

CURRENT ISSUES OF THE PHILIPPINE LAND USE PLANNING AND MANAGEMENT SYSTEM

Summary

Land use planning is an instrument that facilitates a fair and transparent allocation of land resources. Besides land registration it is a core instrument in the steering of local development trajectories and it helps to ensure the sustainable use of vital resources. However, land use planning is often subject to diverging interests of governmental agencies as well as political will.

This policy brief explores the structures of land use and development planning in the Philippines, highlights the challenges associated with plan implementation in the administrative context and discusses the consequences for socio-economic development. The following findings lead us to our recommendation towards a consistent national policy framework for land use planning:

- The complexity of developing Comprehensive Land Use Plans (CLUPs), their updating, and their subsequent enforcement pose challenges for municipal planning administrations. Training municipal staff is a prerequisite for successful planning and implementation.
- Plan development and implementation should be based on objective criteria and aligned with peoples' needs. Decoupling land use planning from the interests of executive officers and powerful landowners is essential and contributes to the common good.
- Land use planning (physical planning) and development planning require alignment. The existing mismatch is a consequence of different and overlapping mandates between governmental authorities.
- Incomplete and outdated cadastral information and shortcomings in sectoral information exchange inhibit the steps necessary to solve the pressing issue of insecure tenure rights.
- Cooperation of agencies is currently partial and not yet systematic, which hampers a consistent alignment of plans and integration of efforts in the country.

Key planning terms in the Philippines

Land use planning is the process of identifying zones of regulated land use. It usually comprises a status quo assessment of the current status of land use, and the setting of priorities for future spatial development and implementation.

Following spatial plans, **development planning** identifies priorities and projects for future socio-economic development.

Sectoral planning is pursued on topics of limited scope in various thematic fields by sectoral agencies. Infrastructure planning or water treatment are examples.

Introduction: Structure of Land Use and Development Planning

Land is the basis for livelihoods. It requires fair and transparent management to allow equal participation and sustainable use. Land use planning is the mechanism to allow this kind of resource management and the reconciliation of diverging interests. It lays the foundation for controlled urban and rural development.

In the Philippines, land use planning is hierarchically structured and most activities take place at a subnational, particularly at the provincial and municipal level. The planning levels are interlinked: lower-tier plans with shorter coverage periods are set to follow the priority setting of larger-scale plans.

Municipal land use planning was strengthened by the Republic Act No. 7360 in 1991 to follow the principle of subsidiarity. Local governments gained responsibilities in a variety of planning fields, including development and land use planning: (a) the permission to process and approve subdivision plans from the Housing and Land Use Regulatory Board (HLURB), (b) the enforcement of the

National Building Code from the Department of Public Works and Highways including granting or declining of building permits, as well as (c) the reclassification of agricultural land from the Department of Agrarian Reform, except those lands distributed to agrarian reform beneficiaries pursuant to the Republic Act No. 6657 (Republic of the Philippines, 1991).

The CLUP, the main planning instrument, aims to provide a sound foundation for managing past, current and projected land use and for the allocation of land resource use of the whole territory of a municipality. Figure 1 shows the embeddedness of the CLUP in the planning hierarchy. The CLUP is highly dependent on the cooperation of different agencies and is supposed to have primacy over other sectoral, development and investment plans of governmental agencies at the municipal level.

To address shortcomings of older CLUP guidelines, the HLURB has developed the new enhanced comprehensive land use planning (eCLUP) guidebooks in a joint effort with the Philippine–German cooperation. The new guidelines, officially launched in late 2015, serve as an improved planning tool for comprehensive and information-driven planning as well as the integration of the whole municipal territory. It aims for a stronger integration between spatial and development planning, more coherence in aligning socio-economic development and land use as well as the linking of development planning and budget allocation (Housing and Land Use Regulatory Board (HLURB) Philippines, 2013). While eCLUP makes the planning process more consistent and comprehensive, data collection for the CLUP and the planning process itself remain highly complex. As emphasized in interviews, this requires more personnel and further trainings on CLUP development and updating.

Current Issues of the Land Use Planning and Management System

In theory, the interplay of plans and hierarchies in the Philippine planning system has been well defined for many years. In reality, the system has been characterized by multiple policies of different authorities with overlapping mandates.

For example, large portions of Philippine land are classified as forest land, and are managed through Forest Land Use Plans under the mandate of the Department of Environment and Natural Resources. This separation of types of land hinders municipal planners to integrate this land into comprehensive

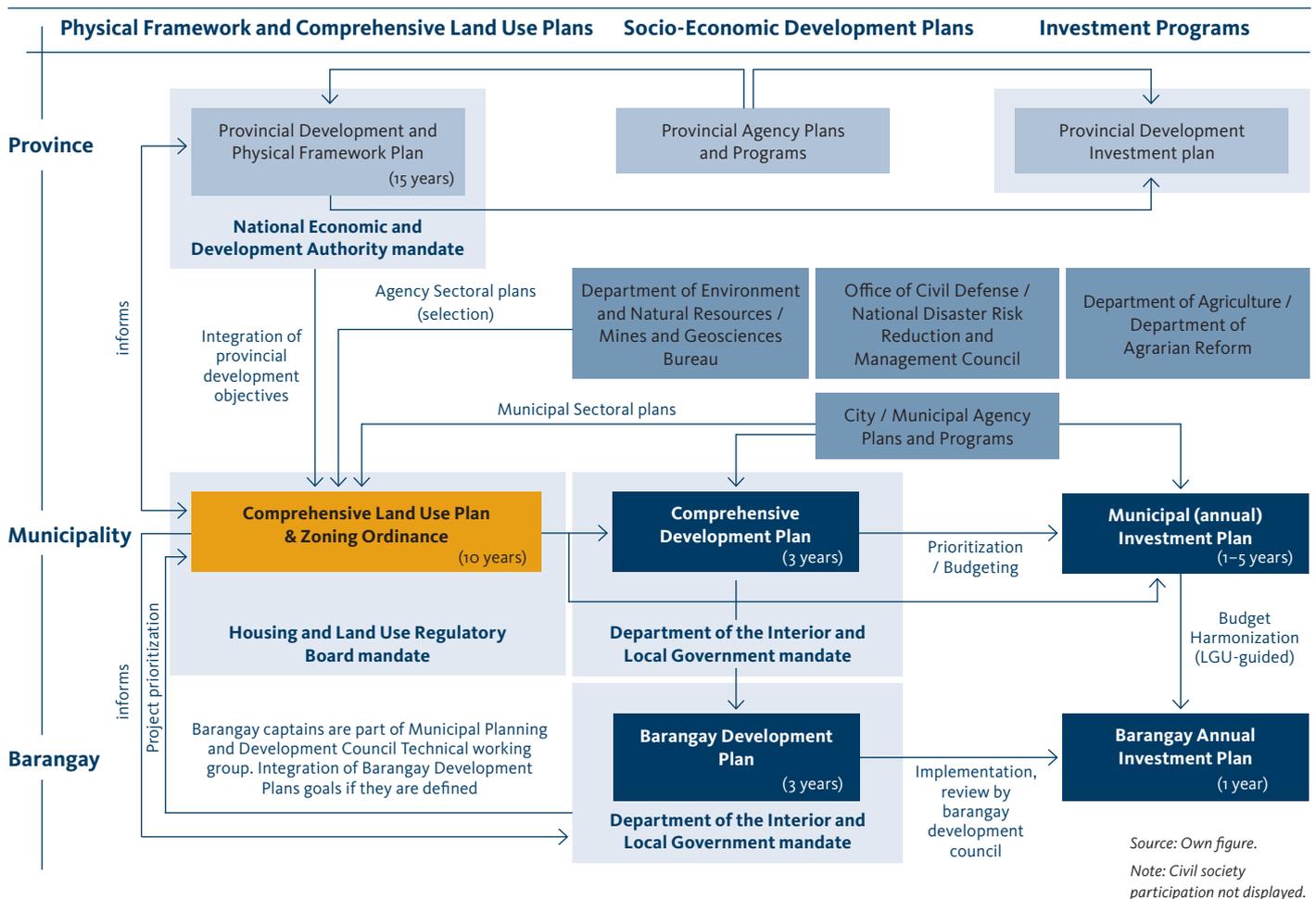
land use planning and thus largely excludes residents using these lands from the provision of municipal public services.

Vertical frictions in the planning system occur, due to the timely misalignment of different plans and incomplete information exchange between agencies. The CLUPs are supposed to be harmonized with the Provincial Development and Physical Framework Plan—frequently not sufficiently achieved in either direction. At the same time, inputs provided by a Barangay Development Plan, mandated by the Department of the Interior and Local Government, are supposed to be incorporated into the planning goals of the CLUP. In the absence of a formulated Barangay Development Plan, the CLUP can thus only assume barangay planning goals, which reduces the quality of local representation.

Horizontal frictions occur due to the misalignment of the CLUP and the Comprehensive Development Plans (CDP)—both municipal level plans. In theory, the CLUP is operationalized in the CDP, followed by integration into investment plans and transfer into municipal budgeting. This linkage of aligning spatial and socio-economic development goals with budgetary planning often lacks coherence. The process of developing and updating CLUPs is lengthy and the approval process can be extensive. Hence, municipal executives often rely solely on the CDP for quick project implementation. These inconsistencies in the planning process leave greater leeway for politicized decisions and ad hoc project prioritizations by powerful executives or local political elites, in which, for example, political supporters are more likely beneficiaries of projects and the disbursement of funds. In extreme cases, vested interests of executive officers and influential landowners block the formulation and approval of zoning ordinances as well as implementation according to plans.

Main hindering factors for successful CLUP formulation, updating and implementation are: Frictions and political interference; complexity in planning policies; rivaling mandates; limited capacities of local governments; as well as tenure conflicts. Consequently, HLURB estimated in 2012 that 70% of municipalities had no or outdated land use plans (GIZ and ANGOC, 2014). A DEval survey of Municipal Planning and Development Offices in the Visayas region in 2016 found that while 84 out of 100 municipalities had land use planning documents, only 37 had been approved by the Provincial Land Use Committee. A share that is likely even lower countrywide because almost half of those municipalities received additional support for CLUP development.

Figure 1: System of administrative planning framework of local government and the embeddedness of enhanced land use planning in the planning hierarchy.



Tenure Rights and Land Use Planning in the Philippines

Cadastral systems can provide a technical mode to assemble information about the tenure status of landholders. This information is crucial as the tenure status determines the potential land use for landowners or land dwellers. While the Philippines do have systems responsible for this collection of tenure information, the described inconsistencies and shortcomings in the spatial planning system stretch to the situation of land classification. The cadastral systems of different planning administrations and sectoral agencies are largely disconnected, and exact delineation of different parcels and land types is often missing. Landholders thus face a multitude of different forms of formal, semi-formal and informal land titles. In this void, the use of land, especially by smallholder farms, often takes place unregulated. Non-tenant farming or land use under

unclear tenancy arrangements (such as customary use) are widespread phenomena in the Philippines, despite existing efforts to implement comprehensive agrarian reform.

Depending on the type of land, different authorities are responsible for titling and the issuing of land rights. While the Department of Agrarian Reform finalizes comprehensive agrarian reform, tenure rights on public land are handled differently. For permanent land use on public land, different authorities operate separate schemes depending on the laws governing these lands. Still, in both agrarian reform land areas and public lands, non-enforceable tenure status remains a major obstacle in providing especially small landholders in rural areas with long-term perspectives and security of investment. Despite substantial efforts by Philippine authorities, the problematic tenure situation remains a crucial problem in the nation's strive to eradicate poverty. While the status of land rights and tenure

has a direct impact on the life and welfare of the affected population, land rights surprisingly remain separated from the process of land use planning.

A fair, consistent and comprehensive assignment of tenure rights and land titles is an unresolved issue in the Philippines. Rights and titles are excluded from the eCLUP process and not sufficiently addressed in the distribution of mandates.

Challenges and the Way Ahead

Successful implementation of enhanced land use planning depends on the willingness of sectoral agencies and administration to commit to a stronger exchange of planning and tenure information as well as on capacity building for municipal planning personnel. ECLUP introduced reasonable, but complex processes that may overburden current local planning capacities. Politicization of municipal planning and personal interest can jeopardize technical planning efforts, ultimately hampering socio-economic development. Rivaling mandates between the HLURB and the Department of the Interior and Local Government frequently lead to decoupling of the municipal planning process from the barangay-level as well as from provincial-level planning.

Land use rights remain excluded from the planning process, ultimately reducing in municipal development options and welfare effects. The unresolved issue of tenure rights and land titles hampers planning efforts and impacts.

References

GIZ and ANGO (2014), *Review of Selected Land Laws and the Governance of Tenure in the Philippines. Discussion Paper in the context of the Voluntary Guidelines on the Governance of Tenure (VGGT)*, GIZ, Bonn/Eschborn.

Housing and Land Use Regulatory Board (HLURB) Philippines (2013), *CLUP Guidebook. A Guide to Comprehensive Land Use Plan Preparation. Volume 1 – The Planning Process*. Housing and Land Use Regulatory Board, Manila.

Republic of the Philippines (1991), *The Local Government Code of the Philippines, Republic Act*.

A more consistent and effective Land Use Planning and Management System requires:

- Stronger coordination of sectoral agencies and administrations. A national (legal) framework aligning plans and agencies is a necessary step to improve cooperation.
- Legal provisions that barangay development aspirations are sufficiently reflected in municipal planning. The consistent integration of the Barangay Development Plans in CLUPs could contribute to this.
- Plan development and implementation to be based on objective criteria and aligned with peoples' needs. This requires that the vested interests of executive officers and powerful landowners are decoupled from land use planning. Explicit legal measures should be defined to ensure this separation and to bind executive officers and legislative officials to goals that serve the common good.
- Public accountability. Broad and transparent modes of public participation are one aspect, but the other is the introduction of sanctions if execution contradicts plans, for example by establishing a complaints mechanism and appointing ombudsmen.
- Further training in municipal planning. Personnel shortages in planning administrations need to be addressed.
- A safe, consistent and comprehensive system of land use rights. The current bureaucratic and legal structure of the Philippines does not provide a functioning and fair tenure system and thus needs to be revisited.

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