

LETTER OF INSTRUCTION NO. 768, November 16, 1978

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TO:

Minister Jose Roño
Ministry of Local Government
and Community Development

It is noted that due to the absence of rules and regulations governing the implementation and enforcement of Presidential Decree No. 20, which amended Republic Decree No. 6359, there has been confusion in its implementation in turn causing instability in the relationship between lessors and lessees of dwelling units. In view whereof, and to forestall further controversies on the matter, I am promulgating the following rules for the proper and effective implementation of the Decree:

- The Decree shall cover not only dwelling units, as this term is defined in Republic Act No. 6359, used exclusively for residential purposes but also those used by the lessees thereof for home industries or retail stores under the following conditions: (a) that the lessees and their families actually live therein and use the place principally for dwelling purposes; (b) that the home industries or retail stores are operated only by the lessees themselves or by the immediate members of their families, without the employment of any other person; and (c) that the capital invested in such home industries or retail stores does not exceed P5,000.00.
- Sub-leasing of the leased premises without the written consent of the lessor shall constitute a violation of the terms of the lease which shall give the lessor the right to file an action for ejectment in court against the lessee,
- The following shall not constitute grounds for judicial ejectment of lessees:
 - That the lessee has failed to pay any increased rental not mutually agreed upon; provided, that in case of refusal of the lessor to accept payment of the rent previously agreed upon, the lessee shall either consignate the amount in court or deposit the said amount in a bank for the account of the lessor.
 - That the lessor needs the leased premises for his own use or for the use of any immediate member of his family; provided, however, that the lessor may seek judicial ejectment of the lessee if he can prove that he has no other dwelling unit available for his own use or for the use of the immediate member of his family; provided, further, that even if the lessor has another dwelling unit, such lessor may also seek judicial ejectment of the lessee if he can prove that the lessee owns a dwelling unit which he may use as his residence.
 - That the leased premises have been mortgaged.
 - That the leased premises need be repaired, except in the case of condemned buildings for which an order of demolition has been duly issued.
 - That the ownership of the leased premises has been transferred.

- For purposes of these rules, immediate member of family of the lessee or lessor shall be limited to his direct ascendants or descendants by consanguinity within the second degree.

You are directed in accordance with Letter of Instruction No. 160 dated January 23, 1974 to see to the strict enforcement of these rules.

Done in the City of Manila, this 16th day of November, in the year of Our Lord, nineteen hundred and seventy-eight.

(Sgd.) FERDINAND E. MARCOS
President of the Philippines

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