

The need for a National Land Use Act in the Philippines

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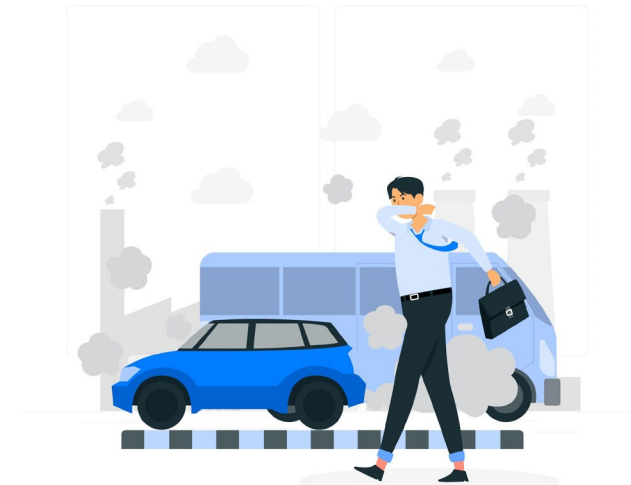
Philippine Institute for Development Studies
Surian sa mga Pag-aaral Pangkaunlaran ng Pilipinas

Economic principles emerging from theoretical foundations review

To **utilize land effectively**, land use planning and governance must:



sustainably **optimize the benefits** from land



minimize the negative externalities from land use

From an economic to a transdisciplinary approach to analyzing land use and governance

Economics can **explain** how **optimization** is used and the role of **prices** in assigning rights.

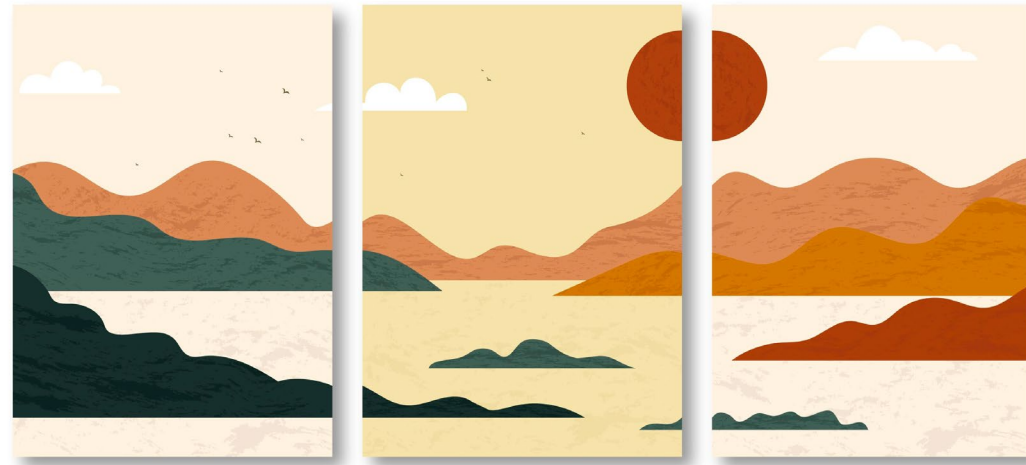
However, other disciplines are needed to explain the following:

- How the **multiple uses** of land **complicate** land **optimization**;
- How these **uses** are sometimes **competing rather than complementary**;
- Why **protection and conservation**, alongside optimization, are **needed**; and
- How **market mechanisms** can be used in **wielding political power to exclude others** from the enjoyment of land use rights.



From an economic to a transdisciplinary approach to analyzing land use and governance

Therefore, **we need a transdisciplinary approach** to understanding land use changes, balancing the interests of users of land, and managing land use conflicts.



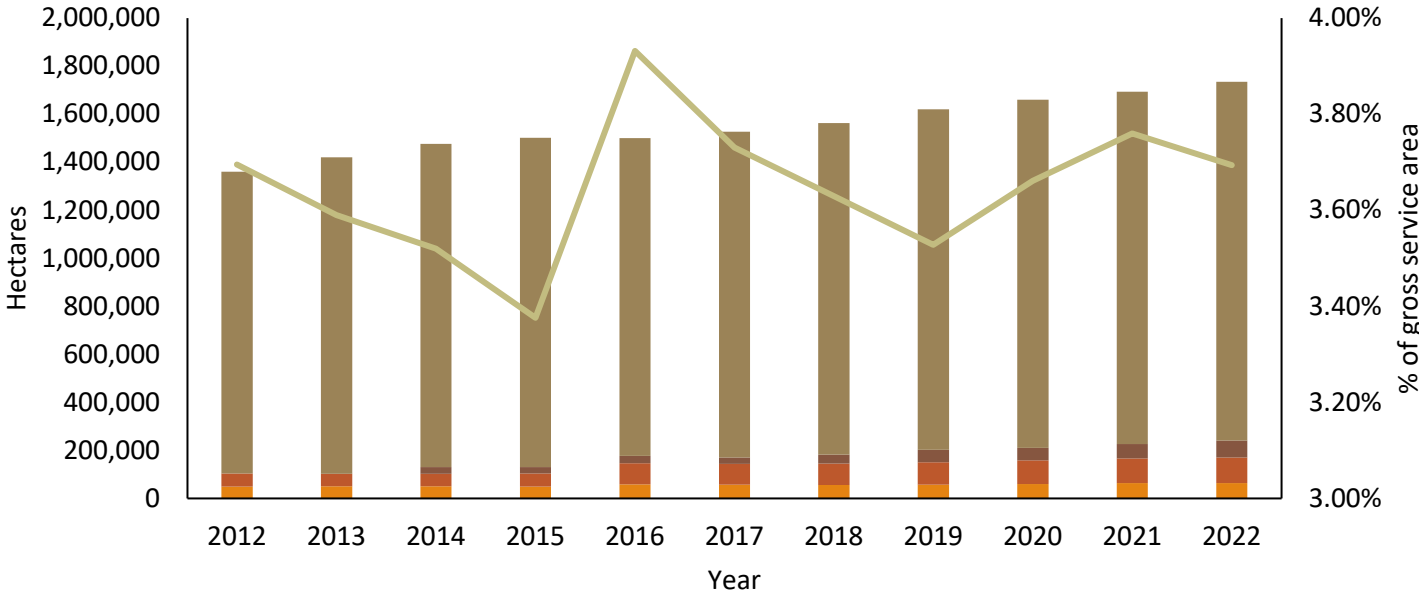
As **opposed to a multidisciplinary approach**, a **transdisciplinary approach** **requires collaboration** between and among disciplines.

Does the Philippines need a National Land Use Act?

- Are there conflicting uses of land in the Philippines?
- Are the existing mechanisms for dealing with the conflicting land uses sufficient?
- Are there negative externalities and disamenities that indicate misgovernance of land uses?
- Are land use conflicts affecting peace and development and cultural interactions?
- Are existing land uses optimal and bringing us closer to progress?
- Is legislating land use governance at the national level the norm (as seen in other countries)?

Are there conflicting uses of land in the Philippines?

Gross service area of lands under irrigation (in ha), Philippines, 2012-2022



Food security vs other uses

Irrigation service areas that had been converted to non-agricultural uses from 2012 to 2022 already reached 620,399.46 hectares

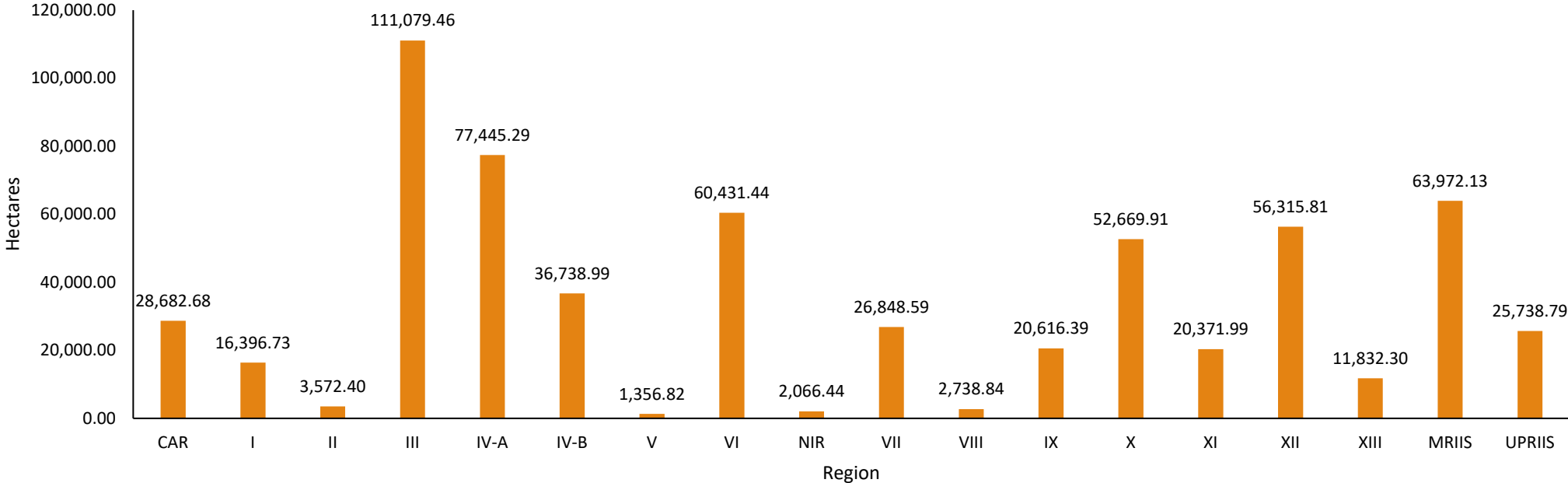
Note: The total area or the gross service area per year is indicated by the height of the stacked bar. The firmed up service area of the National Irrigation Authority (NIA) as of the reckoned calendar year is the gross service area less the sum of permanently non-restorable area, converted area, and newly generated area. The NIA data on converted area do not distinguish between illegal and premature land use conversion and legally allowed land use conversion. The tracking of legal land use conversion is currently within the Department of Agrarian Reform's mandate.

Source: PSA (2023a) citing NIA data.

Are there conflicting uses of land in the Philippines?

Region III (Central Luzon) had the largest area of converted lands. NIA data do not show how much of the total converted areas are due to illegal and premature land use conversion.

Aggregate area of previously irrigated lands converted to non-agricultural uses from 2012 to 2022, by region (in hectares)



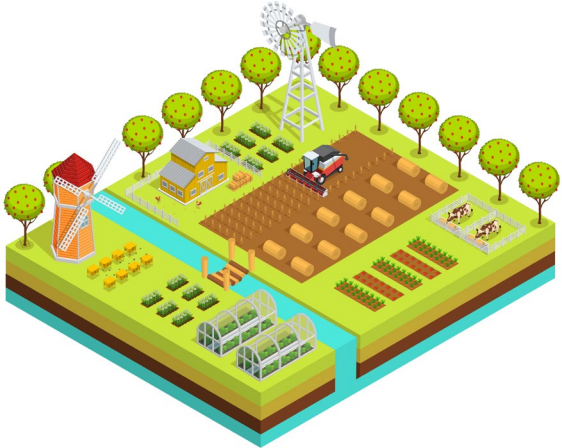
Notes: NIR - Negros Island Region; MRIIS - Magat River Integrated Irrigation Systems; UPRIIS - Upper Pampanga River Integrated Irrigation Systems.

Source: PSA (2023a) citing NIA data.

Are the existing mechanisms for dealing with the conflicting land uses sufficient?



Land reclassification powers of local government units based on their land use plans



Agricultural land use conversion authority from the Department of Agrarian Reform



Presidential proclamations on reserving land for certain uses

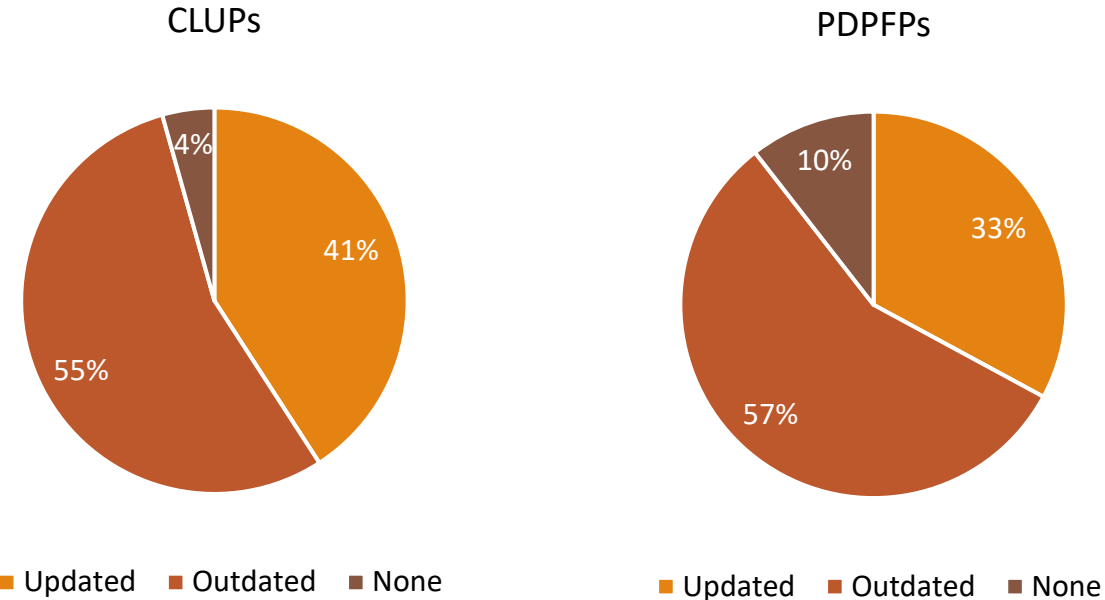
NEDA Board-National Land Use Committee (NLUC) for inter-agency discussions of land use issues, but no enforcement power and no power to impose sanctions and penalties on public officials and private parties



Are the existing mechanisms for dealing with the conflicting land uses sufficient?

Many of the comprehensive land use plans (CLUPs) of cities and municipalities and the provincial development and physical framework plans (PDFFPs) of provinces remain outdated and incomplete. This has adverse implications for optimal land zoning, land reclassification, and settling of land use conflicts at the LGU level.

CLUP and PDPFP preparation status of LGUs as of July 2023



Are the existing mechanisms for dealing with the conflicting land uses sufficient?

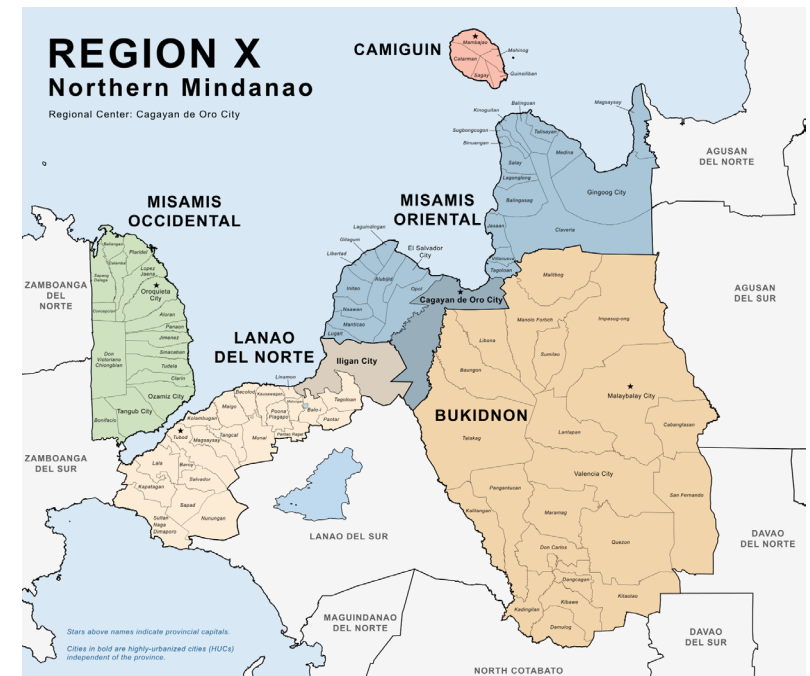
Region X case:

In Region X, **there are longstanding conflicts in land claims** by holders of certificates of ancestral domain, agrarian reform area beneficiaries, and military reservation administrators.

The NEDA-Regional Office in Region X (NRO X) initiated in 2020 the creation of the regional level **Inter-Agency Committee for the Conflict Resolution of Tenurial Claims (IAC-CRTC)**.

The work of the IAC-CRTC is still in progress but it has demonstrated some achievements, including the following:

- preparation of a common geospatial database, called “One Map” by the members of the IAC-CRTC, that consolidates all titles and tenurial instruments in Region X so that overlapping tenurial instruments can be identified
- asking the Philippine Army and the DAR-Region X to fast-track the resolution of conflicting tenurial claims in Barangay Salucot, Talakag, Bukidnon, and deliberate whose tenurial claim can be given up in favor of the other.



Are there negative externalities and disamenities that indicate misgovernance of land uses?

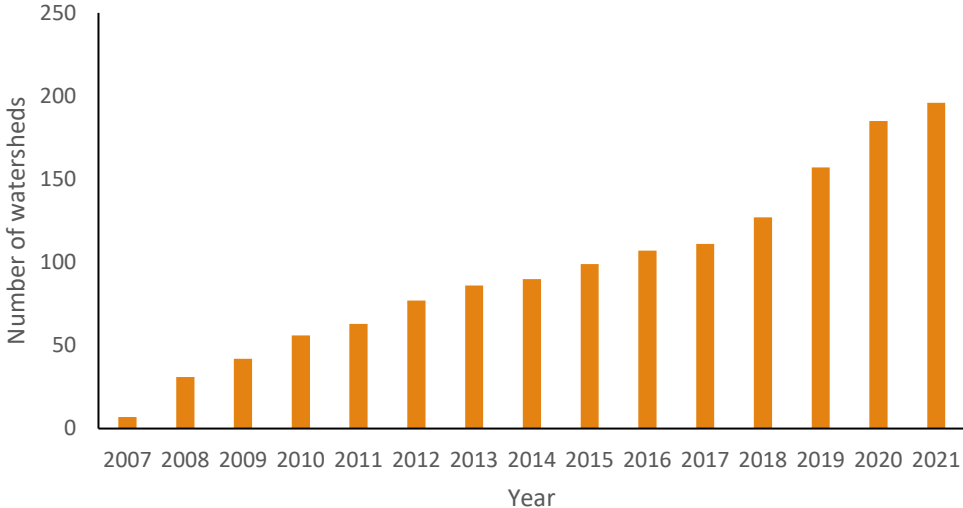
Number of threatened wildlife species by status category, Philippines, 2016-2022

Status category	Year						
	2016	2017	2018	2019	2020	2021	2022
Critically endangered	126	206	206	239	239	239	239
Endangered	278	371	371	315	315	315	315
Vulnerable	260	490	490	846	846	846	846
Other threatened species	73	154	154	690	690	690	690
Total	737	1,221	1,221	2,090	2,090	2,090	2,090

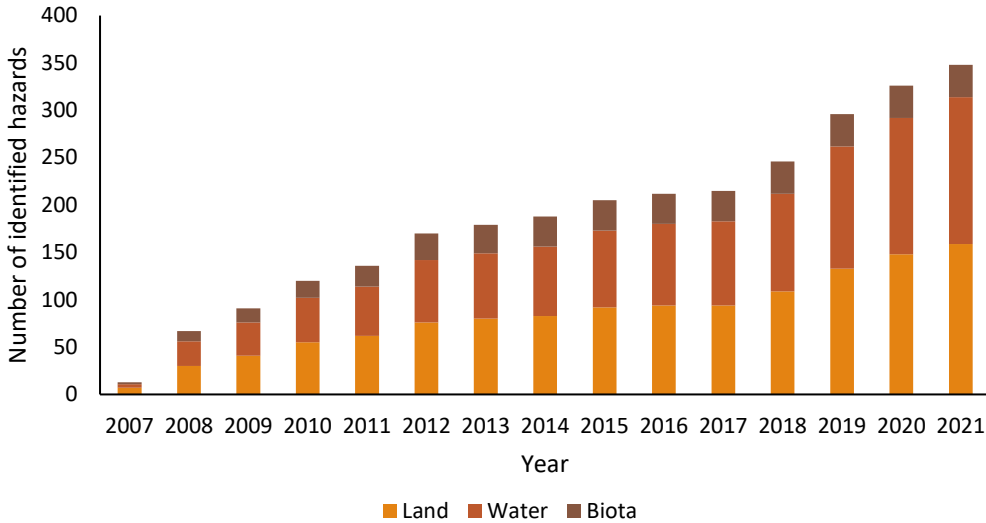
Source: PSA (2023a).

Are there negative externalities and disamenities that indicate misgovernance of land uses?

Number of watersheds assessed with identified hazards, 2007-2021



Identified hazards in watersheds per year, 2007-2021



Source: PSA (2023a).

The continued degradation of our forest lands and watersheds has adverse implications for ecological balance, food security, health security, disease prevention, and enjoyment by future generations of ecological services

Are there negative externalities and disamenities that indicate misgovernance of land uses?

Proliferation of informal settlements, many of which are in hazard-prone areas

Number of households per tenure status of the housing unit, Philippines, 2015 and 2020

Tenure status of the housing unit	Number of households	
	2015	2020
Own or owner-like possession of the house and lot	12,693,830	15,104,248
Own house rent lot	703,643	1,028,739
Own house rent-free lot with consent of owner	4,918,665	4,901,882
Own house rent-free lot without consent of owner	462,304	542,363
Rent house/room including lot	2,770,276	2,859,106
Rent-free house and lot with consent of owner	1,349,584	1,734,387
Rent-free house and lot without consent of owner	67,447	59,826
Not Reported	2,884	144,102
Not Applicable	1,033	1,869
Total	26,376,522	26,376,522

Note: Housing units owned or rented without the consent of the owner are interpreted as roughly equivalent to informal settlements.

Source: PSA (2018a, 2023b).

Are land use conflicts affecting peace and development and cultural interactions?

As of **2019**, the National Commission on Indigenous Peoples had issued **certificates of ancestral domain titles covering 5.7 million hectares**.

However, **many of these claims are still being disputed due to overlaps with collective certificates of land ownership awards (CLOAs) issued by the DAR.**



Are land use conflicts affecting peace and development and cultural interactions?



The **monitoring of land and resource conflicts** by the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) from January 2017 to June 2018 **uncovered 352 land and resource conflict cases.**

The largest number of documented cases is in **Mindanao**, where **208 cases (59 percent)** of land and resource conflicts occurred during the period of study. **Luzon** had **82 cases (23 percent)** and **Visayas** had **62 cases (18 percent)** (ANGOC 2019)

Are existing land uses optimal and bringing us closer to progress?

Changes in land use in the Philippines between 2015 and 2020 suggest a non-optimal utilization of land. Land cover that is considered barren increased significantly by 31.67 percent and land used for annual crops, perennial crops, and fishponds (that is, land used primarily for food production) declined by 2.86 percent, 0.16 percent and 3.16 percent, respectively.

Land cover classification (in hectares), 2015 and 2020

Classification	2015	2020	% change during the period
Closed	2,028,015	2,221,173	9.52%
Open	4,682,764	4,693,821	0.24%
Mangrove	303,373	311,400	2.65%
Brush/Shrubs	6,034,586	5,804,487	-3.81%
Annual Crop	6,117,557	5,942,685	-2.86%
Perennial Crop	6,574,383	6,563,639	-0.16%
Fishpond	235,824	228,380	-3.16%
Built-up Area	852,021	1,035,174	21.50%
Barren Land	121,730	160,278	31.67%
Grassland	1,961,817	1,964,505	0.14%
Marshland	140,135	142,365	1.59%
Inland Water	511,136	492,269	-3.69%
Total	29,563,341	29,560,177	-0.01%

Source: PSA (2023).

Are existing land uses optimal and bringing us closer to progress?

Total farm area declined and the average farm size got smaller from 2002 to 2012. The total area of farm parcels declined by 24.81 percent. From an average size of 1.28 hectares per farm parcel in 2002, the average farm size declined to 0.92 hectare in 2012

Farm parcels by main use, Philippines, 2002 and 2012

Main use	Farm parcels					Average size of farm parcel (hectares per farm)	
	2002		2012		% change in area	2002	2012
	Number	Area (hectares)	Number	Area (hectares)		2002	2012
Under temporary crops	3,242,885	4,815,938	3,832,329	3,474,036	-27.86%	1.49	0.80
Under permanent crops	1,704,671	4,225,393	1,801,683	3,357,486	-20.54%	2.48	0.43
Idle lands	50,514	119,641	19,327	31,270	-73.86%	2.37	0.16
Under permanent meadows and pastures	14,595	129,278	4,893	50,396	-61.02%	8.86	0.04
Covered with wood and forest	19,026	73,865	6,874	44,514	-39.74%	3.88	0.09
Others	2,543,224	268,542	2,232,265	313,743	16.83%	0.11	8.31
Total	7,574,915	9,670,793	7,897,371	7,271,446	-24.81%	1.28	0.92

Notes: Idle lands refer to lands temporarily fallow (farms purposely allowed to stay idle for a period of at least one (1) year to at most five years in order to recover their fertility) and as lands under temporary meadows/pasture (lands purposely used for temporary grazing of animals for a period of five years or less).

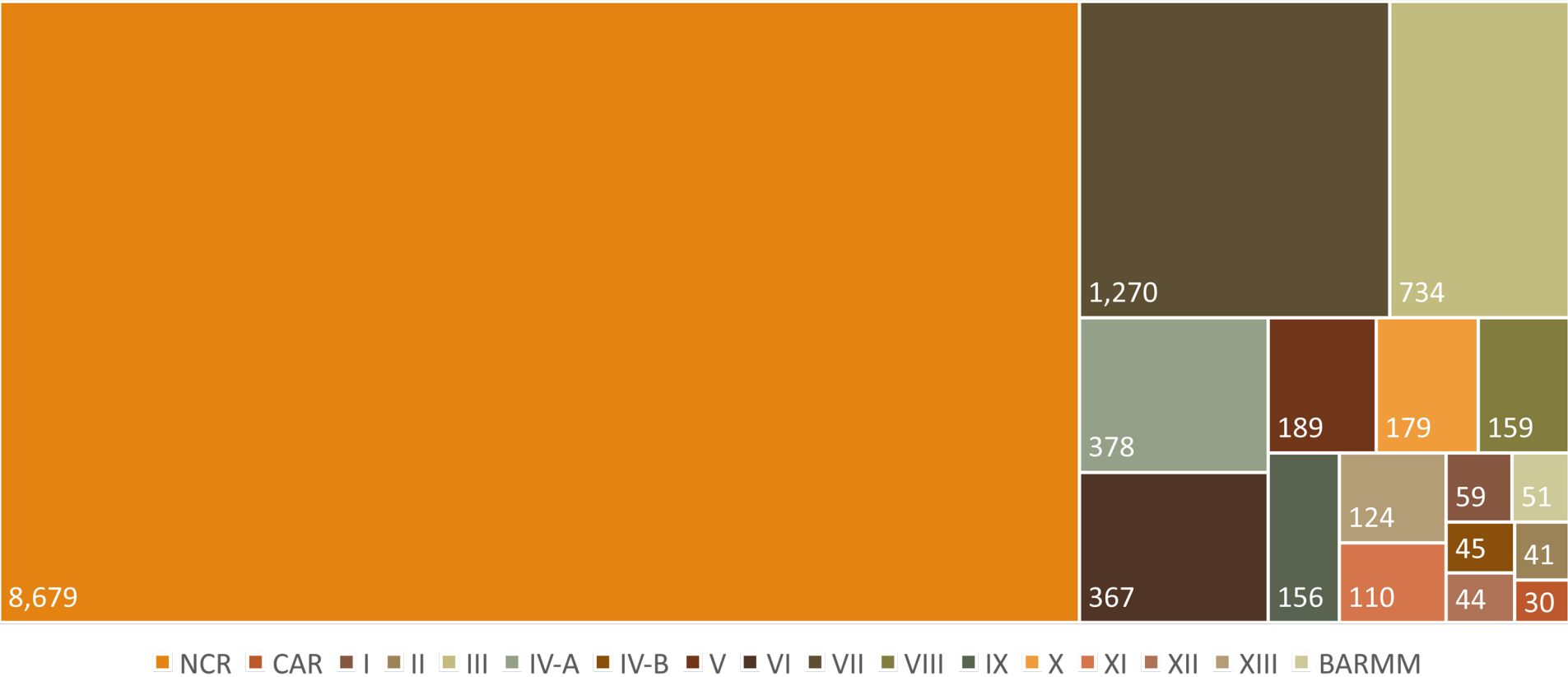
Others refer to farm parcels under livestock and poultry grazing, under aquaculture, and homelots, among others.

Source: PSA (2018b, 2020).

Are existing land uses optimal and bringing us closer to progress?

The irony -- the sub-optimal utilization of land is happening alongside stark manifestations of unmet basic need for land, such as socialized housing for the homeless.

Population enumerated as homeless by region, Philippines, 2020



Source: PSA (2023b).

Is legislating land use governance at the national level the norm (as seen in other countries)?

As early as **1983**, the Food and Agriculture Organization (FAO) of the United Nations recognized the **role of legislation** in **land use planning** for developing countries. An expert group of the FAO particularly advised that "Appropriate **legislation** should be developed for the purpose of providing **clearly stated land use policies and objectives**; creating **suitable land use planning institutions**; requiring the use of **sound planning procedures and techniques**; promoting the development of a **consensus about land use** and encouraging a **practical monitoring and enforcement mechanism...**" (Wilkinson 1985, p. iii).

The Organisation for Economic Co-operation and Development (OECD) compiled country fact sheets showing that there are **national governments that adopt framework legislation** in order to structure their spatial planning systems (OECD 2017).



Policy insights and recommendations

- Employ a **transdisciplinary approach** in explaining land uses and land use changes and arguing for reforms in land use planning and governance
- Employ **evidence-based arguments** for the need to have a national-level legislation on land use
- Argue that **issues raised in the past can be satisfactorily answered** and the Congress (both the House of Representatives and the Senate) just needs to open the deliberations on the issues
- Lay down a **proposal for upgrading the technical capacity of LGUs** in formulating, updating and implementing CLUPs and PDFPs given that the level of LGUs' understanding of land use planning will matter for the implementation of the NaLUA should it be finally enacted
- Argue that **LGU powers need not be diminished** and the **NaLUA can in fact do the reverse**—it can empower them through rational policies and standards that can make the utilization of land within their boundaries more optimal
- (especially for the executive branch) Form a **stronger advocacy with the participation of all stakeholders**, including local governments, the business sector, and civil society.

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