



Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City
Tel Nos. (632) 929-66-26 to 29 • (632) 929-62-52
929-66-20 • 929-66-33 to 35
929-70-41 to 43

MEMORANDUM FROM THE SECRETARY

TO : All Regional Executive Directors
All Regional Technical Directors for Lands
All PENR Officers
All CENR Officers
Other Concerned Officials

SUBJECT : **ENFORCEMENT OF THE PROVISIONS OF THE REVISED PENAL CODE ON THE ILLEGAL OCCUPATION OF REAL PROPERTY OR USURPATION OF REAL RIGHTS IN PROPERTY AND THE ALTERING OF BOUNDARIES AND LANDMARKS**

DATE : MAY 19 2005

It has been observed that among the many causes of land disputes and conflicts are the illegal occupation of real property or usurpation of real rights in property, and the extraction or removal and alteration of boundary monuments. These illegal acts undermine the integrity of the Torrens System of land titling which the DENR is mandated to protect.

You are reminded that the above-mentioned acts are criminal acts under the Revised Penal Code of the Philippines (Act No. 3815, as amended). The pertinent provisions are:

“Article 312. Occupation of real property or usurpation of real rights in property. Any person who, by means of violence against or intimidation of persons, shall take possession of any real property or shall usurp any real rights in property belonging to another, in addition to the penalty incurred for the acts of violence executed by him, shall be punished by a fine from 50 to 100 per centum of the gain which he shall have obtained, but not less than 75 pesos.

If the value of the gain cannot be ascertained, a fine from 200 to 500 pesos shall be imposed.

*Article 313. Altering boundaries or landmarks – Any person who shall alter the boundary marks or monuments of towns, provinces, or estates, or any other marks intended to designate the boundaries of the same, shall be punished by *arresto menor* or a fine not exceeding 100 pesos, or both”.*



In view of this, all concerned officials and personnel must see to it that:

1. All survey monuments, landmarks and other points of references established by the DENR and private practicing Geodetic Engineers, are in their correct positions as reflected in the survey plans and maps;
2. Before the approval of survey returns, all survey monuments for final lot surveys and political boundary monuments and landmarks are ascertained to have already been established in their correct positions during the field inspection and verification;
3. Contracts executed between the DENR and private Geodetic Engineers for the conduct of Cadastral surveys must contain a stipulation that any change or alteration of landmarks made by the claimant/s shall be noted in their report;
4. Geodetic Engineers submitting for approval isolated survey returns are reminded of their liability in case of land conflicts and disputes caused or due to alteration of established boundary monuments;
5. The applicants or claimants are advised of the consequences of usurping or encroaching on another's property or property rights and altering the boundaries or monuments established by the DENR and private practicing Geodetic Engineers;
6. A billboard bearing a notice to the public on these illegal acts are posted in a conspicuous place in the Barangay; and
7. Violations of the above-mentioned provisions of law are monitored periodically and reports on violations be submitted to the Regional Executive Directors (REDs) through the RTD for Lands for appropriate action/s.

FOR THE GUIDANCE AND STRICT COMPLIANCE OF ALL CONCERNED.



[Handwritten Signature]
MICHAEL T. DEFENSOR
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