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Department of Environment and Natural Resources

PIO 1, LEYTE

FINAL REPORT FOR OUTPUT 2.1, ACTIVITY 11

SYSTEMATIC REGISTRATION

REPORT C1

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FINAL REPORT FOR SYSTEMATIC REGISTRATION FOR ACTIVITY 11

Contents

Executive Summary

1. Introduction and Methodology

- 1.1 Introduction*
- 1.2 Methodology*
- 1.3 Preparation of Activity Terms of Reference*
- 1.4 Preparation of Counterpart Terms of Reference*

2. Report on the achievement of outputs

- 2.1 Introduction*
- 2.2 Developing a Judicial Titling Methodology*
- 2.3 Training*
- 2.4 Field Test of the Methodology*
- 2.5 Review of the field activities*
- 2.6 Strengthening the Counterpart*
- 2.7 Inputs on policy issues*

3. Evaluation – Issues, lessons and problems arising

- 3.1 Observations on progress to date*
- 3.2 Options available to landowners depending on type of land use*
- 3.3 Analysing Judicial Titling as a land titling option*
- 3.4 Confusion over length of possession to be proved*
- 3.5 Title can't issue if possession is less than 30 years*
- 3.6 Untitled land – documented claim and claim by prescription*
- 3.7 Complicated technical descriptions*
- 3.8 Need to reduce evidence required to support an application*
- 3.9 Judicial Titling and free patents not applicable to newly released land*
- 3.10 Reasons claimants are not appearing for interviews*
- 3.11 The community education role is more detailed for Judicial Titling*
- 3.12 Potential for Interagency publication on taxes*
- 3.13 Potential to publish costs*
- 3.14 Conflicting policies on registration of deeds*
- 3.15 Need for a regulation to clearly set out the procedures*
- 3.16 Capacity to expand Judicial Titling applications*
- 3.17 Efficiency of land registry enhanced by administrative powers*
- 3.18 Potential of the project to reform conveyancing processes*
- 3.19 Centralised processes still exist*
- 3.20 Processes simplified if lodgment of Answers staggered*
- 3.21 Complexity of process*
- 3.22 Organisational dependencies*
- 3.23 Work rates*
- 3.24 Sustainability of the activity in PIO 1*
- 3.25 Incomplete tasks*

4. Recommendations

- 4.1 PIO 1 to publish policy on taxes*
- 4.2 Investigate Grants as land titling option*
- 4.3 Costs to be fully disclosed*

4.4 *Major review*

4.5 *Need for more extended training course design for adjudicators*

4.6 *Evaluate possible strategies*

Summary of reports, documents and manuals prepared in Activity 11

Executive Summary

This report relates to inputs by the Systematic Registration Adviser, based at the Project Implementation Office 1 at Palo, Leyte, for the period 15 November 2001 to 30 June 2002.

The objective of the inputs of the Systematic Registration Adviser in Activity 11 was to develop and document a community-accepted and streamlined land titling process that is suitable for mass implementation in a long-term titling programme across the whole of the Philippines.

The specific Terms of Reference for the adviser required 5.5 months of inputs, to assist PIO 1 to develop the initial judicial land titling procedures and methodologies, to assist in establishing a field process to test and review the methodologies, to document the processes, to provide training inputs and to review the process, to report on training, community participation and acceptance, improved procedures and the main lessons learned, and to provide inputs for the Counterpart, to contribute to sustainability.

This report will therefore make comparisons between the land titling methodologies tested in the bridging technical assistance and the methodology tested in Activity 11.

The methodology is described in detail. The project strategy for the development of land titling methodologies has, in both the Bridging and main Technical Assistance periods, involved the regular piloting of land titling methods and, based on reviews of the pilots, the further improvement in the design of subsequent pilots. The field activities are conducted in accordance with existing institutional and legal requirements. However, roadblocks and hindrances to streamlining the processes were expected to be identified during the pilots.

At the start of the activity, the adviser and counterpart prepared activity terms of reference to guide their contributions during Activity 11 and also agreed on individual terms of reference for both positions. As well as assisting in the development of a methodology, the Adviser would assist in promoting the counterpart's position as the manager of the field activities. From these terms of reference, individual workplans were developed.

Progress by the Adjudicator and PIO 1 are then examined against the specific activities in the terms of reference. The report indicates that no application has been made of this mass titling method since the Calabanga pilot over 20 years ago, so there was no significant residual administrative, departmental or judicial knowledge of procedures.

The first activity is design of the Judicial Titling process. PIO 1 established a Judicial Titling Design Committee in August 2001 to provide inputs and to take the draft methodology and apply it to local circumstances. The Committee provided assistance in the planning of pilot locations and a timetable for field-testing. Sites were selected in three municipalities [Dagami, Palo and Pastrana] to conduct the pilot studies.

Public consultation commenced with a workshop for 170 participants on 7, 8 November 2001. This included a number of barangay representatives. In January and February 2001, orientation programmes were conducted for the judges and Clerks of the Court in the pilot areas. Adjudication teams were mobilised and trained in processes. A field test was conducted in March 2002 and pilots commenced in early April 2002.

The raw methodology was expanded by adding the design of community education material, mobilising and training adjudicators, methodology for the base camp, designing the interview process, providing interview reporting formats, and by setting progress and monthly report formats.

The second accountable activity is the training of field staff. During Activity 11, training focused on both developing capacity of project staff and also mobilising and equipping associated agencies. Twenty-three training/ mobilisation activities are recorded in a table in the report.

Training was affected by the decision to recruit contract adjudicators with no field experience rather than to utilise field inspectors from CENRO. There was no institutional memory of correct processes and no pool of skilled personnel to provide training. PIO 1 does not control processes which are affected by legal forms, court procedures and standards of proof.

A cyclic learning process was adopted, as it was necessary to compile procedures, test and review them and modify procedures as required. Numerous reviews were conducted and procedures modified according to lessons.

The report describes the effective use of short-term training resources. It sets out various training activities to be conducted as the pilot continues. A key issue for the Systematic Registration Coordinator in July will be a skills audit of adjudicators. The report describes processes that have already been put in place to evaluate the contribution of adjudicators.

The third activity is the conduct of the field test and its evaluation. It was decided to test cadastral proceedings in 3 municipalities. Initially activity was planned to take place in 14 barangays, but this has been reduced to 8. Pilot project locations are described in a Table. A variety of review activities were carried out and the report lists each in detail, together with a summary of the issues arising and lessons learned.

A strategy was developed to assist PIO 1 to prepare for a major review of the field activities, to be conducted in August 2002.

To ensure more detailed inputs from the community, reliance will be placed on reports from the community-based monitoring and evaluation interviews. Also each barangay will be invited to conduct a barangay assembly to arrange for questionnaires for completion by participants, giving their feedback on the impact of the project.

Another responsibility was to strengthen the counterpart. PIO 1 allocated the Systematic Registration Coordinator as the Adviser's counterpart. During Activity 11, there was a clarification of the reporting roles of the Systematic Registration Coordinator and Systematic Adjudication Team Leaders at the Technical Meetings, joint chairing at review activities, promotion of the counterpart's role as a training provider, the provision of an example of how to organise, conduct and document review days, and input on how to use the various reports of fieldwork as management tools.

The report includes a major review of issues arising, lessons learned and activities that have not been completed. Preliminary gender data for claimants is illustrated in table and pie chart format. The report observes that the titling option is affected by land use and this is examined. It includes a detailed analysis of Judicial Titling as a titling option, and compares it with homestead patents and free patents.

Free patents are more attractive than homestead patents because they have no gender bias, there is no pressure on families to subdivide parcels, and they cope well with inheritance and with joint owners. Although Judicial Titling produces a title of better quality than homestead patent processes, and is more flexible in relation to multiple owners, nevertheless it is a slow process, more technical and more demanding on field staff. It is more dependent on the cooperation of external agencies. Thus overall it is less attractive than an administrative form of titling.

Free patents have similar advantages to Judicial Titling but the process is more flexible and faster. Although the title has restrictions on mortgage and alienation in the first five years, this is not a major disadvantage. Free patents are suitable for agricultural land but not for residential, commercial or industrial land, land of the church and State land.

The report examines difficulties where occupation is less than 30 years and proposes a solution. It examines reasons claimants are not attending for interviews – such as distrust of

promises, confusion about pending patent applications and about what to do if their land is already registered. The report also examines some costs that affect claimants.

It presents a diagram of the organizational inter-relationships that affect Judicial Titling and illustrates how it is a more complex process than administrative titling.

The report contains an examination of the Adviser's preliminary observations about sustainability of activities in 30 areas.

The report sets out some recommendations, including the publication of leaflets setting out costs claimants need to pay and a description of tax policies in the project. It lists activities to be examined during the major review and some possible titling strategies to be examined in Activity 21.

1. Introduction and Methodology

1.1 Introduction

This report relates to inputs by the Systematic Registration Adviser, based at the Project Implementation Office 1 [PIO 1] at Palo, Leyte, for the period 15 November 2001 to 30 June 2002.

The main tasks of Technical Assistance to PIO 1 in Output 2.1 Activity 11 were to:

- *Assist in the establishment of a control network in support of cadastral mapping activities* - Survey Control Adviser;
- *Develop and test procedures for integrating land records and for producing Cadastral Index Maps* – Mapping Advisers;
- *Establish, document, test, review and revise land titling methodologies* – Systematic Registration Adviser.

This report relates to the third task, of establishing and evaluating a land titling methodology. The objective of the inputs of the Systematic Registration Adviser in Activity 11 was to develop and document a community-accepted and streamlined land titling process that is suitable for mass implementation in a long-term titling programme across the whole of the Philippines.

The Annual Report for Technical Adviser inputs describes the main output for the Activity as *"completion of the fieldwork for the judicial pilot and preparation for the initial hearings."*

The specific Terms of Reference for the adviser required 5.5 months of inputs, to:

- Assist PIO 1 to develop the initial judicial land titling procedures and methodologies;
- Assist in establishing a field process to test and review the methodologies;
- Document the processes, to provide training inputs and to review the process;
- Report on training, community participation and acceptance, improved procedures and the main lessons learned; and
- Provide inputs for the Counterpart, to contribute to sustainability.

In drafting these terms of reference, it was recognized that the project activities by the Systematic Registration Adviser in Activity 11 would build on achievements under the Bridging Technical Assistance, where administrative titling methods were tested and lessons documented. This report will therefore make comparisons between the land titling methodologies tested in the bridging technical assistance and the methodology tested in Activity 11.

It was also envisaged that, by the end of Activity 11, fieldwork for the Judicial Titling pilots would not be completed. The terms of reference were developed on the basis that, by 30 June, the pilots would be at the stage of preparing for the initial hearings of the judicial proceedings by the courts. That stage has been reached.

1.2 Methodology

The project strategy for the development of land titling methodologies has, in both the Bridging and main Technical Assistance periods, involved the regular piloting of land titling methods and, based on reviews of the pilots, the further improvement in the design of subsequent

pilots. The field activities are conducted in accordance with existing institutional and legal requirements. However, roadblocks and hindrances to streamlining the processes were expected to be identified during the pilots.

Following this methodology, procedures were developed, training was given, procedures were tested and reviewed and so on. However, the design also anticipates that a major review will also be conducted at the completion of the pilots. This will be undertaken by workshops in the pilot locations in August 2002, with participation by the community and institutional stakeholders. As an outcome of the review process, a refined land titling process will be developed and further tested. This follows the methodology developed during the Bridging Technical Assistance, where major workshops were conducted with inputs from external stakeholders/participants, processes were reviewed and changes in methodology were implemented.

1.3 Preparation of Activity Terms of Reference

At the start of the activity, the adviser and counterpart prepared the following activity terms of reference to guide their contributions during Activity 11:

Table: Terms of Reference for systematic registration in Activity 11

Activity	Projected action	Issues
Quarter 1, 2002		
Land titling activities	<ul style="list-style-type: none"> Initiate pilot judicial titling activities in 3 municipalities, 15 barangays Develop tools to assist counterpart to effectively manage an expanding land titling programme 	<p>1. The capacity of PIO 1 to staff an expanding land titling programme will be tested in 2002:</p> <ul style="list-style-type: none"> Increased responsibilities of the Systematic Registration Coordinator Focus of SAT leaders on managing the process rather than on technical work Use of contract adjudicators will be tested A second test of the use of private contractors. If successful, it will demonstrate that a compact PIO 1 can manage extensive production activities using essentially contract staff <p>2. The Counterpart will require support staff to manage an expanding programme.</p>
Documentation activities	<ul style="list-style-type: none"> Document procedures in an Operations Manual 	
Training activities	<ul style="list-style-type: none"> SAT Leaders – 2 continuing 1 new Adjudicators – 1 continuing, 9 new Base camp clerks – 2 continuing, 4 new Barangay representatives Judges and Clerks of the Court 	<p>Demands of fieldwork will cause difficulties in scheduling training for developing SAT leaders, especially study tours</p> <p>Procurement of a wide variety of short-term training inputs will impose a management burden on PIO 1.</p> <p>Cadastral surveyors will provide inputs on the training of the survey contractors in SNS preparation and survey techniques.</p>
Review activities	<ul style="list-style-type: none"> Develop a strategy for effectively reviewing a large number of land titling activities. Interim Review workshop - Pastrana Interim Review workshop Palo 	<p>Standard assessment methodology required.</p> <p>PIO 1 requires quarterly review</p>

Activity	Projected action	Issues
	<ul style="list-style-type: none"> Review workshop with court officials Interim Review workshop - Dagami Document changes to practice arising from the reviews 	activities to be undertaken
External Reviews	<ul style="list-style-type: none"> The Adviser and Counterpart will participate in the February 2002 QAP and World Bank/ AusAID Missions 	
Planning activities	<ul style="list-style-type: none"> Quarter 2 and 3 land titling locations – begin implementation Personnel needs for quarters 2 and 3 – begin procurement Assist PIO 1 to schedule future pilot activities so that procurements can be scheduled in a way that permits the smooth sequencing of titling activities in different barangays 	<p>PIO 1 needs a detailed plan for the delivery of prerequisites by CIM and CRS</p> <p>PIO 1 needs a plan for the procurement of survey contractors</p>
Reporting activities	<ul style="list-style-type: none"> Monthly reports to AusAID Reports of review outcomes Milestone reports in the Adviser's Workplan Manual of Operations 	Systematic Registration Coordinator will report weekly to the Technical Meeting. He will ensure monthly reporting by the base camps. There will be occasional reports for the review missions
Quarter 2, 2002		
Land titling activities	Support land titling activities in 29 barangays	
Training activities	<ul style="list-style-type: none"> SAT Leaders Adjudicators Base camp clerks Barangay representatives 	
Review activities	Review field activities within each municipality	
External Review	The Adviser and Counterpart will participate in the June 2002 QAP review	
Planning activities	<ul style="list-style-type: none"> Preparation activities for Activity 21 Workshop to plan the changes to fieldwork to accommodate photomaps and satellite imagery Workshop to design the methodology for individual applications to the court. Field processes and forms Timetable for study tour by Systematic Registration Coordinator and Systematic Adjudication Team Leaders 	The focus of the Systematic Registration Adviser will change in the second half of 2002. It moves from supporting the existing field processes to reviewing practices in other countries, designing possible processes that could apply if the law were different etc. The Systematic Registration Coordinator will need to be more self sufficient in the second half of the year
Reporting activities	Milestone report on progress in land titling activities, training and lessons from the review workshops	Systematic Registration Coordinator will report weekly to the Technical Meeting. He will ensure monthly reporting by the base camps. There will be occasional reports for the review missions

1.4 Preparation of Counterpart Terms of Reference

At the commencement of the Activity, the Adviser and Counterpart agreed on the following terms of Reference for both positions. As well as assisting in the development of a methodology, the Adviser would assist in promoting the counterpart's position as the manager of the field activities. The counterpart would thus control the day-to-day field activities, oversee training programmes and monitor the achievement of project objectives.

Table: Terms of Reference for Systematic Registration Adviser and Counterpart

Item	Adviser	Counterpart
Job Title	Systematic Registration Adviser	Systematic Registration Coordinator
Reporting to	Project Director, Manila	Section Head, Planning & Coordination Unit

Item	Adviser	Counterpart
Inputs	5.5 months	7.5 months
General responsibilities	<ul style="list-style-type: none"> • Be familiar with the current plans of PIO 1 for land titling • Provide technical assistance and advice for the design of field adjudication processes including administrative and judicial titling • Strategic inputs at planning level – assist in the development of a strategy for conduct of field activities in order to achieve workplan targets • In the process, to provide on the job training and knowledge transfer to counterpart – strengthen the knowledge and understanding of the counterpart by personal inputs, training programmes • Strategic inputs at the review level - assist the counterpart in the development of a structure for the manual of operations • Assist the counterpart in the development of training material and present training as required until sustainability is achieved • Assist counterpart to develop a plan for the review of each field activity • Prior to absences from the project, to assist the counterpart to develop plans and activities for the period of absence • Document the work processes and the outcomes of any reviews so that these may be included into the Manual of Operations by the counterpart 	<ul style="list-style-type: none"> • Implement the current plans of the PIO for land titling • Provide local knowledge and expertise to the Adviser • Manage all aspects of the systematic registration field activities including the expansion into new areas • Prepare and maintain the manual of Procedures and update and distribute as required • Coordinate the planning and delivery of training programmes affecting land titling. Deliver training as required. • Liaise between the base camps and the offices to ensure effective management, particularly the supply of all equipment and forms. • Assist the SAT leaders to manage all aspects of daily activities including progress reporting to PIO. • Manage the links between the needs of the adjudication team and other sections of PIO such as Support Services, Planning, CRS • Represent PIO in all activities concerning the systematic registration of land

From these terms of reference, individual workplans were developed.

2. Report on the achievement of the outputs

2.1 Introduction

The original project design envisaged that two significant benefits would flow from this input:

- Expanded understanding of the potential of mass judicial titling as a means of supporting a 20-year land titling programme across the whole of the Philippines. A major contribution to the design of LAMP 2 would be the recommendation of a specific land titling methodology capable of being utilised in an expanded programme.
- In the short-term, provide lessons about this particular land titling process for reference to the policy studies. Lessons would include legal, institutional and other roadblocks to the establishment of a mass land titling methodology suitable for introduction across the whole of the Philippines.

Progress will be considered under each of the sub-components specified in the Terms of Reference.

2.2 Developing a land titling methodology

2.2.1 Introduction to judicial titling methodology

In the Philippines, there are two systems for the recording of real property transactions:

- **Registered land** – this is a form of Torrens title land under the Land Registration Act No. 496 of 1903 [as amended by Presidential Decree PD 1529 on 11 June 1978]. Registered land is characterised by indefeasible rights. At the expiration of 12 months from the issue of the decree for the registration of the land, the title becomes incontrovertible. Land transactions are recorded on the specific certificate of title, which is evidence of the ownership rights and encumbrances.
- **Unregistered land** – Section 194 of the Administrative Code provided a system for the registration of instruments affecting unregistered land. All documents affecting unregistered land can be recorded by the Registrar of Deeds - see also Act 2837 and Act 3344 of 1926. Recorded transactions for unregistered land generally do not confer title greater than that held by the party conveying title [see Section 113 of the Property Registration Decree PD 1529]. The registration of a deed in itself does not confer a valid interest in land. The effect of registration is to give public notice and to make the contract binding on third parties:

Section 113 . Recording of Instruments relating to Unregistered Lands. No deed, conveyance, mortgage lease or other voluntary instruments affecting land not registered under the Torrens system shall be valid, except as between the parties thereto, unless such instrument shall have been recorded in the manner herein prescribed in the Office of the Registrar of Deeds...

The law provides two general methods for bringing unregistered land under the Torres system:

- **Administrative action to issue a patent for public land.** The patent, once registered by the Registrar of Deeds, will after a period of time become registered land as if contained

in a certificate of title. During the bridging technical assistance period, pilots were conducted for the issue of homestead patents by administrative action.

- **Judicial action where the court can confirm an imperfect title** and order the issue of a certificate of title. There are two types of proceedings:
 - *Voluntary Judicial Titling proceedings* – this is an application relating to one parcel of land brought by the owner of the parcel. Applications can be made to the court by a claimant seeking judicial validation of an imperfect title. The claimant hires Counsel and presents documentary and verbal evidence to support the claim.
 - *Mass, compulsory Judicial Titling proceedings* initiated by the State for all the land in a barangay. These are known as cadastral proceedings. The Cadastral Act 2259 of 1913 requires that the title of lands be adjudicated and settled. It provides for mass judicial proceedings, in which the government takes the initiative in preparing an application to the court. Under this procedure, an effort was made to minimise the impact on the court, by permitting the court functions to be delegated to a “Commissioner of the Court” to identify and resolve applications where there is no dispute. The Commissioner has responsibility to review Answers already examined and reported on by the Cadastral Officer. The Commissioner is empowered but not required to conduct an informal hearing if further evidence is required to support any application. The Commissioner can recommend to the court an appropriate order in relation to uncontested lots. It is expected that the court will simply endorse the recommendations by the Commissioner for land not in dispute and no verbal evidence will be presented in court. This method has not been used in over 20 years.

Judicial titling applications can only be made by Filipino citizens in relation to alienable and disposable land. If the land is forest land the application cannot proceed.

Significant advantages flow from registering land under the Torrens system:

“... the following are the advantages of adopting the Torrens system in this country in general, and of bringing lands under the operation of the same..

- (1) *the title issued under this system is indefeasible;*
- (2) *the title issued is a conclusive evidence of ownership;*
- (3) *the Torrens system relieves the land of unknown liens or claims against it;*
- (4) *the security and certainty of the title raise the value of the land;*
- (5) *security, brevity and clearness are substituted for insecurity, verbiage and obscurity with respect to the title to the land;*
- (6) *the cost of conveyance is made very much cheaper because it does away with the necessity of examining previous records to ascertain the actual status of the title;*
- (7) *no encumbrance, lien, adverse claim can affect the land unless registered in the Registry Book ;*
- (8) *the method of dealing with the land is simplified, thereby making easier any transaction relative thereto;*
- (9) *it quiets [removes conflicts concerning] title to or possession of the land;*

The Registration of Land Titles and Deeds by Noblejas, A.H. and Nolejas, E., Rex Book Store, 1986, at page 45.

Other advantages include the generation of valuable land information including a database that simplifies the collection of taxes and other charges affecting land and land transactions.

The project was designed to test land titling techniques and to identify suitable options for mass titling under a 20-year titling programme. Land titling options include:

Table: Land Titling Options

Option	Status	Pilot
Administrative – application for a patent for public land		
Free Patents	The law expired on 31/12/00 The project succeeded in having the renewal law listed as urgent. It has not yet passed through the parliamentary process at the date of the end of Activity 11.	Possibly October 2002
Homestead Patents	This involves the issue of patents such as Homestead Patents and Sales Patents and other tenures by government activity. This option had, until the project, not been used in over 40 years. It is suited to the first release of public land for original settlement, where the state wishes to bring land suitable for agriculture under cultivation.	Administrative titling was tested during the Bridging Technical Assistance by the conduct of two pilots at Libertad [Municipality Palo] and Macalpi-ay [Municipality Pastrana]. Reviews of these pilots were conducted. A comparison with Judicial Titling is set out in this report.
Sales Patents	This is similar to homestead patents, where the State wishes to release land for the establishment of residential dwellings. It involves paying the full purchase price to the State. The process is not attractive where the residential land has been occupied for some time and was purchased by the claimant. The process necessitates paying another purchase price to the State.	During the field test at Libertad and Macalpi-ay, there was potential for claimants who didn't qualify for Homestead Patents to apply for a sales patent. However no applications were received. Field staff attributed this to the cost of the application. Major costs include (i) payment of the purchase price to the State [even though the applicant may have already have paid full market value to a prior owner]; (ii) the necessity to pay all taxes and arrears.
CLOA and Emancipation Patents	CLOA is a title issued as part of the land reform programme to "landless". The grant is limited in size to three hectares. Also, in 1972, the law permitted tenant farmers of land exceeding 24 hectares to be "emancipated" by the issue of a "title" for part of the land. Both are therefore a means of land redistribution.	Each pilot is to recognize these procedures.
Lease by the State	Leases by the State that have a long term can provide security of tenure.	No field test
Grant of land	Although this is provided for in the Constitution, it appears to be different to the issue of specific patents. No	Nil

Option	Status	Pilot
	administrative or implementing law has been enacted to enable grants to occur. A grant of land could be made into a simple administrative process, and this should be investigated for further development.	
Judicial		
Individual applications	This entails the lodgment of an application to the court for verification of a title. There are two types of judicial titling applications to the court: An individual can apply to the court for the judicial confirmation of an imperfect title	No field test yet conducted. 2003
Mass applications – cadastral proceedings	A mass titling application can be made to the court by DENR to process all the land in a barangay	In Activity 11, PIO 1 designed a methodology for testing the mass certification approach. Fieldwork commenced in April 2002.

2.2.2 Design for Judicial Titling field tests

At the end of Bridging Technical Assistance and the start of the main Technical Assistance, the Adviser focused on the design of the judicial titling methodology. No application has been made of this mass titling method in over 20 years, so there was no significant residual administrative, departmental or judicial knowledge of procedures.

PIO 1 established a Judicial Titling Design Committee in August 2001 to provide inputs and to take the draft methodology and apply it to local circumstances. The Committee provided assistance in the planning of pilot locations and a timetable for field-testing. The Committee met until November 2001. Sites were selected in three municipalities [Dagami, Palo and Pastrana] to conduct the pilot studies. Assistance was provided to the Committee by the Land Registration Authority in Manila, evidenced by the detailed draft of a methodology by Director Cortez – see “Cadastral Hearing Procedures for the LAMP Project in the Province of Leyte” September 2001. Director Cortez was able to draw on his exposure to an earlier pilot project at Calabanga 20 years ago, as he was instrumental at the time in supporting that project.

Public consultation commenced with a workshop for 170 participants on 7, 8 November 2001. This included a number of barangay representatives. In January and February 2001, orientation programmes were conducted for the judges and Clerks of the Court in the pilot areas. Adjudication teams were mobilised and trained in processes. A field test was conducted in March 2002 and pilots commenced in early April 2002.

2.2.3 The Methodology

Using the Calabanga documentation as a starting point, the raw methodology was expanded by the following:

- Design of community education materials by the CRS officer
- Development of agenda items for CRS meetings to ensure uniformity of information provided at public meetings
- Recruitment and mobilisation of adjudicators and base camp clerks
- Developing a methodology for the operation of the base camp
- Developing an interview process and Record of Interview form for adjudicators

- Providing formats of reports to be completed by adjudicators [Answer, Cadastral Officer's Report]
- Developing training programmes and material
- Development of a Daily Progress Report format – this requires a breakdown in terms of gender, land use type, title type, evidence supplied etc
- Development of a Monthly Report format
- Conduct of a field test in early March 2002
- Development of a quality control function.

The procedure was incorporated into a Judicial Titling Training and Operations Manual. This has been used as the basis of training since February 2002 and has undergone numerous changes to reflect lessons learned. The latest version was released on 25 June to reflect changes arising in recent reviews.

Field activities commenced in April 2002. Tables in Paragraph 2.4 summarise progress.

2.3 Training

During Activity 11, training had two focuses:

- *Developing capacity in project staff* – developing roles and statements of duties for the field staff; designing procedures to be followed in the base camp; describing the activities of adjudicators; drafting the interview form, etc.

Inputs focused on the Systematic Registration Coordinator, the Systematic Adjudication Team Leaders [three persons], the adjudicators [10 persons], the Legal Assistant and the base camp clerks [6 persons].

- *Developing capacity external to PIO 1* – A feature of Judicial Titling is the project's dependence on a number of agencies and external participants. It has been necessary to provide orientation to staff of other agencies, including the barangay officials, the Cadastral Officer, the clerks of the court and judiciary for the six pilot municipalities, the Land Registration Authority, CENRO, the municipalities, etc.

The following training/ mobilisation activities were conducted by PIO 1:

Table: Training in systematic registration provided in Activity 11

Date	Activity	Financed by
6, 7 November 2001	Introductory barangay orientation workshop - PIO 1 coordinated the design and delivery of a workshop, providing an overview of judicial titling. There were 170 participants, including barangay council and local CRS representatives. This was a major community participation exercise.	Project
26, 27 November 2001	Local Community Relations Staff - Short-term TA assistance in the conduct of training for CRS staff in interview techniques, role plays	Joint
21, 22 January 2002	First Capability-Building Workshop for Judges and Clerks of the Court – Cebu Inputs for the Counterpart to assist his management of the field work and his training of field staff, Cebu	Technical Assistance
18-20 February 2002	Orientation of new adjudicators at the Dagami base camp	Project
25, 26 February 2002	Second Capability-Building Workshop for Judges and Clerks of the Court in Manila. Inputs from Attorney Casanova, University of Philippines.	Technical Assistance

<i>Date</i>	<i>Activity</i>	<i>Financed by</i>
28 February 2002	Report to adjudicators on the outcomes of the Manila Workshop. Review of impact on processes.	Technical Assistance
4-5 March	Orientation training for barangay representatives, adjudicators and base camp clerks. Some community relations staff received inputs on interview techniques.	Project
6-7 March	Training of adjudicators and base camp clerks	Project
8-9 March	Field test - Barangays Bolirao and Bayabas, Municipality of Dagami	Project
9 March	Review of field test	Project
22, 23 and 26 March	Adjudicator training, 2.5 days	Project
Tuesday 9 April	SAT Leaders' Quality Assessment Form developed	Technical Assistance
April 15	Compile list of essential skills and knowledge - List of skills and knowledge required by Systematic Adjudication Team Leaders and adjudicators developed and presented	Technical Assistance
2 Days in the period 22/4 – 17/5	Revision of the draft Quality Assessment Form	Technical Assistance
Thursday 18 April	Adjudicators Training Day Group discussion – review with the group their recent issues arising from fieldwork Legal Assistant: <ul style="list-style-type: none"> • The final Petition format • Progress in filing Petitions for Dagami • Progress in preparing 5 Petitions for Pastrana and 3 Petitions for Palo 	Project
	Tacking of possession	
	SAT Leaders' Quality Assessment Form	
	Map reading techniques	
8 days in the period April 22 – 17 May	Quality Control function of Systematic Adjudication Team Leaders – training in the assessment of draft Answers submitted to Systematic Adjudication Team Leaders by adjudicators. Completion of the Quality Assessment Form.	Technical Assistance
3 June 2002	Systematic Adjudication Team Leaders Review Day 1 <ul style="list-style-type: none"> • Review all issues arising in the base camps • Implementing the Daily Progress Report • Monthly Report Format • Progress in petitions and outputs – report by each adjudicator and estimated date for lodgment of Answers • Quality Assessment Form • Tabulate new procedures in relation to tax 	Project
4 June 2002	Computer Skills for base camp clerks – Familiarization with computers – start-up and use	Project
Monday 10 June 2002	Base Camp Clerk Review Day <ul style="list-style-type: none"> • Review of the Training and Operations Manual 	Project

Date	Activity	Financed by
	<ul style="list-style-type: none"> Review of issues arising in base camp operations Format of the schedule of Interview The Weekly Attendance Report The Monthly Report for each adjudicator Travel Allowance claims for adjudicators 	
18 June 2002	<i>Systematic Adjudication Team Leaders Review Day 2</i> <ul style="list-style-type: none"> Review of issues arising Quality of outputs Review progress in meeting project deadlines 	Project
19 June 2002,	<i>Adjudicator Review day</i> <ul style="list-style-type: none"> Tax – Policies, agreements with agencies and revised practice for collecting; base camp practices Importance of Daily Journal SAT Leader's Daily Progress reports – format; how to keep the SAT leader informed Monthly reports for each barangay – format; compiling the information Importance of preparing supporting deeds for claimants 	Project
24 June 2002	<i>Systematic Adjudication Team Leaders Review Day 3</i> Sustainability after 30 June; review of all hindrances impacting completion of preparation for hearings; planning for free patents; preparation for Quarterly Assessment workshop. <i>Transferred to 1 July to permit SAT leaders to focus on the mobilisation of the Cadastral Officer.</i>	Project
June 25 2002	<i>Adjudicator Training Day – Review of Answers and Cadastral Officer's Reports</i> Review sample Answers [and provide formats, giving attention to the minimum supporting evidence to be provided]. Provide sample documents for each land type likely to be encountered in the barangay.	Project

Training was affected by the following:

- It was decided not to use CENRO inspectors as members of the Systematic Adjudication Team, as they had no experience in Judicial Titling. PIO 1 therefore decided to test the utilization of contract staff as Systematic Adjudication Team members. If successful, this would provide an effective strategy for taking the titling process nation-wide. The project advertised and recruited contract staff as adjudicators. Although most recruits had a law degree there was only limited experience in fieldwork.
- No institutional memory of judicial titling procedures – the most recent experience was a pilot project at Calabanga in 1980
- No clearly accepted practice and procedures manual
- No ready pool of skilled personnel to provide the training
- Lack of control of processes by PIO 1 – since the Judicial Titling procedures impacted on many other agencies, and since legal forms and procedures had to be followed, it was not

a matter of PIO 1 deciding what is the best practice, but of attempting to clarify legal processes and reviewing these consultation with other agencies.

So the development of a field methodology and the provision of training occurred together. It was necessary to compile procedures, test and review them and modify procedures as required. Numerous reviews were conducted and procedures modified according to lessons. In comparison, in other projects, adjudicators often attend a detailed training programme up to a month in length and are fully briefed on procedures that have long been certain. But that was not possible in the first pilots in PIO 1. This cyclic learning process [design, test, review, re-design, test, review...] fits well with the learning and innovation concept of LAMP. However a major drawback is that training is disjointed and it is difficult for trainees to see the whole picture.

Once all procedures are finally documented, it will be possible to conduct detailed training in the next pilots. The project will also have by then a pool of skilled field operators who can form the basis of an effective training team.

Short-term training resources were utilised as follows:

- Attorney David Apostol provided inputs on laws and court processes. He designed legal forms and lectured on the doctrine of "tacking of possession". This involves the claimant proving the possession of predecessors in title. He provided specific inputs to adjudicators and Systematic Adjudication Team Leaders on the evidence to be attached to Answers. He conducted a review of the level of knowledge of adjudicators.
- Professor Stephen Lagarde, University of Philippines, provided 28 days of inputs, including training for CRS on communication and interview techniques. He also reviewed the effectiveness of public education material and developed a methodology for a survey to valuate the effectiveness of the project's radio programme.

These short-term inputs were generally found to be of significant value to the project.

As the pilot activity continues, the following training is planned:

Table: Training planned

Date	Activity	Funding
1 July 2002	Systematic Adjudication Team Leaders Review Day 3 Sustainability after 30 June; review of all hindrances impacting completion of preparation for hearings; planning for free patents; preparation for Quarterly Assessment workshop. <i>Transferred from 24 June to 1 July to permit SAT leaders to focus o the mobilisation of the Cadastral Officer.</i>	Project
2, 3 July 2002	Quarterly Assessment of PIO 1 Activities <i>June monthly report; barangay profile; Daily Progress Report; January to June cumulative figures; Report of issues problems lessons</i>	Project
10 July 2002	Training Programme for Commissioners of the Court and Cadastral Officer Draft Training Event Request delivered to PIO 1	Project
11 July 2002	Adjudicator training day Peer review Day – Systematic Registration Coordinator to facilitate group discussions of actual case studies – each adjudicator to present three case studies that highlight variations or issues. Base Camp clerk to document the issues and the group-generated outcomes	Project

15 July 2004	Systematic Adjudication Team Leaders Review Day 4 <ul style="list-style-type: none"> ▪ Review June Monthly Report ▪ Review Progress Report ▪ Review progress with mobilising Cadastral Officer and Commissioner of the Court ▪ Review progress, issues on Answers ▪ Review progress against timetable 	Project
15, 16 July 2002	Inter-Agency Capability-Building Workshop Orientation for LRA staff, Manila	Technical Assistance
25 July 2002	Adjudicator training day <ul style="list-style-type: none"> • Gender issues in land titling • Conflict resolution in adjudication. Draft Training Event Request delivered to PIO 1	Technical Assistance
29 July 2002	Systematic Adjudication Team Leaders Review Day 5 <ul style="list-style-type: none"> ▪ Review June Monthly Report ▪ Review Progress Report ▪ Review progress with mobilising Cadastral Officer ▪ Review progress, issues on Answers ▪ Review progress against timetable 	Project
July 2002	Assessment of knowledge and skills of adjudicators <i>Day 1</i> - review law and procedures for judicial titling – input on all essential knowledge and skill areas <i>Day 2</i> – review procedures for all types of land – content of Answers <i>Day 3</i> – assessment of knowledge and skill level of SAT Leaders and adjudicators Inputs from Attorney Casanova - Draft Training Event Request delivered to PIO 1	Technical Assistance
July 2002	Further training for judges – review of the progress and of the draft documents to be used in Judicial Titling	Project
8, 9 August 2002	Adjudicator training day - Communication skills for the interview process	Technical Assistance
12 August 2002	Systematic Adjudication Team Leaders Review Day 6 <ul style="list-style-type: none"> ▪ Review June Monthly Report ▪ Review Progress Report ▪ Review progress with mobilising Cadastral Officer ▪ Review progress, issues on Answers ▪ Review progress against timetable 	Project
21 August 2002	SAT Leadership Training	Technical Assistance
TBA	Computer skills for the adjudicators MS Word and Ms Excel	Project

A key issue for the Counterpart during July will be to conduct a skills audit of the adjudicators. The following have been structured to provide a basis for the assessment of adjudicators.

- The legal trainer [short-term technical assistance input] conducted a review of the level of knowledge of adjudicators and concluded that they have the essential knowledge to

prepare the project documentation. He recommended on-the-job monitoring of outputs to identify shortcomings.

- A quality assessment process has been established – this involves the Systematic Adjudication Team Leaders reviewing all documents prepared by the adjudicator and completing a Quality Assessment Form for each parcel. The form allows the leader to record an assessment of further action required, the level of knowledge of the adjudicator and any training response required.
- The Daily Progress Report and Monthly Report forms contain statistical outputs by adjudicators that will assist the Systematic Adjudication Team Leaders and Systematic Registration Coordinator to monitor outputs. The use of these forms as management tools has been discussed in training days.
- Assessment of adjudicators scheduled for July – a further short-term technical assistance input is planned for July, to conduct an evaluation of the level of knowledge of adjudicators. This trainer conducts evaluations for law graduates preparing for Bar examinations.

2.4 Field test of the titling methodology

It was decided to test cadastral proceedings in 3 municipalities. Initially activity was planned to take place in 14 barangays, but this has been reduced to 8 – see observations in Paragraph 3.1. Pilot project locations are as described in the following Table:

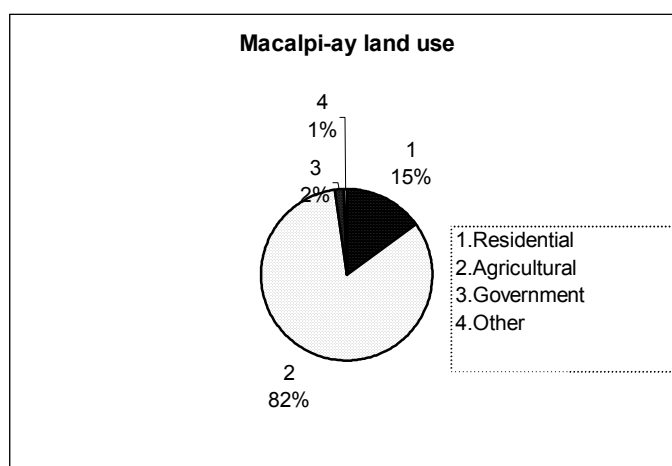
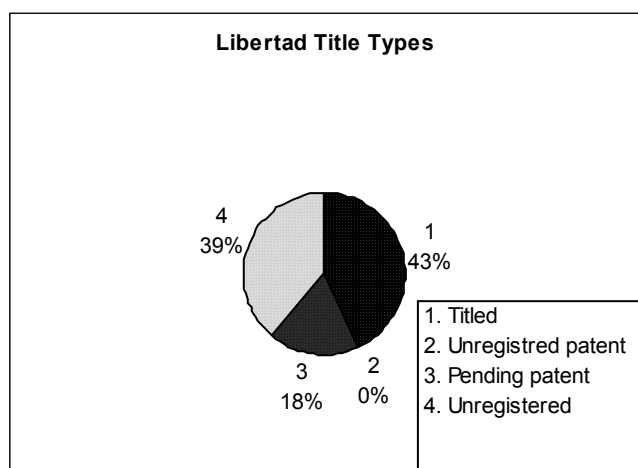
Table: Barangay profiles

	Hinulogan	Bolirao	Bayabas	Cabariwan	Macalpi- ay	Libertad	Anahaway	San Isidro
Area [sq. m]	2,431,175	1,731,931	1,240,727	918,751	1,451,549	4,940,000	1,653,137	1,592,767
Lots	293	184	127	81	172	634	391	383
Number of adjudicators	2	1	1	1	2	1	1	1
Land Use								
Residential (%)	----	----	----	----	26 (15)	88	37 (9.5)	65 (15)
Agricultural (%)	240 (82)	163 (88)	113 (89)	70 (86)	142 (83)	531	349 (89)	313 (82)
Govt Lots (%)	26 (9)	19 (10)	12 (9.5)	9 (11)	3 (1.7)	13 (2.5)	5 (1.2)	4 (1)
Other (%)	26 (9)	2 (2)	2 (1.5)	2 (3)	1 (0.5)	2	----	1
Title Types								
Titled (%)	111 (38)	9 (5)	2 (1.5)	6 (7.4)	8 (4.6)	247 (39)	128 (33)	143 (37)
Unreg Patent (%)	----	----	----	----	----	---	----	----
Pending Patent (%)	3 (1)	17 (9.2)	7 (5.5)	----	----	101 (16)	----	1 (0.5)
Untitled (%)	279 (95)	58 (86)	118 (93)	75 (92)	164 (95.3)	221 (35)	263 (67)	249 (63)
No. of disputed lots	22 (7.5)	2 (1)	3 (2.3)	2 (2.5)	9 (5.2)	10 (1.6)		
Court progress								
Filed	26/4/02	26/4/02	26/4/02	26/4/02	----	----	----	----
Date of Initial Hearing	15/8/02	8/8/02	7/8/02	14/8/02				
Progress								

Final Report for Systematic Registration in Activity 11

No. of interviews (%)	167	106	83	60	172	207	62	83
Answers completed	96	90	23	27	37	100	39	60

Source: Barangay profiles prepared in each base camp as at 31 May 2002



Key activities in the field-test are:

Table: List of key activities in judicial titling

#	Activity	Dagami	Pastrana	Palo
	Survey control	✓	✓	✓
	Preparation of Cadastral Index Mapping and database	✓	✓	✓
	CIM database	X	✓	✓
	Procure survey contractor	N/A	Process did not result in procurement	Need to cancel earlier survey contract
	Survey of barangay perimeter, individual parcels	Previously surveyed	X	Surveyed in earlier pilot
	Community mobilisation and education	✓	✓	✓
	Court documentation filed	✓	June	X
	Field activities and interviews to generate Answers	30%	50%	20%

#	Activity	Dagami	Pastrana	Palo
	Cadastral Officer interviews claimants and swears Answers	0%	0%	0%
	Commissioner of the Court reviews Answers	0%		
	Initial Hearing	August	Possibly late October	
	Orders			
	Decree/ draft title			
	Title registered and issued			

2.5 Review of the land titling field activities

2.5.1 Completed reviews

The following reviews have been carried out during Activity 11:

Table: Issues raised during reviews

Date	Review	Issues, Lessons
7 March 2002	Review of adjudicator training	<ul style="list-style-type: none"> ▪ Identified need for additional CRS leaflet setting out the evidence to be lodged with each application. This was subsequently compiled and is now in use. ▪ Changes recommended in the barangay meeting procedures so that the Systematic Adjudication Team Leaders attended to provide technical inputs. Technical knowledge rests with the adjudicators and team leaders.
9 March 2002	Review of Field Test	<ul style="list-style-type: none"> ▪ Identified inadequate base camp supplies. Some of these still have not been addressed. ▪ Lack of communication equipment in the base camp. ▪ Revised the Record of Interview form ▪ Lack of motor cycles and computers – two of the four base camps now have computers and all have motorcycles ▪ No copies of sample documents and evidence provided. These were subsequently compiled by the Training Coordinator and distributed. ▪ Additional training needs identified
26 March 2002	Review of adjudicator training	<ul style="list-style-type: none"> ▪ 30% of claimants not appearing for interviews; reasons identified – see Paragraph 3.9. ▪ Equipment needs emphasised again. ▪ Conflicting laws confuse the length of evidence required. PIO 1 requested to refer this for legal advice.

Date	Review	Issues, Lessons
		<ul style="list-style-type: none"> ▪ Need a format for the Daily Progress Report – this was subsequently provided ▪ Confusion where registered land has been subdivided but no plan of subdivision approved – subsequently clarified by Project Manager
April	Quarterly Review of PIO 1 progress	<ul style="list-style-type: none"> ▪ Identified need for additional training for adjudicators esp. map reading – subsequently given ▪ Need for more input on the type of evidence to be lodged with an application. This has been given but it is an ongoing issue.
21 May 2002	Mid-term review	<ul style="list-style-type: none"> ▪ Base camps are falling behind schedule in the preparation of Answers and Cadastral Officer's Reports ▪ Strategy to cope with the lack of preparation by landowners and to obtain lacking evidence – this involves additional activity by the local CRS teams ▪ Timetable set for Dagami to ensure deadlines met in filing court documents ▪ Issues with tax records raised and methods identified where PIO 1 can obtain evidence direct ▪ Need identified for Systematic Adjudication Team Leaders to be proactive in resolving management issues that inevitably arise in the management of fieldwork ▪ Inadequate management records results in poor statistics. Daily Progress Report and Monthly Report formats reviewed. ▪ Because of differences between the statistics of the adjudicator and the CRS Assistant, PIO 1 stressed the need for close coordination between the CRS Assistant and the Systematic Adjudication Team Leaders. ▪ Importance of CRS Assistant having a regularly updated Daily Progress Report stressed.
23 May 2002	Review by PMO and Project Director	<ul style="list-style-type: none"> ▪ Need to conduct review of the leadership training needs of the Systematic Registration Coordinator and Systematic Adjudication Team Leaders ▪ Need for a deputy team leader to

Date	Review	Issues, Lessons
May 2002	Legal Trainer's review of the status of training needs of adjudicators	undertake the quality control function Recommended: <ul style="list-style-type: none"> ▪ continuing on-the-job training of adjudicators ▪ Immediate mobilisation of the Cadastral Officer ▪ Abandonment of cadastral lot data sheet
3 June 2002	SAT Leaders Review Day 1	<ul style="list-style-type: none"> ▪ Possible wrong perception that the adjudicator's task is completed when the interview has been conducted, whereas the main aim of the adjudicator is to complete Answers and Cadastral Officer's Reports for 100% of the land parcels in the barangay ▪ Reviewed tax problems and identified problems at Pastrana – subsequently resolved by Project Manager in a meeting with the mayor ▪ Reviewed the formats of the Daily Progress Report and Monthly Report ▪ Revised the Quality Assessment Form to make it more useful to Systematic Adjudication Team Leaders.
11 June 2002	Base Camp Clerks Review Day	<ul style="list-style-type: none"> ▪ Need virus protection and procedures for backup ▪ Importance of attendance records as an audit tool ▪ Importance of the Daily Progress Report and Monthly Report ▪ Garaging of motorcycles; use by non-licensed riders ▪ Mobilisation of the Cadastral Officer planned
18 June 2002	SAT Leaders Review Day 2	<ul style="list-style-type: none"> ▪ How to prepare for the quarterly assessment – records the Systematic Adjudication Team Leaders must have available ▪ Revision of the barangay profile form to capture additional data ▪ Monitoring quantity and quality of outputs by the adjudicators.
19 June 2002	Adjudicators Review Day	<ul style="list-style-type: none"> ▪ Identified need to interview government and church owners ▪ Need to mobilise Cadastral Officer – the next step in the process of preparing for court is for the Cadastral Officer to conduct interviews in the base camps with all claimants, to swear their Answers and to complete the Cadastral Officer's Report.

Date	Review	Issues, Lessons
		<ul style="list-style-type: none"> ▪ Need for adjudicators to meet the Cadastral Officer at base camps to discuss procedures and form of Cadastral Officer's Report ▪ Hidden costs of land titling discussed – CRS leaflet proposed ▪ Different practices for the collection of tax identified – need for a CRS leaflet discussed.
24 Jun 2001	SAT Leaders Review Day 3 <i>Meeting deferred one week to permit urgent activities to be completed</i>	<ul style="list-style-type: none"> ▪ Need to mobilise Commissioner of the court ▪ Need to facilitate a meeting of the Cadastral Officer with (i) clerk of the court to settle processes; (ii) base camp staff to review contents of Answers and draft Cadastral Officer's Report ▪ Need to urgently prepare for the start of interviews by the Cadastral Officer in the base camp this week.
25 June 2002	Adjudicators training day	<ul style="list-style-type: none"> ▪ Limited progress has been made in the preparation of Answers. Closer coordination between the adjudicators and CRS team is required. A greater effort is required. ▪ Need to mobilise the Clerks of the Court.

Some of these reviews were also training days. Reports on the outcomes were prepared and circulated at the time. Copies are also in the Adviser's Training Preparation Workbook, a copy of which has been given to the Systematic Registration Coordinator and the Training Coordinator and placed in the PIO 1 Library.

2.5.2 Strategy for a major review of the pilot projects

A strategy paper was prepared to assist PIO 1 to prepare for a major review once the pilots have ended. This was circulated for evaluation. In summary it proposed:

- In addition to PIO 1's quarterly review of progress, scheduled for 2, 3 July, a Major Review should be conducted half-yearly. This should be in the form of workshops, which should include all external participants.
- The first major review should be conducted immediately prior to the next World Bank /AusAID mission. It should therefore be completed by late July 2002. The second major review is recommended for December 2002, so that results can be introduced into the planning for 2003. In the lead-up to the Mission, the Bank has indicated that it will not visit Leyte during the next Mission. This permitted the workshops to be rescheduled after the initial hearings in August, to permit major inputs from the Cadastral Officer, the Commissioners of the Courts and the judges.
- In undertaking the review, one workshop should be conducted per municipality.
- Representation at the workshop could be expanded beyond those at the 2001 workshops to include

- More objective inputs from the community
 - Local Advisory Group members
 - Other agencies served with notice of judicial titling petitions
 - The Cadastral Officer
 - Judiciary and clerks of the court
 - Provincial and Municipal Assessors
 - Community groups such as NGOs working in similar areas
- To ensure more detailed inputs from the community, there will be heavy reliance on the inputs from:
 - the *community-based monitoring and evaluation*. This should be conducted to research community attitudes and responses prior to each review workshop. This may require an alteration to the timetable for community research.
 - *Specific inputs from the Chairman and council members*. They could be requested to convene a barangay assembly before the major review workshop, at which specific feedback [verbally, questionnaires etc] can be sought. This feedback can then be presented to the Major Review Workshop
 - Participating field units in LAMP should continue the practice of convening before the workshop, to receive inputs from all members. The contributions can then be incorporated into a written report. To ensure more detailed preparation, a format for the preparation of reports by participants should be developed.

The objectives of the major review are to:

- Summarise and document all statistical achievements in field processes
- Evaluation of progress of the field activities against targets, so that PIO 1 can draw conclusions concerning progress in achieving targets
- Review the contributions of each group involved in judicial titling. This will include a review of the planning, procurement of staff and equipment, training of participants and logistical support for and the implementation and management of field activities
- Identify all issues, problems and difficulties encountered in the field. This will list reasons why targets have not been reached or obstacles that have made achievement more difficult. It should propose solutions so the next activities are more effective
- Recommend changes to practice so that the next field activities are streamlined.
- Develop a comprehensive review report for PMO and other agencies
- Review the adequacy of community education and mobilisation programmes
- Review the cost of the systematic adjudication programme.
- Review participation by the community in the land titling programme. This will involve identifying contributing factors for the involvement or non-involvement of members of the public and the design of appropriate coping strategies to ensure that the programme is more effective in subsequent field activities.
- Summarise the institutional, policy, legal and other issues that require input from sources external to PIO 1 so that the appropriate support may be given by PMO

- List all resulting changes to procedures, including Manuals of Practice and training programmes.

The review will focus on the following:

- Planning and Implementation
- Community mobilisation and education
- Liaison with, training of, and support by, all related agencies
- Cadastral Index Mapping functions
- Recruitment and Training of field staff
- Preparation of Petitions
- Approval process for Petitions
- Filing of Petitions
- Service and Display of Notice
- Field work and interviews
- Preparation of Answers – the detail of evidence to be lodged with each Answer
- Operation of base camps
- The functions of the Cadastral Officer
- Management of field processes
- The operation of the consultative and review committees
- Activities of the Commissioners of the Court
- Informal hearings
- Initial hearings of the Court

2.6 Strengthening the Counterpart

PIO 1 allocated the Systematic Registration Coordinator as the Adviser's counterpart. In December 2001, a series of meetings was conducted to clarify the roles of the Adviser and Coordinator. Early in the activity, terms of reference and workplans were agreed upon. The following inputs have also been undertaken during Activity 11:

- Clarification of the reporting roles of the Systematic Registration Coordinator and Systematic Adjudication Team Leaders at the Technical Meetings
- Joint chairing at Review activities
- Promoting the counterpart's role as a training provider
- Providing an example of how to organise, conduct and document review days
- Input on how to use the various reports of fieldwork as management tools.

During the mid-term review PIO 1 reviewed the capacity of the Counterpart to manage the process after 1 July. In addition to the above, the Adviser completed a training programme for July and August 2002 and drafted Training Event Requests where appropriate. The Counterpart takes responsibility for developing, organising and implementing all training from 1 July. The draft programme will simplify this process.

2.7 Inputs on Policy Issues

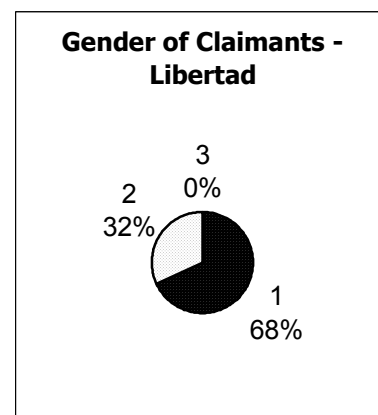
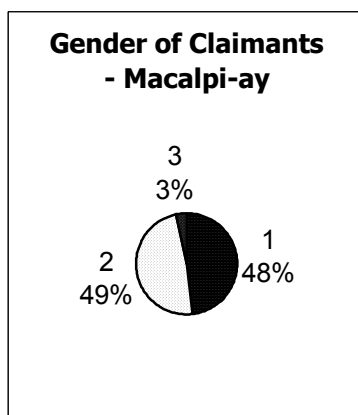
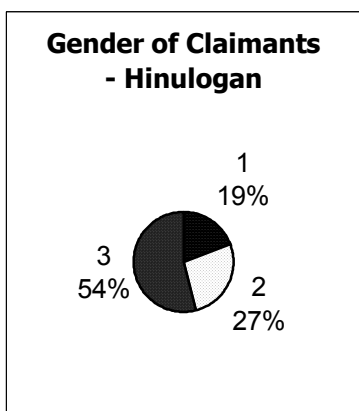
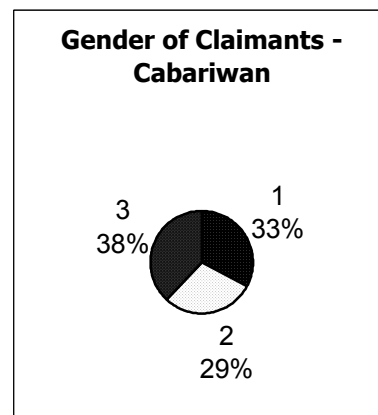
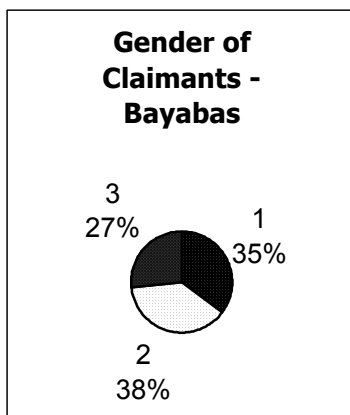
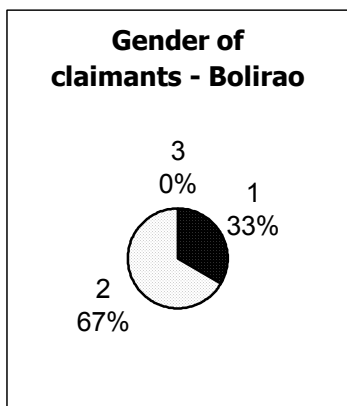
The lessons from the review of homestead patents and initial observations were referred to staff conducting the policy studies. Various workshops were conducted in Leyte to permit direct feedback from stakeholders to the policy advisers.

In addition, PIO 1 sought PMO assistance in:

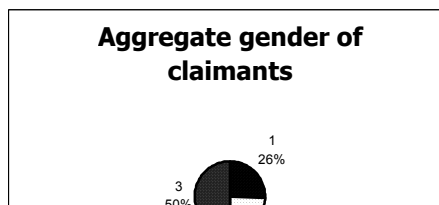
- Obtaining legal advice on the capacity to commence cadastral proceedings based on a barangay rather than a municipality. This was obtained.

- Having the renewal of the free patent law made urgent. This was achieved; however, the law has not yet been enacted.
- Referring to the presidential task force on land issues the need to clarify apparent conflicts between laws providing for possession of land, to determine whether 30 or 55 years of possession must be proved.

Gender Comparison in pilot areas



1 Male
2 Female
3 Joint



3. Evaluation

3.1 Observations on Progress to Date

The following observations can be made on the progress of judicial titling:

- Four petitions have been filed in Dagami, with initial hearings scheduled from 7-15 August. This affects 685 parcels. The following issues arose:
 - whereas two notices of hearing were immediately published in the gazette, two were not, resulting in at least a one-month delay in the initial hearings. PIO 1 has taken steps to ensure that this delay, which occurred because of a transcription/proofreading error in the document, is avoided in future applications
 - Initially five barangays were scheduled for judicial titling. However one barangay failed to resolve its boundary dispute with another barangay, despite many meetings sponsored by PIO 1. It was therefore excluded from the pilots.
- In Pastrana it was originally intended to process five barangays. One barangay, Macalpi-ay, was the site of a homestead patent pilot project. It was surveyed during that pilot. In relation to the other four barangays, it was necessary to procure a survey contractor to conduct lot surveys. However the procurement process was unsuccessful and had to be recommenced. Because this constitutes a major delay, PIO 1 decided to focus on completing Macalpi-ay. The Petition for Macalpi-ay [172 lots] has not yet been filed. The only delay is in the completion of the technical description of the barangay boundary.
- In Palo, three barangays were selected. It was planned to lodge Petitions in by June 2002. However, some complications arose with the survey in the municipality. The issues are contained in the report by the mapping advisers.

Preliminary gender data for claimants is illustrated in the following Table:

Table: Gender of claimants

	Bolirao	Bayabas	Cabariwan	Hinulogan	Libertad	Macalpi-ay
Male	34	25	19	30	115	69
Female	68	27	17	42	54	70
Joint	0	19	22	84	0	5
Total	102	71	58	156	169	144

Source: Daily Progress Report and Monthly Reports from base camps

These statistics are preliminary. See also the diagram on the previous page.

3.2 Options available to landowner depending on type of land use

The suitability of a titling option is affected by the land use of the parcel, as specified in the following Table:

Table: Land use determines titling options

Land encountered	Titling Options	Notes
If the land is ... Agricultural land	Homestead Patent	This has limitations
	Individual Judicial titling application	
	Mass Cadastral Proceedings	Being piloted
	Free Patent [when renewed]	Law not yet enacted

Land encountered	Titling Options	Notes
<i>If the land is ...</i> Residential land	Individual Judicial titling application	
	Mass Cadastral Proceedings	
	Application for Sales Patent	Free Patent not applicable to residential land
<i>If the land is ...</i> Commercial land	Individual Judicial titling application	
	Mass Cadastral Proceedings	
	Application for Sales Patent	Free Patent not applicable
<i>If the land is ...</i> Government land	Mass Cadastral Proceedings	Free Patent not applicable

This Table highlights that:

- Free Patents are suitable for agricultural land but not for (i) residential (ii) commercial and industrial (iii) government and (iv) church land
- Judicial titling copes with all land uses. However, its processes are more complex. Several interviews of claimants are required and three separate reports are required for each land parcel.

3.3 Analysis of judicial titling as a land titling method

The following observations are made by the Adviser based on progress on the eight barangays in the pilot activities. These can be evaluated later from the perspective of the completed pilots

3.3.1 Comparison of individual judicial titling and mass judicial titling

The following table compares the individual and mass judicial titling processes:

Table: Comparing individual and mass Judicial Titling

	Individual judicial applications	Mass judicial [Cadastral] proceedings
1	Landowner applies	Government applies
2	One landowner per application	Application includes all land in a barangay
3	Applicant arranges the survey and funds it	Government applies for the survey and funds it; contribution by claimants.
4	Owner claims ownership and asks the court to confirm the title	State doesn't claim ownership but requests the court to determine titles for all land in the barangay
5	Applicant arranges publication in the Gazette. Publication relates to one applicant	Government arranges publication in the Gazette. One notice lists all land in the barangay.
6	Proceedings in Regional Trial Court	Proceedings in relation to non-contested claims are in the Municipal Trial Court
7	Applicant must prove ownership	If the title is non-contested, it is not necessary to prove the title as an order will be automatic
8	Court determination required	Court appoints a Commissioner of the to determine title and to report conclusions back to the court in the form of draft orders.

9	Evaluation – voluntary proceedings, one parcel at a time, is not a methodology suitable for mass land titling	Large-scale compulsory titling process has more attraction for a mass programme than individual judicial titling. Its main drawbacks are detailed technical processes and reliance on the cooperation of a number of external agencies, including the courts
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3.3.2 Comparison of mass judicial titling and homestead patents

The following Table evaluates cadastral proceedings and homestead patents as land titling options.

Table: Comparison of Homestead Patents with Judicial titling

#	Homestead Patent	Judicial Titling
1	Public land – all land in an administrative title claim is considered to be public land; thus accrued rights of a individual are ignored	Private ownership rights recognized by the court
2	Recognises occupation of public land by granting a patent	Substantial claim of private ownership such as 30 years' continuous possession of land can justify the issue of a title
3	Administrative titling – application to DENR	Application to the court
4	Results in the issue of a patent	Results in the issue of a Torrens title
5	Area limit – the limit on parcel size is five hectares – the excess must be subdivided and removed as part of the patent issue process	No area limit - Title can be confirmed judicially for any area. Lots larger than 5 ha will be notified to DAR for follow-up.
6	Cost - although cheaper than Miscellaneous Sales there is still a cost to applicants, including cadastral survey costs and registration fees.	Subsidized – all major costs may be met by the government. However some costs must be paid by the claimant including a contribution towards survey costs, fees for applying for certificates to support an application, fee for registration of the title, photocopy costs and notarial fees.
7	Multiple applicants can't apply – one applicant is allowed per parcel. This causes difficulties in coping with multiple ownership under family arrangements [husband and wife; joint heirs]	Multiple applicants can apply – there is not restriction on the number of joint applicants per lot.
8	Married woman can't apply – where there is a husband and wife, the application must be by the "head of the household". This is generally taken to mean the husband except in some specific circumstances. This was subsequently changed by Administrative Order 2002-13 dated 24 June 2002.	Married women can apply – there is no head of household provision. There is no gender bias in judicial proceedings.
9	Inheritance problems – because heirs can't apply jointly, this requires families to either nominate one claimant or to subdivide the parcel among all heirs. This may result in small non-viable lots	No inheritance problems – all heirs can apply jointly. An application can be lodged in the name of "the heirs of" and this provides great flexibility.
10	Title has restrictions – the title can't be transferred or used as collateral for five years	No restrictions on title – the title can be transferred or mortgaged immediately
11	25 years until absolute – there is a	Immediate absolute title – the title is

#	Homestead Patent	Judicial Titling
	restriction on the title that, for 25 years, transfers require the consent of the Secretary DENR	absolute 12 months after the date of the decree authorizing the issue of the title
12	Cultivation requirements creates delay in issue of patent – there is a cultivation requirement to be fulfilled in the first twelve months. The patent is not confirmed in the first 12 months	No cultivation requirements but 30 years continuous, open, notorious possession is required plus evidence of payment of taxes.
13	Ignores accrued ownership rights – even if the applicant has been using the land and paying taxes for a number of years, the land is treated as public land and any accrued rights are ignored. The applicant takes the role of a new occupier of government land. The method was designed for pioneering situations where frontier land is released for the first time for occupation and cultivation.	The court accepts and recognizes accrued ownership rights
14	Limit of one parcel per applicant per municipality – the applicant can only own one HP per municipality	No limit - on the number of parcels per municipality
15	Government land cannot be covered by a homestead patent	Government land can be titled
16	Church land cannot be covered by a patent	Church land can be titled
17	Commercial and industrial land cannot be titled	Commercial and industrial land can be titled
18	Land recently classified as "Alienable and Disposable" – can be titled	Recently classified land – cannot be titled
19	Speed of process – because only one agency is involved, the processing of paperwork is simple and faster leading up to the approval of a patent	Speed – because multiple agencies are involved, issues of coordination arise and the process is slowed. The process is quite detailed
20	One report and one interview sufficient -	Multiple interviews and reports – the adjudication team interviews the claimant at minimum once and Cadastral Officer must also conduct an interview. A report is required from the adjudication team [in the form of an Answer], from the Cadastral Officer [in the form of a Cadastral Officer's Report] and from the Commissioner of the Court [in the form of a narrative draft of the orders sought].
21	Fieldwork advantage – the adjudication team need only process those applicants willing to participate	Fieldwork more demanding – it is quite important to include all landowners in the application to the court otherwise their land may be declared to be public land. There is a major responsibility on the Community Relations staff to locate owners who live in other provinces or countries
22	Evaluation – not well-suited to the pilot areas, where most land has been occupied and cultivated long-term. Gender bias favours males. They don't cope with multiple applicants such as husband/wife, joint beneficiaries of a deceased owner. Title has less strength than a title issued by a court.	Eliminates many of the deficiencies affecting homestead patents. However many institutional dependencies exist so the process is slow. It is dependent on the cooperation of the court in the region. The process is more detailed and technical than administrative titling.

#	Homestead Patent	Judicial Titling
	Faster and simpler process	

3.3.3 Comparison of Free Patents and Homestead Patents

It is expected that the Free Patent law will be renewed in July-October 2002 and that field tests of the mass application can then be completed. At that time, a full study of the merits can be undertaken. In the interim, based on existing institutional knowledge of free patents, the following observations can be offered. Free Patents have the following advantages compared to Homestead Patents:

- There is no gender bias in Free Patents. Applications are not restricted to heads of households
- There is no requirement that the land be subdivided if there are multiple heirs, as the heirs can apply jointly. There is greater flexibility with free Patents.
- Whereas the Homestead Patent assumes the land is public land, the Free Patent process recognizes that private rights may already have accrued to the applicant
- Whereas Homestead Patents have a 12-month qualification period, the Free Patent may issue immediately
- There is no 25-year requirement for the consent of DENR to transfers. However Free Patents also have a 5-year restriction on sales and mortgages.
- The claim for homestead patent is easier to prove. To establish a claim for a free patent, possession for 30-55 years must be established.

3.3.4 Preliminary conclusions

Although Judicial Titling produces a title of better quality than homestead patent processes, and is more flexible in relation to multiple owners, nevertheless it is a slow process, more technical and more demanding on field staff. It is more dependent on the cooperation of external agencies. Thus overall it is less attractive than an administrative form of titling. A Table summarizing the many steps in Judicial Titling is set out in Paragraph 3.22.

Free patents have similar advantages to Judicial Titling but the process is more flexible and faster. Although the title has restrictions on mortgage and alienation in the first five years, this is not a major disadvantage.

Free patents are suitable for agricultural land but not for residential, commercial or industrial land, land of the church and State land.

3.4 Confusion over the length of possession to be proved

A major difficulty encountered in the pilot was the confusion in the law between two possible interpretations of the length of possession to be proved. One view requires 30 years' possession and another 55 years. Legal advice is being sought on this point. In either case, the period to be proved is too long. A simpler process may be to provide a dual approach set out in the next paragraph.

3.5 Title can't issue if possession is less than 30 years

The example of Australian states should be evaluated, where the adverse possession period has been reduced from 30 years to 12 years. A possible application to LAMP is to provide that:

- if there is a deed entered into for value such as a sale or mortgage over 12 years prior to the claim, then the claim supported by the deed and 12 years' possession is acceptable.
- if there is 12 years' possession and a deed for value less than 12 years old, then a "qualified title" can be issued. This simply indicates that the title of the claimant is conditional and has not yet fully ripened into full ownership. This qualification can be removed upon the registration of a subsequent deed for value or upon the expiry of a specified number of years after the qualified title issues. Precedent exists in the NSW legislation. The Malaysian law could also be evaluated as a precedent.

3.6 Untitled land – Documented claim and claim by prescription

There is confusion between claims based on documentation and those based on prescription. This should be reviewed during the major review workshops. The Manual of Procedures should distinguish between the two.

3.7 Complicated technical descriptions

Complicated technical descriptions of the land parcel must be used when the title is drafted. A lengthy description of the distances and bearings of the boundary lines of the parcel are set out in full. There is potential for transcription errors. Once the land is surveyed under the project, it is capable of a much simpler description – as a lot in the survey plan. However, to eliminate the technical description requires legislation.

3.8 Need to Reduce the Evidence Required to Support an Application

The pilot test claims were based on old samples of court processes in the Calabanga pilot project in 1980. The Answers in the samples required support from extensive documentation to be filed in support including tax documents. Legal opinion differed on this point. There was confusion during the pilot about whether all the evidence was required in every case. There is potential during the review of the first pilots, in consultation with legal inputs, to clarify this issue and to significantly reduce the taxation and other evidence to be lodged in support of claims. The following should be evaluated during the major review:

Type of claim	Tax document to support
Original Certificate of title, Transferred Certificate of Title	Nil
Patent	Nil
Unregistered land – but owned over 30 years and supported by deeds	Nil
Unregistered land – no deeds to support the claim	Tax records required as part of the proof of the claim to title

It is important to emphasise to all participants during the major review that the payment of taxes is not a precondition to the issue of a title, so it is not necessary to provide detailed tax records to support all claims. However, where there are no deeds of sale, inheritance etc. to support the claim, then in that situation, evidence of the payment of taxes has corroborative value in supporting the claim of ownership of the claimant. The person without a deed of sale to prove ownership but who is in occupation and is regularly paying taxes may have a more substantial claim to ownership than others. Thus detailed tax records should only be required in claims based on prescription. In such situations, affidavits from barangay representatives/ neighbours/ knowledgeable villagers also provide valuable evidence of the rights of the claimant.

3.9 Judicial Titling and Free Patents not Applicable for Newly Released Land

Land newly classified as “alienable and disposable” cannot be the subject of a claim in the judicial titling project.

3.10 Reasons claimants are not appearing for interviews

Notwithstanding verbal and written notice of the interview, there is still a failure by many claimants to appear at the interview. Initially 30% of potential claimants were failing to appear. Adjudicators identified the following reasons for non-participation:

- *Confusion about prior applications already lodged with CENRO but not completed* – this could be clarified during community education, that landholders who have pending applications must file an Answer. They have a choice about whether to continue with the application or to withdraw it. The adjudicator will have draft letters of withdrawal addressed to CENRO available for signature by the claimants.
- *Landowner is living elsewhere* – another province or another country.
- *Presence of a dispute* can hinder participation.
- *Residents skeptical* – some residents, based on previous experience with government agencies, have difficulty believing all the promises made during community education. There isn't yet a project track record to help the community believe the claims. Examples are landowners who have previously lodged applications for patents and have paid the necessary fees, yet are still waiting for a patent to be issued. The Table in Paragraph 2.4 shows that in some pilot barangays, 10-15% of land owners have lodged patent applications and these are still pending.
- *Land acquired fraudulently.*
- *Clients do not have the necessary evidence to support the application.* Reasons include:
 - No funds to apply for photocopies or tax certificates etc – this will be resolved when (i) PIO 1 has set up a copier in each base camp; (ii) PIO 1 can obtain tax evidence direct from the municipal assessors without the need for an application by the claimant – see also paragraph 3.13 below;
 - Claimants have no documentary evidence to support the claim – here adjudicators have the responsibility to decide what evidence is needed and to arrange the preparation of necessary affidavits. Samples of a variety of deeds were provided during training to assist adjudicators to prepare these instruments.
- *Lack of motivation* – potential claimants want to wait and see, have no motivation, misunderstand the benefits, have a wrong attitude. These should be addressed during community education programme.
- *The land is already titled* – there was initially some confusion about whether holders of registered land need to join in. It must be stressed during community education that even landowners who have registered land must participate by filing an answer

3.11 The community education role is more detailed for Judicial Titling

It is desirable that 100% of landowners participate in Judicial Titling, so the community education staff make a greater effort to locate non-residents. If there is no participation, there is a legal consequence, as the land is declared as public land, terminating any rights that have accrued to date. Also there is the need to arrange two separate interviews of the claimant – the first with the adjudicator and the second with the Cadastral Officer to swear the Answer. Because the evidence required to participate is more detailed, there is the need for more door-to-door follow-up meetings. The public education staff also have additional responsibilities, including validating the list of adjoining owners for service of notice of the proceedings.

3.12 Potential for an Inter-Agency Publication on taxes

There is a need for a more authoritative determination of conflicting policies. Different municipalities had different interpretations of the status of back taxes. One of the strengths in PIO 1's project area is the agreements forged by PIO 1 with participating municipalities concerning the status of back taxes. However, as there is some potential for different explanations of the policies during the community education programme, there is a need for PIO 1 to print a community education leaflet setting out the practice. This could be in the form of a joint declaration of the impact of back taxes on the project, signed by all participating agencies. This could be used during community mobilisation.

3.13 Potential to Publish Costs

PIO 1 discloses project fees applicable to claimants, including:

- survey costs; and
- registration fees.

However there are other costs that claimants may encounter in the process, as they are required to collect evidence from other agencies. It would assist claimants if an additional publication fully disclosed potential costs to the applicant. The adjudicators compiled the following list of costs that could be disclosed to applicants:

- | | |
|---|----------|
| ▪ Photocopying expenses | P 20 |
| ▪ Travel expenses to various agencies to apply for certificates | 25-100 P |
| ▪ Application fees for various tax certificates: | |
| o Community tax Certificate | 25 P |
| o Latest tax declaration | 62 P |
| ▪ Notaries fees – paid when a deed is sworn | 100 P |
| ▪ Death certificate application fees | 25 P |
| ▪ Registry of Deeds - copy of a certificate of title [where lost etc] | 25-100 P |

PIO 1 is evaluating ways to reduce the cost of obtaining evidence, including:

- Obtaining tax certificates direct from the municipal assessors
- Obtaining copies of registered titles and patents direct from the Registry of Deeds
- Providing a photocopier for each base camp.

3.14 Conflicting Policies on the Registration of Deeds

The Cadastral Officer supported the view that any deeds to be relied on in the judicial titling process must first be registered by the Registry of Deeds. This is despite the jurisdiction of the court, to validate imperfect titles. Registration of deeds requires payment of arrears of taxes, a burden on landowners the project is trying to defer until the first sale of the land after the certificate of title is issued.

The opportunity was taken during the workshop for judges in Manila to raise this issue. The judges favoured a more flexible approach that permits as many claimants as possible to participate in this commendable government initiative. This issue can be monitored during the major review.

3.15 Need for a Regulation to clearly set out the Procedures

There is no authoritative statement of procedures to be followed in Judicial Titling. If this method is to be introduced on a larger scale in other regions, it should be documented in a simple regulation setting out procedures to be followed, evidence to be produced and sample forms to be applied. This will simplify the training and setup process in other locations and will contribute to uniformity in all regions. Activity 11 has generated processes that can form the basis of the regulation.

3.16 Capacity to expand Judicial Titling applications

In future pilots, the project should explore the additional potential of the court, during the Judicial Titling process to resolve additional matters:

- Correct errors in certificates of title
- Correct technical descriptions
- Convert technical descriptions of certificates of title to PRS 92
- Replace lost or destroyed office copies of certificates of title
- Replace lost or destroyed client copies of certificates of title

3.17 Efficiency of Land Registry enhanced by Administrative Powers [replacing the powers of the Court]

The court has power, as part of Judicial Titling proceedings, to amend Certificates of Title if there are errors in the technical descriptions. However a better option is to eliminate the need for the court process in correcting errors. The example of other jurisdictions can be followed, where the Registrar of Deeds has an administrative power to amend errors on the face of the certificate of title. A similar administrative power can be given to the Registrar to issue replacement original or duplicate titles upon loss or destruction. The procedure is not complicated and a court action is unnecessary.

Also, where a transaction takes place affecting a certificate of title, the original certificate of title is cancelled and a new certificate is issued. There is potential to give the Registrar the power to simply endorse transactions with the original certificate of title on the reverse side of the title instead of issuing a completely new certificate when the land is transferred. This permits a saving of time and cost.

3.18 Potential of the project to reform conveyancing processes

There is the potential, as the project progresses, to reform the conveyancing process, to:

- Simplify the land transfer and mortgage process by replacing deeds with standard forms of transfer and mortgage that do not require the services of a lawyer to complete; and

- Encourage the acceptance by banks of agricultural land as a security for loans to farmers.

This will involve consultation with the private sector.

3.19 Centralised processes still exist

Examples include the role of Land Registration Authority in the service and display of notices and the need for the Administrator to sign new titles. A countrywide mass land titling programme will benefit from decentralised processes to avoid bottlenecks.

3.20 Processes can be simplified if Lodgment of Answers can be Staggered

Courts require Answers to be filed at one time. If an alternative approach could be adopted, permitting Answers for groups of titles to be filed separately, the load on the Commissioner of the Court could be spread. This will simplify the evaluation of Answers by the Commissioner, as they can be studied in batches as they are filed.

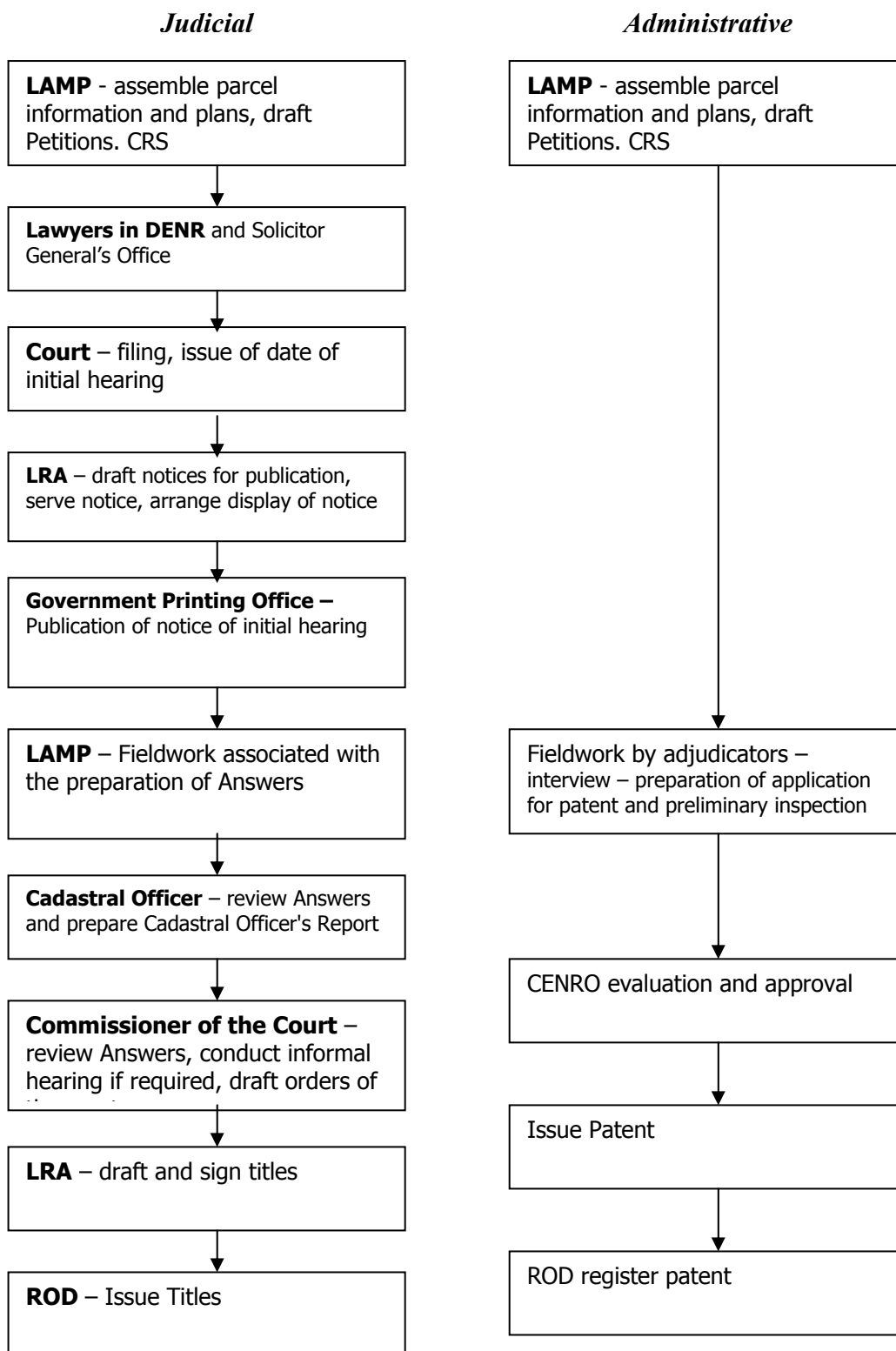
3.21 Complexity of process

The Judicial Titling process is characterized by a multiplicity of assessments and reports – by the adjudicators, by the Cadastral Officer and by the Commissioner of the Court. Thus the process is the process administratively time-consuming. During the major review consideration should be given to the simple endorsement of the earlier report to avoid multiple documents.

3.22 Organizational dependencies

A number of organisations must contribute to the judicial titling process. This is evidenced in the following diagram:

Diagram: Contrast Interagency dependencies



Administrative titling involves fewer agencies and thus permits a more streamlined approval process.

3.23 Work Rates

The pilots were designed around a projected target of 10 parcels per day per adjudicator for surveyed land and five parcels per day for unsurveyed land. As at June 2002, outputs average less than one parcel per day. In July, as the project moves closer to the hearing dates, outputs should lift dramatically.

The following Table will be completed during the major review but the figures for Dagami show the maximum work rate that would be achieved if all Answers are prepared by 7 August for the initial hearings:

Table: parcels per adjudicator per day

Work rate	Palo	Pastrana	Dagami
Expected work rate per adjudicator per day – surveyed	10	10	10
Total adjudicator days			400
Total number of titles expected to issue			685
Real Output rate			1.71

Based on 4 adjudicators, 100 days in the period 1 April – 31 July 2002. Based on achieving 100% of parcels by 31 July.

3.24 Sustainability of the activity in the PIO

The question of sustainability has many facets. Production by adjudicators has a number of dependencies. The following Table evaluates the Adviser's impressions of sustainability of the many functions involved in judicial titling as at 30 June. It may be used by PIO 1 as a format for reviewing sustainability during the major review:

#	Activity	Sustainable	Further input required
1	Plan the implementation of systematic adjudication in new locations	✓	
2	Identify key needs in the community and design, plan workshops etc. to meet the need	✓	
3	Capacity to establish survey control network		Separate report
4	Plan CIM development to support new locations and deliver required outputs	✓	
5	Production of CIM index maps	✓	
6	Generation of CIM database	✓	
7	CIM preparation of attachments for Petitions	✓	
8	Liaison between Systematic Registration Coordinator and CIM to set priorities and timetable for production		This coordination is not established
9	Capacity to procure survey contractors		Separate report
10	CRS Recruit and train local CRS staff	✓	
11	CRS – Mobilise the community	✓	Community-based monitoring and evaluation will review
12	Private sector education on the impact of the project and changes in procedure		Not yet conducted
13	Post-titling community education on the need to register all transactions		Not yet conducted
14	One Stop Shop community education		Not complete
15	Coordination of systematic adjudication		Support staff required, esp. where free patent field activities occur

#	Activity	Sustainable	Further input required
			simultaneously Need for leadership development were identified during mid-term reviews. The major test will occur in July and August 2002.
16	Select base camps	✓	
17	Recruit and train base camp clerks	✓	
18	Base camp start-up	✓	
19	SAT Leaders with capacity to lead field activities	✓	Deputy Team Leader required Need for leadership development were identified during mid-term reviews
20	Systematic Adjudication Team Leaders with capacity to give guidance on the types of documents to be attached to Answers		Outputs from the first pilots should be closely monitored
21	Systematic Adjudication Team Leaders capacity to assess the quality of outputs by adjudicators		Need for further input
22	Adjudicators – Interview process	✓	
23	Capacity of adjudicators to generate documents such as Answers for straightforward cases	✓	
24	Capacity of adjudicators to apply lessons to more complex cases		Close monitoring required
25	Capacity to achieve reasonable daily outputs		This must be increased
26	Management Reporting – preparation of weekly reports by Systematic Adjudication Team Leaders, briefing of Systematic Registration Coordinator and presentation by Coordinator of weekly report at the technical meetings		Need to have written reports of statistical outputs, a present-ation of issues and an accurate summary of the preset status of the fieldwork. This will be simplified by the Daily Progress Report and Monthly Report.
27	Management reporting – daily progress reports		Not yet operative
28	Management reporting – monthly reports		Review after June monthly report submitted to Quarterly Review on 2 July
29	Training programme – Capacity to manage training programme – physical coordination of training location, equipment, supplies, special orders	✓	Need regular report on outcomes
30	Capacity to design a training programme to meet an identified training need		Not yet accepted as a role for Training Coordinator
31	Capacity of Training Coordinator to generate Training Event Requests	✓	
32	Capacity to locate external training resources	✓	
33	Trainers – pool of suitable trainers and capacity of trainers		Needs more input
34	Capacity to review training and suggest improved training processes		More input required
35	Capacity to compile training workbooks and notes	✓	
36	Capacity to train the trainer		Not yet implemented
37	Procurement of base camp equipment and supplies		This has not operated smoothly
38	Community-based Monitoring and Evaluation		Yet to be evaluated

#	Activity	Sustainable	Further input required
39	Capacity of partner agencies to support Judicial Titling		Will be evaluated during the major review

3.25 Incomplete Tasks

It was envisaged that the Judicial Titling pilots would not be completed by the time Activity 11 ended. The original design called for adviser assistance to help PIO 1 up to the point of preparation for the initial hearings. Four initial hearings have been scheduled for August and preparations are being made for the hearings.

- *Field activities* – there are major steps in the judicial pilot that have not been completed:
 - o The inputs from the Cadastral Officer
 - o The informal hearing and evaluation of the Answers by the Commissioner of the Court
 - o The initial hearing
 - o The drafting of titles
 - o The issue of titles
 - o Major community review of the process and incorporation of the lessons learned into a revised design
- *Training inputs not yet provided* – these have been summarized in a Table earlier in this report
- *Individual Judicial Titling applications* - There has not yet been a field test of individual judicial titling applications
- *Free patents* have not yet been tested in the field as a means of mass land titling

4. Recommendations

4.1 PIO 1 to publish policy on taxes

A simple PIO 1 publication on the policy on back taxes should be printed and signed by participating municipal agencies and made available as part of the community education process. PIO 1 has forged some significant agreements on taxes and these should be emphasized during the community mobilisation. There is potential for this activity to be initiated by the Local Advisory Group as it offers substantial benefits to villagers in the pilot areas.

4.2 Investigate Grants as land titling option

There is potential as part of the policy studies to review the potential of Grants of title as a possible method of mass certification of land.

4.3 Costs to be fully disclosed in an additional CRS publication

PIO 1 has disclosed project costs to claimants. However there are other costs encountered in the process from other agencies. PIO 1 should issue another community education publication highlighting potential costs to claimants participating in Judicial Titling.

4.4 Major review – Issues to evaluate

The following issues should be considered during the review:

- The design of the technical assistance package for PIO 1 over the next 6 months should be sufficiently flexible to permit technical assistance to participate in the review workshops for the three municipalities participating in judicial titling. This should not be a difficulty as the focus over the next six months is the design of best practices in land titling.
- The review should attempt to evaluate the legal basis for reducing the evidence required to support applications. It should also evaluate the necessity of tax records to support an application.
- The opportunity should be taken to promote the concept that, in the mass judicial titling process, the issue is not to conclusively prove ownership but to prove that there is occupation of the land, the occupation is acknowledged by the community and there is no dispute.
- Review the potential bottleneck arising from the functions of the Cadastral Officer.
- Whether the Cadastral Officer takes an overly strict view of the registration of deeds and the payment of arrears of taxes.
- Cost of the Judicial Titling programme.
- Work rates of adjudicators
- Review the CRS strategy for lots where the owner does not participate.
- Review statistics for the percentage of unregistered parcels that have documented titles and those relying on prescription.

4.5 Need to design a more extended training course for adjudicators in judicial titling

As part of the major review, the Systematic Registration Coordinator should design changes to the Training and Operations Manual. At the same time he should develop a training programme for the more extensive training of adjudicators in judicial titling based on the revised practices emerging from the review.

A key element of the training in July / August will be a programme to assess the skills and knowledge of adjudicators.

4.6 Evaluate Possible Strategies in Activity 21

Three possible strategies can be raised for evaluation at this early stage:

Strategy 1 – support a mass administrative titling process, such as a free patent:

- Issuing a certificate of title where the claimant can establish 12 years' possession and the proof includes a deed for value such as a deed of sale or deed of mortgage at least 12 years before the application
- Issuing a "qualified certificate of title" where the deed for value is less than 12 years old or there is no deed for value in the evidence supporting the claim. This qualification period simply allows a period of time for any competing claim to be presented. If no competing claim is lodged within the qualification period, the qualification expires and the title becomes a normal certificate of title.

The limitation of the existing free patent law is that it doesn't cover residential land etc. If this limitation could be removed, then this option has greater potential for a mass-titling programme.

Strategy 2 - Grant of state land replaces both the judicial titling and the free patent processes. The grant can issue to a claimant who satisfies the following:

- Is in occupation of the land
- The community accepts that the claimant has been in peaceful occupation
- There is no competing claim for the land.

This strategy requires the State power, to issue land grants, to be implemented by legislation.

Strategy 3 – Improve the judicial titling process by eliminating evidentiary problems. Examples include:

- Accepting the 12-year process described in Strategy 1 – this substantially eases the burden on the claimant
- Eliminating the need to prove possession – all unregistered land is then declared to be public land and the State then issues a "grant" as in Strategy 2 – this is only a variation on Strategy 2 to enable titles to issue to all barangay/ government, church land and to residential/ industrial or commercial.

These strategies are offered as a starting point for evaluation in Activity 21.

Attachment 1

List of reports, manuals, workbooks, associated files that evidence the completion of this activity

- **Cadastral Proceedings Procedures** prepared by Felino Cortez - see "Cadastral Hearing Procedures for the LAMP Project in the Province of Leyte" September 2001.
- **Judicial Titling Training and Operations Manual Volume 1** – links with CRS, role of SAT leaders and adjudicators, base camp procedures; interview processes and forms
- **Judicial Titling Training and Operations Manual Volume 2** – forms of Petition, Answer, Notice to be served, cadastral officer's report, Report by the Commissioner of the Court, draft orders of the court, sample deeds to be prepared by the adjudicators, etc.
- **Workbook of sample deeds compiled by the Training Section –**
- **Workbook for the planning of training – contains the following evaluation reports**
 - Review of training for adjudicators 1 and 2
 - Review of Systematic Adjudication Team Leaders Review day 1 – Outcomes
 - Review of base camp clerk Review day – outcomes
 - Review of Systematic Adjudication Team Leaders Review day 2 – Outcomes
 - Review and Adjudicators Review Day – Outcomes
 - Adjudicators Training Day 25 June 2002 - outcomes
- **Strategy for the Review of Judicial Titling**
- **Lecture notes on relevant laws** prepared by Attorney Apostol
- **Mid-term Review of Judicial Titling** - Workbook and Outcome report
- **First draft of the workbook for Clerks of the Court** – for training on 10 July 2002