

[PRESIDENTIAL DECREE NO. 1473, June 11, 1978]

AMENDING PRESIDENTIAL DECREE NO. 1190 BY CANCELLING THE TITLES OF LOT PURCHASERS AT THE MALAYA-EAST AVENUE SUBDIVISION, QUEZON CITY, AND TO RECONVEY THE SAME TO THE NATIONAL HOUSING AUTHORITY FOR HOUSING PURPOSES.

WHEREAS, it is a declared policy of the State to help provide homes or homelots for its less fortunate citizens;

WHEREAS, in pursuance of this policy, as well as the constitutional principle of social justice, the State, under its inherent police powers, has established appropriate government agencies with the objective of providing and maintaining adequate and decent housing for the greatest possible number of people, more especially those who may be unable otherwise to provide themselves therewith;

WHEREAS, one of the government agencies established by the State was the People's Homesite and Housing Corporation (PHHC), now abolished and succeeded by the National Housing Authority (NHA);

WHEREAS, the PHHC had acquired large parcels of land in various parts of the country, mostly in Metro Manila, developed and subdivided then into small homelots and thereafter sold such lots under easy installment terms to qualified and deserving individual applicants;

WHEREAS, in order to prevent commercial profiteering and speculation over the lots thus sold and achieve its objective of increasing the housing stock and minimize the housing shortage in the country, more particularly in the locality where the lots are located, by the immediate utilization of the lots for housing purposes, the PHHC had invariably made it a condition in the sale of each and every lot that within a certain period, usually one year from the execution of the deed of sale, or the issuance of the title to the lot, the buyer should construct a house thereon, otherwise the deed of sale would be cancelled and ownership of the lot would be reverted to the PHHC as seller thereof, the said condition being annotated on the title as a lien thereon;

WHEREAS, the PHHC had sold to various individuals' several home lots in its Malaya-East Avenue Subdivision in Quezon City under, among others, the aforestated conditions that the buyer should construct a house on the lot within one year from the execution of the corresponding title to the lot, otherwise, the sale would be cancelled and the owner of the lot would revert to the PHHC as seller thereof;

WHEREAS, several years had already elapsed since the execution of the sale or issuance of the corresponding titles to the lots, but certain buyers, in flagrant violation of the aforestated condition, had not yet constructed houses on their respective lots;

WHEREAS, in its desire to solve the acute housing problem in Metro Manila, the NHA, as the successor interest of the PHHC and as the new principal government agency that oversees and implements the State's housing program, has resolved to utilize to the maximum the lots that its predecessor-in-interest had thus sold, and

for this purpose, decided to enforce strictly the condition that the buyers of these lots should construct houses thereon within the period given;

WHEREAS, pursuant to its resolution, and considering the expiration of the period given under the aforesaid condition, the NHA had served written notices by registered mail to all the buyers concerned and by adequate publication in newspapers of general circulation, requiring them to comply with the aforesaid condition or offer satisfactory explanations for their failure to comply with the same, otherwise, the corresponding deeds of sale would be accordingly cancelled and the ownership of the lots reverted to the NHA, as successor-in-interest of the PHHC;

WHEREAS, Presidential Decree No. 1190 was subsequently promulgated cancelling the transfer certificates of titles of awardees or purchasers of certain lots and reverting the ownership thereof to the NHA for the failure of the said awardees or purchasers to comply with their obligation of constructing a house on their respective lots within the period given;

WHEREAS, after a thorough study and review of the individual cases of the affected awardees or purchasers, it appears that some of them had failed to comply with the aforementioned condition of constructing their houses on their lots within the period given due to valid and lawful causes, such as the lack of proper notice to them although they were ready, willing and able to comply with their obligation of constructing their houses on their lots, or the pendency of a litigation directly involving the lot or its occupancy by squatters who refused to vacate it, or some other legally plausible reasons;

WHEREAS, the deprivation of the property of those persons whose failure to comply with their obligations was not due to their own willful act or omission will be unfair and unjust and will not serve the ends of the Government and the New Society;

WHEREAS, it has been confirmed that in spite of due notice to them or to their successors-in-interest, the other awardees or purchasers affected by the said Decree had nonetheless obstinately failed or refused to comply with their aforesaid obligations of constructing their houses on their respective lots without just or valid reasons therefor, that they had thereby rendered a naught the purposes of the government in this regard and defecting the very essence of the award or sale of the lots to them; and

WHEREAS, it has become necessary to cancel the transfer certificates of titles issued to the buyers who had, after due notice, failed or refused to comply with the condition of the sale without just or valid reasons as aforesaid, and to revert and reconvey the lots covered by the said titles to the NHA so that the said lots may be properly utilized in consonance with the social objectives of the State after payment to the buyer or registered owner compensation not to exceed the market value declared by him or his representative, or such market value as determined by the assessor;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby amend Presidential Decree No.1190 dated September 1, 1977, to read as follows:

SECTION 1. The transfer certificates of title issued by the Register of Deeds of Quezon City in favor of the awardees or purchasers or their successors-in-interest