Harmonizing community and local development plans

This material was presented during the Landscape Governance Forum held in June 2019 in Cagayan de Oro City, Misamis Oriental in Northern Mindanao, Philippines as part of the project on Improving Tenure Security of Smallholder Farmers in Select Areas in the Philippines. This project is implemented by the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) in partnership with Xavier Science Foundation, Inc. (XSF), with technical support from Global Land Tool Network (GLTN) as facilitated by the UN-Habitat. The initiative aims to secure the tenure of about 2,500 households of indigenous peoples in two municipalities in Bukidnon, Northern Mindanao. This project is funded by German Federal Ministry of Economic Cooperation and Development/BMZ and UN-Habitat as part of the “Secure Access to Land and Resources (SALaR)” program. The views indicated in this material do not necessarily reflect those of the GLTN and BMZ.
Harmonizing community and local development plans

Landscape Governance Forum
19 June 2019
Malberry Suites, Cagayan De Oro City
OBJECTIVES

1. To understand land use planning in the Philippines and its importance in promoting tenure security

2. To understand the importance of harmonization of local community and development plans

3. To show the similarities and overlaps of forest use plans (ADSDPP and FLUP) and local development plans (CLUP and CDP)

4. To present and suggest ways to harmonize these plans

OUTLINE

I. Concepts and relationship of land use planning and tenure security

II. Planning system in the Philippines

III. Similarities and overlaps of various local plans (CLUP, CDP, ADSDPP, FLUP)

IV. Suggested ways of harmonizing local plans
I. Concepts and relationship of land use planning and tenure security

a. Concept of land use planning
b. Relationship of land use planning at tenure security
c. Tenure-responsive Land Use Planning (TR-LUP)
**Land Use**

“The manner of utilizing the land, including its allocation, development and management” (PSA, 2019).

**Planning**

*Common sense definition*
- way of thinking oriented towards the future
- designs solutions to address expected difficulties and thereby improve the quality of decision-making

*systematic process* of establishing ends (goals, policies, outcomes) and the means that define future developments

*Academic definition*
- Allocation scarce resources, particularly land and other resources, in such a manner as to obtain the maximum practicable efficiency and benefit, for individuals and for society, while respecting the needs of nature and the requirements of sustainable future.
Land use planning

- Rational approach of allocation available and resources as equitably as possible among competing use groups and for different functions... (Section 3(k) of UDHA).

- “proper management of land resources” (Serote, 2004)
  - “using land in a manner consistent with its natural qualities so that it does not lose its productivity while it is continually made to produce for the benefit of man and other life forms that depend on it”
  - “involves intervening in the decision that man makes about the use of land in order to promote the public interest”
  - “involves State regulation and control of certain activities that are inimical to the general welfare to ensure equitable access to land, and optimum enjoyment of the benefits of its use”
  - “as a responsibility of the State, land use planning can be placed within the overall context of public policy making”
Land use planning can be an instrument to improve tenure security (GLTN, 2016)
Land Tenure

- Relasyon ng tao sa lupa o likas-yaman
- May be legal or customary
- Example: customary land rights; legal ownership (CADT)

Land Tenure Security o Seguridad Katayuan sa Lupa

Land rights may be considered secure when the following conditions are met (Kumar, et. al., 2017):

- There is legally-recognized documentation; and,
- There is a perception of the security of tenure
Tenure-responsive land use planning (TR-LUP)

- Guidelines developed by GLTN that serve as “a starting point for developing practical knowledge on how to improve tenure security” (GLTN, 2016).

Source: Chigbu, 2019
TENURE RESPONSIVE LAND USE PLANNING (TR-LUP)

Source: UN-Habitat, GLTN, GIZ, and TUM. (2016).

1. Initiating the project: constituting of LUP for TS project team
   - Conduct preliminary meetings between community members and local government administrators on introducing LUP for TS.
   - Constitute an LUP for TS team that is representative of all stakeholder groups.

2. Setting objective: identifying specific LUP for TS objectives
   - The sensitization of tenure security through a land use planning process should be a key objective, among other objectives.

3. Collecting data: conducting land use inventory and documentation
   - Community members and LUP for TS team should gather land use data to grasp existing situation.
   - Identify the land area or unit for LUP for TS project.
   - Carry participatory mapping of project area and plot boundaries.

4. Assessing data for the plan: land and social tenure (rights) assessment and recordation
   - Community members and LUP for TS team should determine and record land uses and rights data.
   - Identify existing land use and tenure (rights) problems and discuss ways of resolving conflicts – e.g., through direct conflict resolutions, participatory determination of compensation benchmarks, compensation of legitimate claims, and ways of involving local people in marking new boundaries.
   - Agree on solutions for all problems identified and assessed; and document same.

5. Concretizing the plan: prepare land use based on a continuum principle and practice
   - Negotiate and enforce protection of land uses, land rights and social values related to land, in accordance with the laws guiding LUP project.
   - Prepare land use plan based on protected rights and social values.
   - Draft local regulations, agreements, certification documents and/or detailed management plans for recognition of recognized land uses and continuum of land rights.
   - Conduct gender sensitive community meetings to rafity proposed plan and document all outputs.

6. Endorsing new plan: approval by relevant authorities
   - Submit the proposed plan, draft local regulations, agreements and/or detailed management plans for recognition of land uses and land rights (and other possible outputs emanating from the process).

7. Initial and final public presentation of plan
   - Present proposed and official plan to community members for pre-endorsement rectification and for use

8. Linking new data to land information system
   - Update all land records (register, cadastre, etc.) with new information.
   - Use new information for certifications and titling where necessary or acceptable.

9. Monitoring and evaluating the system
   - Emergence of improvements in land uses and land tenure security situation.
   - Set up a process for monitoring and evaluating progress.

Note: The diagram illustrates the steps involved in TENURE RESPONSIVE LAND USE PLANNING (TR-LUP) with specific actions and objectives. The process involves initiating the project, setting objectives, collecting data, assessing data, concretizing the plan, endorsing the new plan, and linking new data to land information systems. Monitoring and evaluation are also crucial steps in the process.
II. Planning process in the Philippines

a. Legal mandates of land use planning in the Philippines
b. Processes of land use planning in the Philippines
RA 7160 (Local Government Code 1991):
- mandates local government units (LGUs) to prepare, legalize, implement, provide budget allocation, and monitoring of Comprehensive Land Use Plan (CLUP), Comprehensive Development Plan (CDP), and public investment programs.

EO 72 (1993): provides for the preparation and implementation of CLUPs in the local government units; and the review and approval of CLUPs by the HLURB and Sangguniang Panlalawigan (Provincial Council)
Importance of having a separate CLUP and CDP

- To have a *long-term* and *short-term* plans
- A *long-term* plan (*Comprehensive Land Use Plan*) remains in effect even after the incumbent officials have been replaced.
- The CLUP also serves as a reference in the formulation of *Comprehensive Development Plan (CDP)* which is the short-term plan (*maximum of 6 years*).
- CDP serves as the framework or the basis of programs/projects/activities to be included in *Local Development Investment Plan (LDIP)* and implemented by the *Executive Legislative Agenda (ELA)* of the municipal government.
- The LDIP and ELA are three-year plans of projects with indicating their corresponding budget allocation and duration of implementation.
### PLAN

<table>
<thead>
<tr>
<th><strong>CLUP</strong> (Comprehensive Land Use Plan)</th>
<th><strong>ZO</strong> (Zoning Ordinance)</th>
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</thead>
</table>

<table>
<thead>
<tr>
<th><strong>CDP</strong> (Comprehensive Development Plan)</th>
<th><strong>LDIP</strong> (Local Development Investment Plan)</th>
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<table>
<thead>
<tr>
<th><strong>AIP</strong> (Annual Investment Plan)</th>
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<table>
<thead>
<tr>
<th><strong>ELA</strong> (Executive Legislative Agenda)</th>
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### IMPLEMENTING INSTRUMENT

<table>
<thead>
<tr>
<th><strong>CLUP</strong></th>
<th>Nine-year plan on the governance of local territories identifying the areas for economic expansion, settlements, and protection.</th>
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</thead>
<tbody>
<tr>
<td><strong>ZO</strong></td>
<td>Legalizes the land uses identified in the CLUP.</td>
</tr>
<tr>
<td><strong>CDP</strong></td>
<td>Six-year action plan of sectoral programs, projects, and activities in accordance to the CLUP.</td>
</tr>
<tr>
<td><strong>LDIP</strong></td>
<td>Implements the CDP indicating the projects for implementation with allocated budget.</td>
</tr>
<tr>
<td><strong>AIP</strong></td>
<td>Annual plan implementing the projects from the LDIP (with corresponding allocated budget)</td>
</tr>
<tr>
<td><strong>ELA</strong></td>
<td>Three-year plan developed by the executive and legislative departments of the LGU laying out the course of actions and projects that will be adopted by the local officials. The reference material of the document is the LDIP. However, in some cases, the formulation of DLIP and ELA may be interchanged.</td>
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</tbody>
</table>
Both the CLUP and CDP are “comprehensive” as they consider all the significant sectors in the formulation of the plans (example: social, environmental, economic, infrastructure, etc.)

<table>
<thead>
<tr>
<th>NGA-mandated plans</th>
<th>Other sectoral/thematic plans</th>
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</thead>
<tbody>
<tr>
<td>2. Aquatics and Fisheries Management Plan</td>
<td>2. ICT Plan</td>
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<tr>
<td>3. Annual Culture and the Arts Plan</td>
<td>3. Local Shelter Plan</td>
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<tr>
<td>5. Local Coconut Development Plan</td>
<td>5. Plan for Health and Family Planning</td>
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<tr>
<td>6. LDRRMP</td>
<td>6. Coastal Management Plan</td>
</tr>
<tr>
<td>7. Food Security Plan</td>
<td>7. Information Strategic and</td>
</tr>
<tr>
<td>8. Forest Management Plan</td>
<td>Management Plan</td>
</tr>
<tr>
<td>9. Gender and Development Plan</td>
<td>8. People’s Plan</td>
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<tr>
<td>11. Local Entrepreneurship Development Plan</td>
<td>10. Capacity Development Agenda/HRMD Plan</td>
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<td>13. Local Tourism Plan</td>
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<td>14. Small and Medium Enterprise Development Plan</td>
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<td>15. SAFDZ Plan</td>
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<tr>
<td>16. Solid Waste Management Plan</td>
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<tr>
<td>17. Watershed Management Plan</td>
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<tr>
<td>18. ADSDPP</td>
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<td>19. Plan for PWDs</td>
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<td>20. Forest Land Use Plan</td>
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<tr>
<td>21. Local Climate Change Action Plan (LCCAP)</td>
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<tr>
<td>22. Peace and Order Public Safety Plan (POPS Plan)</td>
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</tr>
</tbody>
</table>

Source: HLURB, 2017
III. Similarities and overlaps of CLUP/CDP, ADSDPP, and FLUP

a. Similarities in the objectives, importance, and processes of the CLUP/CDP, ADSDPP, and FLUP

b. Overlaps of the different plans – differences in the views of IPs and government
## SIMILARITIES IN OBJECTIVES

<table>
<thead>
<tr>
<th>CLUP</th>
<th>CDP</th>
<th>ADSDPP</th>
<th>FLUP</th>
</tr>
</thead>
<tbody>
<tr>
<td>For the management of land and resources through the formulation of</td>
<td>For the governance and management of ancestral land and resources</td>
<td>For the managements of development and protection of forests and</td>
<td>Identifies main areas for <strong>production</strong>, <strong>protection</strong>, and other</td>
</tr>
<tr>
<td>guides and programs/projects for the development of these resources</td>
<td>within it.</td>
<td>forestlands (FFL)</td>
<td>uses within the FFL.</td>
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<tr>
<td>within the municipality.</td>
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<tr>
<td>Identifies areas for <strong>protection</strong>, <strong>production</strong></td>
<td>Formulates plans on the implementation of programs and projects</td>
<td>Formulates and implements programs and projects that strengthen the</td>
<td></td>
</tr>
<tr>
<td><strong>infrastructure</strong>, and <strong>settlements</strong> within the municipality.</td>
<td>across the four policy areas of the CLUP.</td>
<td>governance of IPs, poverty alleviation, <strong>environmental protection</strong>,</td>
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<tr>
<td></td>
<td></td>
<td>preserves culture, and maintain the peace and order within the ICCs.</td>
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**Table Text:**

- Identifies areas for **protection**, **production infrastructure**, and **settlements** within the municipality.
- Formulates plans on the implementation of programs and projects across the four policy areas of the CLUP.
- Formulates and implements programs and projects that strengthen the governance of IPs, poverty alleviation, **environmental protection**, preserves culture, and maintain the peace and order within the ICCs.
- Identifies main areas for **production**, **protection**, and other uses within the FFL.
## SIMILARITIES IN OBJECTIVES

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<tr>
<td>Uses the <strong>ridge-to-reef framework</strong> in the planning to ensure the linkage of <strong>forests, lowlands, and waters.</strong></td>
<td><strong>Consolidates plans</strong> of ICCs/IPs within the ancestral domain – which play a significant part/role of a locality or municipality.</td>
<td><strong>Consolidates activities</strong> in the forests and lowlands.</td>
<td></td>
</tr>
</tbody>
</table>
For the interfacing of various plans on the **use of critical resources in the forests, waters, ancestral domains, biodiversity areas, heritage areas, and urban greening areas.** Local plans are also for the **purpose disaster risk reduction and management** and climate change mitigation.

<table>
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<td>For the interfacing of various plans on the <strong>use of critical resources in the forests, waters, ancestral domains, biodiversity areas, heritage areas, and urban greening areas.</strong> Local plans are also for the <strong>purpose disaster risk reduction and management</strong> and climate change mitigation.</td>
<td>The key roles of IPs in <strong>biodiversity conservation</strong> and protection of <strong>natural resources.</strong></td>
<td>Proper management of FFL is important in the development of LGUs and in promoting and ensuring food security, biodiversity conservation, and reduction of the adverse effects of climate change.</td>
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</table>

**All of these for the achievement of “SUSTAINABLE DEVELOPMENT”**
GENERAL PROCESS OF CLUP, FLUP, AT ADSDPP

Enhanced CLUP Guidelines 2013

- Establish Development thrusts and spatial strategies
- Preparing the land use plan
- Draft the Zoning Ordinance

Revised ADSDPP Guidelines 2018

- Interface of IP/AD development framework with existing government policies/plans/programs/projects, rules and regulations
- Program/project identification and prioritization
- Formulation of the ADSDPP implementation strategies and management plan

FLUP Guidelines 2012

- Planning the allocation of FFLs and prioritizing sub-watersheds
GENERAL PROCESS OF CLUP, FLUP, AT ADSDPP

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<tbody>
<tr>
<td>Conduct Public Hearing</td>
<td>Presentation, Validation and Approval of Draft ADSDPP with IC/IP Community Members</td>
<td>Drafting, legitimization and approval of FLUP</td>
</tr>
<tr>
<td>Review, adopt and approved the CLUP and ZO</td>
<td>Submission of ADSDPP to NCIP</td>
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<tr>
<td>Implement the CLUP and ZO</td>
<td>Incorporation of the ADSDPP into Local Government Plans</td>
<td></td>
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<tr>
<td>Monitor and evaluation the CLUP and ZO</td>
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# SALIENT PROCESSES

<table>
<thead>
<tr>
<th>SALIENT PROCESSES and OBJECTIVES</th>
<th>OBJECTIVES/PRODUCTS</th>
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<tbody>
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<td><strong>SALIENT PROCESSES</strong></td>
<td><strong>OBJECTIVES/PRODUCTS</strong></td>
</tr>
<tr>
<td></td>
<td><strong>CLUP/CDP</strong></td>
</tr>
<tr>
<td>Data and information collection in the communities</td>
<td><strong>Identify issues, and potential and future needs for development through the conduct of ecosystem analysis, sectoral studies, and special area studies</strong></td>
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<tr>
<td>Analysis of situation</td>
<td><strong>Conducting land supply and demand analysis</strong></td>
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<td></td>
<td><strong>Identification of areas for production, protection, infrastructure, at settlements</strong></td>
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### POSSIBLE OVERLAPS WITHIN AN ANCESTRAL DOMAIN

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<tr>
<th>Isyu sa coverage</th>
<th>Governance over the common or overlapping areas</th>
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</thead>
<tbody>
<tr>
<td><strong>Perspective of the IPs</strong></td>
<td><strong>Perspective of the LGUs and GOV’T AGENCIES</strong></td>
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</tbody>
</table>
| The extent of the AD territory is absolute. | Through the various plans aiming for the protection and conservation of natural resources and for food security, there will be areas within the AD that may be identified as:  
  - Critical Watershed  
  - Protected Area  
  - CBFMA |
| IPs govern all the areas within their AD regardless of their uses | Common or overlapping areas (identified for protection, production, etc.) with the AD will be governed by the LGU, government agency, or specific non-IP stakeholders assigned. This results to limited use of resources in these areas by the IPs.  
Examples:  
  - The Municipal Watershed Protection and Management Council (MWPMC) overtakes the IP’s right/position to regulate settlements and management of natural resources within the common area  
  - Areas with Community-bases Forest Management Agreements (CBFMAs) are managed by other stakeholders (may be an IP or non-IP)  
  - The Protected Area Management Board (PAMB), where IPs have minor representations to, has the authority to award licenses, permits, and leases. |
### POSSIBLE OVERLAPS WITHIN AN ANCESTRAL DOMAIN

<table>
<thead>
<tr>
<th>Land use</th>
<th>PERSPECTIVE OF THE IPs</th>
<th>PERSPECTIVE OF THE LGUs AND GOV’T AGENCIES</th>
</tr>
</thead>
</table>
| In areas where there are CBFMAs within AD                               | ▪ It is according to the customs and practices of IPs to not use chemical pesticides in farming | In areas where there are CBFMAs within AD  
  ▪ Planation for the local production and economy (could also be directly or indirectly beneficial to the IPs) |
| In areas where there are critical watersheds or forest reserves within AD| ▪ They host sacred areas, hunting areas, ridges, and headwaters                           | In areas where there are critical watersheds or forest reserves within AD  
  ▪ The Integrated Watershed Management Plan does not allow cultivation of soil along rivers (where IPs may utilize for food production) |
| In areas where there are Protected Areas within AD                       | ▪ Sacred areas, hunting areas, and many other forest reserves are protected                | In areas where there are Protected Areas within AD  
  ▪ The National Integrated Protected Areas System (NIPAS) sets strict protection zone where scientific and customary activities are allowed; however, protection plans of the government and IPs differ in framework, actual activities, and implementing structure |
IV. Harmonization of plans

a. Suggested composition of the CLUP and CDP Planning Teams

b. Actual experience of Higa-onons of Barangay Hagpa, Impasug-ong Bukidnonon in the preparation of their ADSDPP
WAYS TO HARMONIZE PLANS AND OBJECTIVES/AGENDA OF DIFFERENT SECTORS WITH OVERLAPPING CLAIMS

1. Ensure IP representation in the formulation of local development plans (CLUP at CDP)

There could be a position for an IP representative in the Planning Core Group of the CLUP.

Purpose: to ensure participation of IPs in the whole planning process.

Context: The areas that IP manage/govern will have implications across all sectors

Suggested CLUP Planning Team
Source: HLURB, 2013
WAYS TO HARMONIZE PLANS AND OBJECTIVES/AGENDA OF DIFFERENT SECTORS WITH OVERLAPPING CLAIMS

CDP Planning Team
WAYS TO HARMONIZE PLANS AND OBJECTIVES/AGENDA OF DIFFERENT SECTORS WITH OVERLAPPING CLAIMS

2. Creation of a technical working group (TWG) specific to address overlapping claims. Activities it may undertake include:

   a. *CADT Forum* – to present the various plans involved in the common/overlapped areas; and to propose for a Memorandum of Understanding (MoU) between the IPs and the LGUs (BLGU at MLGU) to for support and recognition

   b. *Series of Roundtable Discussions* – to review the different plans, identify their similarities, the problems and solutions as regards to harmonization, and the resolutions to conflicts

c. Map analyses  
d. Drafting of the harmonization plan
WAYS TO HARMONIZE PLANS AND OBJECTIVES/AGENDA OF DIFFERENT SECTORS WITH OVERLAPPING CLAIMS

MEMORANDUM OF UNDERSTANDING

LET IT BE KNOWN:

The Agusan Mindanawo Indigenous (Agi-mi) Camahon, hereafter referred to as AGMIHC, hereby represented by Datu Maningkikan Cumanung and his council of elders, as holders of Certificate of Ancestral Domain Claim No. 112, located in Brgy. Hagpa, Municipality of Impasug-ong, Province of Bukidnon,
The Barangay government of Barangay Hagpa, Municipality of Impasug-ong, hereafter referred to as the Barangay, here represented by its duly elected Barangay Captain, Hon. Agulo H. Nacion, and the Barangay Council;
The Municipal government of Impasug-ong, Province of Bukidnon, hereafter referred to as the Municipality, here represented by its duly elected Mayor, Hon. Mario T. Oklay, and the Municipal Council;

Have, after discussion and deliberation this 11-12 February 2003, mutually agreed upon and affirmed the following points:

1. They will each mutually respect the Agusan Mindanawo Indigenous Development and Protection Plan of the AGMIHC, the Barangay Development and Management Plan of the Barangay, and the Municipal Watershed Management Plan of the Municipality;
2. They are committed to coordination in the implementation of these three different development plans;
3. They must work together to protect the environment, particularly in terms of forestry protection and watershed management within the jurisdiction of the Municipality, the Barangay and the Cadec of AGMIHC;
4. The Municipality and the Barangay shall respect the rights of the leaders and members of the AGMIHC to tribal autonomy and self-determination, in accordance with existing customs and practices;
5. The Municipality and the Barangay shall respect the rights of the leaders and members of the AGMIHC to plan for their own development, to pursue and implement their own courses of economic and livelihood development within the framework of the AGSDPP;
6. They will all support each other in the provision of appropriate services or assistance to women and children;
7. They will all support each other in the pursuit of development through the provision of basic social services, including but not limited to education and training, and health services to the people of Brgy. Hagpa;
8. They will all support each other in the provision of infrastructure projects to the people of Brgy. Hagpa;
9. They will all support each other in ensuring peace and order in the Barangay;
10. The parties hereto shall, upon agreement, observe equitable resource sharing.

PREMISES CONSIDERED: the parties to this Memorandum of Understanding commit themselves to the implementation of the following recommendations:

1. Coordinate the implementation of the ADSDPP, BDIMP and MVMIP, by identifying their commonalities and addressing potential areas of conflict;
2. Establish the Task Force Comudon (TFC), with the Hon. Mayor Mario T. Oklay as Honorary Chair and co-chaired by the Punoing Barangay Captain, Hon. Agulo H. Nacion, which Task Force shall be composed of one representative of each of the AGMIHC, the Bukidnon Environment and Natural Resources Office, and the Barangay Development Council of Brgy. Hagpa, and shall serve as the lead agency in coordinating the implementation of these three plans;
3. The NCIP, DENR, DILG, the Sangguniang Bayan of Impasug-ong, the Municipal Planning and Development Coordinator and other local government offices and agencies, as well as assisting Non-Government Organizations such as Kainal Foundation, Jumawa Ignatia Foundation, Fr. Vincent Cullen Tulagan Learning and Development Center, Philippines Association for Inter-Cultural Development, International Centre for Research in Agro-Forestry, Environmental Science for Social Change, GAMAPAKA and Balay-


Kumar, R., Quan, J., and Mboup, G. (2017). *A multi-country assessment of national statistical offices preparedness to report on SDG indicator 1.4.2: Global status on land tenure security data collection, analysis and on comparable indicators in the SDGs*. GLII Working Paper No. 7/2017. Commissioned by UN-Habitat /GLTN's Global Land Indicators Initiative, study conducted by the Natural Resources Institute, University of Greenwich, Chatham, UK.

Serote, E. (2004). *Property, Patrimony & Territory: Foundations of Land Use in the Philippines*. Quezon City: School of Urban and Regional Planning (SURP), University of the Philippines Diliman (UPD), and UP Planning and Development Research Foundation, Inc.(PLANADES).


Illustration credits: Mae Santos