

THE PHILIPPINES COUNTRY BRIEF: PROPERTY RIGHTS AND LAND MARKETS

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1. INTRODUCTION

The purpose of this Country Brief is to assist in the assessment of USAID's investments in land markets and property rights in The Philippines since 1980. The aim is to provide a summary of the available literature and sources in the Internet related to land market interventions and its impacts in The Philippines.

The preparation of the Country Brief follows the conceptual and methodological framework prepared by the Land Tenure Center (2002)¹. The methodology to prepare this Country Brief consisted of a search, review and synthesis of relevant materials from USAID, the University of Wisconsin library and the Internet.

After this introduction, the second chapter presents a brief profile of The Philippines and its agricultural sector. The third chapter describes chronologically several interventions on property rights and land markets in The Philippines since the late 1970s. The fourth chapter presents a summary of studies on the impacts of donor assistance in property rights and land markets. This chapter includes summaries of internal USAID evaluations and a research report conducted by the Land Tenure Center on a land titling and registration project in The Philippines. The evidence provided in this chapter is expected to be useful for the preparation of an assessment of land market impact in The Philippines. The last chapter presents some conclusions and recommendations for the assessment team. Appendix I present a profile of The Philippines with selected indicators. Appendix II presents a list of relevant Web Sites. It is expected that this Country Brief would assist an evaluation team to assess the validity of the following proposition:

A key to sustainable rural development is legally-secure entitlement to land on the part of the disadvantaged.

In the preparation of this Country Brief an effort was made to identify and review materials which would be useful to the evaluation team to answer the following general questions:

- (1) What evidence is there which will enable an estimate of the overall success of land entitlement projects in reaching their developmental goals?
- (2) How have the policy and institutional factors, which affect the success of these activities, been identified and assessed?
- (3) How have the implementation techniques and approaches affected activity success?

The Philippines is considered by some as one of the worst land-tenure problems in the developing world (Prosterman et al., 1990). About 3 million agricultural families (60% of the total) make their living farming land they don't own. About one-quarter or more of the total

¹ The following document was used to define the scope of the Country Brief: Stanfield, J. David and Peter C. Bloch, 2002, A Conceptual and Methodological Framework For an Assessment of USAID's Investments in Land Markets and Property Rights. Manuscript. Land Tenure Center and Development Alternatives, Inc. Version April 22, 2002.

population consists of such impoverished landless peasants, who work as tenants or agricultural laborers.

Philippine history and culture with influences from traditional pre-hispanic structures and foreign occupations by the Spanish, American and Japanese favored a trend towards unequal land distributions. Meager progress on land distribution, marked with occasional rural uprisings, was achieved up to the mid 1980s. In 1986 with the dismissal of Ferdinand Marcos and the rise of Corazon Aquino a new attempt to address a “comprehensive” land reform was initiated. Progress has been slow and plagued by a multitude of difficulties. Yet, evidence points to gains for the beneficiaries of the land redistribution and thus land reform continues in the Filipino agenda.

2. PROFILE OF THE PHILIPPINES AND ITS AGRICULTURAL AND AGRARIAN SECTOR

2.1 GEOGRAPHY AND CULTURE

The Philippines is an Archipelago of about 7,100 islands off the coast of Southeast Asia. The main inhabited islands are: Luzon, Mindanao, Palawan, Mindanao, Mindoro, Negros and numerous smaller islands. All the islands are prone to earthquakes. The geography is largely mountainous terrain, creating narrow coastal plains and interior valleys and plains. The major plains include those of Central Luzon, northeastern Cagayan Valley, and Agusan Basin in far south. There are numerous dormant and active volcanoes, notably Mount Pinatubo in Central Luzon.

It covers an area of 300,000 square kilometers of which 298,170 square kilometers is land. This area is slightly larger than Arizona. The terrain is mostly mountains with narrow to extensive coastal lowlands. The geography of The Philippines has implications for land use and tenure relations.

Climatic conditions are a major determinant of crop production patterns. For example, coconut trees need a constant supply of water and do not do well in areas with a prolonged dry season. Sugarcane, on the other hand, needs moderate rainfall spread out over a long growing period and a dry season for ripening and harvesting. Soil type, topography, government policy, and regional conflict between Christians and Muslims were also determinants in the patterns of agricultural activity.

Philippines culture is the result of traditions of the pre-Hispanic villages and regions and a variety of foreign influences (Islam, Catholicism, and Spanish, American, Chinese and Japanese rule). Philippine society is diverse, especially considering its distribution over some 1,000 inhabited islands. Muslims and upland tribal peoples remain somehow distinct, but approximately 90 percent of the society by 1990 were united by a common cultural and religious background. Among the lowland Christian Filipinos, language was the main point of internal differentiation, but the majority interacted and intermarried regularly across linguistic lines. Because of political centralization, urbanization, and extensive internal migration, linguistic barriers were eroding, and government emphasis on Tagalog and English (at the expense of local dialects) also reduced these divisions. Nevertheless, national integration remained incomplete.

The Philippines classifies land into two basic categories: Alienable and Disposable (A&D), which either is already privately owned or state-owned but eligible for transfer to private hands, and protected areas (forested and mineral lands). Lands not classified as A&D are not suitable

for private ownership, i.e. forested lands, mineral lands, or other categories reserved for the public domain; these can only be leased. Almost two thirds of the A&D lands (65%) are privately owned and titled.

The land area in the Philippines is divided roughly in half between A&D (14.2 million hectares) and the other categories (15.88 million hectares). Table 1 summarizes the main land classification categories in The Philippines.

Table 1. Land clasification in the Philippines (in hectares), 1997

Land category	Area (in hectares)	Percentage
Certified A&D	14,117,244	47.06
Forest Land		
Established for reserve	3,272,912	10.91
Established timberland	10,015,826	33.39
National Parks	1,340,997	4.47
Military and naval reservation	130,330	0.43
Civil reservation	165,946	0.55
Fishpond	75,548	0.25
Unclassified	881,197	2.94
TOTAL	30,000,000	100

Source: 1997 Philippine Forestry Statistics

2.2 BRIEF HISTORY OF THE PHILIPPINES AND LAND REFORMS

Philippine history is marked by several major epochs including: prehispanic era; about 300 years under Spanish colony (1565-1898); about 40 years under United States rule (1898-1941); four years of Japanese occupation (1941-1945); and Independence since 1946. All these epochs influenced culture and society in a way that affected the land distribution. In essence, land distribution tended to become concentrated in landed elites and large masses of peasants were displaced and became landless.

Some authors report that there are indications that the indigenous land-tenure arrangements in pre-Hispanic Philippine society were characterized by communal ownership of land. Individual families had usufruct rights to a parcel of land. In return families were required to perform various public services, often consisting of assisting the datu in the tending of his fields and home (Riedinger, 1995). There are also indications that the Philippine social system in pre-Hispanic times was feudal like, with a warrior class loyal to warlords. This class lived on the labor of serfs and slaves in exchange for protection. The datu (chiefs) comprised the nobility who reigned over a barangays . The serfs served a master or lord, who may have been a datu, and tilled his land. Both master and serf equally divided the produce of the land. The serfs

corresponded to the *aparceros* (tenants) of the late 19th century Spanish era. The slaves served both the lord and master in both his house and farm. They were allowed some share of the harvest, but they were their master's property. In the subsistence economy of the early Filipinos, rice served as the medium of exchange.

Fernando de Magellan landed in the island of Cebu in 1521 and claimed the land for Spain. In 1565 Spain took control of the islands and named them in honor of Philip II of Spain, who reigned from 1556 to 1598. Islam was brought to the Philippines by traders and proselytizers from the Indonesian islands. By 1500 Islam was established in the Sulu Archipelago and spread from there to Mindanao; it had reached the Manila area by 1565.

During the Spanish colonial period, lands were divided and granted to encourage Spanish settlers or reward soldiers who served the Crown. These were called *encomiendas*. *Encomiendas* were granted in exchange of defending the land from external attack, maintain peace and order within, and support the tasks of the missionaries. The *encomendero* acquired the right to collect tribute from the natives. The tributes soon became land rents, and the people living within the boundaries of the *encomienda* became tenants. The *encomenderos* became the first *hacendados* in the country. Religious orders, mainly *Dominc* and *Augustin* became owners of vast tracts of friar land which was leased to natives and *mestizos*. Meanwhile the colonial government took the place of the *datu*. The *datu* was now called *cabeza de barangay*, but it was the proprietors of the estates who held the real power in the *barangay* or community. Thus "the most significant Spanish innovation concerning property rights was the introduction of the concept of legal title to land, that is private ownership" (Riedinger, 1995).

Three hundred years of Spanish colonial rule ended with the Philippine war of Independence in 1896. Philippine independence however, was lost to the United States- a casualty of the Spanish -American war in 1898. The United States involvement with Spain's other major colony, Cuba, brought an interest in the Philippines. At the beginning Filipino forces, under the leadership of Aguinaldo, joined the Americans in the fight against Spain. However, once Spain was defeated there was no support for Philippine independence from the part of the United States. The American influence in the Philippines lasted for another four decades. The American influence era saw little change in the patterns of elite-dominated politics in the Philippines. Although colonial administrators acknowledged the negative consequences of the prevailing patterns of landownership and distribution of wealth, little was done to address these issues.

American colonizers attempted to establish land reform measures in the Philippines for the first time in the 1930s. The first effort, initiated during The William H. Taft administration, was able to purchase 166,000 hectares of friar landholdings to be distributed to about 60,000 tenants. However, it has been reported that because of the tenants' ignorance of the law and the colonial government's policy of selling the lands at a very high price, the bulk of these estates went to American firms, businessmen, and landlords (Adriano, 1991).

The Rice Tenancy Act (Public Act No. 4054) of 1933, also fostered by the American administration, provided for a 50-50 sharing arrangement between the tenant and the landowner, a 10 percent interest ceiling on loans by the tenants, and the non-dismissal of tenants on tenuous grounds. One of the provisions, however, was that majority of the municipal council members should petition for the implementation of the law in their place (Adriano, 1991). It is unclear how many Councils did indeed petition such implementation but there is evidence that governments favored ameliorative measures rather than redistributive ones.

A Commonwealth was established in 1935 and the Nationalist Party of Manuel Quezon dominated Philippine electoral politics until World War II. Around this period, problems with land tenure gave rise to armed uprisings, such as the Colorum Revolt in 1931 and the Sakdal Revolt, mounted by Benigno Ramos, in 1935. Quezon implemented a program of social justice and espoused the concept of legal protection of tenants. These rebellions were responding to deteriorating relations between landlords and tenants, as increasing population and scarcity of land aggravated the already difficult situation of tenants. Efforts to address these tensions were aborted during the Japanese occupation.

Japan launched a surprise attack on the Philippines on December 8, 1941, just ten hours after the attack on Pearl Harbor. Japanese occupation of the Philippines during World War II brought the issue of elite collaboration with foreign powers into sharp relief. Tensions between landlords and tenants exacerbated during this period. The Huk rebellion, which lasted from 1946 to 1954 is reflection of the deteriorating situation of the tenants due to land distribution inequalities.

After the World War II and the end of the Japanese occupation, the Philippines achieved independence on July 4, 1946. Right after independence Philippine governance could be labeled as “constitutional” rather than “democratic”. The emphasis was on maintaining legal processes rather than sharing of power.

The issues of land distribution kept on emerging, especially after the Huk rebellion. Because of the failure of past land reform measures, the US prodded the Philippine government to conduct a comprehensive study of the agrarian situation. The result was the Robert Hardie Report of 1952. It contained the following three recommendations: i) the abolition of the share tenancy; ii) the establishment of owner-operated family-sized farms as the basis of the rural economy; and iii) the establishment of fair tenancy practices for those who unavoidably continue to work on the land as tenants (Riedinger, 1995).

Unfortunately, these recommendations were not adopted by the Quirino administration, which preferred instead to continue through the creation of the Land Settlement and Development Corporation (LADESECO) the land resettlement program of the National Land Settlement Administration (NSLA) under the American regime. LADESECO and a number of legislations were also employed by the Magsaysay administration in an attempt to solve the agrarian problems of Huk surrenderees (Adriano, 1991.)

Examples of this legislation were the Agricultural Tenancy Act (R.A. 1199) of 1954 and the Land Reform Code of 1955 (RA 1400). These acts became ineffective as the landlord-dominated Congress cut down their enforcement by providing only meager sum to the programs while watering down the provisions by raising retention limits and inserting additional requirements. Putzel (1992) suggested that the battle between conservative and liberal approaches to deal with agrarian reform in The Philippines led to the demise of more progressive proposals and the maintenance of the status quo and landed elite dominance.

There were other efforts on land reform in the early 1960's. One of these was the Land Reform Code of 1963 (RA No. 3844) which paved the way for the creation of the Agricultural Credit Administration (ACA) and the Agricultural Productivity Commission (APC). Both were tasked to provide adequate support services to the land reform program, but due to mismanagement and outright graft and corruption, these entities failed to accomplish their mandate (Adriano, 1991).

2.2.1 Marcos Era Reforms

Ferdinand Marcos ran for the Presidency in 1965 and won the election. Marcos initiated an ambitious spending program on public works, health and education. He maintained his popularity through his first term and in 1969 was the first President of the Philippines to win a second term in office. However, his popularity declined precipitously in the second term because his government failed to address many of the grievances of the landless and the poor.

Marcos halted the evolution of the Philippine democracy with his martial law declaration in 1972. It is interesting to note that Marcos justified martial law, in part, as a means of breaking the landed elite's grip on Philippine politics and attempting land distribution reform (Riedinger, 1995).

The first major attempt at land reform was Presidential Decree No. 27, declared by President Marcos in 1972 under Martial Law. Data on land distribution in 1971 showed that over half (52 percent) of all agricultural lands were controlled by the top 15 percent of landowners. Marcos declared the entire Philippines a land reform area. PD 27 contained the specifics of his land reform program. On paper, the program was the most comprehensive ever attempted in the Philippines, notwithstanding the fact that only rice and corn lands were included. Holdings of more than seven hectares were to be purchased and parceled out to individual tenants (up to three hectares of irrigated, or five hectares of unirrigated, land), who would then pay off the value of the land over a fifteen-year period. Sharecroppers on holdings of less than seven hectares were to be converted to leaseholders, paying fixed rents.

The Marcos land reform program succeeded in breaking up many of the large haciendas in Central Luzon, a traditional center of agrarian unrest where landed elite and Marcos allies were not as numerous as in other parts of the country. In the country as a whole, however, the program was generally considered a failure. Only 20 percent of rice and corn land, or 10 percent of total farm land, was covered by the program, and in 1985, thirteen years after Marcos's proclamation, 75 percent of the expected beneficiaries had not become owner-cultivators. In fact, as Marcos searched for ways to maintain power, he abandoned his initial impetus for agrarian reform and switched to favoring an industrial and agricultural elite.

The conclusion of this historical profile of the Philippines is that there have been repeated, but ineffective, attempts to address land-tenure problems in the Philippines. An important legacy of the Spanish colonial period was the high concentration of land ownership, and the consequent widespread poverty and agrarian. United States administrators and several Philippine presidential administrations launched land reform programs to maintain social stability in the countryside. Lack of sustained political will, however, as well as landlord resistance, severely limited the impact of the various initiatives.

2.3 AGRARIAN ISSUES IN THE 1980s²

The agrarian situation of the Philippines in the 1980s reflected decades if not centuries of neglect of the needs of the peasants.

² The figures for this section are taken mainly from Riedinger, 1990; 1995.

In the early 1980s the Philippines had about 65 million people, growing at a 2.8% annual rate. With an area of roughly 298,000 square kilometers this gives a density of 218 people per square kilometer, which is high. 60% of the population lived in rural areas. 40% of the total population (equivalent to about 5 million households) lived from agriculture. Poverty was rampant, and an infant mortality of 48 per 1,000 reflected a deteriorating standard of living. 64% of the rural population was considered under the poverty threshold in 1987.

Of the total land area about 33% or around 9.7 million hectares were considered farm land in 1980. Of this farmland, around 7.8 million hectares were planted in annual or permanent crops. The main crops were rice and corn as staples, covering 6.5 million hectares; and coconut and sugarcane as cash crops, covering about 3.1 million hectares. The overall agricultural performance was poor with yields lower than in other comparable areas in Asia. This is ironic considering that the Philippines is the site of the International Rice Research Institute (IRRI), a bastion of the green revolution.

The average area of arable land per family was around 1.74 hectares, which was higher than in China or South Korea but lower than in Latin America or Africa. The limited land resources relative to the population led to a highly skewed land distribution. In 1980, small farms (under 2 hectares) represented 51% of the farms but covered only 16% of the area, while large farms (above 10 hectares) represented 3.4 % of the farms and covered 26% of the area.

Farms also varied in size based on crops cultivated. Rice farms tended to be smaller; only 9 percent of rice land were on farms as large as ten hectares. Coconut farms tended to be somewhat larger; approximately 28 percent of the land planted in coconuts were on farms larger than ten hectares. Sugarcane, however, generally was planted on large farms. Nearly 80 percent of land planted in sugarcane was on farms larger than ten hectares. Pineapple plantations were a special case. Because the two largest producers were subsidiaries of transnational firms—Del Monte and Castle and Cooke—they were not permitted to directly own land. The transnationals circumvented this restriction, however, by leasing land. In 1987 subsidiaries of these two companies leased 21,400 hectares, 40 percent of the total area devoted to pineapple production.

But even more worrisome was the fact that in 1980 about 3 million farm families (out of a total of 5 million) did not own any land at all. These landless farmers were tenants (about 1.2 million) or plain laborers (about 1.8 million). This represents about 60% of the agricultural population as landless.

This situation of the Philippine agricultural and agrarian sector was in part a factor for the demise of Marcos with the People Power Revolution in 1986. Up to 1986, when Marcos was deposed, less than 315,000 hectares of private land had been acquired under the Philippine land reform. This represents about 4% of the 7.8 million cultivated hectares. Associated with this land were just over 168,000 beneficiary families, corresponding to 5-6% of the landless in 1990. Still, during the 50 odd years of Philippine land reform, no more than 350,000 hectares of private land, less than 5% of the country's cultivated area, have been acquired for distribution by 1990 to some 210,000 families, representing less than 8 percent of those landless by 1990.

Marcos successor Corazon Aquino took the issue of land reform in consideration to launch her administration. The Aquino administration expedited the distribution of emancipation patents under Operation Land Transfer, thus the number of beneficiaries receiving formal title increased substantially.

3. RECENT INTERVENTIONS ON LAND TENURE AND PROPERTY RIGHTS: CARP

The failure of the Marcos land reform program was a major theme in Aquino's 1986 presidential campaign, and she gave land reform first priority: "Land-to-the-tiller must become a reality, instead of an empty slogan." She did not actually begin to address the land reform question until 1987.

The predecessor of CARP was the Accelerated Land Reform Program (ALRP), initiated after the ratification of the Constitution in February 1987. The ALRP, as did PD 27, imposed a ceiling of seven hectares for all croplands, the distribution of large privately-owned farms, rice and corn lands, small farms, alienable and disposable (A&D) lands, exempting areas such as ancestral tribal lands and those that are used for public service. Other features of the program include tenancy regulation and voluntary land sharing and corporate stock sharing as alternative schemes to land reform.

Aquino continued to support land reform measures. A land reform commission was formed, and in July 1987, one week before the new Congress convened and her decree-making powers would be curtailed, Aquino proclaimed the Comprehensive Agrarian Reform Program (CARP). More than 80 percent of cultivated land and almost 65 percent of agricultural households were to be included in a phased process that would consider the type of land and size of holding. In conformity with the country's new Constitution, provisions for "voluntary land sharing" and just compensation were included. The important details of timing, priorities, and minimum legal holdings, however, were left to be determined by the new Congress, the majority of whose members were connected to landed interests.

The Comprehensive Agrarian Reform Program (CARP), instituted in Act No. 6657 declares two objectives in its title: to promote social justice and to promote industrialization. Section 2 of the Act is more specific by pronouncing: "The welfare of the landless farmers and farm workers will receive highest consideration to promote social justice and to move the nation toward sound rural development and industrialization.... To this end a more equitable distribution and ownership of land shall be undertaken to provide farmers and farm workers with the opportunity to enhance their dignity and improve the quality of their lives through greater productivity of agricultural lands" (Meliczek, 1998). This statement confirms the attention placed into the issue of land redistribution to alleviate rural poverty and unrest.

USAID supported CARP via the Agrarian Reform Support Program (ARSP) during an eighteen-month period in 1989 to 1990, nearly half of which was prior to the signing of the Grant Agreement in August 1989. The \$50 million in ARSP funds were to be disbursed to the Special Agrarian Reform Fund (SARF) for expenditure on a variety of budget line items subject to CARP fulfillment of quantitative targets on surveying and titling.

Criticism of Aquino's plan came from both sides. Landowners thought that it went too far, and peasant organizations complained that the program did not go far enough and that by leaving the details to a landlord-dominated Congress, the program was doomed to failure. A World Bank mission was quite critical of a draft of the land reform program. In its report, the mission suggested that in order to limit efforts to subvert the process, the Comprehensive Agrarian Reform Program needed to be carried out swiftly rather than in stages, and land prices should be determined using a mechanical formula rather than subjective valuation. The World Bank mission also was critical of a provision allowing incorporated farm entities to distribute stock to tenants and workers rather than the land itself. The scheme would be attractive, the mission

argued, “to those landowners who believed that they would not have to live up to the agreement to transfer the land to the beneficiaries.” The mission’s recommendations were largely ignored in the final version of the government’s program.

On June 10, 1988, a year after the proclamation, Congress passed the Comprehensive Agrarian Reform Law (CARL). Landowners were allowed to retain up to five hectares plus three hectares for each heir at least fifteen years of age. The program was to be implemented in phases. The amount of land that could be retained was to be gradually decreased, and a non-land-transfer, profit-sharing program could be used as an alternative to actual land transfer.

CARP used about 15 instruments as documentation to certify ownership. For example emancipation patents (EPs) are the certificates that indicate ownership rights over the land. When these rights are adequately registered they play an important role in the land acquisition process, as they provide the chain linking the final stage of the acquisition phase. The EPs, registered at the Land Registration Office, are used to obtain a Transfer Certificate of Title (TCT). TCTs are the official document certifying the actual transfer of ownership from the State to the new private owner. The Certificates of Land Ownership Awards (CLOAs) are also used as final proof of ownership. However, CLOAs had some restrictions as the land could not be sold for 10 years after the land had been paid off. EPs, TCTs and CLOAs are maintained by the Register of Deeds.

However, the land information system in the Philippines, including land titling and registration, is poor and inadequate (Llanto and Ballesteros, 2002). Information about ownership, boundaries, location, land uses and land values cannot be provided in a systematic way in many local governments. Thus fraud occurs in land titling and conflicts over land ownership can take years to be solved. There are almost 20 agencies involved in land administration with poor coordination among them, inadequate legal framework, and inefficient records management. The cadastral information is also inadequate and the information available is not easily accessible.

The current problems with land titling and registration and in general with the country’s land information system may be diminished through strategies included in the Mid Term Philippine Development Program (MTPDP) 2001-2004 (Llanto and Ballesteros, 2002). The Land Administration and Management Project (LAMP) started in 2000 with funding from the World Bank aims at establishing an efficient system of land titling and registration.

4. ASSESSMENT OF IMPACTS OF PROPERTY RIGHTS INTERVENTIONS

CARP has been implemented continuously since its approval in 1988 and during the administrations of Aquino, Fidel Ramos, Joseph Estrada, and the current government of Gloria Macapagal Arroyo. There is consensus among the sources consulted (Batara, 1996; Riedinger, 1990, 1995; Putzel, 1992; Thiesenhusen, 1991; Adriano, 1991; Cornista, 1990) that progress was slow in the first years of the implementation of CARP and that the process was plagued by many difficulties.

Riedinger (1990, 1995) expresses skepticism and highlights the main shortcomings of CARP.

- The 10-year implementation schedule encouraged evasion especially with the exemption of commercial farms. Several exception laws facilitated the exclusion of certain large estates from CARP or reclassified the land so the estate was off-limits for CARP. These exemptions occurred in some areas where landlessness was the highest.

- There was the issue of the corporate farms and their constitutional right to own land. With a retention limit of 5 hectares, almost 85% of the land would be off-limits for the reform.
- The practice of anticipatory and fraudulent land transfers.
- A complex and unfair land valuation system, which favored landowners and gave rise to corruption.
- The penalties for non-compliance with CARP were weak and the financial support was meager.

Putzer (1992) had already highlighted the role of a Congress controlled by landed interests in weakening the scope and implementation of agrarian reforms, including CARP. Cornista (1990) had also identified some of the problems of CARP during an International Colloquium on Land Reform held in Manila in 1990.

Thiesenhusen (1990) also pointed out to several barriers to CAPR including the economies of growing rice and corn the influence of this ration on the ability to pay land-debts. This issue was not clear in CARP strategy. The circumvention of CARP through “voluntary land sharing” in lieu of actual land division also confirmed the practice of exemptions in the implementation of the re distribution. The issues of land valuation and financial support for the reform were also highlighted by Thiesenhusen and Adriano (1991).

Riedinger (1995) concludes that the Aquino and Ramos administrations made substantial progress in implementing the reform of rice and corn lands and distributing public lands, both programs dating to the Marcos era. Aquino and Ramos governments distributed more private agricultural land than had all previous Philippine governments combined. The contrast is bold. In 13 years of implementation (1972-85) Marcos transferred no more than 259,000 hectares under Operation Land Transfer, his principal reform program. Marcos transferred final title to less than 2,000 hectares. By contrast, the Aquino and Ramos governments redistributed over 431,000 hectares in five years (1987-93) of implementation of Operation Land Transfer plus other redistribution programs. However, notwithstanding its accomplishments, the first years of CARP were characterized by scandal, continuing landowner resistance, and continuing abuses of peasant’s rights.

The Estrada administration focused on fast-tracking land acquisition and distribution. It aimed to reduce distortions and uncertainties in land market in the rural areas to be able to help increase farmers’ productivity and the private sector investment as well. Another major step was the intensification of the delivery of support services and social infrastructure to boost incomes of agrarian reform beneficiaries. It also prioritized the improvement and protection of the tenure status of stakeholders and the promotion of agri-industrialization in CARP areas through joint ventures, cooperatives, contract farming and other types of production and marketing arrangements. It also aimed for the completion of land parcel mapping covered by collective Certificate of Land Ownership Awards (CLOAs). The Estrada administration promised to complete the distribution of the CARP scope of 7.8 million hectares by 2004. From July 1998 to September 2000, the total number of beneficiaries of CARP under the Estrada administration was 182,762 hectares. Estrada was ousted of office in 2001 in the midst of corruption scandals.

Table 2 summarizes the accomplishments of CARP reported by the Department of Agrarian Reform (DAR) in the past six years accounting for a cumulative progress of 70% of the targets.

Table 2. Land redistribution accomplishments by year (thousands of hectares)

Year	Targets	Department of Agrarian Reform Accomplishments			
		Total	Percent	Private lands	Non-private lands
1995	540	289.32	54	159.16	130.12
1996	360.06	300.2	83	184.21	115.99
1997	230.54	230.54	91	136.49	73.64
1998	195	195	70	102.27	35.09
1999	171.54	171.54	77	90.03	41.99
2000	158.41	158.41	70	74.76	35.72
2001	101.32	101.32	45	37.84	7.54
Total	1,756.87	1,224.94	70	784.76	440.09

Source: Llanto and Ballesteros, 2002.

Hans Meliczek, , made a strong case that assessing the impact of agrarian reform should go beyond the numbers of beneficiaries and the extent of arable land that is being distributed (Meliczek, 1998). He presented the case of the Philippines and argued for a component-specific, empirically based and thorough assessment including the extent of consequential changes in output, income and government tax revenue, employment and patronage. The government of Philippines took Meliczek advice seriously and started an ambitious impact assessment research project in 2000.

4.1 CARP-IMPACT ASSESSMENT

In 2000, joint efforts between the Department of Agrarian Reform and the donor community paved the way for an impact assessment of the Comprehensive Agrarian Reform Program (CARP). With funding support from the Asian Development Bank (ADB), the United Nations Development Programme (UNDP) and Food and Agriculture Organizations (FAO), the European Union and counterpart contributions of the government of the Philippines, the CARP-Impact Assessment was launched. Hans Meliczek was appointed as an advisor to the research project.

According to the documents reviewed on this project, independent, comprehensive, reliable, and useful information on CARP impact in the Philippines over time was previously not available. The literature on Philippine agrarian reform abounds, but the scope of the analysis, the coverage of the studies, and the usefulness of the recommendations put forward, lacked reliable and comprehensive baseline information and evidence on a national scale. Much of the recent scholarship on CARP has largely focused on specific program aspects, the role of non-governmental and civil society actors, or the impact of international aid on agrarian reform.

Seven studies were carried out in the past two years.. One of these studies referred to land market impacts of CARP (Habito et al., 2001) and another one on the impact of agrarian reform on

poverty (Reyes, 2002). Both studies employed the surveys conducted by the Institute of Agrarian and Urban Development Studies (IAUDS) of University of the Philippines, Los Baños (UPLB) on the impacts of CARP on agrarian reform communities. A World Bank study on poverty assessment for the Philippines was also completed recently (World Bank, 2001).

One of the conclusions of the study relevant for this country brief is that various forms of rural land market transactions have evolved (or persisted) because they fill actual needs of the various parties involved (Habito et al., 2001).

The Habito et al. (2001) study concluded that it is difficult to attribute causality to CARP by comparing aggregate agricultural indicators for the periods before and after enactment of CARP. However aggregate data indicate that non-traditional crops and livestock and poultry production sectors showed most of the growth in the post-CARP era. No changes were associated with CARP in the traditional crops (corn and rice) which accounted for the bulk of lands covered.

Another finding is that the exchange of usufruct does occur in agrarian reform areas, though probably not on a massive scale. We caution, however, against viewing such transactions in a negative light. The laxity of implementation in fact is perhaps rooted in the reluctance of tenants to alter existing tenurial relations, or to sustain cultivation in the absence of adequate financing. The parties involved in such restricted transactions do so voluntarily and probably for mutually beneficial reasons, especially in view of the inadequacy of support systems for the ARBs” (Habito et al., 2001)

Habito et al. recommend that the government’s role must be not to restrict rural land markets, but to ensure that contracts are enforced and are fair to all concerned. The authors also suggest that it is desirable to complete CARP at the soonest possible time, with some policy adjustments and specific measures to enhance the program impact on the rural sector (Habito et al., 2001).

However, completion of CARP won’t solve another serious problem of the Philippine agrarian sector: rampant poverty.

A study recently completed by the World Bank (2001) concluded that poverty in the Philippines remains relatively high, with around 25% of the population living below the poverty threshold. In 1999 the poverty level was estimated at 26.3. But of more concern is that poverty is highest in the agriculture sector and that this sector also experiences the slowest poverty reduction. The agriculture dependent households account for over two thirds of the poor (66%) though they represent only 40% of the population.

The World Bank study recommends three policies that are likely to yield distributional changes in favor of the poor in the Philippines: rice policy (liberalizing food supply markets); land policy (mechanisms to benefit the poorest of the poor); and regional policies (favor the poorest areas in the country such as Muslim Mindanao and Eastern Visayas).

The World Bank study describes what would have to be done in land policy to reverse the trend towards higher poverty³:

³ Emphasis added by author.

“Progress under the government’s land redistribution program has been slow due to inadequate funding, administrative problems of surveying and land valuation, and opposition of landlords. The adverse incentive effects associated with the slow implementation of the Comprehensive Agrarian Reform Program (CARP) include lower collateral value of agricultural land associated with increased tenurial uncertainty. But evidence is overwhelmingly favorable on gains from land redistribution for beneficiaries: these include gains in productivity and incomes, and a higher propensity to invest in both physical and human capital (of the children) among beneficiaries of CARP compared to a group of non-beneficiaries. Yet there reasons to be concerned about the unintended impact of the program on non-beneficiaries. Based on a small survey of five villages, the ability of the poor and the landless to gain access to land through established markets appears to have declined over the course of the program period. There is a need to confirm these findings with analysis of a larger and more representative sample of CARP beneficiaries. It is encouraging that the government is placing a high priority on undertaking an assessment of CARP.

While there is a clear economic rationale for asset redistribution in the Philippines, the key is choosing the appropriate mechanisms for effecting this transfer to the poorest segments of society without generating costly distortions to incentives. The combination decentralized modernization of land administration collection of a progressive land tax that generates revenues and introduces incentives to increase the supply of land on the market; and a program of grants to facilitate acquisition of land ownership may offer scope for improvement. A progressive land tax that would obviate the need for compulsory sale of large holdings as currently mandated under CARP has far reaching implications and requires detailed scrutiny of legislative, institutional and political constraints to implementation.”

These conclusions have also been confirmed by Reyes (2002) on the impact of CARP on Poverty in the Philippines as part of the CARP Impact Assessment Research Project (Reyes, 2002). Reyes concluded that “agrarian reform has had a positive impact on farmer beneficiaries. A comparison of poverty incidence in the last decade shows a slight decrease in the agrarian reform beneficiaries and a slight increase in the non beneficiaries.

CARP has led to higher real per capita incomes and reduced poverty incidence between 1990 and 2000. Agrarian reform beneficiaries (ARBs) tend to have higher incomes and lower poverty incidence compared to non-ARBs. Real per capita incomes of ARBs increased by 12.2% between 1990 and 2000. Moreover, poverty incidence among ARBs declined from 47.6% in 1990 to 45.2% in 2000. Poverty incidence among ARB households is lower than among non-ARB households in both years (55.1% in 1990 and 56.4% in 2000 for non-ARBs). The difference in the poverty incidence between the two groups has widened in 2000 to 11.2 percentage points from 7.5 percentage points (Reyes, 2002).

The ARBs also tend to be better off in terms of the other indicators of wellbeing compared to non-ARBs. They have better access to safe water and sanitation facilities. Members of ARB households tend to have higher educational attainment than members of non-ARB households.

The issue of land distribution and agrarian reform will continue to be one of the main issues for the Philippine government in the near and mid future. The Department of Agrarian Reform states

its commitment to continue and complete the implementation of CARP. It is expected that the impact assessment research project will continue to monitor progress and impacts of CARP.

5. CONCLUSIONS AND RECOMMENDATIONS

- The Philippines has one of the worse land tenure problems in the developing world, with high percentage of landlessness, rampant poverty in the rural sector and poor agricultural performance. Land conflicts have been accompanied occasionally with armed rural insurrections, notably the Huk uprising in the 1940s and the New Peoples Army more recently.
- Geography, history and culture with its pre-Hispanic, Muslim, Catholic, Spanish, American and Japanese influences, have contributed to a pattern of skewed land distribution and an entrenched and a powerful landed elite.
- Several attempts at land reform up to 1986 showed meager results and the perpetuation of land disputes and a skewed land distribution.
- The democratic transition in 1986 brought a new attempt to develop and implement a Comprehensive Agrarian Reform Program (CARP). Progress has been achieved in the thirteen years of the program implementation but a series of difficulties with implementation schedule, exemptions and corruption, faulty and complex land valuation system, weak penalties for non compliance and lack of financial support has slowed down and weakened the program.
- Poverty continues to be high in the Philippines and it is highest in the agricultural sector.
- The Philippine government with assistance from a variety of donors started in 2000 an ambitious and thorough research project to assess the impacts of the CARP. Several studies have been completed and more studies are planned to continue monitoring progress and impacts of CARP. The initial studies point towards overwhelming evidence of positive gains to the agrarian reform beneficiaries.
- However there is concern for the unintended impacts of CARP on non-beneficiaries, especially the farmers that are still landless and poor. Based on a small survey of five villages, the ability of the poor and the landless to gain access to land through established markets appear to have declined over the course of the program period.
- It is recommended that CARP continues and be completed as soon as possible.
- It is also recommended that an integrated strategy linking land policies with poverty-reduction policies is established to consolidate the gains of CARP and addresses the poverty problems of the rural sector in the Philippines. The Medium Term Philippine Development Plan (MTPDP) 2001-4 constitutes a god step in this direction.
- For an assessment of the impacts of land markets of property rights interventions, the assessment team should coordinate the efforts with the impact assessment research project under way by the Philippine government.
- Efforts to strengthen the land information system in the Philippines, such as the Land Administration and Management Plan (LAMP) should receive adequate support in order to solve the current constraints to land titling and registration activities.

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APPENDIX I. SOME INDICATORS

Surface Area	300,000 square kilometers
Land Area	298,170 square kilometers
Population, total	77 million
Urban population (%)	59.3%
Poverty rate (% of total population)	40%
Urban poverty	25%
Rural poverty	54.4
GNI (current US\$)	80.8 billion
GNI per capita (current US\$)	1,050 US\$
Agriculture (value added, % of GDP)	15.2
Industry (value added, % of GDP)	31.3
Services (value added, % of GDP)	53.6
Average annual growth, 1995-01	
Population (%)	2.0%
Labor Force (%)	2.6%
Status:	Independence from the United States (July 4, 1946)

APPENDIX II. SELECTED WEB SITES

Department of Agrarian Reform

<http://www.dar.gov.ph/>

World Bank Philippines Poverty Assessment, 2001

<http://www.worldbank.org.ph/aaa.htm>