

In Re: P.D. 772 — A Prescription for Repeal

Sentro ng Alternatibong Lingap Panglegal (SALIGAN)

40 *ATENEO L.J.* 64 (1996)

SUBJECT(S): CRIMINAL LAW, CIVIL LAW

KEYWORD(S): P.D. NO. 772, SQUATTING, SLUMS, URBAN POOR

The Article mainly posits that Presidential Decree (P.D.) No. 772 needs to be repealed — and immediately, at that. It starts by tracing the history of the disputed law, beginning with Letter of Instruction No. 19-A issued by then President Marcos calling for massive demolition efforts all over the country until the creation of the National Housing Authority via P.D. No. 757.

The Article subdivides into seven (7) grounds that serve as bases for the group's bold claim. These "unequivocal statements" are as follows: first, that P.D. No. 772 is an act of State regression; second, that it is violative of its own spirit; third, that it fails to look to the past and through the future; fourth, that it disregards prevailing international law; fifth, that it runs counter to philosophical tenets of criminal punishment; sixth, that it is oppressive; and seventh, that an unperturbed set of Philippine property laws will continue to be respected without the oppressive criminalization brought on by P.D. No. 772.

The Article concludes stating that the Philippine legal system is not left without a remedy available to a deprived legal possessor or owner of land should the proposed repeal be made. It cites the remedies of ejectment, specifically the actions for forcible entry and unlawful detainer, as readily available remedies, which have been, in fact, enhanced by the Rules of Summary Procedure. The Revised Penal Code, furthermore, contains provisions on violent usurpation and illegal trespass.