



Philippines



Women farmers leading the march for the passage of land acquisition and distribution completion of the Comprehensive Agrarian Reform Program (CARP).

Photo by CARRD

Condensed from "Women's Land Rights in the Philippines: A Scoping Study" by Ivy Marian Panganiban and Emily Roque of Philippine Partnership for the Development of Human Resources in Rural Areas (PhilDHRRA). For more details of the study, contact: national@phildhrra.net

Compared to the rest of Southeast Asia, women in the Philippines are in a better position in terms of their level of education and status in the family and in the workplace, as seen in the compliance with the Millennium Development Goals and various global indices on the status of women. And yet when it comes to rights to land, women in the Philippines still have a lot to fight for.

Indeed, women in the farming, fisheries, and indigenous sectors as well as their rights and access to land are often invisible in legal frameworks and government programs. Their involvement on the ground is substantive and yet usually unaccounted for and undocumented.

This dire situation will have to change as, according to Daley, et. al. (2013), women's land rights are "a key determinant of women's empowerment in rural areas and have profound implications on women's ability to enjoy in practice civil and political rights, social and economic rights, as well as to escape poverty and social exclusion."

Status of women's land rights

Based on data from the National Statistics Office (NSO), outlined in Table 1, there were 23,885 women workers in the agriculture, hunting, and forestry sector in 2006, 22,706 in 2008, and 23,854 in 2009. These numbers correspond to

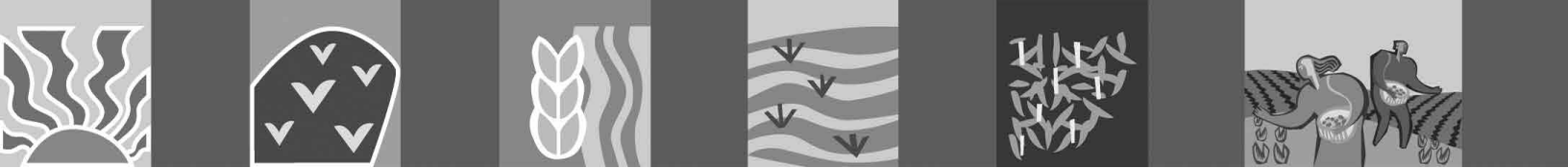


Table 1. Total population and percentage of women employment per sector.

Sectors	Year					
	2006		2008		2009	
	Total	%	Total	%	Total	%
Agriculture, hunting, and forestry	23,885	20.5	22,706	19.1	23,854	20.1
Fishing	1,101	5.8	1,256	7.2	1,647	7.9

Source: National Statistics Office (NSO) Labor Force Survey, 2003-2010

20.5%, 19.1%, and 20.1% of the total employment in agriculture in the years mentioned, but do not fully account for the unpaid work that the women do.

In the fishing industry, women accounted for 5.8% (2006), 7.2% (2008), and 7.9% (2009) of total employment. There was a slight increase in the number of women workers from 1,101 in 2006 to 1,256 in 2008 and 1,647 in 2009. Table 1 shows the total population and percentage of women employment in these two sectors.

But despite this increase in the number of women employed in fishing, the data still failed to capture the significant contribution and role of women in the fishing industry, and in agriculture as well.

To measure land rights, it is important to look at tenure instruments as these identify women’s ownership and access to land through titling or leaseholding. Farmer beneficiaries are given emancipation patents (EP) and certificates of land ownership (CLOA) by the Department of Agrarian Reform (DAR), as well as homestead patents by the Department of Environment and Natural Resources (DENR). Fisherfolk beneficiaries, on the other hand, are provided with fishpond lease agreements (FLA) by the Department of Agriculture-Bureau of Fisheries and Aquatic Resources (DA-BFAR), while indigenous peoples (IPs) are given certificates of ancestral domain

title (CADT) by the National Commission on Indigenous Peoples (NCIP). Lastly, community-based forest management agreements (CBFMA) managed by the DENR cover both farmers and IPs.

Table 2 presents the comparative numbers of women and men holders of such patents, certificates, and titles.

Based on these data on tenurial instruments, men are the main holders of land, accounting for more than half of the land covered by different tenurial arrangements. Note that in 2011, the data on the number of EP and CLOA holders was disaggregated, but that in 2012, the number of holders was combined. Meanwhile, data on CADT are not disaggregated by sex.

While it is provided in the national laws that gender equality in terms of land rights is imperative, these data alone show that the provisions have not been translated into action. This can be partly blamed on persisting customary laws.

For example, in the IP communities, the heads of the tribe are usually male and therefore men hold the upper hand in decision-making processes, particularly in the use of the land. Then among fishing communities, women are considered “unlucky” when it comes to fishing and are therefore relegated to other activities such as



Table 2. Number of Holders of Tenurial Instruments, by Women and Men, and Reference Documents

Indicator	Women	Men	Reference Document
No. of holders of EP	56,723	348,505	2011/DAR
No. of holders of CLOA	574,449	1,186,772	2011/DAR
No. of holders of EP and CLOA	643,695	1,550,660	2012/DAR
No. of PO members issued with CBFMA	67,520	124,570	2012/DENR
No. of right holders of CADT	725,818 (men and women)		2010/NCIP

Note:

- CADT certificate of ancestral domain title
- CLOA certificate of land ownership award
- CBFMA community-based forest management agreement
- DAR Department of Agrarian Reform
- DENR Department of Environment and Natural Resources
- EP emancipation patent
- NCIP National Commission on Indigenous Peoples
- PO people's organization

mending the fishing nets and marketing. Indeed, in practice, men maintain control in terms of ownership and land rights.

To study how land rights are ensured, it is critical to disaggregate the data according to sex to determine if women's rights to land are in fact recognized. Data reflecting the roles, contributions, and realities experienced by women in terms of land rights should also be captured.

Legal framework related to women's land rights

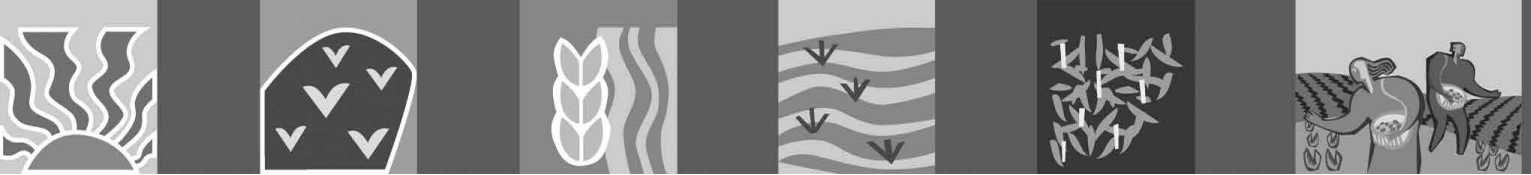
According to a Food and Agriculture Organization (FAO) report in 2002, the laws relating to women and land rights in the Philippines are gender neutral. International instruments, such as the United Nations' Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Beijing Platform for Action 1995, serve as overarching frameworks for the

development of the Magna Carta of Women (MCW) and the Women in Development and Nation Building Act.

National laws that specifically mention women's land rights are the Indigenous Peoples Rights Act of 1997 (IPRA) for indigenous women, the Comprehensive Agrarian Reform Program Extension with Reforms (CARPER) for women farmers, and the Fisheries Code for fisher women.

However, provisions for women's land rights are only subsumed in certain sections and are not fully elaborated, especially in the IPRA and the Fisheries Code. Owing to its amendments, CARPER, on the other hand, is more gender-responsive when it comes to acknowledging women's right and access to land.

Themes present in the legal frameworks include titling, access to information, statement of rights and entitlements, share in the produce/recognition for the value of work, right to



representation and participation, and budget provisions. However, these provisions often do not necessarily translate into actual implementation.

On the issue of land titling, great strides have been made. Policies on land titles and stewardship contracts and patents now provide for the inclusion of the names of women, unlike in the past when only the men's names appeared in such documents.

The Magna Carta of Women and several administrative orders from the DAR (AO 1-11) and the DENR (AO91-04, AO96-24, AO96-29) mandate that titles be issued in the name of both spouses, under a provision known as joint titling. The DAR's AO 1-11 is exemplary in terms of elaborating on the extent of titling, decision-making, and even land transactions between spouses. There are, however, no specific provisions on titling for fisher women and indigenous women.

While there are no comprehensive studies on the extent of awareness of women on the land laws and policies governing them, several data point to the efforts by both national government agencies and civil society organizations (CSOs) in providing information to women beneficiaries (DBM, 2012).

In government agencies such as the DAR, data on their annual accomplishment report show the trainings conducted on Gender and Development (GAD). As mandated by Joint Circular 2012-01, entitled "Guidelines for the Preparation of Annual Gender and Development Plans and Budgets and Accomplishment Reports to Implement the Magna Carta of Women," published by the Philippine Commission on Women (PCW), the National Economic and Development Authority

(NEDA) and the Department of Budget and Management (DBM), government agencies are required to include capacity building such as training on gender mainstreaming in their GAD planning and budgeting.

Similarly, as part of their advocacy, CSOs have done their part in informing women about their land rights. CSOs have provided orientations on GAD, the Magna Carta of Women, and land-related laws to women farmers, fisher women, and indigenous women. Beneficiaries are also oriented on GAD budgeting to enable them to participate in formulating gender-responsive programs.

However, while the major laws and programs on women's land rights are strong in terms of mandating specific provisions for titling and access to support services, they are weak in terms of implementation and monitoring. Certain laws are also seen as overlapping or in conflict with customary rights.

Assessment of key actors on women's land rights

Interagency Committee on Rural Women (IACRW)

The Interagency Committee on Rural Women is composed of the PCW, DAR, DENR, DA-BFAR, NCIP, and the Pambansang Koalisyon ng Kababaihan sa Kanayunan (PKKK). The IACRW convenes to celebrate Rural Women's Day every October 15.

While the committee has implemented a number of programs that are important for advocating rural women's interests, the Committee does not have a program expected to have a long-term impact on the rights of rural women.



A Policy Dialogue on Women's Access to Land was organized in October 2013 with members of the Inter-Agency Committee on Rural Women (IACRW), PhilDHRRA, and ANGOC. PhilDHRRA presented the initial results of the scoping study on women's access to land. The findings and recommendations were discussed at the dialogue.

Photo by PhilDHRRA

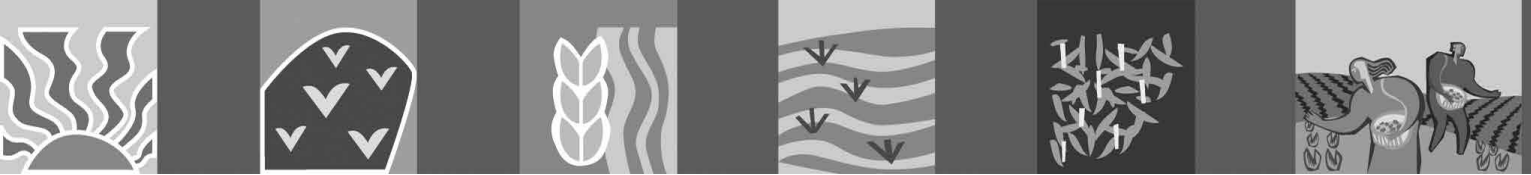
Philippine Commission on Women (PCW)

In 1975, the National Commission on the Role of Filipino Women (NCRFW) was established through Presidential Decree No. 633 to promote the rights of women in the country. In 2009, the passage of the Magna Carta of Women renamed the agency as the Philippine Commission on Women.

Since its creation, it has advocated gender equality in government through the following policies: the Philippine Development for Women for 1989 to 1992, Women in Nation-Building Act, and the Philippine Plan for Gender Responsive Development for 1995-2025 (PCW, 2013). PCW also ensures that the CEDAW is being implemented.

The PCW is the oversight committee for the GAD initiative of mainstreaming the gender component into the government's main policies and programs. To promote gender sensitivity in governance, an institutional mechanism known as the GAD budget and planning ensures that gender mainstreaming happens within the policies and programs by allocating 5% of the total budget of government agencies as well as local government units.

The PCW also serves as oversight to the implementation of the Magna Carta of Women. The organization has also come up with Gender Mainstreaming (GM) indicators which serve as the basis of the baseline survey tools to measure the gender-responsiveness of the programs and activities of different national government agencies and local government units.



Indicators related to women's land rights can be seen under Section 23 on "Food Security and Productive Resources" with an outcome statement of "improved participation of women in food security and access to productive resources" (PCW, 2013).

Department of Agrarian Reform (DAR)

In terms of policies on women and their land rights, the DAR is the primary agency that needs to integrate gender into its policies and programs. The AO 1-11 alone highlights how gender should be mainstreamed into women farmers' concerns such as titling, support services, representation, and participation, among others. The accountability of the GAD Focal Points has been clearly established, as opposed to the situation in other agencies.

Department of Agriculture (DA)

The Department of Agriculture is responsible for the agricultural development of farmers, fishers, and other rural workers. DA is the current chair of the IARCW and supervises the activities for the celebration of the Rural Women's Week. However, these activities held in recognition of women's land rights have been criticized for being more output – rather than outcome – oriented.

National Commission on Indigenous Peoples (NCIP)

The National Commission on Indigenous Peoples is responsible for ensuring that the rights of indigenous women are protected. However, during the meetings of IACRW, the NCIP representative is usually unavailable. This despite the fact that the commission's participation is crucial to represent the sector of indigenous

women and to make sure that their voices are heard.

Department of Environment and Natural Resources (DENR)

The Department of Environment and Natural Resources is responsible for the rights of fisher women as well as indigenous women.

Civil Society Organizations (CSOs)

Major civil society organizations working on women include the Women's Action Network for Development, CEDAW Watch, PKKK, Welga ng Kababaihan, the National Council of Women of the Philippines, Advocacy Network, Women's Action Network for Development, Katipunan ng Bagong Pilipina, General Assembly Binding Women for Reform (GABRIELA), Pambansang Kalipunan ng mga Manggagawang Impormal sa Pilipinas (PATAMABA), PILIPINA, and Sentro ng Alternatibong Lingap Panligal (SALIGAN) (CSRI, 2011).

One major output of these CSOs working on women's issues (particularly PILIPINA, PKKK, CEDAW Watch, and SALIGAN) was the Magna Carta of Women. It was through their intensive lobbying that the law was passed in 2009.

Recommendations

Government agencies

While there are few government agencies working on women's land rights, on the policy level, they have so far enacted several laws and policies to recognize the equal status of men and women when it comes to land rights. The problem now lies on the implementation of these policies alongside the Magna Carta of Women (MCW).



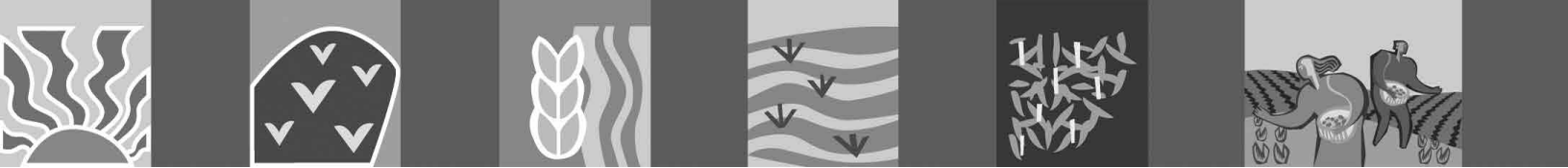
More specifically, recommendations to the respective agencies are the following:

- The PCW should have a monitoring mechanism for the GAD and should conduct the MCW baseline survey to measure the impacts of laws on women and identify further areas of development.
- The PCW should also ensure that the GAD activities are outcome-based and not merely output-based. For example, most government agencies conduct trainings on laws and programs, but there is no measurement as to whether the women sectors actually benefitted from these programs.
- Government agencies, particularly the DAR, DA, NCIP, and DENR should update their information and the data should be sex-disaggregated. It should also be easily accessible to all concerned parties. The PCW could then consolidate these data to arrive at and present a comprehensive view of the status of women and land rights.
- Government agencies should document the experiences of women farmers, fisher women, and indigenous women. Popularizing these experiences will enable stakeholders to become aware of the issues faced by these women sectors.
- The IACRW is a good entry point for discussing the issues faced by rural women. Aside from annual Rural Women's Day celebrations, they should also regularly convene to talk about policy issues, such as those concerning women and land rights. The PCW can spearhead these discussions since they are the oversight committee on women's rights and have been effective in pushing women's agenda in general.
- The IACRW (as a committee) and the specific government agencies (as agencies catering to their own sectors) should have more partnerships with CSOs and other stakeholders.

The IACRW is open to more CSOs partnering with them to help steer the focus on women's issues most needed to be addressed. It would be beneficial if the government agencies would take advantage of such platforms to develop a coordinated plan of action for the implementation and monitoring of the indicators discussed in this paper and those enshrined in the Magna Carta of Women. The IACRW could include in their activities a reporting on the status of women's land rights in the Philippines, specifically capturing the experiences of women farmers, fisher women, and indigenous women.

In terms of policy, several recommendations have been identified:

- More inclusivity is called for in terms of defining the agricultural labor of women. Monitoring systems should also be set up to identify whether there are overlaps between statutory and customary rights.
- More provisions for fisher women should be established, like those in the CARPER which elaborately highlighted the role of women farmers in terms of their land rights (titling, access and control, support services).
- More provisions for indigenous women should also be formulated, including protection from discrimination and violence against indigenous women leaders. Laws and policies should include provisions on ancestral domain and penalties for violations of laws and regulations on mining and land grabbing of ancestral lands. The NCIP should have more institutional legitimacy and authority in order to defend the IPs' rights. A sufficient budget should be allocated to the NCIP to improve their capacity to enforce the IPRA, as well as fast track the approval of CADTs. The PCW should also develop more indicators for IPs as well



as programs and recognition to include this marginalized group.

- The GAD Budget should be properly used to ensure the fulfillment of the indicators discussed above. The budget should focus on more outcome-based results rather than on outputs/activities alone.

Civil Society Organizations

- CSOs who are working in the agriculture, fisheries, and IP sectors should also have more awareness and sensitivity on women's land rights and be able to advocate these as well. Currently, only women-based groups advocate women's land rights.
- More partnerships and engagements with government agencies such as the PCW, DA, DAR, NCIP, and DENR should be established for all stakeholders to have a common understanding of the status of land rights in the country, both in the legal environment and on the ground.
- Intensive lobbying on the advancement of women's land rights should be conducted by CSOs, especially concerning issues such as fast tracking of asset reform implementation, land grabbing, and human rights abuses such as harassment and killing of members of people's organizations (POs).
- Advocacy on the amendment of policies should be strengthened, especially in cases of conflicting ones (i.e., the IPRA versus the Mining Act, among others).
- More research and documentation must be carried out on the following: women's experiences on land rights such as land titling, customary laws prohibiting women from inheriting land, level of awareness of women sectors on land laws and programs, mapping

of CSOs' initiatives on advocating women's land rights, monitoring of the GAD budget of agencies, among others. ■

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***For the complete list of references, please contact
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of the article.***



Founded in 1979, ANGOC is a regional association of 15 national and regional networks of non-government organizations (NGOs) in Asia actively engaged in food security, agrarian reform, sustainable agriculture, participatory governance

and rural development. ANGOC network members and partners work in 14 Asian countries with an effective reach of some 3,000 NGOs and community-based organizations (CBOs). ANGOC actively engages in joint field programs and policy debates with national governments, intergovernmental organizations (IGOs), and international financial institutions (IFIs).

ANGOC is a founding member of the International Land Coalition (ILC). ANGOC is the regional convener of the Land Watch Asia (LWA) campaign and the Asian Alliance Against Hunger and Malnutrition (AAHM-Asia). ANGOC is also a member of the Global Land Tool Network (GLTN), and the Indigenous Peoples' and Community Conserved Areas and Territories (ICCA) Consortium.

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