



Integrated Land Administration and Management In the Philippines: Long Way to Go

Ruel C. Limbo
Supervising Agrarian Reform Program Officer/OIC-Chief, Policy Division
Policy and Research Service (PRS)
Department of Agrarian Reform (DAR)

INTRODUCTION

The Philippines lags behind its Asian neighbors in terms of land administration and management. It is widely accepted that the multiple national land agencies lack mechanisms for coordination. Continuing legislative efforts to rectify the situation have not evolved to establish overall institutional mechanisms to resolve land administration and management issues (LSDF Manual, LAMP2). In China, land administration authorities were centralized from 1986-1997 when the State Land Administration Bureau was established and responsibilities were clearly defined (Shouzhi, 2007).

According to the House of Representatives (2008), the inefficiency of land administration system has become a disincentive to investments in the land market because of the high transaction costs in securing, registering and transferring property rights. Moreover, the complicated land institutions and processes have further strained limited public sector budget due to unnecessary duplications in management and administration support, and land information and records.

Policies and initiatives

Department of Environment and Natural Resources (DENR) Administrative Order (A.O.) No. 10, Series of 2015 was issued to prescribe the establishment of the Center of Land Administration and Management Project-Philippines (CLAMP) to help national government agencies (NGAs) and local government units (LGUs) to adopt the innovations and new approaches to land administration and management.

The proposed Land Administration Reform Act (LARA), if passed, will establish a single land administration authority which, basically is a consolidation of roles, functions and services of the concerned bureaus and agencies.

The Government of the Philippines (GOP) requested support from the Food and Agriculture Organization (FAO) to review and update the Land Sector Development Framework (2010-2030) which was prepared under the Land Administration and

Management Project (LAMP2). The LSDF contains policy directions and long-term strategies for land governance including land administration and land management.

Multiple agencies involved

De los Reyes (2016) in his End of Term Report as Secretary of the Department of Agrarian Reform (DAR) discussed the problem of having many agencies responsible for land administration and management. Three agencies distribute land namely, the DAR, Department of Environment and Natural Resource (DENR) and the National Commission for Indigenous People (NCIP). Overlapping land grants have been issued to respective beneficiaries. The Land Management Service (LMS) of DENR verifies and approves both original surveys and subdivision surveys while the Land Registration Authority (LRA) under the Department of Justice (DOJ) also approves subdivision surveys. However, no single government agency maintains complete records of all landholdings. Various government agencies keep different kinds of land records (Table 1).

The gaps in land information, fragmented and outdated landholding records, errors in land registration and classifications, and incomplete cadastral information and survey errors and other problems such as overlapping titles covering the same properties, erroneous technical description in titles and erroneous surveys hindered the smooth implementation of agrarian reform program especially the acquisition and distribution of private agricultural lands. The problem is aggravated when landholdings are transferred without DAR clearance or when the landholdings are divided and partly transferred.

Table 1. Inter-agency overlaps in land survey and land titles recording, based from De los Reyes (2016)

Agency	Functions and Land Records	Limitations
Land Registration Authority (LRA) and Registers of Deeds (RODs)	Approves subdivision survey of titled properties; Maintains records of titled properties	No centralized database of all titled properties, total area and titled properties used for agricultural purposes
Department of Environment and Natural Resources (DENR) and Land Management Service (LMS)	Verifies and approves subdivision survey plans Maintains copies of approved survey plans	No information on approved survey plans with resulting actual titles
Assessors' offices in the provinces, cities and municipalities	Tax declarations, tax maps, real property tax records	Land use information filed with the assessors' offices are self-declarations of owners or claimants of the land.
Housing and Land Use Regulatory Board (HLURB)	Regulates zoning and maintains registry of all zoning ordinances	
Local Government Units (LGUs)	Issues zoning ordinances and regulations	

While administrative orders have been issued, the absence of higher level coordination has derailed the full development of the integrated land administration and management. In

addition to harmonizing legal and institutional frameworks, the exchange of information, communication and technology is critical in facilitating land administration and management functions and services (LSDF Manual, LAMP2).

Recommended solutions

GTZ study by Arlanza *et al.* (2006) in their study of the future directions of the agrarian reform recommended that a land registration system should be managed by a single agency.

In line with suggestions to improve certain systems in land administration and management that will help facilitate land acquisition and distribution, de los Reyes (2016) offered the following suggestions:

- Enact a comprehensive land code to replace outdated laws and harmonize existing land laws and regulations such as the cadastral law, public land law, property registration decree, and surveying rules;
- Improve and shorten the process of administrative titling and adjudication of property rights in untitled alienable and disposable (A&D) lands, commencing in areas of high agricultural potential;
- Establish a single, integrated land information system containing all land record for all land types that shall record property rights, interests, land use, regulations and restrictions, and boundaries, which should be shared among agencies including LGUs and made accessible to the public; and
- Transform the DAR into an agency called the Department of Land Administration (DLA) that will perform four functions: issuance of certificates of title; approval of surveys; land distribution (of both private and public lands); and adjudication of all land matters, except zoning.

Basnet *et al.* (2015) in a review of issues affecting LAM in several Asian countries including Philippines recommended, among others to ensure stakeholder participation in the formulation, establishment and implementation of land and natural resources policies; promoting coordination and transparency among agencies; and mapping of land use pattern, reflecting natural resources, human-created assets, and revenue maps.

CONCLUSION

It will take a long time for the legislative process to pass the LARA bill or any related legislation. Structural changes involving transfer of services from one agency to another involves political will, careful planning and budgetary adjustments. The integration of the land administration and management functions is a step in the right direction but may not be possible in the medium term. Indeed, a long way to go.

REFERENCES

- Antonio D. (2015) “Fit for Purpose Land Administration: Tools and Approaches”, In: Summary Report of Asia Regional Forum on Land Administration and Management in Rural and Urban Areas, October 2015, Jakarta, Indonesia.
- Arlanza, R.S., Gordoncillo, P.U., Meliczek H, Palafox, J.A.F., and Peñalba, L.M. (2006). The Comprehensive Agrarian Reform Program: Scenarios and Options for Future Development. German Technical Cooperation (GTZ).
- Basnet, J., Moni R.J., Nurdin, I. and De Vera D. (2015). “Land Administration and Management in Rural and Urban Areas, Issues, Challenges and Recommendations,

Perspective from CSOs”, In. In: Summary Report of Asia Regional Forum on Land Administration and Management in Rural and Urban Areas, October 2015, Jakarta, Indonesia.

De los Reyes, V.R. (2016). End of Term Report for Term July 2010 to June 2016, Department of Agrarian Reform, DAR, Quezon City.

Land Sector Development Framework (LSDF) Manual, 200_. Land Administration and Management Project Phase 2 (LAMP 2).

Shouzhi, W. (2007). China’s Legal Framework and Reform History of Land Administration. Lecture Notes on Asian Official Seminar on Land Use and Administration, Beijing, 2007.

Date submitted: Nov. 14, 2017

Reviewed, edited and uploaded: Nov. 22, 2017