



# **Key Dimensions of Land Tenure Security from the Perspective of Basic Sectors and CSOs in the Philippines**

**Implications for the Review of UN Social Development Goal (SDG) 1.4.2 on Land Tenure Security**



Founded in 1979, the **Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC)** is a regional association of national and regional networks of civil society organizations (CSOs) in Asia actively engaged in promoting food sovereignty, land rights and agrarian reform, sustainable agriculture, participatory governance, and rural development. ANGOC member networks and partners work in nine Asian countries together with some 3,000 CSOs and community-based organizations (CBOs). ANGOC actively engages in joint field programs and policy discussions with national governments, intergovernmental organizations (IGOs), and international financial institutions (IFIs).

The complexity of Asian realities and diversity of CSOs highlight the need for a development leadership to service the poor of Asia – providing a forum for articulation of their needs and aspirations as well as expression of Asian values and perspectives. Thus, the ANGOC network promotes land and resource rights, smallholder agriculture, and human rights and civic participation, by serving as a platform for Asian CSOs to generate knowledge, share tools, and conduct constructive policy dialogues.

ANGOC is a member of the Global Land Tool Network (GLTN), Global Forum on Agricultural Research and Innovation (GFAiR), Indigenous Peoples' and Community Conserved Areas and Territories (ICCA) Consortium, International Land Coalition (ILC), and Fair Finance Asia (FFA).

33 Mapagsanguni Street, Sikatuna Village  
Diliman, 1101 Quezon City, Philippines  
Tel: 63-2-83510011 | Email: [angoc@angoc.org](mailto:angoc@angoc.org)  
Website: <https://angoc.org>

**Citation:**

Pagsanghan, J., Quizon, A., Marquez, N. D., Musni, D. H. J., and Naungayan, M. J. (2022). *Key Dimensions of Land Tenure Security from the Perspective of Basic Sectors and CSOs in the Philippines*. Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC).

**ISBN: 978-971-8632-85-7**

**Disclaimer:**

This publication was made possible through the support of the Global Land Tool Network (GLTN) and the United Nations Human Settlements Programme (UN-Habitat). The views expressed here do not necessarily reflect those of GLTN and UN-Habitat.

**Cover:**

Troy L. Dilidili

**Layout:**

Joseph E. Onesa

# Key Dimensions of Land Tenure Security from the Perspective of Basic Sectors and CSOs in the Philippines<sup>1</sup>

## Implications for the Review of UN Social Development Goal (SDG) 1.4.2 on Land Tenure Security

### Executive Summary

Despite the importance of land rights in promoting sustainable development, the land agenda has not been prominent in recent SDG reporting processes of governments. In most cases, States do not report on land rights in their SDG Country Reports and Voluntary National Reviews (VNRs).

CSOs are particularly interested in Target 1.4 which mandates that by 2030 all people will have "... ownership and control over land and other forms of property, inheritance, natural resources..." Under Target 1.4, the indicator on secure tenure rights is Indicator 1.4.2: "Proportion of total adult population with secure tenure rights to land, (a) with legally recognized documentation, and (b) who perceive their rights to land as secure, by sex and type of tenure."

The SDG 1.4.2 indicator highlights four main elements of security of land tenure:

- First, legal tenure security that refers to tenure protection that is documented and backed up by State authority.
- Secondly, de facto tenure security where people have actual control of land and property, regardless of legal status.
- Thirdly, perceived tenure security relates to the subjective perception of an individual, couple or community that they will not lose their land rights through forced eviction.
- Finally, SDG indicator 1.4.2 (as well SDG 5.a) indicates equal rights for women.

However, the proxy indicator used by the Philippines Statistics Authority (PSA) in measuring tenure security remains as follows:

*"Proportion of families which own house and lot or owner-like possession of house and lot; rent house/room including lot; own house, rent lot; own house, rent-free lot with consent of owner; rent-free house and lot with consent of owner."*

The country's reporting on the SDGs, specifically Indicator 1.4.2, is inadequate for many reasons.

Firstly, the Philippine proxy indicator itself is inadequate as a measure of land tenure security because: (a) farmlands are excluded from the concept of "house and lot," (b) security of tenure should not summarily include rent or lease, and (c) the proxy indicator excludes common resources such as ancestral domains and municipal fishing grounds.

<sup>1</sup>Prepared by Joel Pagsanghan, Antonio Quizon, Nathaniel Don Marquez, Denise Hyacinth Joy Musni, and Marianne Jane Naungayan of the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC). This paper, submitted to the International Land Coalition (ILC) as input for the LandMonitor project developed through the 2022 IFAD Innovation Challenge, has been updated based on a series of focus group discussions organized by ANGOC in the preparation of the "2023 State of Land and Resource Tenure Reform in the Philippines."

Secondly, reporting on SDG 1.4.2 does not include or reflect the views and perceptions of basic sectors on the meaning and state of land tenure security. This is the reality, despite the declarations by government about the consultations with stakeholders in the SDG monitoring process.

Thirdly, there are methodological issues that compromise the validity of the reporting. For Indicator 1.4.2, the Philippine Statistical Authority (PSA) relies on self-declarations of ownership without requiring proof of ownership. Experience has shown that survey respondents tend to declare that they own the property they are occupying even though they do not, for fear of being evicted. It should also be noted that there are no surveys on land tenure per se; the tenure data is taken mainly from the Census of Population and Housing and other surveys.

Because of these factors, the resulting data does not reflect current reality. Using this proxy indicator, the proportion of families in the Philippines with access to secure land tenure is reported as 96.9 percent (2022 Voluntary National Review).

Fourthly, the PSA indicator does not capture the main elements of SDG Indicator 1.4.2, including, (a) legal tenure security based on documented rights, (b) de facto tenure security where people have actual control of land and property, (c) perceived tenure security including the absence of perceived threats or the loss of land rights through forced eviction, and (d) the lack of data to indicate equal rights for women.

In various consultations and discussions over the last few years, the basic sectors have come to an understanding of what constitutes tenure security for them.

For farmers, for instance, tenure security means they have their own agricultural land (with Certificate of Land Ownership Award/CLOA or at least a leasehold agreement), and they are installed on the land. They should also be able to pay for amortization and have adequate support services. Lastly, there is no threat of displacement and no conflict over the land (no remaining claims from the landlord, other farmers, or other sectors).

Possible land indicators to measure these aspects of tenure security include: (a) scope of landlessness in the farming/agriculture sector, (b) number/proportion of farmers with legal land ownership, or with legally documented tenure, (c) extent and scope of lands and affected farming households under agrarian conflict, (d) agrarian cases pending, (e) agrarian cases pending, and (f) rate of land conversion of agricultural lands.

For indigenous peoples (IPs), tenure security means secured ancestral domain (with Certificates of Ancestral Domain Title/CADT registered in the Land Registration Authority) over which they are able to exercise customary self-governance. An ancestral domain sustainable development and protection plan (ADSDPP) should have been formulated, funded and implemented, in addition to adequate support services. Furthermore, the IP community's free, prior and informed consent (FPIC) for any development projects in the area should be respected and there is no encroachment or threat of displacement from development projects, militarization, or conflict.

Possible indicators are: (a) extent of IP lands that are under claim, under title, and with completed land registration, (b) extent of IP lands that are under conflict or threat [due to mining, projects, incursion, overlapping rights, etc.], (c) IP victims of land conflict, human rights cases in upland

communities, and, (d) scope and extent of IP communities with Indigenous Peoples Mandatory Representatives/IPMRs in municipal councils, duly selected by their respective communities.

Tenure security for fisherfolk means secured preferential rights to municipal waters (registration and licensing as municipal fishers; registered boats) with a designated fisherfolk settlement. Furthermore, municipal waters should be delineated, and access and rights to coastal areas secured, with adequate support services provided. With regards to possible conflict, there should be no encroachment from commercial or foreign fishers and no threat of displacement from reclamation or other projects.

Key indicators for the fisherfolk sector are: (a) scope and share of fisherfolk that are organized and legally recognized, (b) organized fisherfolk with legal rights and access to municipal waters and coastal areas, (c) share of fisherfolk recognized by Fisheries and Aquatic Resource Management Councils/FARMCs [fisherfolk registry], (d) number and scope of resource conflicts over municipal waters, and scope of conflicts addressed and resolved, and (e) number and scope of fisherfolk displaced [due to coastal development, reclamation projects, conflict, etc.] and the resolution of such cases.

For rural women, tenure security means equal status given to women and men, whether married or not in the awarding of tenurial rights, and recognition of the tenure rights of women not just as tillers and fishers themselves, but also as providers of labor in various points of the farming and fishing process. It also means recognition as leaders and members in organizations, and equal treatment of women farmers/fishers by government functionaries.

For this sector, indicators would be: (a) percentage of women agrarian reform beneficiaries/ARBs with Emancipation Patents/EPs and CLOAs, (b) percentage of women among holders of different tenure instruments issued by the government [titles, leases, permits, licenses], (c) percentage of women farmers who are members/officers of farmers organizations, (d) percentage of women fishers who are members/officers of fisherfolk organizations, and (e) percentage of women fishers who are registered.

The official SDG reporting processes and selected land tenure security indicators should also reflect the above perspectives and concerns of the rural poor who lack access to land or whose land tenure remains insecure.

These perspectives may be summarized as follows:

Land itself must be secure in its multiple dimensions (e.g., as an integral part of ancestral domains, cultural rights and self-governance; as a source of livelihoods; as integrally linked to other resources such as coastal waters, etc.).

From the perspective of basic sectors, land tenure is truly secure only when the basic elements are present:

- (a) A tenure instrument or a legal document that the government will recognize and protect (e.g., CLOA, CADT, preferential rights to municipal waters, etc.);

- (b) Actual possession and control of the land or resource (e.g., all CLOA holders are installed on their awarded lands; effective control of farmers over their CLOAs; CADT holders exercise actual governance of their lands with their ADSDPPs harmonized into government plans, etc.);
- (c) Adequate access to sufficient support services and market needed for livelihoods, i.e. to make the lands productive and profitable;
- (d) Absence of perceived threats to tenure security (these include but not limited to: overlapping claims on land, agrarian cases, land conversion, reclamation of coastal areas, etc.); and,
- (e) Equal recognition and protection of rights of women (as indicated through the following: women as equal holders of different kinds of tenure instruments, including titles, leases, contracts, permits & licenses, legal and actual recognition of women as farmers and fisherfolk; membership in organizations, etc.).

From all the foregoing, it is clear that Philippine reporting on land tenure security, especially on SDG indicator 1.4.2, needs to be improved.

For CSOs and basic sectors, the study recommends that they discuss further and refine concept of tenure security and corresponding indicators. These groups sectors should also identify and map out those groups/sources that may help generate perception data on land tenure security. Finally, they should continue to engage with, monitor/review land and resource data reported by government land agencies, in relation to the SDGs.

For government, the study recommends that the National Economic and Development Authority (NEDA), Philippine Statistical Authority (PSA), and land agencies engage in discussion with CSOs and basic sectors on the monitoring of progress on SDG 1.4 and 1.4.2, towards the formulation of a working definition of “land tenure security” that incorporates the perspectives and aspirations of basic sectors. This should be followed by the development of appropriate indicators and methodologies on tenure security that covers the following:

- (a) documented legal rights;
- (b) de facto possession of the land;
- (c) the absence to threats to one's tenure;
- (d) access to sufficient support services and markets (in the case of those who rely on agriculture and related livelihoods); and,
- (e) equal rights for women.

## **I. Study Background**

### **A. The Sustainable Development Goals and Land Tenure**

The Sustainable Development Goals (SDGs) embody a more holistic approach to development and presents enhancements to previous Millennium Development Goals (MDGs) targets. Adopted by all Member States in 2015, the SDGs call to end poverty, protect the planet and ensure that all people enjoy peace and prosperity by 2030. It is therefore not surprising that access to productive land – a resource vital to the survival of rural and urban communities – has been integrated into targets and indicators of the SDGs, and explicitly mentioned in the global goals on ending poverty (SDG 1), achieving zero hunger (SDG 2), gender equality (SDG 5), and protecting life of terrestrial ecosystems (SDG 15). Under these goals are four specific targets for land:

- Target 1.4 – equal rights of men and women to economic resources, ownership and control of land and natural resources, particularly for the poor and vulnerable;
- Target 2.3 – doubled agricultural productivity and incomes of small-scale food producers, including through secure and equitable access to land;
- Target 5.a – equal rights to economic resources for women, as well as access to ownership and control over land; and,
- Target 15.3 – combat desertification, restore degraded land and soil.

Other SDG targets linked to land include SDGs 6, 9, 10, 13, 15, 16, and 17. Their relationships with land are explained below:

- SDG 6 – Clean water and sanitation: depends on sustainable land use and management;
- SDG 9 – Industry, innovation and infrastructure: means financial support for family farmers;
- SDG 10 – Reducing inequalities: means equitable land distribution;
- SDG 13 – Climate action: depends on local control of land;
- SDG 15 – Life of terrestrial ecosystems: depends on participatory management of natural resources;
- SDG 16 – Peace, justice and strong institutions: means accessible information about land and the protection of human rights; and,
- SDG 17 – Partnerships to achieve the goals: require multi-stakeholder platforms and dialogue among stakeholders.

However, within the targets and indicators, the importance of land is rarely explicitly addressed, most are implicit. It is well-known that achieving land rights is closely linked to climate action, reducing inequalities, food systems to end hunger, and achieving gender equality and peace. Without land, inclusive and sustainable development that "leaves no one behind" cannot be achieved.

Unfortunately, the land agenda has not been prominent in recent SDG reporting processes of governments. In most cases, States do not report on land rights in their SDG Country Reports and Voluntary National Reviews (VNRs).

Of particular interest to CSOs working on land tenure rights is Target 1.4 which mandates that by 2030 all people will have "... ownership and control over land and other forms of property, inheritance, natural resources..."

Under Target 1.4, the indicator on secure tenure rights is Indicator 1.4.2: "Proportion of total adult population with secure tenure rights to land, (a) with legally recognized documentation, and (b) who perceive their rights to land as secure, by sex and type of tenure."

## **B. This Report**

In response to (a) the lack of national-level data and reporting on land tenure, and (b) a failure to involve people's organizations and target communities in land policy processes, including on the SDGs, this report aims to:

- review the existing status of reporting of SDG 1.4.2 by the Philippine Government;
- promote broader discussion among basic sectors and CSOs on their understanding of land tenure security; and,
- generate ideas on how to initiate the reporting on the larger dimensions of land tenure security in the Philippine VNR, including the need for developing Philippine SDG indicators in line with SDG 1.4.2.

The methodology of the study consists of desk reviews of relevant literature and data on land tenure and administration in the Philippines, from official government sources and CSOs, including previous land studies prepared by ANGOC. These studies used as references in this study were products of previous consultations and workshops involving the basic sectors and CSOs, thus diversifying the sources and enriching the discourse on land data beyond official data.

This document incorporate the perspectives of farmers, fisherfolk, indigenous peoples, rural women, and CSOs from three focus groups (FGDs) organized by ANGOC in relation to the LandMonitor initiative.<sup>2</sup> In particular, insights related to land tenure to security were highlighted in this report.

Finally, additional insights and data were incorporated in this report as a result of the series of ANGOC-organized FGDs with basic sectors and CSOs as part of the preparation of the “2023 State of Land and Resource Tenure Reform in the Philippines.”<sup>3</sup> The said study assessed the state of implementation of the Comprehensive Agrarian Reform Law (CARL), Indigenous Peoples Rights Act (IPRA), and the Philippine Fisheries Code.

## II. Overview of Land Tenure in the Country

### A. Land Tenure as a Current Imperative

At the global level, the UN 2030 Agenda seeks to address the multidimensional causes of poverty, inequalities, and discrimination, and reduce the vulnerabilities of the most marginalized people, including women, refugees, internally displaced persons, migrants, minorities, indigenous peoples, stateless persons, and populations affected by conflict and natural disasters. Under SDG 1 (No Poverty) and more specifically SDG Target 1.4.2, secure land tenure and access to natural resources, especially for poor and vulnerable women and men, is seen as a central strategy in global actions to combat poverty and social exclusion. The need for secure land tenure is also recognized in SDG 2 (Zero Hunger), SDG 5 (Gender Equality and Women’s Empowerment), SDG 11 (Sustainable Cities and Communities), SDG 15 (Life on Land), and SDG 16 (Peace, Justice, and Strong Institutions).

Agenda 2030 provides the overall framework for development cooperation between the government and the UN system in the Philippines, as contained in the *Partnership Framework for Sustainable Development (PFSD) 2019 to 2023*. More specifically, land tenure has been identified as a key flagship area for joint engagement between the Philippine government and the United Nations System in the operationalization of the *UN Socioeconomic and Peacebuilding Framework (SEPF) for COVID-19 Recovery in the Philippines, 2020 to 2023*.

<sup>2</sup> The official LandMonitor Report may be accessed at: <https://www.landcoalition.org/en/latest/land-monitor-report-philippines/>

<sup>3</sup> See <https://angoc.org/portal/state-of-land-and-resource-tenure-reform-in-the-philippines-2023-second-edition/>



## B. Ambisyon Natin and the Philippine Development Plan (PDP)

The desire for “comfortable homes with the desired amenities and secure tenure” is part of every Filipino’s dream, as contained in Ambisyon Natin 2040, which represents the collective long-term vision and aspirations of the Filipino people for themselves and for the country in the next 25 years. This need for security of land tenure is reflected in the Philippine Development Plan (PDP) 2017 to 2022, which seeks to address inequalities and pursue inclusive development. The revised PDP 2017 to 2022 details development strategies under three pillars: (a) “malasakit” or building a high trust society, (b) “pagbabago” or transforming towards equity and resiliency, and (c) “patuloy na pag-unlad” or increasing growth potential growth. These pillars emphasize the quality of growth rather than just the achievement of growth itself. As the PDP observes, while “sustaining the momentum of economic growth must remain a key objective, the real measure of achievement is the extent to which people’s lives have been improved.”

Chapter 17 focuses on “expanding economic opportunities in agriculture, forestry, and fisheries (AFF) and ensuring food security.” It seeks to ensure “availability, accessibility, and affordability of nutritious food while continuously addressing persistent challenges faced by the sector, particularly the *constraints to access to land and water resources ...*” (emphasis added).

Chapter 18 of the PDP is on “attaining just and lasting peace.” An important focus is the implementation of the 2014 Comprehensive Agreement on the Bangsamoro and support for the Bangsamoro Transition Authority to “lay the foundations for the establishment of a fully functioning Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) government in 2022.” Peace and development in BARMM will require resolving long-standing land conflicts and establishing the foundations for responsive governance.

Chapter 20 of the PDP is on “ensuring ecological integrity, and a clean and healthy environment.” Key constraints identified in the rehabilitation of natural resources are the absence of zoning, boundary conflicts, overlapping claims, along with outdated land records and problems in land data capture. Issues in zoning and delineation are seen to stem primarily from the lack of national policies in land and sea use, and on permanent forest limits.

## C. Primary Policies and Programs on Land Tenure

The Philippines has four foundational programs on tenure security:

- The Comprehensive Agrarian Reform Law (CARL/CARP) of 1988, that institutes an agrarian reform program to cover all agricultural land, both private and public, while establishing a land ceiling ownership of five hectares for private agricultural lands.
- The Indigenous Peoples Rights Act (IPRA) of 1997, an Act which recognizes individual and communal rights of indigenous peoples, right to self-governance and empowerment, right to social justice and human rights, right to cultural integrity, and right to enter to and execute peace agreements.
- The Fisheries Code of 1998 that gives preferential rights to artisanal fisherfolk over municipal waters.

- The Urban Development and Housing Act (UDHA) of 1992 that marked a shift from previous policy. UDHA de-criminalizes squatting, and discourages forced evictions and demolitions, requiring that adequate relocation be provided in cases involving eviction and demolition of poor informal settlers.

In addition, the Local Government Code (LGC) of 1991 devolved various powers and responsibilities to local government units (LGUs). The powers and responsibilities of local governments related to land governance now include: local administration, land classification, land use planning, assignment of local tenure rights (e.g., on municipal waters, foreshores and other public areas under co-management with the Department of Environment and Natural Resources or DENR), land valuation assessment and collection of real property tax, and institution of local taxes within the limits prescribed by law.

### III. Status and Principal Challenges of Land Tenure Security

#### A. Farmers

CARP has been implemented for more than 35 years, including two program extensions, with 89 percent of targeted lands “distributed”, albeit with various issues. As of 2022, almost the entire remaining balance (618,722 hectares) are private agricultural lands, which are the most difficult to distribute due to landowner resistance. Thus, there are still thousands of potential agrarian reform beneficiaries (ARBs) who are landless and at the precipice of poverty.

In addition, based on the Department of Agrarian Reform (DAR) Support Services Roadmap, 1.7 million ARBs need access to various support services such as capacity building, pre- and post-harvest infrastructure, financial assistance, and access to market.<sup>4</sup>

Without adequate managerial capacity, ARBs and ARB associations will be hard-pressed to make their lands productive and efficient and will end up selling their lands.

During the FGDs and validation workshop conducted for this paper, the following points emerged:

- Agricultural lands previously distributed under CARP are being reconsolidated under new de facto landlords. One modality through which this occurring is the pawning of trees in coconut lands. Owner cultivators facing financial difficulty are forced to pawn their coconut trees to these local elites, resulting in a situation where land reform beneficiaries actually become laborers in their own lands.
- “Access to markets” should be considered as part of support services because without it, farmers cannot be economically viable.
- Planning, monitoring, and management of Department of Agrarian Reform (DAR) programs should be improved. There may be a need to replace the old and ineffective mechanisms within the agency.

#### B. Indigenous Peoples

The progress in the issuance of Certificates of Ancestral Domain Titles (CADTs) to IPs under the IPRA law has been substantial. As of March 2022, twenty-five years after the enactment of IPRA, 16 percent

---

<sup>4</sup>Ibid

of the total land area of the country is now covered by CADTs and Certificates of Ancestral Land Titles (CALTs). This is comprised of 257 CADTs covering a total area of 5,971,345 hectares, benefitting 1,363,342 IP rights-holders, and 250 CALTs covering 17,148 hectares benefitting 1,319,176 individual rights-holders. These figures do not include ancestral waters covered under CADTs.<sup>5</sup>

The main issue is that CADTs are not respected or enforced, thus compromising the ability of IPs to practice their traditional governance systems over their ancestral domain.

The IPRA empowers the IPs to formulate an Ancestral Domain Sustainable Development and Protection Plans (ADSDPPs) based on their traditional and indigenous knowledge systems and processes (IKSPs). It defines the various land-uses and zoning policies of the ancestral domains as prescribed by the IPs themselves, and is a critical tool for IP communities to engage proponents of development projects, and other governance structures and interest groups. However, the formulation of ADSDPPs has been problematic, given the long and tedious process involved in formulating them, and the lack of funding for this. As of 2021, only 182 of the 257 CADT holders have fully formulated their ADSDPPs.

In the meantime, mining, investments, migrants and political interest groups have made various intrusions on ancestral lands. There are also various issues of policy coherence and inter-agency coordination among National Commission on Indigenous Peoples (NCIP), DENR, DAR, LGUs, and other government entities with regard to recognition of ancestral domains.

During the FGDs and validation workshop, the following points emerged:

- There are new issuances emanating from the NCIP - Certificates of Actual Land Occupancy for Migrants (CALOM) and Certificates of Ancestral Domain Land Allocation (CADLA) – which are already being implemented in selected regions in the country (i.e., Agusan, Region 2). IP leaders are coordinating with NCIP to understand these two guidelines.
- There are proclamations establishing various types of reservations (military, forest, watershed, etc.) within ancestral domains which are not being used for their intended purpose. IPs are seeking to have these proclamations rescinded.
- It should be emphasized that ancestral domains included all resources within it, such as bodies of water.

### **C. Fisherfolk**

The Fisheries Code of 1998 gives small fishers priority access to municipal waters, which covers streams, lakes, inland bodies of water and tidal waters within the municipality; waters also include coastal marine waters within 15 kilometers from the shore. The Fisheries Code prohibits commercial-scale fishing in municipal waters, except in special cases.

The delineation of municipal waters is a major requirement in providing preferential rights to small fisherfolk. This is also the reference document in establishing violations of commercial fishing vessels. Regrettably, the process of delineation has been slow and remains incomplete. As per latest available

---

<sup>5</sup> Ibid

data from the National Mapping and Resource Information Authority (NAMRIA), of the total 930 coastal LGUs, 310 have delineated municipal waters with certified maps. Of these, only 79 have issued the required local ordinances that is needed to complete the delineation process. This is only 8.5 percent of all municipal waters after a period of 25 years.<sup>6</sup>

The Fisheries Code also mandates the establishment of fisherfolk settlement areas, but up the present there are no implementing rules and regulations for how this is to be done.

During the FGDs and validation workshop, the following points emerged:

- Fisherfolk need subsidies from the government especially during calamities.
- There is no insurance system for fisherfolk.
- There is a double standard in policy implementation wherein fisherfolk are evicted from coastal areas which are “no build zones” but wealthy developers are allowed to reclaim land and develop these for commercial and tourism purposes.

#### **D. Women**

While equal rights and protection is guaranteed for rural women under existing laws, the reality is that the sector continues to face an uphill battle for recognition of their rights. There is inadequate data on women and asset reform, making it difficult to fully understand their situation and to craft appropriate policies. While the government does produce some gender-disaggregated data, most of it is with regards to agriculture and agrarian reform, and much less in the IP and fisherfolk sectors.

While the CARP law states that women should have guaranteed equal right to ownership of the land, equal shares of the farm's produce, and representation in advisory or decision-making bodies, there was no implementing rules and regulations issued in the program's early years. It was in only in 1996 when DAR Circular 18 was issued, mandating the issuance of EPs and CLOAs in the names of both spouses as co-owners.

In 2009, RA 9700 contained an expressed provision that recognized women's right to own and control land “independent of their male relatives and of their civil status.” Unfortunately, while the policies exist, the implementation is lacking. There is still a prevailing attitude that views only men as farmers, and women as part of “household labor” i.e., as of 2018, women constituted only a third of listed agrarian reform beneficiaries, as most land certificates were issued in the name of men. The same problem affects women in the fisherfolk sector. Of all the registered fisherfolk in the country, only 10 percent are women. Fishing is still seen as “men's work.”

During the FGDs and validation workshop, the following points emerged:

- Tenure security is important for women because it intertwined with the health and security of the family (especially the children) and provides a sense of security in case of the death of the father, or widowhood.
- When following-up on transactions and paperwork in government offices, male farmers are given more respect and attention by public servants.

---

<sup>6</sup> Ibid

## E. Land Governance

Philippine laws lack an integrated approach to the governance of tenure, making land administration complicated. Unlike some Asian countries that have a comprehensive and consolidated Land Law or a Land Code, the Philippines has numerous legislations that define the different policy, legal and organizational frameworks related to tenure and governance of land, forests and fisheries. These land and tenure laws have been enacted at different periods that span several decades. While new laws and amendments are passed, the old laws are not repealed. Only specific provisions of old laws are amended, replaced or superseded in part by the new laws, and this system allows the old laws to retain their residual validity.

There are at least 14 key agencies dealing with land tenure and land management. There are at least 39 different types of land tenure instruments issued by eight government agencies. These factors result in a complex patchwork of legal jurisprudence as well as numerous conflicts and overlaps in resource claims and tenurial instruments.

There are numerous issues involved, as land conflicts arise from overlapping tenure rights, conflicting policies, or questionable implementation of procedures. The multiplicity of laws, and the lack of harmonization among different tenure policies may lead to conflicting claims among sectors, and functional overlaps among implementing agencies.

In the "2023 Philippine Land and Resource Conflict Monitoring Report" prepared by the Asian NGO Coalition (ANGOC), a total of 211 ongoing cases of land and resource conflicts in the Philippines have been recorded. These cases cover approximately 749,844.50 hectares and affect some 81,848 households. These cases resulted in nine people killed, seven disappeared, one detained, one threatened, and nine labeled/red-tagged. Further, the said study identified four types/drivers of land conflict: (a) landlord-tenant/agrarian conflict, (b) private-led business enterprises, (c) conflicting claims between communities, and (d) government programs. Nearly half (48 percent) of all land and resource conflict cases were due to private-led business enterprises and government projects.<sup>7</sup>

## IV. Progress Towards Land Tenure Security through the SDGs

### A. Government Commitments to the SDGs

The Philippine Development Plan (PDP) was updated in 2021 to reflect strategies that would enable the country to cope with and overcome the continued disruption brought by the COVID-19 pandemic. In this updated version, Chapter 8 consists of three sector outcomes.

- Sector Outcome 1: Sustainable and Resilient Production and Food Availability Ensured;
- Sector Outcome 2: Access to Markets of Small Farmers and Fisherfolk Increased; and,
- Sector Outcome 3: Access of Consumers to Nutritious, Affordable, and Safe Food Improved.

Specific to SDG 1.4, Sector Outcome 1 includes "fast-tracking and completion of the parcelization of collectively-titled awarded lands and generation of individual titles."

---

<sup>7</sup> See 2023 Philippine Land and Resources Conflict Monitoring Report at <https://angoc.org/portal/>

The National Economic and Development Authority (NEDA), the country's socioeconomic planning agency, is in charge of monitoring the SDG targets by overseeing the implementation of the PDP, in close partnership with the Philippine Statistics Authority (PSA).

As previously mentioned, CSOs are particularly interested in Target 1.4 which mandates that by 2030 all people will have "... ownership and control over land and other forms of property, inheritance, natural resources..."

Under Target 1.4, the indicator on secure tenure rights is Indicator 1.4.2: "Proportion of total adult population with secure tenure rights to land, (a) with legally recognized documentation, and (b) who perceive their rights to land as secure, by sex and type of tenure."

SDG 1.4.2 indicator highlights four main elements of security of land tenure:

- First, legal tenure security that refers to tenure protection that is documented and backed up by State authority.
- Secondly, de facto tenure security where people have actual control of land and property, regardless of legal status.
- Thirdly, perceived tenure security relates to the subjective perception of an individual, couple, or community that they will not lose their land rights through forced eviction.
- Finally, SDG indicator 1.4.2 (as well SDG 5.a) indicates equal rights for women.

However, the proxy indicator used by the Philippines Statistics Authority (PSA) in measuring tenure security remains as follows:

*"Proportion of families which own house and lot or owner-like possession of house and lot; rent house/room including lot; own house, rent lot; own house, rent-free lot with consent of owner; rent-free house and lot with consent of owner."*

## **B. Voluntary National Reviews**

NEDA leads the process of reporting on the SDGs by undertaking periodic Voluntary National Reviews (VNRs). VNRs are country-led, inclusive consultations where progress on achievement of SDGs is reviewed. In the Philippines, NEDA has undertaken VNRs in 2016 and 2019, involving regional and sectoral consultations. The 2019 VNR focused on empowering people and ensuring inclusiveness and equality. The report highlighted Goals 4 (Quality Education), 8 (Decent Work), 10 (Reduced Inequalities), 13 (Climate Action), 16 (Peace, Justice and Strong Institutions), and 17 (Partnership for the Goals).

VNRs conducted in 2016 and 2019 involved regional and sectoral consultations. The first was a stock-taking of lessons learned from the implementation of the Millennium Development Goals (MDGs); the second reported on the progress in addressing these lessons. In 2022, the VNR focused on post-pandemic recovery, and adopted a scenario planning approach. In addition, the 2022 VNR gave special emphasis to SDGs 4, 5, 14 and 15.

## C. Critique of SDG Reporting vis Land Tenure Security

The country's reporting on the SDGs, specifically Indicator 1.4.2, is inadequate for many reasons.

Firstly, the Philippine proxy indicator itself is inadequate as a measure of land tenure security because: (a) farmlands are excluded from the concept of "house and lot," (b) security of tenure should not summarily include rent or lease, and (c) the proxy indicator excludes common resources such as ancestral domains and municipal fishing grounds.

Secondly, reporting on SDG 1.4.2 does not include or reflect the views and perceptions of basic sectors on the meaning and state of land tenure security. This is the reality, despite the declarations in the 2022 VNR about an expanded consultation process with stakeholders.

Thirdly, there are methodological issues that compromise the validity of the reporting. For Indicator 1.4.2, PSA relies on self-declarations of ownership without requiring proof of ownership. Experience has shown that survey respondents tend to declare that they own the property they are occupying even though they do not, for fear of being evicted. It should also be noted that there are no surveys on land tenure per se; the tenure data is taken mainly from the Census of Population and Housing and through other surveys.

Because of these factors, the resulting data does not reflect current reality. Using this proxy indicator, the proportion of families in the Philippines with access to secure land tenure is reported as 96.9 percent (2022 Voluntary National Review).

Fourthly, the PSA indicator does not capture the main elements of SDG Indicator 1.4.2, including, (a) legal tenure security based on documented rights, (b) de facto tenure security where people have actual control of land and property, (c) perceived tenure security including the absence of perceived threats or the loss of land rights through forced eviction, and (d) the lack of data to indicate equal rights for women.

More broadly, land tenure security is not completely and regularly included in the SDG monitoring and reporting process. In all VNRs conducted, there was hardly any mention of land tenure, and use of the same (inadequate) proxy indicator for Indicator 1.4.2 continued. Indeed, in all three VNRs, the proportion of households with access to secure tenure was virtually identical. It was 97 percent in 2016, 96.4 percent in 2019 and 96.9 percent in 2022 (the 2022 VNR still relied on 2020 data for this indicator).

The lack of reporting on land data in the Philippines is also reflected in the unavailability of information on any land tenure data from the government of the Philippines in the United Nation's SDG Database.<sup>8</sup>

---

<sup>8</sup> <https://unstats.un.org/sdgs/dataportal/database>

## D. Basic Sectors' Definition of Land Tenure Security

In discussions and reflection sessions over the last several years, the basic sectors have been able to define what tenure security means to them. Based on these definitions of tenure security, specific indicators have also been derived.

The following are the elements of each sector's definition of land tenure security, and the corresponding indicators:

<b>Farmers</b>	
<p><b>Perspective</b></p> <ul style="list-style-type: none"> <li>• Has own agricultural land (with CLOA or at least a leasehold agreement)</li> <li>• Installed on the land</li> <li>• Able to pay for amortization (farmers registered in local tax system and paying annual real property taxes)</li> <li>• Has adequate support services (i.e. farm production support and social protection services)</li> <li>• No threat of displacement</li> <li>• No conflict over land (no remaining claims for landlord, other farmers, or other sectors)</li> </ul>	<p><b>Possible Land Indicators</b></p> <ul style="list-style-type: none"> <li>• Scope of landlessness in the farming/agriculture sector</li> <li>• Number/proportion of farmers with legal land ownership, or with legally documented tenure</li> <li>• Extent and scope of lands and affected farming households under agrarian conflict</li> <li>• Agrarian cases pending</li> <li>• Rate of land conversion of agricultural lands</li> </ul>

<b>Indigenous Peoples</b>	
<p><b>Perspective</b></p> <ul style="list-style-type: none"> <li>• Secured Ancestral Domain (with CADT registered in LRA)</li> <li>• Able to exercise customary self-governance over ancestral domains</li> <li>• ADSDPPs formulated, funded, and implemented</li> <li>• Has adequate support services</li> <li>• FPIC respected</li> <li>• No encroachment from government or commercial projects</li> <li>• No threat of displacement (from projects, militarization, conflict)</li> </ul>	<p><b>Possible Land Indicators</b></p> <ul style="list-style-type: none"> <li>• Extent of IP lands that are: under claim, under title, and with completed land registration</li> <li>• Extent of IP lands that are under conflict or threat (due to mining, projects, incursion, overlapping rights, etc.)</li> <li>• IP victims of land conflict; HR cases in upland communities</li> <li>• Scope and extent of IP communities with IPMR representatives in municipal councils, duly selected by their respective communities</li> </ul>

<b>Fisherfolk</b>	
<p><b>Perspective</b></p> <ul style="list-style-type: none"> <li>• Has secured preferential rights to municipal waters (registered and licensed as municipal fisher; registered boat)</li> <li>• Delineated municipal waters</li> <li>• Has fisherfolk settlement</li> <li>• Access and rights to coastal areas</li> <li>• Has adequate support services</li> <li>• No encroachment from commercial or foreign fishers</li> <li>• No threat of displacement from reclamation or other projects</li> </ul>	<p><b>Possible Land and Water Tenure Indicators</b></p> <ul style="list-style-type: none"> <li>• Scope and share of fisherfolk that are organized and legally recognized</li> <li>• Organized fisherfolk with legal rights and access to municipal waters and coastal areas</li> <li>• Share of fisherfolk recognized by FARMCs (fisherfolk registry)</li> <li>• Number and scope of resource conflict over municipal waters, and scope of conflicts addressed and resolved</li> <li>• Number and scope of fisherfolk displaced (due to coastal development, reclamation projects, conflict, etc.) and the resolution of such cases</li> </ul>



Rural Women	
<p><b>Perspective</b></p> <ul style="list-style-type: none"> <li>• Equal status given to women and men, whether married or not in the awarding of tenurial rights</li> <li>• Recognition of women as farmers and fisherfolk, and of farming and fishing as a process (i.e., recognizing the tenure rights of women not just as tillers and fishers themselves, but also as providers of labor in various points of the farming and fishing process)</li> <li>• Recognition as leaders and members in organizations (since support services of government are coursed through organizations)</li> <li>• Equal treatment of women farmers/fishers by government functionaries</li> </ul> <p style="text-align: right;">(Based on the <i>Magna Carta for Women</i> and discussions with women farmers, IPs, and fishers)</p>	<p><b>Possible Land Indicators</b></p> <ul style="list-style-type: none"> <li>• Percentage of women ARBs with EPs and CLOAs</li> <li>• Percentage of women among holders of different tenure instruments issued by the government (titles, leases, permits, licenses)</li> <li>• Percentage of women farmers who are members/officers of farmers organizations</li> <li>• Percentage of women fishers who are members/officers of fisherfolk organizations</li> <li>• Percentage of women fishers who are registered</li> </ul>

## V. Conclusion

With regards to monitoring land rights in the context of the SDGs, CSOs are particularly interested in Target 1.4 which mandates that by 2030 all people will have "... ownership and control over land and other forms of property, inheritance, natural resources..."

Under Target 1.4, the indicator on secure tenure rights is Indicator 1.4.2: "Proportion of total adult population with secure tenure rights to land, (a) with legally recognized documentation, and (b) who perceive their rights to land as secure, by sex and type of tenure."

The proxy indicator used by the Philippines to measure Indicator 1.4.2, unfortunately, covers only house and lot ownership and includes rent and lease as well. Aside from the fact that secure tenure should not summarily include rent and lease, the proxy indicator wholly excludes farm lots and collective resources such as ancestral domains. In addition, Philippine censuses (where land tenure is monitored together with many other dimensions of human welfare) rely on self-declarations of ownership (i.e. survey respondents are not required to present proof of ownership), resulting in inaccurate data.

More broadly though, the proxy indicator — and SDG monitoring on land tenure in general — does not reflect the perspectives of the basic sectors which are most affected by tenure insecurity. These perspectives may be summarized as follows:

- Land itself must be secure in its multiple dimensions - as an integral part of ancestral domains, cultural rights, and self-governance; as a source of livelihoods; and, as integrally linked to other resources such as coastal waters, etc.
- Land tenure is truly secure only when the basic elements are present:
  - (a) a tenure instrument or a legal document that the government will recognize and protect [e.g., CLOA, CADT, preferential rights to municipal waters, etc.]

- (b) actual possession and control of the land or resource [e.g., all CLOA holders are installed on their awarded lands; effective control of farmers over their CLOAs; CADT holders exercise actual governance of their lands with their ADSDPPs harmonized into government plans, etc.]
- (c) adequate access to sufficient support services and market needed for livelihoods, i.e. to make the lands productive and profitable
- (d) absence of perceived threats to tenure security [as cited in the FGDs, these include: overlapping claims on land, agrarian cases, land conversion, reclamation of coastal areas, etc.]
- (e) equal recognition and protection of rights of women [as indicated through the following: women as equal holders of different kinds of tenure instruments, including titles, leases, contracts, permits and licenses, legal and actual recognition of women as farmers and fisherfolk; membership in organizations, etc].

## VI. Recommendations

SDG 17 – “Global Partnership for Development” – recognizes that strong partnerships and cooperation with all stakeholders (including CSOs and basic sectors) are key to the realization of Agenda 2030. It is in this spirit that the following recommendations are presented:

### ***For CSOs and basic sectors***

The study recommends that they discuss further and refine concept of tenure security and the corresponding indicators. Tenure security means many things to the basic sectors, and the concept may continue to evolve as new threats emerge, for instance. Moreover, developing meaningful indicators that can realistically be measured and collected by government or private agencies is challenging.

These sectors should also identify and map out those groups/sources that may help generate perception data on land tenure security. For instance, the country has some reputable research firms that measure public perception and satisfaction on various issues. Could they play a role in generating perception data on tenure security? What role, if any, can the National Anti-Poverty Commission (NAPC) play?

Finally, CSOs and basic sectors should continue to engage with, and monitor/review land and resource data reported by government land agencies, in relation to the SDGs. Given that the quality of government land data is uneven and dispersed across various agencies, this engagement will be tedious and protracted. However, sustained effort will be required in order to rearrange and revitalize the SDG monitoring on land tenure.

### ***For government***

The study recommends that NEDA, PSA, and land agencies engage in discussion with CSOs and basic sectors on the monitoring of progress on SDG 1.4 and 1.4.2, towards the formulation of a working definition of “land tenure security” that incorporates the perspectives and aspirations of basic sectors. This should be followed by the development of appropriate indicators and methodologies on tenure security that covers the following:

- documented legal rights;
- de facto possession of the land;
- the absence to threats to one's tenure;
- access to sufficient support services and markets (in the case of those who rely on agriculture and related livelihoods); and,
- equal rights for women

This is aligned with government's commitment not only to more responsive reporting on SDGs — but to fulfilling the essence of the SDGs — a better quality of life for all, particularly those most disadvantaged.

### **For international organizations**

The study recommends that international development partners to reflect/address the need for security of land tenure in their country program objectives and in the design of project portfolios, while incorporating the key elements of land tenure security (with the perspective of local people) in: (1) design of programs; and (2) identification of metrics for success indicators of programs. ■

### **References:**

- National Economic and Development Authority (NEDA). (2016). *About AMBISYON NATIN 2024*. <https://2040.neda.gov.ph/about-ambisyon-natin-2040/>
- Quizon, A., Pagsanghan, J., Marzan, A., Rodriquez, M., and de Vera, D. (2023). *State of Land and Resource Tenure Reform in the Philippines, 2023*. Quezon City: Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC).
- Sandoval, G., Naungayan, M.J., and Marquez, N.D. (2024). *2023 Philippine Land and Resource Conflict Monitoring Report*. Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) [Paper contributed to the projects, "Increasing Transparency in Resource Governance through Enhancing Capacities of the Rural Sector," with financial contribution from We Effect and "Strengthening land governance through promotion of land tools and approaches," with the financial support from the Global Land Tool Network (GLTN) and United Nations Human Settlements Programme (UN-Habitat)].
- UN Philippines. (2019). *The United Nations Partnership Framework for Sustainable Development 2019 to 2023*. <https://philippines.un.org/en/42381-partnership-framework-sustainable-development-pfsd-2019-2023>
- UN Philippines. (2021). *UN Socioeconomic and Peacebuilding Framework for COVID-19 Recovery*. <https://philippines.un.org/en/156420-un-socioeconomic-and-peacebuilding-framework-covid-19-recovery>



Despite the recognized importance of land rights for sustainable development, the land agenda has been overlooked in recent SDG reporting of governments. Official SDG reports and indicators used for land tenure security (SDG 1.4.2) have not accurately reflected the views and concerns of the rural poor who lack land access or have insecure tenure.

Through consultations, farmers, indigenous peoples, fisherfolk, rural women and CSOs in the Philippines have come to an understanding of what constitutes tenure security for them. Thus, appropriate indicators for land tenure security should include: documented legal rights; de facto possession of the land; the absence to threats to one's tenure; access to sufficient support services and markets (in the case of those who rely on agriculture and related livelihoods); and, equal rights for women.