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# Legal Challenges in Securing Land Tenure and Property Rights in Lake Sebu, South Cotabato, Philippines

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The Municipality of Lake Sebu in South Cotabato was named after the largest lake in the area, which serves as the major source of livelihood of the local people. It was covered by the Indigenous Peoples Rights Act as well as the National Integrated Protected Areas System Act. Prior and subsequent to its declaration as protected area and ancestral domain, land acquisitions by non-tribe members were also prevalent. This paper describes the context and challenges in securing land tenure and property rights in Sitios Lamsufo and Isla Grande in Barangay Poblacion, Lake Sebu. Data were collected through survey, focus group discussions, and key informant interviews. Results show that migrant respondents possessed a land title while indigenous people (IP) respondents only had a tax declaration. However, regardless of the tenurial instrument they possessed, their withdrawal and control rights over resources were limited. IP respondents also showed lack of awareness of the tenurial instruments issued to them such as the Certificate of Ancestral Domain Claim (CADC) and Certificate of Ancestral Domain Title (CADT). Compared to the IPs, migrant respondents benefitted more from the Lake Sebu through aquaculture production, which, however, contributed to the degradation of the Lake. There was also an overlapping area of management responsibilities between the local government and the Department of Environment and Natural Resources (DENR). The paper recognizes advances at the policy level to address the contentious issues in protected area management. It also proposes local initiatives such as enhancing information campaigns, establishing equitable benefit-sharing mechanisms, formalizing collective actions, and resolving management issues in response to the emerging concerns in the area.

**Keywords:** ancestral domain, aquaculture, indigenous peoples, lake degradation, land tenure, property rights, protected areas

## INTRODUCTION

The complexity of the land tenure system in Philippine protected areas (PAs) lies in the multiple territorial claims and overlapping policies. These are rooted in the two major doctrines that serve as the foundations of the various statutory rules in the country. The Regalian Doctrine, which has been entrenched in the previous and current Philippine Constitutions, asserts that the state has the sovereign power over public lands. PAs are classified as public lands, and thus the state assumes ownership and control. Meanwhile, the Prior Rights Doctrine applies the “first in time, first in right” principle, which supports local people’s claims over their lands and the natural resources therein. Before declared as PAs, most of these areas were occupied by the indigenous peoples (IPs) and their ancestors for centuries. In this paper, IPs refer to the indigenous cultural communities/indigenous peoples as defined by the Indigenous Peoples Rights Act of 1997.

The customary rights of IPs over their lands are recognized in the NIPAS Act of 1992 or Republic Act (RA) 7586. It was the first national legislation to accord recognition of IPs’ rights to utilize the resources within their ancestral lands. It introduced the PA framework in biodiversity conservation while enshrining people’s participation and traditional rights of IPs as principal management objectives (Capistrano, 2010).

This Act paved the way for the issuance of various instruments to the local communities. These include the Certificate of Ancestral Domain Claim (CADC), Certificate of Ancestral Land Claim (CALC), and Protected Area Community-Based Resource Management Agreement (PACBRMA) issued by the Department of Environment and Natural Resources (DENR). The issuances of these instruments show that environmental policies have shifted towards greater recognition of local people’s rights.

However, in government-controlled PAs, the IPs’ rights over their ancestral lands and resources remain to be a major issue. IPs are characterized by their distinct ways of life. Their relationships to the land and natural resources are embedded in their culture, beliefs, and livelihood. The tenurial instruments awarded to IPs such as CADC, CALC, or PACBRMA only grant usufruct rights over resources but not security of tenure since land ownership still belongs to the government. These instruments are not land titles that are considered as the strongest form of tenure security (De-Soto, 2000; Reerink & van Gelder, 2010, as cited in Usamah, Mitchell, & Handmer, 2012). Under the principle of

native titling, IPs do not need a document to ensure ownership. However, in the current legal system, the absence of a title to support land claims means insecurity of tenure and limited property rights.

Property rights, as defined by Schlager and Ostrom (1992) are composed of bundle of rights, which include the rights of access (i.e. the right to enter a defined physical area), withdrawal (the right to obtain a products of a resource), management (i.e. the right to regulate internal use patterns and transform the resource by making improvements), exclusion (i.e. the right to determine who will have an access right and how that right may be transferred), and alienation (i.e. the right to sell or lease either or both of the above collective-choice rights). Meinzen-Dick (2006, as cited in Pulhin, Dizon Cruz, & Dahal, 2008) further regrouped this bundle of rights into use (i.e. access and withdrawal rights), control or decision-making (i.e. management and exclusion rights) and alienation. According to Barry and Meinzen-Dick (2013), holding the complete bundle of rights over a particular resource is often thought of as ownership.

The IPs' rights to own their ancestral lands and domains were first recognized in the Indigenous Peoples Rights Act (IPRA) of 1997 or RA 8371. IPRA serves as the legal foundation for the recognition, protection, and promotion of IPs' rights. Under the law, "ancestral lands" refer to the areas occupied by individuals, families, and clans who belong to an IP, while "ancestral domains" refer to the areas generally belonging to an IP, including ancestral lands, inland waters, coastal areas, and the natural resources therein. Both ancestral lands and domains are required to have been occupied, possessed, and utilized by IPs or their ancestors since time immemorial, continuously to the present. A Certificate of Ancestral Land Title (CALT) and a Certificate of Ancestral Domain Title (CADT) are given to qualified IPs to guarantee their ownership of their ancestral lands or ancestral domains, as appropriate.

RA 8371 also recognizes other rights that come along with ownership rights. These include, among others, the right to harvest, extract, develop, or exploit resources as well as develop, control, and use lands and territories traditionally occupied. The IPs also have the responsibility of maintaining ecological balance, restoring denuded areas, and observing laws. The National Commission on Indigenous Peoples (NCIP) was created under the Office of the President to serve as the primary agency to formulate and implement policies, plans, and programs in accordance with the IPRA.

Although the rights of the IPs had already been recognized in the IPRA, their struggle for land tenure security continued because of the inherent complexity of the tenure system in PAs. In the Municipality of Lake Sebu in the Province of South Cotabato, Philippines, the T'boli and Ubo IPs comprised the majority of the population. They were regarded as the original settlers of the area. It was only in the 1960s when the T'boli and Ubo IPs started to share their territories with the migrants. For some IPs, it was the start of their land deprivation. Some of them lost control over their ancestral lands to migrants for cash or goods. Their historical rights over their ancestral lands were also threatened when migrants applied for land titles within the area.

However, both the IPs and migrant settlers faced the challenge of securing their rights when the Municipality was declared part of the Allah Valley Watershed Forest Reserve under Presidential Proclamation (PP) No. 2455 on September 24, 1985. Lake Sebu is situated at the upper catchment of the Allah River, and it supplies irrigation water to the lowland farms of South Cotabato and Sultan Kudarat. It is also characterized by its rich biological diversity, covering wetlands, falls, springs, rivers and creeks, as well as vast forests that serve as habitats of endangered species. The declaration of Lake Sebu as a PA came subsequent to its creation as a Municipality on November 11, 1982.

In 2004, the T'bolis and Ubos were awarded by the DENR with CADCs, specifically R11-CADC-003 and R11-CADC-004, respectively. The CADCs covered 18 of the 19 barangays in Lake Sebu. These CADCs were converted into CADT in 2010. The NCIP issued the CADT R12-LAK-0110-155 to the T'bolis and Ubos under the IPRA. However, the existing private properties within the covered ancestral domain caused the delay of the awarding of the said titles to the IPs. These private properties, which were acquired legally prior to the approval of the IPRA, were also recognized and will be excluded from the CADT.

With the overlapping systems of land tenure and management regime in Lake Sebu, this paper aimed to describe the legal challenges of securing land tenure and property rights of the local people. Specifically, it aimed to 1) describe the socio-demographic and economic characteristics of the local people; 2) determine the tenurial status and bundle of rights of the local people; and 3) explain how the statutory policies affect the land tenure condition and people's property rights.

Unresolved land tenure issues in PAs affect the effectiveness of their

management as these add to the social and political complexity in these areas (Gonzalez & Martin, 2007). Land tenure does not only affect the social and political aspects, but also the technical, legal and economic structures at both the local and national levels. This makes land tenure a critical element for economic production, which is the foundation of social relations and cultural values, and the source of prestige and sometimes power (FAO, 2002 as cited in Gonzalez & Martin, 2007). Hence, it is important to have a better understanding of the emerging conditions of land tenure in PAs to develop policies and programs that will not only take into account biodiversity conservation and sustainable resource management but will also safeguard the security of tenure and property rights of the local communities. Many land tenure studies have already been conducted, but each context is different and thus, warrants special analysis. This paper aimed to provide a clearer picture of the current tenure situation in Lake Sebu that can be beneficial in the current harmonization of national policies, as well as in the formulation or improvement of local policies and programs to balance the interests and concerns of both the government and local communities.

## METHODOLOGY

The study was conducted in Sitios Isla Grande and Lamsufo of Barangay Poblacion, Lake Sebu, South Cotabato. These communities did not represent random samples but were purposively selected because they were among the communities directly involved in the utilization of the lake, also known as Lake Sebu, a major resource in the Municipality.

A combination of qualitative and quantitative social research techniques was employed in 2012 for this study. The rapid tenure assessment (RaTA), a methodological framework introduced by the World Agroforestry Centre (ICRAF) in Indonesia was conducted to have a better understanding of the current tenurial conditions and the governing policies in Lake Sebu. Specifically, the study employed the following RaTA steps: locating and mapping potential sites, identifying competing claims, and stakeholder, and conducting policy analyses (Galudra et al., 2010). Data were gathered through focus group discussions (FGDs) with local leaders and key informant (KI) interviews. A household survey was also conducted with 32 households (i.e. 82% of the population in the two communities) to be able to describe the socio-demographic and economic characteristics, tenurial status, and property rights of community members.

Secondary data were also reviewed including national and local policies, municipal and barangay development plans, and land use maps among others. In May 2014, a research feedback cum workshop was conducted to validate the results of the study from which valuable pieces of information were also obtained and discussed in this paper.

## RESULTS AND DISCUSSION

### Socio-demographic and Economic Characteristics

Majority of the respondents from Lamsufo were male and household heads while most of the respondents from Isla Grande were female. Male household heads in Isla Grande were not present during the conduct of the survey because they were involved in livelihood activities in other communities. In terms of ethnicity, Lamsufo respondents were mostly migrant settlers while almost all Isla Grande respondents were members of the T'boli tribe. Most of the respondents from both study sites were married and young adults. Majority of them had secondary education; their families had an average of five members; and they lived in extended households (Table 1).

More than half of the respondents from Lamsufo had semi-permanent houses while majority of those from Isla Grande lived in temporary dwellings. All respondents from Lamsufo had access to electricity while all Isla Grande respondents used kerosene or gas lamps for lighting because of lack of access to electricity. Most of the respondents from both study sites used wood and charcoal for cooking. Majority of Lamsufo respondents reported that their water supply came from a hand pump/tube well while Isla Grande respondents cited a spring as their source. For the major sources of income of household heads, on-farm activities such as gillnet fishing and aquaculture were cited by respondents from both sites. The spouses of household heads earned mostly from non-farm sources such as sari-sari store, employment, and beads-making. The combined monthly income of household heads and spouses ranged from PhP5,001 to PhP10,000 in Lamsufo, and less than PhP5,000 in Isla Grande. A few respondents from Lamsufo reported a monthly income of above PhP25,000 (Table 2).

Tilapia culture was the dominant livelihood activity of the people in Lake Sebu. It was introduced in the early '70s by Dr. Jose Velasquez. He initiated a fish pen project that was eventually adopted by the migrant settlers (Dongon, 1994 as cited in Beniga, 2001). While the migrants continued to practice aquaculture

production, most of the IPs had limited financial resources to establish large fish farms to earn higher income. As reported by the Municipal Agriculture Office, most fish cage owners at the time of the study were migrant settlers. Indeed, results of the study show that most of the migrant respondents were engaged in aquaculture production while most IP respondents conducted gillnet fishing to earn their daily income. In the customary practice of IPs, gathering of fingerlings was prohibited. Only hook-and-line and homemade fish nets were allowed in fishing. Over the years, the IPs had also adopted aquaculture production but due to limited resources; they operated smaller fish pens than those owned by the migrants.

With the proliferation of fish cages in Lake Sebu, fish kills also became frequent and caused the depletion and scarcity of indigenous as well as introduced species of fish. Dwindling fish stock outside the cages was also observed and attributed to smaller fish catch and thus the meager income for the IPs who were into gillnet fishing. Similar impacts had been observed in the status of livelihood of local fishermen in Taal Lake in Batangas, where the multiplication of fish cages in the lake reduced the income of small fisherfolks due to declining fish catches (Mercene-Mutia, 2001).

During the research feedback and management workshop, it was mentioned that the Bureau of Fisheries and Aquatic Resources of the Department of Agriculture (BFAR-DA) provided fingerlings to address the dwindling fish catch outside the cages. In 2000 and early 2014, the Office of the Provincial Agriculturist also spearheaded the demolition of illegal cages and massive clean-up operation in Lake Sebu. Local policies on fisheries are currently being reviewed to come up with new or revised policies and programs to help address the situation.

In other PAs, one of the strategies commonly employed for biodiversity conservation was the formation of resource protection volunteer groups such as those in Mount Kitanglad Range Natural Park in Bukidnon, Mount Kanlaon Natural Park in Negros, Apo Reef Natural Park in Occidental Mindoro, Subic-Bataan Natural Park in Zambales, and Batanes Protected Landscapes and Seascapes (Senga, 2001). In Lake Sebu, a group of volunteers called Bantay Lawa was also organized in 1994. During the conduct of the study, there were 29 members, but only five were active, according to the Lake Warden.

## **Tenurial Status and Property Rights of the Respondents**

Almost all respondents from Isla Grande said that they did not possess



a land title, while majority of those in Lamsufo said they did (Table 3). As earlier mentioned, the DENR and NCIP issued the CADCs and CADT to the IPs in Lake Sebu, respectively. However, survey results showed that IPs, who composed majority of the Isla Grande respondents, were not aware of such instruments. The only proof of possession and reason for occupying their respective areas, which they considered a legal document, was their tax declaration. It was issued by the municipal LGU every three years to determine the land value. It was not tantamount to a land title in legal terms, although it can be a basis in obtaining a private land title. It is a powerful claim of possession but not a form of ownership. According to Bromley (2008), titles are symbols of ownership and the mere possession or regular use of an asset is not an assurance of ownership.

Nevertheless, most of the respondents from both study sites reported that they possessed withdrawal and control rights over resources, regardless of their tenurial instrument (Table 3). However, some of the respondents shared that the government prohibited them from cutting down the trees. Indeed, the government controlled the use of resources in Lake Sebu, particularly forest resources, since it had been declared as PA.

Majority of the Lamsufo respondents claimed possession of the right of alienation (Table 3). On the other hand, almost all Isla Grande respondents believed that they did not have such right. This was not surprising since majority of Lamsufo respondents were title holders while Isla Grande respondents were not. Respondents who signified possession of alienation right were further asked if they exercised such right and majority of them said no. Those who declared otherwise said that they granted family members permission to occupy or use a portion of their properties for fishing, but they did not ask for remuneration nor issued a written document for such arrangement. Schlager and Ostrom (1992) defined alienation right as the right to sell or lease the management or/and exclusion rights. With this definition, the transaction mentioned by the respondents did not illustrate the exercise of alienation right.

### **Statutory Policies Affecting Land Tenure and Property Rights**

The IPRA imposes the recognition, protection, and promotion of the IPs' rights. Among these is the right to utilize or extract resources within IPs' ancestral lands and domains, including timber and non-timber products. However, survey respondents reported that they were not allowed by the government to



utilize wood trees and bamboos for commercial purposes. Hence, some of the community members conducted non-farm activities to augment the meager income they earned from gillnet fishing because they could not utilize the other resources in their community. Even within CADT areas, the DENR retained its mandated tasks in the conservation, management, development, and proper use of resources. Similar conditions had been reported in Pastolan, Batangas. The Aetas were issued their CADT in 2004 but were still pressing for livelihood opportunities and access within the built-up area included in their CADT (Caballero, 2004 as cited in Walpole & Annawi, 2011).

While the IPRA provides the right to withdraw resources, the NIPAS Act prioritizes conservation and sustainable use of resources. It had been feared that it would cause difficulties for the IPs to secure their ownership and control over their territories and to access livelihood resources and cultural areas within PAs (Walpole & Annawi, 2011). According to Brandon (1996 as cited in González & Martin, 2007), a complete convergence of interests of the IPs and conservation practitioners may not be possible since the former's end goal was not always biodiversity conservation but respect for ancestral territory and practices. However, Brandon noted that IPs can be great allies, and establishing alliances for biodiversity conservation is fundamental in PAs. Improvement of local people's access to resources, particularly non-timber forest products, for their livelihoods called for the simplification and streamlining of the permit system (Aguilar, 2008 & Aresna, 2007 as cited Walpole & Annawi, 2011).

An important livelihood resource in the study site is Lake Sebu, the largest of the three lakes in the Municipality. As earlier mentioned, Lake Sebu is used for aquaculture production by the local people. A municipal ordinance on the proper use of lake was issued and user fees were included in the Municipal Revenue Code.

The primary responsibilities of protecting and managing fisheries and coastal resources are devolved to the local government units (LGUs) based on the Fisheries Code (La Viña, Kho, Caleda, 2010). The Local Government Code (LGC) of 1991 also states that the municipal LGU should manage the municipal waters within a distance from the coast of 15-km seaward, and enact and enforce appropriate fishery ordinances (Capistrano, 2010). However, the Municipality of Lake Sebu is also covered by the NIPAS Act that empowers the DENR Secretary to prescribe and collect fees from any person or entity, including government agencies for any benefit derived from the use of PAs. The NIPAS Act mandates the creation of the Protected Area Management Board (PAMB), which is, among

its various functions, responsible for the management and administration of PAs.

Under the Fisheries Code and LGC, the power and jurisdiction of LGUs cover all waters within a municipality that are not declared as part of the PA. Otherwise, exclusive jurisdiction and management responsibility is transferred to the PAMB. It must be noted, however, that the LGUs have a generally better record in terms of managing and protecting marine resources since management decisions and funding are decided on locally and quickly (La Viña et al., 2010). A sample case is the Apo Island Protected Landscape and Seascape in the Municipality of Dauin, Negros Oriental. Apo Island has been protected by a municipal ordinance since 1986 (DENR-PAWB and GIZ, 2011) when Apo Island Marine Sanctuary/Reserve was created. The formation of the sanctuary was facilitated by Silliman University (White, 1996 as cited in White, Salamanca, & Courtney, 2002). The Municipality of Dauin, according to La Viña et al. (2010), led an effective program of conservation, enforcement and control of user fees. In 1994, however, the protection of the Apo Island was covered under the NIPAS Act when it was declared as Apo Island Protected Landscape and Seascape under Proclamation No. 438. Thus, all revenues generated from its management and operations accrue to the Integrated Protected Area Fund (IPAF). The IPAF can be utilized for operational expenses or channelled back to the community through development projects (DENR-PAWB and GIZ, 2011). However, the lengthy bureaucratic process for the release of the IPAF has stopped certain services (e.g. monthly health care clinic) (Raymundo, 2002) and hampered conservation efforts in Apo Island (La Viña et al., 2010). Hence, the municipal government has been lobbying for the rescindment of the Island's NIPAS classification (Alanano, 2012).

During the research feedback and management workshop, it was pointed out that the Municipal Government had no authority to collect rental fees from the fish cage operators since the Lake Sebu is part of the Allah Valley Watershed Forest Reserve. The DENR, through the PAMB, is the government agency vested with control and administration rights. In order to formalize the local policies implemented by the LGU of Lake Sebu, a co-management agreement between the LGU and the PAMB was suggested.

This was not similar to the case of the Calamian Tagbanua, an IP group in Coron Island in Palawan who was also accorded with a CADC and then a CADT. The IPs themselves, not the LGU, control the collection of user fees and the number of tourists who enter the various lakes and beaches within

their ancestral domain (Capistrano, 2010). The Tagbanua ancestral waters were included in the CADC issued to the IPs in 1998 (converted to a CADT in 2004), which set the precedent for the inclusion of ancestral waters in the definition of ancestral domain (Philippine Association for Intercultural Development, 2000 as cited in Walpole & Annawi, 2011).

As regards ownership and alienation rights, IPRA recognized that ancestral lands and domains belong to generations and these could not be sold, disposed, or destroyed. Non-IPs were prohibited from acquiring lands within the ancestral domain, but existing migrant settlers or non-IPs who occupied an area within the domain prior to the effectivity of the Law were also recognized and respected. Hence, lands that were legally acquired by migrant settlers in Lake Sebu before the enactment of the IPRA were recognized and were excluded from the CADT that was issued by the NCIP to the T'boli and Ubo tribes.

Land ownership under the customary law of the IPs in Lake Sebu covered open and cleared areas and forestlands. Ownership also covers natural resources such as waterfalls, springs and minerals that can be found within their territories. The IPs were only entitled to transfer their property rights to other members of their tribe through succession or inheritance. These customary beliefs and practices in land ownership were recognized in the IPRA. The Law defines ownership as private but communal and could not be disposed or sold to non-tribe members. Ownership, expressed in the form of CALT or CADT, covered ancestral lands or domains and the natural resources therein.

At present, one of the most pressing issues in Lake Sebu is the rampant selling of ancestral lands to non-tribe members, according to the Municipal Tribal Council. As a result, there have been cases of multiple land claims and alleged illegal acquisition of lands in Lamsufo and Isla Grande. Massive land selling have been observed in Barangays Tasiman, Lake Lahit, Maculan, Lamcade, Halilan and Lamfugon. Educated tribal members, government officials and tribal leaders are allegedly involved, taking advantage of some IPs who are illiterate and have limited awareness and understanding of the IPRA. Under the Law, however, land selling transactions made after the passage of the IPRA are null and void. Selling is simply the rights to use the land for a specific time not for necessarily ownership. Aside from being covered by the IPRA, the lands in Lake Sebu are largely forest lands and are thus non-alienable and disposable. Hence, land selling is covertly a private transaction which is neither registered nor known to land authorities.

Selling of ancestral lands is a common problem in the country. This has been influenced by the modern lifestyle introduced to the IPs as seen in the case of Higaonons in Bukidnon and Manobo in Agusan del Sur. When Kulafu (a kind of wine) and canned sardines were introduced to the Higaonons, some of them exchanged or sold portions of their land for these commodities until all that was left to them were the hilly and sloping areas (Pantaon, 2008). Likewise, when electricity was introduced in Balit, Agusan del Sur, some Manobos had to sell their lands to buy karaoke and billiard tables (“Environmental Science,” 2007 as cited in Walpole & Annawi, 2011). Meanwhile, Manobo tribes in the Cotabato Province disposed of their lands due to low production yield, high production cost, and scarcity of resources to finance the production (Alano, 2008).

Moreover, illegal selling of ancestral lands was also reported in Baguio City. The NCIP Regional Office issued a directive to field offices to discourage and disallow this practice or the processing of titled ancestral lands to non-members of IPs. The Register of Deeds was also advised not to allow or annotate any transactions on CADT without NCIP’s clearance (Agreda, 2013). Further, due to the conversion of ancestral lands in Barangay Irisan, Baguio City into residential uses and the ancestral land sale to non-tribe members, the Housing and Land Use Regulatory Board passed the Board Resolution No. 885 Series of 2012, declaring a moratorium on the issuance of development permits or licenses to sell for purposes related to development projects within ancestral lands and/or domains.

Under the Law, IPs have the right to transfer their land and property rights to members of the same tribe. Section 8(b) of the IPRA also states that “in cases where it is shown that the transfer of land/property rights by virtue of any agreement or devise, to a nonmember of the concerned ICCs/IPs is tainted by the vitiated consent of the ICCs/IPs, or is transferred for an unconscionable consideration or price, the transferor ICC/IP shall have the right to redeem the same within a period not exceeding 15 years from the date of transfer.” According to NCIP Cordillera, this provision implies that if the retail price was proper and there was no reason to redeem the sale of ancestral lands, then the sale to a third party other than the tribe members was allowed by RA 8371 (Cabreza, 2012).

## CONCLUSION AND RECOMMENDATIONS

The paper discusses the context and challenges of land tenure and property rights in Lake Sebu, South Cotabato. The existence of IPs since time

immemorial, the creation of Lake Sebu as a municipality prior to its declaration as a protected area and the widespread ancestral land selling to non-IPs, even if the land was protected by the NIPAS Act and the IPRA, all summarize the complexity of land tenure system in the area. The state of the current tenure system in the community sets the stage for both challenges and opportunities for various stakeholders, particularly the government and local communities, to secure territorial rights of the people while at same time achieving the desired conservation goals of the government.

In the use of the major resource in the community, which is the body of water called Lake Sebu, it appears that migrant settlers benefitted more from the resource since majority of the fish cage operators were migrants. Hence, the paper suggests establishing equitable benefit-sharing mechanisms to ensure that both migrants and the IPs will benefit from the resource.

The proliferation of aquaculture setups was also attributed to the degradation of the Lake, extinction of indigenous fish species, and frequent fish kills that led to scarcity and depletion of indigenous and introduced species. It is good to note that the current local policies on lake utilization and management are under review. The paper also suggests formalizing collective actions by establishing an organization of resource users that will work alongside the government, non-government organizations, research institutions and other concerned stakeholders in rehabilitating and protecting Lake Sebu from further destruction.

Moreover, the proposed co-management agreement between the PAMB and LGU will formalize the current policies of the local government. It may also lead to better regulatory mechanisms and effective management if genuine participation of various stakeholders will be obtained. Common objectives framed within environmental policies and customary practices of the people should be established in the agreement. The rights, roles, and responsibilities of the various stakeholders should also be clearly defined.

The agreement will also address the conflicting provisions in the LGC and NIPAS Act in terms of resource management and administration of Lake Sebu. The question of whether the LGU or the PAMB has the legal right to control the use of the resource is not the only topic of debate. Although this was not raised during the FGDs, KI interviews, and surveys since the CADT issued to them also covered inland ancestral lands and water, the question on the role of the IPs in lake management also needs concrete answers. The issuance of a joint memorandum between PAMB, NCIP, and LGU to address this issue should be considered.

Further, the IPs' lack of awareness of the tenurial instruments provided to them by the government apparently makes them vulnerable to manipulations and external threats of encroachment. Even with the declaration of the Municipality as PA and ancestral domain of the T'boli and Ubo IPs, titling and land-selling were pervasive. The IPs' awareness of their property rights is necessary to strengthen their capacities to defend their rights and protect their lands from encroachment. The issuance of CADCs and CADT should be accompanied by information campaigns to provide greater understanding of the rights provided by these instruments. The security of tenure of the IPs is also threatened by the delay in the awarding of the CADT because of the existing private properties that will be excluded from the title. Thus, the paper suggests the expedition of the land survey so that the CADT will be awarded to the IPs soon.

Despite recent gains in the recognition of people's rights to occupy and utilize the natural resources in PAs like Lake Sebu, local people still do not have complete withdrawal and control rights over resources regardless of the tenurial instrument they possess. Even with the passage of the IPRA, this remains to be a challenge.

Nevertheless, the issuance of the Joint DENR-DAR-NCIP-LRA Administrative Order No. 01-12 shows advances in the efforts of the government to harmonize the overlapping statutes. This administrative order clarifies, restates, and interfaces the different jurisdictions, policies, programs and projects of the four agencies to address not only the jurisdictional but also the operational issues and conflicting claims between/among these agencies. While the multiple and conflicting claims are addressed at the national and policy levels, the proposed activities in this paper can be done at the local level. These initiatives need political commitment of the regional, provincial, and local governments as well as support from non-government and people's organizations, research institutions, and the academe. Overall, with its mandate, the NCIP should lead the resolution of these conflicts.

## ACKNOWLEDGMENT

The study will not be possible without the support and contributions of various institutions and individuals to which the authors express their sincerest gratitude: World Agroforestry Center for the financial support through its Research Fellowship program and for being part of the study on "Property

Rights, Power Relations and Benefit Sharing in Common Lands in Asia and Africa;" DENR-Region XII, particularly the Protected Area Management Board and the Local Government of Lake Sebu for allowing the conduct of this study; the survey respondents and the participants of the focus group discussions and research feedback cum workshop for sharing their living conditions, worries, and perceptions; the representatives of various local government units, government agencies, non-government organizations and private companies for accommodating the request for interviews and relevant data; Mr. Reynaldo Legaste for coordinating the fieldworks and the researchers' accommodation in Lake Sebu; and many other individuals who provided assistance, encouragement, and other forms of support during data gathering and report writing.

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**Table 1. Respondents' Socio-Demographic Characteristics**

Particulars	LAMSUFO		Isla Grande	
	No.	%	No.	%
Sex				
Male	13	72.2	6	42.8
Female	5	27.8	8	57.1
Total	18	100	14	100
Age (years)				
Young adult (20-39)	8	44.4	10	71.4
Adult (40-59)	7	38.9	3	21.4
Old age (60-above)	3	16.7	1	7.1
Total	18	100	14	100
Mean	44.94		36.36	
Civil Status				
Single	1	5.6	0	0.0
Married	14	77.8	12	85.7
Widow/er	2	11.1	2	14.3
Separated	1	5.6	0	0.0
Total	18	100	14	100
Ethnicity				
T'boli	2	11.1	12	85.7
Ilonggo	13	72.2	1	7.1
Cebuano	2	11.1	1	7.1
Mixed (Ilonggo & Cebuano)	1	5.6	0	0.0
Total	18	100	14	100
Educational Attainment				
No Formal Schooling	0	0.0	2	14.3
Elementary Level	1	5.6	2	14.3
Elementary Graduate	0	0.0	1	7.1
High School Level	1	5.6	5	35.7
High School Graduate	11	61.1	3	21.4
Vocational	1	5.6	0	0.0
College Level	2	11.2	0	0.0
College Graduate	2	11.2	1	7.1
Total	18	100	14	100
Household Structure				
Single	1	5.6	0	0.00
Nuclear	6	33.3	5	35.7

Extended	11	61.1	9	64.3
<b>Total</b>	<b>18</b>	<b>100.0</b>	<b>14</b>	<b>100.0</b>
<b>Household Size</b>				
1-5 members	13	72.2	11	78.6
6-10 members	4	22.2	3	21.4
11-15 members	1	5.6	0	0.0
<b>Total</b>	<b>18</b>	<b>100.0</b>	<b>14</b>	<b>100.0</b>
<b>Mean</b>	<b>4.94</b>		<b>4.78</b>	

**Table 2. Respondents' Economic Characteristics**

Particulars	LAMSUFO		Isla Grande	
	No.	%	No.	%
<b>Type of house</b>				
Permanent	5	27.7	0	0.0
Semi-permanent	10	55.6	4	28.6
Temporary	3	16.7	10	71.4
<b>Total</b>	<b>18</b>	<b>100</b>	<b>14</b>	<b>100</b>
<b>Source of light</b>				
Electricity	18	100.0	0	0.0
Kerosene	0	0.0	14	100.0
<b>Total</b>	<b>18</b>	<b>100</b>	<b>14</b>	<b>100</b>
<b>Fuel source for cooking*</b>				
Electricity	0	0.0	0	0.0
Wood	10	43.5	14	87.5
LPG	5	21.7	0	0.0
Charcoal	8	34.8	2	12.5
<b>Total</b>	<b>23</b>	<b>100</b>	<b>16</b>	<b>100</b>
<b>Source of potable water*</b>				
Water system	1	5.3	0	0.0
Hand pump/tube well	16	84.2	5	35.7
Spring	1	5.3	9	64.3
Water tank	1	5.3	0	0.0
<b>Total</b>	<b>19</b>	<b>100</b>	<b>14</b>	<b>100</b>
<b>Source of domestic water*</b>				
Water system	1	5.3	0	0.0
Hand pump/tube well	16	84.2	5	35.7
Spring	1	5.3	9	64.3

Water tank	1	5.3	0	0.0
<b>Total</b>	<b>19</b>	<b>100</b>	<b>14</b>	<b>100</b>
<b>Household heads' source/s of income</b>				
On-farm	16	84.2	11	78.6
Off-farm	1	5.3	1	7.1
None-farm	2	11.5	2	14.3
<b>Total</b>	<b>19</b>	<b>100</b>	<b>14</b>	<b>100</b>
<b>Spouses' source/s of income</b>				
On-farm	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
Off-farm	0	0.0	0	0.0
None-farm	4	100.0	3	100.0
<b>Total</b>	<b>4</b>	<b>100</b>	<b>3</b>	<b>100</b>
<b>Monthly household income</b>				
Above 25,000	<b>4</b>	<b>22.2</b>	<b>0</b>	<b>0.0</b>
20,001 – 25,000	1	5.6	0	0.0
15,001-20,000	1	5.6	0	0.0
10,001-15,000	1	5.6	0	0.0
5,001 – 10,000	7	38.9	3	21.4
Less 5,000	4	22.2	11	78.6
<b>Total</b>	<b>18</b>	<b>100</b>	<b>14</b>	<b>100</b>
<b>Average monthly household income</b>				
On-farm	10,582.00	31.9	3,127.00	40.9
Off-farm	5,600.00	16.9	3,000.00	39.2
None-farm	16,957.00	51.2	1,524.00	19.9
<b>Total</b>	<b>33,139.00</b>	<b>100</b>	<b>7,651.00</b>	<b>100</b>

\* Multiple answers

**Table 3.** Tenurial status and property rights of the respondents

<b>Tenurial Status/Property Rights</b>	<b>LAMSUFO</b>		<b>Isla Grande</b>	
	<b>No.</b>	<b>%</b>	<b>No.</b>	<b>%</b>
<b>Tenurial status</b>				
Private land owner	13	72.2	0	0.0
CLOA beneficiary	0	0.0	0	0.0
Tenant	0	0.0	2	14.3
Non-title holder	5	27.8	12	85.7
<b>Total</b>	<b>18</b>	<b>100</b>	<b>14</b>	<b>100</b>

Withdrawal right				
Yes	18	100	13	92.9
No	0	0.0	1	7.1
<b>Total</b>	<b>18</b>	<b>100</b>	<b>14</b>	<b>100</b>
Control rights (management & exclusion rights)				
Yes	16	88.9	13	92.9
No	2	11.1	1	7.1
<b>Total</b>	<b>18</b>	<b>100</b>	<b>14</b>	<b>100</b>
Alienation right				
Yes	17	94.4	1	7.1
No	1	5.6	13	92.9
<b>Total</b>	<b>18</b>	<b>100</b>	<b>14</b>	<b>100</b>