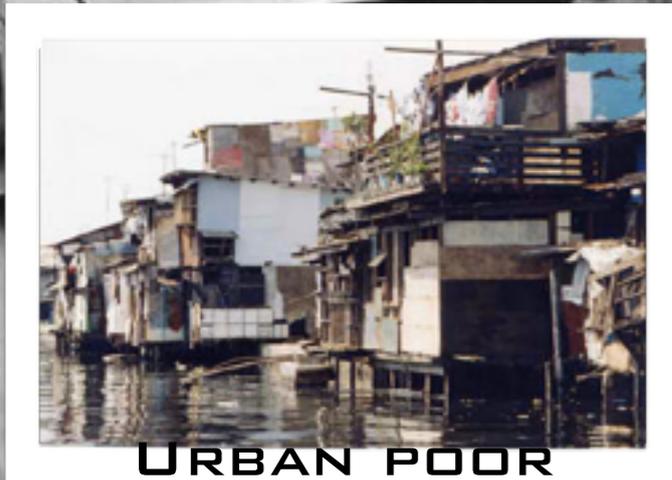




LAND PROCLAMATION TITLE



COMMUNITY MORTGAGE PROGRAM



URBAN POOR



USUFRUCT

Source: http://danishphotojournalism.com/thumbs2/2048x1536/fto/store/res_2059.jpg

LAND PROCLAMATION TITLE



LAND



EXECUTIVE ORDER



NEGOTIATED PURCHASE



BENEFICIARIES

In Manila, Philippines, there are three most popular and effective ways for the urban poor to attain rights to their land which is through land proclamations, the Community Mortgage Program (CMP) and the usufruct.

Presidential land proclamations are “the disposition of government-owned lands to their informal settler occupants through a land proclamation has been an established policy and practice in the Philippines for providing secure tenure to urban informal settlers” (UN Habitat 10). Usually, the proclamation takes the form of an **executive order issued by the President** or through a **negotiated purchase** between the national government and the privately-owned land, that is then given to the intended beneficiaries (10). Although this process is rather simple, it also takes a long time to formally process due to “unclear institutional accountabilities and lack of funds for the survey works and land acquisition” (11).

Not to mention, among the hindrances that is faced with land proclamation is also the great difficulty in classifying lands (Llanto & Ballesteros 6). According to a study undertaken by the Philippines-Australia Land Administration and Management Project, they have found a number of structural problems pertaining to land registration which are:

1) the existence of conflicting laws that regulate land use and administration, 2) the existence of two distinct processes for titling land (administrative and judicial), 3) the existence of multiple forms signifying ownership rights over land, 4) the presence of multiple property taxes and other disincentives toward the formalization of land transactions, 5) the existence of multiple land valuation methods, and 6) the duplication of and overlap in rules, functions, and the activities of key land administration agencies. These structural defects have resulted in tedious land registration and titling procedures, the proliferation of fake and spurious land titles, overlapping tenure instruments for public lands, and inappropriate land classifications for planning and development (UN Habitat 31).

Nevertheless, “without a clear and consistent land use policy”, according to Llanto, “the government finds itself in a policy bind: supporting sectors that would favor agricultural use over urban use at one time and on other occasions, favoring those sectors that demand land for housing, business and other nonagricultural uses,” creating further setbacks and problems for the process of formally registering lands (Llanto 6). However, despite its slow process and glitches, land proclamations have proved to be more secure against evictions on a much larger scale compared to CMP. According to UN Habitat, “while a CMP project usually has 50 to 100 beneficiary families, one presidential proclamation can benefit tens of thousands of beneficiary families. Thus, while CMP deliveries in a year average about 12,000 families, several proclamations signed in a year could easily benefit as many as 100,000 families, as happened in the first three years of the Arroyo administration” (64).

COMMUNITY MORTGAGE PROGRAM



Another way for the urban poor to attain land rights is through the Community Mortgage Program. According to the research in “Property Rights, Security of Tenure and the Urban Poor in Metro Manila,” to improve security of tenure for the urban poor, CMP has been the “most highly utilized approach to secure tenure” (Porio & Cristol, pgs. 207-208). The CMP was administered by the National Homes and Finance Mortgage Corporation (NHFMC) and the Land Tenure Assistance Programme of the National Housing Authority (NHA). Formulated in 1987 during the Aquino administration, the CMP was formulated when a number of NGO leaders served the government (209). The findings claim CMP as most responsive to the urban poor’s need for housing and land security as it has benefited about 137,000 households in over 1000 urban/rural poor communities (209). “As a tenure instrument, CMP allows poor people to acquire land and build houses without putting up collateral on their own since the land to be acquired serves as the collateral for the mortgage loan. In a sense, CMP is an instrument for legalizing unauthorized settlements (on-site development) or for informal settlers to acquire tenure security in relocation sites” (209).

Having been quite successful in Manila and other Philippines cities, Berner notes that this is because “the CMP offers the chance for a compromise between contradictory logics of action: the owners can sell their land and ‘revive’ dead capital, albeit at reduced prices, without the incalculable costs and risks of demolition; the squatters can ‘buy security’ and preserve their settlement from the permanent threat of eradication that has never been calculable for them (561). However, there is too high of a demand and the shortage of funding limits this program. According to a report of the Housing and Urban Development Coordinating Council, “the demand for participation by far exceeded available funding from the beginning of the program” (561). At the start of the program, 10,000 plots were purchased in 1990 when it suddenly slowed down (561). Among such other problems such as loan recovery and the divisive impact of CMP in a community, this program has still been a major step in assisting the urban poor in securing their land.

USUFRUCT

Usufruct is another option, though, it isn't widely known because its arrangement is still largely undefined. According to UN Habitat, "its practice is limited to a few local governments and private land owners who take initiative to allow poor people to use their lands" (69). Under this approach, "some local governments have made available land owned by them for low-income housing developments" (69). By doing this, urban poor have access to land but not land ownership. The land is borrowed or rented for about 25 to 30 years and the contract is renewable if mutually agreed upon (69). Nonetheless, "because the users do not have to pay for the cost of the land, amortization payments are affordable. The beneficiaries under a usufruct agreement are entitled to enjoy nearly all rights of ownership except the right to have a legal title and to alienate or dispose property" (69). At first, beneficiaries on both sides were hesitant, based on the case studies done in Taguig and Muntinlupa. Fortunately, "after many people saw the actual units and learned that the previous informal settlers' new homes changed their owners' way of life, many began to want to actually own a unit themselves. Overcoming the initial resistance was achieved through persuasion and demonstration projects" (77). In 2009, "the city government of Taguig provided housing units in medium-rise buildings to 204 families, in partnership with the NGO, Habitat for Humanity Philippines. In order to retain the city's ownership of the land, the project entered into a usufruct arrangement with HFHP which constructed the residential buildings and provided financing to the beneficiaries. Meanwhile, in Muntinlupa, the National Housing Authority utilized a usufruct approach on a proclaimed land for a large-scale resettlement project in Southville 3 benefiting 7,000 informal settler families displaced from the rights-of-way of the South-Rail Linkage Project and from various areas of the New Bilibid Prison site" (79).

Out of these three approaches, the land proclamations have said to be the most used and have been the most efficient by my supervisor, Tina Jurado. Working with Urban Poor Associates (UPA), a nonprofit organization working with communities inside and outside Manila in obtaining land rights. Tina has expressed how she has had to consistently work hard at organizing communities year after year in order to help the people achieve their goals. She would listen to the needs of the communities, gather the leaders together, and discuss what steps are needed to be taken. Currently, because the presidential year is coming to a close next year, 2016, Tina has been all the more busy trying to get more proposals for land proclamations in as well as keeping President Noynoy accountable to the proclamations he has signed years past before elections.

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UNHabitat [Innovative Urban Tenure for the Poor in the Philippines](#)

