

PROPERTY OWNER'S GUIDE TO EJECTING ILLEGAL DWELLERS EFFECTIVELY

Strategies, Legal Procedures, and Solutions

9:00 am to 5:00 pm, Friday, November 16, 2018
EDSA Shangri-La Hotel, Mandaluyong City, Philippines

Course Description:

Some subtle factual differences could mean the success or failure of an ejectment suit.

A precise knowledge of the correct legal remedies is essential if any contemplated action for the recovery of illegally detained land or building is to be successful.

This seminar is about protecting your property from unlawful occupants and how to efficiently utilize ejectment actions and the provisional remedies available as effective tools in the speedy recovery of your land or building so as to avoid further damage arising out of prolonged dispossession. The lecture will include some special laws of great concern to land developers such as Republic Act No. 6552 (The Maceda Law) that governs sales on installment of real property, Presidential Decree No. 1517 (The Urban Land Reform Law), Republic Act No. 7279 (The Lina Law) and other related laws.

Participants will learn best practices and actual cases on how to implement and manage actual ejectment and demolition of shanties and illegal vendors from an expert practitioner.

Outline of the Lecture:

Principal Lecturer: **JUDGE DANILO A. MANALASTAS**

Regional Trial Court of Bulacan, Branch 7

- I. What are the kinds of actions for the recovery of possession of land or building?
 - 1) ACCION INTERDICTAL
 - a) Forcible Entry
 - b) Unlawful Detainer
 - 2) ACCION PUBLICIANA
 - 3) ACCION REIVINDICACION
- II. What are the properties that may be subject of ejectment actions?
- III. Who may institute an ejectment action? Against whom?
- IV. What are the jurisdictional facts essential to be alleged and established in ejectment actions?
- V. How to take advantage of the summary procedures that govern ejectment actions.
- VI. How to utilize provisional remedies as an effective tool in the speedy recovery of illegally occupied property.
- VII. The immediate execution of judgment in ejectment cases.
- VIII. Problem areas in sales on installment of real property under Republic Act No. 6552 (Maceda Law)
- IX. Presidential Decree No. 1517 (The Urban Land Reform Law)
- X. Republic Act No. 7279 (The Lina Law)

Lecturer II: **ATTY. FERDINAND M. CASIS**

Agrarian Law Professor, Ateneo de Manila University

1. Definition of Agricultural Tenancy
2. Requisites of Tenancy
3. Leasehold Tenancy vs. Civil Law Lease
4. Dispossession
5. Extinguishment
6. Successors
7. Jurisdiction
8. Practical Tips and Advice

Seminar Contact Person:
Paula Zaldivar – Program Leader
Center for Global Best Practices
Manila Lines: **(+63 2) 556-8968 or 69**
Manila Telefax: **(+63 2) 842-7148 or 59**
Cebu Lines: **(+63 32) 512-3106 or 07**
Baguio Line: **(+63 74) 423-5148**
Email: paula.cgpb@yahoo.com
Website: www.cgpb.org

**BEST PRACTICES OPERATIONS ON THE GROUND:
EJECTION STRATEGIES AND DEMOLITION TACTICS**

I. INTRODUCTION

- a. Understanding the nature, characteristics and dynamics of ejection/ demolition operations of illegal dwellers
 - (1) The CAA Compound Demolition Operations Experience
 - (2) The Laguna Demolition/Relocation Experience
 - (3) The Police vs. Police Experience
 - (4) The Mendiola Massacre Experience
- b. Some “nice to know” relevant operational lessons learned from armed and unarmed conflict situations in the ancient world and the modern times
 - (1) Lessons learned from the wars among Chinese dynasties (400 to 320 BC)
 - (2) Lessons learned from the Moscow campaign of Napoleon Bonaparte
 - (3) Lessons learned from the East Timor Experience
 - (4) Lessons learned from the Vietnam & Iraq War Experience
 - (5) Lessons learned from Philippine Insurgency
 - (6) Lessons learned from the mass actions, strikes & violent street rallies in the Philippines in the late 60’s and early 70’s
- c. The Teachings of Sun Tzu on certain principles of war which are applicable in ejection /demolition operations

II. ULTIMATE STRATEGY: The Total Approach

III. FORMULATING THE DEMOLITION/RELOCATION OPERATIONS PLAN

Suggested Operations Plan (SMEAC) format for the Demolition/Relocation Task Force

- 1. Situation
- 2. Mission
- 3. Execution
 - (a) Concept of Operation
 - (b) Task Organization (Composition of Task Force)
- 4. Administration & Logistics
- 5. Command & Communication

IV. PREPARING THE IMPLEMENTING PLAN

Suggested procedures to be followed by task units/groups/components of the Demolition/Relocation Task Force in the preparation of their individual implementing plans (Implans) upon receipt of the Operations Plan (Oplan):

- a. Analyze the mission
- b. Restate the mission
- c. Prepare the Implan using the SMEAC format or the following unit/group leading procedures:
 - (1) Begin Planning
 - (2) Make Arrangements
 - (3) Make reconnaissance
 - (4) Complete the plan
 - (5) Issue Orders
 - (6) Supervise

V. ACTUAL OPERATIONS TECHNIQUES

- a. Before the demolition
- b. During the demolition/relocation
- c. After the demolition/relocation

VI. POINTERS WHICH MUST BE STRICTLY ADHERED TO BY OPERATING ELEMENTS OF THE DEMOLITION/RELOCATION TASK FORCE

VII. SOME OPERATIONAL DOs and DON'Ts

VIII. EFFECTIVE WAYS IN HANDLING PROFESSIONAL SQUATERS

IX. OPEN FORUM