

## 2.0 Summary of findings and recommendations

Table 3 shows the overall accomplishments in asset reform by sector/program, in relation to their total target or potential scope. The table shows that accomplishments under each reform program are highly uneven. Using officially reported data, the levels of accomplishments appear to be high for CARP in private lands and public lands, high for IPRA in ancestral domains, and poor for implementation of tenure reforms under the PFC. However, the data need further review.

The data on accomplishments only shows part of the picture. For one, the total target scope for each asset reform program has been difficult to determine, i.e.:

- The target coverage of CARP in private lands has been readjusted several times over the past 30 years, due to the unreliability of land records. The original targets set in 1988 were based mainly on estimates, and then officially revised by the Presidential Agrarian Reform Council (PARC) in 1994 and 2006. Another field validation of the remaining private lands under CARP was done in 2009, and since then, DAR's targets have been readjusted annually to show the balance for Land Acquisition and Distribution (LAD), rather than the "total scope."
- For public lands, pre-existing DENR programs – i.e., the issuance of land patents and the Integrated Social Forestry (ISF) Program, which later evolved into CBFM – were included under CARP in 1988. And as the study shows (Section 4), the program targets set by DENR and PARC in 1994 and 2006 appear too low.
- For IPRA, the law recognizes the principle of self-delineation, and as such there are no fixed targets in terms of the area to be covered by ancestral domains. There is no census data, only estimates, on the population of indigenous peoples.
- For the PFC, an intermediate scoping target used here is the completed delineation of municipal waters. However, this is merely the first step towards establishing preferential fishing rights for municipal fishers. Meanwhile, there are still no implementing rules and regulations for the provision of fisherfolk settlements under Section 108.

**Table 3. Accomplishments in asset reform by sector vs total scope, as of 2017-2018.**

Program/Indicator	Unit used	Accomplished (a)	Total scope (b)	Accomplishment as percent of total scope (a/b) x 100
<b>CARP in private lands (DAR)</b>				
o Lands redistributed as percentage of total CARP target scope	Area (ha)	4,790,234	5,351,365	90%
o Lands redistributed as percentage of total "CARP-able" lands	Area (ha)	4,790,234	6.3 million (est) <sup>(1)</sup>	76%
o Percentage of tenanted agricultural lands under formal leasehold contracts	Area (ha)	1.8 million	<i>No data available</i>	<i>n.a.</i>
<b>CARP in public lands (DENR)</b>				
o A&D lands awarded/ issued under patents, as percentage of CARP program targets	Area (ha)	2,538,219	2,502,000	101.4%
o Non-A&D lands covered under ISF/ CBFM agreements, as percentage of CARP program targets	Area (ha)	1,335,999	1,269,411	105.2%
o Non-A&D lands under ISF/CBFM agreements, as percentage of all classified forests under tenure	Area (ha)	1,615,598 (2017)	3,007,453 (2017) <sup>(2)</sup>	53.7%
<b>Ancestral domains (NCIP)</b>				
o Percentage of ancestral lands and waters covered by CADTs	Area (ha)	5,413,773 (2018)	<i>no data available</i>	<i>n.a.</i>
o No. of indigenous peoples in CADT-awarded areas, as percentage of total IP population	No of persons (men & women)	1,206,026	<i>no data available</i>	<i>n.a.</i>
<b>Municipal waters (LGUs/BFAR)</b>				
o Percentage of coastal LGUs with completed delineation of municipal waters	No. of LGUs	67	928 coastal municipalities	7.2%
o Percentage of municipal fishing households benefiting from the establishment of fisherfolk settlements	No. of households	0	1.93 million municipal fishers	0%

Source: The table data on accomplishments and program scopes are drawn from Chapters 3, 4, 5, and 6, unless otherwise indicated.

**Notes:**

- (1) "CARP-able" lands include the balance of undistributed lands, plus lands that should have been covered by CARP, but for which no Notice of Coverage (NOC) has yet been issued.
- (2) "Classified forests under tenure" refers to all forest resource utilization areas under different types of tenure arrangements (licenses, leases, permits, etc) as listed in the *2016 Philippine Forestry Statistics*. As such, it does not include mining areas, tenured areas (e.g. PACBARMA) within protected areas, ancestral domains (CADC/CADT areas) and others.

Moreover, the quality of reforms needs to be reviewed. Although many of the rural poor have received land certificates or titles, a large proportion are still unable to enjoy the full benefits of property rights or security of tenure.

Overall, the country's land administration system has been marked by: (a) a poor system of land records and registries; (b) the absence of a single-mapping system; (c) multiple agencies that issue land titles, leases and permits; and, (d) numerous land laws that often result in conflicting tenure systems and overlapping agency jurisdictions. The most basic information regarding physical attributes of landholdings and their tenure are often incomplete and unreliable, and there are fraudulent titles and overlapping land claims.

## Tenure reforms under CARP

The combined scope of achievement under CARP in both privately-owned and public lands appears significant and compares favorably with agrarian reforms in other Asian countries (Table 4).

**Table 4. Comparative coverage of agrarian reforms in selected Asian countries.**

Country/ Region	Arable Area Redistributed (in hectares)	As % of all Arable Land	Number of Beneficiaries (Households)	As % of all Rural Households
Japan	2,000,000	80.0	4,300,000	60.9
South Korea	577,000	65.0	1,646,000	76.0
Taiwan	278,307	48.0	432,000	62.5
China	64,000,000	50.0	210,000,000	80.0
Vietnam	11,000,000	90.0	---	75.0
All India	9,850,000	5.4	12,400,000	5.3
- West Bengal	1,040,000	14.9	2,540,000	34.0
<b>Philippines</b>	<b>7,328,453<sup>a/</sup></b>	<b>58.9<sup>b/</sup></b>	<b>5,250,822<sup>c/</sup></b>	<b>42.3<sup>d/</sup></b>

Data for other Asian countries are from Alden-Wily, et. al. (2008), as drawn from several sources.

**Notes:**

- (a) Total area of private and public A&D lands distributed under CARP as covered by EPs/CLOAs and land patents.
- (b) Computed based on data from FAOSTAT, using 2014 estimates of the total agricultural area in the Philippines.
- (c) Number of beneficiary-households under CARP awarded with ownership tenure instruments (EPs/CLOAs and land patents).
- (d) Computed based on a total of 12.4M rural households in the Philippines, using data from the 2015 Household Census.

However, the Philippines took 30 years to achieve 90 percent completion of private lands, compared to full completion in China, Japan, South Korea, and Taiwan in just three to five years. A major difference in context is that, unlike in East Asian countries, agrarian reform in the Philippines had to be implemented under a democratic and liberal market setting. Thus, the administrative and legal processes under CARP have been bureaucratic and tedious, while landowner compensation has been hampered by disputes over coverage and land valuation.

### **CARP in private agricultural lands**

Agrarian reform in the Philippines remains unfinished business. While official data show 90 percent completion, the balance of 561,131 hectares consist of the most difficult lands where landlord resistance is high. Agrarian disputes have increased dramatically since 2009. Some 92.8 percent of the remaining lands due for coverage are large private lands, of which 70.2 percent are under compulsory acquisition. Given recent LAD accomplishments of 30,000 hectares per year, it will require another 19 years to complete CARP, unless more decisive measures are taken.

Moreover, there are over 200,000 hectares in private landholdings which are deemed “CARP-able”, but for which Notices of Coverage (NOCs) have not yet been issued. Given the elapsed deadline of 20 June 2014 to commence all LAD activities, the full completion of CARP may require a new legislation or legal challenge to RA 9700.

Even with the decreasing LAD balance, there has been an upsurge in the number of agrarian cases since 2009. The unfinished business of CARP goes beyond the completion of the balance coverage, as substantial numbers of agrarian reform beneficiaries are still unable to enjoy the full benefits of property rights or security of tenure. They include:

- Some 1.4 million agrarian reform beneficiaries (ARBs) whose awarded lands remain under collective Certificate of Land Ownership Awards (CLOAs) (and are due for subdivision) as of December 2017; many of them are unable to enjoy their full “bundle of rights” as they await the parcelization of the land;
- ARBs who have entered into disadvantageous agribusiness venture agreements (AVAs) and lease-out arrangements, with piling debts and loss of control over their lands;
- ARBs who have been awarded their CLOAs have not yet been installed on their lands;
- ARBs whose lands are under existing agrarian conflict or legal dispute;

- ARBs with competing land claims with other sectors, because of overlapping land rights under existing land laws;
- ARBs who have informally pawned their lands out of poverty and indebtedness; and,
- Leaseholders and share tenants who are still without legal contracts, as DAR's work on leasehold has lacked an effective mechanism for monitoring and implementation.

Also, the data show that rural women still lack equal rights to own, manage and control land, as women constitute only 29.5 percent of the listed beneficiaries, 13.8 percent of Emancipation Patent (EP) holders, and 32.8 percent of all CLOA holders.

Several impact and evaluation studies conducted by DAR and independent research groups have shown that land reform has resulted in modest improvements in the productivity, incomes and assets of ARBs. Studies also show that ARBs tend to have better perceptions of their economic and social conditions, and to have more optimism about their future, compared to non-ARBs. Yet while CARP has contributed to poverty reduction, the improvements have not been bold enough to bring significant numbers of the rural poor out of poverty (as cited in Quizon, 2017).

An overall issue has been the lack of timely and responsive support services, including agriculture extension, for small farmers. While the levels of production in "reformed" lands have risen for staples such as rice and corn, the yields remain only slightly higher than that of the national average, yet still below their true potential when compared to productivity levels in other Southeast Asian countries. Yield levels among ARBs for other crops (e.g. coconut and sugar) are lower than the national average. These may show the overall poor status of agricultural extension in the country.

### **CARP in public lands**

Based on PARC data, the implementation of CARP in public lands has exceeded its target scope – i.e., in the issuance of land patents to tillers (101.4 percent) and in the granting of ISF/CBFM 25-year lease agreements to forest dwellers and users (105.2 percent). Both were ongoing programs under DENR, even prior to the enactment of the CARP law in 1988. The targets for the ISF/CBFM under CARP were reportedly completed as early as CY 2000.

The issuance of land patents to tillers is based on vested rights (i.e., 30 years occupation of the land) where lands from the public domain are distributed (no land valuation or amortization). No support services have reportedly been provided to beneficiaries of land patents, because according to the DENR, these lands become private property once they are transferred.

Meanwhile, no program-wide impact studies have been done on CARP in public lands, as most of the impact studies on CARP have focused solely on the work of DAR.

Upon review, the CARP targets for public lands appear to have been set too low, and there is greater scope for further improving tenure security in public lands. The final forest line has not yet been fully delineated, and vast tracts of public lands remain unclassified. But in the absence of a CARP program framework in public lands, there is a danger that tenure reforms for the estimated 22 million forest dwellers might be overlooked by the bureaucracy.

While CARP in public lands is now considered “completed”, questions arise on the future tenure of forest dwellers and users. Since 2013, there has been a moratorium on the issuance of new tenure instruments in forests, leaving about half of the 500 thousand ISF/CSC holders without legal tenure, and many forest areas under open access. Also, many of the CBFM Agreements have expired after their 25-year leases and have not been renewed. And without tenure rights, there is little incentive for people to preserve and sustainably manage land, forests and biodiversity.

With the passage of the Expanded National Integrated Protected Areas System (E-NIPAS) Law in 2018, a moratorium has also been declared on the issuance and renewal of tenure instruments (as well as concessions, licenses, permits, etc.) within the protected areas, until the management plan for each protected area is put into effect.

The government wants to close all “open access” areas in forest lands by 2020. While this objective is driven by the need to protect, conserve and sustainably manage the country’s forests, the question is whether equal importance will be given to improving the tenure security and livelihood of forest dwellers.

## Ancestral domains of indigenous people under IPRA

After 21 years of IPRA, some 5.4 million hectares, constituting 18 percent of the total land area of the Philippines, is now recognized as ancestral domains owned by indigenous peoples. Few other countries in the world can make a similar claim. Some 221 Certificate of Ancestral Domain Titles (CADTs) have been approved as of 2018. Moreover, given other pending ancestral domain claims (CADCs) and ongoing applications for CADTs, it is estimated that around 7.5 to 8 million hectares, or a quarter of the country's land area, could eventually be recognized as ancestral lands belonging to indigenous people.

However, it remains debatable if the issued titles (CADTs) have enabled indigenous communities to assert their rights, as the existence of CADTs does not seem to be respected. In many instances, CADT holders have been constrained from exercising and enforcing their traditional governance. LGUs continue to ignore ADSDPPs in their local development planning. CADT areas continue to be contested by powerful interests on-site, as well as by the entry of investments (mining and plantations), adversarial land claims, and the continued incursion of migrants. Some land conflicts have led to violence in which the rural poor, especially indigenous people, have sustained injuries, deaths and damages to their homes and livelihoods. CADT areas also overlap significantly with other tenure regimes, notably national parks and protected areas.

Also, different government agencies have continued to issue titles and tenure instruments within CADT and CADC areas. In 2012, four government agencies (DAR, DENR, NCIP and LRA) issued Joint Administrative Order (JAO) 1, series of 2012 that established the mechanisms to prevent and resolve conflicts over overlapping claims. Yet, land conflicts persisted, as the DAR and DENR did not stop processing titles and leases within CADC/CADT areas.

Meanwhile, out of the 221 approved CADTs, only 50 are registered with the Land Registration Authority (LRA). For the processing of new titles, the NCIP needs to acquire Certificates of Non-Overlap from DAR, DENR and LRA before they may be able to register the remaining CADTs. This may be next to impossible, as all CADCs and CADTs have overlapping claims. Different indigenous peoples' groups have thus demanded the revocation of JAO 1-2012.

Today, indigenous people face new policy issues and threats: (1) the planned 300 new eco-zones by the Philippine Economic Zone Authority, which are likely

to overlap with ancestral domains; (2) the felt impacts of climate change, as the majority of IP domains are in high-risk areas; and, (3) the removal of the quasi-judicial powers of the NCIP for resolving IP vs non-IP conflicts, based on a recent case ruling by the Supreme Court.

## **The Fisheries Code and tenure rights of municipal fishers**

There has been very poor implementation of the Fisheries Code, particularly those provisions that give priority access to small fisherfolk over municipal waters and foreshores. Even 20 years after the passage of the Code, only 67 (or 7.2 percent) of the 928 coastal municipalities and cities throughout the Philippines have fully completed the delineation of their municipal waters.<sup>1</sup> Delineation is merely the first step in order to demarcate the areas where municipal fishers have preferential rights, to designate fishery management areas, and to be able to prosecute violations such as intrusion and illegal fishing by commercial fishing vessels in municipal waters.

While the National Mapping and Resource Information Authority (NAMRIA) – an agency under the DENR – has completed the technical details for all municipal waters, local governments have refused to enact the required local ordinance that established the boundaries of municipal waters, due to territorial disputes with neighboring municipalities. Also, commercial fisheries are often controlled by politicians linked with local government units (LGUs), and they oppose delineation. It remains unclear how territorial disputes between LGUs are to be resolved.

The tenure instrument for municipal fishers is a municipal registry which is reviewed annually. Accreditation is done by the local development council, where recognition is often politically-motivated. Women tend not to be registered, as fishing is often seen as men’s work, despite the crucial roles that women play in fishery activities.

Fisherfolk organizations are supposed to be given priority in the issuance of Fishpond Lease Agreements (FLAs), Aquasilviculture Stewardship Contracts (ASCs), and even CBFM agreements over mangroves, yet these have not

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<sup>1</sup> Of the country’s total 928 coastal municipalities, 305 LGUs have delineated their municipal waters with certified maps. And of these 305 LGUs, only 67 have passed the required local ordinances to complete the delineation process.



been followed. Foreshore Lease Agreements (FLAs) continue to be issued to corporations and private businesses, and not to fisherfolk communities. Agencies and LGUs also have conflicting priorities in the allocation and use coastal and aquatic resources – i.e., on conservation versus production.

Section 108 of the Code mandates the creation of fisherfolk settlement areas near fishing grounds, yet there are still no implementing rules and regulations, leaving many existing fisherfolk settlements in public domain areas without security of tenure, and under the constant threat of eviction. After the onslaught of super-typhoon Yolanda in 2013 which demolished entire fishing villages, foreshore areas have since been considered “danger zones;” and in many areas, fisherfolk were transferred outside the designated 40-meter “no build” zones along the coastlines. In some cases, fisherfolk were relocated to areas away from their sources of livelihood.

Many tenure provisions under the Fisheries Code have not been implemented. Thus, commercial fishers continue to intrude into municipal waters, mangrove areas are destroyed, and illegal fishing practices continue – including incursions into marine protected areas, and fishing during the Fishery Management Areas (FMA) off-season. Fisherfolk have thus been recruited to participate in law enforcement through the Bantay-Dagat and Bantay-Laot programs. And while these have shown limited success, these programs have also exposed fisherfolk to more physical danger and legal cases.

## Summary of recommendations

### **On agrarian reform in private/alienable and disposable (A&D) lands**

*For DAR to speed up the LAD process through the following:*

- Prioritize the completion of LAD in private agricultural lands which constitute 93 percent of the remaining LAD balance as of 2018;
- Implement the immediate installation of all ARBs, and conduct new orientations for the Philippine National Police (PNP) and the Armed Forces of the Philippines (AFP) on their role in LAD implementation;
- Strictly implement the LAD process by following the prescribed timeline for completion of each step;
- Revoke policies that cause further delays to CARP implementation;
- Review DAR AO 9-2011 and AO 6-2017; and,

- In cases where landowners physically prevent DAR and LBP personnel from conducting field investigations and surveys, DAR should coordinate with the PNP.

*Address the DAR's lack of mandate to issue new Notices of Coverage (NOCs).* Section 30 of RA 9700 set a deadline of 30 June 2014 to commence LAD proceedings on all private agricultural lands to be covered by CARP. However, DAR failed to issue Notices of Coverage (NOCs) for thousands of landholdings covering more than 100,000 hectares. The issuance of new NOCs by DAR will require new legislation by Congress.

*DAR should implement the leasehold program as a priority under CARP,* because tenants without leasehold contracts are vulnerable to eviction. As a start, DAR should clean up its in-house data on leasehold and come up with a comprehensive database of all the target landholdings for leasehold operations.

*Implement women's equal rights to land ownership* and ensure that specific steps are undertaken to identify rural women as beneficiaries, and recognize them as rightful owners or co-owners of awarded lands independent from their male relatives or of their civil status. Also, ensure women's equal access to all support services and extension. Equal land rights for women should be emphasized in the orientation of all DAR staff.

*Monitor, address and prosecute violations of CARP.* DAR should:

- Put an end to illegal land use conversions;
- Eradicate the practice of chop-chop titles wherein landowners illegally subdivide the land and transfer the titles to their children, relatives and dummy corporations in order to avoid coverage by CARP. These transfers are enlisted with the Registry of Deeds (ROD), without prior clearance by DAR, as required by law;
- Comprehensively monitor agribusiness venture agreements (AVAs) entered into by ARBs and their organizations; and stop the proliferation of unfair and unregistered AVAs especially lease agreements; and,
- Annotate the Notice of Coverage into land titles under LAD, as a pre-emptive measure against the landholding from being illegally converted, sold, or subdivided.

*Improve legal support for agrarian reform beneficiaries and for DAR personnel.* The measures include: (a) the establishment of a legal fund in support of ARBs; (b) revision of DAR's formation program for paralegals; (c) increase of legal fund for DAR personnel who may be charged with cases in line with implementing their

work; (d) conduct of orientations on CARP for judges in lower courts; and, (e) provision of social protection (i.e. livelihood programs) for farmworkers who lose their jobs due to their participations in agrarian reform activities.

*Review the agrarian reform community (ARC) approach, towards establishing more effective mechanisms in the national and local levels to strategically plan and coordinate the delivery of services to ARBs.* Implement the mandates for support services under RA 9700 and the Magna Carta of Women (MCW) such as the provision of socialized credit to existing ARBs, start-up capital for new ARBs, allocation of five (5) percent of agency budgets for gender and development activities, and ensuring equal access to support services for women ARBs.

*Enact into law the National Land Use Act (NLUA) to rationalize land use, and protect agricultural lands and prime arable lands against continued conversion.*

### **On agrarian reform in public domain lands**

*Conduct a program-wide impact assessment of the implementation of CARP in public lands* focused on tenure security, welfare, and livelihoods of beneficiaries and forest dwellers. Assess the CBFM organizations in terms of their internal governance, capacity and effectiveness, as well as the effectiveness of the group-approach such as CBFM in ensuring the flow of benefits to the household level.

*For DENR to complete the inventory of all forest-dwellers, along with their tenure status.* Also, conduct an inventory of all remaining lands in the public domain (outside of ancestral domains and claims) that are suitable for agriculture and can be redistributed under agrarian reform.

*Address the issue of future tenure security for ISF/CBFMA holders* whose 25-year leases have expired and have not been renewed.

*For government and civil society to ensure the participation of organizational representatives of non-IP forest dwellers* in decision-making bodies, as well as in dialogues, fora, and discussions.

### **On indigenous people's rights under IPRA**

*Revoke the Joint Administrative Order (JAO) 1 of 2012 among DAR, DENR and NCIP.* From the IP perspective, the JAO has not been able to prevent land conflicts and issues of overlapping rights arising from the continued issuance of titles and tenure instruments by different government agencies. Instead, since 2012,

the JAO has caused serious delays in the processing of ancestral domain titles, leading to further encroachment of other property claimants into ancestral domains. Moreover, conflict management and resolution mechanisms on the ground have been absent or else ineffective.

Meanwhile, the *DAR should also cancel all CLOAs that have been issued within ancestral domains*. For newly-transferred farmers under CARP, they should be relocated and awarded with lands outside the ancestral domain. For long-standing non-IP settlers, they should (as precondition for staying on the land): (a) agree not to expand their currently cultivated areas and coverage; (b) recognize the native title and rights of the indigenous cultural community (ICC) over the land; and, (c) negotiate with the IPs/ICC for usufruct rights in accordance with the ADSDPP. The DAR should assist non-IP settlers in this negotiation process.

*Ensure adequate representation of indigenous peoples in the drafting of the Implementing Rules and Regulations (IRR) of the new E-NIPAS Act of 2018*. Some 92 percent of existing national parks overlap with CADTs, yet the management of National Integrated Protected Areas System (NIPAS) areas within ancestral domains remains unclear. The new E-NIPAS law recognizes the role of IPs in the governance of protected areas. As such, this provides an opportunity for government and indigenous people to discuss the specific mechanisms (through the IRR) regarding the management of national parks or E-NIPAS areas.

*For Congress to legislate the Indigenous Community Conserved Areas (ICCA) Bill (HB115) into law, to provide for a system of recognition, registration, and promotion of ICCAs for biodiversity conservation and protection of the country's key biodiversity areas*. Some 75 percent of the 128 identified key biodiversity areas of the Philippines lie within the traditional lands of indigenous peoples. As such, an ICCA law will serve to strengthen both IPRA and the NIPAS Act (as amended by E-NIPAS, or RA 11038).

*Finally, stop mining and other destructive forms of natural resources exploration, development, and utilization within ancestral domains*.

### **On fisherfolk tenure rights under the Fisheries Code**

*For LGUs to complete and finalize the delineation of all municipal waters*. While the delineation of municipal waters remains a main task and legal mandate of LGUs, other government agencies need to push this process, e.g.:

- For NAMRIA and DA-BFAR to issue guidelines on the delineation of municipal waters (MW), including those with offshore islands;
- For BFAR to allot budgets for the delineation of MW without offshore islands;
- For BFAR to provide maps showing commercial waters, as this will outline the outside boundaries of municipal waters; and,
- For the Department of Interior and Local Government (DILG) to include municipal water delineation as a requirement for the seal of good governance.

*Strictly enforce a ban on commercial fishing within the 15-kilometer limit of municipal waters.* Instead of allowing commercial fishing in municipal waters (beyond 10-kilometer from shore, as may be provided by a local ordinance), upgrade the support services to small fisherfolk to increase their productivity.

*Implement Section 108 of the Philippine Fisheries Code on the creation of fisherfolk settlements.* Formulate the implementing rules and regulations for the establishment of fisherfolk settlements, with the active participation of the fisherfolk sector.

*Ensure the free access and right-of-way of fisherfolk to coastal areas and municipal waters.* Also, turn over fish landing centers to fisherfolk organizations.

*Provide budget support and benefits to fisherfolk to enable their participation in local resource governance mechanisms,* such as Fishery and Resource Management Councils (FARMCs) and Bantay-Dagat patrols. Provide legal support and protection for fisherfolk in cases of harassment, threats, violence and legal cases brought against fisherfolk in the course of performing their duties.

*For BFAR and DENR to give priority to small fisherfolk organizations* in the awarding of fishpond and mangrove leases (FLAs, ASCs), CBFM agreements and tenure over mangrove forests, and in reforestation contracts under the National Greening Program – for mangrove areas and coastal forests.

*Ensure and protect equal rights for women fisherfolk* through municipal registries, membership and participation in fisherfolk organizations, representation in FARMCs and all decision-making bodies, and access to support services.

## The overall potential impact of asset reforms

In the past 30 years, the combined area covered by asset reforms has been significant.

Asset reforms in the Philippines have brought about the transfer of ownership rights covering a total area of 12.74 million hectares (including ancestral waters). This is equivalent to 42.5 percent of the land area of the entire country. This is supposed to have directly benefitted an estimated 5.5 million poor rural households, equivalent to 23.9 percent of all current households, based on the 2015 Census of Population.

Moreover, non-redistributive tenure reforms have reportedly been implemented on a considerable scale, improving land tenure security for 1.2 million tenant families in 1.8 million hectares of private agricultural lands, and for 338 thousand families in public forest lands.

Yet as the studies show, the quality of implementation of asset reforms has been questionable at best, and uneven across the different sectors. Under CARP, many ARBs are still unable to enjoy the full benefits of property rights or security of tenure despite being issued their EPs and CLOAs. Support services to small farmers have been inadequate and irregular, and many large private lands under compulsory acquisition remain undistributed. Meanwhile, there has been no serious implementation of the leasehold program in the past three decades. And in the issuance of patents over public A&D lands, recipients received little or no additional support services for lands they had previously tilled for 30 years or more.

Under IPRA, several IP/ICCs have been given legal recognition of their collective rights to ancestral domains through the issuance of CADCs/CADTs, and yet for many IP communities, little has changed in terms of their actual exercise of traditional rights to land. Different government agencies continue to issue titles, leases, and other tenure instruments within CADCs/CADTs, while government projects, private investments, migrants and other groups continue to intrude into ancestral domain lands.

Meanwhile, little has changed for small municipal fisherfolk in terms of fishing rights and tenure reforms. Large commercial fishing continues to intrude into municipal waters, and municipal fishers continue to lose out to private businesses and political interests in the allocation of rights to foreshore and coastal areas.

In the Philippines, poverty remains predominantly rural. While the incidence of poverty is 25 percent for the country, it is much higher among rural inhabitants (36 percent) compared to urban residents (13 percent). Today, over half of the Philippines' 100 million people live in rural areas, and over a third of rural people are in poverty. Most of the poorest rural households depend on farming and fishing for their livelihoods. The data show that unemployment, illiteracy, and poverty are generally higher among indigenous peoples and those living in upland and coastal areas.

Asset reform continues to play a central role in addressing rural poverty. However, as the studies here suggest, asset reforms should go beyond the issuance of titles and tenure instruments. There is need for the enforcement of land rights, an enabling environment and support services to help poor rural households make their lands productive and profitable, basic social services, and systems of land and resource governance where the voices of poor sectors are heard and addressed. ■

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Rice farmers in Iloilo, Philippines.  
*Photo by the Center for Agrarian Reform and Rural Development (CARRD).*