its Task Force or Eviction or Demolition Team (herein referred to as the Task Force), or its equivalent shall direct its Surveillance Team to conduct an ocular inspection within twenty-four (24) hours upon receipt of reports of violation by squatter families;
2. A Written Report on newly signed illegal structures shall be prepared and signed by the team leader and any one (1) representative of the Local Urban Poor Affairs Office (LUPAO) or the PCUP, which report shall be submitted to the Task Force for immediate action.
3. Upon receipt of report, The Task Force shall submit its report to the Local Government of Alegria or the concerned agency authorized to demolish;
4. The Task Force shall also submit its report to the LCASSPS, which shall immediately convene for the purpose of evaluating the same;
5. Based on the evidence gathered and submitted to it, the LCASSPS shall adopt a Resolution for Summary Eviction and/or Demolition prior to the Issuance of Notice of Eviction and/or Demolition by the Local Government of Alegria, Surigao del Norte.
6. The Local Government of Alegria shall notify the PNP for the scheduled summary eviction and/or demolition and request for security assistance.

(b) Eviction and/or Demolition Proper

1. The Summary Eviction and/or Demolition Notice shall be signed by the Mayor, worded and printed in English or Filipino or the Local Dialect.
2. The Notice shall specify the date and time of the summary eviction and/or demolition that will be undertaken by the Local Government of Alegria, Surigao del Norte;
3. The notice shall be prepared in the triplicate copies, the original to be furnished by the affected family, the second copy to be held by the Task Force, and the third copy to be given to PCUP.
4. The notice shall be served by personal delivery to the concerned squatter family. The occupant or any adult member of the household shall be requested to acknowledge receipt of the notice. Should the person refuse to acknowledge the notice, the same shall be posted conspicuously in the addressee's dwelling.
5. The Serving Official shall write on the duplicate copy 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.

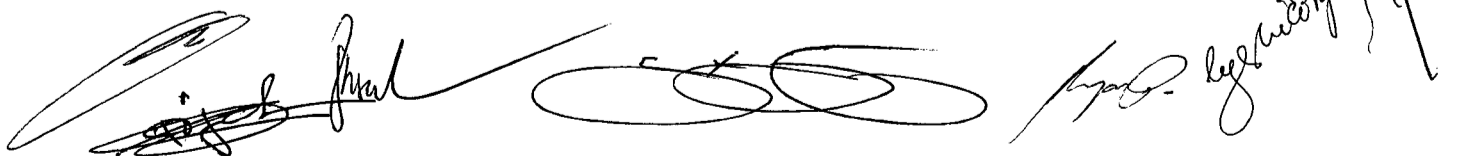


6. In the issuance of the notice, the following procedures shall strictly be observed:
 - 6.1. For on-going construction, no notice to the owner thereof shall be served. Dismantling of said structures shall be immediately enforced within 24 hours upon notice to the Punong Barangay concerned;
 - 6.2. If the dwelling unit or structure is closed or padlocked, the team shall cause the door to be opened forcibly in the presence of the barangay representative;
 - 6.3. Persons who refuse to leave the structure to be dismantled shall be moved out of 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 the minors to the nearest relatives in the area, or to the Punong Barangay or to the President of the community association, or to the immediate neighbors, in that order, where their parents or guardian may claim them.
 - 6.4. Whether the occupant will voluntarily vacate or not, the Team Leader shall order the dismantling crew to remove all the occupant belongings out of the premises. An inventory of the same shall be entrusted to the barangay official present and the dismantled materials shall be impounded and placed in the custody of the barangay or to the Municipal Office until they are claimed by and released to the owner;
 - 6.5. Materials and belongings unclaimed within thirty (30) days shall be used for the improvement of the concerned barangay. Light and water connections shall be cut off. The removal of personal belongings and furniture and the dismantling of structures shall be done carefully to the extent possible to avoid unnecessary loss or destruction.

(c) Post-eviction and/or demolition

1. After the structure has been dismantled, the team shall clear and secure the area and take measures to prevent re-entry if evicted occupants as well as any other intruders. If the occupants should surreptitiously re-enter the premises and refuse to vacate, the team shall re-evict them without notice and cause the filing of criminal charges against them.
2. The Team Leader shall prepare the eviction and/or demolition report which shall substantially recite the proceedings and the inventory of belongings removed and structures dismantled, The members of the team shall sign the report to be concurred in by the Punong Barangay to attest to the manner in which the eviction and/or demolition was conducted as well as accuracy of the inventory. If the head of the squatter family is willing, he may sign the report.
3. The eviction and/or demolition report shall be prepared in four (4) copies; the original to be filed with the Task Force, the duplicate with the Punong Barangay, the triplicate with the PCUP, and the fourth copy with the LCASSPS, or to the HUDCC or other relevant government agency.

SECTION 8. The Local Chief Executive is hereby given the power to create a LCASSPS secretariat to effectively and efficiently carry out the functions of LCASSPS.



SECTION 9. Function of the LCASSPS Secretariat. The LCASSPS Secretariat shall:

- (a) Provide secretariat to the LCASSPS during meetings and investigations;
- (b) Gather all the pertinent documents needed in pre-trial cases before submitting to the LCASSPS; a n d
- (c) Perform such other functions that the Local Chief Executive may direct relative to the LCASSPS.

SECTION 10. Penalty. Employees or Officials found violating to any of the provisions and/or functions regarding the implementation of this Ordinance shall met the applicable administrative sanctions pursuant to the provision of Republic Act 6713 or the Code of Ethical Standards for Public Officials and other pertinent laws and rules governing Administrative Cases and/or Criminal Sanctions.

The Squatting Syndicate and Professional Squatters shall be meted with the maximum penalty of Php2,500.00. depending the gravity of offense and shall be subject to Anti Squatting Law as provided in R.A. 772 or R.A. 8368 of 1997.

SECTION 11. Repealing Clause. All Ordinances, rules and regulations, or parts thereof whose provisions are in conflict with or contrary to the provisions of this Ordinance, are hereby repealed and modified accordingly.

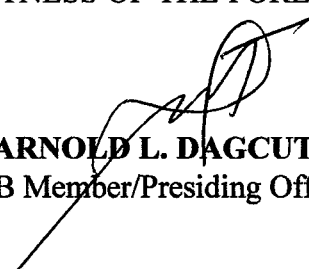
SECTION 12. Separability Clause. If for any reason or reasons, any provision of this ordinance is declared to be unconstitutional or invalid, the other provisions thereof not affected shall continue to be in full force and effect.

SECTION 13. Effectivity Clause. This Ordinance shall take effect immediately, upon its approval.

ADOPTED AND APPROVED. September 30, 2019.


MOVANT : Hon. Reynaldo B. Ranay
SECONDED BY : Hon. Almasur G. Opalia and Hon. Nimfa N. Sagaral

I HEREBY CERTIFY TO THE CORRECTNESS OF THE FOREGOING MUNICIPAL ORDINANCE.


ARNOLD L. DAGCUTA
SB Member/Presiding Officer

Attested by: 
MARIA ELENA J. BUCONG
SB Secretary

APPROVED:


RENE G. ESMA
Municipal Mayor