

# Linking Land Tenure and Climate Change: The Case of MILALITTRA in Mt. Kalatungan





**Asian NGO Coalition for Agrarian Reform and Rural Development**

33 Mapagsanguni Street  
Sikatuna Village, Diliman  
1101 Quezon City, Philippines

P.O. Box 3107, QCCPO 1101, Quezon City, Philippines  
Tel: +63-2 351 0481 Fax: +63-2 351 0011  
Email: [angoc@angoc.org](mailto:angoc@angoc.org)  
URL: [www.angoc.org](http://www.angoc.org)

Facebook: [www.facebook.com/AsianNGOCoalition](http://www.facebook.com/AsianNGOCoalition)  
Twitter: <https://twitter.com/ANGOCorg>  
Skype: asianngoalition

Founded in 1979, ANGOC is a regional association of 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 the convener of the Land Watch Asia (LWA) campaign. ANGOC is also a member of the International Land Coalition (ILC) and the Global Land Tool Network (GLTN).



**Xavier Science Foundation, Inc.**

Manresa Complex  
Fr. Masterson Avenue, Upper Balulang,  
9000 Cagayan de oro City, Philippines  
Tel: +63-88 853 9800  
Email: [xsf@xu.edu.ph](mailto:xsf@xu.edu.ph)  
URL: [xsfoundation.org](http://xsfoundation.org)

Facebook: [www.facebook.com/XavierScienceFoundation](http://www.facebook.com/XavierScienceFoundation)

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# **Linking Land Tenure and Climate Change: The Case of MILALITTRA in Mt. Kalatungan<sup>1,2</sup>**

Prepared by

*Roel R. Ravanera*  
Xavier Science Foundation

in behalf of

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**Disclaimer:**

The views presented in this document do not necessarily reflect those of FAO.

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# Acronyms

ANGOC	Asian NGO Coalition for Agrarian Reform and Rural Development
CADT	Certificate of Ancestral Domain Title
CBD	Convention on Biological Diversity
CSO	civil society organization
DENR	Department of Environment and Natural Resources
FGD	focus group discussion
IPs	indigenous peoples
KIIs	key informant interviews
MILALITTRA	Miarayon–Lapok–Lirongan–Tinaytayan Tribal Association
NCIP	National Commission on Indigenous Peoples
NDRRMC	National Disaster Risk Reduction and Management Council
PAFID	Philippine Association for Intercultural Development
PES	Payment for Ecosystem Services
WRI	World Resources Institute
XSF	Xavier Science Foundation

# Background of the Study

Land governance recently attracted global attention as it is closely linked with many of the global development challenges such as hunger and poverty, market and investments, climate change, and disasters. In response, the Committee on World Food Security (CFS) of the United Nations (UN) endorsed an internationally agreed document “The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (VGGT) in the Context of National Food Security.”

While the document is not legally binding, the VGGT serves as a reference for internationally accepted standards and practices for the responsible governance of tenure. For farmers and food producers, as well as fisherfolks and indigenous people, it offers a lens by which governance of resource tenure can be assessed and directs appropriate interventions that are deemed necessary.

In the Philippines, the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC), in partnership with UN Food and Agriculture Organization (FAO) and relevant government agencies, is mainstreaming the VGGT to strengthen land tenure governance. Its foreseen impacts include strengthened policies, legal instruments and procedures contributing to enhance land and natural resources governance, and improved tenure security. The intended project outcome is that principles outlined in the VGGT are mainstreamed among key institutions dealing with the tenure of land and fisheries.

This case study is linked to the legal recognition of indigenous customary rights as it relates to climate change – specifically, it addresses VGGT’s Part 6 Section 23.3, which provides that *“States should facilitate the participation, consistent with the principles of consultation and participation of these Guidelines, of all individuals, communities or peoples, with an emphasis on farmers, small-scale food producers, and vulnerable and marginalized people, who hold legitimate tenure rights, in the negotiations and implementation of mitigation and adaptation programmes.”*

## Introduction

Land is life. This is how indigenous people (IP) leaders respond when asked how important land is to their community. It is easy to see how land provides for their daily food needs and their livelihood. And yet, the statement sounds like a sweeping generalization. Taken in its proper context, however, where these lands sustain vast forests spawning biodiversity and supplying water downstream, it becomes fairly convincing. Land even serves their spiritual

obligations such as burial grounds and sacred places.

In the Philippines, around 50 percent of the total 30 million hectares are considered uplands. Of these lands, 45 percent are classified as ancestral domains of the indigenous peoples who comprise 12-14 percent of the country’s population. What is important to note is that nearly 90 percent of the remaining forest cover are within their ancestral domains.

As of 30 September 2010, the National Commission on Indigenous Peoples (NCIP)

has approved 156 Certificate of Ancestral Domain Titles (CADTs) covering a total area of 4,249,331.544 hectares of land and water. These are part of the 6 to 7 million hectares of land and water that the NCIP estimates as areas that could still be recovered as ancestral domains.

In the advent of climate change, the statement, “land is life,” resonates louder not only among indigenous peoples but for entire humanity. The study by the World Resources Institute of 80 forest areas in 10 countries in South Asia, East Africa, and Latin America showed that “community-owned and -managed forests have delivered both superior community benefits and greater carbon storage” (Stevens, C. et. al., 2017).

The interrelatedness of land tenure, climate change and disasters is highlighted in this case study. For many years, the city of Cagayan de Oro had no major flooding, no landslides, and no typhoon disaster. But this changed with recent developments, particularly that of excessive logging. The unprecedented volume of rainfall during Typhoon Washi (Sendong as the local name) had been partly attributed to the vast denuded mountains and the changing climate.

This case study tells the story of the Talaandig<sup>4</sup> tribe in Mt. Kalatungan Range in the province of Bukidnon and how they governed their ancestral lands. Integrated into the study is the multi-stakeholder initiative on Payment for Ecosystem Services (PES) launched in 2014 to reforest the Cagayan de Oro watershed after the devastating typhoon, Washi.

## **Objectives of the study**

The case of MILALITTRA (Miarayon-Lapok-Lirongan-Tinaytayan Tribal Association) is intended to establish the link between land

tenure and climate change at the local level. It is expected that local communities and relevant government agencies will have a better appreciation of the importance of land tenure governance and, hopefully, will reforest the watershed and conserve the remaining forests.

Moreover, it calls for urgency in policy and program interventions that, if these links are not recognized and acted upon, can lead to major disasters. It is common knowledge that the devastating floods ushered in by Typhoon Washi last 17 December 2011 in Cagayan de Oro was aggravated by lack of adequate vegetation in the headwaters, vast expanse of grasslands, barren slopes, and unsustainable cultivation in the upstream sections of Cagayan de Oro River basin including that of the area awarded to MILALITTRA.

## **Methodology**

Spatial data of MILALITTRA’s claimed territory were used in this study in gauging the changes of the forest cover in their territory. This was conducted in 2003 as part of the requirement of their CADT application. A similar data collection was done again in 2013, a decade after the awarding of CADT.

The findings were then validated through KIIs with 17 key informants from concerned units of the local government (5), tribal leaders (7) and local community members (5). An FGD participated by members of MILALITTRA from four barangays, namely: Miarayon, Lapok, Lirongan and San Miguel was also conducted. The KIIs and FGD were undertaken in Miarayon, Talakag, Bukidnon from 28 April to 6 May 2017. Representatives from the local government units were invited to provide the government’s viewpoint.

The initial draft of the case study was presented in a regional consultation (i.e., Northern Mindanao) held in Xavier University, Cagayan de Oro City on 7 September 2017. Participants included representatives from government agencies specifically members of the Regional Land Use Committee of Northern Mindanao (RLUC 10), IP organizations, non-governmental organizations (NGOs), academe, and students.

The perspective of government agencies and other participants outside the community is important, as the phenomenon of climate change is overarching and complex. Their perspective is significant in understanding the links and interconnections between climate change and resource conservation.

## Overview of the Case

Mt. Kalatungan Mountain Range Natural Park, the fifth highest peak in the country, is one of the only four natural parks in Northern Mindanao. It spans through the municipalities of Pangantucan, Talakag, Maramag, and the City of Valencia in the Province of Bukidnon.

Mt. Kalatungan is considered a Key Biodiversity Area (KBA) and home to 342 species of plants and 129 species of animals (Sandalo, 2016). It is also a major water source to households and industries in Cagayan de Oro City, and the provinces of Bukidnon and North Cotabato, with its headwaters providing 35 river systems within the Cagayan de Oro River Basin.

Socio-economic activities in the past few decades, however, have damaged Mt. Kalatungan's forest ecosystem. Wanton cutting of trees was rampant even in protected areas. This was further exacerbated by small-scale mining<sup>5</sup> activities using hydraulic techniques.

Hills were leveled off to mine gold and other minerals. The bald mountains were so enticing for agribusiness people that plantations were established even in these areas (Ravanera, 2015). In addition, there were forest conversion to non-forest uses, timber poaching, charcoal making and quarrying resulting to uncontrolled soil erosion, landslides, and flooding.

On 16 December 2011, Typhoon Washi hit the province of Bukidnon with rains continuously poured in the entire evening that reached up to more than 200mm (some sources say 475mm). Flash floods washed out houses, bridges, debris, and people. According to a National Disaster Risk Reduction and Management Council (NDRRMC) report in February 2012, more than 1,200 died (Ravanera, 2015).

There are now calls to reforest the watershed and protected areas. Many studies are being conducted and projects implemented to prevent further adverse effects of typhoons.

A landmark case a few years before the destruction of Typhoon Washi is the recognition of the ancestral domain of the Talaandig tribe in the four barangays of Talakag, Bukidnon, namely, Miarayon, Lapok, Lirongan, and San Miguel. The Talaandigs, one of the 114 ethno-linguistic groups in the country, formed a legally recognized association called MILALITTRA. MILALITTRA was awarded with 11,367 hectares of ancestral lands in 2003 under CADT R10-TAL-0703-0010 – recognized as communally owned.

Headwaters from the MILALITTRA by the slopes of Mt. Kalatungan flows through the Batang sub-watershed of the Cagayan de Oro river basin. This sub-watershed has been concluded to be the main source of floodwaters that hit Cagayan de Oro during Typhoon Washi.



Given the steep and narrow ridges of this river system, the force of the running water can propel boats for exciting rafting adventures. With degraded forests without much capacity to hold water, the force can cause flooding of several meters high in no time. To prevent future typhoons from causing grave damage, reforestation of the Batang sub-watershed have to be implemented.

## **Connecting Land Tenure to Forest Conservation**

Forests plays a critical role in the carbon cycle of our planet. When forests are depleted, it reduces carbon absorption thus the build-up of carbon dioxide in the atmosphere contributing to climate change. Forest conservation through effective forest land management is therefore very important in regulating climate change.

MILALITTRA's CADT holds a lot promise in forest conservation as examples abound in many other countries of similar experiences. A World Bank Independent Review in 2009 (Nelson and Chomitz) revealed that "traditional resource management practices of ICCs are more effective in protecting the forest than strict protection of the Government alone." The CBD also reported in 2010 that "levels of protection are actually higher under community or indigenous management than under government management alone" (Global Biodiversity Outlook 3, pp. 40-41). Similarly, a study on the 'assessment of conservation effectiveness in community managed forests and protected areas' reported that the levels of forest destruction are higher in areas that have been declared as strict protection parks by the government compared to areas traditionally protected by ICCAs (Porter-Bolland, et. al., 2011).

Unfortunately, MILALITTRA's ancestral domain is not exempted from land governance issues and conflicts in the locality and in the entire country. Conflicting land claims, overlapping jurisdictions of government agencies, transparency and access to information, erosion of tenure security, and long process of dispute resolution are some of the issues identified, sometimes resulting to violence.

Moreover, poverty is relatively high in those barangays. Majority are farming households planting high-value crops such as cabbage, potatoes, carrots, beans, and even ornamentals. Heavy use of chemical inputs is observed and the supply chain is not well-developed resulting to relatively low income among farmers.

In Miarayon, for example, the average monthly farm income is around 5,000 Philippine Peso (PhP 5,000), which is halfway below the poverty threshold of PhP 11,773 in Bukidnon. In the first quarter of 2015, Bukidnon recorded 53.6 percent poverty incidence among its population (PSA, 2016). Due to limited income, there are those who are forced to intrude in the remaining forests to farm or conduct illegal extraction activities.

Despite these external pressures and community constraints, the Talaandig's traditional land governance system appears to have positive impacts on regenerating the vegetative cover of the mountains and conserving the remaining forests. The strength and dynamism lie in their values, beliefs, commitment and cultural traditions.

## **Respect for God's Creation**

The Talaandigs regard their natural environment -- land, forests, biodiversity -- as economic, cultural, and even spiritual treasures with

respect. *Datu* Rio Besto, the Talaandig Chieftain, emphasized that the forest is a sacred ground for them. He further explained that the tribe has been the protectors of the forest for many generations. They consider the forest as their church (where they perform their sacred rituals), their market (where they source out for food), and their drugstore (as the source of their medicine for healing). It is thus important for the tribe to take care of the forest.

These values and commitments are expressed in their community activities. In initiating project activities, for example, a ritual is celebrated by the group's *baylan* (tribe's religious leader) to pray and ask grace from the *Magbabaya*, the God. In reforestation, the group is careful in selecting seedlings to avoid planting of tree species they believe will attract bad luck (Salcedo, 2017).

The tribe considers trees as life. As their ancestors have passed down to them the duty to guard the forest, so shall they hand this duty down to the next generation, to ensure that the forest continues to survive. The *Baylans*, the religious leaders, and healers of the tribe, have made big contributions in guarding the forest in the past generations.

## **Suitable Land Management**

The traditional land governance system of the Talaandigs being anchored on their culture is simple, appropriate, and to a greater extent effective in protecting and regenerating the forest. Conflicts within the community are also promptly resolved.

- Forest Protection

Apprehending illegal loggers have been difficult in the past for both the government and the tribal community. In the absence

of legal recognition of their community rights, MILALITTRA had little authority to apprehend illegal loggers. With the awarding of CADT in 2003, however, it strengthened their resolve to exercise their rights in protecting the forest from logging activities.

In support to their initiative, the DENR trained selected leaders and members of the Talaandig tribe on forest protection. Locally known as *Bantay Lasang*, they are certified and authorized by the government to help monitor, apprehend, and report illegal activities in the protected area of Mt. Kalatungan.

MILALITTRA has also deterred entry of big corporations within their ancestral domain, as they believe this will defeat the tribe's generation-long responsibility of protecting the forest.

- Reforestation

CADT did not only strengthen Talaandig's assertion of their rights but allowed them to connect with government and civil society organizations (CSOs) in reforesting the denuded mountains. Among these groups are the Philippine Association for Intercultural Development (PAFID), the Kitanglad Integrated NGOs (KIN), Xavier Science Foundation (XSF), and the Philippine Tropical Forest Conservation Foundation (PTFCF).

- Conflict Resolution

Conflicts among community members are resolved within the tribe. The Talaandig Tribe has a designated and recognized "*Palahusay*" who acts as the reconciler among the tribal groups. The *Palahusay* can be a tribal chieftain, a tribal leader, or an elder

who has the qualities of being wise, honest, and can render fair judgement. Customary practice has the advantage of understanding better the conflicts because the indigenous people speak their own language and they respect the authority of their tribal leaders. Disputes are often resolved as they put high primacy on preserving harmony and peace in their communities.

## Space for Innovations

Having their community rights over the land allowed MILALITTRA to explore, innovate, and enter into partnerships to advance their tribal vision and agenda. One of these initiatives is the Payment for Ecosystem Services (PES).

PES is a financing scheme anchored on pricing intangible environmental products and services adapted into a funding mechanism to generate economic return and sustain the ecosystem services. MILALITTRA acted as the seller. They proposed to cover 1,648 hectares (816 hectares for agroforestry and 832 hectares for reforestation). The buyers are those who would benefit from this scheme and include businesses, cooperatives, academic institutions, religious organizations, households, and individuals. XSF, as the fund manager, acts as the intermediary between buyers and sellers.

After three years since its launching in May 2014, the project has generated PhP 4.2 million from 14 investors, and planted trees in 61 hectares of forest lands.

## Measurable Impact

The recognition of community land rights through the issuance of CADT provided MILALITTRA the authority and power to implement and institute

their traditional land governance system. It also allowed them establish linkages with external partners, both government and CSOs, to enhance the development of their ancestral domain.

This sets the foundational structures and management practices in forest conservation. The question lays on whether these interventions will be translated into concrete outcomes and impacts. Fortunately for MILALITTRA, they were able to gather spatial data with the assistance from PAFID on the boundaries of the traditional territory of the Talaandig when they applied for CADT in 2003. This serves as the baseline in measuring impact with quantifiable indicators. In addition, they were able to do similar data collection in 2013, a decade after the issuance of CADT.

PAFID'S 3D map trend analysis highlights the following results:

Classifications	Percentage Change
Remained as Forests	33
Non-forest to Forest	13
Forest to Non-forest	4
Remained as Non-forest	50

- Considerable area (33 percent) in MILALITTRA has remained as forests after more than 10 years.
- There have been generating positive results with 13 percent of the area changing from non-forest to forests.
- There were also areas that have transformed from forest to non-forest land uses, however, constituting only 4 percent of the area. These are the areas that were affected by the strong winds of Typhoon Bobha (*Pablo* as the local name) in December 2012.

- Half of the area (50 percent) has remained as non-forest areas (brush land, grassland, agricultural, and residential) but most of these are within the alienable and disposable (A&D) lands.

In summary there were more positive changes happening in the MILALITTRA area with an improved forest cover of 9 percent.

## Moving Forward

MILALITTRA provides a compelling case in recognizing traditional land governance system towards conserving the country's remaining forests as an adaptation to climate change. Building on these finding, the following recommendations are forwarded:

### 1. Monitor MILALITTRA's forest cover

Using the spatial data collected as baseline reference, continue monitoring the forest cover within the boundaries of MILALITTRA's ancestral domain. This is a powerful tool in promoting community land rights as it relates

to global development issues. Towards this objective, partnership with academic and research institutions can be established.

### 2. Replicate in other ancestral domains in Mt. Kalatungan

There are a number of ancestral domains in Mt Kalatungan. Some have secured their CADTs, some have not. Collecting similar spatial data and conducting trends analysis may establish a better understanding of the linkage between land tenure and forest conservation. This initiative can be proposed with the Regional Land Use Committee whose representatives have responded positively in the regional consultation convened for this study.

### 3. Support ICCA Bill

The study can be used to support the passage of the Indigenous Peoples' and Local Communities' Conserved Areas and Territories (ICCA) Bill in Congress. This proposed measure seeks to provide guidelines in the protection and strengthening of ICCAs in the Philippines for their contribution to forest and biodiversity conservation. ■

## Endnotes

- <sup>1</sup> Ravanera, R. (2017). *Linking Land Tenure and Climate Change: The case of MILALITTRA in Mt. Kalatungan*. Quezon City: Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC).
- <sup>2</sup> This case study was validated and finalized based on discussions during the multi-stakeholder Northern Mindanao consultation held in Cagayan de Oro, Misamis Oriental on 7 September 2017. Inputs for preparing the draft were generated during a series of KIIs and focus group discussion conducted from 28 April to 6 May 2017.
- <sup>3</sup> The views presented in this document do not necessarily reflect those of FAO.
- <sup>4</sup> One of the 114 ethno-linguistic groups in the Philippines residing in the island of Mindanao.
- <sup>5</sup> Small-scale mining program is covered under Presidential Decree 463 – the Mineral Resources Development Decree of 1974 to generate employment opportunities. The City Mining Regulatory Board regulates it (Gatus, 2012).

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## **Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT)**

The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT) promote secure tenure rights and equitable access to land, fisheries and forests as a means of eradicating hunger and poverty, supporting sustainable development and enhancing the environment. This work builds on and supports the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security (Voluntary Guidelines on the Right to Food), which were adopted by the FAO Council at its 127<sup>th</sup> Session in November 2004, and the 2006 International Conference on Agrarian Reform and Rural Development (ICARRD).

The VGGT were endorsed by the Committee on World Food Security (CFS) in May 2012. The Guidelines were developed through a broad global partnership of international, regional and national organizations of different types that work together to achieve global changes in governance of tenure. The development followed an inclusive process involving a series of consultations and negotiations.

The VGGT provide a framework that States can use when developing their own strategies, policies, legislation, programs and activities. They allow governments, civil society, the private sector and citizens to judge whether their proposed actions and the actions of others constitute acceptable practices.

The VGGT have 169 provisions, covering 23 topics encompassing five major themes: (1) General Matters (Principles); (2) Legal Recognition and Allocation of Tenure Rights; (3) Transfers and Changes to Tenure; (4) Administration of Tenure; and, (5) Responses to Climate Change and Disasters.

The VGGT is one of the very few international documents that directly addresses the protection of tenurial rights in the event of climate change and disasters. It urges States to consider tenure aspects of land, fisheries and forests in preventing, preparing for, and responding to disasters, as well as in reconstructing and rehabilitating after the occurrence of disasters. The directly relevant provisions are Section 23 on *Responses to Climate Change*, and Section 24 on *Responses to Natural Disasters*. In addition, Sections 7 to 10 provide for the *legal recognition and allocation of tenure rights and duties*. Section 10 on *informal tenure* is also particularly important, as those without legally-recognized tenure are often most at risk on the impacts of climate change.

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**T**his study contextualizes the importance of indigenous knowledge on forest conservation and watershed protection, in light of climate change and intensified natural disasters. Through the Payment for Ecosystem Services (PES) program of the Miarayon–Lapok–Lirongan–Tinaytayan Tribal Association (MILALITTRA) in Northern Mindanao, the Talaandig tribe is able to conserve natural resources which are vital for communities’ adaptation to climate change.

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The views and information provided in this document do not necessarily reflect the views and policies of FAO.