
REVIEW AND EVALUATION
OF COMMUNITY-BASED TENURE INSTRUMENTS IN
CENTRAL PHILIPPINES

Certificate of Stewardship Contract (CSC)
Community-Based Forest Management Agreement (CBFMA)

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ACRONYMS

AFFCUI	Antique Federation of Credit Cooperative Union, Inc.
ALO	Association of Liaison Office for University Cooperation in Development
AO	Assisting Organization
AWP	Annual Work Plan
B/MDC	Barangay / Municipal Development Council
BANGON	Bohol Alliance of Non-Government Organizations
BDP	Barangay Development Plan
BFAR	Bureau of Fisheries and Aquatic Resources
C/MDP	City / Municipal Development Plan
C/MENRO	Community / Municipal Environment and Natural Resources Office/r
CBFMA	Community Based Forest Management Agreement
CFTU	Conservation Farming in the Tropical Uplands
CLUP	Comprehensive Land Use plan
CRMF	Community Resource Management Framework
CRMP	Community Resources Management Plan
CSC	Certificate of Stewardship Contract
CUSW	Cebu Uniting for Sustainable Water
CVSCAFT	Central Visayas State College of Agriculture, Forestry and Technology
DA	Department of Agriculture
DAR	Department of Agrarian Reform
DBM	Department of Budget Management
DENR	Department of Environment and Natural Resources
DILG	Department of Interior and Local Government
EADSC	Eduardo Aboitiz Development Studies Center
ECM	Environmental Conflict Management
ELAC	Environmental Legal Assistance Center
ESSC	Environmental Science for Social Change
FGD	Focus Group Discussion
FLUP	Forest Land Use Plan
FMS	Forestry Management Services
GMPS	General Management Planning Strategy
ICRAF	International Center for Research and Agroforestry
INCEBOLEDA	Indonesia, Cebu, Bohol, Leyte, Davao
IRR	Implementing Rules and Regulations
ISF	Integrated Social Forestry
LGC	Local Government Code
LGU	Local Government Unit
LSU-FARMI	Leyte State University - Farm and Resource Management Institute
M&E	Monitoring and Evaluation
MFI	Mag-uugmad Foundation, Inc.
MOA	Memorandum of Agreement
MUZ	Multiple Use Zone
NGA	National Government Agency
NGO	Non-Government Organization
NIPAS	National Integrated Protected Area System
PA	Protected Area

PACBRMA	Protected Area Community Based Resource Management Agreement
PAMB	Protected Area Management Board
PASu	Protected Area Superintendent
PAWD	Protected Area and Wildlife Division
PBSP	Philippine Business for Social Progress
PENRO	Provincial Environment and Natural Resources Office/r
PhiIDHRRRA	Philippine Partnership for the Development of Human Resources in Rural Areas
PO	People's Organization
PROCESS	Participatory Research Organization of Communities and Education Towards Struggle for Self-Reliance
PSP	Project Stewardship Plan
RAFI	Ramon Aboitiz Foundation Inc.
RED	Regional Executive Director
RSPL	Rajah Sikatuna Protected Landscape
RTD	Regional Technical Director
RUP	Resource Use Plan
SEC	Securities and Exchange Commission
SPZ	Strict Protection Zone
SRPAO	Survey and Registration of Protected Area Occupancy
SWAN	Sustainable Watershed Advocates Network
SWCFI	Soil and Water Conservation Foundation, Inc.
SWCM	Soil and Water Conservation Measures
TI	Tenure Instrument

ACKNOWLEDGMENT

SWAN acknowledges the following individuals and institutions for their valuable support and assistance towards the completion of the “Review and Evaluation of Community-Based Tenure Instruments”:

1. Communities and people’s organizations (PO) and Local Government Units (LGUs) surveyed in Balamban, Tabuelan, Argao, and Alcoy of the Province of Cebu; Inabanga, Candijay, Alicia, Bilar, Carmen, Cortes, and Maribojoc of the Province of Bohol; the municipalities and barangays within the Rajah Sikatuna Protected Landscape (RSPL) in Bohol; Inopacan, Leyte and the Province of Antique and Mayor Al Loren of Inopacan, Leyte.
2. Department of Environment and Natural Resources Region 7 (DENR 7) - Former Regional Executive Director (RED) Augustus L. Momongan and RED Clarence L. Baguilat; Regional Technical Director (RTD) Isabelo Montejo, For. Eduardo Inting, Chief of the Forest Resources Development Division; Mr. Lucino Fernandez, Chief of the Community-Based Forest Management Office and his staff Mr. Arnold Jugan; Ms. Adela Villegas, Regional Public Affairs Officer, and her staff Ms. Mia Embalzado and Ms. Erna Arranguez; and Ms. Grecilda Pasok, Action Officer of the Watershed Management Section
3. Provincial Environment and Natural Resources Office (PENRO) Bohol - Mr. Arius Ilano and Mr. Jovencio Taer; Community Environment and Natural Resources Office (CENRO) Tagbilaran - Ms. Lita Juaton; and CENRO Talibon - Mr. Antonio Llap
4. PENRO Cebu - Ms. Zita Oafer; CENRO Argao - Mr. Loreto Rivac, Mr. Mardionne de los Reyes; CENRO Cebu City - Mr. Fedencio Carreon and Ms. Mercedita Espinar
5. United States Agency for International Development (USAID) and the Conservation Farming in the Tropical Uplands (CFTU) through Cornell University - Prof. Terry Tucker
6. Central Visayas State College of Agriculture, Forestry, and Technology (CVSCAFT) System - Dr. Elpidio T. Magante, President; and Prof. Jose T. Traverero of the Research, Development and Extension (RDE) Center
7. Leyte State University - Farm and Resource Management Institute (LSU-FARMI) - Ms. Fatima Baleña, CFTU Secretariat
8. Environmental Science for Social Change (ESSC) Bohol and Ms. Lorena Navallasca of PROCESS Navallasca
9. Atty. Ameli Estrada of the Environmental Legal Assistance Center (ELAC); Ms. Rainera Lucero, Country Coordinator of World Neighbors, Philippines; Ms. Nelia Miñoza of PhilDHRRA Visayas; and Mr. Edwin S. Arco, SWAN Research Facilitator and Analyst

EXECUTIVE SUMMARY

The “Review and Evaluation of Community-Based Tenure Instruments in Central Philippines” is an initiative of the Sustainable Watershed Advocates Network, a coalition of organizations whose prime interest is sustainable watershed management. The initiative provided an in-depth investigation of the status of community-based tenure instruments specifically the Certificate of Stewardship Contract (CSC) and the Community-Based Forest Management Agreement (CBFMA).

Through the review and evaluation, insights and learning experiences gained in the social preparation of communities, issuance, monitoring and evaluation, and renewal of the aforementioned tenure instruments are found useful in the advent of the Protected Area Community-Based Resource Management Agreement (PACBRMA).

Covering 4 municipalities in the Visayan region, the review and evaluation specifically looked into how major stakeholders such as the LGUs, DENR, tenured individuals and communities, absentee land claimants / landowners, NGOs, POs, and the Protected Area Management Board (PAMB) performed their roles and responsibilities in the different stages of tenure instrument implementation. It also delved into major issues and concerns such as security of tenure, taxation and resource use, and change of tenure instruments and readiness of tenured migrants.

In the course of the review and evaluation, several major conclusions are established. Conclusions pertaining to roles and relationships of major stakeholders have shown that there is limited participation of LGUs in the implementation of tenure instruments, less impact of devolved DENR functions on social and community-based forestry programs to LGUs, prevailing insecurity among tenured individuals and communities, conflict between DENR policy and the culturally accepted practice of tenants, constraint in sustaining NGO partnership with POs, and insignificant involvement of the PAMB in TI implementation.

With regard to security of tenure, there is still insecurity of tenure and uncertainty of the future despite the possession of a TI by tenured migrants. In terms of taxation and resource use, the review and evaluation has revealed that there is misconception regarding tax declarations as proofs of landownership, perception of “double taxation” on payments for forest charges and other fees, resentment over DENR requirements in the cutting of trees, and fear of losing lands in restoration zones. As community-based instruments evolved with DENR programs, the change of tenure instruments has created anxiety among tenured migrants. Moreover, as priorities shifted to organized community-based efforts, improving governance and eliciting community participation pose considerable challenges for POs.

The results of the review and evaluation of community-based tenure instruments serve as an eye opener for major stakeholders to improve the implementation of the CSC and CBFMA, and to offer better strategies and mechanisms for the smooth operation of PACBRMA.

INTRODUCTION

SWAN stands for Sustainable Watershed Advocates Network. Formerly INCEBOLEDA, an informal network of watershed stakeholders from Indonesia and the Philippines (Bohol, Cebu, Leyte, and Davao), SWAN has evolved into a coalition of organizations concerned with the sustainable management of watersheds in the Philippines whose members are mostly based in the Visayan region.

Before it evolved into SWAN, INCEBOLEDA was materialized after a training-workshop on Environmental Conflict Management (ECM) held in Cebu City on November 28 - December 8, 1998. The training-workshop was initially conceptualized by the Ramon Aboitiz Foundation Inc.-Eduardo Aboitiz Development Studies Center (RAFI-EADSC), which also served as the secretariat of INCEBOLEDA at that time. Sponsorship and organization of the event involved a range of NGOs, namely: PROCESS-Bohol, MFI, PhiIDHRRRA, CUSW, SWCF, Ugmad Foundation, and Kaabag sa Sugbu. Serving as a venue for the sharing of experiences to enhance the capability of stakeholders in watershed management, funding for the ECM training-workshop was provided by the Ford Foundation, World Neighbors, and CIIFAD. Most of the members of the Conservation Farming in Tropical Uplands (CFTU) are among the organizations presently comprising SWAN.

Working within the scope of sustainable watershed management, the major activities undertaken by SWAN included the cross-visit to Nussa Tenggara Region in Indonesia in 1999, ECM Reunion in 1999, Integrated Watershed Management Workshop in 2000, and Future Search Conference in 2000. With funding from World Neighbors, the Future Search Conference established a roadmap on how to respond to watershed management issues.

During a cross-visit to upland communities in Alcoy, Cebu on September 25, 2002, SWAN members had a chance to interact with a local people's organization (PO) - the Kapunungan sa mga Mag-uumad sa Yutang Lasangnon sa Bulolakaw (Association of Farmers in the Forestlands of Bulolakaw). The interaction opened an opportunity for SWAN to discuss with PO members issues and concerns regarding the tenure instrument (TI) in their possession, the CBFMA.

Realizing that sustainable watershed management cannot be advocated without responding to the needs and concerns of tenured individuals and communities in watershed areas, SWAN embarked on a study to assess the status of TI implementation, to determine the condition of tenured migrants, and to provide recommendations for the improvement of TI issuances. Thus, this project on "Review and Evaluation of Community-Based Tenure Instruments" came into reality focusing mainly on the CSC and CBFMA.

Learning experiences from the review and evaluation of TIs were also found useful for the proper implementation of the PACBRMA. Since some of the SWAN research sites were inside protected areas, it was found necessary to delve into concerns related to PACBRMA to come up with recommendations that would be useful during its implementation stage.

The Philippine Partnership for Development of Human Resources in Rural Areas (PhiIDHRRRA) Visayas serves as the incumbent secretariat of SWAN. The review and evaluation

project spanned a period of approximately 12 months covering tenured areas in Bohol, Cebu, Leyte, and Antique.

This is the final report of the "Review and Evaluation of Community-Based Tenure Instruments." It is hoped that the report would be useful to government and non-government agencies in strengthening the social preparation of tenured individuals and communities, and in the issuance, monitoring and evaluation, and renewal of tenure instruments for forest and protected areas, as possession of such instruments are critical to the effective participation of TI holders in sustainable watershed management.

Moreover, it is hoped that LGUs would be able to draw out insights from the research report since they play an important part for the success of integrated social and community-based forestry programs. Lastly, it is SWAN's desire that the learning experiences from CSC and CBFMA issuances would result to a more efficient and effective PACBRMA implementation.

SCOPE AND LIMITATIONS

Scope of the Study

The study covered the existing roles and relationships of implementing and assisting organizations in the issuance of TIs intended for social and community-based forestry programs. These organizations included the DENR, LGUs, and NGOs. It looked into the existing involvement of these organizations with particular emphasis on problems, issues, and other concerns that they have encountered in TI issuance/implementation/monitoring and evaluation. It also delved into the strengths and weaknesses of support activities that they are providing to improve the social and economic conditions of qualified tenured individuals and communities without affecting the ecological stability.

Another scope of study included the benefits and disincentives encountered, and the expectations of tenured migrants with regard to their possession or possible possession of the TI. It looked into the socio-economic activities and land developments initiated by TI Holders. Significant to the study was the identification of problems and issues of tenured migrants and their plans and solutions to mitigate them. Furthermore, it tried to validate and assess the types of support these tenured migrants have actually received from concerned government and non-government agencies.

Based on the study, recommendations were formulated for the review and action of various agencies, specifically on the needed response and pro-active participation of LGUs and the smooth execution of PACBRMA as gathered from CSC and CBFMA experiences.

Limitations of the Study

The study is not intended to evaluate the Integrated Social Forestry (ISF) and Community-Based Forestry Management (CBFM) programs of DENR. It is also not meant to evaluate how LGUs have effectively performed the devolved DENR functions stipulated in the Local Government Code of 1991.

The study is limited to reviewing and evaluating TI implementation and how the tenure instrument has been successful in the existing integrated social and community-based forestry programs.

Due to easy accessibility to the research sites and financial limitations, data gathering was confined to the following SWAN areas (maps shown in Annex 1):

Province	Area	Organization Involved
Bohol	Loboc Watershed	BANGON
	Wahig-Inabanga Watershed Caruod Watershed Ubay-Mabini-Alicia Watershed	CVSCAFT
	Abatan Watershed	PROCESS-Bohol
	Rajah Sikatuna Protected Landscape	SWCF
Cebu	Sudlon National Park Pung-ol Sibugay, Cebu City	CUSW
	Argao River Watershed	MFI
	Municipality of Alcoy	DENR-Argao
Leyte	Municipality of Inopacan	PhilDHRRA
Antique	Dalanas Watershed	PROCESS-Antique
		PhilDHRRA*, World Neighbors*
		DENR-7*
		RAFI-EADSC*
		LSU*

* *Support institutions*

RESEARCH OBJECTIVES

1. Identify the existing roles and relationships of implementing and assisting organizations involved in the implementation of TIs.
2. Determine the problems, issues, and other concerns encountered by implementing and assisting organizations in TI issuance / implementation.
3. Assess the status of support activities provided to improve the social and economic conditions of qualified tenured individuals and communities.
4. Appraise the benefits and disincentives encountered, and the expectations of tenured migrants regarding their possession or possible possession of the TI.
5. Identify the problems and issues of tenured individuals and communities and their plans and expectations in response to these concerns.
6. Provide recommendations for the review and action of concerned government and non-government agencies regarding the social preparation of tenured individuals / communities, issuance, and monitoring and evaluation of the TI.
7. Provide recommendations derived from CSC and CBFMA experiences to improve PACBRMA implementation and to inculcate LGU ownership and pro-active participation in integrated social and community-based forestry programs.

METHODOLOGIES AND TOOLS

Methodologies and tools employed by SWAN:

1. Design of participatory research process

A special session was organized by SWAN in August 2003 to design the research process. The research framework (Annex 2) centered on two types of tenure instruments: CSC and CBFMA. Since some of the sites covered by SWAN were protected areas, some issues and concerns about the PACBRMA were included in the research plan. As the focus was on the tenure instrument, important elements relating to its scope and coverage, transition activities, participation of stakeholders, benefits and disincentives, other issues and concerns, and suggestions and recommendations were identified.

2. Development of and orientation on the research tools

Another session was organized by SWAN to design the research tools to be used for the review and evaluation. A survey questionnaire for TI holders (Annex 3) was developed and translated into Cebuano. An interview guideline (Annex 4) was also designed for in-depth discussions with project implementers such as DENR, LGUs, NGOs, and other key stakeholders. These research tools were pre-tested before they were finalized. SWAN members responsible for conducting the interviews were oriented about the finalized tools. The development of the research tools ran from August to October 2003.

3. Interviews with key informants / stakeholders

Individual and group interviews were conducted with 65 persons who are currently holding TIs and qualified tenured migrants (Annex 5). About 24 of those interviewed were from the province of Cebu covering the municipalities of Argao and Alcoy, and barangays Sudlon I and Sinsin of Cebu City. Another 25 persons were reached in the province of Bohol covering the municipalities of Bilar, Carmen, Garcia Hernandez, Sierra Bullones, and Valencia. In Inopacan, Leyte and Antique, about 8 individuals from each of the provinces were interviewed.

Other key informants / stakeholders were also interviewed representing the DENR, LGUs, and NGOs. A total of 22 persons were reached in the provinces of Antique, Bohol, Cebu, and Leyte (Annex 5). About 8 DENR personnel were interviewed to include 1 PENRO, 4 CENROs, 2 PASus, and 1 Forester. Five LGU officials and 4 NGO representatives were asked to provide their perceptions. The NGOs included the PBSP, PROCESS Bohol, ESSC, and AFFCUI. The interviews were conducted in November 2003.

4. Collation and analysis of data

The data gathered were collated by each SWAN member involved in the research. Collated data were presented during a workshop held last December 3-5, 2003 at IRC,

Kabajar St., Guadalupe, Cebu City to provide an initial analysis of findings (Annex 6). Aside from SWAN members, representatives from DENR and selected TI holders were invited to the workshop. A separate documentation was completed for this specific purpose.

5. Development of draft advocacy and policy recommendations

The initial analysis was used for the succeeding workshop, which was organized on February 27-28, 2004 at CUSW office in Suite 14, Borromeo Arcade, F. Ramos St., Cebu City. Utilizing the output of the first workshop, the second workshop provided a more in-depth discussion of findings entailing the development of general areas for advocacy and policy recommendations (Annex 7) that SWAN has special interests in. Aside from the participants of the first workshop, the second workshop also invited a legal expert to guide discussions and outputs specifically on legal and policy matters. A separate report was prepared for this activity.

6. Validation of research findings and enhancement of recommendations

Outputs of the two workshops were further validated in the field through focus group discussions (FGD) in the months of July to August 2003. The FGDs were facilitated by SWAN members and participated in by representatives of DENR, LGUs, NGAs, NGOs, POs, and TI holders. After the validation, the findings were finalized during two consecutive meetings participated by SWAN members on September 27-28, 2004 and November 17-18, 2004. It was during these meetings that conclusions and recommendations were also formulated and finalized for presentation.

7. Presentation of research findings and recommendations

The draft research report was presented to representatives of DENR and other government agencies, non-government organizations, local government units, and other groups interested in tenure security issues on January 21, 2005 at the Eduardo Development Studies Center. The presentation provided an opportunity for concerned organizations particularly DENR to react on the findings and recommendations of SWAN. It also served as a venue for enriching analysis, improving recommendations, and determining future actions.

FINDINGS AND ANALYSIS

1. Roles and Relationships of Major Stakeholders

Local Government Units (LGU)

There is limited participation of LGUs in the social preparation of tenured individuals and communities, and in the issuance and monitoring and evaluation of TIs. This has hindered the effective implementation of social and community-based forestry programs threatening their sustainability including the socio-economic well-being of tenured individuals and communities.

In the implementation of TIs, four distinct stages are undertaken.

The first stage entails the “pre-issuance phase,” which includes a characterization study and/or area assessment to determine if the land claimed is eligible for a TI and to evaluate if the claimant is qualified to be a tenured migrant. It is also at this stage when social preparation is carried out involving public consultation and community education.

The second stage is referred to as the “issuance phase” wherein the actual awarding of TI takes place either to individual forest occupants through the CSC or to local organizations / communities through the CBFMA or PACBRMA. It is during this stage when support activities are provided like the development and execution of the Community Resource Management Framework (CRMF) / Community Resource Management Plan (CRMP) / Resource Use Plan (RUP), capability building, technology transfer, and other socio-economic initiatives.

The third stage is the “monitoring and evaluation phase,” which involves a periodic assessment to determine the progress and impact of TI implementation.

The last stage is the “renewal phase,” which is concerned with the extension of the stewardship contract or management agreement for the next 25 years.

The research has indicated that LGUs’ participation in TI implementation is grossly limited largely due to inadequate knowledge regarding their role in the process, as there are no provisions described in pertinent policies or laws regarding this matter. The present involvement is purely ceremonial in nature or simple endorsements before TIs are awarded. LGUs do not have direct participation in the monitoring of provisions spelled out in the TI.

Although the Local Government Code (LGC) of 1991 or Republic Act 7160 has clearly indicated that LGUs have the mandate and responsibility for managing and maintaining the ecological balance of their territories, devolved functions of DENR specifically on social and community-based forestry programs are not properly implemented due to limited technical personnel and unclear procedures.

Devolved functions to provincial LGUs include the enforcement of forestry laws in community-based forestry projects, pollution control law, small-scale mining law, mini-hydro electric projects for local purposes, and other laws on the protection of the environment. For municipal LGUs, devolved functions cover community-based forestry projects to include integrated social forestry (ISF) programs and similar projects, management and control of communal forests with an area not exceeding fifty (50) km², and establishment of tree parks, greenbelts, and similar development projects. Meanwhile, devolved functions to City LGUs include all forest management functions and activities that have been devolved to provinces and municipalities.

Although DENR claims that a monitoring framework is in place through the ISF Participatory Monitoring Manual introduced even before devolution, this is not translated into actual operations by LGUs. Most of the LGUs concentrate on the monitoring of sand and gravel extraction or small-scale mining and place less priority on social and community-based forestry programs as these are not income generating. On the other hand, LGUs are not technically and logistically prepared of the devolution since capability-building support activities were not provided.

Due to technical and financial limitations, the roles of barangay and municipal LGUs in TI implementation are limited to identifying qualified tenured migrants, signing applications, and posing as witness to the instruments issued by DENR. The terms and conditions described in the instruments - CBFMA and CSC - do not specify the roles of the LGU.

Since the authority is vested on the DENR being the official representative of the government, LGUs perceive DENR as the main actor in monitoring TI issuances. Although DENR monitoring of ISF areas has ceased after devolution, as it is expected that LGUs would take over, DENR still leads the helm of monitoring TI implementation by mobilizing LGUs in the process. Thus, the effort is not LGU-initiated and does not signify LGU ownership of ISF and CBFM programs.

The continuity of social forestry and community-based forest management programs is affected when there is a change of political leadership. Program priorities change upon the assumption of office of the new mayor, at times resulting in the neglect of timberland areas. Social and community-based forestry programs rank among the lowest priorities of the LGUs with very limited social and physical infrastructure support poured into critical watersheds and forest areas. In most cases, timberlands are something that LGUs do not want to bother about.

Department of Environment and Natural Resources (DENR)

Devolved DENR functions on social and community-based forestry programs have not completely trickled down to the provincial and municipal / city levels, the consequences of which are the neglect of tenured individuals and communities, and lack of appreciation of the tenure instrument. DENR has ceased activities related to the full implementation of devolved functions.

Despite the devolution of implementation of social and community-based forestry projects to LGUs, it is still subject to the supervision, control, and review of DENR. A gray area is observed in the devolution process, as it is unclear on who is responsible for following up on the effectiveness of devolved functions including TI issuance. DENR has reservations in

fully transferring devolved functions since LGUs are not technically, financially, and politically prepared.

Personnel of the Community Environment and Natural Resources Office (CENRO) recognize the fact that it is beyond their scope to monitor devolved functions particularly in the enforcement of forestry laws in community-based forestry projects since turnover was at the provincial level. Further, a formal turnover of devolved functions from provincial to the municipal level did not occur. Although it is noteworthy for LGUs to scout for opportunities for timberland areas, they have failed to exercise their responsibilities to their constituents in these said sites.

While DENR expects the provincial government to act and ensure the proper implementation of social and community-based forestry programs, the NGA also feels that the provision in the LGC for the creation of the ENRO is optional. As stated in Section 5 of DENR DAO No. 30-92, the appointment of the ENRO is prescribed as optional. Absence of a permanent environmental office is the main factor for the ineffective implementation of devolved functions. Accountability to the program from pre-issuance to renewal of tenure instruments, therefore, still lies with DENR.

As LGUs are unsure of what to do with the social and community-based functions devolved to them, particularly in the monitoring of TI issuance, they expect DENR to provide capability-building schemes. DENR, meanwhile, cannot fully provide for such schemes including the designation of a point person to focus on the ISF / CBFM programs due to funding constraints.

The research has shown that LGUs have not fully appreciated the powers encompassing social and community-based forestry programs specifically and environmental protection generally since these are perceived as DENR's. Other factors include limited manpower and financial resources, inadequate orientation of LGUs on the implementation and monitoring of TI issuances, and the incomplete turn-over of functions.

Moreover, the quality of devolution is compromised since it is seen as a turnover of functions rather than as a process where roles are leveled off and capacities are built and sustained with LGUs. It is crucial for DENR to realize that LGUs play a critical role being the most permanent structure in implementing and monitoring social and community-based forestry programs. It is also imperative that for the agency to fully prepare LGUs of the devolution.

While nobody has picked up the cudgels of ISF monitoring after devolution, DENR monitoring of CBFM areas does not also occur on a regular basis as yearly targets depend on fund availability.

DENR is constrained in the supervision and monitoring of TI issuances due to limited technical and financial resources leading to insufficient social preparation, inadequate IEC to concerned groups, and weak collaborative / coordinative activities with various agencies to sustain the program. After the devolution of functions on social and community-based forestry programs to LGUs, monitoring of CSCs ceased since priority was shifted to the CBFMA. Due to targets that need to be accomplished in a given period, TI issuance is being fast-tracked compromising the quality of the program.

Tenured Individuals and Communities

There is a prevailing insecurity among tenured individuals and communities regarding the improvement of their socio-economic condition and tenure. These individuals and communities are not fully participating in the formulation and implementation of plans for their socio-economic upliftment.

The immediate concern of POs that are eligible for CBFMA is improving the economic condition of its members. Also, CSC holders see the TI as economically valuable. The TIs are, thus, of economic importance to tenured migrants. But they are rarely valued as ecologically, culturally, socially, or politically significant.

Despite the TI's economic value, access to project funding is a major problem. Funding sources are not explicitly clarified to TI holders since most livelihood projects are initiated externally such as those designed by DENR. Most of the tenured individuals and communities do not have the knowledge and skills in tapping external economic assistance.

The biggest challenge of tenured individuals and communities is how to sustain initiatives to meet the requirements of the stewardship or agreement at the same time to improve their livelihood condition without compromising the ecological stability of the tenured area. For CBFMA holders, mobilizing members alone is a huge effort that requires external technical and financial support.

Essential to the implementation of a TI is the participation of tenured individuals and communities in the planning and sustainable development of resources in tenured lands. The CRMF, RUP, and Annual Work Plan (AWP) are required in CBFMA. A CRMP is needed in PACBRMA. For a CSC, a Project Stewardship Plan (PSP) is required. The TI is usually awarded before planning takes place, a strategy considered useful by DENR so that tenured individuals and communities can fully internalize and actually participate in sustainable development. Awarding the TI first serves as a "come on" to tenured migrants for their full participation in formulating and executing the CRMF, CRMP, or PSP.

The CRMF, CRMP, and PSP are envisioned to help improve the socio-economic condition of tenured individuals and communities while ensuring the sustainable use of land and related resources without compromising the ecological balance in forest and protected areas. While the present priority is on community participation in the formulation and implementation the CRMF and CRMP, the PSP has never materialized since the inception of the ISF. Because these individuals and communities belong to a territorial unit, their plans are supposed to be part and parcel of the overall barangay, municipal, or city development plans. But the CRMF, CRMP, and PSP are rarely incorporated in LGU plans particularly in Barangay Development Plans (BDP).

Due to lack of appreciation of LGUs on the plans of tenured individuals and communities, insecurity regarding their socio-economic improvement prevails. The fact remains that even if the CRMF, CRMP, and PSP were included in the BDP, development projects and programs prioritized at the barangay level are not fully considered in the City / Municipal Development Plan (C/MDP) since the latter is pre-identified at the city or municipal level with or without the active involvement of the City / Municipal Development Council (C/MDC).

The LGC stresses the significant role of the Barangay Development Council (BDC) in crafting the BDP. However, the reality is that BDCs are neither formed nor functional. In actuality, both the BDP and C/MDP do not reflect but rather ignore the actual needs and priorities of tenured communities or households. Compounding to the situation is the limited attention given to timberland areas by LGUs, as fewer socio-economic development programs and projects are introduced in these communities.

Absentee Land Claimants / Landowners

The prevailing cultural practice of tenants who continue to respect the rights of their landlords is not in accordance with DENR's policy, which stressed that actual land tillers are the only ones eligible for TI.

There are lands eligible as tenured areas but with absentee land claimants or landowners. Tenancy is a complex issue, encompassing socially and culturally accepted norms where bonding between tenant and landowner is characterized by respect, indebtedness, and gratitude.

Tenants qualified as a tenured migrant respect the rights of land claimants who possess tax declarations and do not pursue their rights for a TI even if they are actual tillers of the land. There are also tenants who possess a CSC but continue to respect the rights of the landlord by adhering to the tenant-landlord relationship. They respect the claimants' ownership of the land even if they are absentee owners.

This prevailing cultural attitude of tenants creates a conflict with regard to DENR's policy of issuing TIs only to tenured migrants who are the actual tillers of the land. While the intention is noble and legal, absentee land claimants on the other hand have been left out during consultations meant for the evolution of TIs. Further, there is absence of initiative to engage absentee land claimants in a conflict management scheme to resolve the status of their claims.

Non-Government Organizations (NGO)

NGOs are constrained in sustaining initiatives with POs for the effective implementation of TIs due to dependency on external financial assistance.

NGOs are recognized institutions that provide support to tenured communities by assisting in the formation and building the capability of POs. Due to their experience in community organizing, DENR has been tapping NGO services to prepare and assist tenured communities for CBFMA or PACBRMA as assisting organizations (AO). It is also the role of NGOs to facilitate or create venues / forums for dialogue and action to fill-in the gaps intended for social development and transformation.

Since community organizing is an essential component to strengthen POs in performing their role in CBFMA or PACBRMA, NGO services for this purpose include skills in capability building, improvement of farming technologies through soil and water conservation measures (SWCM), effective financial management, and building partnerships and linkages. NGOs also assist tenured POs in crafting their CRMF, CRMP, RUP, and AWP.

However, not all POs in tenured communities can be provided with such assistance due to funding limitations. The NGO's involvement in a certain tenured areas is also dependent on the design or coverage of special projects. Most of their operations are dependent on external financial support.

There are times when NGOs are requested by LGUs to provide technical and financial assistance to development projects. In some cases, the NGO acts as bridge between DENR and the LGU in behalf of tenured POs. These initiatives, however, are short-lived since they require financial support in order to sustain.

Protected Area Management Board (PAMB)

There is minimal involvement of the PAMB in the activities of tenured individuals and communities inside protected areas.

Section 5 of DENR DAO No. 2004-32 describes the role of the PAMB in certifying qualified tenured migrants who will become members of the PO after the Survey and Registration of Protected Area Occupancy (SRPAO).

The PAMB is tasked to administer, manage, and regulate activities of a protected area through a General Management Planning Strategy (GMPS) as provided for in the NIPAS Act. While it is imperative that the CRMF or CRMP adheres to the direction of the GMPS, this seldom happens since effective linkages between the PAMB and the tenured PO are not established. On the other hand, the PAMB is not able to assist POs on its future directions due to limited technical expertise and financial resources.

2. Security of Tenure

Ultimate Security of Tenure

There is still insecurity of tenure despite the possession of a TI since there is no absolute ownership of the land even if the law iterates that forestlands cannot be privately owned.

Several CSC holders harbor insecurity of their tenure, expressing that land will be ultimately taken back by DENR and given to land developers due to the growing urban sprawl. Despite the possession of a TI, there is still an overwhelming concern on the absolute ownership of the land since it cannot be sold.

Socio-economic development is equated with absolute land ownership. For many of the TI holders, living conditions would only improve if ultimate security is achieved. Since the tenure agreement is not a proof of ultimate ownership but as a form of stewardship, there are some CSC holders who do not keep the document safely unlike a land title, which is guarded with one's life.

There is a nagging fear of being ejected as tenured migrants' realize that the land they are using / occupying cannot be ultimately owned. They have expressed their willingness to adopt whatever plans the DENR has on the protection and conservation of the environment as long as they are not ejected. This change in attitude of tenured migrants is now their bargaining stand.

Several CSC holders do not strictly implement SWCM on the farm, which is one of the requirements to keep on holding to the instrument. But since farms are not adequately monitored, provisions spelled out in the CSC are not truly complied with especially after the devolution of social forestry programs to LGUs.

Before the devolution, orientation programs were conducted by DENR to LGUs although not all of the ISF areas were covered. The change in political leadership, which resulted in a shift of development priorities, and inadequate follow-up from DENR's side were the major reasons why the provisions in the CSC were not fully implemented or continued. Furthermore, many tenured individuals were left on their own having very limited external support to their agricultural and other economic activities.

Renewal of Tenure Instrument

Uncertainty of the future remains since the process of renewing a TI is unclear to tenured migrants.

Several CSC holders do not know the process of renewing tenure or whom to approach to after 25 years of using the land. The earliest CSC issuance was in 1982, thus preparation for renewal should have been afoot by now.

Although tenure instruments are good for a maximum period of 50 years, the provision is unclear on what happens after this period expires. As there are no specific guidelines or directives that clarify what to do with tenured migrants and their descendants when this maximum tenure period is reached, many look at future as a blank wall. False hopes continue to prevail as education and support programs do not stress the concept that tenure is a privilege rather than as a form of ultimate security. In the absence of such provision, there are no activities / plans to prepare tenured migrants who reach the maximum period of stewardship. The manner of succession is not also extensively disseminated to heirs of tenured migrants.

Due to inadequate coordination and absence of policies, LGUs are not involved in the renewal process after 25 years of land use by the tenured individual or community. The role of LGUs in the renewal process has not been properly established since there are no specific guidelines from DENR despite the fact that social and community-based forestry programs are already devolved to them. They also do not have a focus person that looks into TI renewal as part of the overall implementation and management of the devolved forestry programs.

3. Taxation and Resource Use

Revenue Generation of LGUs

Tax declarations are perceived as proofs of land ownership due to continued LGU taxation in timberland and protected areas even if by itself a tax declaration does not vest ownership.

Since the passage of the LGC in 1991, LGUs are given the power to create sources of revenue. Taxation on estates and other acquisitions is practiced by LGUs even if these

properties are situated in timberland and protected areas (PA), which is not supposed to happen as stipulated in Presidential Decree 705 known as the Forestry Code of the Philippines.

On the other hand, LGUs need to generate the much-needed revenues in order to provide basic public welfare services. Obviously, the conflict between DENR and LGUs on this form of taxation has created confusion among timberland / PA residents. Meanwhile, there is absence of effort in the part of the LGU to get certification from DENR before tax declarations are processed.

Taxation on estates and other acquisitions is commonly referred to as "Tax on Transfer of Real Property Ownership." As this is so allowed in timberland and protected areas, land claimants who regularly pay taxes to LGUs have perceived tax declarations as instruments of ownership, one of the major snags in the issuance of TIs to qualified tenured migrants.

Fees and Income Sharing

There are conflicting interpretations and inadequate information dissemination on policies and mechanisms related to charges, fees, and production sharing schemes due to ineffective information management.

PO members in CBFM areas are confused about the mechanics of income sharing and other forms of payment, which they perceive as "double taxation." This perception has emanated from the fact that aside from paying taxes / fees to the LGU, a certain portion of the income goes to the PO while paying for other forest charges and fees (e.g. for permits in cutting nipa, mangrove, and other timber products) to DENR. Income sharing is intended for the benefit of PO members, but its intention is not yet fully grasped and its mechanics are not yet mutually established.

In protected areas, there is apprehension over income sharing for the Integrated Protected Area Fund (IPAF) required in the NIPAS. Tenured migrants in PAs also see this as a form of "double taxation" since 25% of income from timber products goes to DENR. For DENR, the IPAF is not meant as a form of taxation but as a production sharing scheme of the fee derived from the use of resources inside protected areas. However, POs have not fully grasped the objectives and processes of this sharing scheme since interpretation of laws, policies, and administrative orders varies from one DENR personnel to another indicating a need for effective information management.

Cutting of Trees and Transporting of Timber Products

DENR policies and procedures for the cutting of trees and transporting of timber products have not been effective.

Permission for cutting of trees by TI holders is seen as tedious, marred by bureaucratic procedures and voluminous documentary requirements. For many of the tenured individuals and communities, getting approval from DENR is oftentimes frustrating, resulting in resentment since they are the ones who planted the trees but cannot reap the fruits of their labor. So in effect, these tenured migrants would rather cut the trees without DENR's blessing.

For DENR, cutting of certain types of tree species is allowed only in areas designated as multiple use zones (MUZ), but tenured migrants / local residents in protected areas do not have any idea where these sites are located as either management zoning has not been delineated on the ground or informed to them.

Further, the role of barangay and municipal LGUs with regard to cutting of trees is limited to issuing a clearance but an actual investigation of the area is seldom made. Although DENR has provided education and directives to LGUs regarding the requirements for the cutting of trees, LGUs would rather leave the matter to DENR.

Moreover, LGUs do not have a role in regulating the transportation of timber products. Despite the devolution of integrated social and community-based forestry programs, LGUs do not recognize their role of issuing clearance for cutting trees and regulating the movement of timber products as significant.

Management Zoning

Qualified tenured migrants in protected areas are in fear of losing land as they are mostly residing or using land inside restoration zones.

Tenured migrants using / claiming a certain area are now affected by the latest zoning scheme in a protected area. Majority of these individuals are residing or using lands inside the restoration zone, which is not eligible for tenure under PACBRMA. The future of these tenured migrants remains uncertain as there is no apparent effort to resolve the problem of what to do with people who have been traditionally farming or residing on restoration zones.

And since these zones are not demarcated on the ground, there is much confusion as to where suitable farming activities have to be undertaken. Meanwhile, barangay LGUs are complaining about their non-participation in identifying the management zones.

4. Change of Tenure Instruments and Readiness of Tenured Migrants

From CSC to CBFMA / PACBRMA

Change of tenure instruments has created anxiety among tenured migrants making them less trusting of the DENR.

After several studies and evaluations, DENR has redirected its priorities on community-based tenure instruments to CBFMA in timberland areas and PACBRMA in protected areas. CSCs are in the process of being consolidated into a CBFMA area, as PO or community management is seen as the most logical step towards sustainable development in highly critical environments.

The change from CSC to CBFMA has created anxiety and uncertainty of the future among tenured migrants due to deficient social preparation and public consultation. Many CSC holders are questioning the program, as it is unclear to them on how a CBFMA operates. For several tenured migrants, the new management-zoning scheme in CBFM areas would restrict some of their activities, thus, a big impediment to their livelihood.

There are also families / individuals who do not have the desire to be a member of the PO for which the CBFMA is to be awarded. Due to the absence of a continuing dialogue with and education of eligible tenured migrants, many communities are not fully ready for the CBFMA.

The same negative reaction is observed upon the advent of PACBRMA. The reaction stemmed from the concern that while the CBFMA is not yet fully implemented, a new tenure instrument is already introduced. In the case of tenured migrants in the protected areas of Central Cebu, for example, the CBFMA was promised to them but the PACBRMA would be the one to be awarded. This has created false hopes among expectant tenured migrants and led them to question DENR's credibility due to frequent policy and priority changes. As per DENR evaluation, the PACBRMA is the most suitable TI for a protected area. While DENR's intention is good, this is not effectively disseminated to communities inside protected areas.

Organizational Management

POs in CBFM areas are weak in demonstrating effective governance, as there is limited support in terms of organizational development, and lack of appreciation on the value of the TI and on the importance of the organization in itself.

Instituting a cohesive and unified PO membership remains a snag as several CBFMA stakeholders find meetings, seminars, and voluntary activities as a waste of time. Several members gripe about the poor selection of CBFM areas, as they are either too remote, with a peace and order problem, or do not suit to the interests of members.

Livelihood projects in CBFM areas are not also properly prioritized and planned. There are complaints that only few members benefit from these initiatives. Financial resources are also poorly managed.

Moreover, instituting good governance in the PO poses a big challenge particularly in eliciting community participation and expanding membership since individual interests are varied and difficult to bring together without external development assistance. PO linkages with NGOs and government agencies to improve their institutional capability are found to be extremely necessary.

RECOMMENDATIONS

Roles and Relationships of Major Stakeholders

- Expand the involvement of LGUs by establishing and operationalizing their specific roles, and enhance their participation and build their capability in the issuance, implementation, and monitoring of CSC, CBFMA, and PACBRMA. (DENR, LGU)
- Require LGUs to establish the office of the ENRO and instigate their ownership of social and community-based forestry programs. (DILG, DENR, LGU)
- Allocate budget for devolved functions on social and community-based forestry programs. (DBM, LGU)
- Review and re-focus DENR strategies and activities related to community organizing, information management (such as legal and policy aspects, cutting of trees), and monitoring of CSC issuances. (DENR, NGO, LGU)
- Organize and/or strengthen the involvement of the BDC and MDC through the LGUs so that local development will include provision of technical and financial resources to timberland, protected areas, or tenured communities. (DILG, DENR, LGU, NGO)
- Mobilize and strengthen the participation of POs in the BDC/MDC for the incorporation and allocation of budget of their CRMF, CRMP, and RUP in the BDP/MDP. (DILG, DENR, LGU, NGO)
- Initiate conflict management schemes with and respecting the rights of absentee land claimants / landowners regarding the status of their claims. (NGO, DENR)
- Strengthen the capability of the PAMB in protected area planning, management, and monitoring including actualization of processes for effective partnerships and linkages with tenured POs. (DENR, NGO)
- Identify success indicators and mechanisms through participatory means including the participation of BDCs and MDCs in the monitoring and evaluation of TI issuances. (DENR, LGU, PO, NGO)
- Review existing IRR for PACBRMA through multi-stakeholder participation. (DENR, LGU, NGO)
- Integrate programs and projects within DENR structure for long-term planning particularly by merging priorities and activities of the Forestry Management Services (FMS) and the Protected Area and Wildlife Division (PAWD). (DENR)
- Organize and activate Steering Committees for the implementation of environmental programs at different levels in accordance to DENR-DILG Joint Memorandum Circular No. 2003-01 to sustain coordinative mechanisms with other government agencies (e.g. BFAR, DA, and DAR) and private sector groups with stakes in CBFM / PACBRM areas. (DENR, DILG, LGU)

Security of Tenure

- Establish specific policies, guidelines, and mechanisms pertaining to the renewal process of tenure instruments. (DENR, LGU, NGO)
- Develop and implement a transition plan for the social and economic preparation of individuals who have utilized or about to end the maximum period of stewardship. (DENR, NGO, LGU, PO)

- Disseminate information effectively on procedures for new CBFMA and PACBRMA applications including policies and mechanisms for succession, transfer of rights, and renewal. (DENR, NGO, LGU)
- Review PACBRMA policy regarding the exclusion of restoration zones for tenure and the process of identifying management zones. (DENR, PAMB)
- Undertake effective public awareness reiterating that TIs are not meant for ultimate security but providing a privilege of tenure for a specific period. (DENR, LGU, NGO, PO)

Taxation and Resource Use

- Provide technical and financial assistance to tenured POs in the development and implementation of CRMF, CRMP, RUP, and AWP. (DENR, LGU, NGO, PAMB)
- Provide regular technical and logistical support to tenured farmers to improve agricultural productivity without compromising ecological stability, particularly in the formulation and implementation of the Project Stewardship Plan. (LGU, DENR)
- Improve the capacities of LGUs in formulating and implementing Forest Land Use Plans (FLUP) through the assistance of DENR including the involvement of the private sector. (DENR, LGU, NGO)
- Ensure transparency of and accessibility to funds and equitable sharing schemes meant for CBFM / PACBRM areas by retaining the share of the protected area before remitting to the national level and facilitating effective information dissemination. (PAMB, DENR)
- Organize venues to clarify policies and resolution of conflicts with LGUs regarding taxation of real properties / resource use inside timberland and protected areas through dialogues, consultations, and MOAs. (NGO, DENR, LGU)
- Review and reduce requirements but ensuring proper mechanisms for the cutting and transporting of certain tree species in CSC, CBFMA, and PACBRM areas, and effect an extensive education program for local residents. (DENR, LGU)
- Allocate funds for the demarcation of management zones on the ground and effective information dissemination to tenured communities. (DENR, LGU, NGO)
- Include the SPZ and restoration zone in the PACBRMA so plans can be incorporated by the PO for their management and protection. (DENR, PAMB, PO)

Change of Tenure Instruments and Readiness of Tenured Migrants

- Respect and support previously issued CSCs and the preferences and rights of CSC holders who do not want to be members of the PO even if the current DENR priority is on CBFMA. (DENR, LGU)
- Identify and facilitate community organizing strategies to mobilize CSC holders to participate in PO activities for the CBFMA. (NGO, LGU, DENR)
- Reactivate and strengthen inactive ISF associations and prepare these groups institutionally for CBFMA or PACBRMA. (DENR, LGU)
- Mobilize sufficient social preparation and capability building activities for effective PO governance, institutional viability, and financial stability. (DENR, LGU, NGO)
- Sustain mechanisms to strengthen federated POs with CBFMAs, and evaluate mechanisms for replication during PACBRMA implementation. (DENR, LGU, NGO)

Note: The underscored agency is suggested as the lead institution in implementing the recommended activity.

Additional recommendations for consideration of SWAN:

- Reproduction of research report for distribution to institutions with key interest / involvement in sustainable watershed management / tenure security issues.
- Submission of the report to the Regional Executive Director of DENR-7 and endorsement of the same to the Secretary of DENR indicating provisions applicable at the local level.
- Dissemination of research report to a wider audience including the presentation of case studies conducted by other organizations.
- Strengthening the participation of provincial, municipal, and barangay LGUs in watershed management particularly in the implementation and monitoring of integrated social and community-based forestry programs in partnership with DILG and DENR.
- Organization of workshop to establish the implementing rules and regulations of PACBRMA with the participation of various stakeholders.
- Formation and institutionalization of steering committees at the regional, provincial, and municipal levels responsible for environmental concerns including watershed management and community-based tenure instrument issues.

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5. DENR DAO No. 30-92, Section 5 - Establishment of ENRO in Local Government Units
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7. Monitoring and Evaluation Handbook for Participatory ISF Projects, DENR Upland Development Program, 1991
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9. Presidential Decree 705 - Forestry Code of the Philippines
10. Rules and Regulations Implementing the Local Government Code of 1991, Republic of the Philippines, 1991

ANNEXES ***

Annex 1: Locations of the Study Areas

Annex 2: Community-Based Tenure Instrument Review and Evaluation Framework

Annex 3: Survey Questionnaire for Tenure Instrument Holders

Annex 4: Interview Guidelines for Program Implementers

Annex 5: List of Respondents

Annex 6: Outputs of Data Analysis Workshop

Annex 7: Outputs of Advocacy and Policy Recommendations Workshop

Annex 8: Photo Documentation of Community-Based TI Instruments Review
and Evaluation Activities

Only the list of appendices is included in this paper submission due to the limitation on the maximum number of pages.

