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PROMOTING LAND GOVERNANCE REFORM IN THE PHILIPPINES, 2000-2017:

LONG-TERM LINKAGES, LEGACIES, AND LESSONS

John T. Sidel

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COALITIONS for **CHANGE**

The Australian Embassy - The Asia Foundation Partnership in the Philippines

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INTRODUCTION

THE COALITIONS FOR CHANGE RESEARCH PAPER SERIES

The Coalitions for Change (CfC) Research Paper Series provides a platform for independent perspectives on reforms supported by the Coalitions for Change program. Each paper in the series will examine one reform on a particular development challenge for the Philippines, and will explore the process of change, from defining the development problem, to zeroing in on possible solutions, through to the conclusion of CfC's involvement in the reform.

The Series is written for those who are interested in lessons gathered from journey towards specific reforms, or for development practitioners interested in learning from the process of investing in change. The Series aims to contribute to the growing body of work exploring the interface between politics and development, to the communities of practice on doing development differently, thinking and working politically, and towards improving the effectiveness of development programs. A theme throughout the Series will be exploration of the challenges in balancing a reform's technical soundness with its political feasibility, a defining strategy of the Coalitions for Change program.

THIS PAPER - PROMOTING LAND GOVERNANCE REFORM IN THE PHILIPPINES, 2000-2017

The second paper in this Series addresses changes over the last 16 years in Philippine land governance, focusing on four major programs of overseas development agencies and international financial institutions. The paper traces reforms in land governance, including their scope, constraints, outcomes, and complementarities, and describes the political and societal forces that shaped them.

Taken together, the reforms examined offer lessons about the importance of doing technical research, building institutional capacity, weighing political feasibility, iteratively learning from previous experience, and capitalizing on gains. With property rights identified as an important determinant of economic growth, this paper's holistic examination of land governance reforms in the Philippines suggests useful lessons not only on land governance but also for other development initiatives.

While this CfC research paper series was made possible through the generous support of the Australian Aid program and The Asia Foundation Partnership in the Philippines, the views expressed in this publication are those of the author and do not necessarily reflect the views of the Australian Government or that of The Asia Foundation.

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PROMOTING LAND GOVERNANCE REFORM IN THE PHILIPPINES, 2000-2017:

Since the turn of the twenty-first century, a diverse set of land governance reform initiatives have been launched in the Philippines, with generous support from a range of overseas development agencies, including AusAID and The Asia Foundation, as well as the World Bank, USAID, and the Asian Development Bank (ADB).

While these individual development projects have been examined in a succession of internal evaluations and external assessments, to date there has been little effort to step back and consider the broader picture and the longer-term linkages among these different programs, the legacies they have imparted, and the lessons to be learned.

While these individual development projects have been examined in a succession of internal evaluations and external assessments, to date there has been little effort to step back and consider the broader picture and the longer-term linkages among these different programs, the legacies they have imparted, and the lessons to be learned.

Against this backdrop, this paper is intended to provide a holistic analytical treatment of all the land governance reforms which have been initiated and implemented in the Philippines over the past sixteen years. The paper is based on a reading of thousands of pages of documents produced in connection with these reform initiatives, as well as more than a dozen interviews with key actors from the overseas development agencies and Philippine government bureaus involved in their implementation.

The paper considers four main questions. First of all, how should we understand the experiences and achievements of the diverse set of land governance reform initiatives in the Philippines undertaken between 2000 and 2016, not only individually but treated comparatively and in terms of the linkages and synergies among them?

Secondly, how and to what extent did earlier initiatives by AusAID and the World Bank enable subsequent initiatives by The Asia Foundation and other proponents of reform in the sector?

Thirdly, how did the earlier initiatives differ from subsequent ones in terms of processes and outcomes, and what lessons should we draw from this comparative analysis?

This paper is intended to provide a holistic analytical treatment of all the land governance reforms which have been initiated and implemented in the Philippines over the past sixteen years.

Finally, how can we draw on the lessons and legacies of these land governance reform initiatives to advise and assist the Philippines in advancing land governance reform more effectively in the years ahead and to advance broader efforts at thinking and working politically in development?

To this end, the paper covers four different major land governance reform initiatives in the Philippines over the past sixteen years. First, the paper examines in great depth the two stages of the Land Administration and Management Project (LAMP I and II) supported by AusAID and the World Bank over the course of 2000-2010.

The diverse components of LAMP included a) promotion of new land policy and institutional reforms, especially through legislation; b) institutional development and capacity building, especially within the Land Management Bureau (LMB) of the Department of the Environment and Natural Resources (DENR); c) support for accelerated land titling through systematic adjudication and other experimental initiatives in select localities across the Philippines; and d) support for property valuation reform, especially in the Department of Finance (DOF).

Secondly, the paper also discusses the Revenue Generation and Land Administration Reforms (REGALA) project supported by the Asian Development Bank (ADB), which worked to strengthen the surveying, titling, valuation, and taxation of land in select localities across the Philippines.

Thirdly, the paper also covers the land governance reform efforts supported by USAID and The Asia Foundation under the Policy Reform Project (2006-2008) and the Economic Growth Hubs program (2009-2013). These reform efforts included passage of the Residential Free Patent Act, drafting of implementing rules and regulations (IRRs) for the new law, and promotion of partnerships between the Department of the Environment and Natural Resources (DENR) and Local Government Units (LGUs) to enable and expedite its implementation.

Fourthly and finally, the paper further analyzes the land governance reforms promoted since 2014 by The Asia Foundation and AusAID (later the Australian Department of Foreign Affairs and Trade or DFAT)

under the Coalitions for Change (CfC) program. These reform efforts have included promotion of the titling of lands housing public schools and other government buildings, renewed support for the implementation of the Residential Free Patent Act and passage of the Valuation Reform Act, resumed backing for DENR-LGU partnerships, reinvigorated efforts to promote passage of an Agricultural Free Patent Act by Congress, and revived advocacy for a national land titling program.

These various land governance reform initiatives in the Philippines since 2000 emerged not as new iterations of earlier 'agrarian reform' efforts focused on the redistribution of land, but rather as part of a wave of new programs promoted across

would strengthen property rights and reduce rigidities and transaction costs in land markets, thus encouraging capital accumulation and investment, increasing agricultural productivity and government revenues, and enhancing economic growth and development.

This point of departure owed much to the New Institutional Economics and in particular, the writings of the Nobel Prize-winning economist Douglass C. North, whose work highlighted the work of property rights in economic development.

Weakly defined and/or poorly enforced property rights, North famously argued, impede economic development and growth, as seen under conditions

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the developing world by international financial institutions like the World Bank and overseas development agencies like USAID from the 1980s onwards.

The underlying premise of these new programs lay in the assumption or argument that greater clarity, efficiency, and transparency in land governance

of feudalism and absolute monarchy in medieval and early modern Europe, and in contexts of personalized dictatorships and arbitrary rule in the developing world today: “The more likely it is that the sovereign will alter property rights for his or her own benefit, the lower the expected returns from investment and the lower in turn the incentive to invest.”¹

¹ Douglass C. North and Barry R. Weingast, “Constitutions and Commitment: The Evolution of Institutions Governing Public Choice in Seventeenth-Century England,” *Journal of Economic History*, Vol. 49, No. 4 (December 1989), pp. 803.

Improvements in land governance might play an important role in reducing costly forms of ambiguity regarding property rights and thus stimulate economic development and growth. It is with this premise and prospect in mind that overseas development agencies have begun to initiate land titling programs in countries across Asia, Africa, and Latin America over the past few decades.

Conversely, North argued, the strengthening of property rights through institutional innovations or improvements played a crucial role in enabling if not impelling the Industrial Revolution in England and in due course elsewhere in Western Europe from the 18th century,² much as analogous trends have helped to prefigure and promote economic development and growth in parts of Asia, Africa, and Latin America over the past several decades.³

Viewed from this perspective, it was argued that improvements in land governance might play an important role in reducing costly forms of uncertainty, ambiguity, and insecurity regarding property rights and thus in stimulating economic development and growth. It is with this premise and prospect in mind that overseas development agencies have begun to initiate land titling programs in countries across Asia, Africa, and Latin America over the past few decades. As proponents of the New Institutional Economics have argued:

Land rights play a particularly important role in the economic development process. Land is obviously the main production asset for agricultural activity. Moreover, due to its immobility and relative indestructability, it lends itself to use as wealth and collateral. However, for historical, economic, and political reasons, land rights, to a large extent, tend to be weakly defined even in today's world. Indeed, among all rival and excludable assets, land is probably the asset for which rights are the most poorly defined, in particular in developing countries. This entails a potential efficiency loss for society, and it is therefore worthwhile to take a closer look at the exact nature of those costs.

Land property rights can influence the efficiency of resource allocation through a number of different channels. First, the possession of land titles may enhance investment incentives by limiting expropriation risk and may reduce the need to divert private resources to the protection of private property. Second, land titling facilitates transferability and therefore stimulates

trade. Third, by improving collateralization, land titling may enhance credit transactions. Fourth, land property rights may affect the intra-household allocation of resources. Finally, land property rights may influence economic outcomes through changes in the belief system of the population.⁴

Beginning in the 1990s, this kind of language and logic began to permeate the development industry, especially at the World Bank, which became involved in promoting land titling projects and land governance reforms in a diverse range of countries across Asia, Africa, and Latin America, from India, Indonesia, Thailand, and Cambodia to Cameroon, Ethiopia, Ghana, and Madagascar to Colombia and Honduras.⁵

In the context of these intellectual and institutional trends among policy-makers in international financial institutions and overseas development agencies across the world, the Philippines appeared to be a highly appropriate candidate for land governance reform at the turn of the 21st century. After all, even at this late juncture in the country's development, a considerable portion of land parcels in the Philippines was estimated to remain untitled, leaving millions of Filipinos without firm legal claims to the plots they were tilling or their places of residence, thus limiting their security of tenure, their ability to use land as collateral for loans, and their payment of local property taxes.

The process of obtaining land titles, moreover, was said to be highly complex, costly, and cumbersome,

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² Douglass C. North and Robert Paul Thomas, *The Rise of the Western World: A New Economic History* (Cambridge: Cambridge University Press, 1973).

³ Douglass C. North, “The New Institutional Economics and Third World Development,” in John Harriss, Janet Hunter, and Colin M. Lewis (eds.), *The New Institutional Economics and Third World Development* (London: Routledge, 1995), pp. 17-26.

⁴ Sebastian Galiani and Ernesto Scharfrodsky, “Land Property Rights,” in Sebastian Galiani and Itai Sened (eds.), *Institutions, Property Rights and Economic Growth: The Legacy of Douglass North* (Cambridge: Cambridge University Press, 2014), pp. 109, 119.

⁵ See, for example, Frank F.K. Byamugisha, *The Effects of Land Registration on Financial Development and Economic Growth: A Theoretical and Conceptual Framework* (Washington, DC: World Bank Policy Research Working Paper, 1999); Klaus Deininger and Hans Binswanger, “The Evolution of the World Bank's Land Policy: Principles, Experience, and Future Challenges,” *World Bank Research Observer*, Volume 14, Number 2 (August 1999), pp. 247-276; Klaus Deininger, *Land Policies for Growth and Poverty Reduction* (Washington, DC: The World Bank, 2003); Klaus Deininger, Clarissa Augustinus, Stig Enemark, and Paul Munro-Faure, *Innovations in Land Rights Recognition, Administration, and Governance* (Washington, DC: The World Bank, 2010); and Klaus Deininger, Harris Selod, and Anthony Burns, *The Land Governance Assessment Framework: Identifying and Monitoring Good Practice in the Land Sector* (Washington, DC: The World Bank, 2011).

A diverse set of government departments and agencies were involved in the land titling process at the national level, even as their offices, personnel, and responsibilities at the local level seemed to remain difficult to access, understand, and use for ordinary Filipinos.

discouraging many potential applicants for titles from initiating the process and relegating many others to lengthy, time-consuming, and inconclusive engagements with the courts or with the multiple agencies involved in the process of land titling. Thus, the pace of land titling reportedly remained woefully slow, even as continuing demographic growth, urbanization, and real-estate development increased pressures on land and on the available set of institutional mechanisms and procedures for land titling.

This seemingly sad state of affairs reflected an institutional context for land governance which appeared to cry out for reform. A diverse set of government departments and agencies were involved in the land titling process at the national level, even as their offices, personnel, and responsibilities at the local level seemed to remain difficult to access, understand, and use for ordinary Filipinos interested in obtaining titles to parcels of lands scattered across the archipelago.

On the one hand, the various departments and agencies involved in land titling appeared to be weak in terms of institutional capacity, with remarkably incomplete land records and inadequate resources for proper surveying, titling, and registration of land parcels. On the other hand, these departments and agencies were also reportedly riddled with corruption and rent-seeking, with ‘fixers’ and ‘brokers’ assisting predatory officials in extracting illegal fees and bribes to expedite land transactions and in manipulating land records in accordance with pecuniary interest and political advantage.

Against this backdrop, the Philippines at the turn of the 21st century appeared to be in self-evidently serious need of a major land governance reform initiative. The preceding decade had seen the onset of the Comprehensive Agrarian Reform Program (CARP), which had been enacted in 1988 amidst growing concerns about the economic, political, and social problems associated with pronounced inequalities in landownership in the country.

But the country’s belated economic recovery after the crisis years of the 1980s, and the slow and limited progress in land redistribution over the course of the 1990s, were not accompanied by rising agricultural productivity or improving socio-economic welfare for ordinary Filipinos, whether in the countryside or in the swelling slum areas of Metro Manila and other Philippine cities, where problems of informality and insecurity in residential settlement patterns continued to worsen. Major problems in land governance clearly continued to haunt the Philippines,

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impeding economic growth, development, and poverty reduction and imposing costs on millions of Filipinos.

It was at this point that the first major land governance reform initiative, the Land Administration and Management Project (LAMP) was launched by AusAID and the World Bank in 2000 in the Philippines. As detailed in the pages below, LAMP left important legacies, linkages, and lessons for subsequent land governance reform efforts in the Philippines. LAMP can be viewed as a ‘traditional’ development program, with built-in procedural constraints and organizational weaknesses that limited its ability to achieve core goals, in contrast with subsequent land governance

reform programs, whose greater flexibility and political agility enabled greater progress – and more long-lasting and self-sustaining achievements – on multiple fronts.

However, instead of a stark dichotomy between ‘traditional’ development programs like LAMP (and ADB’s REGALA) and ‘non-traditional’ programs inspired by ‘thinking and working politically’ like CfC, we find complementarity and synergy, with LAMP leaving important legacies, linkages, and lessons which proved crucial for subsequent efforts to promote land governance reform in the Philippines. Thus, a close, careful, critical, and comparative analysis of LAMP and successor programs is in order.

THE LAND ADMINISTRATION AND MANAGEMENT PROJECT (LAMP), 2000-2010

The first – preliminary and exploratory – phase of the Land Administration and Management Project (LAMP I) unfolded in the Philippines over the course of 2000-2005 with support from AusAID (AUD 13.7 million) and the World Bank (USD 4.29 million).

To this end, the project included four major components, including one designed to make preparations for the anticipated second phase, LAMP II, which would see the implementation of major land governance reforms in the Philippines from 2005.

Under the first component, a set of land policy studies were undertaken to examine key areas of land administration. These policy studies covered such areas as land use planning processes and conversion procedures, land registration fees and taxes, property valuation systems, and, crucially, the overall legal and regulatory framework and set of institutional arrangements for land administration in the country. These policy studies involved a diverse set of Philippine government agencies, including the National Economic and Development Authority (NEDA), the Department of the Environment and Natural Resources (DENR), The Department of Finance (DOF), the Department of Justice (DOJ), and the Department of Budget and Management (DBM). These agencies were among those represented on an inter-agency coordinating committee created in July 1999 by an Executive Order of then President Joseph Estrada which committed the Philippine government to a Land Administration and Management (LAM) program, with the DENR's Land Management Bureau (LMB) serving as the key agency for its operations.

The second component of LAMP I focused on a set of 'prototypes' or pilot projects designed to test various titling processes, record management procedures, and surveying methods. One prototype or pilot project was implemented in six municipalities in Leyte Province, where both judicial and administrative processes for titling were evaluated, and where some

LAMP II shifted into the promotion of a policy development agenda centred around four major pieces of legislation: the Free Patent Act, the Land Administration Reform Act (LARA), the Real Estate Service Act (RESA), and the Real Property Valuation Reform Act.

31 *barangays* were surveyed. A second prototype or pilot project was implemented in Quezon City and focused on the verification and reconstitution of land records, the creation of a new cadastral map base, the elimination of fake and duplicate titles, and computerization of records. Finally, in both the six municipalities of Leyte Province and Quezon City, a One Stop Shop (OSS) was established to examine the possibilities for institutional collaboration in the provision of land administration services. In both Leyte and Quezon City, One Stop Shops were provided for all land-related transactions, with the offices of different relevant agencies housed in a single building to help simplify, streamline, and speed up land titling procedures and other land administration processes.

The third component of LAMP I involved institutional development in government departments and agencies involved in land administration and management. One key element of institutional development was education and training in the areas of management, surveying and mapping, land administration and land information systems, with focused study tours and overseas training opportunities for personnel in relevant departments and agencies. Here the intention was to produce a core group of competent staff with the technical capacity to implement and oversee a wide range of land governance reform initiatives under LAMP II. In addition, a set of training manuals were prepared and published, covering fake title identification, land records management, One Stop Shops, operations for the awarding of free patents, records and field validation, systematic adjudication, surveying, records and field validation, and cadastral index mapping.

The fourth and final component of LAMP I entailed preparations for the second stage of the Land Administration and Management Project (LAMP II), which unfolded over 2005-2010, with continuing support from AusAID (AUD 29.6 million) and the World Bank (USD 19 million). LAMP II built on the lessons and legacies of LAMP I to initiate and undertake major land governance reform initiatives in the Philippines along a number of different lines.

LAMP II, in turn, had multiple components. First of all, following upon the completed studies and accumulated experiences from LAMP I, LAMP II shifted into the promotion of a policy development agenda centred around four major pieces of legislation: the Free Patent Act, the Land Administration Reform Act (LARA), the Real Estate Service Act (RESA), and the Real Property Valuation Reform Act.



File photo: Foundation for Economic Freedom (FEF)

The Free Patent Act was drafted to amend existing land laws to allow for the issuance of free patents to long-occupied but still untitled lands, reducing existing restrictions and encumbrances on such titles and eliminating restrictions on transfers and other conveyances for titles acquired through the free patent process.

Meanwhile, the LARA bill was intended to integrate and rationalize the myriad agencies, overlapping responsibilities and jurisdictions, complex procedures involved in land administration, surveying, registration, and titling under a unified and freestanding Land Administration Authority (LAA) under the Office of the President.

The RESA bill, by contrast, was designed to professionalize and standardize the real-estate industry, establishing mechanisms of accreditation and regulation of real-estate agencies and brokers in the Philippines.

Finally, the Real Property Valuation Reform Act was conceived as a means of strengthening, standardizing, and simplifying land valuation procedures in order to enhance local property tax revenue collection capacities, right-of-way compensation mechanisms, and real-estate transactions.

At the same time, LAMP II simultaneously pursued land governance reform on several other fronts. Building on the preliminary achievements of LAMP I, for example, LAMP II saw further institutional development and capacity building in agencies involved in land governance in the Philippines, especially within the Land Management Bureau (LMB) of the Department of the Environment and Natural Resources (DENR) and the Bureau of Local Government Finance (BLGF) in the Department of Finance (DOF).

Continuing the work initiated under LAMP I, LAMP II devoted considerable energy and resources on accelerated land titling initiatives in three provinces in the Visayas and Mindanao. Finally, through its Innovation Support Fund (ISF), LAMP II provided small grants to Local Government Units (LGUs) to encourage and enable local experiments in reforming land administration and management in different parts of the Philippines. Sixteen LGUs – 12 cities and four municipalities – were funded to undertake efforts to improve property tax collection, improve

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land information systems, and engage in other capacity-building and procedural reform initiatives at the local level.

Looking back of these diverse streams of the Land Administration and Management Project, we can identify ample evidence of early achievements and immediate impact on land governance in the Philippines.

In terms of legislation, for example, the Real Estate Service Act (RESA) was passed by the Philippine Congress and signed into law (Republic Act 9646) by President Gloria Macapagal-Arroyo in July 2009. RESA introduced a new regulatory framework for real-estate practitioners in

the Philippines under the Professional Regulation Commission (PRC) and a newly constituted Professional Regulatory Board of Real Estate Service under its authority.

This new board was tasked with establishing a system of licensing and accreditation for real-estate appraisers, brokers, consultants, and sales representatives, and for property tax assessors working for Local Government Units (LGUs). The board was also tasked with setting up courses, academic requirements, and examinations, codes of conduct, and mechanisms for monitoring standards, investigating violations of codes, laws, and regulations relevant to the industry, and setting fines and other sanctions for such violations. Under RESA, moreover, all real-estate appraisers, brokers, consultants, and sales representatives were required to be properly licensed or accredited, all real-estate firms were required to be properly registered with the Securities and Exchange Commission (SEC) and managed by registered and licensed practitioners, and all LGU assessors were required to be properly qualified, registered, and licensed.

Thus, RESA created an entirely new regulatory apparatus for the professions and practices involved in real-estate development in the Philippines.

In terms of other legislative measures, moreover, the Residential Free Patent Act (Republic Act 10023) was passed by the Philippine Congress and signed into law by President Arroyo in March 2010. While officially titled the Free Patent Act, the new law was restricted to residential properties on public lands, reducing the period of occupation needed to apply for title from 30 to 10 years, abolishing the requirement of payment of outstanding property taxes for award of title, and further eliminating restrictions on transfer and other conveyances on

titles acquired through the free patent process. The Residential Free Patent Law thus created a faster, simpler, and less expensive mechanism for administrative titling of residential lands than that offered by judicial procedures.

By 2011, evidence of the effectiveness of this new law in enabling titling emerged with the DENR reporting that more than 58,000 residential free patents had been issued in that year alone, a 1,450% jump from 2010. The following year, 2012, saw nearly 60,000 new residential free patents issued, with subsequent years witnessing a consistent stream of new titles produced at the rate of 50-60,000 per annum.⁶

Beyond legislation, moreover, the ten years of LAMP I and II saw considerable achievements in terms of institutional development and capacity-building within certain key agencies involved in land governance, most notably the Land Management Bureau (LMB) of the Department of the Environment and Natural Resources (DENR) and the Bureau of Local Government Finance (BLGF) in the Department of Finance (DOF).

These two bureaus were assisted and enhanced in terms of a wide range of technical capacities over the course of the project, as seen in the rolling out of the Land Administration Management System (LAMS) across all the regional offices of the DENR, representing a major overhaul and upgrading of land records in the Philippines. A Land Sector Development Framework was completed to enable and encourage long-term (20-year) planning in land governance.

LAMP I and II also witnessed the promotion of educational and training programs for land valuation and land administration and management in the Philippines.

⁶ See further discussion of the Act in the succeeding section.

Subsequent surveys reported evidence that the initiative had decreased the cost and time involved in land titling, strengthened perceptions of land tenure security, reduced land conflicts, and increased investment in land development, land values, and property tax revenues in the localities where the project's accelerated land titling initiative was implemented.

More than 20,000 staff members of different government agencies involved in land governance participated in various kinds of training programs or received other forms of technical support under the project. A select number of personnel from the Land Management Bureau of the DENR received scholarships to enable post-graduate study of land administration and management overseas. With support from the project, the Visayas State University established new courses and programs leading to a one-year Diploma in Land Administration and Management (DLAM) and a two-year Master's in Science in Land Administration and Management (MSLAM), in which dozens of students enrolled. An additional program in Property and Land Valuation was established through the University of the Philippines Open University.

These achievements in institutional development and capacity-building in the LMB were complemented by parallel advances in the Bureau of Local Government Finance in the DOF. Here emphasis was placed on the development and implementation of stronger guidelines, standards, and procedures for property valuation, through training, new manuals, and new information systems and revenue collection procedures piloted in three cities (Iloilo, Mandaue, and Naga). In addition to these three cities, some 30 provinces and 52 cities updated their Schedules of Market Values in response to the reforms implemented in Manila, leading to enhanced collection of local property tax revenues.

The accelerated land titling initiative launched under LAMP I and LAMP II in select provinces achieved some gains over the course of 2000-2010. Beginning in Leyte and expanding to Bohol and Bukidnon, LAMP encouraged and enabled local government and community awareness and participation with regard to land titling, undertook systematic adjudication efforts at the barangay level, and established One Stop Shops and/or other mechanisms and procedures to streamline, simplify, and speed up the land titling process in these three provinces.

Over the course of the project, more than 100,000 new land titles were issued and registered across the three provinces. Subsequent surveys reported evidence that the initiative had decreased the cost and time involved in land titling, strengthened perceptions of land tenure security, reduced land conflicts, and increased investment in land development, land values, and property tax revenues in the localities where the project's accelerated land titling initiative was implemented.

Finally, under LAMP II's Innovation Support Fund, pilot projects were undertaken in 12 cities and four municipalities across the Philippines to explore different ways to improve revenue collection systems and

land information systems at the local level. These pilot projects developed a model for partnerships between Local Government Units (LGUs) and national government agencies involved in land governance, with LGUs submitting proposals and contributing at least 25% of the funding for the local reform initiatives. The pilot projects demonstrated both the importance of LGU interest, involvement, and initiative, especially on the part of

land governance reform in the Philippines. In particular, the Land Administration Reform Act (LARA) had been presented and promoted as a basis for wholesale institutional reconfiguration, rationalization, and reform of land governance in the country, integrating the manifold functions, procedures, and responsibilities for scattered across a diverse range of government agencies and departments in a single Land Administration

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LGU executives, and the potential effectiveness of partnerships between national government agencies and LGUs for transforming land governance at the local level.

Alongside these early achievements and this evidence of immediate impact on land governance in the Philippines, LAMP I and II also suffered from difficulties, obstacles, and shortcomings, which led to reported disappointments and failures vis-à-vis the stated aims and objectives of the project.

Most obviously and importantly, LAMP II did not succeed in achieving passage of two major pieces of legislation which were identified in studies undertaken under LAMP I as crucial for

Authority (LAA). The failure to win passage and enactment of the LARA bill thus represented a missed opportunity to simplify, streamline, and speed up land titling and other land transaction processes, which would have reduced costs, inefficiencies, market distortions, and rent-seeking opportunities in land administration and management.

In addition, the Valuation Reform Act (VRA) had been presented and promoted to establish a new regulatory framework for a uniform, market-based land valuation system governed by international standards, techniques, and practices, as well as a new set of regularized procedures for the revision of the Schedule of Market Values by provincial, city,

and municipal tax assessors. The failure to win passage and enactment into law of the VRA bill thus represented a missed opportunity to establish within the Bureau of Local Government Finance of the DOF a Real Property Valuation Service and a set of mechanisms for a top-down, nation-wide, wholesale revamp of property valuation and property tax collection across the full breadth of the Philippine archipelago.

It is also worth noting the compromises, limitations, and restrictions imposed on the Free Patent Act over the course of the legislative process in Congress. It was, after all, only a Residential Free Patent Act that was passed and enacted in the end, with agricultural lands excluded from this form of administrative titling. The forging of a compromise on this point and the eventual passage of the Residential Free Patent Act were not simply or solely the product of LAMP's efforts in Congress, but also reflected the fruits of another land governance reform initiative, discussed in detail below.

As for the institutional development and capacity-building efforts proceeding outside the realm of land governance reform legislation, there were additional constraints and limitations on LAMP success.

Most obviously, LAMP's successes in achieving access, interest, and active commitment and participation on the part of the LMB in DENR and the Bureau of Local Government Finance in DOF were not matched

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by similar experiences with the Land Registration Authority (LRA), the agency operating under the Department of Justice (DOJ) with powers over the issuance of land titles.

In fact, not only did the LRA persist in keeping LAMP at bay in terms of institutional development and capacity-building (and on the legislative reform front, as detailed below), it also exacerbated pre-existing problems with the complexity and costliness of the titling process and other land transaction procedures and with the weakness of inter-agency coordination in land governance. Here in particular, the LRA's contracting of a private company to undertake the computerization of the agency's documentation system proved to be especially problematic, with new fees – and further delays – imposed on applicants for titles and new obstacles impeding the sharing of documents and information with other agencies.

There were also real limitations to the achievements of the various localized pilot projects undertaken under LAMP to engage in accelerated land titling and to establish partnerships with Local Government Units to improve land information systems and revenue collection procedures. There was uneven success in terms of establishing One Stop Shops and other forms of inter-agency cooperation in the localities involved, and there were only so many provinces, cities, and municipalities involved in these pilot projects in the first place.

More importantly, the engagement with three provincial governments on the one hand, and 12 cities and four municipalities on the other, involved a degree of self-selection by 'reform'-minded LGU executives and raised questions about both the sustainability of the reforms beyond the lifetime of the project and their applicability in other localities elsewhere across the breadth of the Philippine archipelago.

Finally, insofar as LAMP focused its energies and resources on local pilot projects, it relied very heavily on specially contracted staff whose participation did not lead to accumulated institutional memory or capacity-building at the local or national levels.

Overall, the nature and extent of the early achievements and immediate impact of LAMP were profoundly shaped by the specific constellation of political opportunities and constraints operating in the realm of land governance in the Philippines.

LAMP found allies in the national government, Congress, and the private sector whose interests were aligned with such reforms as the professionalization of the real-estate industry and the loosening of restrictions on the awarding of free patents on residential lands. LAMP likewise found willing and able partners within national government agencies, such as the Land Management Bureau (LMB) within the DENR and the Bureau of Local Government Finance (BLGF) within the DOF, whose interests were clearly aligned with the rationalization of land titling and land valuation procedures. LAMP similarly found willing and able partners among Local Government Unit (LGU) executives whose interests were aligned with the improvement of land information and land valuation systems and local property tax revenue collection procedures and capabilities. In these ways, LAMP's strengths and successes owed much to the coalitions it was able to forge within national government agencies, in Congress, and among private sector interests and local government officials.

However, LAMP found opponents and obstacles in the national government, in Congress, in the private sector, and within Local Government Units (LGUs) when and where land governance reform its initiatives threatened entrenched interests of one kind or another.

There was ample evidence of feigned compliance, foot-dragging, and even full-blown open resistance when and where entrenched interests in established practices were threatened by the possibility of land governance reform.

The Land Administration Reform Act (LARA), for example, ran aground in the face of strong opposition from the Land Regulatory Agency (LRA), which feared incorporation within and subordination to the LMB and concomitant constraints on its role in the issuance of land titles and on the accompanying rent-seeking opportunities for its officials. The crucial role of LRA officials in facilitating land transactions guaranteed the agency a high degree of protection and support from congressmen and senators involved in real-estate development which enabled them to block the passage of the LARA bill.

The Valuation Reform Act (VRA) similarly ran up against resistance in the face of concerns that its enactment would weaken the discretion of provincial, city, and municipal councils – over local property tax collection, with potentially dangerous consequences for local politicians’ political and business interests.

Whether in terms of data- and document-sharing across national government agencies or cooperation among local government personnel in the various pilot projects sponsored by LAMP, there was ample evidence of feigned compliance, foot-dragging, and even full-blown open resistance when and where entrenched interests in established practices were threatened by the possibility of land governance reform.

Alongside political opportunities and constraints, alliances and forms of opposition, the trajectory and outcome of LAMP was also shaped by two somewhat contradictory features of its own internal structure and *modus operandi*.

In the first instance, as a 10-year, two-phased joint project, LAMP was able to engage in serious scoping studies and pilot projects in its early years (LAMP I) which set the stage – and the agenda – for an approach to land governance reform that was simultaneously holistic and multifaceted, but also focused on a set of very specific institutional and technical issues.

Both the preliminary studies and the ‘prototypes’ generated considerable evidence and insight with regard to the nature and extent of problems with land governance in the Philippines, from the overarching laws, institutions, and procedures to realities on the ground in terms of incomplete and inaccessible land records, fake titles, and costly, time-consuming, and corruption-ridden land transactions. Built into the phasing of LAMP I and LAMP II was a commendably

problem-driven and evidence-based approach to the formulation and implementation of reform.

At the same time, however, as a highly-formalized development project funded by the World Bank and AusAID and forged as a partnership with the Philippine government, however, LAMP was poorly equipped and ill-suited to manage these political challenges and constraints and to manoeuvre within the highly-politicized environment of land governance in the Philippines.

LAMP was forced to operate under management steering committees in which a range of departments and agencies – including the LRA – were represented, thus reducing operational flexibility (especially in the legislative arena) and increasing the opportunities for blockage, delay, and subversion of the project from within.

Looking beyond the mixed record of early achievements and disappointments and immediate

outcomes of LAMP, these strengths and weaknesses have continued to shape the legacies of this foundational program for land governance reform in the Philippines to this day.

LAMP’s early investments in learning about the problems with existing laws, institutions, and procedures in the realm of land administration and management in the Philippines led to the formulation of a clear and coherent agenda that has continued to inform land governance reform initiatives in the Philippines up to the present. Also, LAMP’s mixed record in implementing this agenda in the face of institutional obstacles and various forms and sources of opposition pointed to the importance of developing more effective ways to think and work politically to promote land governance reform in the Philippines, a lesson learned through LAMP’s own experiences and those of other land governance reform initiatives as well.

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REVENUE GENERATION AND LAND ADMINISTRATION REFORMS (REGALA), 2011-2015

If one important legacy of LAMP was a clear and coherent agenda for land governance reform in the Philippines, then a primary heir to the program was the Support to Local Government Revenue Generation and Land Administration Reforms or REGALA project, which was launched by the Asian Development Bank (ADB) with support from the Japan Poverty Reduction Fund in 2011 and ran – in two phases, REGALA 1 and 2 – through 2015.

As with LAMP, REGALA operated through an official partnership with the Philippine government, with an inter-agency National Steering Committee representing relevant departments and agencies, and the Bureau of Local Government Finance (BLGF) within the DOF as the executing agency, much as LMB had done under LAMP.

REGALA followed in the footsteps of LAMP, moreover, in its provision of support to Local Government Units (LGUs) undertaking pilot projects similar to those followed by LAMP in the LGU partnerships and projects undertaken under the auspices of its Innovation Support Fund, as detailed above. As under LAMP, these LGUs were selected on a competitive and demand-driven basis, with interested LGUs submitting proposals and committing funds for evaluation and in some cases approval and acceptance into the program.

In the first phase of the project (REGALA 1), 10 LGUs were approved for support, including – in a departure and expansion from LAMP – a province (Ilocos Norte); in the second phase (REGALA 2), an additional four municipalities in Ilocos Norte were incorporated into the program, bringing the total of participating LGUs to 14. Among the fourteen LGUs eventually supported by REGALA, four of which had previously been supported by LAMP served as models for emulation for the remaining 10 LGUs.

Further, REGALA emulated and extended LAMP in terms of both the substance of the pilot projects supported and the form which external support

All of the localities participating in REGALA focused on enhancing revenue generation, through improvements to mapping and cadastral surveys, updating of assessors' rolls, enhancement of data capture, computerization of tax records and property transactions, and, crucially, revision of Schedules of Market Values (SMVs) .

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To this end, REGALA provided technical assistance through the services of consultants, contractors, and project technical staff, training programs, and equipment and related software packages for mapping (Geographic Information System) and computerization. As with the local pilot projects supported by LAMP under the auspices of its Innovation Support Fund, some of the localities participating in REGALA also saw updating of their Comprehensive Land Use Plans (CLUPs), Comprehensive Development Plans (CDPs), Disaster Risk Reduction Management (DRRM) and Local Climate Change Action Plans (LCCAP), and zoning ordinances, the establishment of One Stop Shops and other mechanisms for integrating land administration and management services, and accelerated titling through Systematic Adjudication.

Overall, as with the local pilot projects supported by LAMP, REGALA's record of achievements was decidedly mixed. On the one hand, all participating localities engaged in computerization of their revenue collection systems, local inter-agency data-sharing and communications were said to have been improved, and unified land information and revenue collection systems were reportedly established in some localities.

“In terms of the overarching aims of REGALA, increases in revenues from real property taxes were reported to have risen by an average of 8% across participating localities, from a low of 5.6% to a high of 22.5%, over the lifetime of the project.”



File photo: Foundation for Economic Freedom (FEF)

What's more, in terms of the overarching aims of REGALA, increases in revenues from real property taxes were reported to have risen by an average of 8% across participating localities, from a low of 5.6% to a high of 22.5%, over the lifetime of the project, with further revenue gains anticipated to accompany the revision of Schedules of Market Values (SMVs) by municipal and city councils.

As with LAMP's pilot projects, there were also said to be additional legacies of REGALA in terms of enhancement of LGU capacities and inclinations in the realm of zoning and planning, and a heightening of LGU aptitude and appetite regarding the rationalization of other spheres of local service delivery, such as infrastructure, education, and health.

On the other hand, the achievements of REGALA in the 14 localities also demonstrated the limitations

of an approach to land governance reform centred on local pilot projects and narrowly focused on property tax revenue collection. The 14 localities, after all, were largely self-selecting, in the sense that interest and applications for inclusion in REGALA remained effectively limited to 'progressive' or 'reformist' LGU chief executives with a pre-existing appetite and aptitude for engagement with overseas development agencies and international financial institutions such as the ADB. Among these 14 localities, moreover, there was clearly evidence of unevenness and inconsistency in the implementation and achievements of REGALA, in some cases understandable in the light of the results of the May 2013 mid-term elections which ended the tenure of some 'progressive' municipal or city mayors and inaugurated new LGU chief executives with varying degrees of (dis)interest and enthusiasm/antipathy about the projects embraced by their predecessors.

Overall, as with LAMP, the nature and extent of the early achievements and immediate impact of REGALA were profoundly shaped by the specific constellation of political opportunities and constraints facing this land governance reform initiative in the Philippines.

More importantly, perhaps, the limitation of REGALA to 14 localities circumscribed the sustainability and significance of this land governance reform effort for the Philippines as a whole. Not only was REGALA restricted to a four-year time-frame, but its coverage extended to little more than a dozen localities in a country with nearly 1,500 municipalities, 145 chartered cities, and 81 provinces.

As the ADB itself has acknowledged, this left at least 70% of all cities with outdated property values and revenues from real property taxes still contributing only 2.4% of total government revenues and less than 11.5% of LGU revenues. So even in the narrow realm of improved revenue collection, the achievements of REGALA were clearly very circumscribed in terms of the Philippines as a whole.

Overall, as with LAMP, the nature and extent of the early achievements and immediate impact of REGALA were profoundly shaped by the specific constellation of political opportunities and constraints facing this land governance reform initiative in the Philippines.

As with LAMP and the Land Management Bureau (LMB) within the Department of the Environment and Natural Resources (DENR), REGALA succeeded in finding a government agency – the Bureau of Local Government Finance (BLGF) within the Department of Finance (DOF) – that had ample appetite for promoting key aspects of land governance reform. The BLGF, after all, had a vested interest in strengthening the infrastructure for property tax revenue collection in

“In the absence of continuing funding, the Bureau of Local Government Finance has not managed to establish effective procedures that would allow it to impose a more centralized and streamlined nation-wide program to reform systems of land valuation and property tax collection.”

the Philippines, and to this end it had supported the Valuation Reform Act and otherwise shown enthusiasm for the capacity-building efforts initiated under LAMP, which were extended under REGALA.

Through REGALA, the BLGF found a vehicle to promote its involvement in local processes of revising the Schedule of Market Values (SMVs) and otherwise to strengthen its oversight over local revenue collection, while increasing the revenues collected by LGUs through real property taxes. The chief executives of participating Local Government Units also had an interest in REGALA, as the pilot projects operating with its support promised to strengthen local government capacities, increase local government revenues, and thus enhance the performance and provision of services by local government agencies to local residents/ voters.

But as with the pilot projects launched by LAMP under the auspices of its Innovation Support Fund, REGALA was also hemmed in by political constraints. Participation at the local level was restricted to localities with certain kinds of mayors as well as appetites and absorptive capacities for increased revenues, rather than inertia and inhibiting fears as to the potential political and economic risks of strengthening property tax revenue collection or otherwise disrupting the status quo in land administration and management at the local level.

Further, REGALA may have whetted the appetite of BLGF officials and some LGU chief executives for further reforms in land governance and other policy areas, but it did not provide a rubric for significant institutional change or sustainable reform in itself.

In the absence of continuing funding from the ADB or other overseas development agencies or international financial institutions, the Bureau of Local Government Finance has not managed to establish effective procedures or prerogatives that would allow it to impose a more centralized and streamlined nation-wide program to reform systems of land valuation and property tax collection across the full extent of the Philippines.

In the absence of new legislation or a nation-wide program, the fruits of REGALA have thus remained largely confined to an upgrading of key aspects of land governance in a small number of localities scattered across the archipelago, without lasting legacies for land governance in the country as a whole.

RESIDENTIAL FREE PATENT ACT, 2007-2010 AND BEYOND

Alongside and beyond REGALA, a very different early exemplar of the importance of the linkages, legacies, and lessons of LAMP for land governance reform in the Philippines was the work of The Asia Foundation and the United States Agency for International Development (USAID) promoting the December 2009 passage, March 2010 enactment, and subsequent implementation of the Residential Free Patent Act (Republic Act 10223).

As with AusAID and the World Bank, The Asia Foundation and USAID became interested in questions of property rights and land governance reform in the context of a broader concern with underlying problems in the Philippines such as those identified in a 2007 Asian Development Bank (ADB) study on 'critical development constraints' in the country.

This work unfolded under the Policy Reform Project (2006-2008) and the Economic Growth Hubs Project (2009-2013), two very broadly construed initiatives which were designed to enhance competition, strengthen property rights, improve infrastructure, and promote economic growth in the Philippines through targeted efforts to enable policy reforms.

In sharp contrast with LAMP and REGALA, the work on land governance reform unfolded through engagement with and assistance to a variety of reform advocacy groups rather than a formal partnership with the Philippine government.

As with AusAID and the World Bank, The Asia Foundation and USAID became interested in questions of property rights and land governance reform in the context of a broader concern with underlying problems in the Philippines such as those identified in a 2007 Asian Development Bank (ADB) study on 'critical development constraints' in the country.

While the ADB study referred only briefly to problems with land distribution and ignored questions of land administration and management, it did highlight how limited access to land and, relatedly, capital among poor Filipinos constrained their ability to benefit from – and contribute to – economic growth in the country. An earlier study undertaken under a USAID-funded project on Economic Modernization through Efficient Reforms

and Governance Enhancement (EMERGE) in 2004-2008, moreover, had focused not only on property rights in general but on the legality of using tax declarations – rather than proper titles – as the basis for using land as collateral for bank loans.

The study arose not as a mandated part of the EMERGE project, but rather in response to difficulties encountered by rural bankers in lending to potential borrowers who were unable to produce titles to their properties and thus to use land as collateral for loans. These difficulties had been communicated to the Director-General of the National Economic and Development Authority (NEDA), who encouraged research on the legality and feasibility of making tax declarations bankable. While the study concluded that tax declarations were neither legally sufficient nor actually reliable as a basis for collateral for bank loans, it served to highlight both the extent of untitled lands and the obstacles to obtain titles. The study reflected and reaffirmed the views of officials at the Land Management Bureau (LMB) of the DENR who were already deeply involved in land governance reform under the auspices of LAMP.

It was in this environment that The Asia Foundation began to explore different possible avenues for the promotion of reform in land governance, in the hopes of easing and expanding access to land titles and thus strengthening property rights and expanding access to bank loans by small landowners across the Philippines.

The Asia Foundation organized a team to work on these issues, which included Calixto ‘Toti’ Chikiamco, the policy advocate who had authored the USAID-funded study under EMERGE, as well as Erwin Tiamson, a former head of the LMB who had served as the executive director of LAMP.

The team also drew on available academic expertise, funding the Ateneo Center for Economic Research (ACERD) of the Ateneo de Manila University and the Institute of Governance at De La Salle University to undertake research and produce reports on alternative policy reform options to promote land titling.

Economists from Ateneo undertook a pilot project in Cebu City which examined the potential benefits accompanying the integration and digitalization of land title records, while researchers from De La Salle produced a paper which highlighted the advantages of allowing for the administrative awarding of titles (‘free patents’) to residential lands.

In this rather familiar approach to questions of land governance reform in the Philippines, The Asia Foundation/USAID initiative began to converge with LAMP in the promotion of reform legislation in Congress in 2007-2009. But The Asia Foundation/USAID initiative differed from LAMP in at least two ways.

It was through a combination and complementarity of different approaches to land governance reform that the Residential Free Patent Act was eventually passed by both houses of the Philippine Congress in December 2009 and signed into law by then President Gloria Macapagal-Arroyo in March 2010.

“The Asia Foundation’s team focused its energies and efforts on a more narrowly targeted, restricted, and concise (two-page) piece of legislation, with better prospects for passage, enactment, and implementation.”

Firstly, The Asia Foundation proceeded in a more flexible and “footloose” fashion than LAMP, working with independent policy advocates, academic researchers, and other experts and engaging in informal dialogue and coalition-building with a range of interested actors inside and outside government, rather than a formal partnership with a cluster of government agencies.

Secondly, instead of a broadly construed and multifaceted reform agenda including a Free Patent Act alongside other bills promoting root-and-branch institutional transformation of land governance in the Philippines, The Asia Foundation’s team focused its energies and efforts on a more narrowly targeted, restricted, and concise (two-page) piece of legislation, with better prospects for passage, enactment, and implementation .

LAMP’s efforts since at least 2005 to promote four major pieces of land governance reform legislation had achieved very limited success, however, as seen in the failure of the LARA and Valuation Reform bills in the face of resistance from powerful constituencies in the government, Congress, and the real-estate industry. LAMP was likewise unable to push the Free Patent Act it had drafted through the House Committee on Natural Resources, even as the inclusion of agricultural lands in the bill raised concerns and restricted support in the Senate given fears about real or perceived conflict between its provisions and those of the Comprehensive Agrarian Reform (CARP) of 1988, which was extended with reforms under new legislation in 2009.

In contrast, The Asia Foundation’s team worked through a more iterative process and through more

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But the levelling off of titling at the rate of 50 to 60,000 parcels per year has been cause not for complacency but for concern and for creative thinking about ways to extend the benefits of the reform.

informal channels to promote a more narrowly construed Residential Free Patent Act over the course of 2007-2009.

In the House of Representatives, for example, The Asia Foundation's team used its members' personal connections and effective policy advocacy skills to convince the Assistant Majority Floor Leader and Chairman of the Committee on Land Use to support the bill, winning approval in his committee even as the Committee on Natural Resources

“It was thanks to LAMP, after all, that various versions of the reform legislation were circulating in Congress. It was in part thanks to lessons, legacies, and linkages of LAMP that the team decided to push a more modest version of the Free Patent Act.”

remained unresponsive, and thus enabling the passage of the bill by the entire House of Representatives.

In the Senate, moreover, The Asia Foundation's team similarly exploited access to key senators to win eventual support for a version of the bill confined to residential lands alone, even as the more inclusive version backed by LAMP continued to run up against foot-dragging and open opposition. The team also drew on the support of the Rural Bankers Association of the Philippines (RBAP), the Chamber of Thrift Banks (CTB), and the CTB's chairman, the owner of an important radio network, in its efforts to lobby legislators in favour of the bill.

The passage and enactment of the Residential Free Patent Act thus owed much both to LAMP and to the separate land governance reform initiative spearheaded by The Asia Foundation with USAID support.

It was thanks to LAMP, after all, that various versions of the reform legislation were circulating in Congress, and it was in part thanks to lessons, legacies, and linkages of LAMP that The Asia Foundation's team decided to push a more modest version of the Free Patent Act restricted to residential lands, which won the support of key allies in the House of Representatives and belated backing in the Senate.

That said, it was only through the intervention of The Asia Foundation's team that eventual movement on the long-stalled bill was achieved at the committee level in the House and that a bill acceptable to a majority in the Senate was drafted and driven through the final stages of the legislative process. Ultimately, it was only through the informal access and influence enjoyed by The Asia Foundation's team and its allies that decisive movement forward in the legislative process was achieved.

In these different ways, LAMP and The Asia Foundation's team both contributed to the passage and enactment of the Residential Free Patent Act, and to its subsequent implementation. Unsurprisingly, both LAMP and The Asia

Foundation's team were involved in the drafting of the implementation rules and regulations (IRRs) for the new law, which were promulgated in May 2010, just a few short months after the signing of the bill into law by President Gloria Macapagal-Arroyo.

As noted above, by 2011, evidence of the effectiveness of this new law in enabling titling had begun to emerge. The Department of the Environment and Natural Resources (DENR) reported that more than 58,000 residential free patents had been issued in that year alone, a 1,450% jump from 2010, and 2012 witnessing the issuance of nearly 60,000 new residential free patents.

Subsequent years have seen a steady stream of new titles produced more or less, at this annual rate, thus already outstripping the numbers of titles produced by LAMP's accelerated titling program in Leyte, Bohol, and Bukidnon. Insofar as the titling process has continued at this steady rate since the 2011, the reform is demonstrably sustainable rather than reliant on continuing external support and/or stimulus.

But the levelling off of titling at the rate of 50 to 60,000 parcels per year has been cause not for

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complacency but for concern and for creative thinking about ways to extend the benefits of the reform.

Following the passage and enactment of the Residential Free Patent Act in 2010, The Asia Foundation's team continued to work on land governance reform in the Philippines, using the passage of the legislation as a point of departure for a range of related reform initiatives.

The team was still based at the Foundation for Economic Freedom (FEF), the think tank headed by Calixto 'Toti' Chikiamco, the policy advocate who had played a key role alongside former LMB and LAMP veterans Erwin Tiamson and George Katigbak in the earlier USAID-funded, Asia Foundation-managed work on land governance reform in 2007-2013.

With continuing support from USAID and The Asia Foundation, FEF helped to draft Department Administrative Orders (DAOs) and Memorandum Circulars by DENR and the Department of the Interior and Local Government (DILG) to enhance implementation of the new

“The Asia Foundation’s approach to land governance departed from LAMP in terms of its *modus operandi*, eschewing formal partnerships with government agencies and traditional programming in favour of a more iterative, informal, and open-ended approach to the promotion of policy reform.”

law by local governments. FEF also drafted a handbook, circulated by DENR, which instructs Local Government Units (LGUs) on how to set up integrated land information offices or land management offices, clearly drawing on expertise and experiences from LAMP.

Thanks to these efforts, more than one hundred LGUs have set up integrated land offices since 2011, with some evidence of enhanced accessibility, efficiency, and honesty in the processing of land title applications and other land transactions in the localities where these initiatives have been undertaken.

In general, then, with support from USAID, over the course of 2007-2013, The Asia Foundation undertook a set of initiatives which in some ways complemented, converged and combined, and in other ways compared and contrasted favourably, with the earlier land governance reform initiative launched by AusAID and the World Bank under LAMP.

In many ways, as suggested above, The Asia Foundation's land governance reform team drew on the expertise, experience, insights, and points of access accumulated over the course of the LAMP program, exploiting the legacies, lessons, and linkages of LAMP and thus extending its benefits far beyond the life cycle of the program itself.

However, as also suggested above, The Asia Foundation's approach to land governance reform also departed from LAMP in terms of its *modus operandi*, eschewing formal partnerships with government agencies and traditional programming in favour of a more iterative, informal, and open-ended approach to the promotion of policy reform. The Asia Foundation relied on a small team of policy advocates, experts, and insiders, on a loose set of alliances with government officials, politicians, and private-sector interests, on an array of unforeseeable political opportunities, and on an evolving agenda to enact, enhance, and extend reform in land governance in the Philippines.

Insofar as the passage, enactment, and implementation of the Residential Free Patent Act was the product of The Asia Foundation's influence and effort rather than that of LAMP, and insofar as this piece of legislation has significantly accelerated and expanded land titling, this approach to land governance reform clearly merits further consideration and, arguably, application, as seen in a set of related initiatives under the Coalitions for Change program in the Philippines.

COALITIONS FOR CHANGE, 2014 TO THE PRESENT

Indeed, since 2014 The Asia Foundation's land governance reform team has been essentially reconstituted and redeployed under the auspices of the Coalitions for Change (CfC) program, which was launched in 2012 under a partnership between AusAID and The Asia Foundation and is still running today with continuing support from the Australian Department of Foreign Affairs and Trade (DFAT).

In contrast with the formal 'project' approach pursued first by AusAID and the World Bank with LAMP and subsequently by ADB with REGALA, and also unlike the contract between USAID and The Asia Foundation that included work on property rights and the Residential Free Patent Act, CfC has operated both as a bilateral partnership and as a multi-stranded program explicitly and self-consciously committed to an iterative, problem-driven approach to promoting reforms through 'thinking and working politically'.

Thus, even as CfC has drawn on the accumulated lessons and legacies of earlier land governance reform initiatives, and on the combined experiences and expertise of individuals involved in such initiatives, this program has operated with more flexibility and freedom of manoeuvre in terms of its *modus operandi*, its points of access and alliance-building, and its agenda than those that preceded it over the years.

SECURING LAND TITLES FOR PUBLIC SCHOOLS

In the course of the team's research in 2013-2014, the insecurity of schools' titles to the land on which they were built emerged as a common problem. Research revealed that only 10% of the 46,000-plus public schools in the country held legal title to the land on which they were built, leaving 90% without the clarity and security of ownership.

For example, Cfc's work in the realm of education reform helped to stimulate efforts to enhance and extend the implementation of the Residential Free Patent Act enacted in 2010. Jaime Faustino, The Asia Foundation's Program Director for Economic Reform and Development Entrepreneurship in the Philippines, had convened and coached the land governance reform team that had helped to push the bill through Congress in 2007-2009, draft the implementing rules and regulations (IRRs) for the new law in 2010, and expedite implementation through DENR-LGU partnerships in 2011-2012.

Under Cfc, he recruited a new team in 2012 that began to explore possible solutions to problems of school congestion in the Philippines, launching a pilot project in Central Luzon and engaging with senior officials within the central offices of the Department of Education (DepEd) in Manila.

In the course of the team's research in 2013-2014, the insecurity of schools' titles to the land on which they were built emerged as a common problem inhibiting expansion and construction of new buildings and classrooms and complicating the purchase of additional land for the same purpose.

Research revealed that only 10% of the 46,000-plus public schools in the country held legal title to the land on which they were built, leaving 90% without the clarity and security of ownership. With the real-estate boom increasing not just land prices but pressures on local governments and the families or heirs of private donors to reclaim school sites for 'development' and sale, the DepEd found itself embroiled in more and more land disputes in the courts.

According to DepEd Undersecretary Atty. Alberto Muyot, over two hundred such cases were in litigation at any one time, imposing heavy legal costs on the Department and, given the rules and regulations of the Commission on Audit (COA), effectively impeding the awarding of permits for the construction of new classrooms on these school sites.

The implementing rules and regulations for the Residential Free Patent Act offered effective guidance on school titling. The brief (two-page) law explicitly included a provision stipulating that:

"public land actually occupied and used for public schools, municipal halls, public plazas or parks and other government institutions for public use or purpose may be issued special patents under the name of the national agency or Local Government Unit (LGU) concerned."

But the IRRs for the law remained conspicuously silent on this point, and within the Department of the Environment and Natural Resources (DENR), the national government agency responsible for drafting the IRRs and executing the law, there remained considerable reticence to resolve this ambiguity, given the dangers of alienating other agencies and local government units and overstepping the powers and prerogatives that some insiders argued should rest with the Office of the President.

From early 2014, The Asia Foundation's reconstituted land governance reform team began to work to help push the promulgation by DENR of new rules enabling public schools to obtain titles to the lands on which they were built. The team was still based at the Foundation for Economic Freedom (FEF), the think tank headed by Calixto 'Toti' Chikiamco, the policy advocate who had played a key role alongside former LMB and LAMP veteran Erwin Tiamson in the earlier USAID-funded, The Asia Foundation-managed work on land governance reform in 2007-2013.

Taking advantage of Cfc's work on school congestion, the FEF-based team nudged the DepEd's Undersecretary for Legal and Legislative Affairs to meet with his counterpart at DENR to raise the issue, preparing the 'talking points' for a preliminary meeting, which was held in December 2013.

Early 2014 witnessed forward movement on this front. A Memorandum of Agreement was signed between DepEd and DENR, committing the two departments to a resolution of the missing rules and regulations for the titling of lands housing public schools. The memorandum also committed the

two departments to the formation of a Technical Working Group to draft the new rules, which provided for administrative titling of public school site lands by provincial offices of the DENR as per the Residential Free Patent Act.

But while the new rules were quickly drafted, subsequent months saw considerable foot-dragging on the part of DENR, with the Secretary demurring, deferring, and referring the matter to the Office of the Chief Presidential Legal Counsel for a legal opinion. By late 2014 it had become clear that the proposed new rules could remain in legal limbo indefinitely, leaving the question of public school land titles essentially unresolved.

In response, the team based at FEF continued to work behind the scenes to help push the process forward to fruition. The team drew on its members' own personal connections and political capital, as well as those of senior DepEd officials, to lobby for the new rules in the Palace.

The team drafted a memorandum for the Secretary of Education to send to the Executive Secretary. Two senators and a cousin of the President were called upon to push for the resolution of the issue. By October 2014, a confidential memo had been written by the Chief Presidential Legal Counsel ruling that the DENR had full legal authority to issue land titles to public schools under the Residential Free Patent Act, and by March 2015, after further foot-dragging from within and pushing and prodding from without, the hitherto reluctant Secretary of DENR signed the Department Administrative Order authorizing the new rules.

Subsequent months saw some resistance to the new rules within the bureaucracy, most notably the Land Registration Agency (LRA) and its local Registers of Deeds, but by the end of 2015 more than two thousand (2,000) titles had been issued to public schools under the new procedures.

SECURING LAND TITLES FOR OTHER GOVERNMENT BUILDINGS

With the signing of the new rules on titling public school lands, the FEF team had – quite deliberately – opened the door to a broader set of possibilities and pressures for fuller implementation of the Residential Free Patent Act.

With public schools now gaining access to land titles, it would only be a matter of time before other national government agencies and Local Government Units (LGUs) would begin to push for extension of the rules to cover various other government offices and public buildings across the Philippines.

With the new rules covering public school titles already signed, moreover, the legal precedent of the DENR's prerogative to award titles to lands housing government buildings was firmly established, thus paving the way for additional new rules to enable titling of lands housing offices of various national government agencies, LGUs, and the courts.

With this in mind, the FEF team moved expeditiously after the signing of the new rules in March 2015 to jump-start the extension of their coverage to government buildings other than schools. Using the new rules for public schools' land titles and the legal opinion issued by the Office of the Chief Presidential Legal Counsel, the team began to examine the legal and political obstacles to the reform.

By May 2015 the team was already identifying alternative approaches to the drafting of new rules and exploring new avenues of access, influence, and pressure to promote their promulgation by DENR. Over the subsequent months, the team worked within DENR to help draft and promote the new rules, while generating interest and rallying support for their enactment among legislators, national government officials, and elected local executives.

The lame duck status of President Benigno Aquino III, the legislative logjam in Congress, and the onset of the election campaign helped to slow movement within DENR on the rules for many months. Legitimate concerns within DENR about possible abuse and exploitation by corrupt officials of new powers to title land parcels housing government buildings also led to lengthy discussions and debates about the need for legal safeguards to be inserted in the new rules, which further delayed approval.

But the FEF team persisted. The team had strong allies in the Land Management Bureau (LMB) who helped to advocate for these new rules within the DENR. The signing of the new rules for public schools in March 2015, led to the awarding of more than 2,000 new land titles and attracted positive coverage and commentary in the media, thus emboldening the DENR Secretary to move forward to expand coverage to the sites of other government buildings.

Enabled and encouraged by The Asia Foundation's team and its allies, the DENR Secretary finally signed a Department Administrative Order with the new rules on 30 June 2016, the very last day of the Aquino Administration.

Since that time, there have been some indications of delays and difficulties with the implementation of the new rules, prompting enquiries by The Asia Foundation's team. By November 2016, members of the team had prompted follow-up action on the new rules by LMB and also drafted a Memorandum Circular for the Department of the Interior and Local Government (DILG) to help stimulate applications for titles by Local Government Units (LGUs). As of June 2017, this memorandum had yet to win approval, due to continuing personnel turnover and other changes within the Duterte Administration, but hopes for eventual enactment remain high.

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REVIVING THE VALUATION REFORM ACT

Meanwhile, the FEF team has been hard at work on other fronts. For example, the team has engaged in quiet efforts to revive interest in the reform of land valuation procedures in the Philippines, a reform initiative which had largely lapsed since the failure of LAMP to achieve passage of the Valuation Reform Act under the Macapagal-Arroyo Administration (2001-2010).

Members of the FEF team have remained in touch with officials in the Bureau of Local Government Finance (BLGF) in the Department of Finance (DOF) who have continued to support passage of this piece of reform legislation and have continued to encourage Local Government Units (LGUs) to improve property tax revenue collection over the years since the termination of LAMP, both through REGALA and otherwise.

While little forward movement was achieved on this front over the course of the Aquino years, no fewer than four new versions of the Valuation Reform Act were filed in the House of Representatives in the first weeks of the Duterte Administration, thus signalling the possibility of a revival of efforts to push through the reform legislation under the 17th Congress (2016-2019).

DENR-LGU PARTNERSHIPS FOR ACCELERATED TITLING CAMPAIGNS

Within the DENR, the regional, provincial and sub-provincial offices were given both targets and budgets for partnerships with LGUs, and annual assessments of partnership performance were also established, thus demonstrating the effective institutionalization of the reform.

At the same time, the FEF team has also built on the local pilot projects of LAMP as well as those funded by USAID to promote partnerships between the DENR and Local Government Units (LGUs) to encourage accelerated land titling initiatives at the local level under the auspices of Integrated Land Management Offices.

Thanks to the 2011 DENR Department Administrative Order and the DENR-Local Government Partnerships Handbook, both of which the earlier incarnation of the team had drafted, local DENR offices were authorized and assisted to enter into partnerships with LGUs, thus enabling a continuation of systematic adjudication campaigns after the termination of the LAMP program.

Early progress was most impressive in Bohol, where the provincial government and many municipalities committed funds and personnel to further land titling efforts. Against this backdrop, The Asia Foundation and FEF renewed involvement in these partnerships in 2014 under the auspices of CfC. From 2014 to 2015, the FEF team made presentations before the Union of Local Authorities of the Philippines (ULAP) and the League of Provinces of the Philippines (LPP) to publicize and promote the benefits of DENR-LGU partnerships, and then identified individual provincial governors potentially interested in participating.

These efforts soon began to bear fruit. By the end of 2015, no less than nine provinces had of-

icially committed their funds and personnel to partnerships with provincial offices of the DENR and accelerated land titling initiatives (Agusan del Sur, Bohol, Bulacan, Cebu, Negros Oriental, Palawan, Siquijor, and Surigao del Sur). Two additional provinces (Dinagat and Surigao del Norte) followed suit in 2016. By November 2016, at least four of these provinces were fully committed to sustaining the partnerships without further encouragement or assistance.

Within the DENR, the regional, provincial and sub-provincial offices were given both targets and budgets for partnerships with LGUs, and annual assessments of partnership performance were also established, thus demonstrating the effective institutionalization of the reform.

As of June 2017, a handful of provinces were still devoting considerable resources (i.e. funds and personnel) to accelerated land titling campaigns under these DENR-LGU partnerships. The Region VII (Central Visayas) office of DENR, on its own initiative, created a Core Management Team to oversee and facilitate their operations, as then did six other DENR regional offices. These developments have strengthened confidence in the sustainability of the initiative beyond the lifetime of CfC, with a steady if not spectacularly speedy pace of titling seemingly institutionalized within DENR.

THE AGRICULTURAL FREE PATENT ACT

Nearly four million agricultural land parcels titled as free patents, covering nearly nine million hectares of land across the Philippines, have thus remained unencumbered with 10-year restrictions on land transfers, imposing onerous constraints and costs on land transactions throughout the country.

Meanwhile, the FEF team simultaneously began to explore possibilities for revisiting the very terms of the Residential Free Patent Act, to see if its provisions could be extended to cover agricultural lands as had been initially intended in the original legislation promoted in Congress by LAMP.

From 2015 to 2016, the team conducted, published, and publicized research on the existing constraints on agricultural land transactions remaining from legislation dating back to 1936 and left intact and unamended in the 2010 Residential Free Patent Act.

In particular, the team's research highlighted two remaining provisions of the 1936 Public Land Act, which 1) prohibited sale or transfer of agricultural land titled administratively through a free patent within five years of the issuance of the patent, and 2) guaranteed vendors of agricultural land titled under a free patent the right of redemption for five years after the sale of the property. Thus, owners of agricultural lands titled through the administrative procedures for free patents faced restrictions preventing them from transferring ownership of their lands for five years, while granting them the guaranteed right of re-purchase for five years following sale of their lands.

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Over the latter half of 2015 and the first half of 2016, the FEF team began to publicize the findings of their research and to push for an amendment of the 1936 Public Land Act to remove these restrictions on lands titled through administrative procedures for free patents. Members of the team met with and made presentations before a variety

of potential private-sector backers of the bill in the banking and business community. They also drafted a very concise Agricultural Free Patent Act, little more than one page in length, which would serve as the basis for the promotion of reform legislation.

As President Aquino's term in office drew to a close and the newly elected President Rodrigo Duterte assumed office at the end of June 2016, The Asia Foundation's team was already ready to make a renewed effort to promote another crucial piece of legislation to promote land governance reform. By October 2016, three versions of the Agricultural Free Patent Act had been filed in the House of Representatives and two others had been filed in the Senate, signalling good prospects for further movement on this front.

In early 2017, moreover, the FEF team experienced a breakthrough in the Senate. Thanks to the team's lobbying efforts, Senator Richard 'Dick' Gordon filed a version of the reform legislation in late 2016, and by mid-May 2017, with the team's assistance, he delivered a sponsorship speech and pushed the bill through the Committee on Justice and Human Rights and the Committee on the Environment and Natural Resources.

By the end of the month, the Senate passed the bill, and Gordon was already coordinating with the leadership of the House of the Representatives to schedule hearings on the bill to expedite the legislative process.

With Senate passage and strong support from the Duterte Administration, there are now excellent prospects for the belated extension of the Residential Free Patent Act to cover agricultural lands, as was originally intended a decade earlier under LAMP.

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THE NATIONAL LAND TITLING PROGRAM

Duterte Administration's official "10-Point Agenda" included land governance reform, using language – "Ensure security of land tenure to encourage investments, and address bottlenecks in land management and titling agencies" – strikingly reminiscent of the agenda pursued over the years.

Finally, the FEF team has also been extremely well placed to resume promotion of a more ambitious and holistic land governance reform agenda with the newly inaugurated Duterte Administration as it came into office in mid-2016.

After all, the new Secretary of the Cabinet, Leoncio 'Jun' Evasco, Jr., who had served as Duterte's election campaign manager and was given special oversight of anti-poverty policies across 12 government agencies, had previously served as Municipal Mayor of Maribojoc, Bohol, which had participated in LAMP and remained actively involved in land governance reform in subsequent years through one of the DENR-LGU partnerships enabled and encouraged by the FEF team.

It was likely thanks to Evasco, that the Duterte Administration's official "10-Point Agenda" included land governance reform, using language – "Ensure security of land tenure to encourage investments, and address bottlenecks in land management and titling agencies" – strikingly reminiscent of the agenda pursued over the years from LAMP onwards and still informing The Asia Foundation's work on this front.

In late September 2016, members of The Asia Foundation's land governance reform team submitted to Evasco a 14-page proposal for a National Land Titling Program, which urged the Philippine government to follow up on the reforms initiated under LAMP and extended through subsequent initiatives.

The proposed new program, it was suggested, should be of such scale as to have a target of one million new titles, with sufficient budgetary support and inter-agency coordination to enable mass titling. The proposed new program, it was further suggested, should unfold through DENR-LGU partnerships and systematic adjudication, drawing on the methods and procedures developed under LAMP. The proposed new program would also build on capacity-building gains and technological

advances dating back to LAMP in terms of GIS-based mapping, cadastral surveys, and computerized document storage and data collection developed under the Land Administration and Management System (LAMS).

By April 2017, Cabinet Secretary Evasco had submitted a draft Executive Order for a National Land Titling Program to a number of government agencies for their consideration and comments in advance of an inter-agency meeting to discuss its possible promulgation and implementation. The agenda of comprehensive land governance reform first articulated and advanced more than ten years earlier under LAMP is still being advocated and appears to have renewed prospects for enactment and implementation in the years ahead.

Thus overall, the Coalitions for Change (CfC) program supported by the Australian government and The Asia Foundation in the Philippines has provided a rubric for extending, advancing, and in some ways expanding elements of the land governance reform agenda developed under LAMP and pursued under other externally funded projects and programs.

Under CfC, the FEF team succeeded in winning extension of the implementation of the Residential Free Patent Act to cover lands housing public schools and, in due course, all other government buildings across the archipelago. The FEF team also resumed its support for DENR-LGU partnerships in various localities across the Philippines, while working to revive interest in the Valuation Reform Act.

More importantly, the team made considerable progress towards achieving the extension of the Residential Free Patent Act to include agricultural lands as originally conceived in the Free Patent Act as formulated and favoured by LAMP many years earlier. Finally, following the inauguration of

"The Coalitions for Change (CfC) program has provided a rubric for extending, advancing, and in some ways expanding elements of the land governance reform agenda."

the Duterte Administration in mid-2016, the FEF team initiated efforts to rejuvenate interest in the broader, more holistic approach to land titling and land governance reform which had been developed under LAMP in earlier years. Only time will tell if this initial approach to Cabinet Secretary Evasco will develop further in the months and years ahead.

Under CfC, land governance reform efforts have remained largely confined to the realm of advocacy work within government, and achievements have remained decidedly mixed.

On the one hand, FEF's efforts to revive LAMP-era pieces of reform legislation and a LAMP-style national titling program have yet to come to full fruition, with varying prospects for achievement on the horizon. On the other hand, through FEF's advocacy within DENR and other departments and agencies, previously unexplored and unexploited possibilities for extending the Residential Free Patent Act to cover lands housing public schools and other government buildings effectively extended

The FEF team has been free to explore new ways to exploit the Residential Free Patent Act to extend its coverage beyond residential lands to include public schools and other government buildings whose insecurity of title largely escaped the attention of previous land governance reform initiatives.

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the legislation to cover thousands of parcels of lands largely ignored in earlier land governance reform initiatives.

As suggested above, the land governance reform efforts undertaken under CfC have built on the achievements, experience, expertise, access, and influence accumulated under earlier initiatives.

After all, under CfC, the FEF team has included key members whose involvement in land governance reform dates back not only to the USAID-funded projects with The Asia Foundation of 2007-2013 but in some cases as far back as LAMP's work in 2000-2010. Under CfC, moreover, the FEF team has taken as one of its points of departure the IRRs for the Residential Free Patent Act, in whose drafting its members played a key role in the spring of 2010. Finally, under CfC, the FEF team has drawn from an available menu of reform options as it has engaged in advocacy work with the Philippine government.

Compared with the earlier The Asia Foundation projects funded by USAID, the CfC program has granted the FEF team more flexibility and freedom to operate. The FEF team has been free to explore new ways to

exploit the Residential Free Patent Act to extend its coverage beyond residential lands to include public schools and other government buildings whose insecurity of title largely escaped the attention of previous land governance reform initiatives.

The relatively modest efforts and achievements of 2014-2016 reflect the limited interest and energies devoted to land governance reform on the part of both the Coalitions for Change (CfC) program and the Aquino Administration in the Philippines during those years.

After all, CfC did not include land governance reform among the points of focus of its work when the program was launched in 2012, and the level of commitment and involvement remained decidedly limited even after the onset of engagement with FEF on this front in 2014.

Meanwhile, after the May 2013 mid-term elections, the Philippine government remained more constrained and conservative in terms of new reform initiatives as compared with the first three years of the Aquino Administration, which saw the passage of landmark legislation on reproductive health and excise tax reform.

By 2014, the Aquino Administration was distracted by controversies and scandals, and its lame-duck status and the onset of the election campaign season impeded effective movement on even the most highly prioritized items on its own reform agenda over the course of 2015 and the first half of 2016.

With the inauguration of the Duterte Administration in mid-2016, however, CfC now found a new government whose own agenda explicitly included land governance reform among its priorities, and whose leading policy-makers included veterans of earlier initiatives on this front.

Since that time, the FEF team's advocacy work has intensified, and progress on various fronts has begun to accelerate. It is thus to be hoped that the months and years ahead will see further opportunities for CfC to make fuller use of both the accumulated expertise, experience, access, and influence of its FEF team and the newly available opportunities to advance and extend the agenda for land governance reform which has developed and deepened in the Philippines over the past 17 years.

CONCLUSIONS

Since the turn of the 21st century, a variety of land governance reform initiatives have unfolded in the Philippines. These initiatives have varied in their sources of funding, in their organizational structures and modes of operation, in their coverage and focus, and in their effectivity and impact. These initiatives have also been profoundly intertwined, with legacies, lessons, and linkages from the earlier initiatives shaping their successors in myriad ways.

With support from a diverse set of international financial institutions and overseas development agencies, these land governance reform initiatives have varied in their sources of funding, in their organizational structures and modes of operation, in their coverage and focus, and in their effectivity and impact. But these initiatives have also been profoundly intertwined, with legacies, lessons, and linkages from the earlier initiatives shaping their successors in myriad ways. A comparative analysis of these initiatives must be coupled with a holistic analysis of their overall trajectories and outcomes over the past 16 years.

Such an analysis should begin with ‘first principles’. All of these land governance reform initiatives in the Philippines, after all, have taken as their underlying premises and initial points of departure a shared concern not with inequality in land distribution as in earlier efforts at agrarian reform, but rather with the security of property rights and the efficiency of land markets, along lines often described and at times derided as ‘neo-liberal’ and narrowly rooted in neo-classical economics.

These premises have been questioned and criticized on many grounds. Some scholars, for example, have raised doubts about the putative centrality of secure property rights and seamless land market transactions to economic development, both in revisionist accounts of economic history and in contemporary studies of economic growth in the developing world.⁷ Rapid economic growth and industrialization, it has been noted, has unfolded

⁷ See, for example, Joel Mokyr, “The Institutional Origins of the Industrial Revolution,” in Elhanan Helpman (ed.), *Institutions and Economic Performance* (Cambridge, MA: Harvard University Press, 2008), pp. 64-119.

The importance of land governance reform may in fact lie less in any observable or inevitable economic consequences and more in a set of implications for the everyday lived experiences, power dynamics, and political possibilities of citizenship in the developing world.

in China over the past few decades despite continuing uncertainties, ambiguities, and encumbrances on land ownership and land market transactions inherited from the era of state socialism and collectivized agriculture in these two countries.⁸

There are thus ample grounds for skepticism that the strengthening of property rights in land and the streamlining of procedures for transactions in land markets are in and of themselves necessary or sufficient for encouraging greater investment and accumulation among property owners and stimulating gains in economic productivity in agriculture and otherwise.

More importantly, some critics of development programs designed to enhance property rights and further emancipate markets in land have claimed that efforts to promote greater security of land titles and freer transactions in land markets have served as projects of ‘state legibility and simplification’ – and thus state strengthening – at the expense of society,⁹ or that they have come at considerable expense in terms of economic inequalities and social injustices. The formalization and ‘rationalization’ of land titling and the fuller marketization of land transactions, such critics have argued, bring advantages to those with greater access to capital, legal assistance, and the languages and logics of the state, while actually heightening insecurity, uncertainty, and overall costs of maintaining effective claims to property for the poorer, less educated and literate, more marginal and vulnerable members of society, thus leading to widening inequalities over time.¹⁰

At the same time, however, a growing body of scholarly research has offered a very different perspective on land governance reform in the Philippines. In ethnographic studies of settings as varied as Brazil, India, Pakistan, and Paraguay, for example, scholars have highlighted the importance of the political dimensions of existing institutions and arrangements for land administration and management in the developing world, especially as they impact on ordinary citizens.¹¹ Insecurity and informality in terms of land titles, it has been shown, constrains farmers and urban slum residents alike in their dealings with authority, enhancing their susceptibility to coercive pressures in the intertwined realms of electoral politics, criminality, and business.

Existing institutions and arrangements for land administration and management leave ordinary citizens trapped in byzantine formal procedures or interminable legal battles, and vulnerable to the predations of corrupt officials as well as those landowners, real-estate developers, and politicians with privileged access and influence within the bureaucracy.

In practice, the achievement of secure title to land is often the product of protracted legal and micro-political struggles, in which victory signifies a sense of empowerment that exceeds the economic significance of the acquisition. Viewed from this perspective, the importance of land governance reform may in fact lie less in any observable or inevitable economic consequences and more in a set of implications for the everyday lived experiences, power dynamics, and political possibilities of citizenship in the developing world.

It is in the face of these diverse critical and competing perspectives on land governance reform that the various initiatives undertaken in the Philippines since 2000 should be examined.

Here in particular it is worth noting – and commending – the early interest and effort devoted to empirical research in the preliminary, exploratory phase of the Land Administration and Management Project (LAMP I). The first four to five years of LAMP were effectively devoted to a close examination of the ‘realities on the ground’, with in-depth studies conducted and detailed reports produced on the state of institutional arrangements, land laws, and policies in land administration and management, as well as the realities of administrative and judicial titling procedures, cadastral surveys and land parcel

mapping, land markets, land records management, land valuation procedures and standards, tenancy conditions, transfer of titles and other land transactions, and myriad other facets of land governance.

Drawing on such research and on the knowledge and experience accumulated in the pilot projects or prototypes in Leyte and Quezon City, LAMP I also produced a set of lengthy manuals for the ‘densification’ of the geodetic network in support of land titling and cadastral surveys for GPS-based mapping, and for the awarding of free patents, the establishment of One Stop Shops, systematic adjudication, document verification, and identification of fake titles.

It was not simply based on theoretical assumptions about property rights and land markets that LAMP II and subsequent land governance reform initiatives proceeded in the Philippines, but rather on the more solid foundations of empirical research about realities on the ground. This research provided ample detail about a set of observable problems with existing land administration and management arrangements and practices in the Philippines:

- A weak and inefficient land administration and management system, with a multiplicity of agencies, weak coordination and conflict resolution mechanisms across them, and a set of outdated, restrictive, and mutually contradictory land laws;
- Serious limitations on the extent of titled lands in both rural and urban areas, with land records systems inefficient, poorly

⁸ See, for example, Jean C. Oi and Andrew Walder (eds.), *Property Rights and Economic Reform in China* (Stanford, CA: Stanford University Press, 1999).

⁹ James C. Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven, CT: Yale University Press, 1998).

¹⁰ See, for example, Kees Jansen and Esther Roquas, “Modernizing Insecurity: The Land Titling Project in Honduras,” *Development and Change*, Volume 29, Number 1 (January 1998), pp. 81-106.

¹¹ See, for example, Akil Gupta, *Red Tape: Bureaucracy, Structural Violence, and Poverty in India* (Durham, NC: Duke University Press, 2012); Gregg Hetherington, *Guerrilla Auditors: The Politics of Transparency in Neoliberal Paraguay* (Durham, NC: Duke University Press, 2011); James Holston, *Insurgent Citizenship: Disjunctions of Democracy and Modernity in Brazil* (Princeton, NJ: Princeton University Press, 2008); and Matthew S. Hull, *Government of Paper: The Materiality of Bureaucracy in Urban Pakistan* (Berkeley: University of California Press, 2012).

The research conducted under LAMP I provided an unprecedented intellectual foundation and empirical basis for the establishment of a baseline against which to measure program outcomes and other prospective changes.

inventoried, inaccessible, and compromised by destruction through war, theft, fire, and water damage, loss through misplacement or deliberate removal; fragility, falsification, and duplication of existing land titles; incomplete, unreliable, and inaccessible cadastral maps;

- Inaccessible, inefficient, and unreliable land administration and management offices and land titling and registration procedures encumbered with long delays and high transaction costs, including rampant corruption; and
- Multiple and inconsistent land valuation systems complicating right-of-way disputes, compromising real-estate development practices, and constraining real property tax revenue collection.

The research conducted under LAMP I, in other words, provided an unprecedented intellectual foundation and empirical basis for the establishment of a baseline against which to measure program outcomes and other prospective changes, for the accumulation and distribution of practical knowledge and technical know-how, and for the identification of an agenda for land governance reforms.

Insofar as a succession of land governance reform initiatives have continued to work on a consistent set of policy reforms and have continued to draw on an established toolkit for reform implementation, the investment in knowledge made in LAMP I has certainly outlived the original program and will continue to inform further land governance reforms in the Philippines for many years to come.

With this context and baseline, what achievements and related outcomes can we ascribe to LAMP and its successor programs for land governance reform in the Philippines? In concrete terms, we can first point to a set of performance indicators and other policy outcomes as measured and reported by the programs themselves:

- Thanks to LAMP, more than 100,000 new land titles issued in the provinces of Bohol, Bukidnon, and Leyte, with some evidence of strengthened perceptions of land tenure security, increased land values, formal land transactions, and real property tax revenues, and decreased processing time and transaction costs in the land registration process in these localities;

- Thanks to LAMP, dramatically improved data collection, mapping, record-keeping, technical skills and technological capacities within the Land Management Bureau (LMB), including roll-out of the Land Administration Management System across all regions of the country and near-completion of a nation-wide cadastral survey;
- Thanks to LAMP, development and deployment of manuals, manpower, and a *modus operandi* for systematic adjudication to enable accelerated land titling campaigns at the local level in partnerships with Local Government Units (LGUs);
- Thanks to LAMP, professionalization of the real-estate industry and real property tax assessors under the Real Estate Service Act (RESA), and moves toward rationalization of land valuation standards and guidelines by the Bureau of Local Government Finance (BLGF) of the Department of Finance (DOF);
- Thanks to LAMP and REGALA, extension of titling, enhancement of data collection systems, improvement in land registration and land processes and land valuation standards and procedures, and increases in local real property tax revenue collection in the select cities and municipalities where pilot projects were undertaken; and
- Thanks to LAMP and The Asia Foundation-managed projects supported first by USAID and later by AusAID and the Australian Department for Foreign Affairs and Trade (DFAT) under the CfC program, passage and enactment of the Residential Free Patent Act, enabling

and impelling accelerated land titling at a rate of 50,00-plus new titles per annum, establishing new DENR-LGU partnerships to facilitate implementation, and eventually extending coverage to include provisions to title lands housing public schools and other government buildings.

Beyond these relatively immediate and empirically measurable achievements and outcomes, there have also been other, less self-evidently significant legacies of LAMP and its successor land governance reform initiatives in the Philippines.

As suggested above, these programs have combined to leave an important legacy beyond the numbers of land titles produced and the levels of property tax revenue increases induced under these initiatives, or even the advances in technical ‘know-how’ and technological capacity within certain government agencies.

That is, relayed from LAMP and reproduced under subsequent projects and programs, a fairly clear, coherent, and comprehensive land governance reform agenda has crystallized in the Philippines, along with an established base of understanding, expertise, and experience among an enduring if not expanding network of advocates for this agenda, embedded within key government agencies and policy-making circles and available for re-activation in subsequent campaigns over the years. It is only against the backdrop of this legacy of LAMP and its partners and heirs in that we can understand the inclusion of land governance reforms among the first pieces of legislation filed in the 17th Congress and among the ten-point agenda of the incoming Duterte Administration in mid-2016.

That said, alongside the immediate achievements and indirect consequences of LAMP and subsequent land governance reform initiatives in the Philippines

Although hundreds of thousands of land parcels have been newly titled under various local pilot projects and through the Residential Free Patent Act over the past ten years, there remain millions more parcels (and hectares) of untitled land in the Philippines.

since 2000, there have also been persistent constraints and limitations on the advancement of their agenda for positive change.

Most notable has been the failure of the Land Administration Reform Act (LARA) to win passage in Congress and the absence of real movement towards an institutional integration of the multiplicity of agencies involved in land administration and management so as to simplify, streamline, and speed up procedures for land titling, registration, valuation, and taxation, and to reduce the corruption, delays, and other transaction costs involved in all sorts of transactions involving land in the Philippines.

The crucial stumbling block and spoiler has been the Land Registration Authority (LRA), the agency under the Department of Justice (DOJ) responsible for issuing certificates of title and otherwise handling land transactions through the 168 Registry of Deeds offices scattered across the country.

Not only did the LRA lobby aggressively and effectively against the LARA bill in Congress, using its connections to legislators with large landholding and real-estate interests to kill the legislation; it also resisted efforts by LAMP to engage in capacity-building activities in tandem with those unfolding at the Land Management Bureau (LMB) in the Department of the Environment and Natural Resources (DENR).

Instead, the LRA initiated an independent Land Titling Computerization Project, signing a Build-Operate-Transfer (BOT) contract with a private company to create a centralized, computerized database of all land title certificates, known as the Land Registration System (LARES). Under the privately operated LARES, the LRA's land records have not only remained stubbornly restricted from inter-agency integration and sharing of information and documentation, but also more time-consuming and expensive for ordinary citizens to obtain, creating longer delays and higher costs in the registration and issuance of land titles.

Thus, experiments and advances in accelerated land titling under LAMP and subsequent land governance reform initiatives have run up

against the 'rate-determining step' of title issuance controlled by a government agency seemingly impervious to pressures for reform.

In addition to the LRA, there have been other impediments, constraints, and problems limiting the extent, effectiveness, and impact of land governance reforms.

Although hundreds of thousands of land parcels have been newly titled through systematic adjudication and other means under various local pilot projects and through the Residential Free Patent Act over the past ten years, there remain millions more parcels (and hectares) of untitled land in the Philippines.

Although a number of cities and municipalities have upgraded their land record and registration systems, improved coordination between different land management and administration agencies, expanded titling, enhanced land valuation standards, and increased real property tax revenue collection, these localities represent a small minority among the 81 provinces, 145 cities, and 1,489 municipalities across the archipelago.

Furthermore, even in those localities where quantum leaps in titling unfolded and/or where the Schedules of Market Values (SMVs) were revised, beyond the greater security of tenure for individual landowners and the higher revenues for local government coffers, there remains insufficient evidence as to the net impact of these changes on investment, productivity, economic growth, poverty, social inequality, public service provision, or citizenship and political participation.

In the absence of additional empirical research on these localities and/or further movement on the agenda of land governance reform at the national level, it is difficult to determine the long-term consequences of the reform efforts pioneered by LAMP and pushed forward in various ways by subsequent initiatives in the Philippines.

In comparative regional perspective, however, we might take the example of nearby Thailand, a country which has often been compared and contrasted with the Philippines, and which saw successive waves of land titling and land governance reform, most notably through a World Bank-backed program that achieved a quantum leap in extending titling, improving security of tenure, and emancipating land markets in the early-mid 1980s.¹²

In sharp contrast with the Philippines, Thailand has experienced much more rapid and sustained economic growth since that time, including higher agricultural productivity and considerably greater success in agro-business exports, alongside markedly less grave problems with socio-economic inequality. Alongside the apparent economic benefits of holistic, nation-wide land governance reform in Thailand, moreover, there is also ample evidence of political impact over the past few decades, as seen in the increasing independence, assertiveness, and effectiveness of Thai peasants and urban poor slum residents in the political realm, and the expansion of political participation under conditions of oligarchical democracy, running up against the constraints of conservative monarchical rule and eventually provoking military intervention.¹³

¹² Frank F.K. Byamugisha, *How Land Registration Affects Financial Development and Economic Growth in Thailand* (Washington, DC: World Bank, 1999); Tomas Larsson, *Land and Loyalty: Security and the Development of Property Rights in Thailand* (Ithaca, NY: Cornell University Press, 2012).

¹³ Andrew Walker, *Thailand's Political Peasants: Power in the Modern Rural Economy* (Madison: University of Wisconsin Press, 2012).

It seems clear that a further, final push is now needed to enact a holistic, national land titling program and achieve a quantum leap in land administration and management in the country.

Three decades later, the land governance reforms undertaken in Thailand in the early 1980s arguably helped to pave the way for a sea change in the Thai economy and Thai politics and society, one whose long-term positive consequences have been bitterly contested – and today are sadly contained under military rule – but continue to provide a solid foundation for hope in the country's future.

Looking back at the recent history of land governance reform efforts in the Philippines as well as 'across' at nearby Thailand, it seems clear that a further, final push is now needed to enact a holistic, national land titling program and achieve a quantum leap in land administration and management in the country.

Such a final push would clearly require effective mobilization of political resources and agile manoeuvring to overcome resistance from the LRA, its allies in government, in Congress, and elsewhere, as well as other opponents of the land governance reform agenda articulated and advanced by LAMP and its successor programs in the Philippines.

Given the Duterte Administration's avowed interest in land governance reform and the installation of a former participant in LAMP and subsequent land titling initiatives in the uppermost echelons of the new administration, there appears to be unprecedented access and opportunity for a renewed advocacy campaign. Such an advocacy campaign would be amply deserving of support, not only from the Australian Department of Foreign Affairs and Trade (DFAT) and The Asia Foundation, but arguably also from other overseas development agencies and international financial institutions which have invested in land governance reform in the Philippines, such as the World Bank and the Asian Development Bank (ADB).

Viewed from the perspective of late 2016, the past, present, and future of land governance reform in the Philippines must thus be understood to owe much both to the pioneering work undertaken under LAMP and to subsequent initiatives which unfolded both alongside it and in its early aftermath.

LAMP provided intellectual and institutional foundations not only for a set of pilot projects which produced their own localized gains, but also for both serious advances in capacity-building in key national government agencies involved in land administration and management, and for a substantive and systemic agenda for nation-wide land governance reform in the Philippines. These legacies of LAMP have continued to inform, empower, and impel a succession of land

governance reform initiatives in the Philippines for years after the official termination of LAMP II. These legacies are now clearly embedded within policy-making circles in Manila and within the newly inaugurated Duterte Administration today.

Meanwhile, a succession of advocacy-based land governance reform initiatives convened and coached by The Asia Foundation with the support first of USAID and later the Australian government have made important contributions and achieved gains unattainable by the more formal projects and partnerships with the Philippine government constituted under LAMP (and REGALA).

LAMP (as well as REGALA) in terms of relationships with national government agencies and *modus operandi* in the legislative arena. The FEF team was thus able to use informal, personal, and partisan political access, networks, and pressures in its favour as it manoeuvred in the House of Representatives and the Senate, and within the DENR, other national government agencies, and even the Office of the President to promote reform legislation and other changes in government rules and regulation through department administrative orders and the like.

FEF's tactics, the iterative processes which encouraged the team to adapt, adjust, improve,



File photo: Foundation for Economic Freedom (FEF)

These advocacy-based initiatives undertaken by the team based at the Foundation for Economic Freedom (FEF) drew on the legacies of LAMP in terms of its original intellectual premises, empirical research findings, and institutional capacity-building achievements, and the accumulated expertise, experience, and insider access of the LAMP veterans among its members.

But the advocacy work undertaken by the FEF team was not burdened by the formal partnerships and other project requirements which had constrained

and escalate their use, and the funding modalities which enabled their sustained deployment, were absolutely crucial to the achievement of major land governance reforms such as the passage and enactment of the Residential Free Patent Act of 2010 and the extension of coverage to include lands housing public schools and other government buildings in 2015 and 2016.

Looking beyond land governance reform in the Philippines, this account of LAMP and the other related initiatives which unfolded alongside it and

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in its early aftermath suggests an important lesson for development agencies and practitioners who are exploring new ways of ‘Doing Development Differently’. Some advocates of ‘Thinking and Working Politically’ have described and derided formal projects and partnerships like LAMP as inherently lacking in creative potential and limited in real efficacy and impact, while celebrating the flexibility, ‘nimbleness’ and (cost-)effectiveness of more experimental, iterative, and essentially advocacy-based forms of development intervention like the Coalitions for Change (CfC) program in the Philippines.

This paper, by contrast, has suggested somewhat different conclusions.

Instead of a stark dichotomy between the two forms of development programs, and in lieu of a derision of the one in favour of the other, this paper has demonstrated that there can be crucial productive complementarities and synergies in practice.

Moving forward, it is to be hoped that these legacies, linkages, and lessons of LAMP and successor initiatives such as CfC will thus help to inform and enhance not only further land governance reform in the Philippines but also efforts to promote other forms of positive change elsewhere across the developing world.

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Professor Sidel has been conducting independent research on the Coalitions for Change (CfC) program in the Philippines since 2012, making periodic visits and providing analysis and strategic advice to the program's suite of reforms. A specialist in the study of Southeast Asia, he has been a frequent visitor to the Philippines since the mid-1980s. He is the author of several books on the region, including *Capital, Coercion, and Crime Bossism in the Philippines* (Stanford University Press, 1999), *Philippines Politics and Society in the Twentieth Century: Colonial legacies, Post-colonial Trajectories* (with Eva-Lotta Hedman, Routledge, 2000), *Riots, Pogroms, Jihad: Religious Violence in Indonesia* (Cornell University Press, 2006), and the *Islamist threat in Southeast Asia: A Reassessment* (East-West Center, 2007).

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THE PROGRAM

The Coalitions for Change program is designed to support policy reforms consistent with the Philippine Government's priorities, and consistent with the Australian Government's aid program. To date CfC has supported coalitions working on improving education outcomes, promoting economic growth, and advocating for effective governance. CfC has also worked to support reforms related to reducing vulnerabilities to disaster and ensuring peace and stability in Mindanao.

The program supports coalitions that bring together government, civil society, the private sector, and the academe, and facilitates opportunities for all to work together towards transformative change for the country.

For more information about the program and this publication, contact:

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