



Republic of the Philippines  
NATIONAL POLICE COMMISSION  
**NATIONAL HEADQUARTERS, PHILIPPINE NATIONAL POLICE**  
**OFFICE OF THE CHIEF, PNP**  
Camp BGen Rafael T Crame, Quezon City

March 24, 2020

**MEMORANDUM CIRCULAR**  
**NO.: 2020-22**

**GUIDELINES IN THE UTILIZATION AND PROTECTION OF PNP-OWNED,  
ADMINISTERED, OR OCCUPIED LANDS**

**1. REFERENCES:**

- a. Articles 449, 450 and 451 of the Civil Code of the Philippines;
- b. Republic Act (RA) No. 7279 also known as the "Urban Development and Housing Act of 1992 (Lina Law)";
- c. RA No. 7160 also known as the "Local Government Code of 1991";
- d. Implementing Rules and Regulations of Section 28 of RA No. 7279;
- e. Executive Order No. 152, s. 2002 "Designating the Presidential Commission for the Urban Poor as the Sole Clearing House for the Conduct of Demolition and Eviction Activities Involving the Homeless and Underprivileged Citizens and Establishing for the Purpose a Mechanism to Ensure Strict Compliance with the Requirements of Just and Humane Demolition and Eviction under the Urban Development and Housing Act of 1992, and for Other Purposes";
- f. NAPOLCOM Circular No. 2002-008 Titled: "Classifying the Act of Abetting, Aiding or Otherwise Acting as Leaders of the Professional Squatters and Squatting Syndicates as "Grave Misconduct" and Providing Penalty Thereof";
- g. PNP Memorandum Circular No. 2019-003 Titled: "Revised Guidelines and Procedures on the Lease of PNP-Owned, Occupied and Managed Lots, Buildings, and Spaces"; and
- h. PNP Circular No. 2002-05 dated March 25, 2002 with Subject: "Acquisition and Management of Philippine National Police (PNP) Real Estate Properties and Reservations."

**2. RATIONALE:**

This Memorandum Circular (MC) sets forth the guidelines in the utilization and protection of PNP-owned, administered, or occupied lands. It provides the procedures in the recovery of the PNP lands from informal settlers as well as the filing of administrative, civil or criminal cases against erring PNP personnel, their heirs, successors-in-interest or assigns, who may be considered informal settlers.

It covers all types of land utilization except those covered by the PNP MC 2019-003.

### **3. SITUATION:**

One of the biggest challenges encountered by the PNP at present is how to establish and maintain a permanent site for its police camps, offices, and units.

Of the 1,857 parcels of lands owned, manned or occupied by the PNP, only 403 are registered and/or proclaimed under the name of the organization.

The remaining parcels of land are either registered in the name of the Republic of the Philippines, Commonwealth of the Philippines, Philippine Constabulary (PC), or Philippine Constabulary/Integrated National Police (PC/INP), which were both under the Armed Forces of the Philippines (AFP).

Likewise, there are parcels of land which were donated in favor of the PNP or its predecessors which remain to be registered under the name of the donors, and majority of them were already survived by their heirs. In most cases, the heirs of the donors are signifying their intentions to revoke and/or recover their ownership over the donated properties which are now classified as prime lots because of the recent developments in the areas.

Based on the existing surveys and reports, there are Informal Settler Families (ISF) in different PNP-owned, administered, or occupied lands who are occupying substantial portions thereof, to the prejudice of the police organization. These personalities include civilians, private entities, employees of other government agencies and active or retired PNP or AFP personnel, their heirs, successors-in-interest or assigns. It is a significant challenge for the PNP to implement the law against these personalities and protect the proper utilization of PNP-owned, administered, or occupied lands.

The 2018 records of the Real Estate Management Division (REMD), Directorate for Logistics show that there are 8,455 ISF PNP-wide. This is 70% higher compared to the initial survey of 4,959 ISF in 2011. This increase in numbers necessitates the issuance of clear guidelines in the utilization and protection of PNP-owned, administered, or occupied lands.

### **4. PURPOSES:**

- a. To ensure the maximum utilization of all PNP-owned, administered, or occupied lands.
- b. To provide clear policies that will address the problem on ISF in different PNP lands.
- c. To specify the duties and responsibilities of all concerned PNP personnel with the end view of establishing their accountability.
- d. To set the procedures to recover PNP lands from the ISF as well as the filing of administrative, civil or criminal cases against erring PNP personnel, their heirs, successors-in-interest or assigns, who may be considered ISF in PNP properties, to include filing of administrative

cases against the PNP, AFP and other government employees who opted to remain as informal settlers.

## **5. DEFINITION OF TERMS:**

- a. Census - refers to the official counting or physical survey/tagging of ISF occupying PNP-owned, administered or occupied lands to include conduct of social investigation.
- b. Certificate of Compliance - refers to a certificate of compliance which is issued by the Presidential Commission for the Urban Poor (PCUP) prior to the conduct of the eviction or demolition showing that the necessary requirements needed by the proponent have been complied with.
- c. Delegation of Authority - refers to the assignment of any responsibility or authority to another person to carry out specific activities.
- d. Donated Lots - refer to lands that are either absolutely or conditionally donated to the PNP or its predecessors that are actually being used or earmarked for delivery of police functions such as maintenance of peace and order, public safety, law enforcement, ensuring security of the state.
- e. Informal Settlers - refer to civilians, private entities, employees of other government agencies and active or retired PNP or AFP personnel, their heirs, successors-in-interest or assigns who are illegally occupying PNP-owned, administered, or occupied lands, with or without sufficient income for legitimate housing.
- f. PNP-owned lands - refer to those parcels of land already titled in the name of the Philippine National Police, to include those covered by Presidential Proclamations reserved for police purposes.
- g. PNP-administered lands - refer to those parcels of land administered by the PNP but titled in the name of the Republic of the Philippines, Commonwealth of the Philippines, PC, PC/INP, AFP and others, to include those covered by Presidential Proclamations reserved for police purposes.
- h. PNP-occupied lands - refer to those parcels of land actually occupied by the PNP with no available supporting documents on record or on hand.
- i. Relocation Survey - refers to the conduct of survey by a Geodetic Engineer to determine the specific boundaries of the land.

## **6. GUIDELINES:**

- a. Except in cases when the authority is delegated, the CPNP has the sole authority to decide on matters involving the maximum utilization of PNP-owned, administered or occupied lands.

- b. Utilization of PNP-owned, administered or occupied lands in the form of lease shall strictly observe the provisions of PNP MC 2019-003 entitled: "Revised Guidelines and Procedures on the Lease of PNP-Owned, Occupied and Managed Lots, Buildings, and Spaces".
- c. To ensure maximum utilization of all PNP-owned, administered or occupied lands and the protection of portions thereof from ISF, the following are designated as Land Administrators:
  - 1) For lands upon which PRO offices/units are constructed – Camp Commander
  - 2) For lands upon which PPO/CPO offices/units are constructed – Camp Commander
  - 3) For lands upon which CPS/MPS offices/units are constructed – CESPO/MESPO
  - 4) For lands upon which NSU offices/units are constructed – Logistics Officer
  - 5) For lands upon which PNP offices/units outside National Headquarters are constructed – Logistics Officer
- d. The following are the duties and functions of Land Administrators:
  - 1) Shall be the representative of the concerned office/unit in the PCUP in coordination with the RLRDD/Logistics Division;
  - 2) Participate in the Pre-Demolition Conference (PDC); and
  - 3) Shall submit/secure required documents at the PCUP.
- e. In cases of recovery of PNP lands or any action necessary for the protection of ownership and possession of PNP-owned, administered and occupied lands, the Regional Directors (RDs) or the respective Directors of the National Support Units (NSUs) are authorized to represent the PNP, provided that representation shall be limited to the protection of the interests of the PNP, and provided further that, an up to date status shall be regularly submitted to the CPNP, through the Directorate for Logistics.
- f. Filing of cases for recovery and/or protection of properties shall only be initiated after the conduct of the following preparatory activities:
  - 1) Verification of the status of the property, which includes the establishment of ownership, basis for administration and occupation of the properties, and gathering of relevant issuances as bases of the PNP's claim;
  - 2) Conduct of Relocation Survey by the Geodetic Engineer to be supervised by the PNP Engineering Service, in coordination with the

designated land administrator, in order to determine the specific boundaries of the land;

- 3) Consultation with the PNP Legal Office shall be done in every stage of the activities to ensure compliance with existing laws, and other applicable rules and regulations; and
  - 4) Conduct of conference/meeting with possible claimant/s with interest over the PNP-owned, administered or occupied lot basing on the papers and effects that are considered vital and/or necessary to question the ownership of the PNP.
- g. After consultation with the PNP Legal Service or its Regional Office/s, as the case may be, the concerned PNP office/unit may, depending on the circumstances, undertake the following actions:
- 1) Filing of appropriate cases in court, such as but not limited to the following:
    - a) Accion Interdictal - This involves ejectment cases for forcible entry and unlawful detainer. Both are summary actions to recover material or physical real properties. Action should be filed within the period of one year from the issuance of last demand to vacate;
    - b) Accion Publiciana - It is a plenary action in an ordinary civil proceeding before the Regional Trial Court (RTC). This should be brought when the dispossession has lasted for more than one year but not more than ten years;
    - c) Accion Reinvidicatoria - It involves the issue of ownership and may be filed in both action for ownership and for detainer over the same land. The action should be brought within 10-30 years; and
    - d) Petition for Writ of Possession/Eviction - Employed to enforce a judgement to recover physical possession of the land.
  - 2) Facilitate the implementation of the following types of eviction and/or demolition, as appropriate under the existing circumstances:
    - a) Court-ordered Eviction and Demolition - It is eviction and demolition by virtue of a writ issued by a court of competent jurisdiction;
    - b) Extra-judicial Eviction and Demolition - It is the eviction and demolition without the need of a court order and pertains to the underprivileged and homeless citizens and their dwellings occupying:
      - (1) Danger areas;
      - (2) Public places; and
      - (3) Government infrastructure projects with available funding.

- c) Summary Eviction and Demolition - It is the immediate removal and the dismantling by the Local Government Units (LGUs) or authorized government agency of structures of:
      - (1) Professional squatters;
      - (2) Members of squatting syndicate; and
      - (3) New illegal structures.
    - d) Voluntary Eviction and Dismantling/Demolition - It is the act of willingly vacating subject premises and the dismantling/demolishing or allowing the dismantling or demolition of one's structure.
- 3) Filing of appropriate administrative cases such as but not limited to the following:
  - a) Conduct Unbecoming of Public Officer;
  - b) Insubordination or Failure to comply with lawful order; and
  - c) Grave Misconduct pursuant to NAPOLCOM Memorandum Circular No. 2002-008.
- h. All legal actions shall be done in consultation and with the assistance of the PNP Legal Service. Cases that require representation of the Office of the Solicitor General (OSG) shall be formally referred by the PNPLS to the latter, after the same is endorsed by the concerned office to the PNPLS.
- i. The PNP shall, at all times, abide by the Constitutional mandate of Section 10, Article XIII of the 1987 Constitution, which states that urban and rural poor dwellers shall not be evicted nor their dwellings demolished, except in accordance with law and in just and humane manner. Accordingly, all evictions and demolition in all PNP-owned, administered or occupied lot, by virtue of court orders issued after the successful litigation of forcible entry, unlawful detainer, accion publiciana, and accion reivindicatoria cases, must comply with the Urban Development and Housing Act (UDHA Law) or Republic Act No. 7279, specifically Section 28 thereof.
- j. In case of actual eviction, the PNP shall limit its function to peace-keeping and law enforcement, and shall in no way, participate in actual eviction and/or demolition, except when authorized by law or the existing rules and regulations. Police personnel who will be posted for this purpose should be covered by necessary orders to support the provision of police action.

## **7. PROCEDURES:**

### **a. Entering Into a Memorandum of Agreement (MOA) - See Flowchart - Annex "A":**

- 1) The following actions shall be undertaken prior to entering into a MOA, in connection with the utilization and acquisition of PNP properties:
  - a) Upon receipt of the draft MOA, the Logistics Division/RLRDD of the concerned office shall determine whether the lot/facility intended to be utilized by other government agency or private entity is still needed by the PNP, and whether the intended offer is beneficial to the organization;
  - b) The copy of the MOA shall be referred to the PNP Legal Service or its Regional Office for comment and for possible revision; and
  - c) The final copy of the MOA shall be forwarded to the Directorate for Logistics for approval of the CPNP, or the Logistics Division/C, RLRDD for approval of the Director/RD, in case a prior written authority is issued by the CPNP in favor of the Director/RD.
- 2) In case the intention of the MOA is to lease out a PNP property, the same shall be subject to the provision of PNP MC No. 2019-003, titled: "Revised Guidelines and Procedures on the Lease of PNP-Owned, Occupied and Managed Lots, Buildings, and Spaces" and its subsequent revision, if any.

### **b. Filing of Cases for Recovery of Property:**

The National Police Task Force on Professional Syndicate Squatters (NPTFPSS) of the Directorate for Investigation and Detective Management (DIDM) or Investigation Division/RIDMD for NSUs/PROs in coordination with the Logistics Division/RLRDD shall maintain a regular census of all ISF in PNP-owned, administered or occupied lands. The PNP concerned NSU/PRO shall follow the required activities as reflected under paragraph 6, sub-paragraph e, in preparation for the filing of case for recovery of property.

### **c. Eviction and/or Demolition (See Flowchart - Annex "B"):**

The following actions are deemed appropriate in initiating a remedy of eviction:

- 1) Court-Ordered Eviction and Demolition:
  - a) Upon receipt of the notice from the Court that the case has already attained its finality, or a notice from the sheriff as the proponent of a court-ordered demolition, the Land Administrator of the PNP concerned office/unit shall inform the Presidential Commission for the Urban Poor (PCUP) of the said notice and shall advise the latter to issue notices of invitation to the Department of the Interior and Local Government (DILG),

Department of Social Welfare and Development (DSWD), National Housing Authority (NHA), PCUP, Commission on Human Rights (CHR), the LGU, representatives of the affected underprivileged and homeless families and other concerned government agencies, in preparation to the Pre-Demolition Conference (PDC);

- b) The Land Administrator shall actively participate in the PDC, which is being chaired by the PCUP;
  - d) The Land Administrator, in coordination with the concerned Local Government Unit shall secure from the PCUP Central Office (in case of national project) or PCUP Regional Office (in case of regional or local projects) the checklist and guidelines on demolition and eviction, and submit the completed checklist with the PCUP, attested under oath and indicating therein, as certified by the concerned LGU or Local Inter-Agency Committee (LIAC), the following:
    - (1) Adequate consultations with the affected families had already been undertaken;
    - (2) Adequate resettlement sites and relocation facilities are available; and
    - (3) Pre-relocation requirements under the Implementing Rules and Regulations (IRR) of the UDHA (RA No. 7279) have been complied with.
  - e) The Land Administrator shall secure a Certificate of Compliance from the PCUP prior to the actual eviction or demolition; and
  - f) The implementation of the foregoing provisions shall be without prejudice to the applicability of Section 28 of RA No. 7279, which allows eviction/demolition when PNP infrastructure projects with available funding are about to be implemented.
- 2) Extra-Judicial Eviction and Demolition (See Flowchart - Annex "C"):
- a) DL/RLRDD shall identify the PNP site/area where government infrastructure project is to be built;
  - b) Representatives from DL/RLRDD, DIDM/RIDMD, Land Administrator, in coordination with LIAC, shall provide the initial listing of the ISF that are occupying the area where government infrastructure project is to be built by conducting tagging and survey;
  - c) The Land Administrator shall secure a certificate of availability of fund for the project from the Accounting Division, DC/RDC;



- d) The Land Administrator shall notify the PCUP and request the latter to issue notices of invitation to DILG, DSWD, NHA, PCUP, CHR, the LGU, representatives of the affected underprivileged and homeless families and other concerned government agencies, in preparation for the Pre-Demolition Conference (PDC);
  - e) The Land Administrator shall actively participate in the PDC, which is being chaired by the PCUP;
  - g) The Land Administrator, in coordination with the LGU shall secure from the PCUP Central Office (in case of national project) or PCUP Regional Office (in case of regional or local projects) the checklist and guidelines on demolition and eviction, and submit the completed checklist with the PCUP, attested under oath and indicating therein, as certified by the concerned LGU or LIAC, the following:
    - (1) Adequate consultations with the affected families had already been undertaken;
    - (2) Adequate resettlement sites and relocation facilities are available; and
    - (3) Pre-relocation requirements under the Implementing Rules and Regulations (IRR) of the UDHA (RA No. 7279) have been complied with.
  - h) The Land Administrator, in coordination with the LIAC, shall secure a Certificate of Compliance from the PCUP prior to the actual eviction or demolition.
- 3) Summary Eviction and Demolition (See Flowchart - Annex "D"):  
The Head of Office of the concerned unit or his duly authorized representative shall undertake the following actions before and after the summary eviction and/or demolition process:
- a) Inform the concerned government units of the newly constructed structures or any structures built after the effectivity of RA No. 7279 for purposes of summary eviction;
  - b) Continuously monitor the action of the LGU in connection with the newly constructed structure inside PNP-owned, administered, or occupied lands;
  - c) Actively participate with the proceedings that will be conducted by the LGU in connection with the newly constructed structure inside PNP-owned, administered, or occupied lands; and
  - d) Ensure faithful compliance with the Implementing Rules and Regulations Governing Summary Eviction issued by the DILG

and HUDCC to include the requirement of Certificate of Compliance from the PCUP.

- 4) Voluntary Eviction and Demolition (See Flowchart - Annex "E"):
  - a) The Land Administrator shall notify the PCUP that there are ISF in the PNP-owned, administered or occupied lot who are voluntarily submitting themselves for eviction and dismantling/demolition, and simultaneously request for the issuance of notice of invitation to DILG, DSWD, NHA, PCUP, CHR, the LGU, representatives of the affected underprivileged and homeless families and other concerned government agencies, in preparation to the Pre-Voluntary Demolition Conference (PVDC);
  - b) The Land Administrator shall actively participate in the PVDC, which is being chaired by the PCUP;
  - c) The Head of the concerned office/unit shall provide logistical support during the conduct of PVDC; and
  - d) The Land Administrator shall secure clearance or go signal from the PCUP prior to actual eviction and/or demolition.
- d. Filing of Administrative Cases (See Flowchart - Annex "F"):

The following actions shall be initiated in the filing of administrative cases, in relation to unauthorized occupancy of PNP lots/properties by ISF:

  - 1) The Investigation Division/RIDMD of the concerned office/unit in coordination with the Logistics Division/RLRDD shall secure a certification from the Land Administrator stating therein that the PNP personnel are occupying PNP lots/properties without valid authority;
  - 2) Based on the certification, Investigation Division/RIDMD shall issue a directive duly approved/signed by the Director/RD ordering the concerned personnel to voluntarily vacate the PNP property. In case the occupant is an employee of the AFP, other government agencies, or civilian, a demand letter should be issued to him via personal service or through registered mail; and
  - 3) Failure of the personnel to heed the directive shall be a ground for the filing of administrative case to the DIDM or its equivalent Regional Offices and in different NSUs. For the employee of the AFP and other government agencies, coordination shall be made to the respective government offices for possible filing of administrative case based on afore-mentioned circumstances.

#### **8. PENALTY CLAUSE:**

Any personnel found to have violated the provisions of this MC shall be administratively held liable for their actions. PNP personnel who are wilfully abetting

or tolerating the continuous occupancy of the Professional Squatters and Squatting Syndicates shall be liable for grave misconduct pursuant to NAPOLCOM Memorandum Circular No. 2002-008.

**9. REPEALING CLAUSE.**

All MCs and other relevant PNP issuances, or parts thereof which are inconsistent with this policy are hereby repealed or modified accordingly.

**10. EFFECTIVITY:**

This MC shall take effect after 15 days from filing a copy thereof at the UP Law Center in consonance with Sections 3, Chapter 2, Book VII of Executive Order No. 292 otherwise known as the "Revised Administrative Code of 1987," as amended.



  
**ARCHIE FRANCISCO F GAMBOA**  
Police General  
Chief, PNP

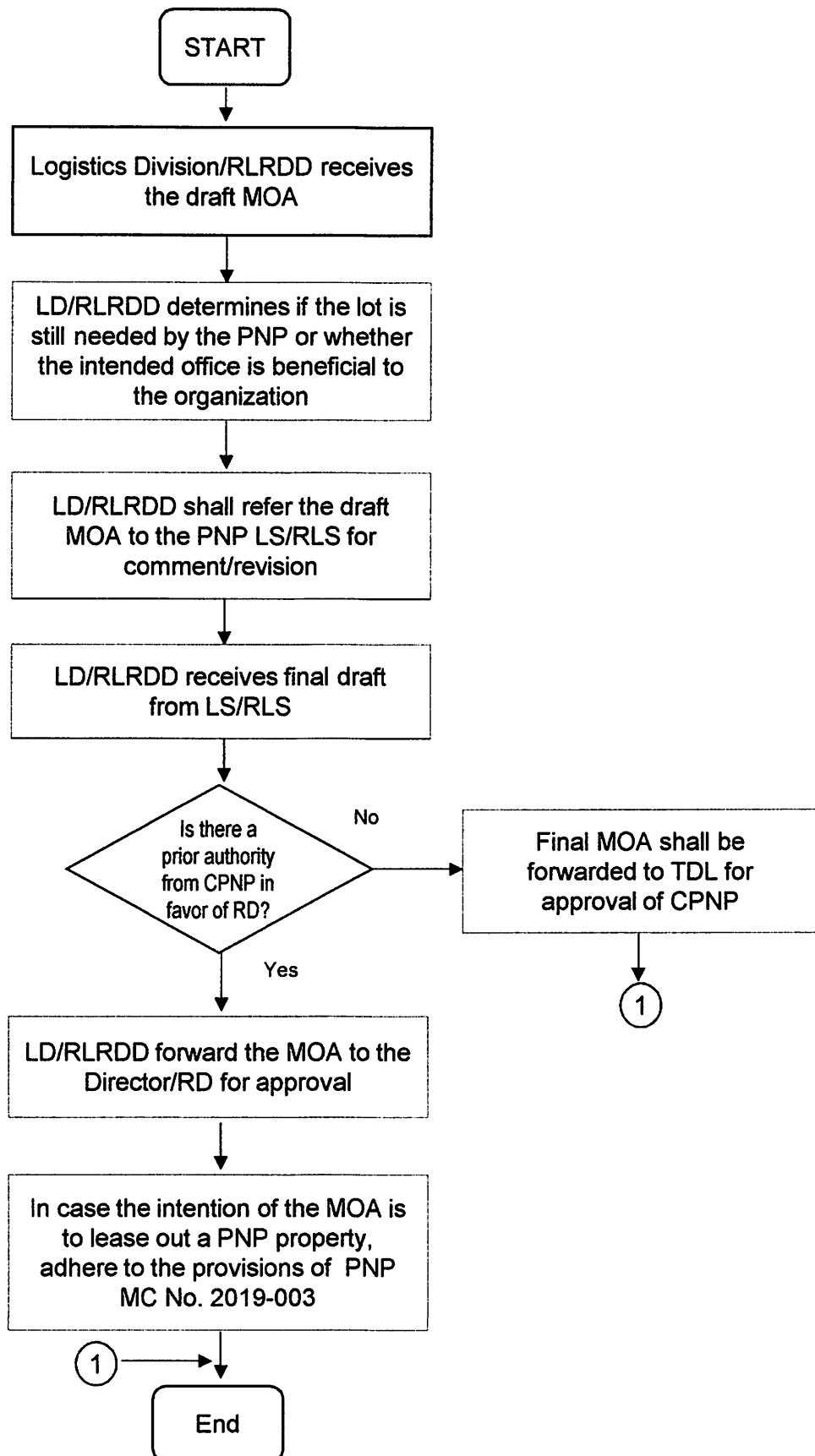
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Command Group  
D-Staff  
P-Staff  
RD, PROs  
D, NSUs  
IG, IAS

CPNP Ltrs'20 S081316

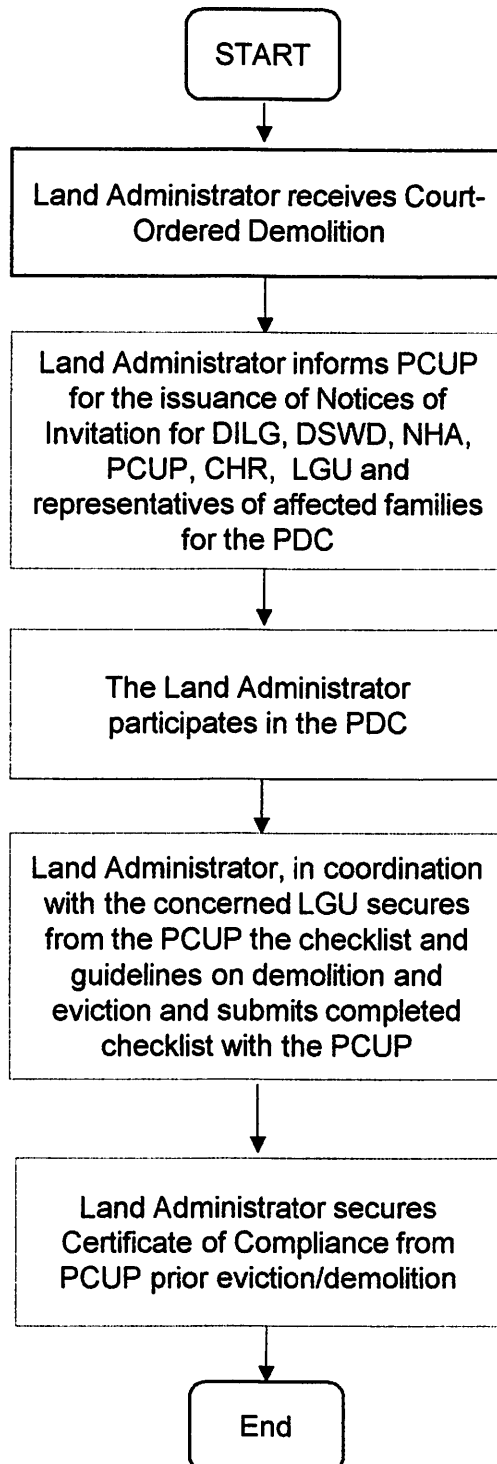


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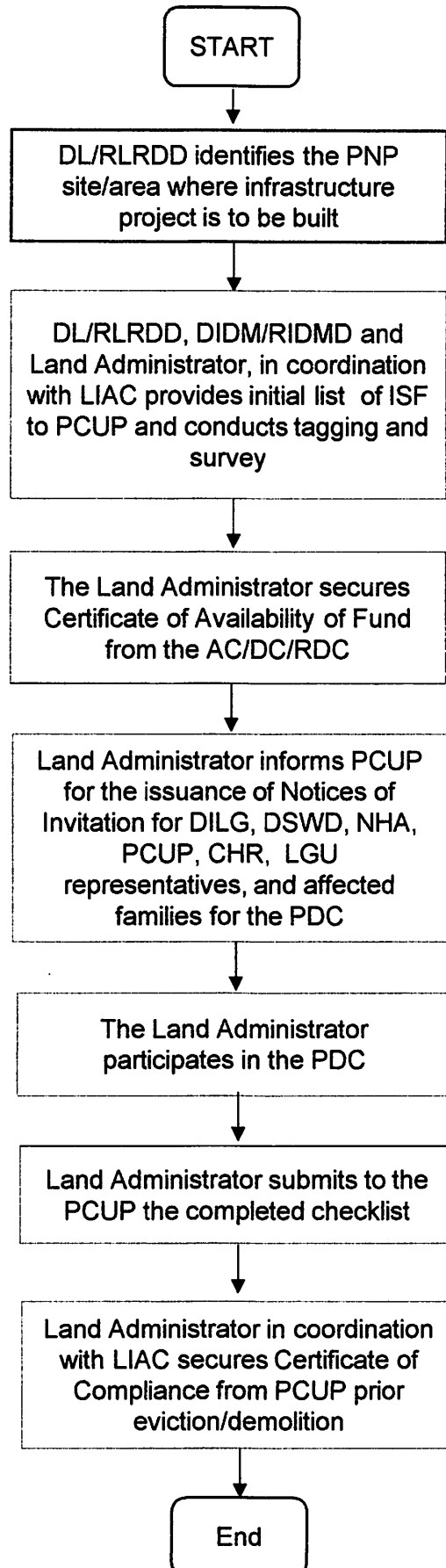
Flowchart in Entering Into a MOA



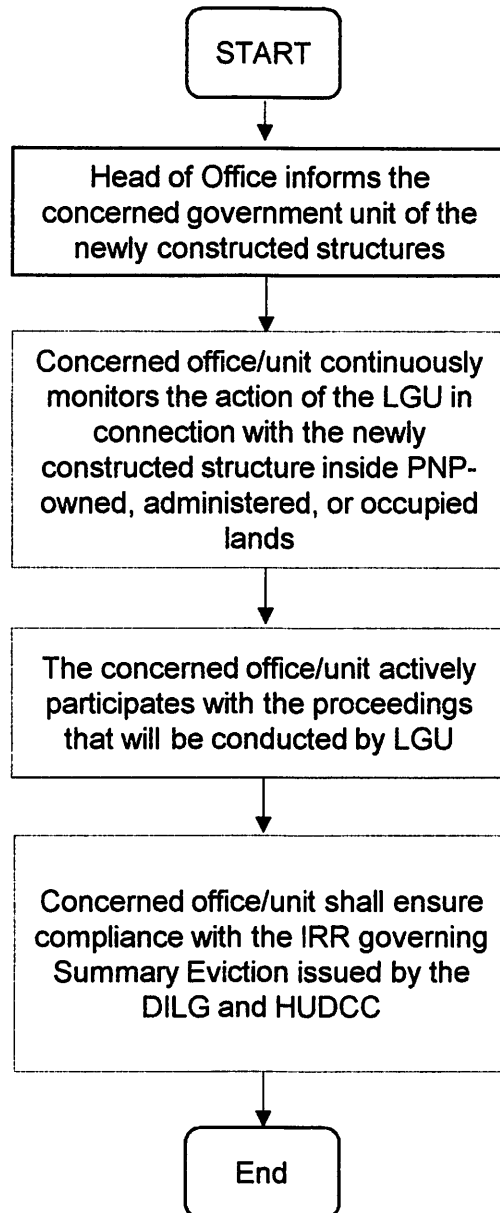
**Flowchart on Court-Ordered Eviction and Demolition**



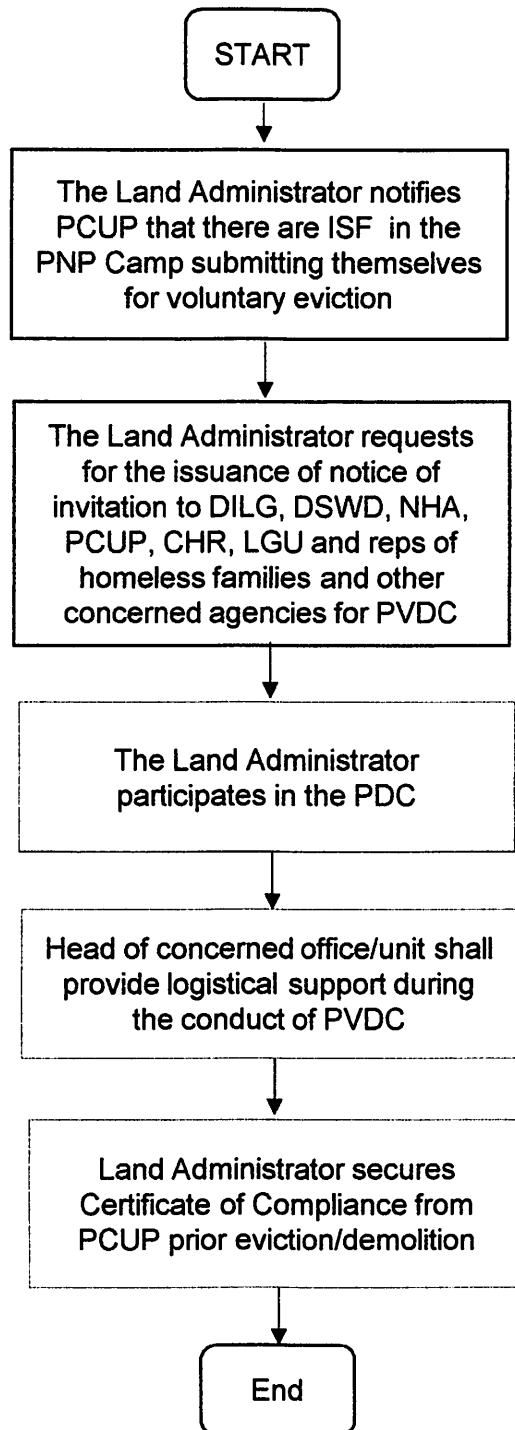
## Flowchart on Extra-Judicial Eviction and Demolition



**Flowchart on Summary Eviction and Demolition**

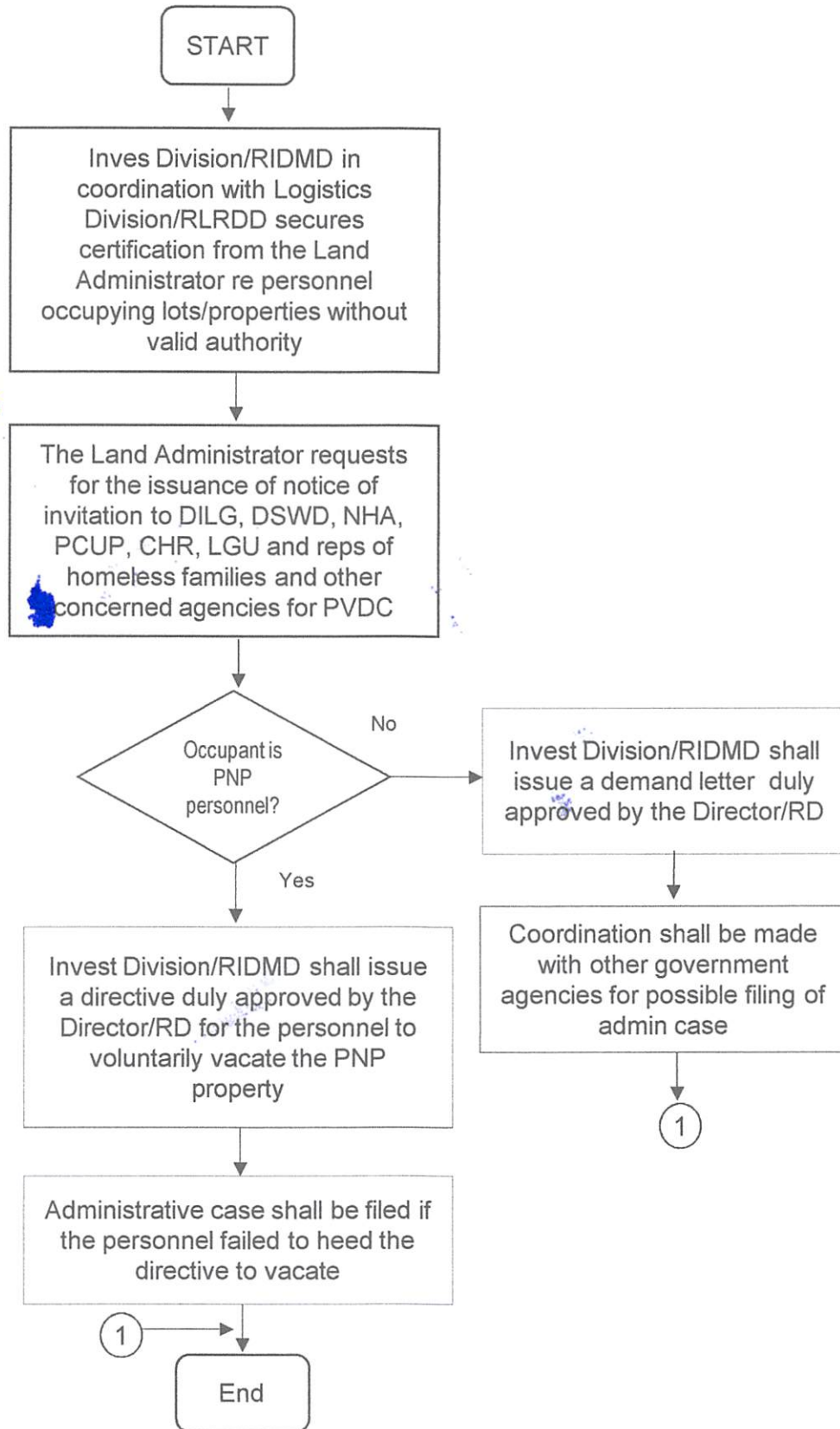


**Flowchart on Voluntary Eviction and Demolition**





### Flowchart on Filing of Administrative Case



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Republic of the Philippines  
 NATIONAL POLICE COMMISSION  
**NATIONAL HEADQUARTERS, PHILIPPINE NATIONAL POLICE**  
**DIRECTORATE FOR LOGISTICS**  
 Camp BGen Rafael T Crame, Quezon City



LPPD-2020-03-10-271  
**MEMORANDUM**

FOR : CPNP  
 THRU : TDCA  
 TDCO  
 TACDS  
 FROM : TDL  
 SUBJECT : **PNP Memorandum Circular re: Guidelines in the Utilization and Protection of PNP Owned, Administered, or Occupied Lands**  
 DATE : March 10, 2020

MAR 19 2020  
 MAR 18 2020  
 MAR 17 2020

03-24-20  
 DATE  
 APPROVED / DISAPPROVED  
 CPNP

CPNP 4 Dec 20 A047959  
 A047959

1. References:

- a. Memorandum from D, LS dated March 4, 2020 with Subject: Comments on the Proposed PNP MC re: Guidelines in the Utilization and Protection of PNP Owned, Administered, or Occupied Lands (Tab "A");
- b. Memorandum from the SLO, DL dated February 20, 2020 with Subject: Initial Legal Opinion on Proposed PNP MC on Utilization and Protection of PNP Owned, Administered, or Occupied Lands (Tab "B"); and
- c. Memorandum dated October 17, 2019 with Subject: Request for Inputs/Comments/Recommendations on the Proposed PNP Memorandum Circular re: Guidelines in the Utilization and Protection of PNP Owned, Administered, and Occupied Lots and real Properties (Tab "C").

2. This pertains to the proposed PNP Memorandum Circular titled: "Guidelines in the Utilization and Protection of PNP Owned, Administered, or Occupied Lands" which provides the procedures in the recovery of PNP lands from informal settlers as well as the filing of administrative, civil or criminal cases against erring PNP personnel, their heirs, successors-in-interest or assigns, who may be considered informal settlers.

3. Inputs and recommendations from the Directorial Staff, National Support Units and Police Regional Offices were solicited and were incorporated in the draft MC. Likewise, the D, LS finds the proposal to be legally permissible and in keeping

OCNP  
 In Doc 20 P465322

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with the mandate of Republic Act No. 6975 specifically Section 25 thereof. D, LS also submits that the proposed MC is consistent with Section 2 of Presidential Decree No. 1445.

4. In this regard, respectfully submitted for your approval and signature is the proposed Memorandum Circular.



**EDWIN C ROQUE**  
Police Major General