



# Land Watch Asia

LAND USE

## Land Use and Development in Northern Mindanao

---

**ROEL R. RAVANERA**  
**Institute of Land Governance, Xavier Science Foundation**

ANGOC and the LWA campaign have been working to advance the land rights of the rural poor through protecting and promoting the gains of progressive legislations and initiatives on agrarian reform and access to land. As such, the campaign shall pursue the lobbying of the passage of national land use and facilitate sharing of tools and approaches in land use planning among CSOs.

In the Philippines, a national land use law has yet to pass. While a number of legislations addressing land use issues have already been passed, these policies, however are sectoral and fragmented in approach and do not address priorities for land use that cut across sectors and put premium on long-term sustainability, local productive capacity and over-all social equity. Clearly, the absence of a land use framework result in increasing cases of conflicting claims on land use, which threatens the livelihood and security of the poor.

Thus, ANGOC and CLUP Now! have been engaging in constructive dialogues with the Philippine Congress as well as government agencies regarding the importance of enacting a national land use act as it is seen as a critical piece of legislation that will provide a rational, holistic, and just allocation, management, utilization, and development of the country's land resources. The Deutsche Gesellschaft Für (GIZ), Foundation for the Philippine Environment (FPE), and MISEREOR have been supporting this initiative.

On a similar vein, members of the International Land Coalition (ILC) in the country have been implementing a national engagement strategy (NES) with the objective of creating conditions for inclusive and people-centered land-related policy change. Part of NES is addressing inter-sectoral concerns on land and future legal frameworks affecting land rights, which includes the passage of the pending National Land Use Act (NLUA).

ISSN: 2 244-1360



## CONTEXT

---

Conflicting land claims, due to ambiguous land use policies and processes, are relatively common at the local level in the province of Cagayan de Oro and the Northern Mindanao region. They are manifested in double titling, confusing municipal land classification, discrepancies in boundary surveys and overlapping property rights, among others. With increasing investments in agriculture coupled with increasing commercial pressures on land brought about by tourism, resettlement, mining and industrialization, these problems are further intensified. The impact of these problems has reached a level that has deterred national development.

Land use problems slow down growth in agriculture. For instance, in a forum on overlapping land claims held in 2015, all participants agreed that lands remained unproductive or underproductive because of governance issues even if the necessary resources were available.

This under-utilization of land is reflected in the low performance of the agriculture sector. While the economy is growing fast, agriculture lags behind.

The underperformance of agriculture partially explains the ironically high incidence of poverty despite high economic growth.

A number of legislators recognized this problem and filed National Land Use bills. At the Senate, SB No. 3091 titled “An Act Instituting a National Land Use Policy” is now on its final reading. At the Lower House, 70 Representatives co-authored HB 4382, “An Act Instituting a National Land Use and Management Policy”.

A consolidated bill now called NLUA (National Land Use Policy Act in substitution of SBN 7, 63, and 150; taking into consideration HBN 4382) was submitted to the House of Representatives in March 2015.

This paper provides an overview of the inadequacies of current policies on regulating, conserving and utilizing land resources in Northern Mindanao and evaluates how the proposed NLUA may impact at the local level.

The paper takes on a local development perspective of Northern Mindanao (Region X) with a special focus on Cagayan de Oro City (CDO).

## Development Context in Northern Mindanao

There are many anecdotes at the local level on how land utilization can go wrong. Take for example a mapping discrepancy where a barangay disappears or coastal roads pass through the sea. These mapping errors are due to the limited skills of staff on the use of geospatial technology and poor quality base map.

Many of these stories are funny up until disaster strikes, as what happened to CDO when it was hit by typhoon Sendong.

For many years, the city had no major flood, landslide, or typhoon disaster. Cagayan de Oro River, whose mouth is located in CDO, was calm and was a source of income for those engaged in water rafting. The city attracted investments and in-migration from nearby provinces.

Unfortunately, some abused the city’s resources. First, there was illegal logging, even in protected areas. Then small-scale mining using hydraulic techniques came in. Hills were leveled to mine gold and other minerals. The bald mountains were so enticing for agribusiness people that plantations were established even in these areas.

The residents were alarmed by what was happening and environmentalists protested.

In 1991, Typhoon Uring (international name “Thelma”) hit Ormoc City (located in the Visayas island region, about 460 kilometers from CDO). It was a relatively weak typhoon but it poured torrential rains down steeply sloped but denuded mountains, causing a flashflood of water, mud and logs to sweep through the city, killing almost a quarter of its population.

The people of CDO saw that a similar tragedy could happen to their city, so they intensified their campaign. Environmentalists set up road blocks, including human barricades to prevent logging trucks from passing through the city.

Meanwhile, soil erosion escalated. It was so bad that the Cagayan de Oro River turned brown almost all year long. Then river islets from sedimentation started to form. After some time, houses and other structures were established in these islets. Politicians allowed it as there was no other place to settle the residents who would come in handy on election time.

Then Typhoon Sendong struck on December 16, 2011, bringing 200mm (some sources say 475mm) of rain that carried off houses, bridges, debris and people. A February 2012 report from the National Disaster Risk Reduction and Management Council said 674 people were killed in CDO.

It took the President of the Philippines to declare the heavily populated islets on Cagayan de Oro River as geo-hazard areas. Nobody was allowed to go back to those areas. Illegal logging and mining stopped, at least for a while. There are now calls to reforest the watershed and protected areas. Many studies are being conducted and projects implemented to prevent another Sendong. But many of these initiatives are not moving or not moving as fast as they should because legislations are not in place or offices with the needed mandates are absent.

## Land Governance Issues

There are a number of factors that contributed to the Sendong disaster. Many attribute the unexpected voluminous rainfall to global warming, though the link between Sendong rain and climate change is not well established. But even with this volume of downpour, the impact could not have created such damage if the forest ecosystem was intact in the watershed, the protected areas had not been transformed into plantations people were not allowed to reside in islets and riverbanks, and the government agencies had the political resolve to plan accordingly and implement policies judiciously.

### LAND USE IS NOT CLEARLY DEFINED AND DELINEATED

While protected areas are identified under the National Integrated Protected Areas System Act and other laws, the protection of these areas is not appreciated as having social and economic impact on the downstream communities. Moreover, the delineation of protected areas is not clearly defined, thus policies are difficult to implement and penalties are seldom imposed. Protected areas are thus easily encroached.

### GAPS IN CLUP IMPLEMENTATION

The introduction of comprehensive land use plans (CLUPs) at the city/municipal level is a welcome development. It has brought to the consciousness of local government officials and, to a certain extent, to communities the importance of zoning and land use planning. Some local government units (LGUs) have also invested in training their staff and procuring needed equipment.

The pace of implementation, however, has been slow. In Northern Mindanao, many municipalities have no CLUP/Zone Ordinances approved by their Sanggunian (local legislative body). The reasons include no budget, no technical expertise, and lack of support from LGU executives.

Coordination between and among municipalities within the province also needs to be strengthened. This is particularly important in addressing environmental impacts and preventing natural disasters as ecosystems go beyond political boundaries. For a city like CDO, whose watershed is located in the municipalities of another province, this coordination is a necessity.

### WEAK MECHANISMS AND STRUCTURES

There is no single coordinating agency with authority to decide on land disputes. Land, depending on its use, is managed by different agencies: the Department of Agrarian Reform and partly the Department of Environment and Natural Resources (DENR) manage agricultural lands; DENR has jurisdiction over forest and public lands; the Department of Agriculture presides over coastal and foreshore lands, and the National Commission on Indigenous Peoples, on ancestral domains. At the municipal level, LGUs participate in land classification and other issues that may impact on local governance. These agencies each have their respective mandates and jurisdictions. Unfortunately, they overlap and conflicts are not easily resolved.

These relevant agencies mandated to handle land claims recognized the problem and issued in January 2012 Joint Memorandum Order No. 01-12, "Clarifying, Restating and Interfacing the Respective Jurisdictions, Policies, Programs and Projects of the DAR, DENR, LRA and the NCIP in Order to Address Jurisdictional and Operational Issues Between and Among the Agencies".

Unfortunately, the agencies found it difficult to settle overlaps at the local level, as they were accountable to their agency managers and not to the general public. They have to strictly follow strictly their mandate which, in the first place, is the source of the confusion.

The LGUs implementing CLUPs also have to strengthen the vertical and horizontal integration of their plans. Coordination between municipalities is essential. CLUPs also have to be consolidated at the provincial and regional level. Moreover, a CLUP that provides the physical planning framework should be properly integrated into the development plans at various levels.

## What NLUA Brings<sup>1</sup>

Most of these challenges experienced in Northern Mindanao are responded to by NLUA, at least in principle.

In Sec. 2 of Ch. I, NLUA institutionalizes land use and physical planning to promote and ensure, among other matters, the following principles:

- Sustainable and just management and utilization of natural resources towards inclusive growth;
- Maintenance and preservation of environmental integrity and stability;
- Disaster risk-reduction including adaptation and mitigation measures that will make the country climate change resilient;
- Protection of prime agricultural lands for food security in basic food commodities with emphasis on self-sufficiency;
- Respect for and protection of the sustainable traditional resource rights of the Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) to their ancestral domains; and,
- Improved access to affordable housing by increasing its supply through direct allocation, better access to unutilized lands.

It further mandates the State to "ensure that local government units (LGUs) share with the national government the responsibility of managing and maintaining ecological balance within their

territorial jurisdiction as stated in the Constitution and the 1991 Local Government Code (LGC) or Republic Act No. 7160.”

### **LONG-TERM AND HOLISTIC PERSPECTIVE**

The consolidated bill takes on a long-term perspective: “a timeframe of thirty (30) years, with regular review and updating every ten (10) years.” (Sec 5, Ch. III)

It also applies to all lands: public, private, government-owned, in the possession of individuals, communities, indigenous peoples including areas declared as special economic zones, free ports, proclamations and reservations. (Sec 3, Ch. I)

There is also a provision that now combines land use plan (CLUP) and the development plan into a Comprehensive Land Use and Development Plan (CLUDP). This addresses the “disconnect between the spatial and sectoral factors and to ensure the complementation between the medium” and long “term concerns.” (Sec 6, Ch. III)

### **STRONG ENFORCEMENT OF THE LAW**

The NLUA bill provides the committees that will be formed with substantial authority and power to implement the provisions of the law. It sets clear-cut guidelines, deadlines and penalties.

It provides penalties for the conversion and reclassification of protected lands. It authorizes the cancelation of regulatory permits, leases, agreements, and other performance contracts wrongly issued by concerned government agencies. (Ch. XII)

It even penalizes government officials if they are found to be the cause for “Failure to Formulate, Enforce, and/or Implement the CLUPs”. (Sec 64 Ch. XII)

### **INTEGRATED MECHANISMS AND STRUCTURES**

The integrated and consolidated structure from the *Sangguniang Pambarangay* (Barangay Council) to the National Land Use Committee will hopefully improve coordination and draw citizens to participate in the planning process.

The NLUA also recognizes the problem of overlapping mandates and jurisdictions of agencies handling land claims as it seeks to “Work towards integrating and harmonizing all laws, guidelines and policies relevant to land use, spatial and physical planning.” Moreover, it authorizes the Regional Land Use Policy Board (RLUPB) at the regional level to “decide and resolve policy conflicts and territorial jurisdiction on land use between or among agencies, branches, or levels of the government and act on unresolved land use policy conflicts.” (Sec 17 Ch. V)

A major problem related to this issue is land titling. In response to this, Sec. 15 of Chapter IV of NLUA states that “Within two (2) years from effectivity of this Act, the Department of Environment and Natural Resources, Land Registration Administration, Department of Agrarian Reform, and the National Commission on Indigenous People shall jointly develop a harmonized land registration and titling system.”

### **PARTICIPATORY PROCESS**

While recognizing the importance of centralized authority, NLUA opens participation to all stakeholders (business sector, NGOs, people’s organizations and the academe). The process is iterative, that is, it uses both bottom-up and top-down approaches, to integrate and harmonize “the physical framework and land use plans at all levels.” (Sec. 5, Ch. III)

The bottom-up approach starts with the barangay: “All barangays shall provide their sectoral, temporal and spatial data for the CLUP which shall serve as the foundation for the formulation of the city/municipal CLUPs. The data shall be provided by the *Sangguniang Pambarangay* through stakeholder consultations.” (Sec 6, Ch. III)

Moreover, it provides support for building capacities of LGUs. Toward this objective, the Department of Interior and Local Government (DILG) is mandated to initiate a capacity building program.

The NLUA also encourages dissemination of public information and the inclusion of sustainable land use in school curricula at all levels of education.

### OTHER LAUDABLE FEATURES

Special attention is also given to settlements in geo-hazard areas, designation of sanitary landfills and identification of urban forests or green space.

The bill also has an extensive definition of terms. This is essential as much of the confusion at the implementation level is due to differences in definitions and interpretations of legal terms.

## Some Recommendations

The provisions in the current consolidated bill are commendable and may have substantial impact in addressing gaps and weaknesses in land governance in Northern Mindanao. This is a good first step but measures are needed to effectively implement them. The following interventions are recommended:

### 1. ENHANCING PUBLIC AWARENESS

NLUA should be complemented by public education. Once approved, or even now at the deliberation stage, information should be cascaded to the barangays to prepare them for their critical role of providing data and crafting development plans.

This should be done soonest in Northern Mindanao while the Sendong tragedy is still fresh in the minds of people.

The plan to establish a shared government information system on land use management should also be pursued to promote transparency and accountability. Public access to this information system should likewise be facilitated and assured.

### 2. PILOTING BARANGAY LAND GOVERNANCE

The participation of the barangays in land use planning will be a major factor in the success of this legislation. While it is enshrined in the consolidated bill, it can be easily forgotten once the bill is enacted. To avoid this, the piloting of a barangay land use plan is proposed.

In Barangay Bulua in CDO, a pilot Barangay Land Governance Development Plan has been prepared and submitted to the DILG for consideration. Unfortunately, there are no resources to support the plan. It is therefore strongly recommended that this initiative be supported.

This will also complement similar initiatives such as the CDO River Basin Master Plan and the Payment for Ecosystem Services in the watershed of CDO currently being implemented by both government and civil society organizations.

### 3. PROVIDING CAPACITY BUILDING PROGRAMS

In implementing NLUA, a massive capacity building program has to be crafted and effected to develop a core of land use planning practitioners and experts. NLUA already tasks DILG to lead the



mandatory training for local government officials involved in the preparation of CLUPs and the Provincial Physical Framework Development Plan (PPFDP), as well as all other stakeholders such as community leaders, and representatives from non-government and people's organizations, the religious sector, and the general public.

The academic community should also be encouraged to enhance their capacities and offer courses and programs on land use planning and governance. A master's degree program on land use planning can be offered to LGU employees. ■

---

## Endnote

<sup>1</sup> All quotations in this section are taken from the consolidated bill.

---

## References

- Gatus, J. P. 2012, Empowering the Local Executives on Land Governance. Cagayan de Oro City, Philippines.
- Philippine Statistics Authority, major industries year-on-year growth rates, January 2015.
- Regional Land Use Committee-X. May 15, 2013. Highlights of Discussions/ Recommendation from Policy Review on Land Governance. NEDA/RDC X.

---

## Interviews

Dir. Rene K. Burdeos, CESO III  
Regional Director  
DILG 10

Hazel L. Occena  
Local Government Operations Officer VI  
DILG 10

Jose P. Gatus, DPA  
Former Director, Bureau of Lands  
Dept. of Environment and Natural Resources X

Eng. Mark Sabines (TBA)  
Asst. Professor  
College of Agriculture  
Xavier University

This paper is made possible with the support of Deutsche Gesellschaft für International Zusammenarbeit (GIZ), Foundation for the Philippine Environment (FPE), International Land Coalition (ILC), and MISEREOR. The views and the information provided in this publication do not necessarily reflect the views or policies of GIZ, FPE, ILC, and MISEREOR.



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 member networks 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), regional convener of the Land Watch Asia (LWA) campaign and the Asian Alliance Against Hunger and Malnutrition (AAAHM-Asia). ANGOC is also a member of the Global Land Tool Network (GLTN) and the Indigenous Peoples' and Community Conserved Territories and Area (ICCA).

ASIAN NGO COALITION FOR AGRARIAN REFORM AND RURAL DEVELOPMENT

33 Mapagsanguni Street, Diliman

1101 Quezon City, Philippines

P.O. Box 3107, QCCPO 1101, Quezon City, Philippines

Tel: +63 23510581 Fax: +63 2351001

E-mail: [angoc@angoc.org](mailto:angoc@angoc.org)

URL: [www.angoc.org](http://www.angoc.org)



Land Watch Asia (LWA) is a regional campaign to ensure that access to land, agrarian reform and sustainable development for the rural poor are addressed in national and regional

development agenda. The campaign involves civil society organizations in seven (7) countries—Bangladesh, Cambodia, India, Indonesia, Nepal, Pakistan, and the Philippines. LWA aims to take stock of significant changes in the policy and legal environments; undertake strategic national and regional advocacy activities on access to land; jointly develop approaches and tools; and encourage the sharing of experiences on coalition-building and actions on land rights issues.



Deutsche Gesellschaft für Internationale (GIZ) GmbH is an international development organization of the Federal Government of Germany working in more than 130 countries worldwide. The organization is guided by the concept of sustainable

development with areas of expertise in economic development and employment promotion; governance and democracy; security, reconstruction, peacebuilding and civil conflict transformation; food security, health and basic education; and environmental protection, resource conservation and climate change mitigation. Know more about GIZ at [www.giz.de](http://www.giz.de).



FPE is the first and largest grant-making organization for civil society environmental initiatives in the Philippines. Its support goes primarily to protecting local

conservation sites and strengthening community and grassroots-led environmental efforts in more than 65 critical sites through more than 1,400 projects. The establishment of FPE on January 15, 1992 was meant to abate the destruction of the country's natural resources. As many as 334 NGOs and grassroots organizations, along with 24 academic institutions, helped set its course through a process of nationwide consultations. Subsequently, Philippine and United States government agencies and NGOs raised the foundation's initial \$21.8-million endowment through an innovative "debt-for-nature" swap. Today, FPE remains committed to fulfilling its roles as a catalyst for cooperation, grantmaker, and fund facilitator for biodiversity conservation and sustainable development. Know more about FPE at [www.fpe.ph](http://www.fpe.ph).



ILC is a global alliance of intergovernmental, governmental and civil society organizations working together

with the rural poor to increase their secure access to natural resources, especially land. Know more about ILC at [www.landcoalition.org](http://www.landcoalition.org).



As the overseas development agency of the Catholic Church in Germany, MISEREOR works in partnership with all people of

goodwill to promote development, fight worldwide poverty, liberate people from injustice, exercise solidarity within the poor and persecuted, and help create "One World". MISEREOR supports projects and promotes local initiatives in Africa, Asia and Latin America, irrespective of nationality, religions or gender. Know more about MISEREOR at [www.misereor.org](http://www.misereor.org).