



"Enhancing Global Competitiveness Through Best Practices"

Resolving Your Squatter Issues in Public and Private Properties

Session 1: Tuesday, May 14, 2024 * 1:30 to 4:45 PM via ZOOM

Session 2: Wednesday, May 15, 2024 * 1:30 to 4:45 PM via ZOOM

Session 3: Thursday, May 16, 2024 * 1:30 to 4:45 PM via ZOOM

Course Outline

- I. Overview of Squatting**
 - a. Defining Squatting
 - b. Elements of Squatting
 - c. Squatting as a Criminal ActCase Scenarios:
What happens now to the provisions of RA 7279 (UDHA or Lina Law) on professional squatters and squatting syndicates?
- II. Dealing with Squatters**
 - a. Who are squatters?
 - b. What is an illegal occupant?
 - c. Case Scenarios
- III. Defining Ejectment**
 - a. What is Ejectment
 - b. Ejectment vs Eviction
 - c. What is the sole issue to be resolved in an ejectment suit?
 - d. What are the causes for the judicial ejectment of the lessee under the Civil Code?
- IV. Laws Involved and Grounds for Ejectment**
 - a. Which body has jurisdiction over cases involving the ejectment of housing beneficiaries under the Community Mortgage Program (CMP)?
 - b. What are the grounds for judicial ejectment under the Rent Control Law (RA 9653)?
 - c. May a lessor or his successor-in-interest eject the lessee upon the sale or mortgage of the leased premises?
 - d. Which body has jurisdiction over cases involving the ejectment of tenants of agricultural lands covered by the Comprehensive Agrarian Reform Law (CARL)?
- V. Who are considered as Agricultural Tenants under CARL / CARP?**
 - a. Definition of Agricultural Tenancy
 - b. Requisites of Tenancy
 - c. Leasehold Tenancy vs. Civil Law Lease
 - d. Dispossession
 - e. Extinguishment
 - f. Successors
 - g. Jurisdiction
 - h. Practical Tips and Advice



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VI. What are the kinds of actions for the recovery of possession of land or building?

- a. ACCION INTERDICTAL
 - Forcible Entry
 - Unlawful Detainer
- b. ACCION PUBLICIANA
- c. ACCION REINVINDICACION

VII. Forcible Entry vs Unlawful Detainer: Which is which?

- a. What is forcible entry?
- b. What is unlawful detainer?
- c. What is the nature and purpose of an action for forcible entry or unlawful detainer?
- d. What rules govern the actions for forcible entry and unlawful detainer?
- e. What are the distinctions between forcible entry and unlawful detainer?
- f. What are the requirements for the filing of a complaint for forcible entry?

VIII. Physical Possession

- a. What is prior physical possession?
- b. How is the owner deprived of physical possession of the property?
- c. How may a possessor be deprived of his possession through forcible entry be restored in his possession during the pendency of the action for forcible entry?

IX. Requirements for Filing Unlawful Detainer Suit

- a. What are the requirements for the filing of an unlawful detainer suit?
- b. Is a written demand to lessee prior to filing of action for unlawful detainer a jurisdictional requirement?
- c. May the demand be made by posting a notice on the structure?
- d. Is a stipulation in the lease agreement empowering the lessor to extrajudicially repossess the leased property valid?
- e. When must the demands be complied with?

X. Prior Demand Requirement

- a. What is the purpose of the prior demand requirement?
- b. When is prior demand not necessary?
- c. Is there a need for an independent judicial action to rescind the lease contract prior to ejectment?

XI. Contract of Lease

- a. When does extrajudicial rescission of the contract of lease take place?
- b. When does the termination of the lease occur?
- c. What will the lessee become if he continues occupying the premises despite the termination of the lease?
- e. What is the effect of payment or compliance?
- f. When does a lease expire?
- g. What will be the duration of the lease if no period is fixed in the contract?
- h. When is there an implied new lease?

XII. Tacita Reconduccion

- a. What are the requisites of tacita reconduccion?
- b. Where shall the action for ejectment be filed?
- c. Is there any pre-condition to the filing of a complaint for ejectment?
- d. What is the effect of non-compliance with the condition precedent?



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- e. Who are the persons who may file a complaint for forcible entry or unlawful detainer?
- f. Are all the co-owners indispensable to an ejectment case?
- g. Against whom shall the action for ejectment be filed?
- h. When must the ejectment suit be filed?
- i. When does the withholding of possession become unlawful?
- j. What is the remedy if the action is not filed within the one-year period?

XIII. Choose your Weapon: Accion Interdictal vs Action Publiciana vs Accion Reivindicatoria

- a. Why is an *accion interdictal* or action for ejectment more beneficial to the property owner?
- b. What is an *accion publiciana*?
- c. What is an *accion reivindicatoria*?
- d. What are the distinctions among *accion interdictal* distinguished from *accion publiciana* and *accion reivindicatoria*?
- e. What is the cause of action when possession is merely tolerated?
- f. What is the cause of action when possession is illegal at the start and not merely tolerated?

XIV. Legal Possession and Preliminary Conference

- a. What is initial legal possession?
- b. What is retention of the property? What is the period for filing a complaint for unlawful detainer?
- c. What is the effect of the defendant's failure to answer the complaint for ejectment?
- d. When may a preliminary conference be conducted?
- e. What is the effect of plaintiff's failure to appear in preliminary conference?
- f. What is the effect of sole defendant's failure to appear?
- g. When may the court issue an order containing matters taken up during the conference?
- h. When may the court render its judgment after the issuance of the order?
- i. Are the parties required to submit affidavits of witnesses and other evidence?
- j. What is the purpose of the affidavits?

XV. Ejectment Suits and Process

- a. Is there trial in ejectment suits?
- b. Is there a mandatory period for court to render judgment?
- c. What is the effect of failure to comply with the requirement of barangay conciliation?
- d. When may the referral of a case for barangay conciliation be waived?
- e. What is the effect of non-compliance with the requirement for prior barangay conciliation?
- f. When may the court grant preliminary prohibitory or mandatory injunction?

XVI. Awarding of Judgement

- a. What will the judgment award contain?
- b. What does a judgment for the delivery or restitution of property direct?
- c. Is there a need for the sheriff to demand to vacate and restore possession to the defendant?
- d. Is the 3-day notice to vacate mandatory?
- e. What is the sheriff's recourse in case of failure to heed demand to vacate?
- f. Is ouster of the defendant and removal of improvements part of the decision?



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g. What is the sheriff's recourse if the property is closed and without occupant?

XVII. Habere Facias Possessionem

- a. What is habere facias possessionem?
- b. Does the refusal of the heed the order of the sheriff constitute contempt?
- c. What must the sheriff do to cause the defendant to vacate the premises?
- d. How are costs, damages, rents, or profits satisfied?
- e. How is the removal of improvements on property subject of execution carried out?

XVIII. Special Order of Demolition and Recoverable Damages

- a. When is the special order of demolition or removal issued?
- b. What is the purpose of the rule requiring a special order of demolition?
- c. What are the damages recoverable in ejectment cases?
- d. What is the rationale for limiting kind of damages recoverable in ejectment cases?

XIX. Questions of Ownership and Execution of Judgement

- a. Will the decision in an action for ejectment be conclusive as to the question of ownership?
- b. Can the issue of ownership be resolved in ejectment?
- c. Is a judgment in ejectment a bar to a separate suit involving title or ownership?
- d. Where may a judgment or final order of MTC be appealed?
- e. Is the execution of judgment in an ejectment suit mandatory?
- f. How may the execution of judgment be stayed?

XX. Supersedeas Bond and Writ of Execution

- a. What is a supersedeas bond?
- b. What is the effect of the defendant's failure to comply with any of the above conditions?
- c. When will the writ of execution issue?
- d. What is the effect of failure to pay rentals during pendency of appeal?
- e. What is the RTC's recourse where the defendant is deprived of lawful possession of property by the MTC's writ of execution?
- f. When may the RTC issue a writ of injunction to restore plaintiff in possession?
- g. Is the judgment of the RTC against the defendant immediately executory?

XXI. Extrajudicial Ejectment or Eviction

- a. What is extrajudicial ejectment or eviction?
- b. What is summary eviction?

XXII. Determining the Squatters: New, Professional or a Syndicate?

- a. What are new illegal structures?
- b. Who is considered as new squatter?
- c. Who are professional squatters?
- d. What are squatting syndicates?

XXIII. Lawful Eviction, Demolition and Relocation

- a. When is summary eviction and demolition authorized?
- b. What must be mandatorily observed in the execution of eviction or demolition orders, be it judicial or extrajudicial, involving underprivileged and homeless citizens?
- c. Is prior relocation of the families affected by court-ordered eviction mandatory?
- d. Are these guidelines applicable to professional squatters and squatting syndicates?



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- e. Are squatters in a military reservation considered as nuisances per se and may be subjected to summary abatement?

XXIV. The National Drive vs. Professional Squatters and Squatting Syndicates

Bonus: Sample Templates for Complaint for Ejection will be provided.

Best Practices Operations on the Ground: Ejection Strategies & Demolition Tactics

I. INTRODUCTION

- a. Understanding the nature, characteristics and dynamics of ejection/ demolition operations of illegal dwellers.
 - (1) The CAA Compound Demolition Operations Experience
 - (2) The Laguna Demolition/Relocation Experience
 - (3) The Police vs Police Experience
 - (4) The Mendiola Massacre Experience
- b. Some "nice to know" relevant operational lessons learned from armed and unarmed conflict situations.
- c. The Teachings of Sun Tzu on certain principles of war which are applicable in ejection/ demolition operations.

II. ULTIMATE STRATEGY: The Total Approach

III. FORMULATING THE DEMOLITION/ RELOCATION OPERATIONS PLAN

Suggested Operations Plan (SMEAC) format for the Demolition/ Relocation Task Force

1. Situation
2. Mission
3. Execution
 - (a) Concept of Operation
 - (b) Task Organization (Composition of Task Force)
4. Administration & Logistics
5. Command & Communication

IV. PREPARING THE IMPLEMENTING PLAN

Suggested procedures to be followed by task units/ groups / components of the Demolition/ Relocation Task Force in the preparation of their individual implementing plans (Implans) upon receipt of the Operations Plan (Oplan):

- a. Analyze the mission
- b. Restate the mission
- c. Prepare the Implan using the SMEAC format or the following unit/ group leading procedures:



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- (1) Begin Planning
- (2) Make Arrangements
- (3) Make reconnaissance
- (4) Complete the plan
- (5) Issue Orders
- (6) Supervise

V. ACTUAL OPERATIONS TECHNIQUES

- a. Before the demolition
- b. During the demolition/ relocation
- c. After the demolition/ relocation

VI. POINTERS WHICH MUST BE STRICTLY ADHERED TO BY OPERATING ELEMENTS OF THE DEMOLITION/ RELOCATION TASK FORCE

VII. SOME OPERATIONAL DOs and DON'Ts

QUESTION & ANSWER SEGMENT

Attendees from the government are exempted from the ₱2,000.00 per day limit set by COA for attending training provided by the private sector based on [Department of Budget and Management Circular No. 563](#) dated April 22, 2016.

Attending this training is not covered by Philippine Procurement Law or RA 9184 based on its Revised IRR's Section 4.5-b. Enumerated as non-procurement activities are the following: Participation in local or foreign scholarships, trainings, continuing education, conferences, seminars or similar activities that shall be governed by applicable COA, CSC, and DBM rules."

For query, consulting requirements or request for in-house training programs, please contact:

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