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LAND TITLING IN THE PHILIPPINES: ADDRESSING CHALLENGES THROUGH A
REFORM-ORIENTED FRAMEWORK

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Abstract

This Paper presents the system of original land titling in the Philippines, the status of land titling, the various agencies that are involved and the respective laws, rules and regulations pertaining to their mandates, the inter-connection between these agencies, the impacts and effects of such system to the country’s land management and delivery of services to the people, and the issues, adverse effects, and challenges confronting government agencies, policy-makers, stakeholders, managers, and the public as a whole. It also presents the initiatives of the Philippine government, particularly the Department of Environment and Natural Resources (DENR,) to address these issues and challenges through the implementation of reforms in the field of land administration and management. There is also a discussion on the reform-oriented framework that is currently undertaken by the DENR, what has so far been accomplished, the factors that affected their slow implementation, as well as the proposed reforms that are yet to be undertaken and strategies in sustaining their implementation.

In a capsule, the Paper tackles and showcases the Philippine government’s efforts in its journey towards the completion of original titling of public agricultural lands through the implementation of a reform-oriented framework and how the challenges are dealt with.

Key Words  - land administration; land titling; land titling challenges; land governance; reform-oriented framework
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INTRODUCTION

Acquiring title over a piece of land gives much dignity to a person. “People who own property feel a sense of ownership in their future and their society. They study, save, work, strive and vote. And people trapped in a culture of tenancy do not. “1

"Land is the only thing in the world that amounts to anything, for it's the only thing in this world that lasts. It's the only thing worth working for, worth fighting for..."2

Undeniably, securing a certificate of title over one’s land is beneficial since it formalizes or legalizes the tenure of beneficiaries over the lands they till and/ or occupy and thus secure their property rights. Secure property rights mean opening the doors for title holders to credit facilities of banks and other financial institutions using their land titles as collateral for loans. It also ensures that title holders shall be more conscious in their obligations to pay their land taxes thus this results to increased collection of government revenue thru formalized transaction involving land transfers and registration. With a formal land market, entrepreneurial activity in the country will be spurred as it is expected to facilitate the buying and selling of lands.

The Philippines is an archipelago of approximately 7,100 islands, located in Southeast Asia. It is surrounded in the north by Japan, Hongkong, Taiwan and South Korea; in the south by Singapore, Malaysia and Indonesia; and in the west by Thailand. To the east is the vast expanse of the Pacific Ocean, which earned for the country the title, "gateway of the west to Asia". The total land area of the country is approximately 300,000 square kilometers, about the size of Italy or the state of Arizona in the United States. The country has a tropical climate and two seasons: rainy, from the months of June to November, and dry, between the months of December and May. It is rich in natural resources such as vast arable lands, fishing

1 Henry Louis Gates
Read more at: http://www.brainyquote.com/quotes/quotes/h/henrylouis465257.html?src=t

2 Margaret Mitchell, Author, Gone With The Wind
grounds, forests and extensive mineral reserves. From north to south, it is divided into the three (3) major island groupings of Luzon, Visayas and Mindanao and for administrative purposes, into sixteen (16) Regions: seven (7) in Luzon, four (4) in the Visayas and six (6) in Mindanao.

The Philippines' location on the Pacific Ring of Fire and close to the equator makes the Philippines prone to earthquakes and typhoons, but also endows it with abundant natural resources and some of the world's greatest biodiversity. The Philippines has an area of 300,000 square kilometers (115,831 square miles) and a population of approximately 100.98 million as of August 2015. It is the eighth-most populated country in Asia and the 12th most populated country in the world.

This Paper will present the system of original land titling in the Philippines, the impacts and effects of such system to the country’s land management and delivery of services to the people, and the challenges confronting government agencies, policy-makers, stakeholders, managers, and the public as a whole. It also presents the initiatives of the Philippine government, particularly the Department of Environment and Natural Resources (DENR) to address these issues and challenges through the implementation of reforms in the field of land administration and management. There is also a discussion on the reform-oriented framework that is currently undertaken by the DENR as well as the proposed reforms that are yet to be undertaken.

In a capsule, the Paper tackles and showcases the Philippine government’s efforts in its journey towards the completion of original titling of public agricultural lands through the implementation of a reform-oriented framework.

**BACKGROUND**

As of 2015, of the Philippines’ total land area of twenty nine million seven hundred four thousand and two hundred thirty (29,704,230) hectares, about 14.19 million hectares or 47.79% are classified as agricultural or alienable and disposable (A and D) lands and about 52.21% or 15.509 million hectares are classified as forest lands.
Under the 1987 Philippine Constitution, only those classified as agricultural lands are capable of being issued with land titles while forest lands can be covered by other tenure instruments such as management agreements, permits, and other modalities for their utilization and development. Article XII, Section 2, 1987 Philippine Constitution states:

“All lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces 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 other natural resources shall not be alienated. 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. In cases of water rights for irrigation, water supply, fisheries, or industrial uses other than the development of water power, beneficial use may be the measure and limit of the grant.” (underscoring supplied)
However, under Republic Act No. 8371, or the Indigenous People’s Rights Act (IPRA) of 1992, forest lands can now be titled as ancestral lands or domains of Indigenous Peoples/ Indigenous Cultural Communities (ICCs/IPs). CHAPTER III - Rights to Ancestral Domains, states as follows:

“SECTION 4. Concept of Ancestral Lands/Domains. — Ancestral lands/domains shall include such concepts of territories which cover not only the physical environment but the total environment including the spiritual and cultural bonds to the areas which the ICCs/IPs possess, occupy and use and to which they have claims of ownership.

SECTION 5. Indigenous Concept of Ownership. — Indigenous concept of ownership sustains the view that ancestral domains and all resources found therein shall serve as the material bases of their cultural integrity. The indigenous concept of ownership generally holds that ancestral domains are the ICC’s/IP’s private but community property which belongs to all generations and therefore cannot be sold, disposed or destroyed. It likewise covers sustainable traditional resource rights.

SECTION 6. Composition of Ancestral Lands/Domains. — Ancestral lands and domains shall consist of all areas generally belonging to ICCs/IPs as referred under Sec. 3, items (a) and (b) of this Act.”

Corollarily, the Rules and Regulations Implementing Republic Act No. 8371, otherwise known as “The Indigenous Peoples’ Rights Act of 1997”, issued through National Commission on Indigenous Peoples Administrative Order No. 1 Series of 1998, provides:

“Section 3. Indigenous Concept of Ownership. Ancestral domains/lands and all resources found therein form the material bases of the ICCs/IPs’ cultural integrity. The indigenous concept of ownership therefor, generally holds that ancestral domains are the ICCs’/IPs’ private but communal property which belongs to all generations and shall not be sold, disposed nor destroyed. The present generation who are today’s occupants have the intergenerational responsibility of conserving the land and natural resources for future generations of ICCs/IPs to enjoy.

Section 4. Recognition of Ancestral Domain and Land Rights. The rights of the ICCs/IPs to their ancestral domains and lands by virtue of native title shall be recognized
and respected. Native title to ancestral domains and lands may be formally recognized or established through the issuance of corresponding Certificate of Ancestral Domain Title (CADT) or Certificate of Ancestral Land Title (CALT) as provided in the Act. All areas within ancestral domains, whether delineated or not, are presumed to be communally owned and, pursuant to the indigenous concept of ownership, could not be sold, disposed nor destroyed.”

In a span of more than a hundred years of land disposition and titling, only about 80% of the 14.19 million hectares of agricultural lands, or 11,382,110 hectares, are covered with land titles; while about 4% or 538,995 hectares remain untitled. The remaining 16% are areas that were not intended for titling, such as those utilized for road networks, open spaces, and other public uses or purposes.

Figure 2 – Status of Land Titling:

PHILIPPINES’ LAND TITLING SYSTEM

The system of land title registration in the Philippines is the Torrens Title which renders indefeasible proof of ownership to those who are included in the register. Land ownership is transferred through registration of title instead of using deeds. Its main purpose is to simplify land transactions and to certify to the ownership of an absolute title to realty.³

Sir Robert Torrens originated the system of land registration known today worldwide as the Torrens system of land registration. As the Commissioner of Customs in South Australia, Torrens was inspired by the comparative facility with which ships or undivided shares therein were negotiated and transferred in accordance with the Merchant Shipping Acts. Becoming a register of deeds, he advised a scheme of registration of title that improved the old system of registration of deeds. He adopted a procedure under the Merchant Shipping Acts with appropriate modifications. When he became a member of the First Colonial Ministry of the Province of South Australia, he introduced in the parliament a bill providing for the adoption of his scheme of land registration. The measure was passed and came to be known as the "Torrens System".4

On November 6, 1902, the Philippine Commission enacted Act 496, known as Land Registration Law. This provided for the creation of the Court of Land Registration (CLR), the office of the Registers of Deeds and of the institution in this country of the Torrens System of registration whereby real estate ownership may be judicially confirmed and recorded in the archives of the government.5

Presidential Decree No. 1529 known as the Property Registration Decree was issued on June 11, 1978. It amended and codified the laws relative to registration of property in order to facilitate the effective implementation of said laws. It was also intended strengthen and simplify registration proceedings and the issuance of certificates of title. It covers original registration of title (ordinary registration proceedings and cadastral registration proceedings), the registration of voluntary and involuntary dealings with registered land reconstitution of lost or destroyed originals of Torrens title. Section 103 of the Decree require that issued patents over public lands under the Public Land Act (Commonwealth Act No. 141) shall be registered with the Register of Deeds of the province or city to which the land is located.

The issuance of original land titles over agricultural or alienable and disposable lands is done in two (2) modes, judicial and administrative.

The judicial mode of titling is done through filing a petition for land registration in the Courts based on the Property Registration Act or Presidential Decree No. 1529 or Commonwealth Act No. 141

4 https://en.wikipedia.org/wiki/Land_Registration_Authority_(Philippines)
5http://lra.gov.ph/about/history/
(The Public Land Act) and once the petitioner has satisfied the legal requirements for a title to be issued, the court issues a decree directing the Register of Deeds (ROD) to issue a land title. Section 2 of the Presidential Decree No. 1529 provides:

**“Section 2. Nature of registration proceedings; jurisdiction of courts.** Judicial proceedings for the registration of lands throughout the Philippines shall be in rem and shall be based on the generally accepted principles underlying the Torrens system. Courts of First Instance shall have exclusive jurisdiction over all applications for original registration of title to lands, including improvements and interests therein, and over all petitions filed after original registration of title, with power to hear and determine all questions arising upon such applications or petitions. The court through its clerk of court shall furnish the Land Registration Commission with two certified copies of all pleadings, exhibits, orders, and decisions filed or issued in applications or petitions for land registration, with the exception of stenographic notes, within five days from the filing or issuance thereof.”

**Section 48.** The following-described citizens of the Philippines, occupying lands of the public domain or claiming to own any such lands or an interest therein, but whose titles have not been perfected or completed, may apply to the Court of First Instance of the province where the land is located for confirmation of their claims and the issuance of a certificate of title therefor, under the Land Registration Act.

**Section 51.** Applications for registration under this chapter shall be heard in the Court of First Instance in the same manner and shall be subject to the same procedure as established in the Land Registration Act for other applications, xxx

On the other hand, titling through administrative mode is done by multiple administrative agencies, each having their respective mandates provided under the laws with corresponding rules and regulations. The Department of Environment and Natural Resources (DENR) issues land Patents through various modes of disposition pursuant to Commonwealth Act No. 141 or The Public Land Act of 1936. Specifically, Section 11 states: “Public lands suitable for agricultural purposes can be disposed of only as follows, and not otherwise: (1) For homestead settlement; (2) By sale; (3) By lease; (4) By confirmation of imperfect or incomplete titles:(a) By judicial legalization and (b) By administrative legalization (free patent).”
The Department of Agrarian Reform (DAR) issues Certificates of Land Ownership Awards (CLOAs) under the Comprehensive Agrarian Reform Law or Republic Act No. 9700 (“An Act Strengthening the Comprehensive Agrarian Reform Program (CARP), Extending the Acquisition and Distribution of All Agricultural Lands, Instituting Necessary Reforms, Amending for the Purpose Certain Provisions of Republic Act No. 6657, Otherwise Known as the Comprehensive Agrarian Reform Law of 1988, As Amended, and Appropriating Funds Therefor”).

Lastly, the National Commission on Indigenous Peoples (NCIP) issues Certificates of Ancestral Land Titles (CALTs) and Certificates of Ancestral Domain Titles (CADTs) over ancestral domains and lands based on the concept of “native title” pursuant to the IPRA or Republic Act No. 8371.

All of these approved Patents and Certificates generated by these agencies are transmitted to the Land Registration Authority (LRA), another administrative agency which is separate from the issuing agencies, and its Registries of Deeds (RODs) for registration and issuance of an Original Certificate of Title (OCT) pursuant to its mandate to issue decrees of registration and certificates of titles and register documents, patents and other land transactions for the benefit of landowners, agrarian reform-beneficiaries and the registering public in general.6

Figure 3 – Workflow of issuance of land titles:

6 http://lra.gov.ph/about/mission/
Figure 4 - Table Showing the Overlapping of Functions Between and Among Land Administration Agencies:

<table>
<thead>
<tr>
<th>Mandates</th>
<th>DENR</th>
<th>LRA/ROD</th>
<th>DAR</th>
<th>NCIP</th>
<th>LGU/BIR</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Land Classification</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Survey and Mapping</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>3. Titling</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>4. Original and subsequent Registration</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>5. Property valuation/Appraisal</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>6. Subsequent survey</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The conduct of land surveys and approval thereof is likewise vested in various agencies. The DENR conducts surveys of public agricultural lands and approves all kinds of land surveys pursuant to its mandate under Executive Order No. 192, to wit: "Exercise exclusive jurisdiction on the management and disposition of all lands of the public domain and shall continue to be the sole agency responsible for classification, sub-classification, surveying and titling of lands in consultation with appropriate agencies."  

On the other hand, the NCIP also conducts the survey and delineation of ancestral lands and domains and their approval pursuant to the IPRA through the Ancestral Domains Office (ADO). The Ancestral Domains Office shall be responsible for the identification, delineation and recognition of ancestral lands/domains. Accordingly, it shall perform the following functions: a) Determine and define the boundaries of ancestral domains and ancestral lands in accordance with the procedure prescribed in these Rules and Regulations, provide cartographic services and upon the final and official delineation of the ancestral domain/land, endorse the same to the Commission for the issuance of the appropriate titles thereto; b) Conduct, upon the request of ICCs/IPs concerned, surveys of ancestral lands, verify and approve parcellary or subdivision surveys of the same.

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7 Section 5 (m) of Executive Order No. 192 dated June 10, 1987, “An Act 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”

Finally, the Land Registration Authority (LRA) also has the mandate of approval of simple subdivision surveys (consisting of not more than 10 lots) over private lands. Section 50 of Presidential Decree 1529 provides: “Subdivision and consolidation plans. Any owner subdividing a tract of registered land into lots which do not constitute a subdivision project has defined and provided for under P.D. No. 957, shall file with the Commissioner of Land Registration or with the Bureau of Lands a subdivision plan of such land on which all boundaries, streets, passageways and waterways, if any, shall be distinctly and accurately delineated. If a subdivision plan, be it simple or complex, duly approved by the Commissioner of Land Registration or the Bureau of Lands together with the approved technical descriptions and the corresponding owner’s duplicate certificate of title is presented for registration, the Register of Deeds shall, without requiring further court approval of said plan, register the same in accordance with the provisions of the Land Registration Act, xxxxx”.

All these agencies, DENR, DAR, NCIP, and LRA, are discharging their mandates under their respective laws, rules and regulations, thus resulting to several issues such as varying land titling processes and requirements and different surveying and mapping standards. The inevitable result is an inefficient and ineffective coordination among agencies, unintegrated land records, surveys and maps, conflicting land data or information, and worse, conduct of overlapping surveys and issuance of double titles.

Figure 5 – Table showing the various land records and maps generated by the agencies as a result of overlapping functions with one another:

<table>
<thead>
<tr>
<th>SERVICES</th>
<th>DENR</th>
<th>LRA/ROD</th>
<th>DAR</th>
<th>NCIP</th>
<th>LGU</th>
<th>BIR</th>
<th>RESULTING RECORDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Classification</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>LC maps</td>
</tr>
<tr>
<td>2. Survey and Mapping</td>
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<td></td>
<td></td>
<td>CAD maps, Projection maps,</td>
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<td></td>
<td></td>
<td>Survey plans</td>
</tr>
<tr>
<td>3. Original or first time</td>
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<td></td>
<td></td>
<td></td>
<td>Application folders, etc</td>
</tr>
<tr>
<td>titling</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Original Registration of</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>OCTs, Tax Declarations</td>
</tr>
<tr>
<td>titles</td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>5. Approval of subsequent</td>
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<td></td>
<td></td>
<td>Survey plans</td>
</tr>
<tr>
<td>survey</td>
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<tr>
<td>6. Land transfers and</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td>TCTs, plans, tax payments</td>
</tr>
<tr>
<td>Subsequent Registration</td>
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</tbody>
</table>
With these multiplicities, the land titling system have been plagued with imperfections, inefficiencies and ineffective land services to the people resulting to the clients’ loss of confidence in the land sector, making them turn to the informal land market. According to De Soto, H. (2000), informal land markets result to lands turning into dead capital and negative impact on potential investments and economic growth.

**Figure 6 - Diagram Showing the Defects in Land Titling System Vis-à-vis Adverse Effects:**

**IMPLEMENTATION OF REFORMS**

With this fragmented land titling system, the Government recognizes the need to implement reforms throughout the years. The initiatives on adopting land administration and management (LAM) reforms started way back in 2001 with the implementation of the Land Administration and Management Program (LAMP) by the DENR. The Program aims to reform the land administration system in the country so that it contributes to the country’s socio-economic development goals. It is a 15-20-year program aimed at reducing poverty and enhancing economic growth by improving the security of land tenure and equitable property valuation.

On the initiatives to improve the land titling system and processes, the following innovations were undertaken:
1. The adoption of the **Systematic Adjudication Approach in land titling** through DENR Administrative Order No. 2007-09 dated June 18, 2007 entitled “Prescribing the Systematic Adjudication Process to Simplify, Streamline and Fast Track the Disposition of Public Alienable and Disposable Lands Through Free and Homestead Patents”

Systematic adjudication is a government-initiated process of adjudicating land rights on a whole of municipality basis, progressing barangay by barangay and aiming to register all untitled lands in the locality. Activities are undertaken by a Systematic Adjudication Team which works within the community from an office known as the field base camp. This Team is composed of DENR and local government personnel and undertakes the collection of evidence from applicants, cultivators, neighbors and barangay officials in order to determine the validity of a claim for the issue of a patent. This system strengthens the partnership between the DENR and the local officials and thus facilitates and accelerates the land titling process. It is worthy to note that this titling approach had been piloted in three (3) municipalities and the number of Patents generated in these municipalities had more than tripled as compared to their outputs or accomplishments prior to its adoption. Mainstreaming this approach to other Regions and their counterpart municipalities had been completed nationwide and eventually this new approach will be widely used with the objective of speeding up the process of issuance of land Patents and increasing the number of Patents issued to beneficiaries.

2. **The implementation of the Land Administration and Management System (LAMS)** through DENR Administrative Order No. 2010-18 dated June 23, 2010 entitled “Improving Management of Land Information Through the Adoption of the Land Administration and Management System (LAMS)”

This is a computerized information system for the data capture, storage, analysis and information generation in the management of land records. This system will provide immediate, consistent, reliable and secure analysis and reporting tools to aide all land-related decisions. This system will computerize the land records management and will progress into a digitized records storage in contrast to the manual system that DENR had been doing. At present, LAMS Philippines is already installed in all the DENR Regional Offices and in the next two (2) years, the data capture of all public land and survey records that are under the custody of the DENR shall be completed. This system has reduced the process of verification and approval of land surveys from three (3) months, which is the duration under the manual system, to a mere one to two (1-2) weeks or even five (5) days only. The system can also automate real
time tracking and lot status verification on the processing of public land applications (PLAs) that lead to issuance of land patents/titles by DENR.

3. In addressing the legal and institutional defects of the LAM system, the legislative proposal entitled “The Land Administration Reform Act (LARA)” is being pursued. This Bill proposes the merging of the land administration agencies into a single agency, to be called Land Administration Authority (LAA) as the first step in achieving land administration reform. Under this new set-up, all the land titling and registration agencies will be merged into the LAA which will then carry out the reform process and administer the system. Through the merging of these agencies, the problem of duplication of functions and land records generated as well as double titling and overlapping land surveys will be addressed.

4. Another initiative is the completion of the cadastral survey of the entire country last 2015. Cadastral Survey involves the systematic survey of the whole municipality (or an extensive portion) for the purpose of identifying and delineating the individual claims of all land owners and claimants which will serve as basis for the issuance of titles or patents. It also includes the delineation of the boundaries of various political units (barangay, municipality, and province) as well as the boundaries between the forested area and the alienable and disposable land. The Philippines has a total of 1,634 cities/municipalities that were completely surveyed on June 2015.

5. In 2010, Republic Act No. 10023, or the Residential Free Patent Law, was enacted by the Philippine Congress. This law provides grants of lands actually used as residential subject to certain conditions and requirements. Prior to this law, residential areas are sold by the Government.

All these present initiatives are pursuant to a vision for the improvement of land governance in the Philippines. Specifically, these reforms on the land titling system are anchored on the 20-year vision for achieving a world-class efficient land administration and management system geared towards sustainable and equitable economic growth of the Filipino people. The Land Sector Development Framework (LSDF) is an over-arching policy environment conceived for the long-term development plan to set a clear vision and the core underpinning principles in which policies and respective strategies are to be guided. One of the mission statements of the framework is “provide tenure security by accelerating formal recognition of all rights and providing effective and efficient services”. The other three (3) mission statements are: “provide effective management of public and 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 ICT in support of LAM functions and e-Government services.”

The details of the Land Sector Development Framework is shown in Figure 7:

The Government also recognized that with the fragmented land titling system, and absent a law that addresses this fragmentism, there is a need to come up policies and strategies to strengthen the coordination and linkaging between and among land titling agencies. Thus, the most notable policy reform on the matter is the adoption of Joint DAR-DENR-NCIP-LRA Administrative Order (JAO) No. 1 Series of 2012 entitled “Clarifying, Restating and Interfacing the Respective Jurisdictions, Policies, Programs and Projects of the DAR, DENR, NCIP AND LRA in order to Address Jurisdictional and Operational Issues Between and Among the Agencies” and its implementing rules per Joint DAR-DENR-NCIP-LRA Memorandum Circular (JMC) No. 08 series of 2012.

In summary, the JAO restated the respective mandates and jurisdiction of these agencies and their inter-relation and inter-connection with each other, enumerated the contentious issues/ areas between and among these agencies, and provides for the mechanism/ procedures on how to resolve these issues in the
best way possible (win-win solution) at the National and local levels, and adopts new procedures to prevent or avoid the occurrence of future double titles and overlapping surveys. Specifically, the NCIP, before it approves the survey plans of the ancestral land or ancestral domain, is required to submit said survey plans to the other three (3) agencies for projection and segregation or exclusion of previously-titled properties therein from the coverage of the survey plan.

Likewise, data-sharing among the agencies is mandated by specifically providing that win-win solutions in resolving issues between and among the agencies may include the unimpeded flow and exchange of documents, data, survey plans, maps and other information materials among the concerned agencies as well as the development and maintenance of land information system between and among them.\(^9\)

The most recent reform initiative is the adoption and implementation of a **one-control map** that will provide a single digital map projection among all land titling agencies to incorporate all existing survey plans in one projection or base map for easy access, sharing and data management.

**ADDRESSING CHALLENGES**

The implementation of the reforms indeed had come a long way from the time the LAMP study had concluded. Despite this, the Philippines is continually faced with the challenges on how to improve the systems and sustain their implementation. Among the major challenges are:

1. Access to a complete, updated and accurate spatially referenced land information

   The Land Administration and Management System (LAMS) Philippines, which is an information system designed to provide effective management of land records and efficient delivery of land transactions and information services to the public. This innovation is in line with the thematic area of Land Information Management in the LSDF the goal of which is to provide an Integrated National Land Information System. The idea is to scan and encode all land information and records that are in the custody and safekeeping of DENR such as Cadastral Maps, Projection Maps, Land Classification Maps, Political Boundary Maps, Thematic Maps, Lot Data Computation (LDCs), Isolated Survey Plans, ISDF the goal of which is to provide an Integrated National Land Information System. The idea is to scan and encode all land information and records that are in the custody and safekeeping of DENR such as Cadastral Maps, Projection Maps, Land Classification Maps, Political Boundary Maps, Thematic Maps, Lot Data Computation (LDCs), Isolated Survey Plans.

\(^9\) *Section 19 of Joint DENR-DAR-NCIP-LRA Administrative Order No. 2012-01*
Survey Documents, Public Land Applications (PLA) Documents, among others and ultimately create the Digital Cadastral Database (DCDB) of the whole country.

With the computerized system of land records storage and retrieval under LAMS, other national agencies, local government units as well as private individuals are expected to have a complete and easy access to DENR cadastral maps and other survey information improving overall management of land titling activities. Other changes on land records management will follow, such as online land transactions in filing of titling applications, survey, land status inquiries, and other public client services. Through this information system, management of land records information is improved by promoting transparency, accountability and integrity including access to integrated land information for better analysis, planning and decision making (spatially enabled management).

This initiative is such a momentous undertaking which would take years in its full implementation and operationalization in DENR. The challenge rests on the scheme and mechanics on how to complete the DCDB by linking land information of other agencies such as LRA and NCIP and how fast can this be done given all the constraints. The ultimate linking and sharing of DCDB to the LGUs and other national government agencies is also a challenge for the implementers.

2. Need for clear and strong legal and institutional framework between and among land titling agencies

The overhaul of the present institutional framework is a must due to overlapping of functions specifically on land survey and titling. Enhancing and strengthening of the coordination and linkage between and among these agencies may be done either through pursuing the necessary legislative agenda on the merging of their functions, or through executive action by establishing an integrated land information and computerized services across all pre- and post-titling and registration processes.

While policies and guidelines were already in place towards linking and sharing of land information, these were not really seriously implemented at the local level. Moreover, legislative action cannot be pushed by the executive agency alone. It will be the Legislature that will ultimately determine whether such a law merging all land titling and management functions into one land agency is feasible. For years, the legislative proposal, which aims to create one single land titling agency, to be called the Land Administration Authority (LAA), had not taken off from the legislative body.
3. Completion of original land titling

The fact that land disposition is not yet completed after more than a hundred years is a living testament that the land titling process is very slow, cumbersome and problematic. The acceleration of land titling processes across all agencies must be vigorously pursued to complete the titling of all agricultural lands and thus ensure tenure security nationwide.

With the completion of the cadastral survey of 1,634 municipalities/cities nationwide, the individual claims of all land owners and claimants which will serve as basis for the issuance of titles or patents was more or less identified and delineated on the ground. DENR also has a partnership with the local government units to accelerate land titling. However, completion of land titling remains to be a great challenge considering the magnitude of the work to be done vis-a-vis the meager government regular financing poured in every year.

DENR is currently working on the National Land Titling Program (NLTP) which aims to complete the original titling of the remaining untitled lands nationwide through the vigorous adoption of the various strategies and initiatives mentioned such as Systematic Adjudication, massive and accelerated parcellary survey, one-control map, completion of the digital cadastral database through massive reconstruction of missing and/or destroyed survey records and data sharing between DENR, LRA, and local government units (LGUs), among others.

4. Need to address food security and disaster management issues

According to Mitchell, D. (2015), in the Report entitled “Land Tenure in Asia and the Pacific”, responding to the impacts of climate change is one of the key challenges for the Region in the Post-2015 Agenda. The Asia and the Pacific region is among the most vulnerable to the impacts of climate change, including an increase in the incidence and severity of natural disasters, glacial melt, sea-level rise, impact on food and water security, and drought. The regularity, severity and frequency of disasters has resulted in increased vulnerability and escalated tenure-related conflicts due to the post-disaster displacement and dislocation of residents that can severely impact on tenure security.
With the advent of climate change issues and extreme weather disturbances that are frequently occurring in the Philippines, there is now a need for integration of disaster-risk management aspect in land use planning and titling. While it can be said that land titling only concerns providing tenure to land occupants/claimants, it is now necessary to re-think the effects or impact of tenure security to the land use planning aspect. Will titling encourage settlement over danger zones or hazardous areas? Can there be alternative tenure instruments over areas that are subject for titling? Can land titling be harmonized with the promotion of safety and security in communities?

**WAY FORWARD**

The Philippine Government under the Duterte Administration is bent on sustaining the implementation of reforms by including it in its 0-10 Point Socio-economic Agenda. Agenda No. 6 states: “Ensure security of land tenure to encourage investments, and address bottlenecks in land management and titling agencies.” The recognition by the government that there are indeed bottlenecks and that these should be addressed across all land agencies is a very important development that should energize and mobilize all stakeholders on promoting good land governance in the country.

Thus, the following shall be pursued:

1. Work on the integrated access to land information and land administration and management services through data standardization and harmonization with strong Information Technology (IT) support

2. Adoption of a more aggressive advocacy at the legislative, institutional and public level in pursuing reforms for a deeper and more active engagement of all land management stakeholders (holding of fora, conventions and other public symposia)

3. Active participation of local government units in land survey and titling through Systematic Adjudication should be promoted towards improved revenue generation and local land use and development planning
4. Adoption and operationalization of the Item 6 of the 0-10-Point Socio-economic Agenda of the Duterte Administration at the level of the National Agencies and local government units particularly on the systems and procedures of land management and titling

5. Updating of various researches and studies on land administration and management to be at par with current international trends and practices

5. Engagement of support from the various stakeholders, both local and international, to encourage and explore more programs, projects and policies in pursuing and sustaining reforms

CONCLUSION

The most difficult challenge in implementing reforms is selling the entire reform system and making the people accept and embrace them as a new way of life. The Government and its people who are involved in the land titling processes are so used and comfortable in the present land administration and titling system that introducing a revolutionary new system is often met with disapproval or lukewarm attitude. To make them accept the reform entails totally reversing their mindset and a total overhaul of the way things are done. There is a need to drum up support across all sectors and stakeholders to dramatize the benefits to be derived from these reforms that will improve local and national land governance. The ultimate challenge is the mainstreaming and implementation of the reforms across all land agencies and at the local level.

But the Government is determined to pursue the reforms and no matter what, we shall sail on towards a fully-reformed system which is the future of the land sector.
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