

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 4121



Introduced by HON. HENRY R. VILLARICA
4TH DISTRICT, BULACAN

EXPLANATORY NOTE

The encroachment, titling, and/or registration of esteros, creeks, canals, streams, and other public waterways, consistent with public order and in furtherance of national interests, must be prevented or curtailed.

Presently, however, these anomalous acts are prevalent in urban and proximate areas where land has become so scarce that even small spaces of about 60 square meters have become invaluable. Urban centers have become so crowded that every available space are being encroached upon and titled to the extent that even canals, streams, esteros are being filled up and built over, regardless of the fact that these are properties of the state, is inalienable and acquisition thereof is fraudulent. Furthermore, the blocking and filling up of these waterways or natural drainages have either resulted or contributed to the flooding, pollution, destruction of roads and other infrastructures, and contributed to the depreciation of the value of land and prevent normal development and use of the area.

This proposed bill seeks to impose penalties to unscrupulous persons who encroach, title and/or register these areas in a certificate classified under the public domain.

This bill was filed during the 17th Congress but due to time constraints no further action was taken on it. This is filed for the consideration of the 18th Congress.

Support for the enactment of this measure is earnestly requested.

REP. HENRY R. VILLARICA

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AN ACT

PROHIBITING THE APPROPRIATION, ENCROACHMENT, REGISTRATION AND
TITLING OF CREEKS, ESTEROS, STREAMS, CANALS, RIVER BANKS, OTHER PUBLIC
WATERWAYS AND PROVIDING PENALTIES THEREOF

*Be it enacted by the Senate and the House of Representatives of the Philippines in
Congress assembled:*

SECTION 1. *Declaration of Policy.* – All lands of the public domain, waters, minerals, and other natural resources belong to the State and any acts committed to circumvent or negate this principle shall be considered inimical to the national interest and shall be subject to civil and criminal liabilities.

SEC. 2 *Definition of Terms.* – For purposes of this Act these terms are defined as follows:

- (a) *Persons* includes any natural or juridical person, except in cases where the crime is committed by a juridical person, the president or manager thereof shall be made liable;
- (b) *Public officer* is any person holding any public office in the Government of the Republic of the Philippines;
- (c) *Registration and/or titling* is the act of acquiring a certificate of ownership and/or recording with the Register of Deeds ownership and/or use of property;
- (d) *Encroachment* is the entering into, invasion of, intrusion on or infringement of a property not otherwise owned by the entrant;
- (e) *Appropriation* is the act of acquiring through any modes of acquisition of ownership or contract, title and/or use of a property; and
- (f) *Public Waterways* shall include streams, canals, creeks, esteros, and other similar natural drainages or water channels.

SEC. 4. *Penalties.* – The penalty of imprisonment of not less six (6) months but not more than six (6) years, or a fine of not less than thirty thousand pesos (P30,000.00) but not more than sixty thousand pesos (P60,000.00), or both, shall be imposed on any person who:

- (a) Appropriates and/or encroaches upon any creek, canal, estero, stream and other similar public waterways; or
- (b) Registers or otherwise acquires a title thereto.

If the encroachment, registration, or titling of such waterways is caused by a public officer or acquired with the public officer's assistance. Such public officer shall be liable for imprisonment of not less than eight (8) years but not more than fourteen (14) years

SEC. 5. *Suspension and Loss of Benefits.* – A public officer shall be immediately suspended from office if a criminal action is filed in court against him pertinent to the violations of the provisions of this Act, regardless of his participation. If he is convicted by final judgment, all his retirement and gratuity benefits shall be forfeited, and shall suffer perpetual absolute disqualification, from public office.

In case of acquittal, the public officer shall be entitled to reinstatement and to the salaries and other benefits which the public officer failed to receive during suspension.

SEC. 6. *Prescriptive Period.* – The crime sought to be punished under this Act shall prescribe in twenty (20) years. However, the State shall recover ownership of waterways unlawfully acquired and shall not be barred by estoppel, prescription or laches.

SEC. 7. *Separability Clause.* – If any provisions of this Act or the application of such provisions to any person or circumstances be declared unconstitutional, the remainder of this Act or the application of such provision to other person or circumstances shall not be affected by such declaration.

SEC. 8. *Repealing Clause.* – All laws, decrees, executive orders, and issuances, or portions thereof which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 9. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its complete publication in at least two (2) newspapers of general circulation.

Approved,