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Land Registration and Tenure Structure in Slum Areas in the City of Manila, Philippines

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Preface

This thesis marks the end of five years of studying Property and Land Law at the Norwegian University of Life Sciences in Ås. It has really been a long time coming, and I am proud to say that I have finally made it through all these years.

I would like to thank my Professor Erling Berge at the Department of Landscape Architecture and Spatial Planning for amazing supervision and help throughout the work with this master thesis. I would also like to thank everyone who helped me make this thesis possible; Helge Onsrud from the Norwegian Mapping Authority and NJKF that gave me the economical support to do the fieldwork, and all the professionals at the different land agencies in Manila. In addition, I would like to thank my professor in different subjects throughout these five years, Professor Hans Sevattal, for encouraging me to fulfill this master thesis. Without your committed and encouraging words, this thesis would not be possible.

Lastly, I would like to thank my parents, Irene and John, for always being there for me, and for pushing me to do even better throughout my education. I would also take the time to thank Nermine, my stepmother, for always encouraging me, and to my brothers and sister; thank you. Not least, I want to thank a person that is very dear to me; thank you for always supporting me even in my lowest times. You know who you are.

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Joanna Reyes Mankarios

Executive Summary

There are many countries in the world facing problems of proper land registration, securing property rights and tenure security in informal settlements. It is particularly developing countries that face these kinds of challenges, and the efforts to reduce poverty through securing tenure is even more challenging than ever. Informal settlers are often settling down in the major cities where access to possible employment is one of the highest criteria. The only problem is that they settle into the areas illegally – without any rights of occupying the land. Problems like accessing information about the people living there, and whether they have formal rights is difficult for those standing outside of the informal community.

The Philippines is a developing country, and is on the road of improving its status both economically and socially. The land registration system has gone from being based on paper work to a computerized system with the goal of eliminating double- and fake land titles. The system will provide more efficient processes of obtaining rights to a land by getting an original certificate of title, and it will also reduce the high costs of property transactions. The Residential Free Patent Act no. 10023 is a new law that provides easier requirements and procedures in formalizing residential lands. The law will provide over 40 million Filipinos living on unregistered land with property rights to the area they occupy.

The findings from the Philippines on land registration and tenure structure is discussed further in this thesis, including the topics mentioned above.

Sammendrag

Det er mange land i verden som står overfor problemer med riktig eiendomsregistrering, sikring av eiendomsrett og besittelsesrett i uformelle bosetninger. Det er særlig utviklingsland som står overfor slike utfordringer, og arbeidet med å redusere fattigdom gjennom å sikre besittelse er enda mer utfordrende enn noensinne. Uformelle bosettere bosetter seg ofte i de store byene der tilgang til mulig arbeid er en av de høyeste kriteriene. Det eneste problemet er at de bosetter seg i områdene ulovlig - uten rettigheter til å okkupere eiendommen. Problemer som tilgang til informasjon om de menneskene som bor der, og om de har formelle rettigheter er vanskelig for dem som står utenfor det uformelle samfunnet.

Filippinene er et utviklingsland, og er på vei til å forbedre sin status både økonomisk og sosialt. Eiendomsregistreringssystemet har gått fra å være basert på papirarbeid til et datastyrt system med mål om å eliminere dobbel- og falske eiendoms titler. Systemet vil gi mer effektive prosesser for å skaffe rettigheter til en eiendom ved å få et originalt sertifikat av tittelen, og det vil også redusere de høye kostnadene ved eiendomstransaksjoner. Den nye boligloven (RA 10023) er en lov som gir enklere krav og prosedyrer ved formalisering av boligeiendommer. Loven vil gi over 40 millioner filippinere som bor på uregistrert eiendom, eiendomsrett til området de okkuperer.

Funnene fra Filippinene om eiendomsregistrering og besittelsesstruktur er drøftet nærmere i denne oppgaven, inkludert emnene nevnt ovenfor.

Table of Contents

Preface	ii
Executive Summary	iii
Sammendrag	iv
1 Introduction	1
1.1 The theme	1
1.2 Research questions	1
1.3 Method	2
1.3.1 Qualitative method	2
1.3.2 Assessment of validity and reliability.....	3
1.3.3 Ethical considerations.....	5
1.3.4 Preparations.....	6
1.3.5 Choice of informants.....	7
1.3.6 Preparation to interviews.....	8
1.3.7 Carrying out interviews.....	9
1.4 Composition of the thesis	10
2 Theoretical approach on Land Administration and Land Registration	11
2.1 Concepts and terms	11
2.1.1 The concept of “Institutions”	11
2.1.2. The concept of “Regimes”	12
2.1.3 The concept of “Transaction and Transaction costs”	13
2.1.4 The concept of “Land”, “Property” and “Property Rights”	13
2.1.5 The concept of “Tenure” and “Tenure structure”	16
2.1.6 The concept of “Informal Settlements”	16
2.2 Land Administration & Land Management	17
2.3 Land Registration	21
2.4 Land Tenure	24
3 The Republic of the Philippines	25
3.1 Introduction	25
3.2 Background information	26
3.2.1 Location.....	26
3.2.2 History	26
3.2.3 Politics	30
3.2.4 Geography	30
3.2.5 Economy	32
3.2.6 Demography.....	33
3.2.7 Agriculture	33
3.3 Metro Manila	34
3.3.1 History	34
3.3.2 Geography	34
3.3.3 Demography.....	35
3.4 Research area	36
3.4.1 Quezon City.....	36

3.4.2 Santa Cruz	36
4 Land Administration System in the Philippines	37
4.1 Introduction	37
4.2 Land Administration System	37
4.2.1 Land Registration System – Torrens System.....	37
4.2.2 Cadastre	42
4.3 Land Agencies	43
4.3.1 Land Registration Authority.....	43
4.3.2 Land Management Bureau	44
4.3.3 Department of Environmental and Natural Resources (DENR).....	44
4.4 Land Classification	45
4.4.1 Regalian Doctrine.....	45
4.4.1 Present System of Land Classification.....	45
4.5 Modes of Acquiring Public Lands.....	46
4.5.1 Free Patent.....	46
4.5.2 Homestead Patent.....	47
4.5.3 Sales Patent.....	47
5 Informal Settlements in the city of Manila	48
5.1 Introduction	48
5.2 Tenure Structure in Research Areas	48
5.2.1 Situation in Quezon City.....	48
5.2.2 Situation in Santa Cruz.....	50
5.3 Republic Act 7279- Urban Development and Housing Act of 1992	52
5.3.1 LINA- Law.....	52
5.3.2 “Professional squatters”	53
5.4 Property Rights and Tenure Security for Informal Settlers.....	54
5.4.1 Introduction	54
5.4.2 Mortgage Financing- Community Mortgage Program (CMP)	54
5.4.3 Resettlement- Housing Programs through the National Housing Authority ...	55
5.4.4 Slum upgrading.....	55
5.5 The Residential Free Patent Act No. 10023.....	56
6 Comparing the Norwegian and Philippine Land Registration System	58
7 Final Reflections	60
References.....	64
Attachments.....	68

Acronyms

CA- Commonwealth Act

CADT- Certificate of Ancestral Domains Title

CMP- Community Mortgage Program

CLOA- Certificate of Land Ownership Award

CLAMP- Center for Land Administration and Management – Philippines

CLR- Court of Land Registration

CTC- Certified True Copy

DAR- Department of Agrarian Reform

DENR- Department of Environmental and Natural Resources

EPEB- Electronic Primary Entry Book

GDP- Gross Domestic Product

GLRO- General Land Registration Office

LINA- Short for Senator Joey Lina

LMB- Land Management Bureau

LMS- Land Management Services

LRA- Land Registration Authority

LRC- Land Registration Commission

LRT- Light Rail Transit

LTCP- Land Titling Computerization Program

NCIP- National Commission of Indigenous Peoples

NHA- National Housing Authority

NIC- Newly Industrialized Country

NJKF- Norges Jordskiftekanidatforening

NUSP- The National Upgrading Support Programme

OCT- Original Certificate of Title

OIC- Officer in Charge

PD- Presidential Decree

PHP- Philippine Pesos

QC- Quezon City

RA- Republic Act

RD- Registry of Deed

SHFC- Social Housing Finance Corporation

TCT- Torrens Certificate of Title

UP- University of the Philippines Diliman

USA- United States of America

WPR- World Population Review

Figures:

Figure 1- Contents of land. Source: Platt (1975) by Dale & McLaughlin (2011)...13

Figure 2- Land Management paradigm with components. Source: Williamson et al. (2010: 117).....19

Figure 3- Location of the Philippines. Source: Wikipedia (2015).....26

Figure 4- GDP- Philippines. Source: Wikipedia (2015).....32

Figure 5- Overview of land classification. Source: LMB (2015).....46

Photos:

Photo 1- Informal settlement in Santa Cruz, Manila.....16

Photo 2- Marcelo H. del Pilar, José Rizal and Mariano Ponce. Source: Wikipedia (2015).....27

Photo 3- Manuel L. Quezon. Source: Wikipedia (2015).....29

Photo 4- Registry of Deeds Office (LRA), Quezon City.....39

Photo 5- Land Registration Authority in Quezon City, Manila.....43

Photo 6- Meeting with the OIC of the Land Management Bureau, Manila.....44

Photo 7- Informal settlers living along the roads in Quezon City.....48

Photo 8- Informal settlements in Quezon City.....49

Photo 9- Informal settlements in Santa Cruz.....50

Photo 10- Showering outside due to no access to bathrooms.....50

Photo 11- Some living situations in Santa Cruz.....51

Photo 12- Santa Cruz, Manila.....51

Photo 13- Informal housings in Manila.....56

Photo 14- Informal housing besides the LRT stations.....57

Maps:

Map 1- Map of the Philippines with regions. Source: Wikipedia (2015).....31

1 Introduction

1.1 The theme

The theme for this master thesis is about the land registration system in the Philippines, and informal settlements in the capital of Manila. There are many keywords for this thesis, but the most central are *property rights, land tenure, tenure security and land registration*. The theme was based on my own desire to study another property system than the Norwegian, and having a background from the Philippines made it quite natural for me to base the theme on the Philippine property system.

The thesis covers various topics about the land system in the Philippines, and the different procedures to obtain property rights – especially for informal settlers living on untitled land. The Philippines is a developing country where a large part of the population is living in poverty. With a population of over 100 million it is a major challenge to register every single person living in situations of informal settlement. Another challenge is to provide housing for the ones living in poverty, giving them a security of tenure. These are some of the topics addressed in this thesis, while I try to give answers to how a country like the Philippines performs to solve the problem of informal settlements.

1.2 Research questions

The overall objective for this thesis is to study the *Land registration and tenure structure in slum areas in the city of Manila, Philippines*. In order for me to be able to understand and gather the right information, I decided to prepare three sub-issues that will enlighten the main question for this thesis. They read as follows:

- 1) *The formal rules for land tenure in Manila (are there special aspects of legislation relevant for slum areas)*
- 2) *The informal rules and social context of land tenure in slum areas in Manila (including relations to the formal/ legal system)*
- 3) *Public recordings/ registries of land tenure and practical use of them in slum areas*

1.3 Method

1.3.1 Qualitative method

"A method is a tool to solve problems and come up with new knowledge. Any actions that serve this purpose belong in the arsenal of methods." (Dalland 2000: 71).

In research methodology there are two type of methods to choose from; qualitative method or quantitative method. Quantitative methods relate to numbers and things that can be measured, and is often arranged through different forms for statistic methods. One will often categorize quantitative research method as *"hard-data"*. The result of the quantitative research is usually prepared in tables, graphs or other statistical presentations. Quantitative method can be presented through questionnaires.

Qualitative method relates more to human experience which, among other, experiences, thoughts, expectations and attitudes are important factors.

One can say that qualitative methodology seeks to understand human behavior and actions. Unlike quantitative methods, qualitative method aims to capture thoughts and experiences that cannot be quantified or measured.

Ottar Hellevik, a Norwegian social scientist and statistician, has characterized qualitative methods like this:

"Within the qualitative tradition, the researcher center their ability to immerse themselves in and perceive a pattern in the variety of sensations she receives, instead of pulling out a limited number of aspects of the whole, and then measure and analyze them using numbers." (Hellevik 1999: 13).

Qualitative methods can be characterized by research based on an interview guide. The interview guide has often an overview over the problems to be identified. This is something that distinguishes qualitative method from quantitative method. The most common forms of qualitative methods include group interviews, also called focus groups, depth interviews and case studies (Aarset2013).

My research is based on interviews, observations and study of documents. These types of research tools makes it possible for me to go deeper into the chosen theme for this thesis, and study relevant documents closer to see if the findings and the information I have received through interviews corresponded with the reality. Through interviews I have the opportunity to talk with residents and different Professionals about what I want to know more about. I will design an interview guide with various questions, which will make it easier for me to keep track of what questions I want answers to. It will also guide the respondent during the interview.

Through an interview, I would also get a feeling of the respondents' perceptions, feelings and attitudes on the topic that will be addressed. In connection with the interviews, I also avail myself with tape recordings. This will help me to process the various data I have received, and make it easier to work with later considering that my informants are living in another country. If there is any questions or uncertainties when I am back from the fieldwork, it will be difficult to quickly get in touch with my informants on this basis. The tape recordings will therefor help me a lot during my writing.

Qualitative research can contribute to greater understanding and insight into phenomenon being researched. The method is suitable to use when we want to ask questions like “*how*” and “*what*”. When the phenomenon being researched is characterized one can move on to ask questions like “*why*” by examining the wider contexts in which the phenomenon arises (Silverman 2011: 17).

1.3.2 Assessment of validity and reliability

Validity and reliability tells something about the quality of the data that has been collected.

"Reliability refers to the degree of consistency with which instances are assigned to the same category by different observers or by the same observer on different occasions" (Silverman 2011: 360).

By using interviews as the chosen research method, it will to some extent be uncertainities when it comes to the answers delivered. This is based on whether or not a statement is true, and if the information obtained corresponds with the "reality". This was one of the problems I faced when I interviewed informants who were living in informal settlements. When I asked them how long they had been living in a situation of informal settlement, and how long they had been living there, I did not know if these statements were true. Being able to obtain any data on this would be incredibly difficult, and my intuition said that this was information I had to somehow rely on, but at the same time take with a grain of salt. The only way I could assure myself that this was information that in some way could be true, was by studying documents and talking to professionals.

I chose to use the same interview guides for the two types of informants; an interview guide aimed for the professionals and an interview guide aimed for the people living in informal settlements. By using the same interview guides there would be a correspondence between the different conditions. To strengthen the reliability of a research it requires that the study can be verified on subsequent occasions. If the research achieves the same results it means that the research has high reliability.

"Validity refers to the extent to which an account accurately represents the social phenomena to which it refers" (Silverman 2011: 367)).

It is important to distinguish between internal validity and external validity when one is evaluating validity in qualitative research. Internal validity indicates to what extent the results are valid for my phenomenon, while external validity tells to what extent the results can transfer to other groups and situations (Silverman 2011: 368).

To check the validity of the entire process and the research, one can go back and check if the findings are consistent with what one wanted answered. I assured the validity of my research by comparing the answers from the different interviews, and different kinds of data and information to see whether they support one another.

The answers that I got from the different professionals were quite similar, and the informants brought up common subjects over and over again. This is though reliability, but translates into valid answers to the questions asked (internal validity).

As for the validity of the answers given by the informal settlers, I had to consider the answers to the information there was to find about informal settlements, and the reality that many in the Philippines live in poor conditions. The findings one have collected also helps to reflect the validity of the research. It may also be important to look back at the issues one has chosen, and check whether the method that has been used for the research was the correct choice of method.

1.3.3 Ethical considerations

There are some things to take into consideration, both before and after one start a research. The choice of methodology should not only be based on the basis of what will provide the best data, but also from what protects the informants' integrity. This refers to the ethical aspects of the project. It is very important to protect the interviewees and others involved in the project by keeping sensitive information confidential. If there are certain details that can be recognized, this should be kept anonymous. Although my research took place in another country, and one can say that the people being interviewed would not be recognized, it is still important to respect and pay attention to those who participated in this research in a proper way.

I contacted different professionals in connection with my fieldwork, and informed them in an early stage about who I was, what my intentions were and that I would appreciate if they would meet me for an interview. When I met up with the different agencies, I introduced myself again briefly just in case, and so that they would feel comfortable with the situation. It was important for me to act in a professional and responsible way.

I also went out to the slum areas that I had chosen for my research in order to talk with some of the resident there. This was a challenge for me considering the situation was unknown both for the informal settlers and me. I had with me my aunt and a representative from the Land Registration Authority (LRA) that offered to come with me. I knew that the situation would somehow be unfamiliar to them, and I would risk the fact that they would not talk to me. This was something I had to take into consideration, because it was very likely that I would experience this. Sir Diamante from the LRA approached them first to let them know that I wanted to talk to them.

I had to inform them that I only wanted to ask them some questions for my thesis, and that what they said would be kept confidentially and later deleted. Luckily, most of my informants were willing to talk to me, which made my situation easier. Sensitive information such as name, address and date of birth will be kept confidential.

I also chose to use tape recordings in addition to taking notes during my interviews, and this was informed about in advance so that my informants felt comfortable with this. The use of tape recording would help to facilitate the analysis, and improve the interview technique. I would also get to focus more on the informants while I got documented everything that is said.

1.3.4 Preparations

The preparations for this master thesis started on an early stage. After talking with several of my professors, they encouraged me to fulfill the idea of writing my thesis about land registration and informal land tenure in slum areas in the Philippines. I started to do some research about the property and land system in the Philippines. There was not much to find, so I knew that in order to really get the information I wanted I had to talk to people in person.

The preparations for my fieldwork in the Philippines started first by seeking financial support in order to cover the travel expenses, getting in touch with possible informants, setting up meetings, forming an interview guide and last travelling to the Philippines to fulfill my fieldwork. The Norwegian Mapping Authority and NJKF, an academic group within TEKNA (The Norwegian Society of Graduate Technical and Scientific Professionals) supported me financially. After contacting different land agencies in the Philippines I had managed to set up meetings for my fieldwork. I had confirmed meetings with the Land Administration Bureau (LMB) and the University of the Philippines Diliman (UP) both located in Manila. I had also contacted the Land Registration Authority but they had not responded to my email.

Apart from the different agencies I was going to talk to, I thought of going to the slum area I had chosen for this thesis, Tondo in Manila. I wanted to see how the conditions were, and maybe also talk to some people living in the area.

This was something I had to arrange when I arrived to the Philippines, but already during my preparations, people I knew told me to stay away from the area. I told myself that I had to take this in consideration, and that I would try to make it possible to visit the area.

1.3.5 Choice of informants

When using qualitative method to find answers to research questions, one will often get a lot of information to process. This was something I had to take into consideration when I chose my informants. I knew that my informants had to be someone who knew about my theme and subject, and that could give me answers to my questions.

My informants consisted of professionals and residents in informal settlements. I got in touch with different authorities, as stated above, and universities. I had already arranged interview meetings with professionals within the land management area. They were people who either had been working with land management for several years or professors who taught geodetic engineering at the university. I was honored to get such positive response from influential people in the Philippines, and not to mention, people who could really help me with my master thesis.

Before I travelled to the Philippines, I had chosen a certain slum area for my thesis, and that was Tondo, Manila. This is one of the many slum areas in Manila, and I thought it would be interesting to see how the circumstances were. On the other side, it is also one of the most dangerous areas in the Manila, so I knew the idea of going there was slightly difficult. After being in contact with my informants, I was told that going to Tondo would be challenging and dangerous at the same time. Tondo is an area characterized by great poverty and with people that would do ridiculous things in order to get some money.

Hearing this made it very difficult for me since I had already imagined myself going to the area for my research. Fulfilling my trip to Tondo did not happen. I had to take the advices of the actual citizens who know the country better than I do into consideration.

Being an “outsider” would not make the situation of going there easier. To compensate for this, I turned to different slum areas in Manila. There are several areas in the city of Manila where there are already established slums and borderline slum areas. I chose areas in Manila: Quezon City and Santa Cruz. The choice of informants was done on this basis. The informants were families, both with and without children, and just ordinary people living under poverty.

1.3.6 Preparation to interviews

The preparation for the interviews was done on an early stage. When I arrived to the Philippines, I contacted my informants once again to confirm our meeting. The fact that I had already been in touch with them several months before my fieldwork made the procedure much easier. I was very lucky that almost every informant had responded to my email. I had a very short time available in the Philippines, so it was essential for me to set up meetings at an early stage. By this, I did not have to worry about setting up meetings and maybe not getting a meeting at all.

For my interviews I knew that I had to have different questions ready so I made an interview guide. Before leaving for my fieldwork trip, I had made some of the questions already. The interview guide was not complete, and I had some problems with what kind of questions to make. So I wrote down the ones I knew I had to ask for my master thesis.

I completed the rest of my questions when I came to the Philippines, before all my interviews. One of my informants had sent me an email after Christmas, an email I did not receive. I received the email on the day he wanted to meet up, but unfortunately I was not in the area at that time. I scheduled for another meeting hoping he would be available. For my interviews with the people residing in the slum areas, I had prepared different questions. Some of the questions were improvised because the questions I had already made did not give me the answers I wanted.

Some of the questions covered general matters as whether they had land titles for the part of the land they were living on, how long they had lived there and whether they have had challenges claiming the area they were living on now.

1.3.7 Carrying out interviews

When it came to carrying out the interviews I let the informants determine the time and location to where the interview would take place. This was based on the fact that they had different schedules than mine.

The first interview was with the University of the Philippines, Diliman. My informants had chosen the day, time and place for the interview, and my part was to show up for the meeting. Before the interview I introduced myself, and told them a bit about the background for my visit to the Philippines. The interview took place in a meeting room at the university, and present was Sir. Ariel C. Blanco and Engr. Louie P. Balicanta. Engr. Balicanta was the one I interviewed since he was most capable of answering my questions. Before the interview I asked for permission to tape our conversation for research matters, and told him that the recording would be deleted later. Our interview lasted for almost 1,5-2 hours.

The second interview took place at the Land Registration Authority. I had not a confirmed meeting at the LRA, which made the situation a bit difficult. Sir. Jun Diamante, a lawyer situated at the Registry of Deeds, offered to help me and answer my questions in the best possible way he could. I used the exact same interview guide I used in my former meeting.

This way I could see if there was any comparisons or differences in the answers they gave me. On this interview I also asked for permission to record our conversation.

The last agency I was interviewing for my master thesis was the Land Management Bureau in Binondo, Manila. I was scheduled to meet up with Engr. Rolando R. Pablo, OIC Chief, Land Management Division. The interview lasted for almost two hours, and I was also able to record the interview for later use. Engr. Pablo was kind enough to give me different books and documents I could use for my master thesis.

For my interviews with the people living in informal settlements in Quezon City and Santa Cruz, I had formed a different interview guide. I interviewed different families, with and without children. The interviews took everything from 30- 45 minutes.

It was a bit challenging to go in depth about land registration and tenure structures with my informants in the slum area since many of them did not really know what it

meant, due to no education and professional understanding. I tried to make the questions as understanding and easy as possible in order for them to comprehend what I was asking about. They were very open about their housing situation and the fact that many of them lived there on illegal terms.

1.4 Composition of the thesis

The thesis contains seven main parts where chapter one is the introduction to the thesis. In chapter two “*Theoretical approach on Land Administration and Land Registration*” I present different terms and concepts that need to be in place in order to understand the land administration and land registration system. Concepts like institutions, regimes, transaction and transaction costs are represented. I also introduce the concept of “*informal settlements*”, which is an important part of this thesis.

In chapter three “*The Republic of the Philippines*” I present general information about the country and its historical background in order to provide knowledge to the reader. I have also presented some facts about the different research areas chosen for this thesis: Quezon City and Santa Cruz.

The results of the fieldwork are found in chapter four “*Land Administration System in the Philippines*” and chapter five “*Informal Settlements in the city of Manila*”. In chapter four I present the official land registration system in the Philippines along with information about the different land agencies that can provide property rights for the people in the Philippines, and modes of acquiring land. In chapter five I present the situation of informal settlement in Quezon City and Santa Cruz. I also go into different laws that protect informal settlers from eviction, and different projects and programs that provide informal settlers with tenure security.

In chapter six “*Comparing the Norwegian and Philippine Land Registration System*” I try to compare the Norwegian and Philippine registration system. I try to see if there are any similarities and differences between the two systems.

In the last chapter I give my final reflections about the thesis, and try to sum up everything that has been discussed as well drawing some conclusions.

2 Theoretical approach on Land Administration and Land Registration

2.1 Concepts and terms

In order to understand what the Land Administration and Land Registration field is all about, there are different terms and concepts that need to be in place. There have been plenty discussions on what really lies in these terms. The Land Administration field covers a wide range of terms, concepts and theories. Some of the concepts are connected with each other, and it may be difficult to understand them without getting the “*whole picture*”. I will also try to distinguish between land administration and land management, and be sure to point out *when* I am talking about the two terms since they are fairly equal terms, but with different meanings.

2.1.1 The concept of “Institutions”

Institutions can be described as a system, “*rules*” or “*social arrangements*” which controls ones behavior. The rules may be legal, like formal laws, regulations, jurisprudence and formal judicial agreements. On the other hand, institutions may also be norms based on cultural relations such as tradition, religion and moral. It can be described as the “*rules of the game*” where the players are told how they should or should not act in certain situations. The economist Douglas D. North has given his own definition of the term “*institutions*” in his book “*Institutions, Institutional Change and Economic Performance*”:

“Institutions are the rules of the game in a society or, more formally, are the humanly devised constraints that shape human interaction” (North 1990:3).

Institutions shape how people should behave and perform with and towards other in everyday life. The institutions provide a structure by proscribing certain actions, prohibiting other actions and permitting yet other actions. If rules are monitored and rule breakers sanctioned this reduces uncertainty. This can be read as a definition of “*constraint*” which describes how people act in a way that is in accordance with what society expects, and not out of a free, individual and egocentric motivation (Sevatdal & Sky 2003:44). North talks about how institutions can be both informal and formal in his book.

Institutions can be rules that human beings create which can be characterized as formal constraints, and informal constraints such as conventions and codes of behavior (North 1990:4).

The sociologist Richard W. Scott gives another definition on what institutions are:

“Institutions consist of cognitive, normative, and regulative structures and activities that provide stability and meaning to social behavior” (Scott 1995:33).

This definition provides a clear and explanatory description on what the concept of institutions really is. Scott depicts the cognitive, normative and regulative structures as three pillars that institutions rest on. This brings us all down to the importance of institutions and its role in the society; Institutions are meant to reduce uncertainty by establishing a stable structure to human interaction (North 1990:6).

2.1.2. The concept of “Regimes”

A regime can be described as a compilation of specific institutions that all together controls behavior and resource use among the players in a narrowly defined area of activities or interests (Berge 2011:3). North described institutions, as the *“rules of the game”* where players with different backgrounds, may it be public or private, legal or physical, were playing and controlling the game. The term has a significant role in our profession, and it is important to distinguish between the *“property”* and *“public regulation”* regime. The two game platforms consist of different rules and different players. For a landowner, whether he is a person or a company, the power for action will lie within the institution of *“property rights”*. As for a land use planner working for a public authority, the power for action will lie within the institution of public regulation law, specifically through the planning and building act.

When we then talk about the property regime we refer to property rights and the players that draw the power for action from the property right. The same goes for the regulation regime where it focus on legislation providing public authorities and officials the right to control land use (Sevatdal & Sky 2003:33).

It is important to have in mind that this definition does not include the rest of the institutions that apply to the competent actors behavior. To clarify this, it can be pointed out that negotiation practices and contract law are two important groups of rules for owners in collaboration with other players in the property regime. In the regulation regime, the administrative law and administrative practice will be important groups of rules that the public agencies must act within (Sevatdal & Sky 2003:34).

2.1.3 The concept of “Transaction and Transaction costs”

Transaction and transaction costs are two very important terms in our field, and is used to describe how rights are transferred from one individual to another based on property rights. The transaction includes a part or the whole bundle of rights like for instance regular acquisition and sale of property or establishment of a lease contract. Transaction and transaction costs can also include allocation or removal of a right through an administrative decision. This can for instance be done by receiving a building permit or through zoning plan decisions.

Transaction costs include all work and toil that occurs out of it interacting with other people. The term might be misunderstood, and give one economic associations. It can further be described as collaboration work.

It includes the collection of information of all kinds on the interaction before, during and after. Transaction costs also cover the work done on negotiating and formulating the contract, and not least to fulfill the contract and get the other participant to fulfill their part (Sevatdal & Sky 2003: 66). The concept of transaction and transaction costs plays an essential and important role in the land management and law field, but also in public regulation.

2.1.4 The concept of “Land”, “Property” and “Property Rights”

Land

The concept of “*land*” can be described with several definitions, but I will here use the definition by Dale & McLaughlin, since it gives a good description of the term:

“Land is a physical thing that encompasses the surface of the earth and all things attached to it both above and below. It is also an abstract thing that manifest as a set of rights to its use with a value that can be traded even though the physical object cannot be moved” (Dale & McLaughlin 2000: 1).

Land has both a physical and cognitive aspect, and can be everything from roads to buildings, as well as the marine environment.

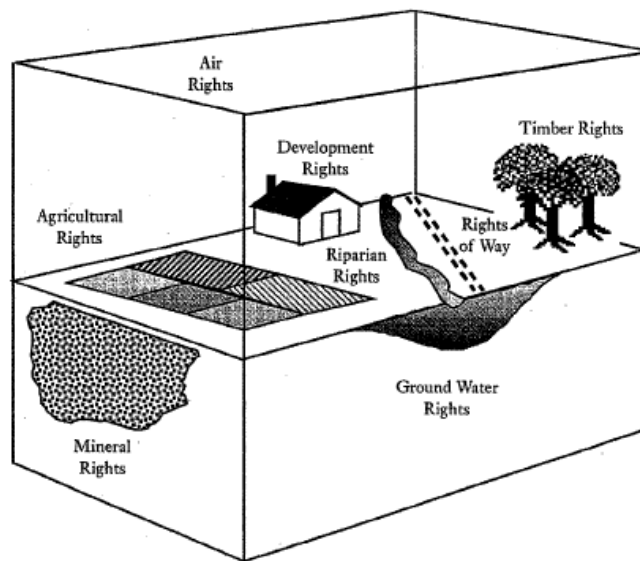


Figure 3- Contents of land. Source: Platt (1975) by Dale & McLaughlin (2011)

Property and Property Rights

The concept of *“property”* can be described as a set of rights and responsibilities concerning a thing, and is also the term for the thing itself. When we talk about *“property”*, we also talk about *“property rights”* as the relationship between a person and an object. Property is a bundle of rights, since it can have multiple rights belonging to several different persons or groups (Bruce 1998: 1).

The bundle of rights may consist of rights such as (Berge 2008: 122):

- *Access to an area (the boundaries of the area are defined collectively)*
- *Withdrawal of resource units from the area*
- *Management of the area and the resource providing units for withdrawal*
- *Exclusion of any particular person wanting to assert access, withdrawal or management rights*

- *Alienation for a period or forever of any and all of the above rights*

The concept of “*property rights*” can be defined in many ways, and I will quote two of my professors to present the concept:

“Property rights provide legitimate allocation to particular owners, of material or immaterial objects supplying income or satisfaction to the owner. They comprise a detailed specification of rights and duties, liberties and immunities citizens have to observe.

These are partly defined by law, partly by cultural conventions, and they are different for owners and non-owners. Property rights are ultimately guaranteed by the legitimate use of power” (Berge 2007: 121).

“Property right is an institution, understood as the formal and informal rules of the game. The owners and right holders are actors whose particular role in the game are defined by these rules” (Sevatdal 1999: 259).

The content of the relationships is of legal nature, and gives the holder certain rights over the thing. The right that is covered by the ownership is (more or less) specified by the legal system of the respective society. In some situations, the rights to an object might belong to different people. This brings us back to the “*bundle of rights*” metaphor.

There are two kinds of property according to the Western law; one is real (Anglo-American law) or immovable property (European Civil law). This can for instance be trees or buildings that are property in land and attachments to land. The other type of property is property in all other things, and can be characterized through personal (Anglo- American law) or movable property (European Civil law). Private persons normally hold private property. It can also include property held by legal persons like for instance corporations or partnerships. As for individual property, it is natural that a legal person is the owner while the government is the owner of any public property (Bruce 1998: 2).

2.1.5 The concept of “Tenure” and “Tenure structure”

“*Tenure*” is a term that dates back to the English feudalism. All previous land rights void was declared by the Normans in 1066 after their conquest of England, and replaced them with grants from their new monarchy.

“*Tenure*” is a term derived from the Latin term for “*holding*” or “*possessing*”, and points out the terms on which something is held. These are the rights and obligations of the holder. It can also be derived from the concept of “*property right*”.

The definition of “*tenure*” is broad, and does not only complete title to land like private freehold, but also more limited rights such as contract rights, renting and leasing, shareholder rights, access to commons, mortgage, etc. (Sevatdal 1999: 258).

It is important to understand the land tenure system in relation to the economic, political and social systems, which produce it and which it influences. The system can be characterized by country or type of economic system, as formal or informal, and as imported or indigenous. The types of tenure are collected under the tenure system, and are recognized by a national and/or local system of law taken together (Bruce 1998: 1). The system includes rights as mentioned above such as private freehold, leases and mortgages.

2.1.6 The concept of “Informal Settlements”

“*Informal settlements*” is a term that is used to describe housing that has been created in an urban or peri-urban area without any official approval. Informal settlements are usually occupied by what one would call “*slum dwellers*”, “*squatters*” or a more appropriate term, “*informal settlers*”. A definition of the concept can be put this way:



Photo 1- Informal settlement in Santa Cruz, Manila

“Informal settlements may contain a few dwellings or thousands of them, and are generally characterized by inadequate infrastructure, poor access to basic services, unsuitable environments, uncontrolled and unhealthy population densities, inadequate dwellings, poor access to health and education facilities and lack of effective administration by the municipality” (The National Upgrading Support Programme 2015).

Informal settlements is a big problem in many parts of the world, and in my case, Manila has experienced this problem for more than 50 years. It goes back all the way to the Second World War, when a large number of victims built houses around Intramuros and Tondo foreshore land. These areas were originally reserved spaces for the expansion of the Manila Port (Philrights2015). It is important to understand the true meaning behind this concept since many might find it difficult to understand. It is also essential to eliminate the word *“squatters”*, and instead use *“informal settlers”*, as this is the correct and rational term to use. I will therefore use *“informal settlers”* further in my thesis.

2.2 Land Administration & Land Management

Land Administration

Each country has somewhat a form for land administration system; a system that is supposed to determine and record information about tenure, value and use of land through land management policies. Dale & McLaughlin (2000: 10) points out that the process of land administration includes

“ (...) the regulating of land and property development, the use and conservation of the land, the gathering of revenues from the land through sales, leasing, and taxation; and the resolving conflicts concerning the ownership and use of the land”.

On the other hand, land administration also includes activities such as land registration, cadastral surveying and mapping, fiscal, legal and multi-purpose cadastres and land information systems. Information on a land's resources, size, value and tenure are important information for the government, and for the cadastral system of a country to work (DENR- Local Government Partnerships Handbook 2012: 5).

A land administration system consist different functions, and may be divided into four components: juridical, regulatory, fiscal and information management. There are usually agencies that are responsible for the different functions of land administration, normally within surveying and mapping, land registration and land valuation. Their duty is to collect data that later is made available for the public to see. The land administrations juridical components goal is to secure the holding and registration of rights in land. Dale & McLaughlin (2000: 10) writes that the juridical type of component covers a series of *“processes concerned with the original determination or adjudication of existing land rights, the allocation of land, for example, through original grants from the sovereign power, transfers, prescription and expropriation”*. Another process under the juridical component is the process of separating parcels with its associated rights. This can be done by defining boundaries on the ground, and later describe the findings numerically, graphically or in simple writings.

Under the function concerning regulatory component one will be able to find information regarding development and use of land. *“It includes land development and use restrictions imposed through zoning mechanisms and the designation of areas of special interest, ranging from historic districts to fragile ecosystems”* (Dale & McLaughlin 2010: 11). The third component, which is the fiscal component, focuses on the economic utility of the land. It has processes that *“ (...) can be used to support increased revenue of collection and production, and may act as incentives to consolidate or redistribute land or to use land for particular purposes”* (Dale & McLaughlin 2010: 11).

The last and fourth component is the information management. It is a compilation of all three components mentioned above where the juridical platform cover land registration, the fiscal platform include valuation and taxation while the regulatory platform support zoning mechanisms. The components share common information that is collected and managed by different agencies. At the end they form the concept of *“cadastre”* that can be described as a public inventory of date with integrated land information.

Land Management

Land management is the set of four core administration functions that are related to policy decisions and implementation on land use and utilization including access and distribution. The land management paradigm consists of the functions land tenure, land value, land use and land development. The goal is to achieve sustainable

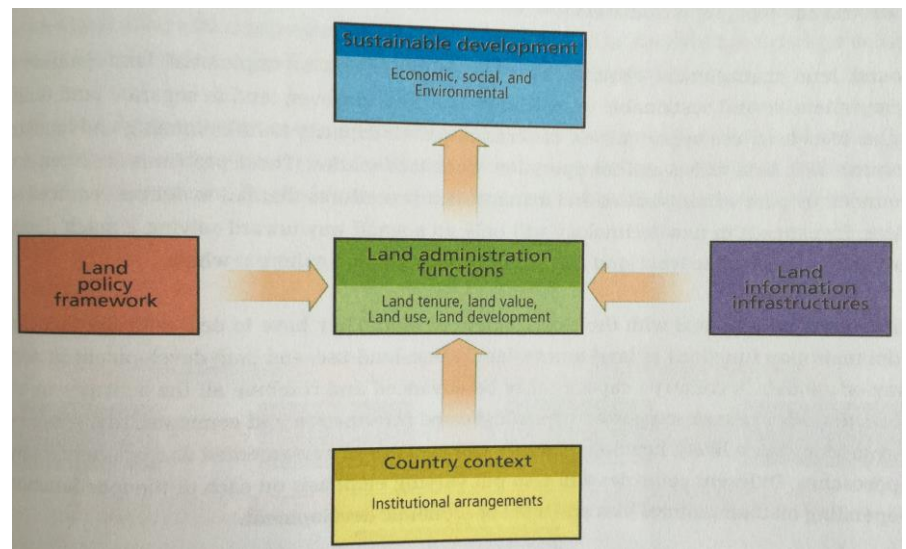


Figure 2- Land Management paradigm with components. Source: Williamson et al. (2010: 117)

development by adopting land administration as a main tool, and move beyond mapping, cadastral surveying and land registration (Williamson et al 2010: 6).

The functions are considered as strategically and essential functions performed by organized societies. Each country uses a variety of techniques and tools to deliver its land policy goals, and manage land and resources. Cadastres or parcel maps and registration systems are the essential elements within the management techniques and tools, and are defined as land administration. Williamson et al. (2010: 116) points out that these elements are the focus of modern land administration, and recognized as only part of a society's land management components.

“The land management paradigm provides the reason to reengineer agencies and their processes to deliver policy outcomes through more integrated tasks and information management, rather than merely managing land information for internal purposes” (Williamson et al 2010: 116).

The processes and principles that define land management and its important value are defined through the paradigm. It also recognizes that the organizational structures for land management differ from country to country, and reflect the local cultural and judicial settings of a country.

Establishing systems that are efficient, and capable of undertaking the functions of tenure, value, use and development is very important in order to deliver sustainable development. The systems must also be able to implement national land policy and producing land information. This is the biggest responsibility of the land administration designers. If the land management components are designed properly it will hopefully lead to sustainable development in a country (Williamson et al 2010: 116).

The concept of land management covers a wide range of functions, and is much broader than the land administration field. Activities that is necessary to fulfill political objectives and achieve sustainable development are associated with the management of land and natural resources. The concept of land plays an important role in the land management paradigm, since it requires skills based on technical, natural and social sciences. It can include skills regarding “*land policies, land rights, property, economics, land- use control, regulation, monitoring, implementation and development*“ (Williamson et al 2010: 117). The land policy framework aims to support economic development, social justice and equity, and political stability.

The policies vary from each country, but the most common include “*poverty reduction, sustainable agriculture, sustainable settlement, economic development and equity*” (Williamson et al 2010: 117-118) among different groups in the society. In order to implement these policies it is necessary to look on how land and land- related opportunities is allocated, and how one can access these. The government is tasked with controlling land-related activities like holding rights to land, how the land is being used as well as its development. The tasks also include economic features of the land. With a well- organized system, the administration systems can provide functional land management, good governance and sustainability to the regulatory part of the system (Williamson et al 2010: 118).

The land administration functions which consists of land tenure, land value, land use and land development ensure proper management of the rights that can be found, as well the managing of restrictions, responsibilities related to property, land and natural resources. The four components have each their own function and “*chores*”.

Land tenure aims to secure and transfer rights in land and natural resources, land value aims to secure valuation and taxation of land and properties, land use targets to plan and control the use of land and resources, and land development, which has an important function to implement utilities, infrastructure and construction planning.

Land management is an important tool for every country when it comes to management of land. In some way or another, the four land administration functions will come in handy.

It is up to the different country to implement these functions into their way of managing land, based on cultural matters and level of economic development.

2.3 Land Registration

Land registration refers to registration of property rights in land, and its goal is to secure property transactions and protect the owner from intrusion from third parties (Bruce 1998: 4). Through registration one can be able to document certain interests in the land, such as information about the location, size, and the nature of rights affecting it. The registration system will also contain names of the individuals that has a relation to these interests (Dale & McLaughlin 2000: 36).

The advantage of land registration is that through this function, one will be able to prove whether a document is forged or not, and to assure a buyer that the seller is the real owner. Land registration can be classified into three types of systems: private conveyancing, registration of deeds and registration of title. Private arrangements handle land transactions under the private conveyancing system. Title deeds are the contracts transferring ownership of land, and are registered under deed registration. Deed registration has three basic elements, first is the logging of the time of entry of a property document, second the indexing of the instrument and lastly the archiving of the document or a copy (Dale & McLaughlin 2000: 36).

The deed registration system are based on three core principles although there are many types of registration, these are the most important:

1. *Security- registration of a document in a public office provides some measures of security against loss, destruction or fraud.*
2. *Evidence- registered documents can be used as evidence in support of a claim to a property interest (although they cannot provide an assurance of title)*
3. *Notice and priority- registration of a document gives public notice that a property transaction has occurred and, with exceptions, the time of registration provides a priority claim. (Dale & McLaughlin 2000: 37).*

Title registration also known as the Torrens system, was designed to overcome defects of deeds registration and to simplify the process of executing property transactions. Under this form for registration system, each parcel can be registered separately and voluntarily at the expense and initiative of the owner.

Parcels can also be registered by being surveyed at the same time, being mandatory and without charge to the owner. The system describes the current property ownership and other significant information that comes with the ownership rights. The Torrens system, which was first presented in Australia by Sir Robert Torrens, is based on three well-known principles:

1. *The mirror principle- the register reflects accurately and completely the current state of title; hence there is no need to look elsewhere for proof of title.*
2. *The curtain principle- the register is the sole source of title information. In effect a curtain is drawn blocking out all former transactions; there is no need to go beyond the current record to review historical documentation.*
3. *The insurance principle- the state is responsible for the veracity of the register and for providing compensation in the case of errors or omissions, thus providing financial security for the owners (Dale & McLaughlin 2000: 38).*

The land registration system aims to “*provide order and stability in society by creating security for landowners, their partners, national and international investors and moneylenders*” (Dale et al 2005: 18). In order to operate the system it is important to the one concerned is free from any conflict of interest. Besides protection the interests of individual landowners, the land registration system support economic development also through national land policy and mechanisms.

The land registration system involves a survey of the parcels. In case of disputes it is important to have records of the boundaries and locations. This can be done through a cadastral survey, which produces a cadastre or cadastral map with information on the parcels and their owners. Information such as size, location of all land parcels and text records that describe the attributes of the land can be found in a cadastre. The cadastre can also be used as the basis for land tax (Bruce 1998: 5).

Another important factor of land registration is a country's ability to produce capital. Hernando de Soto (2000) has claimed that the biggest problem that deprive large parts of the world to serve on capitalism like the western countries are their lack of ability to produce capital. He describes capital as the power to increase productivity and thereby create wealth. Capital is the foundation for progression, which poor countries fail to produce - no matter how big the commitment is in other activities that characterize a capitalist economy. de Soto (2000: 5) claims that many of the poor countries has the values in form of land and property - the key to achieving capitalism, but unfortunately held in inactive form:

“ (...) houses built on land whose ownership rights are not adequately recorded, unincorporated business with undefined liability, industries located where financiers and investors cannot see them. Because the rights to these possessions are not adequately documented, these assets cannot readily be turned into capital, cannot be traded outside of narrow local circles where people know and trust each other, cannot be used as collateral for a loan and cannot be used as share against an investment”.

There are many rights and assets related to land and property that are not adequately documented, and leads to the consequence that these values are not an active part of the capitalist system.

It is therefore necessary to document and register land and property properly in a land system. A country that has achieved this has visible evidence and information on land tenure structure, and the assets can be included in the economy. de Soto (2000: 6) puts it like this:

“Thanks to this representational process, assets can lead an invisible, parallel life along-side their material existence. They can be used as a collateral for credit. The single most important source of funds for new businesses in the United States is mortgage on the entrepreneur’s house. These assets can also provide a link to the owner’s credit history, an accountable address for the collection of debts and taxes, the basis for creation of reliable and universal public utilities, and a foundation for the creation of securities (like mortgage-backed bonds) that can then be rediscounted and sold in secondary market” (cited after Hegstad 2007: 226).

Land registration provides the opportunity to generate capital for further investment and production by obtaining an overview of assets related to land and property. Third world countries lack the types of mechanisms, which makes such processes possible. Without these types of representation processes are the assets in land and property in a sense *“dead capital”*. de Soto has stated that assets in land and property is by far the largest potential source of capital for development of poor countries (Hegstad 2007: 226-227).

2.4 Land Tenure

“Land tenure is a legal term that means the right to hold land rather than the simple fact of holding land” (Bruce 1998: 1).

Land tenure is defined by a broad set of rules, which are defined through laws concerning property and others determined by custom. There are two forms of tenure that are quite common: freehold and leasehold. Freehold describes the owners right to do anything they want to do with the land. This form for tenure is not absolute as the right to a land can be acquired for public interest by the State in a country to construct new roads or buildings as an example. Freehold is the highest form of tenure that a citizen can hold, and can be held for an unlimited period.

Leasehold can be described as when a leasehold owner has obtained most of the rights in the land for a set of period of time usually for a long term (99 years). The title will eventually return to the freehold owner after the leasehold period has run out.

There are some countries that operate with the same form for tenure, but others chose to use rental agreements to control short-term use of the land (Dale et al. 2005: 31). Another form for tenure is mortgage. A mortgage is a contract that commits land as security for a loan. Usually, a land remains with the mortgager until the person has failed in repaying the debt. As soon as the mortgage is made the lender has the opportunity to take possession of the land, and hold it until the debt is paid. This is called possessory mortgage. Some may not have any interest in a loan secured by a possessory mortgage, because the borrower can make income through the land given as security (Bruce 1998: 4).

Tenure does not only cover the right to hold land, but also the right to use land subject to certain restrictions or obligations. It can be a situation where a person is renting through formal legal agreements. Another situation can be where land is sold with certain rights being retained by the seller. Looking at another important part of tenure is the right to use land over the right to ownership. This is the situation for many poor people, and brings us back to the concept of informal settlements. Drawing a distinction between ownership rights and use rights, and the connection to informal settlements will be discussed further on in the thesis.

3 The Republic of the Philippines

3.1 Introduction

This chapter will give a general overview of the Philippines and provide important knowledge about the country and its background. In the following chapters you will be able to read about the history, politics, demography, geography and other facts on the Philippines. I will later focus on the province of Quezon City and then the slum areas that I have based my research on.

Having a chapter like this will give a better understanding of the historical development in the Philippines while covering basic topics the reader need to know. I consider this part necessary for when I later on in my thesis set all the attention on land and informal settlement issues only.

3.2 Background information

3.2.1 Location

The Philippines, also called the Republic of the Philippines is an island located in the Southeast Asia in the Western Pacific Ocean. It consists of 7107 islands that are categorized under three main geographical divisions; Luzon, Visayas and Mindanao. The capital of



Figure 3- Location of the Philippines. Source: Wikipedia (2015)

the Philippines is Manila while Quezon City is the largest city in the country, both a part of Metro Manila. The Philippines is a country that is prone to earthquakes and typhoons due to its location on the Pacific Ring of fire and being so close to the equator.

On the other hand, its location provides it with important natural resources and some of the world's greatest biodiversity. The Philippines is considered the world's 64th largest country with its approximately 300,000 square kilometers of area (Wikipedia2015).

3.2.2 History

The Philippines has an interesting and eventful history with various events that are worth concentrating on. The country's historical development dating back to 900 AD will be very difficult to cover, as it will be too extensive. I will therefore focus on the biggest highlights of the country's history, which is the Spanish colonization and American period. I will of course include the era when the Philippines were granted independence from the Americans on July 4th 1946.

Spanish colonization

The Portuguese explorer Ferdinand Magellan arrived in the Philippines in 1521, and claimed the islands for Spain.

The colonization started first when Miguel López de Legazpi, a Spanish explorer, arrived from Mexico in 1565 and formed his first Hispanic settlements in the city of Cebu. Legazpi who was the first Governor- General of the Philippines, had influenced many small independent communities that previously had known no central rule with Spanish leadership. In 1571, Legazpi defeated the local Muslim ruler of Manila, claiming the city and establishing it as the capital of the Spanish East Indies. Manila became the center of different Spanish activities in the islands including civil, military, religious and commercial activity.

The Philippines was ruled as a territory of the Viceroyalty of New Spain (Mexico) from 1565 to 1821, and later administered directly from Madrid after the Mexican War of Independence. Between the 16th and 19th centuries the Manila galleons, which were Spanish trading ships, travelled once or twice a year across the Pacific Ocean from the port of Acapulco in New Spain (known today as Mexico) to Manila in the Spanish East Indies (known today as the Philippines). The trade introduced new food products from Mexico and Peru, such as corn, tomatoes, chili peppers, potatoes, chocolate and pineapples (Wikipedia2015a).

The local population in the Philippines was also introduced to a new religion under the Spanish rule; the Roman Catholicism. This was one of three major goals for occupying the Philippine Islands besides introducing it to the spice trade dominated by Portugal, using its geographical location to trade with China and Japan and to spread Catholicism to those advanced civilizations.

The Spanish created new towns, built hospitals and churches inspired by the Earthquake Baroque architectural style, founded schools as well a university.



Photo 2- Marcelo H. del Pilar, José Rizal and Mariano Ponce. Source: Wikipedia (2015)

In 1863 a Spanish decree introduced free public schooling in Spanish, but the project was mainly achieved during the American period. This resulted in the Philippine population increasing drastically.

The Spanish fought against several indigenous revolts during their rule and external colonial changes against the Chinese and Japanese pirates, the Dutch, the English and Portuguese. The Spanish maintained their position, but in 1762-1764, the British forces occupied the city of Manila in an extension of the fighting of the Seven Years' War. In the late 1800, three priests were executed after being accused of sedition by colonial authorities. This caused strong reactions from the population, and inspired a propaganda movement in Spain, organized by Marcelo H. del Pilar, José Rizal, and Mariano Ponce.

Through their movement they wanted to raise awareness for political reforms in the Philippines. Their attempt at creating reforms was met with resistance, which led Andres Bonifacio, a Filipino nationalist and revolutionary leader, in establishing a secret society called "*Katipunan*" in 1892. The society's primary goal was to gain independence from Spain through revolution (Wikipedia2015b). José Rizal was later executed in 1896 on charges of rebellion and his association with members of the "*Katipunan*" society. The same year, Bonifacio and his secret society had started the Philippine Revolution. Bonifacio eventually lost his position as leader of the revolution, and was replaced by Emilio Aguinaldo.

In 1898, Cuba experienced the Spanish- American war that ultimately reached the Philippines. On June 12, 1898, Philippines declared its independence from Spain in Kawit, Cavite with Aguinaldo as leader (Wikipedia2015a). The following year, on January 23, the first Philippine Republic was established with the proclamation of the Malolos Constitution in Malolos, Bulacan,

American period

As a result of the Spanish- American war, the Americans were granted the islands by Spain. In return the Hispanics received an amount of 20 million dollars as a condition of the 1898 Treaty of Paris.

When the Americans arrived to the Philippines, they made it clear that they would not recognize the First Philippine Republic. This led to a war between the Philippines and USA where the First Republic was defeated. The islands were since then ruled under an Insular Government. In 1935, Manuel L. Quezon became the second president in the Philippines during the time the country was granted Commonwealth status.

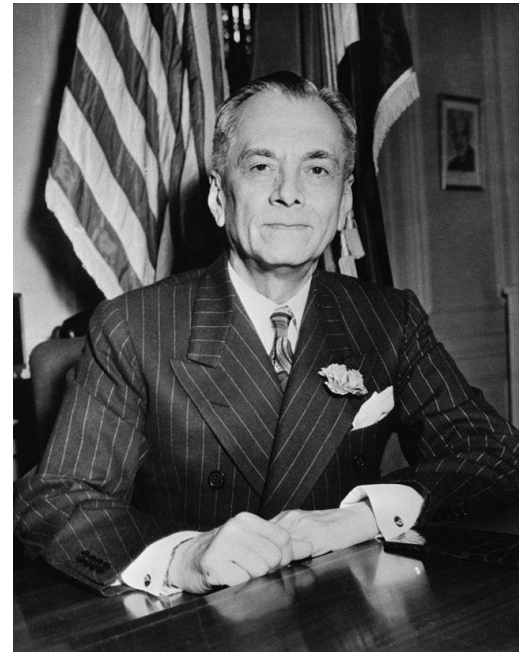


Photo 3- Manuel L. Quezon. Source: Wikipedia (2015)

During his presidency, Quezon established and implemented the Rice Share Tenancy Act of 1933. The purpose with this act was to secure the land reform in the Philippines, and to regulate the share-tenancy contracts by establishing minimum standards. It provided, amongst others, better relationships between landlord-tenant and a 50-50 sharing of the crop. On the other hand, there was no petition presented for this campaign due to a major flaw of this law (Wikipedia2015d).

Quezon also introduced a national language as well as women's suffrage. Over the next decade, the Philippines planned for independence, but this was unfortunately interrupted when the Japanese Empire invaded the Philippines during the World War II. Another factor that affected this plan was the establishment of the Second Philippine Republic of José P. Laurel as a collaborator state. The Japanese was eventually defeated in 1945, and the same year the island was declared as one of the founding members of the United Nations.

The following year would remark a year to remember for the Filipinos, as they were recognized by the USA as independent on July 4th 1946, under the presidency of Manuel Roxas. Today, the Filipinos celebrate their independence on June 12th, the date of Aguinaldo's declaration (Wikipedia2015a).

Current history

The republic of the Philippines has been through 14 different presidents, and during the 2010 national elections, Benigno Aquino III won entering the position as the 15th president of the Philippines. His Excellency is the current Filipino president, and the son of Corazon Aquino, who served as the 11th president.

3.2.3 Politics

In the Philippines the government is arranged with a democratic influence in the form of a constitutional republic with a presidential system. The government is arranged as a unitary state, except for the Autonomous Region in Muslim Mindanao, which has its own government and characterize itself as a separate territory. Since the Ramos administration there have been several attempts in changing the government to a federal, unicameral or parliamentary government.

The President of the Philippines has more than one role; he acts as the head of state, head of government as well as the commander-in-chief of the armed forces. The selection is done by popular vote for a single six-year term, during which he or she appoints and presides over the cabinet. The congress of the Philippines is based on a bicameral legislature with the Senate serving as the upper house, and the House of Representatives serving as the lower house. The members in the Senate are elected at-large to a six-year term while the House of Representatives are elected to a three-year term, through a party-list system with no more than 20% elected, and the rest from legislative districts.

The Supreme Court holds the judicial power, as it is the highest court in the Philippines. It is composed of 15 associate justices with the Chief Justice as its presiding officer. The members are nominated by the Judicial and Bar Council, and later appointed by the President (Wikipedia2015a).

3.2.4 Geography

The Philippines is an archipelago consisting of 7107 islands with a total land area of approximately 300,000 square kilometers. It is considered as the country with the 5th longest coastline in the world because of its 36,289 kilometers of coastline.

As mentioned earlier in this chapter, the archipelago is divided into three groups consisting of Luzon, Visayas and Mindanao. The islands are further divided into 17 regions, 81 provinces, 144 cities, 1491 municipalities and 42,028 barangays. Luzon is the largest island with about 105,000 square kilometers followed by Mindanao with 95 000 square kilometers. Luzon, Visayas and Mindanao represent the principal regions of the archipelago, and are identified on the Philippine flag by three stars.



Map 1- Map of the Philippines with regions.
Source: Wikipedia (2015)

The Philippines is a part of the Pacific Ring of Fire, which is described as an area where a large number of earthquakes and volcanic eruptions occur. Mount Apo in the island of Mindanao is the highest mountain in the Philippines with its 2954 meters above sea level. Pasig River connects the largest lake in the Philippines, Laguna de Bay, to Manila bay, a shore in the capital of Manila. Other important bays in the Philippines are Subic Bay, the Davao Gulf and the Moro Gulf. Cagayan River in Northern Luzon is the longest river.

Since the Philippines is located at the Pacific Ring of Fire, it has experienced several earthquakes and volcanic activity through the years. It is said that around 20 earthquakes are registered daily, but they are too weak to be felt. In 1990, the country faced a major earthquake in the islands of Luzon. Mayon Volcano, Mount Pinatubo and Taal Volcano are some of the many active volcanoes in the Philippines. In 1991, the eruption of Mount Pinatubo produced the second largest terrestrial eruption of the 20th century (Wikipedia2015a). The country is also prone to typhoons because of its location along the Pacific region near the Equator. It is usually struck by 15-20 typhoons every year where floods and disasters are common, mostly in crowded cities like Manila.

The Philippines is also known for its beautiful beaches, mountains, rainforests and islands. It offers a wide range of beaches and islands around its archipelago with Boracay as one of the most popular and visited beaches.

3.2.5 Economy

The Philippine economy is the 39th largest in the world, and one of the emerging markets according to 2013 World Bank Statistics.

The island is considered as a newly industrialized country (NIC). The economy has transitioned from being based on agriculture to being more based on services and manufacturing of electronics and other high-tech components. The Philippines is a major trading partner with countries such as the United States, Japan, China, Singapore, South Korea, Hong Kong, Taiwan, Thailand, the Netherlands and Germany.

The country exports goods such as electronic products, transport equipment, garments, copper products, petroleum products, coconut oil and fruits. An important factor and contributor to the Philippine economy are the Overseas Filipino Workers, also known as the OFWs. Almost 10.5 million Filipinos worked or resided abroad according to The Commission on Filipinos Overseas (numbers from 2012). The Philippines has one of the fastest growing economies in Asia, and has been named as one of “*Tiger Cub Economies*” alongside Indonesia and Thailand (Wikipedia2015e).

GDP	Last	Reference	Previous	Range
GDP	272 USD Billion	Dec/13	250	4.4 : 272
GDP Growth Rate	2.5 percent	Nov/14	0.7	-2.4 : 3.3
GDP Annual Growth Rate	6.9 percent	Nov/14	5.3	0.5 : 8.9
GDP Constant Prices	1843175 PHP Million	Nov/14	1797421	825496 : 1843175
Gross National Product	2196611 PHP Million	Nov/14	2146980	944320 : 2196611
GDP per capita	1581 USD	Dec/13	1502	696 : 1581
Gross Fixed Capital Formation	422085 PHP Million	Nov/14	376733	163358 : 422085
GDP per capita PPP	6325 USD	Dec/13	6005	3804 : 6325

Figure 4- GDP- Philippines. Source: Wikipedia (2015)

3.2.6 Demography

The Philippines has one of the highest population growth rates in Asia of 2,04%. The population was estimated to be 92,337,852 in the 2010 census, and is currently estimated to be around 101,395,300. A majority of the Filipino population is made up of various Austronesian ethnic groups. There is also a minority group, the Agtas, and are described as indigenous dark-skinned people. The indigenous people have a close connection to the indigenous Malaysians and Indonesians.

Before the Americans and Europeans came to the Philippines there were already other ethnic groups present, such as the Japanese, Han Chinese, Indian people, etc. These groups form a large part of the population.

The language that is spoken in the Philippines, and that is most common is Tagalog. Besides the main language, there are different dialects within the different provinces and geographical divisions, totaling between 120 to 170 dialects.

English is considered as the official and second language, and is used for purposes of communication and instruction. Spanish and Arabic are also languages spoken in some parts of the country. The majority of the Filipinos practice Christianity with Roman Catholicism as the main religion. Islam, Buddhism, Hinduism and Atheism are also other religions in the Philippines (Wikipedia2015f).

3.2.7 Agriculture

As mentioned earlier, the Philippine economy is strengthened through agriculture, amongst others, where 47% of the population is employed, according to the 2013 World Bank statistics. Based on the statistics, agriculture accounts for 12% of Filipino GDP. The agriculture in the Philippines has different activities such as small subsistence farming and fishing to large commercial ventures with significant export focus (Wikipedia2015e). As of 2009, the Philippines produced 19,500,000 tons of coconuts, making them the world's largest producer. The coconut production is mainly concentrated in medium-sized farms. They are also the largest producer of pineapples with a production of 2198 thousand metric tons in 2009.

The rice production in the Philippines is another asset, and plays a significant role to the food supply in the country and economy.

It accounts for 2,8% of global rice production making the country the 8th largest rice producer in the world. Rice is an important food crop, and is produced considerably in Luzon, the Western Visayas, Southern Mindanao and Central Mindanao. Besides being one of the largest rice producers in the world, the Philippines is also considered one of the largest producers of sugar. Negros Islands stands for half of the country's total production (51%) besides the 17 provinces that has grown sugarcane crops. It is followed by Mindanao, which accounts for 20%, Luzon 17%, Panay islands 7% and Eastern Visayas 4% (Wikipedia2015e).

3.3 Metro Manila

3.3.1 History

The current administrative system for the capital of Manila was established on November 7th 1975 through Presidential Decree No. 884. The establishment consisted of four cities including the city of Manila, Quezon City, Caloocan and Pasay. Besides the cities there were also 13 municipalities established.

The municipalities exist today as their own independent chartered city, except for one municipality, which remains the same. That is the municipality of Pateros. The first governor of Metro Manila was Imelda Marcos who was appointed by her husband, Ferdinand Marcos. In 1939, President Quezon established Quezon City, and aimed to replace the city of Manila as the capital. Manila was removed as the capital from 1948-1976, but was reestablished as the national capital through Presidential Decree No. 940. The Presidential Decree No. 940 states that Manila has always been the premier city of the Philippines to all Filipinos and the rest of the world. The city acts as the center of trade, commerce, education and culture (Wikipedia2015g).

3.3.2 Geography

Manila is located at the southwestern part of Luzon. The region is divided by Pasig River in the west and Marikina Valley in the east. It is divided into 4 geographical zones consisting of the Coastal Margin, Guadalupe Plateau, Marikina Valley and the Laguna Lowlands. Resources such as offshore fisheries and fishpond development are some of the resources produced at the Coastal Margin that faces the Manila Bay.

The Guadalupe Plateau serves as an important zone when it comes to urban development activities. This is because of its solid geographical foundations and its existing infrastructure relations with the rest of Luzon. The zone of Marikina Valley offers fertile land that is suitable for crop cultivation, while water for industrial uses and discharge is provided through the Marikina River. Besides being suitable for agriculture and aquaculture, the Laguna Lowlands has the resources for industrial activity (Wikipedia2015g).

Manila Bay is located around the capital city, and is a natural harbor that serves the Port of Manila. It is the gateway for socio-economic development as it facilitates commerce and trade between the Philippines and its neighboring countries. Manila Bay can be found in the western part of Luzon and is bounded by Cavite and Metro Manila on the east, Bulacan and Pampanga on the north, and Bataan on the west and northwest.

3.3.3 Demography

Metro Manila has a population consisting of approximately 12 million people as of 2014, while the city of Manila itself has a population estimated at 1.71 million. It is said to be the world's most densely populated city with 66,140 people per square kilometer, or 171,300 people per square mile. Tondo has become the most populous district with 38% of the total population, followed by Sampaloc with 20,7% and Santa Ana with 10,7%.

Binondo is the world's oldest Chinatown, and is located in the city of Manila. It was established in 1594, and goes back to the history where the Spanish allowed indigenous Filipino wives and mixed-race descendants to live. When the Spanish arrived to the little town it was already a hub of Chinese commerce. Manila is one of the most ethnically diverse cities in the world, and has a large population of Americans, Spaniards, and Koreans etc. (WPR2015).

3.4 Research area

3.4.1 Quezon City

Quezon city is the largest and most populated city in the Philippines with approximately 3 million people. It was named after the second president of the Philippines, Manuel L. Quezon, and is one of the cities that make up Metro Manila. As a result of its status as the national capital for 28 years, it is the site of many government offices, such as the House of Representatives.

The University of the Philippines Diliman is the national university, and is located in QC, including Ateneo de Manila University, which is a private, Roman Catholic university.

Being the most populated city in the country, I decided to do further research on the situation of informal settlements in QC. In Metro Manila, more than one-third of all people live in informal settlements or slum areas. 1.4 million households, which is more than 50% of the population lives on riverbanks, bridges, railroads, cemeteries, garbage dumps and idle lands (USAID2011: 5). Finding areas in Quezon City was therefore not a problem.

3.4.2 Santa Cruz

In the northern part of Manila the neighborhood Santa Cruz is situated. It is located at the right bank of Pasig River in between the districts of Tondo, Quiapo, Sampaloc, Caloocan City and Quezon City. Santa Cruz is located in the 3rd congressional district of Manila. During the Spanish expedition in 1581, Santa Cruz was claimed and awarded to the Society of Jesus, a male religious group of the Catholic Church. The first Roman Catholic Church was built in the district by the Jesuits, and is now the present Santa Cruz Parish. The district is also the home of Manila's oldest cemeteries. The main thoroughfare in the district is Rizal Avenue, and can be accessed by other districts such as Recto Avenue, Tayuman Street and Blumentritt road. The Manila LRT Line 1 runs through the area and has many stops within the district (Wikipedia2015i).

For the second research area I have chosen to focus on informal settlements and tenure structure in the district of Recto Avenue.

4 Land Administration System in the Philippines

4.1 Introduction

Under this chapter, I will present the findings I have obtained through research and interviews on the land use, the land tenure structures and the land registration system in the Philippines. The land registration system in the Philippines today is a well-functioning system with input from the Spanish colonization, the American period and the Australian land registration system. On the other hand, the land registration system has its weaknesses and strengths giving the urban poor part of the country a challenge in obtaining rights to land.

In the Philippines, land administration is classified as the processes done through surveying, mapping, registration, cadastral surveying and more, while land management focuses on the disposition of land in the country. This includes allocation of rights, tenure security, managing of land and relocation of informal settlers staying in areas owned by the state. I will therefore use “*land administration*” when I refer to the administrative system in the Philippines, and “*land management*” when it comes to controlling of land.

4.2 Land Administration System

4.2.1 Land Registration System – Torrens System

The Philippine land registration system is based on the Torrens system invented by the British pioneer Sir Robert Torrens. Born and raised in Ireland, Torrens left for South Australia in 1840. 17 years after arriving to South Australia, Sir Robert Torrens introduced the Real Property Act of 1858 for the House of Assembly for the City of Adelaide. This act enabled people to obtain rights to land and to the transfer real property. The act was formally known as the Torrens system. Instead of transferring property by deeds, the system enabled this by registration of title. This form of transferring property rights has been adopted throughout the world including the Philippines.

The Philippine Commission ratified the Land Registration Law, also known as Act 496, on November 6th 1902. Through this Act the country was able to create the Court of Land Registration (CLR), and the office of the Registry of Deeds (RD). The Torrens system was also represented by this time; a registration system where real estate ownership would be judicially confirmed, and recorded in the government archives. The system was not up and running until February 1st 1903. The Court of Land Registration has been reformulated with different titles and tasks through various acts. The General Land Registration Office (GLRO) was established through the Act No. 2374, and was given over to the Court of First Instance.

The Land Registration Commission (LRC) later replaced the GLRO on June 17th 1954, under the Republic Act No. 1151. The LRC took over the functions of the GLRO, and was in direct control of the Registry of Deeds (RD). It was later established registry of deeds in every city and province of the country as well a branch of registry. The present and official land registration agency was founded on September 30th 1988 in a Presidential Memorandum Circular. The agency is formally known as the Land Registration Authority, and they stand for registration of land titles and property rights through the Registry of Deeds (Handouts LRA 2015).

Land Registration Process

The land registration process in the Philippines is based on the Presidential Decree no. 1529 (PD 1529), also known as the Property Registration Decree. The act was approved on June 11th 1978, and is related to other laws concerning property registration such as:

- Commonwealth Act 141 – Public Land Act
- Act 496 – Land Registration Act
- Act 2259 – Cadastral Act

The land titling process is done under the Land Registration Authority, and through the Registry of Deeds (RD). There are two forms of titling systems; positive and negative system, where the Philippines has a positive system. This means that once you have the title it is absolute, and can only be changed through court.

Within the RD, the application for title is strictly conducted on a “*first in registration, first in right*” basis. This means, as the expression says, that the first person that gets the land registered is the one that gets the legal right to own



Photo 4- Registry of Deeds Office (LRA), Quezon City

it. In some situations there will be more than one claimant for the same property, and in this case the other claimant cannot stop the registration process started by the first claimant. The first claimant must have successfully passed through the register of deeds, and given an EPEB number that confirms that required document has been submitted and payment of the right fees. Through this process, the LRA and RD will gradually avoid conflicts in land ownership.

If the first claimant is unable to follow these requirements, and the application is denied and considered not registered, then the other claimant can file for land title. This can also happen through a temporary restraining order issued by the court. However, if an application for registration is denied the applicant can approach the LRA head office, and file an appeal called “*consulta*”. A consulta is the quasi-judicial power of the LRA to reverse or affirm the RD’s decision. This brings us to the fact that the chiefs appointed to the offices of Register of Deeds must have a judicial background since the position requires thorough knowledge of the law. The LRA issue land titles whenever a property is being sold, consolidation resulting from a mortgage foreclosure and through involuntary transactions such as court orders.

The time used in the process getting a title may vary, and it all depends on the Registry of Deeds and their efficiency in handling land title cases.

The process is represented in PD 1529, but the LRA has formed some simple steps landowners must follow when requesting land title:

1. *Submit the conveyance instrument and all supporting documents to the entry clerk at the RD. The applicant will receive an electronic primary entry book (EPEB) number to confirm receipt of the conveyance instrument and supporting documents.*
2. *Pay the corresponding fees.*
3. *The documents will be turned over to the examiner who will check if all the requirements have been met, after which the information would be encoded.*
4. *If the requirements are complete, the RD approves the applicant.*
5. *A new land title will finally be printed and issued to the applicant.*

(LRA by Administrator Eulalio Diaz2013)

The Register of Deeds has gone from paperwork to more modernized way of handling land titles. The Land Registration Authority has introduced the Land Titling Computerization Program (LTCP); a project that aims to eliminate fake land titles and speed up land and property transactions. The project also aims to interconnect all the RD's to the central LRA office making it much easier to process land title transactions. For a landowner who has one or more properties spread across the country it only takes a visit to the nearest RD office to acquire a certified true copy (CTC) of their land title. This saves both time and money, and the landowner gets their property documented quickly. The processing time to get a CTC vary with the number of transactions, and some cities may take more time than others, but today it usually only take three days to get a CTC issued.

In the Philippines there are two ways to own land; through judicial titling (decree) and through administrative titling (done by different government agencies). This way of titling also includes titling for unregistered lands. Through judicial titling one goes to the court where the applicant files the application for land registration in court. The claimant must be able to prove that he or she is in possession of the respective land, along with other requirements by the court.

When the court has processed the application they will get in contact with the LRA ordering them to issue a decree of registration and the corresponding original certificate of title (OCT) that will be registered with the RD.

The second way of obtaining property rights is through administrative titling which refers to titling through the Department of Environment and Natural Resources (DENR) and other land agencies that has the authority to issue public land title. Through DENR the claimant can apply for patent, homestead or sales. The Department of Agrarian Reform (DAR) issues Certificate of Land Ownership Award (CLOA) while the National Commission of Indigenous Peoples (NCIP) issues Certificate of Ancestral Domains Title (CADT).

The applicant must fill in an application form for land registration that must contain information such as citizenship, civil status, full names and addresses of all occupants of the land and those of the adjoining owners. A “title” is not synonymous with Torrens Certificate of Title (TCT), but is a general term describing evidence or proof of ownership. This can be a document such as tax declaration, deed of sale and Torrens Certificate of Title (Attachment 3). The TCT is the best and most reliable evidence of ownership of title, because it is “*imprescriptible and indefeasible*”. A person is considered to have title to a property when he or she can exercise or has the bundle of rights over it.

Section 14. Who may apply. The following persons may file in the proper Court of First Instance an application for registration of title to land, whether personally or through their duly authorized representatives:

(1) Those who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of alienable and disposable lands of the public domain under a bona fide claim of ownership since June 12, 1945, or earlier.

(2) Those who have acquired ownership of private lands by prescription under the provision of existing laws.

(3) Those who have acquired ownership of private lands or abandoned river beds by right of accession or accretion under the existing laws.

(4) Those who have acquired ownership of land in any other manner provided for by law.

(Presidential Decree 1529)

4.2.2 Cadastre

The Land Management Bureau manages the cadastral system, and they are operating with a project called “*The Cadastral Survey Program*”. The cadastral system started in 1907, while this program started in 1913 under the Cadastral Act no. 2259, but has not been given enough resources for it to be completed. Due to lack of financial resources and manpower it was discovered in 2012 that not a single municipality had completed its cadastral survey.

The program aims to complete the cadastral survey of the country by 2015, and has been given an estimated amount of PHP 4993 billion pesos by the government under the Aquino administration (Land Management Bureau 2015).

The National Cadastral Program aims to (Land Management Bureau 2015):

1. *Provide a comprehensive and accurate data on land resources of the country;*
2. *Facilitate land disposition;*
3. *Accelerate the settlement of claims and adjudication of land cases and conflicts.*
4. *Delineate the boundaries of all political subdivisions of the country as basis of accurate Internal Revenue Allotment (IRA).*
5. *Provide economic data for land-based development studies of the country;*
6. *Provide map-based data for zoning and land use programming*

In terms of percentage of completion, as of October 2014, around 65% of the cadastral system is completed while 31% is on going and 4% is remaining (numbers given from interview with UP). These numbers include old cadastral surveys that still have not been digitalized, meaning there is a possibility that the database or information has disappeared. These numbers are “*ideal*”, and in reality some of the data and information could have been lost due to the fact that some of the information were paper based. The DENR still operate with these numbers in order to complete the cadastre system of the Philippines within 2015-2016, before President Aquino’s term.

The advantages of the cadastre system in the Philippines is that it first contains information about the total land area of the country, which is estimated to be 30 million hectares based on the land classification. Second, one will know the political boundaries of the different units (province, municipalities, cities, barangays, etc.) and third, the total survey of all parcels of land in the country. This describes whether there are lands that are titled or untitled within a municipality. The estimated land area of 30 million hectares consists of only 49% alienable disposable land, while the rest cannot be subject to land registration (forest land, mineral land and national parks).

Not all of the 49% alienable disposable land can be disposed because the number contains open spaces like road lands, rivers, etc. Today, approximately 500 000 hectares are left of the alienable disposable land that is untitled out of almost 14 million alienable disposable land allowed.

4.3 Land Agencies

4.3.1 Land Registration Authority

The Land Registration Authority is the judicial mapping authority in the Philippines, and their purpose is to

implement and protect the Torrens system of land titling and registration. Their main task is to issue decrees of registration and certificates of titles, as well as register documents, patents and other land transactions for the benefit of landowners. In land registration proceedings, the LRA issues decrees after the court has reached their

final judgment in a case. The registration and issuance of the certificate of title is later issued by the Registries of Deeds.



Photo 5- Land Registration Authority in Quezon City, Manila

The Registries of Deeds is situated under the Land Registration Authority, and holds information about title to lands as well as authority to issue certified true copies of titles. In the Philippines there are at least one Registry of Deeds in each province, and one for each city (Land Registration Authority 2015).

4.3.2 Land Management Bureau

The Land Management Bureau is an agency under the Department of Environmental and Natural Resources (DENR), and is responsible for the public lands of the Philippines, such as the Alienable and Disposable lands. They perform tasks like administering, surveying and disposing these lands as well as other government lands that are not placed under jurisdiction of other government agencies. They also issue titles such as homestead, patent or sales.



Photo 6- Meeting with the OIC of the Land Management Bureau, Manila

4.3.3 Department of Environmental and Natural Resources (DENR)

The Department of Environmental and Natural Resources is the “*primary government agency with the responsible of conservation, management, development and proper use of the country’s environment and natural resources*” (DENR2015). They protect and manage the environmental part of the Philippine islands through policies, guidelines, rules and regulations. This includes the disposition and use of the forests, lands, minerals, wildlife and other natural resources.

Under the DENR is the Center for Land Administration and Management – Philippines (CLAMP); an institutional arrangement that integrates all new land and management innovations an technologies as well the development of these.

The system is supposed to manage land records effectively, to deliver efficient and transparent land transactions and information to the public through the Land Management Bureau (LMB) and the Regional Land Management Services (LMS) of the DENR. It aims for effective land management through computerization of land records.

4.4 Land Classification

4.4.1 Regalian Doctrine

The Philippine land system has until today some influence from the Spanish colonization with the Regalian Doctrine that states that all lands of public domain belong to the State. Before the Spanish colony there was no form of ownership. In the 1987 Constitution of the Republic of the Philippines it states that:

“All lands of public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, fisheries, forests or timber, wildlife, flora and fauna, and other natural resources are owned by the State” (Sec. 2 Art. XII).

The State has the full control and supervision of the natural resources, and they are the only one with declared rights to ownership of these lands.

4.4.1 Present System of Land Classification

In the Philippines there are specifically two classifications of lands as to ownership; private lands and public lands. Private lands are referred to lands that are titled while public lands are those which are not titled as well as lands of the public domain or outside the commerce of men (roads, rivers, public plaza, etc.). Public lands include:

- Alienable and disposable lands
- Non-alienable and disposable lands

Alienable and disposable lands are lands released for disposition, and can be acquired or issued with title. The alienable lands of the public domain shall be limited to agricultural lands, and can be subjected to disposition.

As mentioned earlier, not all public lands can be subjected to disposition such as roads, rivers, canals, etc. *Non-alienable and disposable lands* refer to lands that belong to the public domain, and cannot be acquired by private hands. These include forestland, mineral land and national parks.

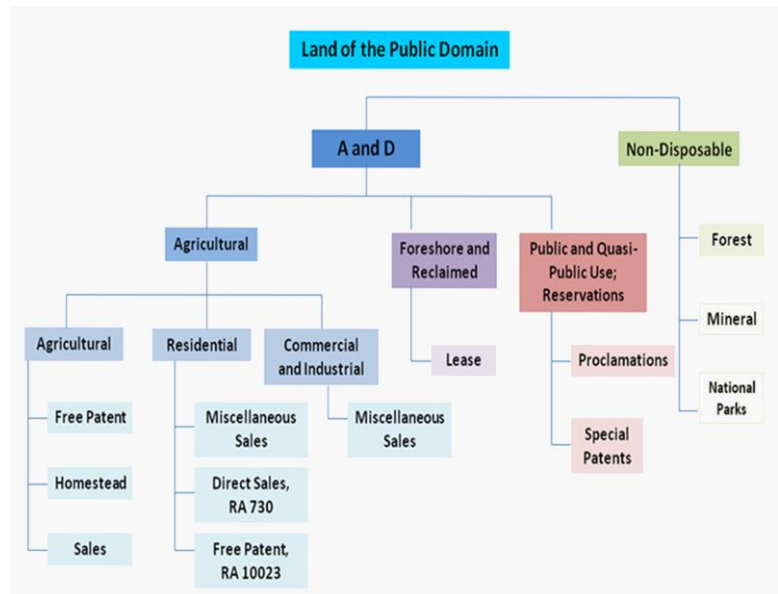


Figure 5- Overview of land classification. Source: LMB (2015)

If there are private corporations or associations that wish to hold alienable lands of the public domain, they can only obtain a temporary right through lease. The contract should also not exceed a period of 25 years, and the land must not exceed 1000 hectares. As for Filipino citizens, they have the right to lease not more than 500 hectares or acquire not more than 12 hectares by purchase, homestead or grant. There are different modes of acquiring public lands provided that it is agricultural land. It is done under the Commonwealth Act 141 also known as Public Land Act (CA 141), and is explained in chapter 4.5 *Modes of Acquiring Public Lands*.

4.5 Modes of Acquiring Public Lands

4.5.1 Free Patent

Free patent is “*the confirmation of imperfect title over alienable and disposable land through administrative procedure*”. Application for free patent can only be acquired by natural-born Filipino citizens, and the applicant must have been in an “*open, continuous, exclusive and notorious possession of alienable and disposable agricultural land for at least 30 years*”. As for residential land the possession of land must have reached a period of 10 years.

By “*imperfect title*” the DENR only *confirms* or *affirms* the title of the applicant, and means that there are no granting of title. An applicant can qualify for free patent if he or she is an owner of not more than 12 hectares of land, and obviously continuously occupied and cultivated the land for a long period of time (at least 30 years).

Some of the requirements to apply for free patent are that the applicant must be a natural-born Filipino. This means that the applicant should have Philippine Citizenship from birth without having to perform any act or perfect their right as a citizen. One can also apply for free patent if the applicant request for citizenship before they reach the age of the majority, and be born before January 17th 1973, of Filipino mothers (Handouts by LMB 2015).

4.5.2 Homestead Patent

Homestead patent is considered “*a land grant given by the state to qualified individuals to encourage agricultural production in alienable and disposable lands that has been released for settlement*”. The agricultural area of the land must have been in an actual, continuous and personal occupancy as a home. The claimant must have resided continuously for *at least one year* in the municipality where the land is located.

As some of the requirements for homestead on entry, occupation, improvement and cultivation, the area should also include cultivation and improving of the land. This means that at least the homesteader must cultivate 1/5 of the land *within 6 months* from the date of approval of the application. The land has an area limit of 12 hectares. The applicant must be a Citizen of the Philippines as well 18 of age or head of the family. Homestead patents are issued by the DENR (Handouts by LMB 2015).

4.5.3 Sales Patent

Sales patent is considered “*a land grant given by the state to qualified individuals in agricultural, residential, commercial and industrial lands*”. A sales patent is granted upon payment of the purchase price after a bidding or appraisal. Town sites are sold through bidding, while residential lands can be sold directly to the actual occupant if the land being sold does not exceed the area limit of 1000 square meters.

This must be done under the Republic Act no. 730 (RA 730), which provides for sale without public auction. To apply for sales patent one must be, as the mentioned requirements above, a Filipino citizen and of legal age (Handouts by LMB 2015).

5 Informal Settlements in the city of Manila

5.1 Introduction

Under this chapter, I will present the findings I have obtained through research and interviews on the tenure structure in the chosen research areas as well as the property rights of the people living in informal settlements. The areas include Quezon City and Santa Cruz, and are just a few of the many areas in the city of Manila that are characterized by slum areas. The lack of secure access to land is closely linked to poverty, and the uncontrolled growth of the population.

The government in the Philippines along with other agencies has provided the urban poor of the population different opportunities in obtaining land and property rights through different projects and programs. Through these projects and programs the tenure structure is registered into the same land registration system in the Philippines – the only difference is that the procedure of getting property rights is more facilitated towards the informal settlers and their living situations. Unfortunately, there are situations where the opportunity of getting property rights is abused by others, affecting those with sincere intentions of changing their ways of living.

5.2 Tenure Structure in Research Areas

5.2.1 Situation in Quezon City

Quezon City is the largest municipal unit in the Philippines, and because of this many people are resident in this area. There are various parts of the city defined by slum areas, and people living in informal settlements on dangerous sites. This may be on dumpsites, along the railroads, under bridges, rivers and creeks and other critical areas.



Photo 7- Informal settlers living along the roads in Quezon City

Many of the informal settlements in QC are situated under conditions like these. Upon my research it was not difficult finding areas with informal settlements. During the observations there were several situations that caught my attention. There were situations such as people living along the most trafficked roads in QC to informal settlements in what was supposed to be a private and “entry-with-ID-only” - subdivisions.

In Quezon City there were many people living along the roads with only some wooden planks and what looked like plastic “curtains” that served as shelter. Some of the informal settlers were families while some were living there on their own. The occupants of the roadside had been occupying the area for several years, some up to ten years. On the little area



Photo 8- Informal settlements in Quezon City

they had acquired as “theirs”, they would sleep, eat, chill out and spend the rest of the day. The informal settlers along the roadside were occupying the land area without any form of land title due to poverty. There were families with small children, and the head of the family would only earn enough to provide his kids with food for the day. Money would be earned through for instance riding a tricycle that was rented for the day or by selling different types of food at the marketplace. His earning was not enough to acquire land title, and getting property rights to the area they were currently occupying.

This was the situation of other informal settlements in Quezon City. There are also informal settlements along the Pasig River and besides creeks. Occupants were living under illegal and insecure terms with the fear of being displaced any time.

5.2.2 Situation in Santa Cruz

The situation in Santa Cruz was somewhat close to the situations observed in Quezon City. Many were living along the roadside, but also along and beside the LRT line, which is the central rail system in the country serving the Metro Manila area. Santa Cruz consisted of several areas where the informal settlers had



Photo 9- Informal settlements in Santa Cruz

created houses consisting of wooden planks, steel walls, hard cardboard walls, carpets and plastic curtains. The established houses were built on top of each other giving the perception that the conditions were insecure in terms of stability and safety. The areas were cramped and the living conditions lacked proper housing, which gave the perfect formulation of insecure tenure.

In Santa Cruz many people live besides the LRT stations, and has created their own housing along the stations. There has also been created small markets that provide them with jobs and somewhat an income for the next week. In some of the informal settlements there would be women and kids taking a bath along the roads with their clothes on, due to the fact that they did not have access to a proper bathroom and water supply.



Photo 10- Showering outside due to no access to bathrooms

However you would see them taking a bath along the road with a smile around their faces. During the visit to the research area there were many situations that captured my eyes.

In the informal settlements in Santa Cruz I would observe a lady sleeping on a plastic table while others were collecting plastic bottles that could be subject to sale. Another observation that caught my eye was the housing situation of a family.

Their house was situated along the road with a refrigerator, freezer, TV, electric fan and other electrical appliances. They would take a shower just a few centimeters from where these things were located with water they collected through a hose, and collected in a large bucket.



Photo 11- Some living situations in Santa Cruz

For a lot of people living under these conditions, this was their life and current situation. The majority of the informal settlers in Santa Cruz had been living on the land area for a long time, just like the ones living in Quezon City; they had been there for almost 10 to 20 years. They were living under conditions that obviously did not secure tenure.



Photo 12- Santa Cruz, Manila

They were in constant fear of being displaced and chased away by the authorities. For some families this had already happened several times, only for them to come back again after some hours or days. The situations in both areas are clearly conditions that need to be upgraded and there should be solutions created as to how this will happen.

During the interviews with the chosen lands agencies it was specifically a word that repeated itself several times; a word that later would operate as a keyword. The word was “*LINA- law*”, and was referred to whenever tenure security for informal settlers was subject of matter. The LINA- law was apparently an important law, and is the reason to why many of those who live in slums still live there until today.

5.3 Republic Act 7279- Urban Development and Housing Act of 1992

5.3.1 LINA- Law

The LINA- law is the nickname that has been given to the Urban Development and Housing Act of 1992 also known as the RA 7279. The LINA- law is a law assigned by the former senator of the Philippines; Senator Joey Lina. Senator Lina stated that every Filipino should have a land of their own. The law operates as a security for the urban poor, and prevents somehow informal settlers from being evicted. If the informal settlers are living on a private or government owned property they cannot be forced to move without compensation. This is something that affects the landowners since paying compensation in order to get their land back from the occupants is an option they do not want to take. The RA 7279 main goal is to mandate local governments to conduct land inventory, register informal settlers and allocate land for secure tenure. Housing developers are also assigned to provide lands or funds for social housing through this law.

(o) "Security of tenure" refers to the degree of protection afforded to qualified Program beneficiaries against infringement or unjust, reasonable and arbitrary eviction or disposition, by virtue of the right of ownership, lease agreement, usufruct and other contractual arrangements” (RA 7279- Sec. 3).

The LINA- law provides informal settlers with tenure security through different housing programs, and one of them are the CMP also known as the *Community Mortgage Program*. The CMP is further explained in chapter 5.4. A disadvantage with the LINA- law is that some informal settlers abuse the law by using it as a “*shield*” from being evicted or displaced by the authorities. The law has resulted in a term that is now commonly known by the government and housing agencies; “*professional squatters*”. This can be read in the following chapter 5.3.2.

5.3.2 “Professional squatters”

(m) "Professional squatters" refers to (...) persons who have previously been awarded home lots or housing units by the Government but who sold, leased or transferred the same to settle illegally in the same place or in another urban area, and non-bona fide occupants and intruders of lands reserved for socialized housing” (RA 7279- Sec. 3).

The term “*professional squatters*” is a common and well-used term in the Philippines today, and describes those who abuse the law and others right to obtain land and property rights. When the informal settlers or urban poor has been given housing, they have their property or house rented/sold to other people while they who has sold their property will go to other sites and start squatting again. By selling or leasing the property the informal settler will earn through this. There are also problems regarding squatting syndicates, which pretend to be a representative for the legal owner of the land, and sell property rights to those who cannot afford buying own land or acquire use rights legally. Through this they will be able to earn money so that they can file a case in court claiming the ownership of the land on the basis of a spurious title (UNHABITAT2011: 67). The problem with “*professional squatters*” is increasing, and the challenge is to find solutions that will prevent them from constantly increasing. The amount of “*professional squatters*” does not decrease because of their mentality. The goal is to diminish the ones doing these kinds of acts, so those with real intentions of improving their lives get that opportunity.

5.4 Property Rights and Tenure Security for Informal Settlers

5.4.1 Introduction

The population of the Philippines has passed 100 million, of which over 24 million live in the urban area of Manila (Demographia2015). The challenge of registering all residents living in the slum areas is difficult, and not least to provide them with proper housing which lead to tenure security. There have been several housing projects, and it has existed for a long time, but the amount of “*professional squatters*” has made it difficult for the projects to succeed. This is a major problem within the country especially when it comes to slum upgrading and providing the urban poor with security of tenure. On the other hand, there has been many successful projects where people has been provided with housing and resettlement.

The Philippines is constantly working to reduce poverty in the country, and assist those living under bad and insecure situations with the opportunity of owning their own land. This is done through different projects, programs and laws, which protect the informal settlers from being evicted as well providing them with security of tenure.

5.4.2 Mortgage Financing- Community Mortgage Program (CMP)

There are different ways for informal settlers to obtain property rights and tenure security, and one solution is through mortgage financing. In the Philippines there is a project called the Community Mortgage Program (CMP). The CMP is a program of the Social Housing Finance Corporation (SHFC) and under the RA 7279, and aims to help homeless citizens to buy and develop land, as well as own lots they occupy or wish to relocate to. The program allows organized communities to borrow as a group, and purchase the land they are occupying. The land purchased will be used as collateral for their loan. They also provide loans for site improvement and house construction. The Community Mortgage Program is an important program, and provides the highest degree of land tenure security among informal settlers in the Philippines today.

There are different requirements that needs to be followed before applying for a CMP loan, and includes that the applicant must fulfill documentary and organizational requirements. The requirements can take several months to a few years to accomplish, and may delay payments to land owners making them to withdraw their offer to sell to the applicant. Through the CMP transfer of title takes place on the same way as for all other transfers, through RD, and they issue property rights to a community of informal settlements. The sale is between the landlord and the informal settler that represent the community, and payment is classified as a staggered payment meaning that it is not a one-time payment (UNHABITAT 2011: 10). Usually there will be an originator, which is often an organization that leads the two parties to settle down for an agreement.

5.4.3 Resettlement- Housing Programs through the National Housing Authority

The National Housing Authority (NHA) is a housing authority under the DENR, and aims to “*provide decent and affordable housing to the urban poor, and ensure the provision of community facilities and utilities as well access to social services and economic opportunities*”. Property rights and tenure security can be provided to resettlement communities through different projects led by the NHA. Resettlement projects may contain solutions to where new housings should be established, and looking for possible available lands for relocation.

Because of the large amount of “*professional squatters*” a possible solution has been presented through screening of the applicants. Screening will ensure that “*professional squatters*” are not qualified to acquire a resettlement. The NHA also operates as a CMP originator, and assist informal settlers in accessing CMP loans (UNHABITAT 2012: 37). Housing projects is considered quite important in the Philippines, but the project must be strengthened even more for it to fully succeed.

5.4.4 Slum upgrading

Another way of getting rights to land and securing tenure is through slum upgrading. As of 2011, the Philippine government had launched a strategy called the *National Slum Upgrading Strategy*, and focused on upgrading slum areas and improving the living conditions of informal settlers in the cities.

The project “*supports the country’s thrust toward developing sustainable communities, especially in major cities, by addressing urban issues related to housing, resettlement, infrastructure, social services and job creation in poor urban communities*” (Philippines Launches National Slum Upgrading Strategy 2011).

The project has a goal of improving the living conditions of informal settlement communities in the cities of the Philippines, as well as the global competitiveness. If the project succeeds, it will improve job opportunities for informal settlers and delivery of social services. The project will have a comprehensive assessment and database on the condition, issues, opportunities, and risks confronting slum communities. Slum upgrading will be done within this assessment, and through the information it provides.



Photo 13- Informal housings in Manila

5.5 The Residential Free Patent Act No. 10023

Another way of requiring property and land rights is through the Residential Free Patent Act. This is the latest (March 9th 2010) law on public land disposition, and refers to titling of residential lands through administrative procedure. The law enables local governments to participate in the implementation of this titling program. RA 10023 is authorizing issuance of free patents on lands classified as residential lands.

The law has been given the title “*An act authorizing the issuance of free patents to residential lands*”, and gives the DENR “*mandate to adjudicate untitled public alienable and disposable lands through the more efficient and less costly free patent process*”

(DENR- Local government partnership handbook 2012: 27).

The law has been implemented all across the country and is supposed to provide millions of Filipinos living on unregistered land with security of tenure, and the opportunity to obtain



Photo 14- Informal housing besides the LRT stations

property rights provided that they have been living on the land for at least 10 years.

An occupant can apply for free patent for areas limited to 200 square meters in highly urbanized cities, 500 square meters in other cities, 700 square meters in 1st and 2nd class municipalities and 1000 square meters for all other municipalities. It is essential that the application for free patent is subject to residential lands. The Free Patent Law aims to make it easier for long-time occupants of untitled and public lands to acquire legal title, as long as the application applies to residential land.

The New Residential Free Patent Act will provide over 40 million Filipinos living on unregistered land with property rights for the land they occupy, and have it titled in their own names. All subsequent transactions will be monitored, reducing the risk of fake titling. If an informal settler apply for free patent the application process is much simpler and with less requirements, no restrictions and shorter administrative proceedings. The Filipinos occupying 7.8 million parcels of untitled lands classified as residential will benefit from the New Residential Free Patent Act. The Land Management Bureau encourages people to apply for title for free through residential patent, because it can benefit the economic growth of the country. Once a land is titled it is secured, and in return the local government get the collection of tax under regularity. If an individual chose to not get their land or property titled, the government will not be able to get tax payments, which leads to a big loss for the government and the Philippines in terms of economic development.

6 Comparing the Norwegian and Philippine Land Registration System

The Philippine land registration system is different from the Norwegian land registration system, but there are still some similarities between the two types of systems.

The Philippine land registration system is, as described earlier, based on the Torrens system under the Property Registration Decree also known as PD 1529. It consists of two titling systems, which are the positive system and the negative system. The Philippines has a positive system that refers to a title being issued is absolute, and can therefore only be changed through a case filed to the court. The Land Registration Authority issues certificate of title, which may either be judicial or administrative. The most common title is the judicial decree, and the Registry of Deeds within the LRA issues original certificate of title copies.

The weakness of the land registration system in the Philippines is that the procedure of getting a certified copy of title is expensive. This is considered to be the biggest disadvantage for the urban poor. Besides being expensive, it takes a long time to process a title. The LRA intend to solve this problem through a fairly new program called the Land Titling Computerization Program (LTCP): a project that aims to eliminate fake land titles and speed up land and property transactions. The benefits from this is that a landowner can get access to his property or properties that are located in other parts of the country by going to the nearest RD office in the city, and getting a copy of original certificate of title. Through the new and computerized system it will prevent titles from being doubled-titled, and eliminate fake titles since information about the different titles of the properties are located in the system. The Philippines has also a cadastre with information concerning all legal land objects based on a survey of their boundaries.

In Norway the Land Registry system is the national agency with information on all property rights in the country. The Norwegian Mapping Authority is responsible of registration of property rights in the registry, and ensures that they are registered in the right time. It is mandated under the Norwegian Ministry of Local Government and Modernization.

The Land Registry system registers around 1.5 million properties and legal rights every year. The properties registered in the registry are each given a unique title number consisting of what can be called as a “*farm number*“ and “*use number*” (gårds- og bruksnummer). The Norwegian land registration system has also a cadastre with information and maps concerning all properties, addresses and buildings in Norway. The different municipalities continually update the cadastre, and it is their task to ensure that information is being entered into the registry (Kartverket2015).

In Norway, the realtor will often make clear the various expenses that has to be paid when buying a property, and will usually include fees for registration, mortgage certificates, and other expenses that are necessary to get the property registered. In the Philippines this is something the buyer must arrange himself, since the realtor usually only arrange for viewing of a possible property. Anyone in the Philippines can work as a realtor – even without a real estate education. There are only some few requirements that need to be followed to work in this field.

One can say that the Philippine and Norwegian land registration system are similar in the sense that they have a register where information about property rights and titles to land are registered.

The Norwegian system may work better than the Philippine system because of the fact that a lot of lands and properties are still not registered in the Philippine land system. This can be explained with the land registration system being based on a system containing paper works, but now upgraded to being based on a computerized system. Having a large part of the population living under poverty and on untitled lands makes it difficult for the government to register properties that should have been registered into the system from the beginning. Issues regarding fake titling are also a problem for the Philippine registration system since it creates problems for the landowner and a system with no form of structure.

7 Final Reflections

After working with this thesis for several months, I have gained so much knowledge. I have not only been able to use everything I have learned and studied over the five years, but I have also learned a lot about another country and its land registration system, as well as the informal settlement situation in Manila. It has been an awesome experience to actually observe and talk to professionals and informal settlers about the subject of my master thesis, but I must admit that it has been quite a ride. Going into this type of theme and subject, I knew there would be challenges on the road to success. I prepared for my fieldwork with the expectation of going to Tondo, Manila – the actual chosen research area for this thesis.

Unfortunately, I had to drop this part of my thesis. This was based on my own safety. I thought it would not be worth researching an area if the situation of possibly getting into trouble was the case, but this did not stop me. I was lucky enough to research other slum areas in the Philippines, and going out to these areas has given me an incredible amount of information and perceptions on how the informal settlement situations work. On the other hand, it has also given me a lot of emotions, thoughts and questions to how many families, with and without small children, can live in conditions that is clearly not safe. There are many informal settlements in the Philippines – some has been upgraded and some are remaining the same.

During my fieldwork in the Philippines, I learned a lot about the situation of informal settlers, and the tenure structure in these communities. The Philippines has many informal settlement communities spread throughout the islands. The majority is situated in the capital of Manila – a city that is considered to be the “*city of dreams*” with great employment opportunities. The informal settlers usually live beside the rivers, in the creeks, under the bridges and even in the most critical areas. The situations they are living in are usually illegal and against the law. Even areas such as private subdivisions are victims of informal settlements. This gives insecurity for the residence in the area, possible new buyers, etc. No one wants to live in an area with informal settlers when it is supposed to be private in the first place.

There have been several situations where the government has tried to remove slum areas, and demolish them to prevent the informal settlers from coming back. This is something that in reality is the wrong way to handle the situation of informal settlements, and removing the slum areas will only make them increase.

The right way to handle this form of challenge is to provide the informal settlers with proper housing, and relocating them to safer places. The Residential Act no. 7279 provides housing for informal settlers through the Community Mortgage Program (CMP), and gives a chance of improving the tenure structure of those concerned.

Although there are solutions for the informal settlers, there are individuals within the community that chose to abuse the law.

These are the “*professional squatters*”. The “*professional squatters*” try to solve the situation in their own way by selling or renting out properties already given to them by a housing authority in return for money. They will then go back to the slum area they came from to only start squatting again. That is when I ask myself the question; *Why does there have to be people who abuse the law when it is a step closer to providing tenure security, and improving the country’s reputation and situation?*

People with this kind of mentality chose to create problems for those who actually want to change their life. This is unfortunate for the Philippines, and ruins the possibility of building their status and economy, which brings us back to de Soto’s notion of “*dead capital*”.

The government has other challenges in addition to handling the “*professional squatters*”, and these are the squatting syndicates. They will sell property rights to those who cannot afford buying their own land, and will in return be able to earn money so that they can file a case in court claiming the ownership of the land based on a spurious title. There have also been situations where squatting syndicates will occupy a land owned by someone living abroad until they get something in return. If the squatting syndicates do not get what they want, they could threaten the owner, causing the landowner to fear for his own life. The situation of an informal settlement in the Philippines is very different from an informal settlement in for instance Europe. There are people with the mentality of doing anything in order to get what they want – may it be money or ownership rights to land.

Once an informal settler has occupied a private property of yours, it is your job to relocate them or give them compensation like money. There are different solutions and it is up to the landowner to choose how he could buy out the person occupying his land without causing any form of trouble between them. I got the perception that if I had a property in the Philippines, and it got occupied, it would be my fault since I did not protect it from the beginning. Not only that. **I** would be responsible for the relocation of those living on my property – just because it was **my** property. I did not really get the deal, but that was obviously the case of many landowners in the Philippines. In the perspective of the informal settlers, they are being forced to leave from an area, but in reality, an area of informal settlements can be given a warning for a year or two, still without leaving. Informal settlers cannot be removed from a land without negotiation or compensation although it is private land. The owners need to buy the informal settlers out from the property even though it is their land.

There are regulations, but in the Philippines the government struggle to obtain security within the areas. If the government goes into an area with the goal of demolishing it, they will usually be stopped. The mayor of the area will prohibit the demolishers from demolishing the informal communities. *Why is that?* You ask. It can be explained by the existence of political relations in the area. Many of those living in informal settlements are voters, and the mayors would do anything to prevent him or her from losing the possible voters for an upcoming campaign. One will get the perception that this arrangement is corrupt, which it probably is. I am left with different questions to how this will benefit the country and its reputation. Clearly, it will not in any way, which is quite unfortunate.

The Philippines has an uncontrolled population, and the land area does not get any bigger. The country is also going through different types of climate changes where the sea is “*eating*” the land meaning that the sea level is increasing (an example). Finding proper and available areas for the informal settlers is a constant problem for the government and different housing authorities. The housing authorities have begun to build communities outside the major cities to accommodate every single person living in insecure tenure situations. However, placing the informal settlers in areas where there is no access to jobs is a negative thing for the ones who want to change their life situation.

The future development in the Philippines is now focused on building houses vertically due to no available land area. There has been situations in Manila where housing authorities has built medium rise buildings (condominium type buildings) in areas that are close to work opportunities. The only question is *how long can they continue to build vertical buildings in Manila only?* Yes, it might be a city where all the opportunities exist, but with an uncontrolled and growing population like the Philippines, it will only cause different problems in the future like the goal of reducing informal settlements.

Working with this thesis, I am still left with different questions. It is questions that I did not really get proper answers to, and they will remain *“hanging in the air”* until someone can explain to me why some countries like the Philippines face problems like the ones I have discussed. I have learned a lot about the land registration system in the Philippines and how the procedure of obtaining property rights to a property is done – both for people with money and for informal settlers. I must say that there are still some things that I would want answers to such as *why there are people who abuse the law when the law is providing opportunities for you.* It is strange, and some countries work like that. Having a family from the Philippines, I have constantly been visiting the country. This time around, I visited the country with a purpose of gaining professional knowledge and understanding about a subject. I got to find out how the property system in *“my”* home country works, and get an idea of what really happens *“behind the scenes”* in a slum area.

I have never really thought about this when I travelled to the Philippines, but now I know how the situations really are. I have learned a lot, and I am happy that I chose to write my master thesis about this theme and subject. I must say that I somehow understand now, though there are still some questions. Working with this thesis has given me another perspective of the Philippines, and it will now stay with me for the next visits to the country.

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Attachments

Attachment 1:

Interview guide for master thesis by Joanna Reyes Mankarios

Topic: Land registration and tenure structure in slum areas in the city of Manila, Philippines

Land registration and property rights:

1. How are the land ownership rights (property rights) in the Philippines (generally)?
2. How are the land ownership rights (property rights) in slum areas like Tondo, Manila?
3. How is registration done to record evidence of title and rights?
4. What are the transactions costs in securing, registering and transferring property rights- what we call “*titling*”? Is this obtainable for the poor part of the population?
5. In Norway we have The Land Registry within the Norwegian Mapping Authority, which ensures that property rights are registered at the right time and administers land registry data.
 - a. Who is the judicial registration authority in the Philippines?
 - b. What kind of system (property register) do the Philippines have, and how does it work? Are there one or more?
 - c. What kind of information can be found in the register?
 - d. Is the registry transparent and how secure are these?
 - e. Is the register available to the public or does one have to pay to get access?
 - f. How well does the system secure land tenure?
6. What are the challenges, difficulties, benefits, etc. with the type of registration authority/tools used in the Philippines? (Weaknesses and strengths).
7. How does the current property system work? Are there any differences in how it works in the public and private?
8. Do the Philippine property system have a cadastre with details on, among other, the ownership, the tenure, the precise location, etc.?

9. Is the Philippine land and property system influenced by the historical development of the country (Spanish colony- American period)?
10. How is land registration used to strengthen the economic growth and financial development in the Philippines?

Tenure security:

1. How can informal settlers (slum dwellers) obtain rights to land and property, and what is the procedure to achieve this?
2. Do the Philippine government cooperate with different housing organizations to provide slum dwellers with housing opportunities?
3. What happens to the slum dwellers if the government forces them to move, and can they be forced to move without notice?
4. How does the government provide tenure security for slum dwellers?

Attachment 2:

Report from fieldwork in the Philippines

I had planned my fieldwork to the Philippines in advance before leaving Norway in order to have everything in place when I arrived to my destination. The first part of the autumn semester 2014, I started to do some research on whom I should talk to about my master thesis. I had no idea on which agencies and persons I should contact, so the first thing I searched for was “*land administration*” and “*land registration*”. There was not much to find, but after some searching, I stumbled upon the Land Registration Authority in Manila. The Land Registration Authority (LRA) is the judicial registration authority in the Philippines. Their role is to protect and implement the Torrens system of land titling and registration in the country. The LRA is the fundamental source of all land records involving registered or titled lands.

I contacted the LRA by mail without any response, which made it harder for me since I did not know how I would get in touch with them. I talked to a family friend who works for the government, and asked her if she had any contacts within the LRA. I received a contact number to an engineer working at the LRA, but did not have the opportunity to call him because of the long distance call. I made it a plan to get in touch with the LRA office once I arrived in the Philippines.

Another agency that would be relevant for me to talk to was the Land Management Bureau (LMB). Their duty is to supervise the survey and distribution of public lands in the country.

I was greeted with an official letter from the LMB stating they would be pleased to assist me with any questions I may have in connection with my thesis. I was assigned with two professionals within land management; Atty. Emelyne V. Talabis, OIC Assistant Director and Chief, Legal Division in concurrent capacity, and Engr. Rolando R. Pablo, OIC Chief, Land Management Division. Upon my departure, I scheduled a further meeting with the LMB, which took place on January 13 2015 at their main office.

In addition to the two government agencies, I found out that there were universities in the Philippines who offered similar academic programs like the Land Management and Law program at the Norwegian University of Life Sciences.

The University of the Philippines Diliman which is located in Quezon City, Manila, offers Bachelor of Science in Geodetic Engineering program, and Master of Science in Geomatics Engineering at the Department of Geodetic Engineering. The program is very similar to the one I study, in both study field and compulsory subjects. I emailed the Department of Geodetic Engineering hoping they would respond with positive feedback. I received an email with the response I hoped for, and regarding people I could talk to concerning my subject. I met Sir. Ariel C. Blanco, current Chairman of the Department of Geodetic Engineering, and Engr. Louie P. Balicanta, Assistant Professor of the Faculty.

Meeting Wednesday January 7th 2015: The University of the Philippines Diliman- the Department of Geodetic Engineering represented by Sir. Ariel C. Blanco and Engr. Louie P. Balicanta.

My meeting at UP Diliman was scheduled early in the morning at the Department of Geodetic Engineering, Melchor Hall room. I had emailed my interview guide in advance in order for them to get an idea of what I was going to ask them. I was kindly greeted by Sir. Blanco and Sir. Balicanta.

Their expectations were an English-speaking student from Norway, so they were surprised when they knew that I talked fluently tagalog.

I had already sent out my interview guide beforehand upon request from Sir. Blanco. This way they had an idea on what we were going to talk about during our meeting. Before I started the interview, I asked them if they would mind if I would record our interview. I explained that the voice recording would be used for further work with my thesis. They did not mind. I started the interview by representing myself; my name, where I come from, school and study field, and of course the purpose of my visit.

Most part of my interview, I was interviewing Engr. Louie Balicanta. He was the one most capable answering my questions regarding land registration and tenure structures in slum areas, since this had been a field he had studied earlier. Our interview lasted for almost one and a half to two hours. I was kindly given different documents that I could use for my research. While I was there, I took the time to ask Engr. Balicanta if he knew anyone I could talk to at the Land Registration Authority.

I thought that I could use the sources I already had to “get in”, and hopefully schedule a meeting at the LRA. Fortunately, he referred me to a former student of his who had been involved with the LRA before, and asked her if she had time to join me at the agency.

Meeting Friday January 9th 2015: Land Registration Authority represented by Sir. Jun Diamante, Registry of Deeds.

As for my appointment at the LRA I met up with Ms. Raxx. She was the one I was referred to by Engr. Balicanta. At first, I was told to make a formal letter I could give to the Administrator of LRA, but then I was told that this was not necessary. I went to LRA accompanied with Ms. Raxx, with no appointment set. I knew that there was a small chance that I would get a meeting or even someone to talk to without an appointment. We went to the LRA and asked some people working at the Legal Department whether the Administrator was available or not.

The workers we talked to explained that I had to have an appointment scheduled to be able to talk to the Administrator since he was a man with a lot on his plate.

I was told that I had to come back with a formal letter but it would not guarantee that I would get a meeting with him. We were later referred to the Registry of Deeds in hope of getting in touch with someone I could talk to. I introduced myself, and the background of my visit. It was very hard to find the right and suited person to talk to since a lot of the ones who were working there were caseworkers, and knew little about land registration and tenure structures in slum areas. I was fortunate enough to get into a conversation with a lawyer situated at the Registry of Deeds, Sir. Jun Diamante. He offered to help me and answer my questions in the best possible way he could.

I used the exact same interview guide I used when I went to UP Diliman. This way I could see if there was any comparisons or differences in the answers they gave me. On this interview I also asked for permission to record our conversation. Sir. Diamante was very forthcoming, and although there were some questions he did not know the exact answer to, he tried his best to answer them. I asked Sir. Diamante on what kind of advices he would give me on going to Tondo for my research. He told me that going to Tondo would be a risk since I was foreign, despite my Filipino background, and that I had to consider changing my location. This was something I already had in the back of my mind before coming to the Philippines, and my thoughts were clearly answered. I thought I would hear what my last informant had to say about the same case, and made it a clear to myself that I would make a decision then.

Meeting Wednesday January 14th 2015: Land Management Bureau represented by Engr. Rolando R. Pablo.

The last agency I was interviewing for my master thesis was the Land Management Bureau in Binondo, Manila. I was scheduled to meet up with Engr. Rolando R. Pablo, OIC Chief, Land Management Division. I had sent out an email earlier to set up and confirm the date, time and place for our meeting. The meeting would naturally take place at the LMB, but I had not given an exact time. On the day of our meeting I decided to take my trip early in the morning in order to catch him before he left for other duties. Unfortunately, I arrived just when he had walked into a meeting. His assistant had told me that Engr. Pablo had been expecting me the week before, and that he was waiting for me to come.

It was uncertain how long the meeting would last, and when I could possibly talk to him. I was asked to wait or come back another day, but then his assistant could not guarantee that he would be available since he had very much to do the following days and weeks.

I decided to wait for him. I had after all no other plans that day, and I would not risk the opportunity to speak with an important source. After almost 5 hours of waiting, he was finally ready to meet with me. The interview lasted for almost two hours, and I was also able to record the interview for later use. Engr. Pablo was kind enough to give me different books and documents I could use for my master thesis. He also offered to make himself available when I came back to Norway if there were any questions I needed answers to while working with my paper. As I did with my two previous informants, I asked Engr. Pablo about advice on whether I should go to Tondo or not. I got the exact same answer as he suggested that I should find myself another area to research.

After all the deliberation, I saw it only right and safe to choose another area than Tondo, Manila. Finding another area was not a problem since there are a lot of slum areas and borderline slum areas in the Philippines with the same issue regarding land registration and tenure structures. I was advised to look further into the different areas in Quezon City and Metro Manila, which I did. I went to the area accompanied by Sir. Diamante. He had offered himself to join me on my research as he could help me approach the occupants in the area. I interviewed different families, with and without children. They were very approaching and willingly to answer some questions. I was also very lucky that I had Sir. Diamante with me cause he was the one that presented who I was and the purpose behind my visit. The interviews took everything from 30- 45 minutes.

It was a bit challenging to go in depth about land registration and tenure structures with my informants in the slum area since many of them did not really know what it meant, due to no education and professional understanding. I tried to make the questions as understanding and easy as possible in order for them to comprehend what I was asking about. They were very open about their housing situation and the fact that many of them lived there on illegal terms.

MEMORANDUM OF ENCUMBRANCES

(When necessary use this page for the continuation of the technical description)

Entry No. SQUARE METERS, more or less. All points referred to are indicated on the plan and are marked on the ground by PS, cyl. conc. mons. 15x60 cm., bearing true; date of the original survey, Sept. 1907 March 1908 and that of the subdn. survey Aug. 12-Sept. 5, 1969.

PE-531/T-155869 - RESTRICTIONS

The property covered by this title is subject to the following conditions to wit: a. The lot shall be used for residential purposes by the owner and shall not be for lease to others: Only one single family or two family house may be constructed on a single lot although separate servants quarters, garage may be built depending on the size of the lot. Commercial or advertising signs shall not be placed, constructed or erected on this lot. No cattle, pigs, sheep chickens goats or rabbits shall be kept on this lot other than house pets, dogs and cats. All building must be of strong materials. Buildings shall not be higher than nine (9) meters above the ground directly beneath the point in question. All building including servants quarters parts thereof must be constructed at a distance of not less than 2 meters from the boundaries (not including pedestrian paths) of this lot. Sewage disposal shall be by means of septic tank or into a sewage system, or if septic tanks are used they must be maintained in a sanitary condition at all times. Walls on the perimeter of property shall not exceed 2 meters in height from the foundation except that the restriction to height applies to walls made of live vegetation. The foregoing restrictions may be enjoined or enforce by court action, it is being understood that the foregoing restrictions are imposed for the benefit of the lot owners in the subdn. building and speculations and/or improvements shall be approved by THE SUBDN. BUILDING AND SPECULATIONS and/or improvements shall be approved by THE. Other conditions set forth in Doc. No. 1025, Page No. 21, bk No. XIV of Not. Pub. of Manila, Victor Didulo.

Date of Instrument - July 27, 1970

Date of Inscription - Aug. 5, 1970 1:02 pm

(SGD) NESTOR N. PENA
Register of Deeds

PE-3016/RT-111750/2-12-1997

Pursuant to Sec. 7 of Rep. Act No. 26, this certificate of title is without prejudice to any party whose right or interest in the property was duly noted on the original or reconstituted certificate of Title No. _____ as the time it was lost or destroyed.

RT-103318/12-2-94

(sgd) SAMUEL C. CLEOFF
Register of Deeds

Copied from TCT No. N-322726/T-1614.

Carlo Alcantara
CARLO V. ALCANTARA
Deputy Register of Deeds
Manila City
Register of Deeds

(Memorandum of Encumbrances continued on Page -B)
(Technical Description continued on Additional Sheet Page -)

Register of Deeds

(Continuation of the Memorandum of Encumbrances from Page-A)

REAL ESTATE MORTGAGE

Entry No. 2210 TT N-229761 MORTGAGE - in favor of
BANK OF MAKATI (Agricultural Bank, Inc.)
 to guarantee a principal obligation in the sum of P. 2,500,000.00
 mortgagee's consent necessary in case of subsequent encumbrance of the
 property; Other conditions set forth in Doc. No. 222
 Book No. 222 Page No. 46 V-09
 Not. Pub. of DANILO O. SANABES (MLA.)
 Date of Instruments 11 / 20 / 09
 Date of Inscription 11 / 23 / 09

ATTY. CONSTANTE P. CALUY
 Register of Deeds II

(Continued on Page-C)
 Register of Deeds



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