

# Updating the Philippine Land Sector Development Framework (LSDF) 2030: Insights and Recommendations

*Elmer Mercado, EnP  
Public Land Management Specialist*

In 2010, the Department of Environment and Natural Resources (DENR) through the Philippine Land Administration and Management Project II (LAMP II) formulated the first Philippine Land Sector Development Framework (LSDF) 2030 to provide a strategic road map in reform the country's land sector – land administration, management, land market, valuation and assessment, and as part of the country's long-term development agenda.

The LSDF 2030 is an attempt to effectively harness efforts and engender a common policy for land administration and management in the Philippines among LAM sector government agencies, the private sector, and education and research institutions. The Government of the Philippines (GoP) has long recognized the need for substantial reforms in the LAM sector acting through various activities including: the Land Administration and Management Projects of Phase 1 and Phase 2, Land Registration Authority (LRA) computerization program, Land Titling Computerization Program

(LTCP), on-going agricultural reforms of Comprehensive Agrarian Reform Program (CARP), and PRS 92 conversion program of the National Mapping Resource and Information Authority (NAMRIA).

The LSDF builds on scoping studies prepared in 2005 for an initial Land Administration and Management Program Long Term Development Plan with key preparatory consultations among LAM sector agencies during November 2009 to May 2010. The LSDF 2030 was presented and submitted to the incoming Aquino administration and several

of its key recommendations were included in Aquino's administration's "Daang Matuwid" Philippine Development Plan 2010-2016.

Whilst a number of the reforms in the LSDF 2030 were implemented such as the completion of the national cadastral survey, key policy reforms in the LSDF 2030 such as the Land Administration Reform Act, National Land Use Act, national spatial mapping and land information database system remains.

At present, the LSDF is currently being reviewed by the Land Management Bureau of the DENR with the end goal of further enhancing and updating the reform agenda identified in the previous LSDF 2030 to address other key land sector issues such as tenure security, land governance and climate change and disaster risk impacts. The new Duterte administration has also identified "land tenure security" as part of the administration's ten (10)-point priority agenda.

This document incorporates the major conclusions and recommendations of the "CSO Roundtable Discussion on the Land Sector Development Framework Review" jointly organized by ANGOC, Department of Environment and Natural Resources (DENR) and ILC NES platform in the Philippines last 29 June 2017 at DENR Central Office. The views expressed in this paper do not necessarily reflect those of ILC.



With a technical cooperation project (TCP) with the Food and Agriculture Organisation (FAO) entitled, *“Mainstreaming the Voluntary Guidelines on the Governance of Tenure (VGGT): Philippines”*, the LSDF2030 is being updated by the DENR-LMB, in partnership with the Bureau of Local Government Finance (BLGF), and the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC). This paper was prepared as technical input to the LSDF 2030 updating process.

**Land resources: its value to the country’s current and future development and role/function of LSDF in the Philippines 2030 vision**

Land has always been one of the

reasons for violent social and political conflict in many parts of the Philippines, including Muslim Mindanao, since the time of the Spanish conquest to the American colonial period to the present day national government administration. The issue of land as a very volatile issue not only gains more urgency today for 103 million Filipinos but more so by 2030 when around 124 million Filipinos will be fighting for a share of the country’s 30 million hectares land area.

Undeniably land sector and its reforms are of critical significance being the single most important natural resource and asset of the country and its people. This is exacerbated that majority of the country’s private landholdings since the time of the Spaniards

has been held or owned by a few elites and the rest owned by government based on the ‘regalian doctrine’.

That’s the reason why the issue of land reform or redistribution of land to the landless has always been the cause of many peasant revolts and the anchor of numerous social justice platform of the Philippine government from the Rice Share Tenancy Acts of Commonwealth period to the Comprehensive Agrarian Reform Program (CARP) under the 1987 People Power Constitution. Yet, the issues in the land sector remain and continuous to be unresolved due to systemic, regulatory and institutional challenges.

On the other hand, land sector activities are critical drivers to

## National Spatial Strategy (2016-2045)

NSS Strategies and specific objectives		
Vulnerability Reduction	Regional Agglomeration	Connectivity
<ul style="list-style-type: none"> <li>• Protect environmentally-constrained or hazard-prone areas</li> <li>• Control settlements in hazard-prone areas</li> <li>• Ensure safety of the population</li> <li>• Ensure access to areas affected by hazard events</li> </ul>	<ul style="list-style-type: none"> <li>• Optimize benefits from agglomeration</li> <li>• Increase viability of wider variety &amp; higher levels of services in areas with bigger markets</li> <li>• Reduce encroachment into agricultural land &amp; other environmentally-sensitive or protected areas</li> </ul>	<ul style="list-style-type: none"> <li>• Improve linkages among settlements and key production areas</li> <li>• Direct growth in areas with greatest economic potentials through efficient transportation networks</li> <li>• Increase access to jobs and services by people in smaller settlements</li> <li>• Connect rural areas to growth centers</li> </ul>

Source: [www.neda.gov.ph](http://www.neda.gov.ph)

the country's economic growth through encouraging formal land market activities, up-to-date land valuations and an expanded land record base for taxation activities. Successful business operational models have emerged through national and local government agency partnerships in building capacity and improving service delivery resulting in increased local government revenue.

In addition, land sector reforms are able to contribute significantly through spatial data management and land management and monitoring activities in response to natural disasters and the affects of climate change. Land administration and management reforms attempt to better inform and equip decision makers towards more efficient, effective and accessible service delivery that is financially sustainable. It is in this context, that the LSDF 2030 becomes an important national reform undertaking especially

in pursuit of sustainable and inclusive economic growth.

However, land is also the most critical resource that cannot be replicated or increased as it is a fixed physical asset and therefore is a limited resource, especially in terms of its access, use and ownership, amidst a growing population and development pressure. Access and ownership of land has been at the 'center' of many social and political conflicts throughout the history of the country at both national and regional levels. Land has also been at the center of many individual and communal issues, litigation, sectarian violence, and, index and non-index crimes. These land-related issues and conflicts, including the growing violence and pressure, attached to land in the country will be exacerbated with the increasing population and demand for access and use of such a growing limited resource that is further made unattainable

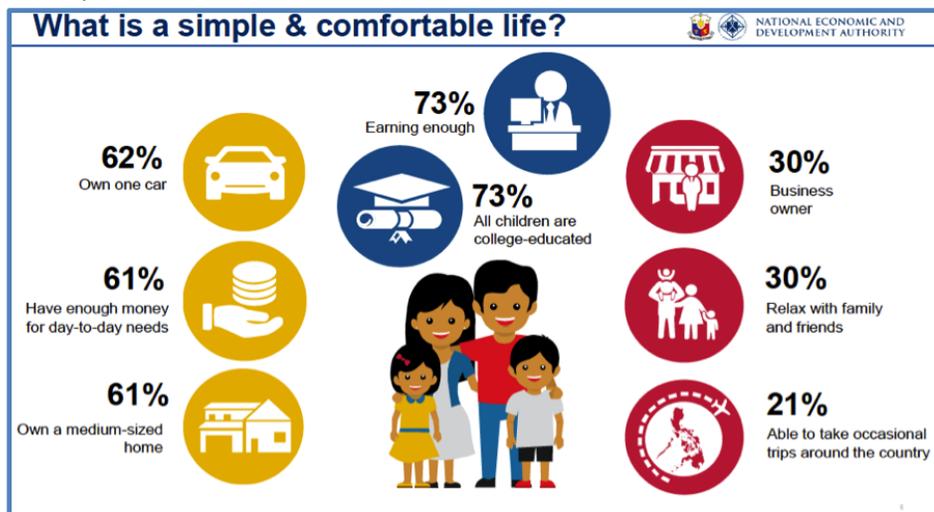
to many because a large part of available land is not only beyond the reach of majority and ordinary people but also owned and controlled by a few.

## Insights and Recommendations to the Updating of LSDF 2030

### 1. Linkage of LSDF 2030 with broader national physical (i.e. National Physical Framework Plan and National Spatial Strategy) and long-term development visions (i.e. Ambisyon Natin 2040).

Given that the LSDF 2030 is a key national sectoral strategy that is meant to translate strategic national development objectives, it is important that the LSDF must be able to clearly link its prioritization and proposed programmes with higher-level strategic plans (i.e. National Physical Framework Plan and National Spatial Strategy) and development vision i.e. *Ambisyon Natin 2040*. *Ambisyon Natin 2040* represents the collective long-term vision and aspirations of the Filipino people for themselves and for the country for the next 25 years. It describes the kind of life that people want to live, as well as how the country will look like by 2040. As such, it will serve as an anchor for development planning across at least four administrations. In this context, the LSDF would not be seen as a stand-alone strategy but a complimentary (integrative) implementation strategy.

## Ambisyon 2040



Source: [www.2040.neda.gov.ph](http://www.2040.neda.gov.ph)

## 2. Respond to future demands and projected conditions for land resources and uses of the country.

The prioritization and urgency of proposed programmes and actions, specially those pertaining to tenure, land allocation and use policy, must be contextualized with the expected future demands and projected conditions of the country in the next 20-30 years. The current LSDF and the recommendations being submitted while relevant and attuned to current issues and challenges must go beyond addressing immediate and recurring issues on land administration and management (2015) but also future demands and projections by 2030/2050. In this case key future demands and projected conditions/changes to consider are:

- Population by 2030/2050 = 123.5 million/148 million from 102 million (2015) – 38% in

NCR, Region IV and Region III (2015);

- Urban pop. 2030/2050 = 65% urban (2030)/80% (2050) from 45%;
- Informal settlements = 5.45 of urban population (2015), all living in high-risk/vulnerable areas
- Accumulated backlog in housing 2011-2016 = 5.7 million; 12.1 million (2030) Median age = 24.5 yrs (2015); 70% =below 45 yrs. (2030);
- Average age of farmers = 57 years old (2013, DA study); 0.60 hectares farm lands (average size of land, ARBs);
- Poorest of the poor = upland farmers, IPs and fisher folk

## 3. Assessment and evaluation of the physical, vulnerability and biological status of land resources/assets (fertility, best use, viability).

Aside from the realisation that at only 30 million hectares the

country's land resources/area is finite and limited to satisfy all the needs of the country's current and future population, there is also a need to understand and realize the biophysical, ecological and vulnerability condition of these resources. It is not enough that the cadastral survey or delineation of the country's lands and political boundaries are completed, it all the more critical to establish the actual conditions of these lands – biophysical, ecological, vulnerability, ownership/tenure in order to establish the functionality of these lands and subsequently determine its strategic and future values. These shall include:

- Status of Philippine public lands --- forestlands, foreshore areas, wetlands, waters, etc.; linked to the National Forestry Assessment/Survey and National Cadastral Survey.
- Status of effectiveness of on-site management regimes.

There is a need to have a clear understanding of the true nature and conditions of the country's lands -- both public and private, in order to ascertain the urgency and priority level of reforms that the LSDF needs to pursue and prioritise in the next 20 years.

## 4. Prioritization of strategic land resource allocation and uses.

The LSDF 2030 should be prepared with a clear understanding of the strategic land allocation and resource use priorities of

the country in the next 30 years. This should be presented and determined under the National Physical Framework Plan (NPF) or National Spatial Strategy. These land allocation and resource use priorities would establish in terms of:

- Strategic functional objectives and development strategy of the country's lands;
  - Identification of lands for protection, production, settlements, biodiversity, etc.
  - Development/sectoral priorities – e.g. water, settlements, food security, biodiversity/ecological balance, climate resilience/DRR
- Spatial distribution/focus/priority and land uses/utilisation policy, especially in the context of rapid urbanization and increase population concentration;
- Application of development controls and uses and management arrangements to sustainably managed and maximize a rapidly diminishing resource.

However, this function has to be performed by a mandated national agency that would have strategic responsibility over the determination of these priority land allocation and resources uses. The absence of a national land use authority with powers to determine such priorities as envisioned in the proposed

National Land Use Act (NLUA) and the limitation of the current national land use committee-structure inhibits this vital decision-making process. It also inhibits the sense of urgency to accelerate the basic policy reform agenda being pushed under the LSDF 2030 and therefore the country's ability not only to address the current disarray in the land sector and the individual, communal and institutional conflicts that it breeds. But more importantly, it prevents the prospective mitigation of future and more extensive land conflicts that will confront the sector with an almost double the population.

#### **5. Quantification of land allocation requirements and priorities and designated as 'land reserves'.**

Once the strategic land allocation and resource use priorities are ascertained, there is the need to quantify the land allocation priorities and suitability of uses as 'national land reserves' to guide the LSDF proposed actions and programmes. It is the inherent right of the state to identify and reserve areas of the country's domain for specific purposes that it deems necessary to support current and future needs and interests. The state's responsibility to allocate land and water resources for strategic and future uses, including instituting appropriate implementation arrangements to develop and

utilize it, is an exercise of such responsibility and mandate.

The quantification of the country's needs for land resources/services and designate them as 'land reserves' to address future needs/demands:

- Water, settlements, production, food, ecological/environmental balance, climate resilience/disaster risk reduction, etc.

This 'land reserves' should be translated into the amount of land area needed to produce and delivery these land resources needs/services and designated these areas as 'national land reserves' for such functions; identify critical areas and locations where such functions and services would be maximized and developed; and, institute the necessary development controls and resources needed for these 'land reserves.'

Currently the DENR has completed the forestland survey/delineation and finalizing the national cadastral survey. The DA is also updating the National SAFDZ plans and National Land and Crop Suitability Maps. The National Urban Development and Housing Framework (2017-2026) has also been completed. The National Land Use Committee is also reviewing and updating the National Physical Framework Plan and National Spatial Strategy under the new administration. All

of these should be integrated into the proposed national mapping and land information system.

**6. Resolve and address basic land sector issues to address current, recurrent and future land administration and management problems.**

The LSDF 2030 framework addresses key reforms needed based on the key elements of the land sector – land administration, land management, land information management, land valuation, taxation and fees, and enabling environment.

However, the over-all success of the LSDF reform agenda rests on the completion of the land mapping and information management --- e.g. integrated national land information system, completion of the national cadastral survey/system, that serves as the foundation for the effectiveness of the other reform programs in land administration, land management and land valuation and taxation.

Indeed, it is critical that the basic land mapping and information system be established and functioning to address the recurrent issues and challenges identified in the LSDF 2030. Likewise, the LSDF 2030 should be presented based on key results objectives for each sub-sector to clearly establish the desired condition for each sub-sector.

**7. Other issues that need to be further expounded in the LSDF 2030.**

LSDF 2030 current framework basically looks at the technical and administrative issues related to the land sector (particularly public land management). But the land sector and its impact covers much more than technical and administrative mandates and functions but more so conceptual aspect of land, land value and land ownership and use. These includes:

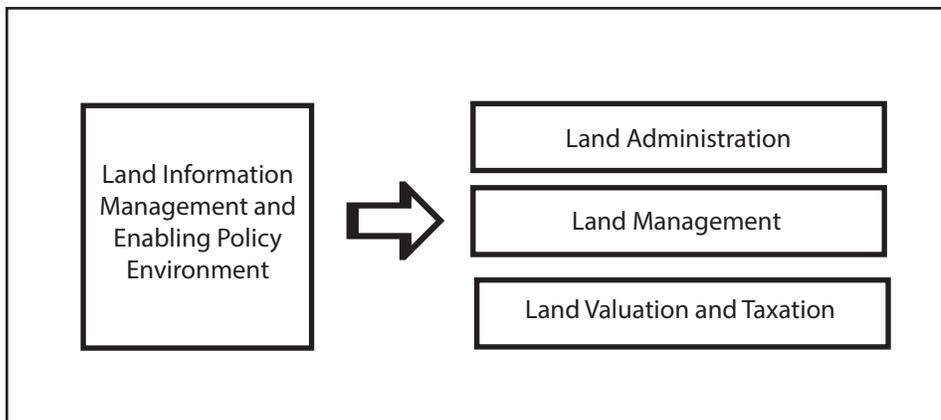
- Effective and appropriate management regimes (public and private) based on:
  - Tenure and development arrangements;
  - Functionality or development uses/purposes;
  - Administrative effectiveness and capacity;
  - Multi-area; inter-regional/ inter-local; multi-sectoral
  - Small, communal vs individual, household
  - Centralized or decentralized;
  - Area coverages/scope
- Land tenure arrangement and ownership structure of lands
  - ‘concept’ of regalian doctrine and best land stewards/managers
  - concept of ‘land ownership’ vs ‘land stewardship’ or ability to put land into more productive use/input more value to the land; ‘ownership’ vs ‘use/ utilization’;

- concentration of land ownership (private) to elite and government vs rest of the population lands (based on a ‘fully functioning land market’)
- use and application of technology – satellite/ drone technology; mega-data baselines; GIS-mapping technology, scenario/ analysis;....
- who is in-charge – land administration and land use/ development?

**8. Need to link the LSDF with other national sectoral/development and implementation plans.**

The effectiveness of the reforms in the land sector cannot be dissociated with parallel, if not simultaneous, efforts to address and implement key national and sector development objectives and plans such as the Philippine Development Plan (PDP) 2017-2022, National Urban Development and Housing Framework (NUDHF), National Climate Change Action Plan, National Infrastructure Plan, among others. These national development and sectoral implementation plans are complementary reform platforms that would make reforms in the land sector under the LSDF more effective and sustainable.

For example, improving tenure security of ‘occupied lands’ by upland farmers with formal



titles or tenurial agreements can only sustain and retain their ‘ownership’ if they productively use and develop their ‘titled lands’. Otherwise, they would revert back to untenured status by selling off their land and return to ‘occupying’ new lands in the public domain.

Such a ‘vicious cycle’ has been seen in many ‘tenure security’ improvement and social justice programmes in the country such as the agrarian reform or ‘land to the tillers’ programme, integrated social forestry or community-based forest management, urban resettlement and socialized housing, and even the ancestral domain and lands titling program.

The LSDF 2030 should not be seen as a ‘stand alone’ magic pill for all the long-standing, recurrent and future problems surrounding land issues and conflict in the country. The LSDF 2030 must be linked and inter-phased with recently approved or formulated national development/sectoral implementation plans specially the recently approved Philippine

Development Plan 2016-2022, Agriculture and Fisheries Modernization Plan, National Urban Development and Housing Framework Plan (2016-2025), NCCAP and NDRRMP, and National Land Use Plan, among others to ensure its success and the effectiveness of these plans. The LSDF 2030 provides the building blocks needed by the national development and sectoral implementation plans to be successful whilst the LSDF needs these national plans to ensure the implementation and execution of the reforms needed in the land sector.

**Implications of LSDF with other land-related laws**

**1. SB 1056 (Completion of Notice of Coverage – Land Acquisition and Distribution) “CARPer Extension”**

In the context of the LSDF 2030, the bill would greatly be benefitted if the reforms being pushed under the land administration and land information management sectors would be completed.

These include completion of the national cadastral surveys, national integrated land information systems, land mapping and information, and land titling improvement system, specially most of the lands being targetted or expected to covered by the proposed bill are undistributed private landholdings. Likewise, the land registration and integration of land information systems from the LMB and Register of Deeds (RoD) could also facilitate the further subdivision of existing mother titles issued during the early years of CARP as well as the determination of existing or ‘true owners’ and those currently occupying them.

On the other hand, opportunities are also available for improving land tenure security for upland farmers/settlers inside public lands or forestlands should the completion of the permanent forest delineation and assessment of forestlands are completed because of the possible release of these cultivate lands or lands not needed for forestlands to become alienable and disposable (A&D) public lands and therefore could be subjected to land disposition either through agriculture free patents (Public Land Act or CA 141) or CARP.

**2. NLUA (National Land Use Act)**

The NALUA, on the other hand, is a strategic policy environment that

would facilitate and address some of the recurrent and overlapping tenurial instruments, land uses and allocation arrangements in both private and public lands. The determination of the strategic and priority future land uses as envisioned in the bill as determined by the proposed National Land Use Authority/ Administration would be able to minimize, if not eliminate, overlapping tenure instruments and determination of priority uses of the country's land resources. It would also facilitate a more sustainable use and management of limited lands.

### **3. *HB 115 (Indigenous Community Conserved Areas)***

The proposed ICCA could be considered as an additional tool for land management covering protected area or biodiversity conservation areas that have been identified in the country. It is meant to complement the existing management regimes for protected areas as well as complement/integrated into local land use plans. The completion of the land information and land administration reforms issues – land information and mapping system, unified land tenure and titling system, among others will enhance the effectiveness of the ICCA as a 'on-site management' tool for protected areas/ biodiversity areas. ○