

Land Tenure Security in the Philippines

A DISCUSSION PAPER FOR ADB





Founded in 1979, the **Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC)** is a regional association of national and regional networks of civil society organizations (CSOs) in Asia actively engaged in promoting food sovereignty, land rights and agrarian reform, sustainable agriculture, participatory governance, and rural development. ANGOC member networks

and partners work in nine Asian countries together with some 3,000 CSOs and community-based organizations (CBOs). ANGOC actively engages in joint field programs and policy discussions with national governments, intergovernmental organizations (IGOs), and international financial institutions (IFIs).

The complexity of Asian realities and diversity of CSOs highlight the need for a development leadership to service the poor of Asia – providing a forum for articulation of their needs and aspirations as well as expression of Asian values and perspectives. Thus, the ANGOC network promotes land and resource rights, smallholder agriculture, and human rights and civic participation, by serving as a platform for Asian CSOs to generate knowledge, share tools, and conduct constructive policy dialogues.

ANGOC is a member of the Global Land Tool Network (GLTN), Global Forum on Agricultural Research and Innovation (GFAiR), Indigenous Peoples' and Community Conserved Areas and Territories (ICCA) Consortium, International Land Coalition (ILC), and Fair Finance Asia (FFA).



Land Watch Asia (LWA) is a regional campaign to ensure that access to land, agrarian reform, and sustainable development for the rural poor are addressed in national and regional development agenda. The campaign involves civil society organizations in Bangladesh, Cambodia, India, Indonesia, Kyrgyzstan, Nepal, Philippines, and Sri Lanka. LWA aims to take stock of significant

changes in the policy and legal environments; undertake strategic national and regional advocacy interventions on access to land; jointly develop approaches and tools; and, encourage the sharing of experiences on coalition-building and actions on land rights issues.

ANGOC is the convenor of LWA campaign.

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ANGOC extends its appreciation to the CSO representatives and ADB staff who provided their insights during the focus group and roundtable discussions organized towards preparing this report.

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Foreword

The inclusion of land ownership and control under Sustainable Development Goal (SDG) target 1.4 is significant, as it thrusts land rights into the global agenda. As such, there is greater recognition that land issues are linked to national and global issues – due to increasing migration, the rising flow of internally displaced persons and refugees across borders, environmental degradation and climate change due to land use and tenure systems, and the growing incidence of land and resource conflicts.

Land is a key enabler and accelerator for sustainable development. Under SDG 1.4, land rights are now seen as a **central strategy** – and a **global commitment** – towards “ending poverty.” There has been growing global recognition that secure rights to land and property especially for poor and vulnerable women and men, is a critical element in fighting poverty and social exclusion by ensuring rights to economic resources.

At the same time, multilateral development banks (MDBs), through their loans and technical assistance projects, have directly or indirectly been financing initiatives that impact of land rights of communities. Moreover, MDBs wield strong influence on the development trajectory of low- to middle-income countries.

But MDBs are themselves public institutions, created by governments through public funds. Thus, civil society organizations (CSOs) have to constructively engage MDBs in policy and programmatic discussions on development interventions.

For this purpose, the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) and Land Watch Asia (LWA) have initiated a dialogue process with the country offices of the Asian Development Bank (ADB) in Nepal and the Philippines. To facilitate the process, land tenure security discussion papers in the two countries have been prepared with the objectives of: (1) presenting the perspectives of CSOs and communities on land rights – its importance and relevance in the national context; (2) describing the views, interventions, and challenges of ADB Country Offices on land rights; and, (c) providing options for engaging CSOs on land rights in the two countries.

ANGOC extends our appreciation to the ADB Country Office in the Philippines: Pavit Ramachandran (Country Director) and Cristina Lozano (Principal Country Specialist); the ADB Agriculture, Food, Nature, and Rural Development Division: Eric Quincieu (Principal Water Resources Specialist) and Takeshi Ueda (Principal Natural Resources and Agriculture Economist); and, the ADB NGO and Civil Society Center: Haidy Seang Ear-Dupuy (Head) for their openness and for providing their insights in the preparation of this paper.

We thank the CSO representatives who participated in the focus group and roundtable discussions. We acknowledge Fair Finance Asia for the resources provided for the workshops and publication of this paper.

Special thanks to Roel Ravanera, writer of the Philippine paper, as well as to Antonio Quizon for preparing the research framework and the overall editing of the paper.

We look forward in engaging the ADB Country Office in the Philippines in pursuing the recommendations outlined in this paper.

Nathaniel Don Marquez
Executive Director, ANGOC

Background

Global challenges such as climate change, food insecurity, and poverty continue to intensify and have now become life-threatening. On climate change, for example, governments and relevant institutions have put in place their adaptation plans; establish early warning systems; and, agreed on global targets and programmatic funding. The 2023 Adaptation Gap Report, however, flags that the updated range for adaptation costs and financing needs is significantly higher than previous estimates (Resilience Hub Report, 2023, p.7). It recommended that at COP29, governments must establish a new climate finance goal, reflecting the scale and urgency of the climate challenge (Resilience Hub, 2024).

It will require overriding commitments from everyone especially governments and multilateral institutions as these transformations would necessitate substantial resources that low- and middle-income countries would find difficult to hurdle. Multilateral Development Banks (MDBs) can play a vital role in supporting these countries. Thus, there is a rising call for more collaboration among the MDBs, and underscores the importance of finance that is available, accessible, and affordable, particularly for the most vulnerable (UNFCCC, 2023).

Moreover, the interconnectedness of these adversities has been documented and acknowledged by various institutions. In dealing with food insecurity, the relevant UN agencies endorsed the food system approach¹ where all actors, activities in the value chain and their impacts in the broader environment are taken into consideration. Similarly, in the Conference of the Parties (COP 28), governments and institutions recognize the interlinkages of these challenges and committed to collaborate and adopt a holistic approach (UNFCCC, 2023).

Digging deeper into these interconnections, land access, use, and control emerge as critical elements in overcoming these challenges. Additionally, land is indispensably linked to other developmental concerns such as private investments, public infrastructure, growing informal settlements and urban slums, wealth generation, and political interests.

Thus, responsible governance of land tenure and other resources is recognized to have a substantial contribution in dealing with increasing poverty, food insecurity, and mitigating global warming. This is noted in the United Nations Sustainable Development Goals (SDGs), specifically under SDG 1 (*No Poverty*), SDG 2 (*Zero Hunger*), SDG 5 (*Gender Equality and Women's Empowerment*), SDG 11 (*Sustainable Cities and Communities*), SDG 15 (*Life on Land*), and SDG 16 (*Peace, Justice, and Strong Institutions*). It is also specifically pursued under SDG Target 1.4.2 *"to secure land tenure and access to natural resources, especially for poor and vulnerable women and men."*

Furthermore, with the global challenges intensifying, conflicts over land (armed conflicts and human rights abuses) are also increasing affecting smallholder producers and marginalized sectors. In acknowledging the severity of this problem, the United Nations system through the Secretary-General issued a Guidance Note on Land and Conflict (UN, 2019).

¹ Agri-food systems are defined as "encompassing the entire range of actors and their interlinked value-adding activities involved in the production, aggregation, processing, distribution, consumption, and disposal of food products that originate from agriculture, forestry or fisheries, and parts of the broader economic, societal, and natural environments in which they are embedded" (FAO, 2018).

Philippine Context

The Asian Development Bank (ADB), the 3rd largest donor (after Japan and the World Bank) in the Asia-Pacific Region, has set its vision for 2030 to eradicate extreme poverty. Moreover, it aims to tackle challenges related to climate change and sustain its efforts “to achieve a prosperous, inclusive, resilient, and sustainable Asia and the Pacific” (ADB, 2018).

The ADB Strategy 2030 corroborates with the Philippine Government’s vision “Ambisyon Natin 2040” that “the Philippines shall be a prosperous, predominantly middle-class society where no one is poor; our people shall live long and healthy lives, be smart and innovative, and shall live in a high-trust society by 2040.” This vision is anchored on three pillars: (1) improving the quality of governance, (2) reducing inequality, and (3) increasing potential growth.

In pursuit of the third pillar, the Philippine economy experienced steady growth from 2009 to 2019 with an average real GDP growth of 5.9 percent (PSA, 2022). The economy contracted in 2020 because of the COVID-19 pandemic but rebounded to record high of 5.7 percent and 7.6 percent growth in 2021 and 2022, respectively.

Despite the steady economic growth, however, poverty incidence remained high. In 2015, the Philippines recorded a poverty incidence of 23.3 percent. This declined to 16.7 percent in 2018 but rose back to 18.1 percent in 2021. This corresponds to around 19.9 million Filipinos living below the poverty line (PSA, 2022). A similar trend is observed among women where poverty incidence was recorded at 25.6 percent in 2012. Women ranked fifth behind fisherfolk, farmers, children, self-employed, and unpaid family workers (PSA-NSCB, 2013). The situation greatly improved in 2018 decreasing to 16.6 percent but rose back to 18.4 percent in 2021 (PSA, 2022).

The 2018 World Bank Poverty Assessment Report described poverty in the Philippines as primarily a rural phenomenon where poverty incidence in rural areas is almost three times higher than in urban areas (WB, 2018). About two-thirds of these poor households are highly dependent on agriculture and fishing activities.

For farmers and indigenous peoples in rural areas, land is a critical element in pursuing their livelihood, satisfying their food needs, and ensuring harmony in their communities. Thus, land tenure security and resource rights of small farmers, fisherfolk, and indigenous peoples must be recognized and respected. This is indispensable in achieving an inclusive, healthy, and prosperous society as envisioned by the government.

For rural women, tenure security means equal status given to women and men, whether married or not in the awarding of tenurial rights, and recognition of the tenure rights of women not just as tillers and fishers themselves, but also as providers of labor in various points of the farming and fishing process. It also means recognition as leaders and members in organizations, and equal treatment of women farmers/fishers by government functionaries.

Civil society organizations (CSOs) in the Philippines place primary importance on access, use, and control of land and other natural resources in overcoming rural poverty. They have pursued these goals for several decades and have made substantial progress, such as the enactment of the Comprehensive Agrarian Reform Program (CARP) and the Indigenous Peoples’ Rights Act (IPRA). Admittedly, there are still a lot of gaps, and

the land tenure agenda has remained incomplete. The National Land Use Plan and Management bills, for example, have not been enacted after advocating with four government administrations.

Objectives and Processes

It is in this context that the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) and Land Watch Asia (LWA), with the support of Fair Finance Asia (FFA) and Fair Finance Philippines (FFPh), are engaging the MDBs, particularly the ADB, on land tenure security issues.

This paper is intended to provide discussion points for the dialogue between the ADB and the Philippine CSOs on the importance of land rights and on mainstreaming land tenure in its programs and projects in the country.

Specifically, the paper is aimed at:

- presenting the perspectives of CSOs and communities on land tenure security – its importance and relevance in the Philippine national context;
- describing the views, interventions, and challenges of ADB Philippine Country Office on land rights; and,
- providing options for engaging CSOs on land rights.

The interchange with the ADB started with a formal letter of request for dialogue and an online meeting between representatives of the ADB and the CSOs from ANGOC, LWA, and FFPh, on 16 January 2024.

This was followed by a hybrid meeting of representatives from the Philippine Country Office of ADB and the CSO paper writer, Mr. Roel Ravanera, on 18 January 2024, at the ADB Headquarters in Manila. In attendance were Ms. Aliya Mukhamedyarova, Mr. Takeshi Ueda, and Mr. Eric Quincieu (ADB Agriculture, Food, Nature, and Rural Development Sector Office), Ms. Cristina Lozano and Ms. Rosemarie Marquez (Philippines Country Office), and Ms. Roselle Rasay (NGO and Civil Society Center).

In a related initiative on understanding ADB's operation in relation to land tenure security, ANGOC and the paper writer participated to ADB's online consultation with Philippine CSOs on the formulation of the Environment and Social Framework (19 January 2014), and with Southeast Asian NGOs (7 February 2024).

On 13 March 2024, ANGOC organized a focus group discussion (FGD) among 19 representatives (12 males, 7 females) of peoples' organizations, non-governmental organizations and regional civil society groups to: (1) provide an overview of the ADB, and (2) present the draft paper on *Land Tenure Security in the Philippines for the Project Mainstreaming Land Rights in the ADB*. Haidy Seang Ear-Duy, Head of ADB NGO and CSO Center participated online during the initial part of the FGD.

The initial draft of the Land Tenure Security Discussion Paper was updated and submitted to the ADB Philippine Country Office. A preparatory meeting between ANGOC and ADB Philippine Country Office was convened on 7 May 2024 to clarify the points raised by the CSOs in the section on recommendations of the said paper, and to level off on the planned roundtable discussion. Participants from the ADB included Cristina Lozano (Principal Country Specialist, Philippines Country Office), Takeshi Ueda (Principal Natural Resources and Agriculture Economist) and Eric Quincieu (Principal Water Resources Specialist, Agriculture, Food, Nature, and Rural Development), who joined virtually.

Finally, a roundtable discussion (RTD) between ADB and Philippine CSOs last 5 June 2024 was organized, and participated in by 17 representatives (12 females, five males) from basic sectors, CSOs, government (National Anti-Poverty Commission), and ADB to present and discuss the paper. Cristina Lozano and Rosemarie Marquez of the ADB Philippine Country Office joined in person while other ADB staff participated virtually: Eric Quincieu (Agriculture, Food, Nature, and Rural Development), and Haidy Seang Ear-Dupuy and Michelle Ann Ramirez (NGO and CSO Center). There was a consensus among the participants that, given the complexity of the current situation, collaborative engagements may provide innovative pathways in addressing land tenure security issues in the country.

Land tenure security in the Philippines

Tenure is the relationship, whether legally or customarily defined, among people, as individuals or groups, with respect to land. It defines how access is granted to rights to use, control, and transfer land, as well as associated responsibilities and restraints. Tenure systems increasingly face stress as the world's growing population requires food security and as environmental degradation and climate change reduce the availability of land, fisheries, and forests (FAO).²

This is significantly relevant to the Philippines as land governance in the country is complex and replete with impediments. The CSOs, in line with SDG Target Indicator 1.4.2, have pushed for the strengthening of land tenure security of smallholder producers, fisherfolk, indigenous peoples, and rural women. With the recognition of their land rights and the probable support of governments, substantial transformation can be achieved in eradicating poverty, ensuring sustainable food systems, and contributing to the mitigation and adaptation of climate change impacts.

Land and the Philippine Development Plan

The Philippine Development Plan (PDP) serves as the country's overall blueprint in development planning geared toward the attainment of the country's long-term vision, the *AmBisyon Natin 2040*, where the country aims to have a "prosperous, predominantly middle-class society where no one is poor." It reflects the government's policies, strategies, programs, and legislative priorities.

The current administration of President Ferdinand Marcos, Jr. anchored its PDP from 2023 to 2028 on economic transformation. The overall goal is to reinvigorate job creation, accelerate poverty reduction by steering the economy back on a high-growth path, and more importantly, effect economic transformation for a prosperous, inclusive, and resilient society. The strategies adopted are expected to reduce poverty incidence from 18 percent in 2021 to between eight and nine percent by 2028. One of these strategies is to modernize agriculture and agri-business to raise overall productivity, move Philippine products up the value chain, promote diversification, and ensure food security (NEDA, 2023).

The legislative priorities of the current administration highlights some of the major land governance challenges in the country particularly on land use, forest delineation, and land administration. It prioritizes the passing of a National Land Use Act (NLUA)

² Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests.

to establish a national land use framework that will: (1) define the indicative priorities for land utilization and allocation, and (2) evolve policies, regulations, and directions for land use planning processes. It also plans to file a bill to delineate the specific limits of forestlands for the conservation, protection, and development of the country's forest resources. This will also provide an enabling policy for the security of tenure for vulnerable forest-dependent communities.

A key legislative land agenda item under Chapter 15 of the PDP on "Accelerate Climate Action and Strengthen Disaster Resilience" is the Land Administration Reform Act. The bill aims to upgrade, systematize, and integrate the administration, management, and operations of the country's land resources. It also aims to improve, rationalize, and systematize land records, titling, documentation, and information systems into an open, updated, and reliable system. Land tenure security enhances people's capacity to effectively manage their land resources and implement measures to adapt to climate change impacts (NEDA, 2023).

Philippines' Land and Natural Resources

The Philippines covers a total land area of approximately 30 million hectares, with 29.82 million hectares of land and 183,000 hectares of inland waters. Approximately 41 percent of the total land area is agricultural (12.4 million hectares) classified as arable lands (5.6 million hectares), permanent crops (5.3 million hectares), and permanent meadows and pastures (1.5 million hectares) (DENR-FMB, 2020). Forestlands cover 7,014,152 hectares, around 23 percent of the total land area.³ With these resources, the country ranks among the world's 18 mega-diversity countries.

As an archipelago, the country's territorial waters spread across some 2.2 million square kilometers. The Philippines ranked 8th among the top fish producing countries in the world with its total production of 4.35 million metric tons (MT) of fish, crustaceans, mollusks, and aquatic plants (including seaweed). This is attributed to the production of the (1) aquaculture, (2) municipal capture fisheries, and (3) commercial capture fisheries (DA-BFAR, 2020).

The country also has abundant minerals and is a significant producer of gold, copper, nickel, and chromite and non-metallic and industrial minerals such as marble, limestone, clay, feldspar, and aggregates.

Land Classification and Tenure System

Based on the 1987 Constitution, the land tenure system in the Philippines may be categorized into three tenure domains, namely: public domain, private ownership, and ancestral domain. Public domain is further classified into four classifications as "agricultural, forest or timber, mineral lands, and national parks (The Constitution of the Republic of the Philippines, Sec 3, Art XII). Each category is characterized by specific laws and guidelines.

The Public Lands Act of 1936 remains the basic framework law that defines the coverage of lands under the public domain, as well as its management, use, and disposition. The

³ Forestlands are public domains or State-owned land which includes public forest, permanent forest or forest reserves, and forest reservations, which the government seeks to protect, develop, and rehabilitate so as to ensure their continuity in productive condition.

Revised Forestry Code of 1975 (Presidential Decree 705) then establishes the System of Land Classification over forest lands.

Moreover, public lands as stated in the Constitution can be further defined by Congress (The Constitution of the Republic of the Philippines, Sec 4, Art XII). As a result, dozens of laws and presidential proclamations have been enacted and issued over the past decades that classify specific areas as watershed reserves, forest reserves, wildlife sanctuaries, historical sites, resettlement sites, special economic zones, and many more. These major laws on land tenure include: (1) Forestry Code of 1975, (2) Comprehensive Agrarian Reform Law of 1988, (3) Urban Development and Housing Act of 1992, (4) National Integrated Protected Areas System Act of 1992 (as amended in 2018), (5) Mining Act of 1995, (6) Indigenous Peoples Rights Act of 1997, and (7) Fisheries Code of 1998.

Under Section 3 Article XII of the 1987 Constitution, public lands may be assigned by lease or usufruct, but not titled. Only agricultural lands that are classified as alienable and disposable (A&D) may be subject to private ownership through sales, or the issuance of land patents and homestead patents.

For private lands, ownership is open to all Filipino citizens. The landowner has the right to use, control, and provide for systems of disposition of property (sales, leases) as well as systems of inheritance. The right to land as private property is spelled out under the Civil Code of 1949 (as amended). This includes not only the right to the use and enjoyment of property, but also the “right of exclusion” of others (RA 386).

Ancestral domains are covered by the 1997 Indigenous Peoples Rights Act (IPRA) that recognizes the rights of indigenous peoples (IPs) to their “ancestral lands/domains that covers forests, pastures, residential and agricultural lands, hunting grounds, worship, and burial areas” (RA 8371).

There are two tenurial instruments used in recognizing IP rights to their lands/domains: (1) a Certificate of Ancestral Land Title (CALT), and (2) a Certificate of Ancestral Domain Title (CADT). CALTs are usually awarded to IP families and clans and are treated as “private individual property” that can be alienated or sold by their owners. CADTs, on the other hand, are considered “private but community property,” which belongs to all generations and therefore cannot be sold, disposed, or destroyed.

Philippine laws lack an integrated approach to the governance of tenure, making land administration complicated. These land and tenure laws have been enacted at different periods that span several decades. And while new laws and amendments are passed, the old laws are *not repealed*. Only specific provisions of old laws are amended, replaced, or superseded in part by the new laws, and this system allows the old laws to retain their residual validity. These factors result in a complex patchwork of legal jurisprudence (Quizon and Pagsanghan, 2014).

One result is that the land classification system is outdated. The actual classification of land into forest areas, mineral land, protected areas, and A&D land no longer corresponds to the real situation on the ground. One case in point is the city of Baguio, which sits largely on forestland, and where land titling is prohibited by the Forestry Code provision that classifies lands above 18 percent slope as forestland (Interview with Henry Pacis, Land Management Bureau, DENR on 08 February 2022).

Another major issue is the delineation of the forest line. This delineation is significant in order to determine areas for conservation and public use, prevent encroachment into forest areas and thereby, preventing land conflict and competition for forestlands, and set apart A&D lands that can be titled and used for other purposes.

Sectoral and Tenure Reforms

With the growing complexity of the country's land tenure system and the challenges faced by some sectors, the 1987 Constitution instituted "social reforms," involving tenure rights specifically of farmers and farmworkers, subsistence fishermen, indigenous peoples, and the urban poor. Some of the legislations passed in Congress included the Comprehensive Agrarian Reform Law (CARL/CARP) of 1988, Indigenous Peoples Rights Act (IPRA) of 1997, and the Philippine Fisheries Code (RA 8550) in 1998.

Comprehensive Agrarian Reform Law (CARL)

The passage of the Comprehensive Agrarian Reform Law (CARL) in 1988 facilitated the broad distribution of public and privately-owned agricultural lands. After 35 years of program implementation, the Comprehensive Agrarian Reform Program (CARP) has "distributed" 4,845,105 hectares or 89 percent of targeted lands, albeit with various issues. As of 2022, the program has a remaining balance of 618,722 hectares, which are private agricultural lands. In addition, based on the Department of Agrarian Reform (DAR) Support Services Roadmap, 1.7 million agrarian reform beneficiaries (ARBs) need access to various support services such as capacity building, pre- and post-harvest infrastructure, financial assistance, and access to market.⁴

CARP in a nutshell

Objectives

- Implements the directive of the Philippine Constitution to implement an agrarian reform program based on farmers owning the lands they till
- RA 6657 is based on the principles of social justice as well as improving overall economic growth and efficiency of the rural sector
- Aims to improve the lives of the landless farmers and farm workers by providing them access and ownership of agricultural lands, access to support services, and agrarian justice delivery

Key provisions

- Authorizes the acquisition and distribution of all public and private agricultural lands, as well as the provision of support services and agrarian justice to agrarian reform beneficiaries (ARBs)
- Awards a maximum of three hectares to qualified ARBs
- Provides for a landowner's retention ceiling of five hectares of agricultural lands and three hectares each to children who qualify as preferred beneficiaries
- Mandates the payment of just compensation to landowners and prohibits the transfer of CARP-awarded lands except through hereditary succession
- Prohibits the conversion of irrigated lands

4 2023 State of Land and Resource Tenure Reform in the Philippines. See <https://angoc.org/portal/state-of-land-and-resource-tenure-reform-in-the-philippines-2023-second-edition/>

Mode of implementation

- The Department of Agrarian Reform (DAR) undertakes the following: (1) authorizes the acquisition and distribution of all public and private agricultural lands, as well as the provision of support services and agrarian justice to ARBs, (2) conducts land surveys, identifies qualified ARBs, generates and distributes CLOA titles, (3) addresses agrarian disputes through administrative action, and (4) adjudicates agrarian cases.

Tenure instruments

- Provides for different tenurial instruments based on land classification: tenurial security for forestry areas, and tenancy reforms and land redistribution for private and alienable lands
- Land redistribution is completed by the provision of support services such as extension, credit, livelihood support, among others.

Source: 2023 State of Land and Resource Tenure Reform in the Philippines

Some emerging challenges include:

Collective Certificates of Land Ownership Awards (CCLOAs). A large portion of land distributed has been issued under collective CLOAs. This covers some 1,368,883 hectares of land or around 29 percent of the total land area distributed. With collective CLOAs, some beneficiaries are experiencing challenges such as transfers for heirs of deceased agrarian reform beneficiaries (ARBs) and drawbacks in terms of non-payment of land amortization.

Land rights of women. Based on data from the Department of Agrarian Reform (DAR) as of December 2015, out of the total 2.4 million agrarian reform beneficiaries, only 29.5 percent are women. Moreover, women constitute only 13.8 percent of all beneficiaries with Emancipation Patents (EPs), and only 32.8 percent of all beneficiaries with CLOAs (Quizon et al., 2018).

Support services. Agrarian reform beneficiaries face the big challenge of making the lands productive and engaging the market. They would need access to credit to finance their production, avail of innovative technologies, and participate in the market supply chains. Their organizations also need to be capacitated on organizational and financial matters.

Indigenous Peoples Rights Act (IPRA)

The Indigenous Peoples Rights Act (RA 8371 or IPRA), enacted in 1997, is one of the few pieces of legislations in Asia that recognizes the rights of indigenous peoples over their ancestral domains. Ancestral domains cover “all areas generally belonging to ICCs/IPs comprising lands, inland waters, coastal areas, and natural resources therein, held under a claim of ownership, occupied, or possessed by ICCs/IPs, themselves or through their ancestors, communally or individually” (IPRA, Chapter II, Sec. 3.b.).

As of March 2022, the National Commission on Indigenous People (NCIP) has approved 257 Certificates of Ancestral Domain Titles (CADTs) covering a total area of 5,971,345 hectares, benefitting 1,363,342 IP rights-holders, and 250 Certificates of Ancestral Land

Titles (CALTs) covering 17,148 hectares benefitting 1,319,176 individual rights-holders. These figures do not include ancestral waters covered under CADTs. This is around 16 percent of the total land area of the country now having CADTs and CALTs.⁵

One of the major challenges in implementing IPRA is the overlap of CLOAs with ancestral domains. An initial inventory undertaken by the DAR in 2021 of CLOAs within ancestral domains (ADs) shows that there are potentially at least 138,438 CLOAs that are within ADs already having CADTs or are in the application process for titling (DAR, 2022). This covers 1,379,485 hectares. Similarly, 64 Protected Areas overlap with 84 CADTs, affecting a total of 1,227,159 hectares of ancestral domains.⁶

In addition to the overlaps of different tenurial instruments, the capacity of the IPs to use and assert their rights over their ancestral domains remains very limited. The recognition of traditional governance is largely ceremonial and is not institutionalized among the local government units (LGUs) and government agencies.

IPRA in a nutshell

Objectives

- Seeks to advance the directive of the Philippine Constitution to protect the rights of IPs to preserve and develop their cultures and institutions
- Recognizes the rights of indigenous peoples over their ancestral domains
- Provides for a process of titling of lands through the issuance of Certificate of Ancestral Domain Title (CADT) and Certificate of Ancestral Land Title (CALT)

Key provisions

- Recognizes the rights of IPs over their ancestral domains (ADs) and provides for a process of titling of lands
- ADs are all areas generally belonging to indigenous cultural communities/ indigenous peoples (ICCs/IPs) comprising lands, inland waters, coastal areas, and natural resources therein, held under a claim of ownership, occupied or possessed by ICCs/IPs, themselves or through their ancestors, communally or individually.
- Empowers the IPs to formulate an Ancestral Domain Sustainable Development and Protection Plan (ADSDPP), which provides them with a legal framework for their “traditional use” policies and presents the details of the allowable and non-negotiable activities on their ADs. It likewise contains the priority projects and programs identified by the IP community after consultations following customs and tradition.

Mode of implementation

- The National Commission on Indigenous Peoples (NCIP) is responsible for: (1) identification, delineation, and recognition of ancestral lands/domains, based on self-delineation by the ICCs/IPs; (2) oversight of the management of ancestral lands/domains in accordance with a master plan (i.e., ADSDPP) formulated by the ICCs/IPs; and, (3) with the free and prior informed consent (FPIC) of the ICCs/IPs

⁵ Ibid.

⁶ Cross reference of World Database of Protected Areas (WDPA) 2020, LandMark, 2019 and NCIP List of CADTs, 2018. (BUKLURAN and PAFID 2018).

concerned, issues the certification precondition prior to the grant of any license, lease, or permit for the exploitation of natural resources affecting the interests of ICCs/IPs or their ancestral domains.

Tenure instruments

- CADTs and CALTs are ownership tenurial instruments issued and awarded to an applicant community or clan. These tenurial instruments have no term limits.
- Representatives chosen by the community act as holders of the CADT in trust in behalf of the concerned indigenous community.

Source: 2023 State of Land and Resource Tenure Reform in the Philippines

Philippine Fisheries Code

The fisherfolks are one of the basic sectors that posted a high poverty incidence recorded at 26.2 percent in 2018 (PSA, 2020) despite the abundant coastal resources as an archipelagic country. A major constraint identified is the limited and restricted access to these resources. In response, Congress enacted the Philippine Fisheries Code (RA 8550) in 1998 providing the legal framework in the utilization, management, conservation, and protection of the fishery resources where food security is the overriding consideration.

Some notable features of the Fisheries Code include: (1) preferential access of small fisherfolk and their organizations in the use of municipal waters; (2) use of demarcated fishery areas to engage in fish capture, mariculture and/or fish farming; (3) establishment of fisherfolk settlement areas near fishery areas; and, (4) provision of support services to municipal fisherfolk such as credit, production, and marketing assistance.

Unfortunately, the absence of clear Implementing Rules and Regulations has impeded the execution of the Fisheries Code. This has slowed down delineation of municipal waters, non-implementation of fisherfolk settlements, non-issuance of public lease agreements, and increased vulnerability to disasters.

Based on the report from the National Mapping and Resource Information Authority (NAMRIA), of the total 930 coastal LGUs, 310 have delineated municipal waters with certified maps. Of these, only 79 have issued the required local ordinances that is needed to complete the delineation process. This is only 8.5 percent of all municipal waters after a period of 25 years.⁷

⁷ Ibid.

Fisheries Code in a nutshell

Objectives

- Founded on the mandate of the Philippine Constitution to protect the rights of subsistence fisherfolk to communal fishing resources
- Establishes food security as the overriding consideration in the utilization, management, conservation, and protection of fishery resources
- Among the Code's objectives are: (1) conservation, protection, and sustained management of fishery and aquatic resources; (2) poverty alleviation and the provision of supplementary livelihood among municipal fisherfolk; and, (3) improved productivity in the industry through aquaculture, optimal utilization of offshore and deep-sea resources, and upgrading of post-harvest technology.

Key provisions

- Limits access to fishery and aquatic resources in the country to Filipino citizens, and provides small fisherfolk and their organizations with preferential use of municipal waters
- Municipal waters include not only bodies of water within the municipality which are not included within the protected areas as defined under RA 7586 (National Integrated Protected Areas System), public forest, timber lands, forest reserves or fishery reserves, but also coastal marine waters within 15 kilometers from the shore.
- Forbids commercial-scale fishing in municipal waters, except in special cases where municipal permits are issued, and only in waters over 10.1 kilometers from the shore with a depth of at least seven fathoms (12.8 meters)
- Mandates the creation of fisherfolk settlement areas, to be located in certain areas of the public domain, near fishery areas

Mode of implementation

- Local government units (LGUs) manage and issue fishing rights over municipal waters.
- The Bureau of Fisheries and Aquatic Resources (BFAR) assists in the implementation of the Fishery Code, including the delineation of municipal waters.
- The National Mapping and Resource Information Authority (NAMRIA) prepares the technical details of all municipal waters. LGUs are supposed to enact municipal ordinances establishing the boundaries of their municipal waters in order to complete the delineation areas.

Tenure instruments

- Delineating the boundaries of a municipality's 15-kilometer waters is essential for sustainable management of fishery resources and granting the preferential rights of municipal fishers within such zone.
- Duly registered fisherfolk organizations/cooperatives shall have preference in the grant of fishery rights by the LGUs.
- The LGUs shall maintain a registry of municipal fisherfolk, who are fishing or may desire to fish in municipal waters for the purpose of determining priorities among them, and for monitoring fishing activities.

Source: 2023 State of Land and Resource Tenure Reform in the Philippines

Land Governance Challenges

Overlapping Jurisdictions of Land Agencies. Distributive reforms as enacted by Congress have taken on a sectoral approach. There is the Comprehensive for Agrarian Reform Program (CARP) for agrarian reform covering public A&D lands and private agricultural lands, the Fisheries Code covering municipal waters, and IPRA for ancestral domains. In addition, there are the Mining Act, ENIPAS Law, Forestry Code, and others for the management of public lands. These are administered and managed by mandated agencies: the DAR for agricultural lands, LGUs and the Department of Environment and Natural Resources (DENR) for fishery resources, and the NCIP for ancestral domains.

Moreover, given the multiplicity of land laws, four agencies or entities now have the power to issue land titles -- i.e., DENR, DAR, NCIP, and judicial courts (De Vera, et al., 2022). With the outdated land classification system, unclear boundaries between forestlands and A&D land, and self-delineation of ancestral domains, intersecting tenurial instruments have been issued by these agencies resulting in overlapping rights and land claims. As reported by DAR, BUKLURAN,⁸ and PAFID,⁹ the overlaps of CLOAs, protected areas and ancestral domains now cover around 2.6 million hectares.

To address these concerns, NCIP, DAR, and DENR together with Land Registration Authority (LRA), issued Joint Administrative Order #01 in 2012 (JAO 01-2012). The JAO 01-2012 defines the jurisdiction and policy mandates of DAR, DENR, and NCIP; identifies the conflicts and issues that developed upon the enactment of IPRA; and, establishes the mechanisms to prevent and resolve the contentious areas and issues at the national and field levels. Unfortunately, the JAO 01-2012 has resulted into a bureaucratic deadlock that has impeded ancestral domain registration and blocked the CADT registration process with the LRA. In November 2019, NCIP pulled out of this administrative agreement.

Increasing Land Conflicts. These overlapping tenurial claims and intersecting jurisdictional mandates have triggered conflicts among farming and IP communities. It also weakened their tenurial security in dealing with external pressures.

In 2023, as reported by the Asian NGO Coalition (ANGOC) in its "Philippine Land and Resource Conflict Monitoring Report," a total of 211 ongoing cases of land and resource conflicts in the Philippines have been recorded. These cases cover approximately 749,844.50 hectares and affect some 81,848 households. Further, the said study identified four types/drivers of land conflict: (a) landlord-tenant/agrarian conflict, (b) private-led business enterprises, (c) conflicting claims between communities, and (d) government programs. Nearly half (48 percent) of all land and resource conflict cases were due to private-led business enterprises and government projects.¹⁰

Most of the conflict cases arising out of private-led businesses are those into mining and quarrying, agricultural plantations, tourism, and real estate development. Conflicts resulting from government programs, on the other hand, are driven by public utilities (dams, power lines, power/energy, irrigation) and infrastructure (including roads, bridges, airports, ports), land reclamation, special economic zones, and urban development.

8 Bukluran Ng Mga Katutubo Para sa Pangangalaga ng Kalikasan ng Pilipinas (BUKLURAN), is a national network of indigenous peoples organizations combining indigenous knowledge and science technology to defend their sacred territories against threats to rights and nature.

9 Philippine Association for Intercultural Development (PAFID).

10 See 2023 Philippine Land and Resources Conflict Monitoring Report at <https://angoc.org/portal/>

Land rights of women. There are a number of laws that have been enacted recognizing and appropriating legal rights of women. The Women in Development and Nation Building Act (RA 7192) stipulates that “Women shall have equal access to all government and private sector programs granting agricultural credit, loans and non-material resources and shall enjoy equal treatment in agrarian reform and land resettlement programs” (Section 5, No. 2). Similarly, the Magna Carta of Women (RA 9710) affirms the role of women in nation building and ensures the substantive equality of women and men (Chapter I, Section 2).

On land rights, the tenure reform laws specifically CARPER (RA 9700), IPRA (RA 8371), and the Fisheries Code (RA 8550) have also emphasized that women shall enjoy equal rights and opportunities with men. CARPER accentuated the “rights of rural women to own and control land, taking into consideration the substantive equality between men and women as qualified beneficiaries” (Section 1, Sec. 2 of RA6657, as amended). Among indigenous women, IPRA directs that “participation of indigenous women in the decision-making process in all levels, as well as in the development of society, shall be given due respect and recognition” (Chapter V, Section 26). Moreover, the Fisheries Code directs that, in providing support to the fishery sector primarily to the municipal fisherfolk, it shall include women and youth sectors.

While the legal and policy frameworks in the recognition of women’s rights are in place, the implementation of the laws and programs is wanting. On women and agrarian reform, the latest available data from DAR (2015) showed that only 29.5 percent of the 2.4 million ARBs are women. Moreover, women compose only 13.8 percent of ARBs with Emancipation Patents (EPs) and 32.8 percent women ARBs with Certificate of Land Ownership Award (CLOA) (Marzan, 2023). Data from the NCIP and BFAR are unavailable or not updated.

There is an increasing demand to give due importance to the role of women in agriculture and fishery activities as women play significant role as food producers, caretakers of the land, users, and preservers of traditional knowledge and sustainable farming practices, and food nutritionists of the family. Additionally, there is a trend of outmigration of male population to urban centers resulting to “feminization” of agriculture. And yet, women have very little control over land and lack access to government programs.

ADB’s development strategy in the Philippines and programs related to land and agriculture

In pursuit of its vision to eradicate extreme poverty in the Asia Pacific Region and in line with *Ambisyon Natin 2040*, the ADB supported several projects and policy-based loans of the Philippine Government. While it recognizes the high economic growth in the past decade (2010 to 2019) outperforming other ASEAN countries, it noted the low performance of the agriculture sector averaging 1.9 percent compared to Indonesia (3.9 percent) and Vietnam (2.6 percent). Based on ADB’s assessment, “the poor sector performance was the result of decades of policy distortions, underinvestment, inefficient utilization and weak management of water and land resources, and periodic extreme weather events” (ADB, 2022).

More than 60 percent of the rural poor work in the sector, and about 11 million people are engaged with women comprising about 25 percent of agricultural workers (PCW, 2020). As a consequence, poverty in rural areas, particularly among farm households, is higher than the national average. According to a 2018 family income and expenditure survey, 31.6 percent of farmers lived below the national poverty line.

With these challenges, ADB's past and current engagements with the Philippine government focused more on agriculture, natural resources, and rural development. In 2008, it approved a loan of USD 70 million to fund the Agrarian Reform Communities Project II. The project was intended to help the government reduce rural poverty by implementing the Comprehensive Agrarian Reform Program (CARP) and strengthening the capacity of the agrarian reform communities (ARCs) (ADB, 1998). CARP is a tenurial reform program implemented by the government to distribute public and privately-owned agricultural lands. This was followed by the Integrated Natural Resources and Environmental Management Project (2012 to 2021).

Recently, it supported the Competitive and Inclusive Agriculture Development Program (CIADP) aimed at increasing the competitiveness and inclusiveness of the agriculture sector (ADB, 2022). It is also supporting the implementation of the National Irrigation Master Plan (NIMP) and the Flood Risk Management Master Plan (FRMMP). Moreover, ADB will assist the government in tackling the persistent food insecurity by developing a food voucher program for poor pregnant women to improve their access to diverse and healthy nutrition sources.

Agrarian Reform Communities Project (ARCP) II

Lack of equitable access to the means of production, including land, capital, irrigation, technology, information, employment opportunities, and markets, have led to deep poverty and low living standards (ADB, 1998). With this assessment, the ADB funded the ARCP I through the Department of Agrarian Reform (DAR) from 1999 to 2007. Building on the experience gained from the success and challenges of ARCP I, the ARCP II was implemented from 2008 to 2019.

The expected outcome was improved capabilities and well-being of poor and marginalized groups in the target communities through four outputs: (1) community-driven development, (2) agriculture and enterprise development, (3) sustainable rural infrastructure, and (4) project implementation and management.

The Project encountered several difficulties and had to extend its implementation for three more years. Major constraints identified in project implementation are the inability of LGUs to shoulder the increased equity requirement and the challenges encountered in strengthening land tenure. At project completion, for example, land titling covered 6,409.4 hectares and benefited 3,534 ARBs. This is only 20 percent of the reduced target and 16 percent of the original target for ARBs. The failure to achieve this target was due to the refusal of some ARBs to have their lands surveyed, the poor survey results on the collective Certificates of Land Ownership Awards and cadastral records on untitled properties, complex and time-consuming inspections, verifications, and approval of surveys, missing copies of the Certificates of Land Ownership Awards, and peace and order issues in Mindanao (ADB, 2020).

One of the lessons articulated in the ADB Project Completion Report is that agrarian reform and poverty reduction are complex and multisectoral in nature. Moreover, land tenure improvement needed special attention (ADB, 2020).

Competitive and Inclusive Agriculture Development Program (CIADP)

Funded by ADB in 2020, CIADP aims to increase the competitiveness and inclusiveness of the agriculture sector by: (1) implementing agricultural trade policy and regulatory reforms, (2) enhancing public services and finance for the sector, and (3) increasing social protection to rural families who may be affected by the reforms.

Relevant to strengthening land tenure security and enhancing farmers' productivity is the provision of public services and finance for agricultural development. These services and financing are lacking due to the following factors: (1) unsecured land titles that disincentivize investment in farmland, undermining farmers' productivity and income, (2) complex and fragmented institutional setup comprising more than 30 government agencies that caused significant inefficiencies in water resource management, (3) the liberalized rice trade exposing the Philippine rice industry to stiff international competition, and (4) the devolution of agriculture extension services to provincial and municipal government units undermining the outreach to beneficiary farmers and fisherfolk (ADB, 2022).

Some lessons learned in this engagement are: (1) policy reforms in agriculture are complex, have a medium- to long-term gestation, and require proper sequencing; (2) policy reforms negatively impact some segments of the population and such negative impacts should be mitigated so that the reforms can be accepted and sustained; (3) assistance in response to emerging issues has strengthened the long-term partnership with the government; and, (4) wider consultation with relevant agencies and offices helps overcome issues arising from the lack of coordination among them (ADB, 2022).

Environmental and Social Framework

The ADB is currently drafting its Environmental and Social Framework (ESF) which will provide guidance for the Bank, the implementing member-countries, and other stakeholders in pursuing its vision of eradicating extreme poverty and sustaining its efforts "to achieve a prosperous, inclusive, resilient, and sustainable Asia and the Pacific (ADB, 2023).

The draft articulated the ADB's mandatory environmental and social requirements and covered several environmental and social concerns, particularly climate change, land acquisition and land use restrictions, indigenous peoples, and the conservation of cultural heritage. It also plans to classify projects according to environmental and social risks (high, substantial, moderate, and low) where land rights of indigenous peoples and other vulnerable minorities, complex land acquisition and land use restrictions, and impacts on cultural heritage, among others, are considered.

Moreover, it has strengthened stakeholder engagement through meaningful consultation and, where problems and conflicts may be encountered, project-level grievance mechanism has been considered.

Concerning land tenure security, the inclusion of Land Acquisition and Land Use Restriction (LA/LUR - ESS 5) in the Environmental and Social Policy Standards will be

instrumental in addressing land governance issues. ESS 5 recognizes that project-related land acquisition and land use restriction, if unmitigated, could give rise to significant economic and/or environmental and social (E&S) risks and impacts, and may result in long-term hardship and impoverishment. It intends to avoid economic and physical displacement, forced eviction, and mitigate unavoidable adverse social and economic risks and impacts. It will also ensure that LA/LUR activities are planned and implemented through appropriate stakeholder engagement, including information disclosure, meaningful consultation, and grievance management (ADB, 2023).

Ways Forward

After several meetings and information exchanges between ADB Philippines Country Office and ANGO (and Philippine CSO partners), there is a general agreement on the importance of land tenure security to current national and global developmental challenges. This has been recognized by various UN institutions and its impacts are manifested in the growing incidence of land and resource conflicts. The ADB also accepted this with interest as CSO partners are getting into some complex issues of historical setups that pose a challenge to ADB in governance of land and land systems.

With this shared assessment, representatives from the ADB (Philippine Country Office; the Division of Agriculture, Food, Nature, and Rural Development; and, the NGO and CSO Center) participated in a roundtable discussion with representatives of Philippine CSOs, farmers, and fisherfolk on 5 June 2024. A delegate from the government's National Anti-Poverty Commission was also in attendance. In total, there were 17 representatives (12 females, 5 males) from the basic sectors and CSOs (11), government (1) and ADB (5).

After a brief overview and the presentation of the highlights of the Discussion Paper (relevance of land tenure security, legal framework on land rights and tenure systems, land governance challenges, development strategy of ADB in the Philippines and programs related to land and agriculture), a plenary session on proposed modalities of engagement between Philippine CSOs and the ADB followed.

The following recommendations were forwarded and agreed upon by the participants.

In relation to regular information exchange between ADB and CSOs

CSOs proposed to organize a regular feedback session with the ADB to discuss implementation of ongoing ADB-financed projects on land, or with components on land. This will identify challenges and explore recommendations in addressing land issues encountered. This proposal was welcomed by the ADB representatives as this will provide feedback from the ground on land tenure security issues. This will also guide ADB in addressing those challenges as part of ADB's engagement with the Government of the Philippines.

Moreover, the ADB representatives agreed that the agrarian issues remain highly relevant and that is something that the ADB need to work on to have a better registry at the local government unit (LGU) level. They fully support to have regular communication exchanges on agrarian and resource tenure issues in the Philippines for ADB to consider as part during the design process of any investment especially in agriculture and natural resources.

At the same time, with the new safeguard policy that requires evidence of stakeholders' engagement, projects will be better developed with stakeholders' engagement as an important part of project design. One possibility is to propose to the Office of Safeguard Policy to organize a brown bag session or learning event to present the Land Tenure Security Discussion Paper in the Philippines.

In relation to engaging CSOs in country programming of ADB

The CSO recommendation to organize focus group discussions on land tenure assessments as inputs to future country programming of ADB in the Philippines was well received by Mr. Eric Quincieu, the Principal Water Specialist of the ADB Division of Agriculture, Food, Nature, and Rural Development. ADB will consider agrarian issues as part its programming during the design process of any investment in agriculture and natural resources.

Mr. Quincieu further informed the participants that his division is working on Mindanao Agro-Enterprise Investment initiative. This can be an opportunity to start this collaborative engagement with CSOs. He offered to convene a follow-up meeting with ANGOC and its CSO partners to discuss further on how the agrarian aspects have been considered in the Mindanao Agro-Enterprise Investment in the ongoing negotiations with the Department of Trade and Industry (DTI).

Ms. Cristina Lozano, Principal Country Specialist of the ADB Philippine Country Office expressed openness in engaging CSOs in planning, design, and implantation of ADB-financed projects. Ms. Lozano values the insights and perspectives of CSOs, and thus shall pursue the consultation process with CSOs. She is supportive of the follow-up meeting with ANGOC and its CSO partners to discuss the Mindanao Agro-Enterprise Investment as a starting point to pursue this process.

In relation to policy dialogues on land governance and other related issues

On long-term dialogue and engagement in the agricultural sector, Haidy Ear-Dupuy, Head of the ADB NGO and CSO Center, notes that rural development and food security operation strategy is one of the five priorities of ADB in the region. Hence, Ms. Ear-Dupuy recommended that ANGOC reviews and analyze how to engage with this strategy that looks at the broader food security and rural development approach. Another area of engagement is the food security forum. ANGOC and CSO partners can propose to organize learning sessions and brown bag sessions.

There may be other countries who also have land tenure security challenges like the Philippines. Thus, it will be an opportunity to cross-learn between different countries, the context, and how to overcome some of the constraints posed on the work in agriculture reform based on the country context and the political constraints. (A similar paper on land tenure security in Nepal was prepared by CSRC, a CSO member of ANGOC; thus, a brown bag session may be explored with the Office of Safeguards Policy to present the Philippines and Nepal papers.)

In relation to processes and mechanisms on engaging ADB

Given that land tenure security is a complex issue and that ADB is a multifaceted institution, several tracks of engagement can be explored. The following are some initial suggestions:

On compliance to environmental and social framework. It is proposed that one track of engaging ADB will be based on its compliance to its Environment and Social Framework (ESF). CSOs can scrutinize on what kind of environmental and social compliance the project must have to implement the safeguard policy of ADB. On gender issues, for example, CSOs can provide feedback on ADB-financed projects as to what extent women's land rights are ensured or protected.

On land, rural development, and food security. The other track is to focus on agriculture, food security, and livelihoods of people and how they are connected to the land. This touches on operational strategy approach where CSOs can engage the ADB agricultural sector in terms of knowledge sharing and learning of rural development topics, including land.

On unresolved and complicated conflicts. What happens if the perspective of the civil society organizations or farmers organization is different from the government? How will ADB resolve that kind of concern?

ADB has the Office of the Special Project Facilitator (OSPF) whose main task is to solve problems. This office intends to conduct more outreaches with civil society organizations (CSOs) so that when there is an issue of project implementation and there is disagreement or there is something that is not going well, OSPF can quickly respond. ANGOC and CSO partners can reach out and report the issues to the OSPF. The monitoring role of CSOs is thus valued by ADB on this aspect.

Main Contact Office in the ADB. The ADB NGO and Civil Society Center works closely on engagement with civil society. The Head of the Center commits to ensure that ADB-funded projects will have adequate outreaches and discussion with CSOs before project is designed and approved. Given the different entities within ADB (with different responsibilities), the NGO and Civil Society Center shall help CSOs to navigate so that CSOs talk to the right people on the issues that CSOs want to address. ■

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List of Acronyms

ADB	Asian Development Bank	FFPh	Fair Finance Philippines
A & D	alienable and disposable	FGD	Focus Group Discussion
AD	Ancestral Domain	IDEALS	Initiatives for Dialogue & Empowerment through Alternative Legal Services, Inc.
ANGOC	Asian NGO Coalition for Agrarian Reform and Rural Development	IPRA	Indigenous Peoples Rights Act
ARB	Agrarian Reform Beneficiary	IPs	indigenous peoples
ARCs	Agrarian Reform Communities	IPRA	Indigenous Peoples Right Act
BFAR	Bureau of Fisheries and Aquatic Resources	JAO	Joint Administrative Order
CARP	Comprehensive Agrarian Reform Program	LWA	Land Watch Asia
CADT	Certificate of Ancestral Domain Title	MDBs	Multilateral Development Banks
CARL	Comprehensive Agrarian Reform Law	NCIP	National Commission on Indigenous Peoples
CALT	Certificate of Ancestral Land Title	NEDA	National Economic and Development Authority
CIADP	Competitive and Inclusive Agriculture Development Program	NLUA	National Land Use Act
CLOA	Certificate of Land Ownership Award	PDP	Philippine Development Plan
CCLOA	Collective Certificate of Land Ownership Award	PFC	Philippine Fishery Code
COP	Conference of the Parties	PSA	Philippine Statistics Authority
DAR	Department of Agrarian Reform	SDG	Sustainable Development Goal
DENR	Department of Environment and Natural Resources	UN	United Nations
ESF	Environmental and Social Framework	WB	World Bank
FAO	Food and Agriculture Organization		
FFA	Fair Finance Asia		



The Initiatives for Dialogue and Empowerment through Alternative Legal Services, Inc. (IDEALS)

is a non-stock, non-profit legal focused advocacy and service institution organized to address the legal and technical needs of the marginalized, disempowered, and vulnerable groups, particularly the agrarian reform beneficiaries, farmer-traders, migrant sectors, persons and communities affected by disasters, and victims of human rights violations. IDEALS is dedicated to develop and facilitate partners' initiatives for empowerment and sustainability as well as assisting disadvantaged and marginalized sectors in gaining improved access to justice and equity.

See <https://ideals.org.ph>



Fair Finance Philippines (FFPh) is a national network of CSOs committed to ensuring financial institutions fund businesses that respect communities' social and environmental well-being. FFP is also part of a regional and global network of CSOs advocating for sustainable finance policies and practices known as Fair Finance Asia, and Fair Finance International, respectively.

IDEALS is the convenor of FFP.



Fair Finance Asia (FFA) is a regional network of over 80 CSOs through national coalitions in Cambodia, India, Indonesia, Japan, Pakistan, Philippines, Thailand, and Vietnam working with national and regional stakeholders in the public and private sector to facilitate the development of appropriate ESG policies and regulations.

See <https://fairfinanceasia.org>

Land is a key enabler and accelerator for sustainable development. With the inclusion of “access to ownership and control over land” under Sustainable Development Goal (SDG) Target 1.4, there is greater recognition that land issues are linked to national and global issues.

Multilateral development banks (MDBs), including the Asian Development Bank (ADB), have directly or indirectly been financing initiatives that impact of land rights of communities, through loans and technical assistance projects. To facilitate an informed discourse on land tenure security, this paper was prepared to: (1) present the perspectives of CSOs and communities on land rights – its importance and relevance in the national context; (2) describe the views, interventions, and challenges on land rights as experienced by the ADB Country Office in the Philippines; and, (c) provide options for engaging CSOs on land rights in the Philippines.



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