



REPUBLIC OF THE PHILIPPINES
MINISTRY OF PUBLIC WORKS AND HIGHWAYS

OFFICE OF THE MINISTER
Manila

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MINISTRY ORDER)
NO **31**)
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SUBJECT: ROLE OF BUILDING OFFICIALS
AND OTHER LOCAL GOVERNMENT
OFFICIALS IN THE DEMOLITION
OF SQUATTER DWELLINGS

TO: All District, City and Municipal Engineers
as Acting Building Official
Building Officials and
Others concerned

This Ministry has received queries as to whether squatter dwellings should or should not be covered by the National Building Code (PD 1096) and alleging that these illegal constructions fall under the classification of Dangerous Building pursuant to Section 3 of Rule VII of the Implementation Rules and Regulations (IRR) of PD 1096, and therefore the Building Official can order their demolition.

While a squatter's house or structure is an illegal construction since it is not covered by a building permit, it does not necessarily follow that the same falls within the purview of the National Building Code (PD 1096). In the contemplation of the Code, an illegal construction refers to a structure which, although without building permit, can still be legitimized by subsequent compliance with the requirements of law. In other words, the building permit may be issued even after construction. For instance, the submission of as-built plans is allowed provided the other documentary requisites are complied with. On the other hand, a squatter's house or structure is an illegal construction per se, in the sense that it could not be legitimized for want of authority to occupy the land which is a basic requirement for the issuance of a valid permit. So that once a builder is determined as a squatter, it is the anti-squatting laws (LOI 19, 19-A, 691, PD 296 and 772, General Order No. 53, among others), and not PD 1096, that should be enforced against him. It is an elementary rule that specific laws should be applied to appropriate cases. More importantly, the squatting problem is not a simple matter that can be completely solved by just resorting to the expediency of demolition. The problem transcends the socio-economic and political spheres. For this reason, the government has harnessed its resources and devised ways and means through various agencies not only for the demolition/removal of the structures but also to provide the squatters with material needs, sites for resettlement to sustain their upliftment and well-being. Unfortunately, the Building Official is not one of those government officers directly charged with the enforcement of these laws. The exclusion of the Building Official does not, however, preclude his participation

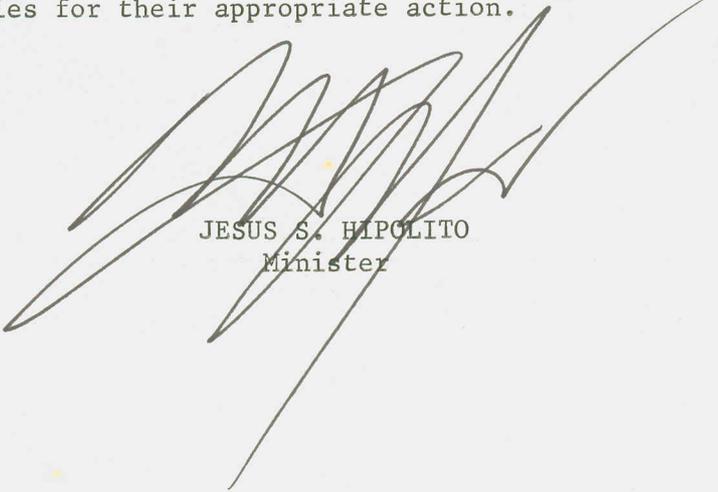
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in the enforcement thereof. On the contrary, the very nature of his function makes him an indispensable arm for policing, reporting and monitoring to the proper authorities the squatter activities in his area of jurisdiction.

In fine, the foregoing clarification, by analogy, draws the dividing line of the area of jurisdictional responsibility of the Building Official and other agencies charged with the ejectment and relocation of squatters. Thus, whenever the structure subject of a complaint for demolition/condemnation pertains to a squatter, the case against him should be dismissed outright and the matter referred to the appropriate agency enforcing the anti-squatting laws. Under the condition set forth in LOI 691, the City Mayor or Municipal Mayor, as the case may be, has exclusive administrative jurisdiction in the enforcement of anti-squatting laws.

All Building Officials, therefore, are enjoined to police their area of jurisdiction and to report and monitor squatter activities to the proper authorities for their appropriate action.

For compliance.



JESUS S. HIPOLITO
Minister