

DIRECTING ALL PERSONS, NATURAL OR JURIDICAL, TO RENOUNCE POSSESSION AND MOVE OUT OF PORTIONS OF RIVERS, CREEKS, ESTEROS, DRAINAGE CHANNELS AND OTHER SIMILAR WATERWAYS ENCROACHED...

PRESIDENTIAL DECREE NO. 296, September 18, 1973

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WHEREAS, floods are among the most destructive of natural calamities, in the wake of which chain reactions invariably lead to misery, pestilence, privation, hunger and want;

WHEREAS, the ever-worsening floods in the country today are to a great extent caused by unabated illegal encroachments on rivers, creeks, esteros and other drainage channels, resulting in the constriction and partial or complete closure thereof and the corresponding reduction of drainage capacity;

WHEREAS, such illegal encroachments have been prevalent in the past by enlarging the areas covered by titles or certificates of ownership brought about by consolidation and subdivision surveys and resurveys;

WHEREAS, in the interest of the general public it is imperative that such portions of the public domain illegally acquired must be returned to the State for the purpose which nature has intended for them; and

WHEREAS, past experiences show that reacquisition or expropriation proceedings have been slow and tedious, dragging on for years to the detriment of the general welfare;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution as Commander-in-Chief of all the Armed Forces of the Philippines, and pursuant to Proclamation No. 1081, dated September 21, 1972, and General Order No. 1, dated September 22, 1972, do hereby order and decree the following:

SECTION 1. Any person, whether natural or juridical, who, prior to the promulgation of this Decree, may have introduced improvements on or reclaimed and occupied portions of rivers, creeks, esteros or drainage channels, is hereby directed to report to the Secretary of Public Works, Transportation and Communications, through the Director of Public Works, any and all such improvements, reclamations or encroachments and to renounce possession thereof, or demolish structures or improvements which tend to obstruct the flow of water through rivers, creeks, esteros and drainage channels, within ninety days from the effectivity of this Decree.

SEC. 2. Non-compliance with the provisions of this Decree shall be punished by a fine of not less than five thousand pesos nor more than ten thousand pesos or imprisonment for not less than two years nor more than ten years, or both such fine and imprisonment, in the discretion of the court: Provided, That if the offender is a corporation, firm, partnership or association, the penalty shall be imposed upon the guilty officer or officers, as the case may be, of the corporation, firm, partnership or association, and if such guilty officer or officers are aliens, in addition to the penalty herein prescribed, he or they shall be deported without further proceedings on the part of the Commission of Immigration and Deportation.

SEC. 3. Any provision of existing laws, decrees, rules and regulations inconsistent with this Decree are hereby

repealed or modified accordingly.

SEC. 4. This Decree shall take effect immediately after publication in the Official Gazette or in a newspaper of general circulation in the country.

Done in the City of Manila, this 18th day of September, in the year of Our Lord, nineteen hundred and seventy-three.

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

By the President:

(Sgd.) ROBERTO V. REYES
Acting Executive Secretary

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