



Multi-stakeholder participation and use of modern technologies in analyzing and finding solutions pave the way for responsible land governance in the Philippines.

# Towards Better, Responsible and Sustainable Land Governance in the Philippines

## A SUMMARY OF THE IN-DEPTH ANALYSIS OF LAND-RELATED LAWS AND POLICIES ON TENURE IN THE PHILIPPINES AND RECOMMENDATIONS <sup>1</sup>

### I. EXECUTIVE SUMMARY

The governance of land and natural resources in the Philippines predates the Spanish era and has been subsequently shaped or influenced by the different regimes following the conquest of the country. A system for land administration was established towards the end of the American regime, but World War II saw

the destruction of land records spanning four decades when the Bureau of Lands (BL) was destroyed in 1944 during the liberation of Manila. Hence, the major activities from 1945 to 1955 focused on reconstruction of records lost during the war.

Commonwealth Act (CA) 141 or the “Public Land Act as Amended,” which was passed in 1936, is still the main law for the disposition of public lands, while Presidential Decree (PD) 1529, “Amending and Codifying the Laws Relative to Registration of Property and for other Purposes,” has been the definitive

<sup>1</sup> In 2019, GIZ commissioned the Center for Environmental Law and Policy Advocacy, Inc. to conduct an in-depth analysis of laws and policies on land tenure in the Philippines. The study and its accompanying five subpapers provide an understanding of the complexities of various laws and policies, as well as the mandates of agencies/institutions tasked with land governance. The study also offers recommendations to address policy concerns and improve the implementation of land management action programs in the Philippines. To read the full study, scan the QR code:





*Land use mapping using an unmanned aerial vehicle (UAV) or drone in Barangay Kapatagan, Digos City, Davao del Sur province in Mindanao, Philippines.*

law on land registration and subsequent transfers since 1978. Amendments have been introduced, but most of them were for the improvement or continuance of implementation. The major concepts and basic policies remain the same.

Administratively, policies and procedures for implementing the laws have been continuously issued. Land-related services for the transacting public have drastically improved through the years, but remain demand-driven processes that have put land titling in a perpetual state of waiting, with no clear end in sight. Lacking a systematic program that will target the complete titling of all untitled public lands, the government has yet to finish the adjudication of remaining untitled parcels. This has resulted in the existence of informal land markets that do not consider the true value of the land. This situation also contributes to underutilization and mis-utilization of lands when the legalization and security of tenure remain insecure.

The study examined the four classes of lands of the public domain enshrined in the 1987 Constitution (agricultural lands, forest or timber lands, mineral lands and national parks) and the laws, policies and institutions governing them. Additionally, the impact of Republic Act (RA) 8371 or the Indigenous Peoples' Rights Act (IPRA) of 1997 on the four land classes was analyzed.

In lands classified as agricultural, the government, through the Department of Agrarian Reform (DAR), continues to provide farmers Certificates of Land Ownership Award (CLOAs), as called for under RA 6657 or the Comprehensive Agrarian Reform Law (CARL) of 1988, while the Department of Environment and Natural Resources (DENR) provides free patents under CA 141 or the Public Land Act, and the courts issue judgments for the titling of agricultural lands to occupants who have been in possession of public lands for 30 years or more. All these titles are registered with the Land Registration Authority (LRA). Unfortunately, there is no sharing of land data at present between and among agencies, including local government units (LGUs) that are involved in land matters. Thus, there is a need to have a national program on land data sharing. There is also a need for a national titling program so that all public lands already occupied by qualified individuals or families may be granted titles.

In forest or timber lands, there is now a major shift in forest management. The country is no longer a log and lumber exporter, but is now a net importer, with about 75% of its wood requirements coming from other countries. In 2011, Executive Order (EO) 23 was passed prohibiting the cutting of trees in natural residual forests. Hence, the country's hope of being

able to supply its wood requirements will be coming from plantations. Unfortunately, even if there are tenure holders who are supposed to establish tree plantations, there is little investment in forestry, much less applicants for investments in tree plantations. This is because of the numerous constraints in forest tenurial instruments such as security of tenure, lack of incentives and of course, the effect of IPRA on forest lands. Other tenure instruments have likewise not been thoroughly evaluated, such as the Integrated Social Forestry (ISF) program, which granted the Certificate of Stewardship Contracts (CSCs). While the ISF program has been devolved to LGUs, the devolution happened way back in 1991, and many CSCs have expired. In this situation, even the Community-Based Forest Management Agreements (CBFMAs) issued to communities need to be evaluated. If there are no renewals, there is uncertainty in forest areas, as the lands covered by these tenure instruments are now considered open access. As a way forward, it is suggested that DENR's Forest Management Bureau (FMB) evaluates these various tenure instruments, renew those that have to be renewed, and suspend or cancel those that violate forest laws. Sustainable forest management can be more effective if each hectare (ha) of forest land is placed in the hands of a responsible forest manager. Thus, aside from strengthening the present tenurial arrangements, those without tenure should now be opened for tenure or co-managed with LGUs, universities, non-government organizations (NGOs) and other responsible partners. Tenurial instruments should be given dignity. The Land and Environmental Resources Management Agreement (LERMA), as an alternative for a harmonized or unified tenure system, may be piloted in the forestry sector. Equally important is to liberalize the policies on forest tree plantations. Those who will invest in tree plantations should not only be given security of tenure but must also be assured that they can harvest and market their products. Forest plantations may yet propel the country to economic prosperity.

In the case of protected areas (PAs) or national parks, the repository of the biodiversity wealth of the country, it is heartening to note that RA 7586 or the National Integrated Protected Areas System (NIPAS) Act of 1992 has been strengthened by RA 11038 or the Expanded-NIPAS (E-NIPAS) Act of 2018. Unfortunately, there are still insufficient resources to manage each protected area, as in the case of the Agusan Marsh Wildlife Sanctuary (AMWS), where there is only one permanent staff and the others are contract workers. As a way forward, DENR must ensure that the proper resources and personnel are given to these PAs either through general appropriation, PA fees, or partnership arrangements with LGUs, NGOs and other development partners.

Unfortunately, agricultural public lands, forest or timber lands and protected areas are affected by IPRA. This is because under IPRA, indigenous cultural communities (ICCs) and indigenous peoples (IPs) shall have ownership and management of their ancestral lands, including those in agricultural lands, forest or timber lands, national parks and mineral lands. The objective of RA 8371 is to protect ICCs/IPs in their ancestral domains; but since there are now conflicting jurisdictions, those within forest or timber lands or national parks, including agricultural lands, are affected. One of the questions that are bugging land management in the field is: what happens to the titles or tenure instruments issued by DAR, DENR or even the courts when these lands are declared ancestral domains? On the other hand, ICCs/IPs also suffer, as they are unable to have their ancestral domain titles in the absence of a non-coverage certification from DENR and DAR. Joint Administrative Order (JAO) 1, Series of 2012, issued by DENR, DAR, the National Commission on Indigenous Peoples (NCIP) and LRA, was supposed to harmonize these overlaps in jurisdictions. This has caused frictions not only among the agencies but also the farmers, tenure holders

and ICCs/IPs. In August 2019, NCIP withdrew from JAO 1, making harmonization even more difficult. As a way forward, it is recommended that a congressional inquiry be made on the effect of RA 8371.

On the other hand, there are proposed land-related legislations in Congress that have not been acted upon in the past 20 to 30 years, such as the Sustainable Forest Management Act (SFMA) and the National Land Use Act (NaLUA). Indeed, proposing legislation is difficult, long and tedious. The way forward is to resort to an administrative issuance under the plenary powers of, for example, the DENR Secretary under EO 192, or an EO of the President, or piecemeal legislation.

The NaLUA has been pending in Congress for about 25 years. Technical experts and political specialists have failed to unanimously agree on the several versions of the bill filed, which have led to the non-passage of the bill. For the successful advocacy of the bill, there is a need to revisit the provisions to make the bill more acceptable to stakeholders, so that a version can be arrived at that is not only technically correct but also politically acceptable, while taking into consideration the fact that land use is a mixture of national and local policies working

together to determine the highest and best use of land.

The Land Sector Development Framework (LSDF) was developed in 2007. A great number of strategies identified in the document have already been implemented or are already in place. However, to reflect the realities on the ground and to incorporate the results of the strategies earlier identified, there is a need to upgrade and update the document. In addition, the LSDF needs to be institutionalized or adopted as the official roadmap for the land sector, to align with the Philippine Development Plan. It is suggested that this institutionalization be advocated. Lastly, the LSDF was designed to be an outline of ways forward, but it was never intended to replace a proper long-term development plan. If resources permit, a long-term development plan detailing the future of the land sector is still necessary.

Although the major land-related laws are antiquated, their core policies remain firm and applicable. In lieu of legislative reforms, the land-related agencies have been continuously improving their policies for better implementation of the laws. Plans and programs have been adopted, but due to the fundamental institutional and bureaucratic set-up, problems recur and improvement of services for the sector is slow.

## ACRONYMS & ABBREVIATIONS

<b>A &amp; D</b>	Alienable and Disposable	<b>IPRA</b>	Indigenous Peoples Rights Act
<b>ADSDPP</b>	Ancestral Domain Sustainable Development and Protection Plan	<b>ISF</b>	Integrated Social Forestry
<b>AMWS</b>	Agusan Marsh Wildlife Sanctuary	<b>JAO</b>	Joint Administrative Order
<b>BL</b>	Bureau of Lands	<b>LAM</b>	Land Administration and Management
<b>CA</b>	Commonwealth Act	<b>LARA</b>	Land Administration Reform Act
<b>CADC</b>	Certificate of Ancestral Domain Claim	<b>LERMA</b>	Land and Environmental Resources Management Agreement
<b>CADT</b>	Certificate of Ancestral Domain Title	<b>LGUs</b>	Local Government Units
<b>CALT</b>	Certificate of Ancestral Land Title	<b>LMB</b>	Land Management Bureau
<b>CARL</b>	Comprehensive Agrarian Reform Law	<b>LRA</b>	Land Registration Authority
<b>CARP</b>	Comprehensive Agrarian Reform Program	<b>LSDF</b>	Land Sector Development Framework
<b>CBFMA</b>	Community-Based Forest Management Agreement	<b>NaLUA</b>	National Land Use Act
<b>CLOA</b>	Certificate of Land Ownership Award	<b>NCIP</b>	National Commission on Indigenous Peoples
<b>CLUP</b>	Comprehensive Land Use Plan	<b>NGOs</b>	Non-Government Organizations
<b>CSC</b>	Certificate of Stewardship Contract	<b>NIPAS</b>	National Integrated Protected Areas System
<b>DAR</b>	Department of Agrarian Reform	<b>PAs</b>	Protected Areas
<b>DENR</b>	Department of Environment and Natural Resources	<b>PACBRMA</b>	Protected Area Community- Based Resource Management Agreement
<b>E-NIPAS</b>	Expanded National Integrated Protected Areas System	<b>PAMB</b>	Protected Area Management Board
<b>EO</b>	Executive Order	<b>PAMO</b>	Protected Area Management Office
<b>FMB</b>	Forest Management Bureau	<b>PAMP</b>	Protected Area Management Plan
<b>FPIC</b>	Free and Prior Informed Consent	<b>PASu</b>	Protected Area Superintendent
<b>Ha</b>	Hectare	<b>PD</b>	Presidential Decree
<b>ICCs</b>	Indigenous Cultural Communities	<b>RA</b>	Republic Act
<b>IFMA</b>	Integrated Forest Management Agreement	<b>RD</b>	Registry of Deeds
<b>IPs</b>	Indigenous Peoples	<b>SFMA</b>	Sustainable Forest Management Act
<b>IPAF</b>	Integrated Protected Area Fund	<b>UAV</b>	Unmanned Aerial Vehicle

## II. HISTORICAL PERSPECTIVE: LAND AND FOREST LAWS AND POLICIES

### A. PRE-SPANISH ERA

Prior to the Spanish colonization, the indigenous population in the Philippines subsisted by hunting, farming (mainly slash and burn) and fishing. The major settlements, small in sizes, stretched along the littorals and riverbanks. Land tenure in pre-Hispanic Philippines vested ownership of land, through customs and traditions, in the family. The family land can be transferred via inheritance, purchase or barter and could be pledged as security for debts.

In addition to the family lands, the land system included an undivided tract of land owned by the community. This tract generally covered the adjoining wood or forest, slopes, tinges, fertile uplands, fishing areas, and in coastal sites, mangroves and swamp lands. The system approximated the contemporary European institution of the village common.

### B. SPANISH ERA

Spain discovered the Philippines on March 16, 1521 and claimed full dominion over all lands within the archipelago, a claim that became the foundation for the principle of the Regalian Doctrine, which holds that all lands belong to the State and only by a grant from the State can land pass into private ownership.

At the beginning of the 300-year Spanish colonization of the Philippines, Spain introduced *pueblo* agriculture, a system wherein native rural communities were organized into *pueblos* and each native family was given land to cultivate. The native families were made landholders, not landowners. The Spanish King remained the owner of the lands, and agricultural products were accepted as payment for the natives' colonial dues.

At the beginning of the 19<sup>th</sup> century, Spain introduced the Philippines to the world of capitalism. The country was opened to the world market as an exporter of raw materials and importer of finished goods. Hence, the *hacienda* system was developed as a new form of land ownership.



*Sugar plantations predate the Spanish era in the Philippines. The Spanish Mortgage Law established a new system of registration that guarantees the stability of ownership of real properties.*

A system of land registration to support transfers and conveyances was also introduced. Spanish land titles were granted to settlers through grant of relevant authorities, confirmation of ancient possession of lands, confirmation of defective or imperfect titles, sale, adjustment or gratuitous grant, adjustment proceeding and by record of possession and ownership.

These laws, which prescribed the conditions for land acquisition and the penalties for non-compliance, were intended to develop agriculture and benefit the people. However, these were never implemented effectively.

In 1894, Spain promulgated a royal decree defining the forest laws and regulations for the Philippine Forest Service. Four years later, the inventory and marking of the boundary of the forests belonging to the State were made through the Land Law of the Philippine Islands.

In 1898, Spain introduced the *Ley Hipotecaria* or the Spanish Mortgage Law. This law was a land title registration system, meaning it was not limited to registration of mortgages but included transfers and other dealings on lands.

### C. AMERICAN ERA

When the United States acquired the Philippines from Spain in 1898, they found the system of disposing public lands problematic due to the endless delays and extortions by rapacious officials. Occupants of lands contented themselves with remaining on their lands as simple squatters. In 1894, it was estimated that there were 200,000 squatters on Crown lands. The most productive agricultural lands, known as *haciendas*, were mostly owned by Catholic Friar orders. These "friar lands," as they were commonly called, were the hotbed of the 1896 revolution.

The United States introduced land policies that provided orderly disposition and settlement of public lands through homesteads, sales and free patents under the Public Land Act; the legal mechanism for the confirmation of titles to lands issued by Spanish authorities; the legal mechanism for the perfection of titles to lands by the actual occupants; and the legal mechanism for the acquisition and distribution of friar lands to actual occupants. The Americans, while retaining the old land registration law (the Spanish Mortgage Law), introduced the Torrens system of land registration.

The Americans also introduced cadastral surveying and the institution of cadastral proceedings in court to speed up land titling.

Significant laws were enacted during the American era covering the methods of disposing lands of the public domain; the manner on how public agricultural lands will be disposed by way of homestead, free patent, lease, etc.; the establishment of the Torrens system of land registration that provides for a judicial proceeding in the registration of titles to lands; the disposition of friars' estates; the systematic adjudication and settlement of all land claims; the procedure in the registration of dealings on lands not covered by the Land Registration Act; and, the introduction of land classification, more importantly the concept of alienable and disposable (A & D) lands of the public domain.

The Americans created a land registration court that would handle all claims related to previous Spanish land applications and concessions that remain unacted upon. Thereafter, a certificate of title would be issued to the claimants.

The Bureau of Forestry, under the Forestry Code (Act 1148 of 1904), administers and regulates forest use. This was the beginning of the classification of lands of the public domain.

## D. WORLD WAR II AND THE DESTRUCTION OF LAND RECORDS

World War II saw the destruction of the BL's records that spanned four decades when its office situated in Hotel Oriente was destroyed in 1944 during the liberation of Manila. As a consequence of this destruction, after the Philippines won its independence from the United States, the BL focused on the reconstruction of its lost records from the preceding decade instead of the distribution of public lands. The same happened with the records of the Bureau of Forestry.

## E. PHILIPPINE REPUBLIC

From 1945 to 1955, the activities of the BL were devoted mostly to reconstruction of records lost during the war. In 1955, the BL became the first government agency to computerize, with the introduction of IBM computing machines used in land surveying. During this period, the government started to conduct cadastral surveying again. To speed up land surveying and land titling, the BL was reorganized. Its functions were decentralized through the establishment of eight regional land offices in 1956.

The newly independent Philippine Republic adopted the American policies on land with only a few modifications on the requirements and conditions for acquisition of ownership.

After World War II, the government also instituted land reform policies intended to limit tenancy in lands and later on, to redistribute lands under several land reform programs.

In the 1960s, the government shifted from judicial confirmation of imperfect titles, including long-time possession, to administrative legalization of actual occupants of agricultural lands through free patent. From 1950 to 1960, 1.4 million ha of agricultural lands were distributed by the bureau, which is double that of the 1930-1940 period.

Under the Philippine Republic from 1936 to 2002, the CA 141's chapter on free patent had been amended several times. One of the key amendments pertain to the extension to file patent applications and the possessory qualification of the applicants.



*In 1972, the government instituted PD 27 declaring the country under the land reform program, which covered tenanted rice and corn lands.*

The extension was requested by the land department because of the failure of the occupants of public agricultural lands to apply for a free patent and the inability of the government to fully support its land titling programs, thus creating a huge backlog in public land titling. Possession from July 4, 1926 was adjusted to 30 years of possession prior to the effectivity of RA 6940 (An Act Granting a Period Ending on December 31, 2000 for Filing Applications for Free Patent and Judicial Confirmation of Imperfect Title to Alienable and Disposable Lands of the Public Domain Under Chapters VII and VIII of the Public Land Act) in 1990 because of the difficulty of public land applicants to establish proof of possession of 70 years.

In the post-war era, massive deforestation and exploitation of forests happened due to great demand from the United States and Japan for natural resources. In the 1950s-60s, the number of logging concessionaires grew. The forest lands then were governed by heavy-regulatory frameworks and centrally-managed approaches that only produced short-term economic benefits undermining the welfare of poor forest-dependent communities.

A policy shift occurred in the 1970s as policies institutionalized henceforth recognized the important role of people and communities in the management, sustainability and protection of forests.

Recently, free patent was extended to residential lands under RA 10023 (Residential Free Patent Act) due to the growing demand for administrative titling of lands. In 2019, the century-old restrictions on agricultural free patent were removed under RA 11231. These laws were long overdue and should have been implemented way back in the 1960s when the government shifted its focus from judicial to administrative titling of lands.

Other relevant laws or decrees on land governance that were passed or issued under the Philippine Republic were PD 1529 or the Property Registration Decree in 1978; EO 192 issued in 1988 (Providing for the Reorganization of the Department of Environment, Energy and Natural Resources, Renaming it as the Department of Environment and Natural Resources, and for Other Purposes); RA 6657 (CARL); and, RA 8371 (IPRA).

## III. LAND ADMINISTRATION AND MANAGEMENT

### A. BASIC CONCEPTS

Land administration refers to the “processes of recording and disseminating information about the ownership, value and use of land and its associated resources.” These include the determination or adjudication of rights and other attributes of the land, its survey, description, and detailed documentation and the provision of relevant information in support of land markets. It can also refer to information about rights holder in case of tenure instruments.

Surveying divides land into parcels or lots for easy identification. The ownership of each of these parcels is thereafter registered with the Registry of Deeds (RD), and it becomes “titled land.” The land administration systems are not primarily concerned with general data on land, but are more concerned with detailed information on each land parcel within its jurisdiction.



Personnel of national government agencies with mandates in the land sector are capacitated with knowledge and skills towards achieving an efficient land administration and management system in the country.

A good land administration system should have the following components to be effective:

- Land survey and mapping - where land boundaries are identified and land parcels are created;
- Land adjudication - where interests on land are identified and ownership resolved;
- Land registration - where land titles are created and interest on land registered in a public registry, and;
- Cadastre - normally a parcel-based and up-to-date land information system containing a record of interests in land (i.e., rights, restrictions and responsibilities)

Cadastre is the central component of an effective land administration system. It integrates records on land survey, adjudication and registration. An example of a fiscal cadastre is the “tax map” of the LGUs, which is usually based from the “cadastral survey” of the area conducted for titling purposes.

An efficient land administration guarantees ownership and security of tenure; supports land market, property taxation and environmental management; reduces land disputes; facilitates land reform; improves urban planning and infrastructure development; and, provides statistical data.

The concept of land includes properties and environment and natural resources, thereby encompassing the total natural and build environment. The object of land management is to put land resources into efficient use, meaning producing food, shelter and other products (economic uses of land) or preserving valuable resources for environmental or cultural reasons.

## B. LAND ADMINISTRATION IN THE PHILIPPINES

The primary land administration functions of land surveying and mapping, land titling, land registration and grant of tenurial instruments are performed by different government agencies. The duties and responsibilities of the officials and employees of these agencies are prescribed by laws, rules and regulations, including the specific procedure that has to be followed in the conduct of land administration activities.

Below are the national agencies with major land administration functions.

Agency	Functions
Department of Environment and Natural Resources (DENR)	DENR is the main agency involved in land classification, land surveys and titling of public land. It issues land patents in the form of homestead, sales and free patents as well as land leases and other permits on public agricultural lands. It also issues tenure instruments in forest lands, national parks or protected areas and mineral lands.
Land Registration Authority (LRA)	LRA assists courts in titling of private lands (original and cadastral land registration proceeding), decides questions regarding registration of instruments, approves simple subdivisions of registered lands and exercise supervision over the RD.
Registry of Deeds (RD)	RD registers patents, CLOAs, Certificate of Ancestral Domain Titles /Claims (CADT/C) issued by DENR, DAR and NCIP, respectively, and the judicial decrees issued by LRA. It is also responsible for the registration of subsequent voluntary and involuntary transactions on registered lands.
Department of Agrarian Reform (DAR)	DAR is responsible for the agrarian reform program of the government. It issues agrarian reform land grants in the form of Emancipation Patents and CLOAs that are registered with the RD.
National Mapping and Resource Information Authority (NAMRIA)	NAMRIA conducts mapping, land classification and establishment of a reference system.
National Commission on Indigenous Peoples (NCIP)	NCIP resolves issues on ancestral lands. It undertakes delineation of ancestral domain land (self-delineation) and issues CADT/Cs that are registered with the RD.
Land Registration Court	The courts (judiciary) hear and adjudicate private claims on lands of the public domain. Court judgment is the basis of LRA in the issuance of decrees that are registered with the RD.
Land Management Bureau (LMB)	LMB is responsible for public land disposition and issuance of policies on land management.
Local Governments Units (LGUs)	LGUs issue tax declarations, prepare tax maps, zoning ordinances, conversions of lands and perform other land management functions.

## C. LAND MANAGEMENT IN THE PHILIPPINES

Land, as a natural resource, is managed directly by the national government through the DENR, which issues different tenurial instruments to public domain lands to qualified individuals, corporations or associations for utilization and management to promote national development. The public domain lands are agricultural lands, forest lands, mineral lands and national parks / protected areas.

Except agricultural lands that have been declared A & D lands, the State retains ownership of the other land classifications. Once a patent is issued to an A & D land, it becomes private and subject to some restrictions provided under the Public Land Act (CA 141).

For LGUs, they usually have control of the zoning or use of land, and of the buildings and improvements thereon. Land use regulation is implemented at the local government level through the Comprehensive Land Use Plan (CLUP) of each of the LGUs.

Land use and land management practices have a major impact on natural resources, including water, soil, nutrients, plants and animals. The major effect of land use on land cover has been deforestation. More recent significant effects of land use include urban sprawl, soil erosion, soil degradation, salinization and desertification.

In the Philippines, environmental regulations developed only in the 1990s created a comprehensive legislation that affects how property will be used with laws governing lands.

Under these new legislations, the concept of nuisance was expanded to include specific activities that are prohibited by law such as storage and disposal of hazardous substances in one's own land, burning of materials and discharging of waste water, among others.

Some of the existing environmental laws in the country:

- PD 1586 Establishing an Environmental Impact Statement System, including other Environmental Management Related Measures and for other Purposes;
- PD 1152 Philippine Environmental Code (amended);
- RA 6969 Toxic Substances and Hazardous and Nuclear Waste Act of 1990;
- RA 8749 Philippine Clean Air Act;
- RA 9003 Ecological Solid Waste Management Act of 2000, and;
- RA 9275 Philippine Clean Water Act 2004.



*Members of the Manobo tribe act as stewards of the AMWS not only because it is their source of livelihood and food but also to protect it as their ancestral domain.*

## IV. LAND TENURE IN THE PHILIPPINES

### A. BASIC POLICIES UNDER THE CONSTITUTION

The basic State policies governing land ownership, alienation and grant of access (tenure) are found in the 1987 Philippine Constitution.

#### 1. All lands of the public domain and natural resources are owned by the State

All lands of the public domain, waters, minerals, coal, petroleum and other mineral oils, all sources of potential energy, fisheries, forests or timber, wildlife, flora and fauna, and other natural resources are owned by the State. With the exception of agricultural lands, all natural resources shall not be alienated.

#### 2. Four classification of lands

Lands of the public domain are classified into agricultural lands, forest or timber lands, mineral lands and national parks. Agricultural lands of the public domain may be further classified by law according to their devoted uses. Alienable lands of the public domain shall be limited to agricultural lands.

#### 3. Need to determine specific limits of forest lands and national parks

Congress shall, as soon as possible, determine by law the specific limits of forest lands and national parks, marking clearly their boundaries on the ground. Thereafter, such forest lands and national parks shall be conserved and may not be increased nor diminished, except by law.

#### 4. Equitable distribution of benefits

The goals of the national economy are more equitable distribution of opportunities, income and wealth, and a sustained increase in the amount of goods and services produced by the nation for the benefit of the people.

#### 5. Agrarian and natural resources reform

The State shall, by law, undertake an agrarian reform program founded on the right of farmers and regular farm workers, who are landless, to own directly or collectively the lands they till. The State shall encourage and undertake the just distribution of all agricultural lands, taking into account the ecological, developmental or equity considerations, and subject to the payment of just compensation.

#### 6. Application of the principles of stewardship in the utilization of natural resources

Natural resources under lease or concession shall be, whenever applicable, disposed of or utilized through the application of the principles of agrarian reform or stewardship, subject to prior rights and the rights of indigenous communities to their ancestral lands.

### B. PUBLIC DOMAIN LANDS

#### 1. Regalian Doctrine

The Regalian Doctrine holds that all lands belong to the State, and only by a grant from the State can land pass into private ownership. Under this concept, private title to lands must be traced to a grant, expressed or implied, from the State. This finds

expression in Section 2, Article XII of the 1987 Constitution (National Economy and Patrimony), and is incorporated in Book 2, Title 1, Chapter 3 of the New Civil Code.

## 2. Types of public domain lands

There are three types of state ownership of lands. The first is over lands that are for public use or are intended for some public use or purpose, such as roads, canals, rivers, torrents, ports and bridges constructed by the State, banks, shores, roadsteads and others of similar character. This type also includes military and civil reservations actually used as such or have been reserved by way of EOs or proclamations. The second type is over lands owned by the State in its private capacity, which are called “patrimonial properties.” The third type is over all other lands, except private lands.

## 3. Direct management by national agencies

Public domain lands are directly managed by the national government. These laws identify the institutions or agency that will manage the resource (jurisdiction), and provide who shall have access (tenure) and how these land resources shall be utilized (contacts / agreements / patents). The laws related to natural resources pertain to A & D agricultural lands (CA 141), forest lands (PD 705), mineral lands (RA 7932) and protected areas (RA 7586).

In utilizing natural resources, Article XIII, Section 6 provides that the State shall apply the principles of stewardship in the disposition or utilization of natural resources, including lands of the public domain under lease or concession. The 1987 Constitution limited the disposition of public domain lands to



*By having a secured tenure and access to land, women farmers are empowered to participate in making decisions towards better management of land resources.*

citizens' access to public domain lands and resources to Filipino citizens for a duration of up to 25 years.

## 4. Limited role of local governments

Local governments have a limited role in the processing or granting of access to resources. Processing of applications and issuance of permits are done mostly by DENR.

RA 7076, or the Small-Scale Mining Act, is more of an exception to the general rule, as it gave the LGU, subject to the supervision of the DENR Secretary, the rights to award contracts and formulate rules related to small-scale mining.

Under RA 7160 (Local Government Code of 1991), certain forest management functions have been devolved to LGUs, such as social forestry projects, protection of small watersheds and enforcement of forestry laws in these social forestry projects. Later, co-management approaches between the DENR and LGUs were suspended due to some violations.

RA 8371 (IPRA) has a cross-cutting impact on lands of public domain.

# C. AGRICULTURAL LANDS

## 1. General policy

According to Article XII (National Economy and Patrimony), Section 3 of the 1987 Philippine Constitution, lands of the public domain are classified into agricultural lands, forest or timber lands, mineral lands and national parks.

Section 3 further states:

“ Agricultural lands of the public domain may be further classified by law according to the uses which they may be devoted. Alienable lands of the public domain shall be limited to agricultural lands. Private corporations or associations may not hold such alienable lands of the public domain except by lease, for a period not exceeding twenty-five years, renewable for not more than twenty-five years, and not to exceed one thousand hectares in area. Citizens of the Philippines may lease not more than five hundred hectares or acquire not more than twelve hectares thereof by purchase, homestead or grant. ”

Only agricultural lands can be alienated, meaning it can be the subject of private ownership. Once declared A & D lands, the State disposes them through public land grants. A & D lands are further classified into agricultural, industrial or commercial, residential and resettlement.

## 2. Land disposition

The principal methods in acquiring or granting title to public land to a qualified individual are those provided by CA 141 (Public Land Act) and RA 6657 (CARL) where, in addition to registered private lands, lands with unregistered titles may be transferred to farmer beneficiaries. Other laws related to land disposition are Act 496 (Land Registration Act), Act 2259 (Cadastral Act) and PD 1529 (Property Registration Decree), which provides for the registration of lands claimed as private property through confirmation of imperfect or incomplete title.

### 3. Titles on agricultural lands

Kinds of Titles	Description	Issuing Authority
Decree	A land grant issued through voluntary registration proceedings or through the compulsory cadastral proceedings as provided under PD 1529. Decrees cover all types of alienable and disposable lands. Possession since June 12, 1945 and/or possession of 30 years is required.	Decrees are issued by LRA after a favorable judgment by the court in a land registration proceeding.
Free Patent (Agricultural and Residential)	A land grant given to occupants of alienable and disposable agricultural and residential lands through administrative adjudication as provided under CA 141 as amended and RA 10023. Possession of 30 years is required in agricultural lands and 10 years in residential lands.	Patents are issued by DENR.
Homestead Patent	A land grant given by the State to qualified individuals to encourage agricultural production in alienable and disposable lands that have been released for settlement. This type of title is issued in unoccupied or newly released agricultural lands where no private rights exist.	Homestead patents are issued by DENR.
Sales Patent / Miscellaneous Sales Agreement	A land grant given by the State to qualified individuals in agricultural, residential, commercial and industrial lands. The grant is conditioned upon payment of the purchase price after appraisal and bidding. Cultivation is also required in the patenting of agricultural lands.	Sales patents are issued by DENR.
Special Patents	A land grant issued for lands that are proclaimed, reserved or actually used and occupied by government agencies and instrumentalities for some public use or purpose.	Special patents are issued by DENR.

### 4. Status of agricultural lands

As of 2016, of the country's total land area of 29,704,230 ha, around 48 percent or 14,258,030 ha are classified as agricultural lands. According to the LMB, the remaining untitled lands are estimated at 400,000 ha with two million parcels or lot.

## D. FOREST OR TIMBER LANDS

### 1. General policy

Another classification of land under the 1987 Philippine Constitution is forest or timber land. As stated, this land cannot be alienated. The major law that governs the utilization of forest lands is PD 705 or the Revised Forestry Code. Its key provisions include the protection, development and rehabilitation of forest lands to help in the country's development.

#### a. Utilization agreements, leases and stewardship

Article XII Section 2 of the 1987 Philippine Constitution states:

“ The exploration, development and utilization of natural resources shall be under the full control and supervision of the State. The State may directly undertake such activities, or it may enter into co-production, joint venture, or production-sharing agreements with Filipino citizens, or corporations or associations at least sixty per centum of whose capital is owned by such citizens. Such agreements may be for a period not exceeding twenty-five years, renewable for not more than twenty-five years, and under such terms and conditions as may be provided by law. ”

#### b. Devolved forest management activities to LGUs

When the Local Government Code of 1991 was passed, several forest management rights and responsibilities were devolved to LGUs, namely: (1) the implementation of social forestry and reforestation initiatives; (2) the management of communal forests

not exceeding 5,000 ha; (3) the protection of small watershed areas; and (4) the enforcement of forest laws in social forestry projects. This introduced the development of co-management arrangements between DENR and LGUs, in partnership with local communities, which provided local communities certain access, management and rights to a given forest land.



An elderly man participates in a reforestation project as his contribution to sustainable forest management that would benefit future generations.

#### c. Forest lands under government agencies

In addition to DENR, the Philippine National Oil Company (PNOC) and the National Power Corporation (NAPOCOR) were given management functions over their project areas through EOs issued by former President Benigno Aquino III. These two EOs effectively transferred specific forest lands from the control and management of DENR to PNOC and NAPOCOR.

## 2. Tenure instruments for forest lands

Tenure Instrument	Description
Community-Based Forest Management Agreement (CBFMA)	A production sharing agreement between DENR and the participating people's organizations (POs) for a period of 25 years renewable for another 25 years to develop, use and manage specific portions of forest lands.
Integrated Forest Management Agreement (IFMA)	A production sharing contract entered into by and between the DENR and a qualified applicant. The holder is granted exclusive right to develop, manage, protect and use a specified area of forest land and its forest resources for a period of 25 years renewable for another 25 years, consistent with the principle of sustainable development and in accordance with an approved Comprehensive Development and Management Plan (CDMP).
Forest Land Grazing Management Agreement (FLGMA)	A production sharing agreement between a qualified person, association and/or corporation and the government to develop, manage and use grazing land.
Socialized Industrial Forest Management Agreement (SIFMA)	An agreement entered into by and between a natural or juridical person and the DENR. The holder is granted the right to develop, use and manage a small tract of forest land consistent with the principle of sustainable development.
Certificate of Stewardship Contract (CSC)	Awarded to individuals or families actually occupying or tilling portions of forest land pursuant to Letter of Instruction 1260 for a period of 25 years renewable for another 25 years.
Forest Land-use Agreement for Tourism Purposes (FLAGT)	A contract between DENR and a natural or juridical person, authorizing the latter to occupy, manage and develop, subject to government share, any forest land of the public domain for tourism purposes and to undertake activities therein pursuant to a management plan.
Special Land Use Permit / Agreement (SLUP/SLUA)	A privilege granted by the State to a person to occupy, possess and manage in consideration of specified return, any public forest land for a specific use or purpose.
Private Land Timber Permit (PLTP)	A permit issued to a landowner for the cutting, gathering and utilization of naturally grown trees on private land.
Special Private Land Timber Permit (SPLTP)	A permit issued to a landowner specifically for the cutting, gathering and utilization of premium hardwood species including Benguet pine, both planted and naturally-grown trees.
Rattan Cutting Contract (RCC)	A contract entered into by the Secretary of DENR and another party to cut, gather and transport rattan.
Resource Use Permit (RUP)	A resource-use right to be issued to holders of tenure instruments under the CBFMA programme of DENR who intend to harvest/use naturally grown and/or planted forest resources within the production forest for commercial use
Wood Processing Plant Permit (WPPP)	An operating permit to sawmill, mini-sawmill, re-saw permit, plywood/vener plants, blockboards / fibreboard/ particle board and other wood-based panel plants and wood treating plants. It is issued to the holders of existing timber license agreements or permits, and those non-timber holders with approved Equity Participation Agreement may be granted a permit not exceeding two years.
Ordinary Minor Forest Products Permit (OMFPP)	Permit issued for the collection of all products of the forest other than timber. Among the most important are firewood, charcoal, palm products, cutch and tanbarks, fibres, resins, gums, oils, rubber and gutta-percha, beeswax and medicinal plants.
Certificate of Tree Plantation Ownership	A clearance to harvest and transport timber products from private plantation.

## 3. Status of forest lands

From 18.9 million ha of forest lands in the 1920s, it declined to 17.8 million ha in 1934 and then to 15.8 million ha in recent years due to conversion or reclassification. Of the remaining forest lands, forest cover continues to decline from 10.9 million ha in 1970 to only 6.8 million ha in 2010.





Former President Fidel Ramos declared the AMWS in Agusan del Sur as a protected area through Proclamation 913 issued in 1996.

## E. NATIONAL PARKS / PROTECTED AREAS

### 1. General policy

National parks or PAs are considered the repository of the rich biodiversity of the country. The NIPAS law or RA 7586 of 1992 provides for the protection of important biologically diverse areas to sustain flora and fauna. It recognized that these areas, although distinct in features, possess common ecological values that may be incorporated in a holistic plan representative of the Philippines' natural heritage.

PAs are categorized into strict nature reserves, natural parks, natural monuments, wildlife sanctuaries, protected landscapes and seascapes, resource reserves, natural biotic areas and other categories as may be established.

In 2018, President Rodrigo Duterte signed RA 11038 or the E-NIPAS Act of 2018, which adopts strong amendatory measures to the 24-year-old NIPAS Act. Its features include the provision for scientific and technical support for biodiversity conservation; delineation and demarcation of boundaries; deputation of support especially on enforcement to the Protected Area Superintendent (PASu); and, allocation of 75% of the Integrated Protected Area Fund (IPAF) to the Protected Area Management Board (PAMB). It also prohibits the use and possession of destructive fishing gears within the protected seascape.

### 2. Protection

The protection of national parks/protected areas is a multi-stakeholder undertaking. Various concerned and related government agencies and units across all levels have representations. The DENR is the primary implementing agency and administrator of the PA system. The DENR Secretary is the officer responsible for the implementation of the E-NIPAS Act, assisted by DENR's Biodiversity Management Bureau.

#### a. Special nature in the management of protected areas

Under the E-NIPAS Act, a PAMB shall be created to oversee and manage PAs. Among others, it shall approve the management

plan of the protected area and ensure its harmonization and integration with the Ancestral Domain Sustainable Development and Protection Plan (ADSDPP).

The PASu shall head the Protected Area Management Office (PAMO).

The E-NIPAS Act also mandates the establishment of an IPAF to finance the projects of the protected areas. It is an endowment fund coming from taxes for the sale and export of flora and fauna, proceeds of the lease of multiple uses of areas, contributions and such other fees.

#### b. Respecting vested and prior rights inside protected areas

All property and private rights within the protected area and its buffer zones already existing, and/or vested rights upon the effectivity of the E-NIPAS Act, shall be protected and respected in accordance with existing laws, provided that the exercise of such property and private rights shall be harmonized with the provision of the said Act. Notwithstanding this Act, all existing rights, contracts and agreements entered into by the government for the utilization of natural resources within protected areas shall continue to be recognized and governed by Philippine laws.

#### c. Harmonization of Protected Area Management Plan (PAMP) with other plans

The PAMP shall be harmonized with the ADSDPP as required under IPRA, as well as with programs, projects and policies of relevant national agencies and with LGUs' plans and programs.

The LGUs shall integrate the PAMP with their CLUP or Comprehensive Land and Water Use Plan, coastal and fisheries resource management plan, local development plans, disaster risk reduction management plans, and other required plans, pursuant to Section 26 of the NIPAS Act as amended and to Rules 26.1 and 26.5 of this law.

#### d. Development within protected areas

Development interventions in a protected area that share common areas with ancestral territories covered by a CADT

/ Certificate of Ancestral Land Title (CALT), and any activity that will affect the ICCs / IPs, shall require the Free and Prior Informed Consent (FPIC) of the concerned ICC/IP, in compliance with the IPRA, and other applicable laws, rules and regulations. Considering that protected areas are environmentally critical areas, the proponent of development projects and activities with potentially significant adverse impacts shall acquire an Environmental Compliance Certificate from the Environmental Management Bureau.

### 3. Instruments issued in protected areas

Commercial activities are not allowed in PAs, except for compatible uses such as those in the Protected Area Community-Based Resource Management Agreement (PACBRMA). The PACBRMA is an agreement entered between the DENR and the organized tenured migrant communities or interested indigenous peoples in PAs and buffer zones.

### 4. Status of national parks/protected areas

As of 2019, there were 244 protected areas in the country, of which 94 have been added through E-NIPAS Act of 2018. Some of these newly-declared PAs are popular tourist destinations.

## F. MINERAL LANDS

### 1. General policy

Mineral lands are defined under PD 705 or the Revised Forestry Code as those lands of the public domain that have been classified as such by the DENR Secretary in accordance with approved criteria and procedures. RA 7942 or the Philippine Mining Act of 1995 defines mineral land as areas where mineral resources are found. On the other hand, mineral resource refers to any concentration of minerals/rocks with potential economic value.

The President may establish mineral reservations when the national interest so requires, such as when there is a need to preserve strategic raw materials for industries critical to national development, or certain minerals for their scientific, cultural or ecological value.

Mining applications are prohibited in, among others, old growth or virgin forests, proclaimed watershed forest reserves, wilderness areas, mangrove forests, mossy forests, national parks, provincial/municipal forests, game refuge and bird sanctuaries, and others.

Mining operations within ancestral domains shall also not be allowed without the prior consent of the ICC/IP concerned.

Small scale-mining cooperatives covered by RA 7076 shall be given preferential right to apply for a small-scale mining agreement in existing mineral reservations for a maximum aggregate area of twenty-five percent (25%) of such mineral reservation. All valid and existing mining lease contracts, permits/licenses, leases pending renewal, mineral production sharing agreements granted under EO 279, upon the effectivity of the Mining Act, shall remain valid and recognized by the government.

## G. ANCESTRAL DOMAIN LANDS

### 1. General policy

Under the 1987 Constitution, the State recognizes and promotes the rights of ICCs/IPs within the framework of national development. RA 7381 or IPRA was signed in 1997 to protect the rights of the ICCs. IPRA created the NCIP.

### 2. Private rights in ancestral domains

Ancestral domains, as defined in the IPRA, refer to all areas that generally belong to ICCs/IPs. They comprise lands, inland waters, coastal areas, and natural resources therein held under a claim of ownership, occupied or possessed by ICCs/IPs, by themselves or through their ancestors, communally or individually since time immemorial. IPRA respects the private rights of ICC/IP over their ancestral domains.

Although the concept of ancestral domains transcends physical and residential territories to include areas of spiritual, cultural and traditional practices, the IPRA provided IPs with detailed property rights thereat, which include property rights such as ownership, right to develop lands and natural resources, right to stay in the territories, right in case of displacement, and right to regulate the entry of migrants. The only limitation with regard to their right to ownership of the land is that IPs' right to transfer land/property rights is limited to/among members of the same ICC/IP.

### 3. Instruments issued on ancestral domains

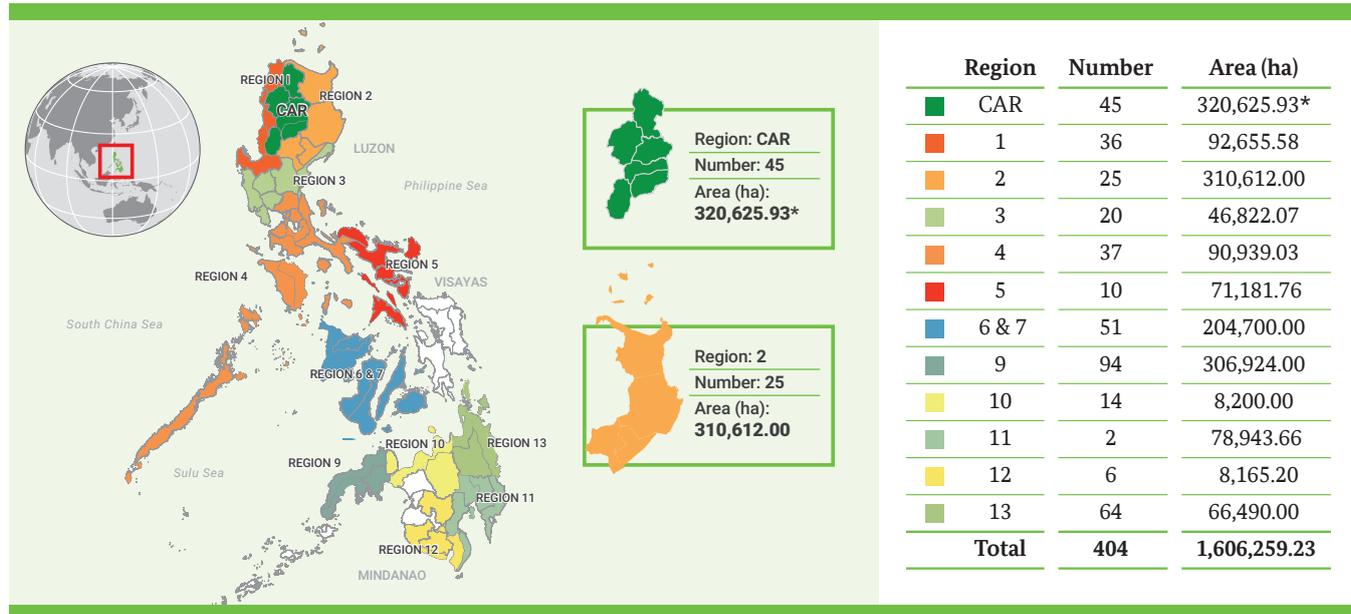
In the utilization of the land, the IPRA gives ICCs/IPs the right to sustainably use, manage and conserve economic resources and sacred grounds with their indigenous knowledge, beliefs, systems and practices. Formal rights to ancestral domains are also bestowed through titles.

## Tenure instruments for ancestral domains

Instrument	Basis	Description
Certificate of Ancestral Domain Title (CADT)	RA 8371 or IPRA	Refers to a title formally recognizing the rights of possession and ownership of ICCs/IPs over their ancestral domains identified and delineated in accordance with this law.
Certificate of Ancestral Land Title (CALT)	RA 8371 or IPRA	Refers to a title formally recognizing the rights of ICCs/IPs over their ancestral lands.
Patent	CA 141 or the Public Land Act	Public land grant issued to IPs on lands suitable for agriculture irrespective of the slope of the land.

#### 4. Status of ancestral domains

As of 2018, there were 404 identified ancestral domains all over the Philippines, covering an estimated 1.6 million ha.



Note: \*Data provided by NCIP field offices as of March 31, 2017 while the rest are as of March 31, 2018

## H. PRIVATE DOMAIN LANDS

### 1. General policy

Private domain lands or private lands are those that are owned by private persons, acquired from the State by qualified private persons (original disposition) or through possession since time immemorial. The owner can transfer it to any person allowed by law to acquire lands. The Constitution prohibits non-citizens to own lands, subject to some exception like hereditary succession or if the alien is a natural-born citizen who lost citizenship.

### 2. Ownership in fee simple

Traditionally, private landowners are given the absolute freedom to exclude others, to use, to transfer and in general, to control and manage his/her lands except only in nuisance and easement. Once lands become private, the control of the State over said resources ceases but subject to police power, eminent domain and taxation.

### 3. Land registration

Titles and rights to lands in the Philippines are either registered or unregistered.

Registered lands are those that are under the Torrens system of

land registration. Their ownership is confirmed by the court or patented by the government.

On the other hand, unregistered lands are those private lands that are outside of the operation of the Torrens system. Transactions on unregistered lands are recorded under Section 113 of PD 1529 or the recording on dealings on unregistered lands. Said transactions are valid and respected by the law subject only to the claims of persons with superior rights.

### 4. Agrarian reform

The Comprehensive Agrarian Reform Program (CARP) was implemented under RA 6657. Its objective is the redistribution of private and public agricultural lands for landless farmers to own agricultural lands. It is intended to provide these farmers a more equitable land ownership, to increase his/her income and to enhance agricultural production and productivity and put an end to agrarian unrest.

Towards this end, the State acquires and distributes private lands after payment of just compensation to private landowners. Farmer-beneficiaries, on the other hand, pay for the land through the land bank or directly to the former landowner in cases of voluntary offer to sell. The farmer-beneficiary receives a land grant called CLOA or emancipation patents from DAR.

## V. ISSUES AND CONCERNS AND RECOMMENDATIONS

Each land classification is beset by different issues and challenges, although one striking law, RA 8371 or IPRA, has an overarching effect especially involving forest or timber lands, mineral lands and national parks.

In general, land administration and management in the Philippines are marred with difficulties because of the conflicting and overlapping functions among national government agencies, co-management disharmony between the national government and LGUs, and the arduous legislative process in passing or amending laws necessary to improve matters concerning land management in the country.



Responsible utilization of land and natural resources requires a rethinking in order to achieve a good balance in the conservation, protection and development goals of forest lands.



## ISSUES AND CONCERNS



## RECOMMENDATIONS

### AGRICULTURAL LANDS

1	<p><b>No massive land titling program</b></p> <p>In 2016, LMB estimated that around two million parcels or lots of land remained untitled across the country. Under the Duterte administration, there is no massive national land titling program. With the absence of a national land titling program, there will be a drastic decline in the registration of patents, which, as it stands as of 2018, translates to around 60,000 original titles for registration.</p>	<p><b>Come up with a national land titling program</b></p> <p>It is essential to come up with a national land titling program involving multiple agencies. It must be fully funded. If implemented, Filipinos who have been in possession of lands and are qualified to own the same will benefit from the titling program. They will now have economic instruments, which can improve their socio-economic conditions. To also support the national land titling program, cadastral proceedings are recommended to be re-introduced.</p>
2	<p><b>Fragmented land administration functions</b></p> <p>In 2000, various studies found these major structural defects: conflict between laws regulating the system and its administration; two procedures for titling land (administrative and judicial procedures); multiple forms of land ownership rights; multiple land valuation methods; and duplication and overlap in the roles, functions and activities of the key land administration agencies.</p> <p>Efforts to address these issues comprehensively were through the reorganization of land agencies under the Land Administration Reform Act (LARA) bill, but it failed in Congress.</p>	<p><b>Set-up partnership arrangements between government agencies and the private sector</b></p> <p>It is recommended that an EO should be issued to bring together the institutions involved in land governance and management. This will include DENR, DAR, NCIP, LRA, RD, DOJ, the Assessor's Office and local governments. Members of the private sector can include geodetic engineers, forestry professionals, mining engineer groups and even PA advocates.</p>
3	<p><b>Lack of policy in data sharing</b></p> <p>The fragmentation of different land-related services among different agencies and LGUs has resulted in the separate development of land-related data. The different government agencies and LGUs have kept their own database. For example, DENR keeps cadastral maps and survey records, but does not have complete title information, and LRA has the title information, but does not have cadastral maps and complete survey records.</p>	<p><b>Institutionalize land data sharing</b></p> <p>There is a need to develop clear policies on data access and data sharing. Links between national government agencies and LGUs should be established to provide efficient and cost-effective access to data. LRA currently has an existing land information system, the Philippine Land Registration and Information System (PHILARIS), a product of the Land Titling Computerization Project (LTCP) that took off in 2000. PHILARIS keeps titles and deeds information. On the other hand, an initiative of DENR is the Land Administration and Management System, which stores public land applications and survey data.</p>
4	<p><b>Various land valuation standards and outdated appraisal policy</b></p> <p>The presence of multiple and overlapping land values, such as the zonal value, assessed value and market value, causes confusion over which value to use for land transactions, such as appraisal of properties under lease contract agreements or sales patent applications of DENR. Also, the land values being used by government agencies are already outdated.</p>	<p><b>Establish a single land valuation standard and improve appraisal policies</b></p> <p>Since the country lacks a single set of land valuation or appraisal standards for agricultural lands and their sub-classifications, it is recommended that the proposed legislation on the Real Property Assessment and Valuation Reform be strongly supported. Among others, the bill seeks to establish a single valuation base for taxation and adopt the international standards thereof.</p>
5	<p><b>Expiration of filing of application of agricultural free patents and confirmation of imperfect title on December 31, 2020</b></p> <p>Under RA 9176, filing of applications for agricultural free patents and confirmation of imperfect titles under Sections 44 and 48 will expire on December 31, 2020. Owners of unregistered public agricultural lands will no longer be able to formalize their ownership through free patents.</p>	<p><b>Remove the time period for free patent applications</b></p> <p>By doing so, land owners will be given options that will best suit them, particularly a process that is more convenient, efficient and less costly. Removing the period for filing is not a radical idea. In fact, Congress took a more practical approach by removing the time period for residential free patents under RA 10023 in recognition of the fact that there are still a huge number of untitled lands in the Philippines.</p>
6	<p><b>Problems in judicial titling</b></p> <ol style="list-style-type: none"> <li>Decline in decrees issues</li> <li>Difficulty in proving possession of 74 years</li> <li>Difficulty in presenting evidence/s that subject lot is A &amp; D.</li> </ol>	<p><b>Address concerns on administrative and judicial confirmation of imperfect title</b></p> <p>The study suggests the need to shorten and harmonize the period of possession required for perfection of imperfect titles and simplify the requirement for certification of A &amp; D lands in judicial proceedings.</p>



## ISSUES AND CONCERNS



## RECOMMENDATIONS

### FOREST LANDS

1	<p><b>No law defining final forest lines</b></p> <p>There are proposed bills being pushed in Congress for the "Forestland Limits Act," which seeks to ascertain the specific boundaries of forest and protected areas, with the objective of conserving and protecting these areas from further degradation.</p>	<p><b>Strong DENR representation in Congress</b></p> <p>Since the SFMA has been sitting in Congress for the past 30 years, it is high time for DENR to actively champion the reform, especially with the decreasing supply of local wood and the increasing reliance on imported wood products. The approval of the bill on third reading at the House of Representatives during the 17th Congress was a good start and should be continued.</p>
2	<p><b>No real evaluation/monitoring of tenure instruments issued in forest lands</b></p> <p>The tenure instruments available for forest lands are quite extensive. Yet there has been no real evaluation/monitoring of tenure instruments issued such that those that have expired may be renewed, or those that have been violated may be suspended or canceled. In the long run, DENR, through FMB, should have a master list or data on who manages every square meter of forest land in the country. As of now, there is no such system yet.</p>	<p><b>Have a standardized and uniform system of land appraisal through policy legislation</b></p> <p>As with agricultural lands, it is also important to establish a standard and uniform appraisal system through policy legislation. This will help determine the status of tenure instruments and the actions that FMB and DENR field offices should take in renewing, canceling and suspending these instruments.</p>
3	<p><b>Intrusion, encroachment and occupation of forest lands</b></p> <p>Aside from upland dwellers without tenure instruments, there are now more sitios, barangays and schools established and recognized within forest lands. What tenure instruments to give these areas are still unclear.</p>	<p><b>Address occupation of forest lands</b></p> <p>Since encroachment in forest lands has been well-documented and that it will be difficult to drive the occupants away, the possibility of a co-management arrangement between DENR and LGUs can be explored, with the latter at the forefront of sustainable forest management.</p>
4	<p><b>Presence of land titles in forests lands</b></p> <p>Although it is no less than the 1987 Constitution that declares that only agricultural lands may be alienated, there is still a prevalence of land titles issued over forest lands. Only courts can give pronouncements as to the validity or invalidity of a title even though it is clearly issued for a forest land.</p>	<p><b>Cancel illegal titles inside forest lands</b></p> <p>DENR should take action to investigate the status of illegal titles to forest lands and cancel these illegal titles. DENR and other officials involved in illegal titling must be brought to court.</p>
5	<p><b>Presence of tax declaration in forest lands</b></p> <p>The Revised Forestry Code (PD 705) penalizes those who issue tax declarations for forest lands with imprisonment for a period of not less than two years and not more than four years, and perpetual disqualification from holding an elective or appointive office. Although tax declarations are not proofs of ownership, their issuance for forest lands serves as a good indicator that the government recognizes the occupation of forest lands, thus giving a semblance that the government has acquiesced to the illegal occupation of forest lands.</p>	<p><b>File cases against those issuing tax declarations in forest lands</b></p> <p>A test case should be filed to put an end to this practice.</p>
6	<p><b>Twenty-five year limit on the tenure is a disincentive to plantation developers</b></p> <p>Accordingly, if one plants fast growing species, the rotation cycle is about 10-15 years. Thus, once one reaches the first cycle, there is no more assurance that one will be able to renew his/her tenure. The Philippine Wood Producers Association and other forest plantation owners think this policy should now be reviewed, and the tenure be lengthened as in the cases of Indonesia and Vietnam, where the duration of tenure is extendable almost perpetually.</p>	<p><b>Lengthening of tenure through constitutional amendment or other means</b></p> <p>Given the scientific basis (cutting cycle) and practical and economic considerations, the policy to extend or lengthen the tenure period should be looked into.</p>
7	<p><b>Instability of forest policies including tenure instruments</b></p> <p>Plantation growers are often faced with the uncertainty of whether they can harvest the trees that they will plant. This is borne out of the instability of forest policies. For example, when a natural calamity befalls a particular area, or when some CBFMA holders violate their resource use permits, the national IFMA program or CBFMA program is suspended or canceled.</p>	<p><b>Respect contracts</b></p> <p>Given the change in the mode of the grant of a tenure instrument – from a lease, license or permit (in the 1973 Constitution) to a joint venture, co-production or production sharing agreement (in the 1987 Constitution), it is opined that the authority of DENR to unilaterally suspend the operations of IFMAs or CBFMAs is no longer available to the government. It is high time that this authority of DENR be challenged in court so that a definite ruling can be obtained.</p>



## ISSUES AND CONCERNS



## RECOMMENDATIONS

### FOREST LANDS

8	<p><b>Very few investors in forest plantation establishment</b></p> <p>With the issuance of EO 23 Series of 2011, logging in natural forests is no longer allowed. As such, logs, timber and lumber should now come from plantation species. Unfortunately, most of the wood requirements of the country (about 75%) are supplied from imported sources. On a few, however, are engaged in the establishment of forest plantations, despite of its lucrative potentials, due to restrictive policies, lack of knowledge of credit facilities for tree farmers, and the uncertainty of the IFMA status and renewal if the area will be claimed by IPs.</p>	<p><b>Promote and liberalize tree plantations</b></p> <p>It is proposed to liken tree plantations to a vegetable business to make cutting and harvesting a lot easier. The owner will only need to register the plantation to the nearest DENR office and the cutting and transport of the same will only require a certification from the Society of Filipino Foresters.</p> <p>Similarly, a tree plantation grower may opt to set up their own processing plant without the need of a long-term supply contract, as what is being processed are new wood rather than natural trees planted before.</p>
9	<p><b>Partnerships with LGUs are put on hold</b></p> <p>LGU involvement in forest management has long been recognized under RA 7160 with the devolution of social forestry and even forest protection. But this has not produced substantial results, again because of DENR's flip-flopping policy on co-management with LGUs.</p>	<p><b>Involve LGUs in forest development/expand co-management</b></p> <p>Co-management between the DENR and LGU should be continued and even expanded not only with the LGUs but also with universities and even NGOs, civic organizations and even churches. That way, well-meaning co-partners or co-managers will take care of the forests.</p>
10	<p><b>Sustainable Forest Management Act not moving in Congress</b></p> <p>For three decades now, the SFMA has failed to hurdle the Congressional mill. The farthest level the bill has gone through was during the 17th Congress, when House Bill 9088 was approved on third reading on May 5, 2019. At the Senate, the counterpart bills remained at the committee level.</p>	<p><b>Simplify SFMA</b></p> <p>The SFMA should focus on forest or timber lands. Tree plantation development to supply the wood requirements of the country should be the way forward. The DENR must bear in mind, though, that legislation is a difficult and long process. Simplifying the bill and putting the other details in the implementing rules and regulations may be more strategic.</p>

### NATIONAL PARKS/PROTECTED AREAS

1	<p><b>Lack of regular personnel (both technical and administrative) to manage the PA</b></p> <p>The field management of PAs lies in PAMBs, of which operations are conducted by the PASu and his/her staff. The PAMO in the AMWS has only 11 staff: the PASu and 10 job order employees (no plantilla positions). These employees can lose their jobs whenever the budget of the PAMO is not sufficient to cover their salaries.</p>	<p><b>Lobby for sufficient resources for PA</b></p> <p>The DENR must make a pitch for increasing personnel and other resources in declared protected areas. These are the repository of our rich biodiversity and therefore should be taken care of. In the preparation of PAMP, the resources that will be needed by each PA should be spelled out and the resources to fund them should be identified.</p>
2	<p><b>Illegal titles in protected areas</b></p> <p>Just like in forest lands, illegal titles can also be found in protected areas.</p>	<p><b>Cancel illegal titles in protected areas</b></p> <p>This is similar to the issue of titles inside forest lands. If the titles in the protected areas are illegal, efforts must be exerted by DENR to have them cancelled.</p>
3	<p><b>Limited involvement in delineation</b></p> <p>The involvement of other agencies and the LGUs in the delineation and demarcation of boundaries of protected areas is not mandatory. The DENR only involves other agencies and LGUs when their participation in the activity is deemed useful.</p>	<p><b>Encourage LGU participation through policy</b></p> <p>Develop policies that would make the participation of other government offices and the LGUs mandatory in the delineation and demarcation of protected areas in order for the boundaries to be clear and reflective of true conditions on the ground.</p>
4	<p><b>Non-recognition of vested rights</b></p> <p>The recognition of vested rights has been well established by law but is not currently being fully implemented. This has resulted to overlapping claims and conflicts in jurisdictions leading to mismanagement and physical degradation of protected areas.</p>	<p><b>Strict implementation of laws on recognition of vested rights</b></p> <p>In the case of protected areas, non-tenured occupants are resettled outside of protected area. Resettlement could be an option with the assistance of the NCIP, DENR, DAR, LGUs and, as in the case of non-tenured migrants in PAs, HLURB, NHA, DSWD and PNP can assist in the resettlement.</p> <p>Aside from the strict application of the laws on recognition of vested rights, there is a need to develop clear policies on the remedies that may be resorted to in the event of overlapping claims.</p>
5	<p><b>Non-harmonization of plans</b></p> <p>There is no harmonization of the PAMP with the ADSDPP. The usefulness of a PAMP harmonized with the ADSDPP cannot be over-emphasized in building rapport between the ICCs/IPs and the officials of the protected areas, particularly the PAMO and the PAMB.</p>	<p><b>Put up partnerships and strengthen capacity-building</b></p> <p>There is a need to develop policies and procedures on what to do in the event of different plans not being harmonized. Capacities should be strengthened in the preparation of the different plans to ensure that during the planning session, existing plans are synchronized with each other.</p>



## ISSUES AND CONCERNS



## RECOMMENDATIONS

### NATIONAL PARKS/PROTECTED AREAS

6

#### Conflict in jurisdiction

Protected area jurisdiction has conflict over areas that are claimed or have been titled for indigenous peoples.

The creation of a mechanism for the coordination and complementation between the indigenous traditional leadership and governance structures and the NCIP, DENR, government agencies, concerned LGUs and civil society organizations is a recognition of the conflicts that arise from the establishment of various land occupancy, classification and governance and the need to iron out these conflicts.

#### Address conflict in jurisdiction

Laws, rules and regulations in the issuance of tenure instruments in protected areas need to be revisited and amended to clarify the extent of the mandates of different government agencies as well as to provide remedial measures.

### ANCESTRAL DOMAIN

1

#### No time limit on the identification of ancestral domain

Existing rules have not put a deadline on the identification of ancestral lands. As such, this has become a disincentive to potential entrepreneurs on long-term tree plantations and has also been a source of uncertainties for tenure holders. PA management plans are also difficult to institutionalize because of the never-ending threat of ancestral domain coverage.

#### Set a time limit in the identification of ancestral domain

Although there is no time limit provided by IPRA, there should already be a cap to the proclamation of ancestral domain / ancestral land and put an end to the titling of the same.

Given the many impacts of IPRA on agricultural, forest or timber, national parks and mineral lands, it is suggested that a congressional inquiry be conducted to determine whether the avowed objectives of IPRA as well as CA 141, RA 6657, PD 705 and various laws on lands and natural resources are adequately addressed. If necessary, RA 8371 should be amended.

2

#### Private land titles in ancestral domain lands

The policies on existing private land titles in ancestral domain lands are unclear. Although the laws provide that the issuance of CADTs/CALTs is subject to private rights, the common practice is to issue the instrument for the entire area, thus creating overlaps of tenure instruments.

#### Recognize vested rights

There is a need to seek a clarificatory opinion from the Department of Justice and the Supreme Court on the concept of vested rights inside ancestral domain lands.

If this provision of IPRA is strictly followed, there would be a tremendous reduction in the areas of conflict. What would be left then would be those that do not belong to the category of vested rights.

3

#### Survey and issuance of title both by NCIP

There is no check and balance as NCIP conducts its own survey. LMB is also not included in the survey team. Surveys by NCIP are not referred to LMB / DENR regional offices. However, Section 52 of IPRA provides that in all proceedings for the identification or delineation of ancestral domains, the Director of Lands shall represent the interest of the Republic of the Philippines.

#### Involvement of other national government agencies (NGAs) in the delineation of ancestral domain / ancestral land

To provide a check and balance in the survey of ancestral domain or ancestral lands, DENR, DAR and LRA should be represented. This also provides opportunity to census occupants and tenures or titles within the area being surveyed.

### CROSS-CUTTING ISSUES

1

#### Various land tenure regimes

The Philippine tenure regime is based on a series of sector laws (more than 60) and policies, and a multiplicity of land tenure instruments, which are not consistent and leave space for contradictions and overlapping. The convergence initiatives among the NGAs were not able to process or manage conflicts and overlaps. This lack of clear decision leads to the absence of land governance.

#### Possibility of unified tenure system in forest lands

As several tenure instruments are issued for forest or timber lands, a unified tenure system for the sector could be worth looking into. GIZ earlier supported a study entitled "Improving governance of tenure: Enhancing guidance for the issuance of a unified tenure system." It denominated the unified tenure instrument as LERMA.

As proposed, LERMA, as the unified tenure instrument, would be flexible but can be extended to up to 25 years and is renewable for another period that is extendable up to another 25 years (renewal is different from extension). LERMA can be transferable to a qualified party (including heirs) based on justifiable loss of interest, death or incapacitation, but only for the remaining period of the contract.

2

#### JAO 1, Series of 2012 (Clarifying, Restating and Interfacing the Respective Jurisdictions, Policies and Programs and Projects of the DAR, DENR, LRA and the NCIP in order to Address Jurisdiction and Operational Issues among the Agencies) was unsuccessful with NCIP's withdrawal

While IPRA was promulgated to empower the IPs, the over-protection of the wordings of the law in favor of the IPs is causing serious problems in land governance and management in the field. JAO 1 was supposed to harmonize activities of land-related agencies and agree on a mechanism to resolve conflicts. Unfortunately, there is little success to show. On August 8, 2019, the NCIP unilaterally withdrew from the JAO alleging non-compliance by the other agencies to its provisions.

#### Revive mechanism under JAO 1 but this time issue an EO with the representation from the Office of the President (OP)

The study urges the OP to issue an EO reviving JAO 1, with the OP having an oversight function over the body. DENR, DAR, NCIP and LRA came up with JAO 1 in 2012 to harmonize policies and avoid conflict in land administration and management between and among the agencies. As stated, NCIP unilaterally withdrew from JAO 1, alleging non-compliance by the other agencies with the provisions of the joint administrative order.



## ISSUES AND CONCERNS



## RECOMMENDATIONS

### CROSS-CUTTING ISSUES

3

#### Boundary conflicts between/among barangays, municipalities, provinces

During the discussions with various stakeholders, the issue on boundary conflicts between barangays, between municipalities and even between provinces surfaced. This is a contentious issue because it affects land area and population, which are among the criteria in the computation of Internal Revenue Allocation (IRA).

#### Establish clear institutional mandate and guidelines

Boundary conflicts are difficult to resolve because land area and population are criteria in the IRA and resolution of the conflicts will affect the IRA of an LGU.

One proposal is not to award those with conflicts the Seal of Good Governance until they resolve their boundary conflicts.

The study also recommends that it should be Congress that will resolve provincial boundary conflicts; the province for city / municipality boundary conflicts; and, the city / municipality for barangay boundary conflicts.

## VII. RECENT DEVELOPMENTS AND INITIATIVES TO IMPROVE LAND GOVERNANCE IN THE PHILIPPINES

Admittedly, the country's legislative policy reforms in the land sector have been few and far in between, having been decades since major land-related legislations have been passed. The Philippine Congress, consisting of the two chambers of the Senate and the House of Representatives, has laid down only piecemeal statutes. Two major land laws are currently being implemented. CA 141 or the "Public Land Act as Amended," which was passed in 1936, still remains as the main law for the disposition of public lands while Presidential Decree 1529 (Amending and Codifying the Laws Relative to Registration of Property and for other Purposes) has been the definitive law on land registration and subsequent transfers since 1978.

While land governance and management in the Philippines clearly remain far from perfect mainly due to the old laws or policies and the fragmented government institutions, an in-depth analysis of the state of the land sector would show that there is much room for improvement and that opportunities are boundless.

### A. ENCOMPASSING REFORMS

#### 1. Land Sector Development Framework

A major measure undertaken to make encompassing reforms to all lands of the public domain is the crafting in 2007 of the LSDF, which is a document providing the vision for the land sector until 2030 and which was developed using the stakeholder participatory approach.

The LSDF seeks to:

- Provide tenure security by accelerating formal recognition of all rights and providing effective and efficient land administration and management (LAM) services;
- Provide effective management of public- or government-owned land for the benefit of present and future Filipinos and promote optimal use and sustainable management of land and natural resources;
- Establish an effective and transparent property valuation and taxation system to stimulate the real property market and maximize property revenue, and;
- Develop an integrated land information system harnessing modern information and communications technology in support of LAM functions and e-government services.

There is a need to update the LSDF, which requires government financial support, to align it with the policies and agenda of the State.



Stakeholders in the land sector continue to discuss ways to institute needed reforms for the improvement of land administration and management system in the Philippines.

In addition to the updating, the LSDF should be institutionalized as the official roadmap for the land sector. The LSDF was designed to be an outline of ways forward but it was never intended to replace a proper long-term development plan. If resources will permit, a long-term development plan detailing the future of the land sector is still necessary.

#### 2. National Land Use Act

Another key initiative pushed to reform the land sector is the NaLUA, which has been pending in Congress for 25 years now. It was filed in 1994 during the Ramos administration, and many proposals have since been made to rename the reform measure to the National Land Use and Management Act (NaLUMA) and to the National Land Use Policy Act (NaLUPA).

Such legislative measure integrates and harmonizes conflicting laws, policies, principles and guidelines on land use and physical planning.

As of 2019, about two dozens bills had been filed before the Senate and the House of Representatives related to a law on national land use.

The fact that NaLUA is a mix of policy provisions directed to be operational at both the national and local level makes it more difficult to pass the bill. In 2019, President Duterte agreed to issue an executive order while NaLUA is still pending in Congress.

## B. AGRICULTURAL LAND-SPECIFIC REFORMS

### 1. New legislations

In the last 10 years, a few notable legislations with a national scope have been approved to reform and update existing policies in land administration and management.

#### a. Agricultural Free Patent Reform Act (RA 11231)

RA 11231, signed on February 22, 2019, removes the decades-old restrictions on the full utilization and enjoyment of free patents, which are issued only to agricultural lands of the public domain. Free patents issued to qualified beneficiaries suffer from five-year bans on sale or mortgage to non-government financial institutions. Furthermore, corporations and partnerships cannot acquire lands that have been distributed as free patents, making it impossible for financial institutions to consolidate properties for non-payment of mortgages. The removal of these restrictions is expected to unleash trillions of pesos when these lands are put into their highest and best use.

#### b. Residential Free Patent Act (RA 10023)

RA 10023 was signed on March 9, 2010. Prior to the issuance of this law, the free patent mode of adjudicating land to beneficiaries was only available for agricultural lands. Occupants and possessors of residential lands can only avail themselves of their land titles through the tedious and costly judicial process or through sales wherein those that are applying for a title need to bid for them to be able to buy their land from the government.

As a result of the issuance of this law, titling of residential lots jumped from an average of about 3,000 titles per year to about 60,000 per year.

#### c. Strengthening the Comprehensive Agrarian Reform Program (RA 9700)

This law, signed on August 7, 2009, extends the budget of the CARP, more particularly the land acquisition and distribution aspect for five years.

### 2. Administrative initiatives

On the administrative front, national government agencies have also initiated or adopted policies to improve land administration and management in the country.

#### a. Issuance of free patent to residential lands

With the approval of RA 10023, DENR issued several policies for its implementation. These resulted in providing streamlined and cost efficient processes and procedures to allow beneficiaries to finally have titles over their residential lands.

#### b. Issuance of special patent

RA 10023 also provided a streamlined process for the titling of school sites. This was envisioned to provide tenure security for about 43,000 public school sites. In cooperation with the Department of Education, DENR has issued its policy on the rules and regulations to be followed in the issuance of special patents.

#### c. Partnerships with LGUs

The DENR, in its implementation of the provisions of RA 10023, also provided for the issuance of special patents for other lands being utilized by the government. The agency issued various administrative orders to strengthen partnerships with LGUs.

#### d. Establishment of the Center for Land Administration and Management-Philippines (CLAMP)

DAO 2010-5 was issued establishing CLAMP at the LMB. It was envisioned to provide the materials, venue and the technical know-how for land practitioners, service providers and other stakeholders to capacitate them with all matters related to land management and administration.

#### e. Land Administration and Management System (LAMS)

The adoption of LAMS has provided the seeds for the complete digitization of records, processes and transactions that is envisioned to eventually become the norm in land-related transactions.

#### f. Claims and conflicts

Due to the highly technical and legal nature of land administration and management, especially of land adjudication, claims and conflicts between and among claimants and beneficiaries are often the bottleneck in the entire process. To simplify the process of determining who has a better right over a particular land claim, the administrative process of resolution of cases was established, allowing conflicting parties to resolve their grievances without the need of going to the adversarial court process. The use of mediation and alternative dispute resolution methods was also institutionalized to provide a more amicable system of resolving conflicts while minimizing costs and time.

#### g. Unmanned aerial vehicle system or drones

The use of UAV or drones is gaining ground in the land sector. With the introduction of guidelines for the use of drones, government and private practitioners are now beginning to adopt this technology not only for reconnaissance but also for the actual identification of metes and bounds. This is expected to revolutionize the way of conducting land surveys.

#### h. Land Titling Computerization Program (LTCP)

LRA's LTCP has been running since 2007 and was able to convert 25 million land titles and 15 million pages of supporting documents into digital format while interconnecting 159 Registries of Deeds and 21 satellite offices. The LTCP provides an efficient and real-time recording of land-related transactions.

### 3. Legislative policy proposals

Research for land administration and management legislative proposals is quite short. This is because legislative proposals of this nature are very few owing to the highly technical and legal nature of the land sector. Legislators often shy away from dealing with land-related subjects because of the intricacies of the topic.

#### a. Public Land Titling Improvement Act

An Act Improving Confirmation of Imperfect Titles Under Section 14 of PD 1529, Improving the Processing of Agricultural Free Patents Under Section 44 of CA 141, and Removing the Period for Filing Applications Thereat Under RA 9176.

This proposal envisions the harmonization of two similar provisions of different laws and aims to remove the deadline for the issuance of agricultural free patent, which is currently set on December 31, 2020.

#### b. Land Administration Reform Act

An Act Instituting Reforms in Land Administration, Creating, for the Purpose, the Land Administration Authority and Appropriating Funds Therefor.

Also known as the LARA bill, which has been pending in Congress for over 15 years, it aims to integrate the different land-related agencies into a single agency that will help deliver land-related services and will lead the land administration and management sector into much needed reforms.

#### c. Real Property Valuation and Assessment Reform Act

An Act Instituting Reforms in Real Property Valuation and Assessment in the Philippines, Reorganizing the Bureau of Local Government Finance and Appropriating Funds Therefor. This bill passed the House of Representatives in November 2019 but has yet to be heard in the Senate.

The bill, also known as Package 3 of the Comprehensive Tax Reform Program (CTRP) of the Duterte administration, proposes the adoption of internationally accepted real property valuation standards, the use of single valuation for land transactions taxation, the use of schedule of market values (SMVs) for right-of-way (ROW) acquisition, and the strengthening of the valuation arm of the Department of Finance-attached Bureau of Local Government Finance.

#### 4. Administrative policy proposals

##### a. National land-titling program

Under the present administration, there is no massive national land-titling program. Since the turn of the 20th century, the government had always included land-titling as one of its banner programs to increase land tenure security for poverty alleviation and social justice.

The banner titling programs of the government address issues such as resources and funding, and inter-agency coordination among land agencies, particularly on land information, land surveying, and land titling and registration.

##### b. Access to land-related data

While different agencies have been pouring money, time and effort in the computerization of public documents, there remains

the need to integrate these data. Even if full integration is not feasible or possible, data sharing should at least be made easy. Much data are currently being kept within the different systems of the different agencies.

## C. FOREST LAND-SPECIFIC REFORMS

### 1. Sustainable Forest Management Act

The SFMA has been pending in Congress for the past 30 years. Among others, it adopts the sustainable forest management strategy as the overarching policy framework, categorizes all forest lands into protection and production forest lands for purposes of management and planning, introduces the Forest Management Agreement, and provides incentives for those engaged in forest investment and management.

### 2. Promotion and liberalization of tree plantations

As stated, the aim of this proposal is to accelerate the establishment of tree plantations in forest lands to meet the wood requirements of the country by simplifying the requirements in the planting, harvest and transport of planted trees and tree derivatives. The proposal also seeks to improve security of tenure in the forest lands.

It is apparent in the above-mentioned initiatives that policy reforms and changes in the bureaucratic process must come hand-in-hand to have an overall impact in reforming the land administration and management system of the country. In an ideal situation, the codification of all land-related laws is essential to reform the sector. However, the current political and bureaucratic setup proves to be non-conducive to the massive updating of policies and processes. What is immediately needed is for a strong political leader with enough will and technical understanding to be able to push forward the necessary reforms, whether through legislative or administrative means.

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