



Republic of the Philippines
Department of Environment and Natural Resources

LAMP, PROTOTYPE 1

OUTPUT 2.2, ACTIVITY 25

SYSTEMATIC REGISTRATION FINAL REPORT

Volume 1

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SEE ALSO

Combined Technical Advisers' Report to AusAID for Activity 25 30
June 2003

Free Patents Procedures Manual

Sample Free Patent Application 10 April 2003

Judicial Titling Procedures Manual

Volume 1 - Procedures

Volume 2 - Sample Forms

Volume 3 - Judicial Titling Sample File Cabariwan

FINAL REPORT OF SYSTEMATIC REGISTRATION ADVISER FOR ACTIVITY 25

Executive summary

This report covers activities by the Systematic Registration Adviser for the period January to June 2003 [Activity 25 of Output 2.2] During that time the adviser provided full-time inputs instead of the 4.5 months planned.

The aims of adviser inputs for the period January to June 2003 were to assist PIO 1 in its field tests, production processes and evaluation activities. The Systematic Registration Adviser's specific terms of reference were to assist PIO 1: in the implementation of the piloting of residential judicial titling; in the implementation of the free patent pilot; in the conduct of an evaluation of the judicial titling methods; in the conduct of a major review of free patent titling; and in the conduct of a study tour by acting as TA Mentor. The Adviser also assisted APD in the coordination of PIO 1 TA activities and collated a final report for Activity 25.

The report summarises progress against the terms of reference. In relation to residential judicial titling, the procedures for the residential and agricultural pilots were generally the same. However, the SAT leader reported benefits from operating in an urban setting. For example the logistics of interview are simpler for residential land. Because the base camp is easily accessible by members of the public, it is not difficult to organise attendance at interviews. The SAT Leader estimated that interview rates could rise from 5 per day to 7 per day. The ocular inspection steps are different. For rural land parcels, the parcel of land to inspect may be large whereas the residential parcel is compact, it is easier to find and travel to the site is less of a problem, and the inspection is faster. Residents of the urban areas are more likely to have documents evidencing ownership than in rural areas. More care will be taken, when the land is purchased, to have the transaction correctly recorded. In addition to having more documents, they are more readily available, as security and understanding their importance are more widespread. In rural areas the owner may simply have tax receipts. Because of the availability of documents in the residential pilot, the adjudicator does not have to prepare supporting affidavits as often, thus saving processing time.

The adviser had input into the design of processes for judicial pilots. At a meeting arranged in February with Cadastral Officers, differences in practice were examined and a basis for a more uniform process was established. It was necessary to revisit this later when extra Cadastral Officers were involved and also when the Solicitor General became a more active participant. It was important to level off on the understanding of the correct process. At the time of the first ex parte hearing in April, a further meeting was arranged in an effort to establish a simple process for hearings that relied more on the documentation already produced. But this argument was not successful.

Assistance was given in the conduct of review workshops in May. The leveling off workshop with lawyers and judges was held on 13 May. The main issues were: the potential for appeal - this resulted in a cautious approach to ex parte hearings, with lawyers unfortunately requiring a more detailed focus on the examination and cross examination of claimants; a potential informal hearing process - however, the lawyers requested an amendment of the operations manual to delete reference to informal hearings because the hearings were to be formal; non-payment of Cadastral Officers - a factor in their non-participation; the potential to reduce the impact of the pilot on titled land; and the need for further inputs from the Solicitor General. As a result, draft decisions from the Commissioners of the Court were referred to the Solicitor General in May for evaluation but no response has been received. Further inputs from OSG in a training capacity are planned for June and July 2003 to develop the capacity of staff.

The second review workshop was held on 15, 16 May. The following issues arose: (i) Poor liaison between CRS and SAT. This was first raised for attention by SAT Leaders at the mid-term review in May 2002 (ii) Limited use by SATs of the CIM sheets and database - these are vital

resources and their use was stressed with SAT Leaders during training. (iii) Lack of professionalism of some SAT Leaders (iv) the limited contribution by the SAT Leaders and field staff to the review process - their inputs focused on how PIO 1 could improve its management not on how the base camps could be more effectively managed.

As part of the evaluation process, the adviser identified the following advantages for judicial titling: it applies to all land, including residential and agricultural; there is no five-year restriction on transfers; it applies to tenanted land and the process can title land up to 12 hectares. It has the following disadvantages: many organisations are involved in the process so it is slower; the major steps are outside the control of the project; lawyers are involved in several stages and so procedures tend towards compliance with technical detail rather than flexibility and simplicity; there is extra work in the titling process because all owners must be consulted and interviewed, including the owners of titled land; the public notice period is longer; there is a 57-year proof period; and the existence of a boundary dispute can stop the process.

The following options for streamlining processes were identified: reduce the possession period to 10 years; merge the functions of the Cadastral Officer and Commissioner; eliminate the need for an interview with and Answer by owners of titled land; remove the examination of titled landowners during the formal hearing; reduce the notice period from 90 to 30 days; remove the need to gazette applications and instead publish in a national newspaper; eliminate the hearing process and rely on documentation except in the case of disputed lots; and transfer the functions of the Land Registration Authority to the project office.

The adviser also assisted PIO 1 in the development of the free patent pilots. Interviews in the first free patent pilot at Lukay, San Miguel commenced in February 2003 but the pilots were not effectively started until the return of the technical officers from the study tour of Lao and Thailand in the last week of March 2003. The interviews for unsurveyed land in Pastrana commenced 7 March.

The adviser reviewed the law applicable to free patents and also the regulations and circulars and provided inputs to the follow-up World Bank mission concerning legislative changes to simplify free patent titling. A table summarizing the laws and circulars and highlighting the issues to be changed was developed for the operations manual. This was referred to policy developers to assist in the development of a Bill for legislative reform. A draft Bill was received in May 2003

In March 2003, PIO 1 and LAMP committed to the President to issue titles by June 2003. Meeting this commitment depended on many factors including resolving budgeting issues and other difficulties presently affecting the project.

As part of the design process, the following changes were introduced, in order to simplify free patent processes: the interview and the ocular inspection can occur on the same day in the field rather than transferring files to and from the OSS; the possession period was reduced to 30 years; the project obtained the latest tax declaration from the assessor, to save the claimant the time and cost; the base camp conducts research and obtains various clearances before the interview; CENRO provides a mass pre-verification before interview giving information about the land; expedited numbering in CENRO Records allows the application to be advertised 24 hours after lodgment of the file in CENRO; posting of the application is carried out by the base camp rather than CENRO; expedited processing by LMO3 in CENRO, taking 3-5 days; delegation of the approval authority to PENRO; transfer from CENRO to LAMP the responsibility of preparing the technical description; reduction of the signatures required on the technical description to one; use of a photocopier to copy the technical description onto the patent form; eliminating the documentary stamp on affidavits signed by the claimant; eliminating the need for clearance certificates from the Registry of Deeds and the Land Registration Authority; DAR processing of lots exceeding 5 hectares can occur after the registration of the title; the file is not sent to PENRO at the time of signing but the PENRO officer travels to the OSS, saving time. The

activities of the CRS have simplified by reducing barangay assemblies to one and by reducing the missing document period to 2 weeks.

A major review workshop for free patents was conducted on 17 June 2003. The key issues were pilot costings, the lack of progress at Pastrana and low outputs, the failure of the merged survey and adjudication activities, the low productivity and high cost of the first pilot - \$US 300 per title and 0.2 transactions per day, potential to improve productivity and planning the title issue process on 25 June 2003.

After three months of intense pilot activity, titles were approved by PENRO for issue and the first title delivery program is expected in the first week of July. Free patents are considered a suitable option for the mass titling of rural land in Phase II. Titles have issued in a 3-month period. Some simplification of processes was introduced during the pilots. It has advantages but also some disadvantages.

Free patents have the following advantages: simpler administrative process; functions are carried out by one organisation that can act quickly to change procedures; there are fewer steps in field activities; the notice period is shorter than for judicial; some change can be introduced by administrative action; and the proof period is shorter.

The disadvantages are: the title issues with a restriction on transfers for five years; land below 5 hectares only can be titled; proof of payment of real estate taxes is required; and the application to tenanted land is unclear.

There is capacity to simplify procedures by: amending the legal framework; by negotiation between stakeholders; by planning differently; and by revising field processes. These are set out in detail in the report.

The project has been using the following evaluation criteria to evaluate the land titling options: time, cost per title, agencies involved, skills and resources required and availability, simplicity and flexibility of the process - including ease of introducing change, capacity to expand and sustain the use of the process, control over key functions, quality of the output and community involvement, understanding and support.

Applying the evaluation criteria, Free Patent titling is the preferred outcome for implementation in Phase II. However judicial titling can be used for residential land until the law is amended to permit a simplified process for administrative titling of residential land.

The report sets out some recommended changes in procedures that arise in the study tour of Lao PDR and Thailand.

The report also examines some design issues for the next 5 months [Activity 34] and suggests a focus for the adviser and for the counterpart. In Volume 2, various attachments are set out to support the material in the report. For example the costings for the initial pilots are attached. The Prototype is preparing its own evaluation reports for the pilots and these will be submitted to PMO in early July 2003.

1. Introduction to Terms of Reference and Methodology

1.1 Activity 25 in Output 2.2

This report describes adviser support to Prototype 1 during Activity 25, for the period January to June 2003. The Adviser's aims in preparing this report are to:

- Review progress by the Adviser against terms of reference
- Summarise the current status of land titling as at June 2003

The prototype has reached a significant milestone for the following reasons:

- The prototype has now tested three land titling methods in the field and evaluated them [homestead patents, judicial titling and free patents]
- Ways of streamlining the options have been identified
- The prototype has finally issued free patents. At the review workshop on 17 June, the prototype presented the outcomes of the first pilots and set up a title delivery activity for 60 patents on 25 June
- The prototype has now on its preferred land titling methodology for Phase II.
- The prototype has provided inputs into in the drafting of a Bill to simplify the free patent procedures and has identified issues for incorporation into an implementing regulation
- The prototype is being restructured at the time of the report and the way in which systematic registration is conducted in the field will change from 1 July 2003. This will require new design work and piloting.

Context of Adviser Activity

The Land Administration and Management Project [LAMP] is part of the government's initiatives to alleviate poverty by improving security of land tenure and to sustain economic growth by fostering efficient land markets in rural and urban areas. The objectives of the project are to test alternative approaches in accelerated land titling programmes and to build a sound policy and institutional foundation for the implementation of the long-term land administration and management programme. The expected outputs are clear, coherent and consistent policies and laws for: an accelerated land titling programme to formally recognise and protect rights in land; for an efficient and effective land administration system; and for a functioning land market in urban and rural areas.

LAMP 1 is based on a Learning and Innovation loan by the World Bank. The loan and project permits PIO 1 to study the legal, institutional and procedural complexities in land administration. This will highlight strengths and weaknesses in the present arrangements and will assist DENR to identify land titling options for proceeding with the longer-term project.

Prototype 1, situated in Leyte, focuses on developing and testing new procedures in land titling and establishing an operational One Stop Shop, where all land-related services to the community can be situated. During Output 2.2 of LAMP, the prototype will, by pilot studies, field tests and analysis of laws, consider options for improving land titling procedures. The aim is to develop a streamlined, effective, community-accepted land titling procedure that is capable of widespread implementation in Phase II. Within Output 2.2 there are three periods of activity:

- Activity 21 - July to December 2002
- Activity 25 - January to June 2003
- Activity 34 - July to December 2004

This report focuses on Activity 25. Although this report will include summaries of the status of the judicial titling and free patent pilots, detail will be limited because PIO 1 is concurrently

preparing detailed reports on the achievements in pilot areas. Also because procedural detail is in the operations manuals, procedures are not described in this report.

1.2 PIO 1 Terms of Reference

In Activity 25 the key focus was to:

- Complete field activities commenced during Activity 21
- Initiate further pilots as required by the project design as required for Activity 25
- Assist PIO 1 to conduct a review of all field activities.
- Prepare evaluation reports and recommended land titling options

The prototype's main output from this process is a series of evaluation reports, recommending a proposed streamlined land titling process capable of being implemented in Phase II. The issue of the first land titles is also a significant step.

The following Table summarises pilots and processes that were scheduled for Output 2.2 in Prototype 1:

Table:

Activity No.	Pilot/ Process	Location	Aspect to investigate Issues	Aim Timing	Status
21 June Dec 2002	Ongoing judicial titling pilots for agricultural land	7 locations Dagami [4] Pastrana [1] Palo [3]	Finalise procedures Dagami - court processes Macalpi-ay - answers reviewed by cadastral officer Palo - agricultural - answers reviewed by cadastral officer	October 2002 Complete 2003 Evaluate June 2003	Ongoing No titles issued Fieldwork terminated 30 June 2003. OSS-based team will manage the activity
	Manual CIM production		Continue manual production process Report on processes and options required	Complete evaluate in 2003	Ongoing. Process evaluated
	Digital CIM		Generate CIM in digital form	Complete evaluate in 2003	Commenced
	Judicial Titling in residential areas	7 barangays in Palo Arado base camp	Test process in a purely residential area. Develop streamlined procedures. This is a key to the design of phase II. Generate procedural regulation. Residential - Answers being prepared. Petition not yet filed	Commence October 2002 Evaluate June 2003	Continued Fieldwork terminated 30 June 2003. . From 1 July 2003 the OSS-based team will manage the activity Petition not yet filed. No Cadastral Officer.
	CRS conducted by Local government unit [link to Palo residential judicial titling pilot]	Palo-Arado	Test new approach in CRS delivery. This will evaluate (a) LGU capacity to conduct CRS (b) PIO 1 CRS manual of procedures – capacity of PIO 1 to develop contractors to undertake this activity.	Start October/ November 2002 Complete 2003 Evaluate June 2003	Completed and reviewed. Base camp closed 30 June

Activity No.	Pilot/ Process	Location	Aspect to investigate Issues	Aim Timing	Status
	Free Patents for surveyed land	San Miguel - Lukay	Develop and test streamlined procedures. All participants to accept process. Generate procedural regulation. Key to design of Phase II.	Start Feb 2003 Evaluate Jun 03	Completed and reviewed. Base camp closed 6 June
	Comparing field survey and GPS	Pastrana	Comparison and costing. Key for design of Phase II. Completed 2002	October 2002 Evaluate 2002	Completed 2002.
25 Jan Jun 2003	Free patents for unsurveyed land	Pastrana 3 barangays	Test the use of private survey contractors in a free patent pilot activity. Difficulty in coordinating the simultaneous operations of survey and adjudication. Not given a high priority in PIO 1	February 2003	Commenced but abandoned as activities not coordinated New pilot required. The next test will be in the four CO pilots in Pastrana
	CIM by orthophoto		Comparison and costing. Key for design of Phase II.	2003	First inputs occurred in June 2003 on arrival of 8 photomaps. To continue in Activity 34
	Survey and Title Issue from Orthophoto	Alang Alang - 1 baragay	Use of orthophoto in field activities to generate free patents. Defer until Activity 34.	May 2003	Not commenced
	CIM by satellite imagery		Comparison and costing. Key for design of Phase II. Images not available until 2003.	2003	Not commenced
	Comparing ground survey with satellite imagery		Comparison and costing. Key for design of Phase II. Images not available until 2003.	2003	Not commenced
	CO - CD managed by PIO 1	Caninoan	Test new approach in CRS delivery	2003	Commenced but no survey contractor
	CO - managed by NGO	Cabahuan, Dumarag	Test new approach in CRS delivery	2003	Commenced but survey contractor being negotiated
	CO - managed by LGU	Capilla	Test alternate CRS approach	2003	Commenced but survey contractor being negotiated
34 Jul Dec 2003	Terminate all judicial titling activities				
	Completion of all field activities for free patent		Test the expansion model and staffing model for free patents	2003	
	Completion of review process				

Activity No.	Pilot/ Process	Location	Aspect to investigate Issues	Aim Timing	Status
	FREE PATENT REFINEMENT Continue to issue titles by free patent Test patents under the amended law Implementing regulation for systematic registration processes. Strategy for expansion in Phase II		Continue the development of the free patent processes and reduce processes to a regulation		
	Free Patent training		Set up a training base to give on-the-job training in support of the expansion programme. Design comprehensive training programme Negotiate land law component with local academic institution.	2003	Negotiations commenced June 2003 and first course is tentatively in July 2003
	Training to provide staffing platform for gearing up – identification of all procurement, staffing, training and mobilisation issues		Use existing pilots to train staff from other locations to prepare for the expansion of the project. Comprehensive training programme	2003	

1.3 PIO 1 Deliverables

During Activity 25, PMO reinforced with PIO 1 that its deliverables were not simply the successful conduct of pilot projects or the issue of titles but the completion of an evaluation process. The key activity is to identify lessons, issues and roadblocks from the pilots, so that a simplified, streamlined and effective land titling process can be applied during Phase II. In order to quantify the PIO 1 deliverables, PMO specified the following reports by PIO 1 by 30 June:

#	PIO 1 Deliverable
1	Judicial Titling testing and lessons learned (2.1)
2	LGU-Led CRS (2.3)
3	CIM production options, lessons and recommendations (2.1)
4	Control and survey options, lessons and recommendations (2.1)
5	Project Management lessons and recommendations (2.4)
6	One Stop Shop structure, lessons, recommendations(2.4)
7	Issue Titles by Free Patent (2.1)
8	Cadastral Survey by private contractors (2.1)
9	Issue titles by Judicial Titling (2.1)
10	Free Patent Pilots Lessons (2.1)
11	CO- CD by PIO 1 (2.3)
12	CO- CD by NGO (2.3)
13	LGU - led CO (2.3)
14	Integrated paper on community mobilization (2.3)
15	Amalgamated Report Streamlined, community-accepted titling methodology for Phase II [Combined and integrated report]

The deadline was recently reset to 7 July 2003.

Review of Progress against Prototype Objectives

The following Table examines prototype progress against its main tasks:

#	Task	Sub-task Progress	Incomplete
1	<i>Identify Titling options</i>	Options identified during Bridging Technical Assistance	
2	<i>Develop field tests</i>	May 2001 - design of Homestead patent method October 2001 to March 2002 - develop the Judicial Titling methods June to December 2002 - develop the free patent methods for systematic adjudication	
3	<i>Test Land Titling Options</i>	Test Homestead Patent during Bridging June - October 2001	No titles issued
		Test Judicial titling April 2002 to June 2003	No titles issued. The ex parte hearings commenced 14 April and concluded 27 June, after 10 weeks with an average of 7.5 hearings per week.
		Test Free Patent titling - March - June 2003	Free patents only tested in surveyed parcel environment. Yet to test the more difficult function of merging survey party and adjudication functions The new structure for SAT effective 1 July 2003 should be tested.
4	<i>Evaluate land titling options</i>	Evaluate Homestead Patent - Oct -Nov 2001.	
		Interim evaluations of judicial titling in 2002	Adviser report
		Major reviews of Judicial Titling - 13, 15, 16 May 2003	PIO 1 report due 7 July 2003
		Stakeholder reviews of Free Patent Major review workshop June 17 2003	Costings not yet finalised CBME in free patent areas not completed Community endorsement of the patent process to be documented
5	<i>Select preferred option</i>	Outcome evaluation reports to PMO June 2003 being finalised Outcomes to LAG 25 June 2003	PIO 1 reports on the evaluation of options should be finalised and referred to PMO July 2003. Outcomes of reviews presented to LAG on 25 June 2003. A recommended option must now be submitted by PIO 1 to PMO.
5	<i>Streamline preferred option</i>	Select the preferred option - adviser recommendation set out below	
	<i>Option 1 - mass land</i>	Initial changes introduced by administrative	Implement the legislative

#	Task	Sub-task Progress	Incomplete
	titling by free patents for all land uses	action and tested March to June 2003. The initial pilots provided titles but productivity was well outside project parameters. The next step is to increase productivity and lower cost. Legislative changes identified December 2002 to March 2003. Draft Bill June 2002.	reform to permit free patents to be used for residential land
	Option 2 Free patents for agricultural land Judicial Titling [cadastral proceedings] for residential land	Potential for streamlining of judicial titling identified but legislative reform will be required. Develop proposal for legislative reform	Judicial titling pilots incomplete. CBME incomplete. Community acceptance of proposals not yet complete.
6	Gear up implementation of preferred option	Identify issues likely to arise in a gearing up programme. Key issues will be streamlining the process. This will be measured by increased productivity and reduced costs	This will be tested for free patents for the period July 2003 to December 2004.

1.4 Adviser's Terms of Reference

The original plan called for the Systematic Registration Adviser to spend 4.5 months over 6 months in Activity 25. But the following changes resulted in action by the Australian Project Director to change the adviser programme:

- Delayed commencement of the free patent pilots until technical staff returned from the study tour in Thailand and Lao late in March 2003
- PMO set new deadlines for PIO 1 deliverables, substantially increasing the workload of the prototype
- PMO requests PIO 1 to prepare for the presentation of titles to land claimants in June 2003
- PMO informed the project of budget cuts that necessitated a restructure of the project, including systematic registration activities.
- Need to begin planning for the extension of the project for the period October 2003 to December 2004
- Scheduled meeting with QAP 30 June

As a result the adviser's inputs were increased from 4.5 to 5.5 months by transferring time from Activity 34. The Systematic Registration Adviser's specific terms of reference for the period January to June 2003 are as follows:

- Assist PIO 1 in the implementation of the piloting of residential judicial titling by identifying and documenting differences in procedures, developing a strategy for review and documenting lessons.
- Assist PIO 1 in the implementation of the free patent pilot. Report on progress, issues and lessons learned about potential simplification of the system
- Assist PIO 1 in the conduct of an evaluation of the judicial titling methods, re-reporting on advantages, disadvantages and recommendations of enhancements to facilitate its use in LAMP II.
- Assist PIO 1 in the conduct of a major review of free patent titling, reporting on advantages, disadvantages and recommendations of enhancements to facilitate its use in LAMP II.
- Assist PIO 1 in the conduct of a study tour by acting as TA Mentor. This will include assisting in the conduct of pre- and post- study tour workshops.
- Assist APD in the coordination of PIO 1 TA activities and assist PIO 1 in the liaison with TA and APD
- Collate a final report for Activity 25 with inputs from survey, mapping and Administrative Titling advisers, setting out an evaluation of land titling options.

This report summarises progress by the Systematic Registration Adviser against terms of reference.

2. Progress against Terms of Reference

The following is a summary of the progress against specific Terms of Reference:

TOR	Progress
<p>Activity 1</p>	<p><i>Assist PIO 1 in the implementation of the piloting of residential judicial titling by identifying and documenting differences in procedures, developing a strategy for review and documenting lessons.</i></p> <p>The judicial residential pilot commenced in late 2002. It has continued to be implemented successfully by the SAT Leader with minimal intervention. The process has been identical to judicial titling in rural land, so there have been no changes to the Manual. Some advantages however have been experienced from a procedural perspective and these are set out in the report. Similar results are expected if the systematic adjudication of residential land is trialled under free patents.</p> <p>Although the design of adviser activities did not anticipate inputs into the rural judicial titling programme generally, this was difficult to avoid because the pilots were ongoing.</p> <p>In 2002 concern was raised by adjudicators about different practices by Cadastral Officers. A meeting was conducted with Cadastral Officers in February 2003 and some differences were removed. In particular, the special power of attorney processes were simplified to make base camp activities easier. Outcomes were circulated to all adjudicators by the Systematic Adjudication Team Leaders.</p> <p>Another major weakness was the lack of a time limit on fieldwork. This resulted in a period of over 12 months being given to claimants to produce lacking documents. At two meetings, a streamlined process was developed. It provides for three notices over six weeks requiring the claimant to provide lacking documents. If after three opportunities the claimant fails to participate, s/he will be declared non-participating. It limited the period for producing lacking documents to 6 weeks. The same process was applied to free patents but initial indications are that such a period will be too long.</p> <p>A meeting with the Municipal Trial Court judge for Dagami was held in April 2003 to review the conduct of the informal hearing process. It resulted in a pre-hearing conference conducted on 9 April to discuss informal hearing procedures. It was attended by all legal staff involved in the Cabariwan hearing including the judge, Commissioners, Cadastral Officer and DENR lawyer. The TA raised a simple hearing methodology that placed reliance on documentation prepared by adjudicators and reviewed by the Cadastral Officers. But this was rejected. Initial hearings were commenced for Cabariwan on 14 and 15 April and continued until 27 June 2003.</p> <p>By April 2003, only one cadastral officer was operational at Dagami, the priority location for judicial titling. The judge indicated that cadastral officers were not co-operative because they had not been paid.</p> <p>A strategy for the review of judicial titling was developed and a structure for the final report by PIO 1 has been completed. Assistance was given in the design of two review workshops, including the leveling off with judges on 13 May. The stakeholder review workshop was conducted 15 and 16 May. Prototype workshop outcome reports were prepared. The PIO 1 report documenting achievements and evaluating judicial titling will be complete on 7 July.</p> <p><i>Status in June 2003:</i> On 30 June the base camp was closed and the SAT Leader provided an exit report. The Petition has not yet been released by the Solicitor General. No Cadastral Officer has been appointed. From 1 July the final stages of the judicial titling process will be managed by a team in the One Stop Shop.</p>

TOR	Progress
<p>Activity 2</p>	<p><i>Assist PIO 1 in the implementation of the free patent pilot. Report on progress, issues and lessons learned about potential simplification of the system</i></p> <p>A series of stakeholder workshops was held in 2002. A free patent orientation day was held in December 2002, attended by stakeholders.</p> <p>The San Miguel base camp was set up and prepared for free patent activities in the barangay of Lukay. There was some delay initially at the start of 2003 because it was not clear that the free patent law was operational. Details of the proclaimed commencement date were not initially available to the prototype. CENRO was not operational for the lodgment of patent applications until March 2003.</p> <p>Interviews in the first free patent pilot at Lukay, San Miguel commenced in February 2003 but the pilots were not effectively started until the return of the technical officers from the study tour of Lao and Thailand in the last week of March 2003.</p> <p>A new departmental administrative order was issued by DENR on 22 March 2003. The DAO states that the free patent extension was operational from December 2002. Unfortunately the DAO required applicants to prove they have paid real estate taxes. Also it appeared to restrict free patents to a maximum of five hectares, even though the amending law expressly permitted patents up to 12 hectares to issue. [In 2002 the prototype in various workshops with stakeholders, including DAR ROD CENRO and PENRO, set a process for the issue of patents for land parcels not exceeding 12 hectares, following which land reform processes would be initiated.]</p> <p>Once the base camp at San Miguel was operational, a pilot reviewing all pending patent applications was conducted. TA arranged a meeting of the SAT Leader, deputy public land inspector, Systematic Registration Manager, CENRO Records and CENRO Processing at the base camp to review all start-up issues. Agreements reached during the 2002 workshops were confirmed.</p> <p>The adviser reviewed the law applicable to free patents and also the regulations and circulars and provided inputs to the follow-up WB mission concerning legislative changes to simplify free patent titling. A table summarizing the laws and circulars and highlighting the issues to be changed was developed for the operations manual.</p> <p>The Adviser liaised with the Land Law Adviser in March 2003 to identify, from the perspective of field operations, legislative changes required to simplify free patents. This was used in the preparation of drafting instructions for an amending bill.</p> <p>In March 2003, PIO 1 and LAMP committed to the President to issue titles by June 2003. Meeting this commitment depends on many factors including resolving budgeting issues and other difficulties presently affecting the project.</p> <p>The Adviser assisted PIO 1 to develop a programme for the training of free patent staff and this was conducted 10 April. The Free Patents Manual was revised, reprinted and distributed at the workshop. A sample Free Patent Application was printed, indexed, bound and distributed as a guide.</p> <p>The adviser (i) prepared a list of roadblocks and potential solutions (ii) developed a programme for the meeting of free patent stakeholders on 23 April (iii) drafted a letter by the Secretary of DENR to stakeholders encouraging assistance in issuing titles by June. At the meeting, specific action required by PIO 1 was summarised for the Prototype Manager. Action required by PMO was referred on 24 April. Reference was made to complicated approval process.</p> <p>In June 2003 a departmental administrative order was issued streamlining the approval process by empowering the PENRO to approve the issue of patents.</p> <p><i>Pilot of Surveyed land</i></p> <p>Following the commitment by PIO 1 to issue titles in June 2003, a meeting was conducted at San Miguel base camp on 1 April to review progress and allocate</p>

TOR	Progress
	<p>resources with a view to producing titles by June 2003. Inadequate processes were identified and corrected and measurable deadlines were imposed. A monitoring report was prepared. The SAT Leader was given guidance in specific activities to monitor progress towards the deadlines. New adjudicators were assigned.</p> <p>The first 13 applications were advertised on 12 April and notice expired 26 April. Processing of the applications continued throughout April and May. A total of 60 Patents was approved by CENRO and approved by PENRO in readiness for issue to claimants. The handover ceremony is expected in the first week of July.</p> <p><i>Pilot of Unsurveyed Land</i></p> <p>The Pastrana pilots commenced in late February 2003 following mobilisation of the survey contractors with first interviews conducted 7 March 2003. Resources were allocated to two barangays where adjudication and survey activities would occur simultaneously. There was poor liaison between the adjudicators and the survey party. As a result there were no joint survey and adjudication activities. Because of minimal training of survey contractors the initial Survey Notification Sheets did not all comply with requirements and remedial action was taken [to be reported separately by Mapping Adviser].</p> <p>A meeting was conducted at Pastrana base camp on 2 April and a number of major management issues were identified, including (i) the absence of effective leadership of the base camp (ii) the need for a SAT Leader to be appointed. the need for effective management (iii) the need for a pilot where survey and adjudication processes occur together. The new SAT Leader was assigned from Monday 28 April. A further inspection on 5 June revealed little progress.</p> <p>Achievements and lessons at the pilots were assessed at the review workshop on 17 June. The adviser drafted a structure for a comprehensive training programme and this is being discussed with Leyte State University and the Academe consortium.</p>
<p>Activity 3</p>	<p><i>Assist PIO 1 in the conduct of an evaluation of the judicial titling methods, reporting on advantages, disadvantages and recommendations of enhancements to facilitate its use in LAMP II.</i></p> <p>The adviser developed a programme for two reviews:</p> <ul style="list-style-type: none"> • A leveling off workshop with the lawyers • A review with stakeholders <p>The leveling off workshop was held on 13 May with lawyers participating - judges, Solicitor General, DENR lawyers, Commissioners of the Court, Cadastral Officers. The focus among lawyers was on the legal technicalities, detailed examination and cross examination of claimants and the likelihood of appeals in the event that all legal requirements are not exhaustively followed. The atmosphere of caution resulting from the prospect of appeals [as one judge said, we must do whatever we can to avoid appeals] and the ongoing arguments about the legal requirements for cadastral proceedings confirmed the unsuitability of this as a mass titling option. The main issues were:</p> <ul style="list-style-type: none"> • Potential for appeal - this resulted in a cautious approach to ex parte hearings, with lawyers requiring more detailed focus on the examination and cross examination of claimants • There was no interest in a flexible hearing process; in fact the lawyers requested an amendment of the operations manual to delete reference to informal hearings because the hearings were to be formal. • Non-payment of Cadastral Officers. • Potential to reduce impact on titled land • The need for further inputs from the Solicitor General. As a result draft decisions from the Commissioners of the Court were referred to the Solicitor General in May

TOR	Progress
	<p>[for evaluation of compliance with legal requirements] but no response has been received. Further inputs from OSG in a training capacity are planned for (i) 27 June - review of the ex parte hearing process and review of draft decisions by Commissioners sent to OSG in May 2003. To date no response has been received from OSG on the drafts (ii) Workshop by OSG on the hearing process, documentation and evidence and how to avoid appeals.</p> <p>The second review workshop was held on 15, 16 May and this was intended to be a review with external stakeholders but there was very little external participation. By the second day it became purely an internal review. The following issues arose: (i) Poor liaison between CRS and SAT. This was first raised for attention by SAT Leaders at the mid-term review in May 2002 (ii) Limited use by SATs of the CIM sheets and database - these are vital resources and their use was stressed with SAT Leaders during training. (iii) lack of professionalism of some SAT Leaders (iv) the limited contribution by the SAT Leaders and field staff to the review process - their inputs focused on how PIO 1 could improve its management not on how the base camps could be more effectively managed.</p> <p><i>Status of pilots</i></p> <p>The PIO 1 workshop outcome reports are still being prepared and are not yet available. The PIO 1 report on Judicial Titling is not yet complete.</p> <p>The prototype objectives for judicial titling are now complete. It is not necessary to commence any more judicial titling activities. Existing pilots can now be wrapped up. Some can be completed through the court process [Cabariwan the rural pilot and Arado, the residential pilot] and others can have their petitions withdrawn and be transferred to Free Patents. The pilot at Libertad is still awaiting approval of the survey plan and the Petition has not been filed. This can be transferred to Free Patents. However, such a decision will have a major impact on PIO 1 and members of the community.</p> <p>The potential completion dates for judicial pilots suggests that working at the existing speed with existing resources, it will take several years to wrap up Judicial Titling pilots. The issue has been raised in PIO 1 whether to withdraw Petitions and convert to free patents. The thinking in PIO 1 is to continue with the judicial pilots and focus on getting a larger work force - more cadastral officers.</p>
<p>Activity 4</p>	<p><i>Assist PIO 1 in the conduct of a major review of free patent titling, reporting on advantages, disadvantages and recommendations of enhancements to facilitate its use in LAMP II.</i></p> <p>The pilots commenced in San Miguel [Lukay] in Feb/ March and in Pastrana [Lourdes and Malitbogay] Some review activities are reported above under Activity 2 including roadblock meetings.</p> <p>A free patent refresher day conducted at Dagami base camp in June reviewed current issues affecting applications.</p> <p>The major review workshop was conducted on 17 June 2003. The key issues were:</p> <ul style="list-style-type: none"> • Changes already introduced to simplify procedures • Pilot costings • Lack of progress at Pastrana and low outputs • Failure of the merged survey and adjudication activities • Low productivity and high cost of the first pilot - \$US 300 per title and 0.2 transactions per day • Potential to improve productivity • Planning the title issue process on 25 June 2003

TOR	Progress
	<p>Status:</p> <p>After three months of intense pilot activity and the issue of the project's first titles, free patents are considered a suitable option for the mass titling of rural land in Phase II. Titles have issued in a 3-month period. Some simplification of processes was introduced during the pilots. Some simplification requires legislative change and a Bill has been drafted. The PIO 1 report on free patent titling is not yet available.</p>
<p>Activity 5</p>	<p><i>Assist PIO 1 in the conduct of a study tour by acting as TA Mentor. This will include assisting in the conduct of pre- and post- study tour workshops.</i></p> <p>The adviser prepared a summary of pre-departure activities and a workshop programme for the pre-tour workshop, as a basis for discussion and development. As a result, each tour participant was provided with a folder containing presentation material, sample plans and titles, a set of interview/field visit question formats and an outline of the final report.</p> <p>A pre-tour workshop was conducted on 27, 28 February 2003.</p> <p>The study tour in Lao PDR and Thailand was conducted from 28 February - 16 March 2003. The adviser's role was as mentor. The adviser facilitated a workshop of tour participants in Lao on 8 March and in Thailand on 15 March. The adviser contributed to the development of lessons and of recommendations, in structuring and editing the final report.</p> <p>The adviser participated in the reporting back workshop on 20, 21 March 2003.</p> <p>The Systematic Registration Manager presented a final tour report but there has been little follow-up action by PIO 1.</p>

3. Progress in Judicial Titling Pilots

3.1 Introduction

During the bridging technical assistance the Adviser's focus was on developing a field test of Homestead Patents and processes for systematic registration generally. Homestead patents had not been used in over 40 years and were not ideally suited to land that had already been cultivated for generations. As a result, the Local Advisory Group passed a resolution endorsing a change of strategy from homestead patents to judicial titling.

At the start of the main Technical Assistance in October 2001, the Adviser changed focus to the design of the judicial titling methodology. No application had been made of this mass titling method in over 20 years, so there was no significant residual administrative, departmental or judicial knowledge of procedures. In effect the prototype began the process of building a methodology.

PIO 1 undertook this design process by establishing 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. It included one member who was familiar with the judicial titling pilot 20 years earlier.

In early 2002, 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 for reasons set out in previous reports. Fieldwork commenced in April 2002 and has continued until June 2003. On 30 June all field activities were concluded and base camps closed. From 1 July the remaining processes of hearings will be managed from the One Stop Shop.

Details about the pilot areas are as follows:

- In Dagami 95% of the total claimants reside in the barangay or nearby. The 5% non-residents were contacted by letters
- In the Palo residential pilot, 91% of the claimants live in the barangay. 97% or 1093 claimants were interviewed
- In the Palo rural pilot, 97% of claimants were interviewed
- In Pastrana 90% of claimants live in the barangay or nearby and 100% were interviewed.

The following Table summarises progress:

PROGRESS REPORT IN JUDICIAL TITLING As of April 30, 2003

Municipality/ Barangay	Workable Lots <i>[untitled lots]</i>	Lots with Interview		Lots With Answers		Lots with Complete Documents		Answers still for Review by the Cadastral Officer		Answers Filed in Court		Ex Parte Hearing	
		No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
DAGAMI													
Cabariwan	84 [69]	83	99	83	100	77	93	0	0	75	90	58	77
Bolirao	180 [162]	167	93	167	100	160	96	32	19	117	70		
Bayabas	119 [115]	110	92	110	100	86	78	39	35	50	54		
Hinulogan	275 [275]	275	100	275	100	209	76	94	34	181	66		
PALO													
Libertad	789 [542]	644	82	105	16	105	16	105	16				
Anahaway	367 [91]	366	99	137	37	137	37	137	37				
San Isidro	359 [94]	355	99	125	35	125	35	125	35				
PASTRANA													
Macalpi-ay	172 [160]	172	100	139	81	139	81	139	81				
PALO EXPANSION													
Buri	269 [123]	185	69	124	67	124							
Cavite East	141 [113]	160		97		97							
Cavite West	342 [293]	318	93	277	87	277							
Luntad	91 [82]	74	81	56	76	56							
Naga-naga	131 [115]	126	96	93	74	93							
San Miguel	179 [143]	156	87	88	56	88							
Sta. Cruz	194 [128]	184	95	140	76	140							

Note: the definition of terms in judicial can be confusing and needs attention in Activity 34. Base camps have derived a term of workable lots that requires review. The key statistics are (i) the total number of lots - this includes titled, government etc (ii) the total number of untitled lots - this is the production target (iii) the total number of residents - this is in effect the number of people who own all the privately owned lots (iv) the total number of claimants who own the untitled lots

Table: Judicial pilots

#	Location	Position
	DAGAMI	
1	Cabariwan	<ul style="list-style-type: none"> • Target - 84 lots, 69 untitled, 42 claimants • Petition filed 26 April 2002 • Hearing gazetted September 2002 • Initial hearing 27 November 2002 • General default 28 February 2003 • Cadastral Officer Jose Lagado • 75 Answers filed • 85% participation rate in the first barangay assembly, 30% male and 69% female. 67% participated in the second barangay assembly. Interviews were conducted for 83 lots, 42 claimants <p>Fieldwork commenced April 2002. Petition filed 26 April 2002. Claims for 77 parcels were fully documented and 75 Answers were filed in court. General default February 2003. Hearings by Commissioner commenced 14 April 2003 and concluded 27 June 2003. Partial decisions filed but no court order</p>
2	Bolirao	<ul style="list-style-type: none"> • Target - 180 lots, 162 untitled, 81 claimants • 38 claimants (46%) attended the first barangay assembly 29% male and 70% female. 28 claimants attended the second assembly • 77 of 81 claimants were interviewed 95% • Petition filed 26 April 2002 • Gazetted July 2002 • 77 claimants for 167 lots have completed documentation • Initial hearing 8 August 2002 • 68 claimants were interviewed by Cadastral Officers Purita Gobenciong and Rosalyn Fallorina • 117 Answers filed <p>Fieldwork commenced April 2002. Petition filed 26 April 2002. General default not yet declared. Evaluation by Cadastral officer stage but cadastral officer is no longer available.</p>
3	Bayabas	<ul style="list-style-type: none"> • Target - 119 lots, 115 untitled, and 74 claimants • Petition filed 26 April 2002 • Gazetted September 2002 • 28 claimants (38%) attended the first assembly 38% of whom 57% were male and 43% female. 13 claimants 16% attended the second assembly. • 66 claimants were interviewed 89% • Initial hearing 6 November 2002 • Completed documentation is available for 86 lots 76% • 46 claimants were interviewed by Cadastral Officer Jose Lagado • 50 Answers filed <p>Fieldwork commenced April 2002. Petition filed 26 April 2002. General default not yet declared. Evaluation by Cadastral officer stage but cadastral officer not available.</p>
4	Hinulogan	<ul style="list-style-type: none"> • Target - 275 lots, with 233 claimants • Petition filed 26 April 2003 • Gazetted July 2002 • 119 claimants (51%) attended the first barangay assembly, 39% male and 60% female. 78 claimants attended the second assembly. • Initial hearing 2 October 2002 • Cadastral Officer Lolita Mercado interviewed claimants • 181 Answers filed <p>Fieldwork commenced April 2002. Petition filed 26 April 2002. General default not yet declared. Evaluation by Cadastral officer stage but cadastral officer not available.</p>
	PASTRANA	
5	Macalpi-ay	<ul style="list-style-type: none"> • Target - 172 lots, 160 untitled, 119 claimants • Petition to OSG July 2002 • Petition filed 22 November 2002

#	Location	Position
		<ul style="list-style-type: none"> • Gazetted June 2003 • 139 lots 84% have complete documents • Initial hearing scheduled for July 22 2003 • No Cadastral Officer appointed <p>The field work commenced April 2002. The Petition was sent to the Solicitor General July 2002 following approval of the survey plan. The Petition was filed November 2002 and following a delay in the gazettal of the initial hearing, the hearing is expected to occur in July 2003. All court documentation has been prepared but no cadastral officer has been appointed to review the documentation.</p>
	PALO	
6	Libertad	<ul style="list-style-type: none"> • Target - 789 lots, 542 untitled, 696 claimants • 644 interviews but only 105 Answers generated • No cadastral officer appointed. No petition filed as the survey plan has not been approved <p>The survey plan has not yet approved!! Therefore a Petition cannot be referred to the Solicitor General. As the time for initiating judicial titling cases has lapsed, the pilot has been terminated.</p>
7	Anahaway, San Isidro	<ul style="list-style-type: none"> • Target Anahaway - 367 lots, 91 untitled, 169 claimants, 137 answers prepared • 85% attended the first barangay assembly, 165 claimants attended the second assembly • Target San Isidro - 359 lots, 94 untitled, 162 claimants, 125 Answers prepared • 156 attended the first barangay assembly • Petition to OSG August 2002 • Petition filed 22 November 2002 • Initial hearing June 2003 • No Cadastral Officer appointed <p>The Petition was filed in November 2002 but initial hearings did not occur until June 2003 because of delays in gazettal. All court documentation has been prepared but it has not been reviewed by a Cadastral Officer as none has been appointed. The fieldwork terminated 30 June 2003</p>
9	Arado Residential	<ul style="list-style-type: none"> • The participation rates for the seven barangays are summarised in a Table below • Petition to OSG 12 February 2003. Not released as at 30 June 2003 <p>The Petition was referred to the Solicitor General four months ago but has not yet been released and therefore is not yet filed. No cadastral officer has been appointed.</p>

Pilot of judicial titling in residential areas

This pilot was originally seen as key in the design of Phase II. It was anticipated that judicial titling would be the only option for mass titling of residential land. However during the pilot the draft bill to extend the application of free patents to residential land was completed.

The residential pilot is being processed as one application to the court because it comprises one survey plan but it contains 7 whole or part barangays. Participation rates as at 30 April 2003 are as follows:

Table: Participation rates in the residential pilots

Barangay	Lots	Untitled	Claimants	Assembly	%	Complete docs	%	Status
Luntad	94	82	69	65	94%	56	59%	Petition held by OSG for 4.5 months. No Cadastral Officer appointed. No review of Answers.
Buri	277	123	242	160	66%	124	45%	
Cavite W	350	293	204	228	100%	277	79%	
Cavite E	159	113	159	93	58%	98	62%	
Santa Cruz	189	128	189	135	71%	140	74%	

Barangay	Lots	Untitled	Claimants	Assembly	%	Complete docs	%	Status
San Miguel	194	143	194	120	62%	88	45%	Field activities complete and base camp closed 30 June
Naga Naga	131	115	118	94	80%	93	71%	
	1394	1175			76%		62%	

Field processes for rural and urban judicial titling are similar. The same interview process and compilation of evidence, signature of an Answer, preparation of cadastral officer's report and hearing by the Commissioner must be followed. However, the SAT Leader of the initial urban judicial pilot in Arado had the following impressions:

- The logistics of interview are simpler. Because the base camp is easily accessible by members of the public, it is not difficult to organise attendance at interviews. Because of proximity there is more of a tendency for people not scheduled for interviews to drop in to the base camp. The SAT Leader estimated that interview rates could rise from 5 per day to 7 per day.
- Higher percentage of residents reside in the barangay [although Dagami rural area had a high % of resident owners].
- Ocular inspection is different - in rural land parcels the parcel of land to inspect may be large whereas the residential parcel is compact. It is easier to find and travel to the site is less of a problem. The inspection is faster.
- The SAT Leader commented that residents of the urban areas are more likely to have documents evidencing ownership than in rural areas. More care will be taken when the land is purchased to have the transaction correctly recorded. In addition to having more documents, they are more readily available, as security and understanding their importance are more widespread. In rural areas the owner may simply have tax receipts. Because of the availability of documents the adjudicator does not have to prepare supporting affidavits as often, thus saving processing time.
- There seems to be a greater tendency to pay taxes in urban areas so obtaining tax receipts is not a difficulty. The priority use of money in rural areas is on food and seeds etc rather than taxes. Clients can include businessmen with more accessible income that is not dependent on crop cycles.
- The SAT Leader perceived that ownership in residential areas was more stable, more long-term with less turnover. This resulted in an availability of people with a good knowledge of prior owners. The small land parcels results in more contact between people, whereas in larger rural parcels it is more difficult to obtain supporting evidence.
- Although the tax records for the municipality for the urban area are not old enough [commencing 1948] to satisfy the court, the records of the province for Arado go back to 1912. The availability of pre-war history is valuable in judicial claims that must prove the land has been occupied since 1945.
- The SAT leader perceived a higher level of understanding by urban claimants, resulting from more years in school. There was a faster appreciation of the processes of government and a more ready acceptance of the role of bureaucracy in Arado.
- Whereas owners of rural land have other attractive titling options [they can choose free patent instead of judicial titling], for urban land the government sponsored judicial title is very attractive because of the lack of viable alternatives. Both individual applications to the court and miscellaneous sales patents are expensive alternatives.
- More complaints from adjoining barangays for exclusion from the project.

- The barangay assemblies are easier to organise in the urban setting.
- Work on Sunday is required because of availability of claimants.
- Some differences in Arado were evident but unrelated to urban/rural issues. The relationship between the SAT and the CRS was smooth and supportive, whereas in other base camps the relationship is often antagonistic. The local CRS function was easier because of easier access to claimants but they were found in the base camps supporting operations more often. Delivery of notices [interview; lacking documents] is easier. The SAT leader was praised as being very professional and the work was of a high quality.
- No second barangay assembly was required in this pilot
- The CRS team can serve notices 7-10 days before the event

The adviser developed a programme for a leveling off workshop with the lawyers and for a review with stakeholders.

The leveling off workshop was held on 13 May with participation by judges, the Solicitor General, DENR lawyers, Commissioners of the Court and Cadastral Officers. The focus among lawyers was on the legal technicalities, detailed examination and cross examination of claimants and the likelihood of appeals in the event that all legal requirements are not exhaustively followed. The atmosphere of caution resulting from the prospect of appeals [as one judge said, we must do whatever we can to avoid appeals] and the ongoing arguments about the legal requirements for cadastral proceedings confirmed the unsuitability of this as a mass titling option.

The main issues were:

- Potential for appeal - this resulted in a cautious approach to ex parte hearings, with lawyers requiring more detailed focus on the examination and cross examination of claimants.
- There was no interest in a flexible hearing process; in fact the lawyers requested an amendment of the operations manual to delete reference to informal hearings because the hearings were to be formal.
- Non-payment of Cadastral Officers.
- Potential to reduce impact on titled land.
- The need for further inputs from the Solicitor General. As a result draft decisions from the Commissioners of the Court were referred to the Solicitor General in May but no response has been received. Further inputs from OSG in a training capacity are planned for (i) 27 June - review of the ex parte hearing process and review of draft decisions by Commissioners sent to OSG in May 2003. To date no response has been received from OSG on the drafts (ii) Workshop by OSG on the hearing process, documentation and evidence and how to avoid appeals.

The second review workshop was held on 15, 16 May and this was intended to be a review with external stakeholders but there was very little external participation. By the second day it became purely an internal review. The following issues arose: (i) Poor liaison between CRS and SAT. This was first raised for attention by SAT Leaders at the mid-term review in May 2002 (ii) Limited use by SATs of the CIM sheets and database - these are vital resources and their use was stressed with SAT Leaders during training (iii) lack of professionalism of some SAT Leaders (iv) the limited contribution by the SAT Leaders and field staff to the review process - their inputs focused on how PIO 1 could improve its management not on how the base camps could be more effectively managed. The following issues arose:

- The coordination between the adjudication team and the CRS staff is inadequate, despite PIO 1 emphasising this deficiency since May 2002.
- General failure by some SAT Leaders to ensure that progress reports were provided to CRS. Without these the CRS cannot operate effectively. This included a failure by the leaders to ensure that the lists of lacking documents were supplied to CRS.
- The superior quality of the reporting by the CRS team was evident, with statistical analysis and development of issues for review.
- The hidden costs to claimants of participating in the pilots were not fully described to participants.
- Morale is affected by non-payment of salaries and by inadequate supplies and transport.
- The imminent restructure of the prototype - this had to be addressed as base camp staff presented a mass resignation to the prototype manager.

Status of pilots

The PIO 1 workshop outcome reports are still being prepared and are not yet available. The PIO 1 report on Judicial Titling is not yet complete.

3.2 Analysis of reasons for delay in Judicial Titling

It was initially expected that titles would be produced by the Judicial Titling pilots by December 2002. The following reasons for delay provide an overview of issues confronting the implementation of the Judicial Titling process.

Delays in the cancellation of the Libertad survey prevented the filing of the Petition

PIO 1 waited for the Project Management Office [PMO] in Manila to cancel the original survey contract before proceeding with the lodgment of the Petition. As at December 2002, the original contract has not been cancelled.

Delays in the completion of the amending survey in San Isidro and Anahaway prevented lodgment of the Petition

The delays in the completion of the amending survey in San Isidro and Anahaway prevented lodgment of the Petition for the period April-November 2002. The issues were resolved and the Petitions were filed on 22 November 2002.

Delays in the procurement of the survey contractors for Pastrana resulted in deferral of activities in several barangays

The delays in the procurement process resulted in the initial 2002 pilots in Pastrana being limited to one barangay, Macalpi-ay. The revised procurement was advertised in October 2002. In February 2003, contractors were available but the project had decided to focus on judicial titling. Orientation for free patents was conducted in February 2002.

Difficulty resolving barangay boundary conflict results in pilot being cancelled at Ormocay

Despite numerous attempts at public meetings to resolve differences between the adjoining barangays of Sampaguita and Ormocay, agreement to reset the contested boundary was not reached. The project activities were discontinued. Clearly defined barangay boundaries are fundamental to cadastral proceedings and this condition was not met.

Delays in the approval of the Petitions by the Solicitor General

Although the initial four Petitions for Dagami were processed rapidly by the Solicitor General, this was not repeated for the Pastrana Petition. The Petition was furnished to the Solicitor General's office in July 2002 and were not returned until October 2002. The delay in approving the Petition has substantially delayed this pilot. The Palo petitions took 4 months

<i>Release of Petition</i>
Macalpi-ay 4 months
San Isidro, Anahaway 3 months
Arado 4.5 months

Lack of coordination in the gazettal process

In some pilots it has taken 7-12 months from the filing of the Petition to the initial hearing. This is attributable in part to the lack of speedy gazettal of the hearing date and the need in some cases to republish. In the San Isidro and Anahaway petitions, the petition was filed in court in November 2002 and the initial hearings commenced June 2003 - a 7-month gap attributable to delays in gazettal. The Bolirao Petition was filed 26 April 2002 and the initial hearing was held November 2002 - a 7 month delay attributable in part to the gazettal process. The Macalpi-ay Petition was filed in November 2002 and the initial hearing will not occur until July 2003 - an 8-month delay. The problem is that a delay in gazettal can result in the hearing date having to be reset, which often means an additional three months of notice. Also all written notices of hearing must be re-served.

Barangay	Time from filing to initial hearing
San Isidro	7 months
Anahaway	7 months
Bolirao, Bayabas	7 months
Macalpi-ay	8 months

Difficulties in the Cadastral Officer process

The following have occurred:

- There is not a ready supply of lawyers who are willing to serve as Cadastral Officers
- The cadastral officers appointed in the project have been withdrawing for non-payment of allowances
- Cadastral officers generally are already full-time employees and so are not fully available to assist LAMP. Their part-time availability makes it difficult to control the delivery of outputs
- Cadastral Officers need to interview the claimants but are not prepared to do this in the base camp. This brings logistical difficulties of moving the claimants to the workplace of the Cadastral Officer.
- Different Cadastral Officers have different practices and different requirements
- Cadastral Officers lack support staff to assist in the preparation of reports
- Cadastral Officer operate with uncertainty about their liability for errors. They have expressed fear about imprisonment. They have constant reminders that the Solicitor General will examine each land parcel decision individually to ensure compliance with all legal forms and procedures. If these are not followed an appeal will be lodged.

Only one pilot has completed the Cadastral Officer and hearing process. The total time taken was 6 months for 75 Answers [3 parcels per week but this includes the Cadastral Officer's role in the formal hearings].

Emphasis on 100% participation is counter-productive

The adviser stressed the need to pursue 100% participation rates. This resulted in up to five visits to claimants by the local CRS staff, often with no results. When all pilot results are available, PIO 1 can compare and assess participation rates. A policy of accepting 80% participation is expected to be accepted. A revised process to provide a maximum of 6 weeks for compliance with notices about lacking documents was designed but it was not effectively implemented by SAT Leaders, extending the time taken to complete fieldwork.

Wrong Emphasis in the project

PIO 1 focused on managing the in-house factors [productivity of adjudicators] but should have focused on managing production by external stakeholders. The actions of the LRA, the printing office, the OSG, cadastral officers and Commissioners of the Court have had a greater bearing on outputs. It is now recognised that the major milestones in cadastral proceedings are affected by external actions. It has taken 15 months to process the 75 lots of Cabariwan not because of base camp issues. This has forced a restructure of thinking for judicial titling. The base camp should be operational only for a minimum period to process the interviews, to prepare Answers and to collect supporting documents. Then the application can be managed through the court process by the One Stop Shop.

Hearing process

The lawyers have insisted on a formal hearing with:

- Detailed examination of claimants
- Cross examination
- Examination of all witnesses supporting a claimant
- Examination of owners of titled land.

The hearings are complicated to organise as they involve:

- Commissioner of the Court
- Cadastral Officer
- Adjudicator
- Interpreter
- Stenographer
- DENR lawyer
- Surveyor
- Claimants and supporting witnesses
- CRS team.

The initial hearings for Cabariwan are proceeding at 7.5 parcels per week. This includes land already titled. This slow process will delay completion of the pilots - see later.

Delay analysis

The following Table reviews the major reasons offered above for delays in the initial Judicial Titling pilots, together with an assessment of whether these delays have been resolved or will continue to be factors in future pilots:

<i>Reason for delay in initial pilots</i>	<i>Likely to delay future pilots</i>
<i>Delays in cancelling surveys</i>	No – reasons for delays in Manila removed
<i>Delays in completing amending surveys</i>	Potential future delay
<i>Delay in approving new survey</i>	Yes - needs to be streamlined
<i>Delays in procuring survey contractors</i>	No – procedures have been clarified and retried during the pilots

<i>Reason for delay in initial pilots</i>	<i>Likely to delay future pilots</i>
<i>Barangay boundary conflicts</i>	Yes, there may be boundary disputes in further pilot locations. In the meantime barangay selection criteria can minimize this by not selecting barangays with disputes. In an expanded programme the project could be preceded by a request that outstanding disputes be resolved before arrival of the project. As survey control and political boundary definition are done in advance, so barangay boundaries can be resolved in advance.
<i>Delays by Solicitor General in approving Petitions</i>	Yes. Initially when delays occurred with processing a Petition, a revised procedure was implemented to speed the process. The documents will be submitted in disk format to speed the production of amended documents. However, this has not avoided delays in Arado, where after 4.5 months the Petition still has not been released.
<i>Local lawyer not available</i>	Yes - the prototype has sought a lawyer for over the last year but this has been unsuccessful.
<i>Uncertainty about content of Answers</i>	No - Another related benefit is that adjudicators are becoming more certain about the contents of Answers. The administrative order can set out the contents of Answers.
<i>Process changes during the pilot</i>	No – the major benefit of the pilots is that the process is being clarified and made more certain. This delay can be reduced if this clarified process is incorporated into an authoritative document such as an administrative order or regulation.
<i>Mobilisation of cadastral officers</i>	Yes – a strategy of using clerks of the provincial trial courts has been determined and tested successfully. This provides a model for future pilots. However, it depends on the attitude of the judge in each location. Cadastral Officers already have full-time employment and their lack of availability will continue to be a bottleneck.
<i>Strict view of legal requirements</i>	Yes – there is potential for future lawyers to take a different view of the proof requirements. However this risk can be minimised by an administrative order clearly setting out processes. The clearer and simpler the regulation, the less risk of differing interpretations. When more hearings are completed there will be more certainty and less risk of appeals by the OSG.
<i>Lack of answers from government agencies</i>	Yes – but this risk can be minimised by specific CRS directed at government agencies.
<i>Emphasis on 100% participation</i>	No – the project has reduced its expectations and has set up a new procedure.
<i>Deputisation of DENR lawyer</i>	Yes - potential for delays in future projects. The general deputisation is able to be resolved simply but the availability of the lawyer remains an issue
<i>Delays from external agencies</i>	Yes - the project in each new locality must establish strong links for example with the courts and with local government for the collection of evidence. PIO 1 has a very efficient process for collecting tax evidence that may not be as easily established in other locations.
<i>Multiple notices</i>	Yes - but the project will recommend a reduction in the

<i>Reason for delay in initial pilots</i>	<i>Likely to delay future pilots</i>
	notice period and cancellation of the gazette requirement.
<i>Multiple reviews by lawyers</i>	Yes - there is potential to merge the roles of Cadastral Officer and Commissioner.
<i>Lack of control of decision-making</i>	Yes - unavoidable in the judicial process
<i>Formal hearing</i>	Yes - unless the rules of court are changed

3.3 Evaluation

The project has been using the following evaluation criteria:

- Time
- Cost per title
- Agencies involved
- Productivity of adjudicators
- Skills and resources required and availability
- Simplicity and flexibility of the process - including ease of introducing change
- Capacity to expand and sustain the use of the process
- Control over key functions
- Quality of the output
- Community involvement, understanding and support.

The productivity of adjudicators was originally on the list of comparisons but the processes are dissimilar and the adjudicator in judicial pilots must process titled lots, which add time but no output, making comparisons different.

Later the report sets out the comparison of free patents and judicial titling on the basis of these criteria.

Participation rates

Participation rates in the residential pilot are set out in a Table above. The following Table summarises participation rates in the rural pilots. More analysis is required. Previous reports set out reasons for non-participation.

Barangay	Barangay assembly	Interview	Complete documents
Cabariwan	85	100	92
Bolirao	46	95	93
Bayabas	38	89	76
Hinulogan	51		
Macalpi-ay			84
Libertad		92	13
San Isidro	85		
<i>Average</i>	<i>61</i>	<i>94</i>	<i>72</i>

Cost per title

The target cost per title is \$US 60. In Cabariwan, although no titles have actually issued based on the achievement of 75 titles at a cost of \$???, the indicative cost is \$US ???

Costs include:

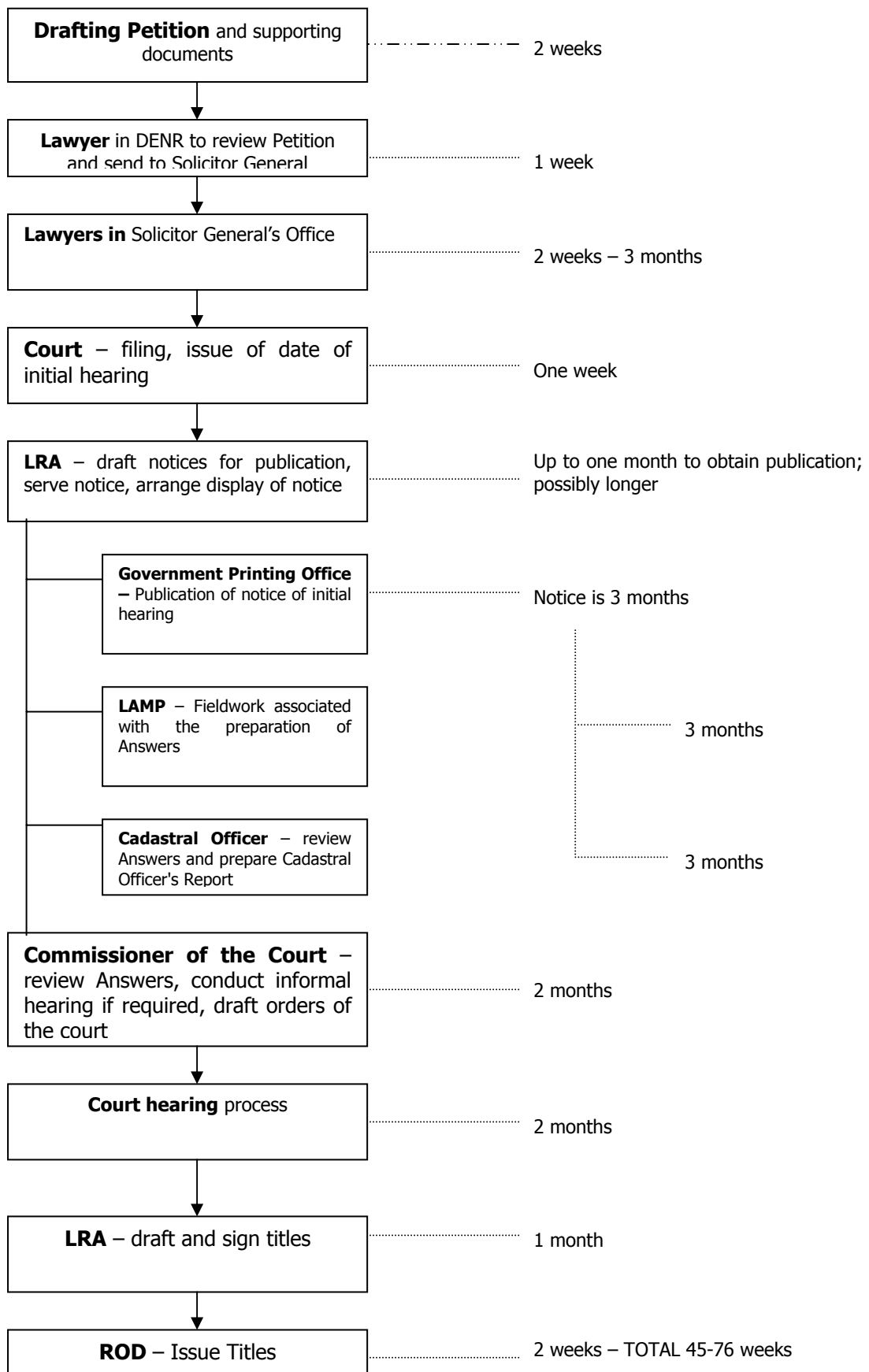
- Salary costs and allowances for all contractual staff in the field - base camp staff including the SAT team; local CRS; salary costs of the CRS Assistant; honoraria for barangay representatives.

- Survey contractor costs
- Training costs for SAT staff, CRS staff, barangay participants, survey contractors
- Barangay assembly costs
- CIM research and CIM preparation
- OSS costs for the preparation of the technical description

Time

Inter-agency dependencies impact on the time taken to process judicial titles. The following times are indicative of times in the initial pilots:

Judicial



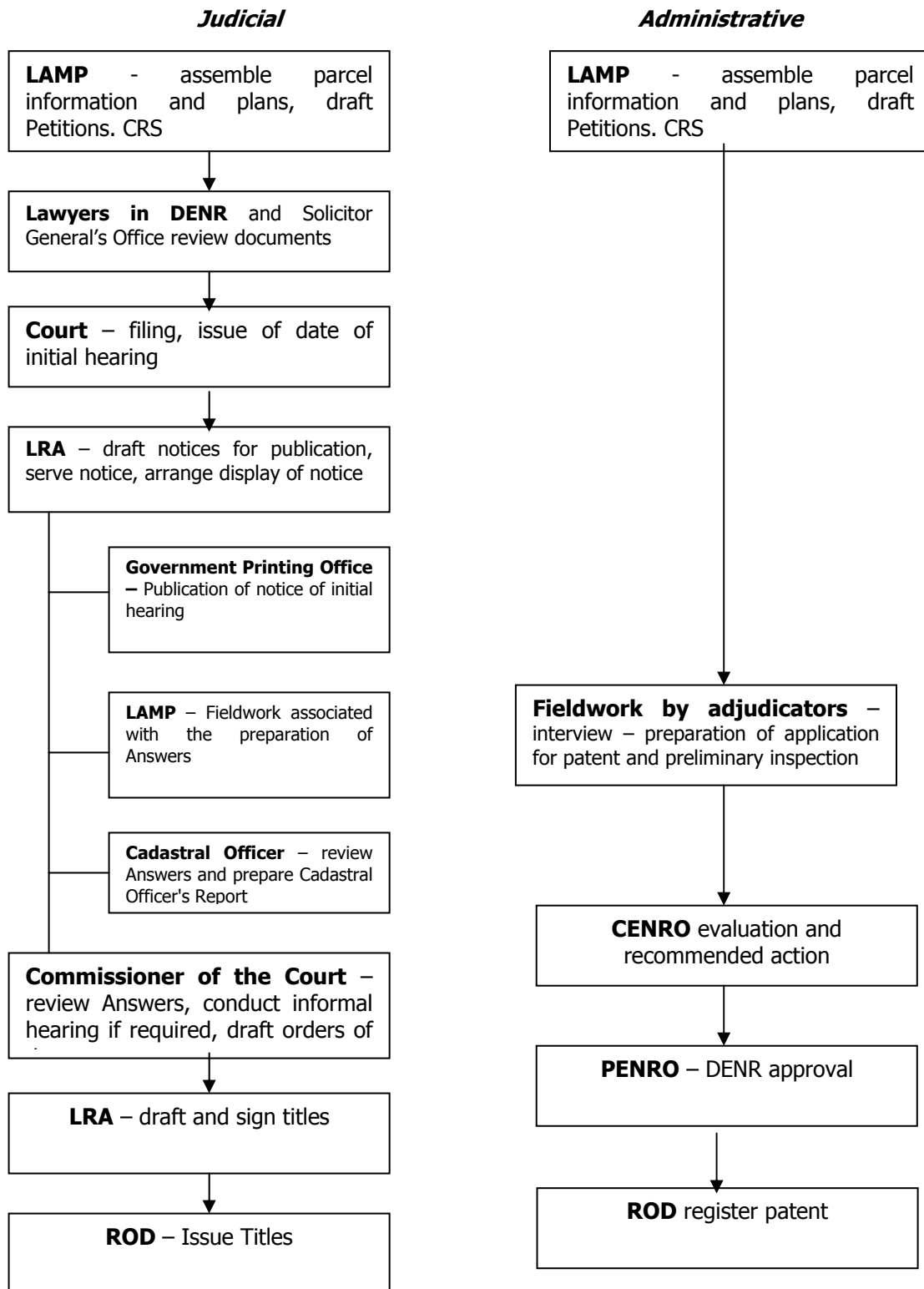
The following Table, when complete, will assist in the comparison of time:

Step	Cabariwan	Bolirao	Bayabas	Hinulogan	Macalpi-ay	Anahaway
File Petition To Gazette Petition	5 months					
Petition To General Default	5 months					
General default To Conclude ex parte hearings	4 months	-----	-----	-----	-----	-----
Default To Conclude Court process	-----	-----	-----	-----	-----	-----
Conclude Court To Conclude appeal process	-----	-----	-----	-----	-----	-----
Register titles	-----	-----	-----	-----	-----	-----

Agencies involved

Judicial titling depends on a range of external agencies for inputs. The following diagram shows the dependencies. It also compares the process with free patent titling.

Diagram: Contrast Interagency dependencies



It is apparent that administrative titling involves fewer agencies and thus permits a more streamlined approval process.

Productivity of adjudicators

Productivity is a calculation of the total number of parcels titled per day of adjudicator activities. The project goal is for 3-5 parcels per day per adjudicator to be titled.

No final figures are available for Cabariwan, the most advanced barangay. However, if 75 titles are processed over a period of 15 months, then the productivity is 0.2 parcels per day. These are lower than the project target of five per day but are equivalent to figures for the free patent pilot. This figure can be slashed if the adjudicator is only based in the field during the steps of interview, collection of evidence and completion of court documents.

Table: Cost per title, productivity

		Cabariwan	Notes
1	<i>Total completed applications</i>	70	Potential lots titled
2	<i>Total cost of base camp and adjudication</i>	P1,400,000	See Costings in Volume 2 of adviser's report
3	<i>Cost per title</i>	\$US 400	$1400000/70 = 20000/50 = 400$
4	<i>Total adjudicators involved</i>	1	One adjudicator per barangay
5	<i>Total working days</i>	390	From 1 April 2002, 6 days per week
6	<i>Productivity per adjudicator per day</i>	0.18	

One factor affecting the low productivity of adjudicators is the strategy of keeping the base camp open and the adjudicator on duty in a single barangay until the end of the hearing by the Commissioner of the Court. This is very inefficient, given that after the interviews are completed the demands on the adjudicator are part-time only. A better strategy is that adopted from 1 July 2003, of making the adjudicator full-time only until the interviews are completed and then handing the part-time activities to another team that can manage all hearings for all judicial cases. The role of the adjudicator is less important during this time and the mobilisation of the applicants for the various meetings can be organised by the local CRS team

Skills and resources required and availability

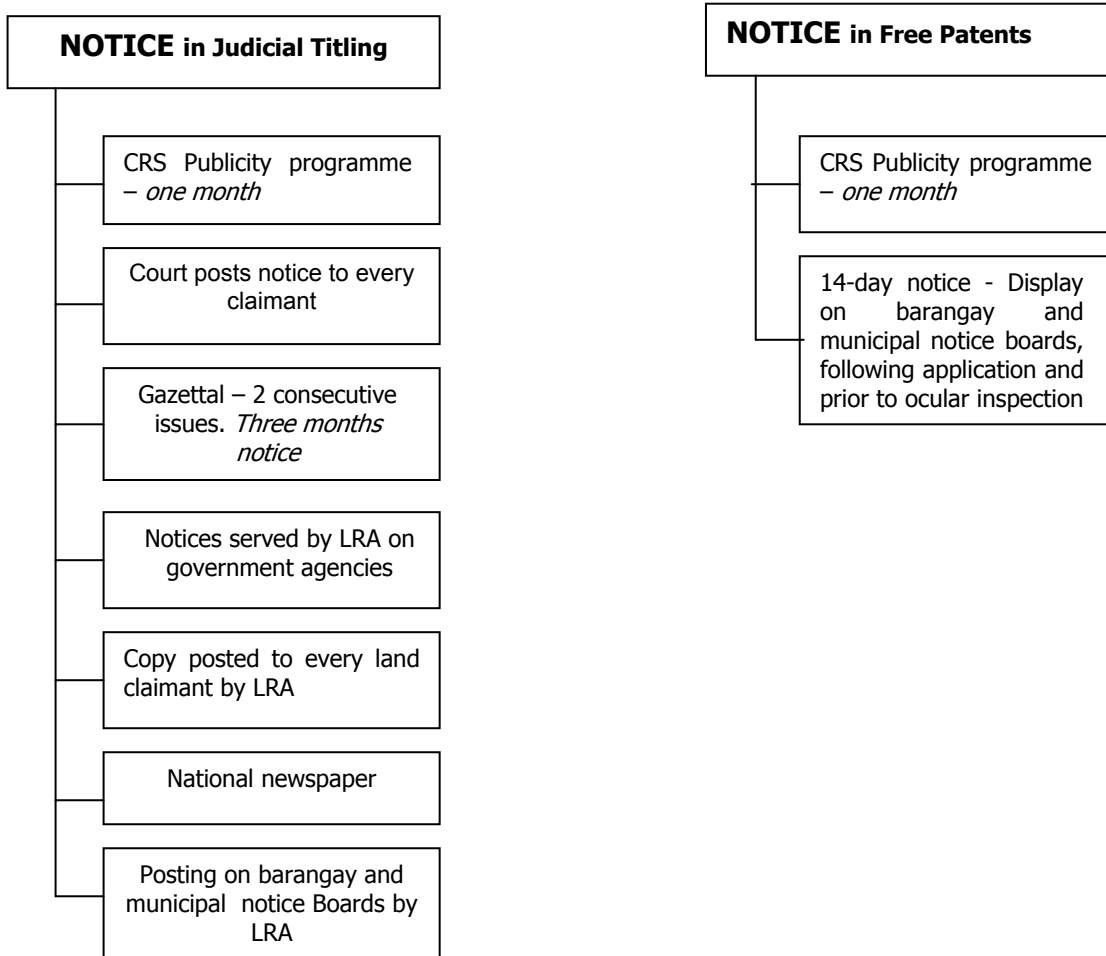
Table: Resource Analysis

Step	Resources required
<i>LAMP start-up</i>	CIM cartographer CRS Assistant One Local CRS per ??? lots
<i>Adjudication</i>	Adjudicator with law degree
<i>Process Petition</i>	In-house legal assistant DENR lawyer OSG lawyer
<i>File Petition</i>	Court staff LRA staff Legal assistant
<i>Gazette Petition</i>	Printing office staff
<i>Process documents</i>	Adjudicator Barangay representative Local CRS Cadastral officer
<i>Ex parte hearing</i>	Commissioner of the Court Local CRS Adjudicator
<i>Court process</i>	

Initial hearing	Judge
General default decision	Clerk of the Court DENR lawyer
Appeal process	Lawyer in OSG Court officers DENR lawyer

Simplicity and flexibility of the process

Multiple notices are given for Judicial Titling applications. The following diagram summarises the notices given for Judicial Titling and Free Patent titling:



Given that the publicity required by the judicial titling process is more extensive than that provided for in free patent titling, there is scope for reducing the noticed of the initial hearing from 3 months to one month. The community mobilisation activities undertaken by the project are extensive, in an effort to ensure maximum participation by the community. The process should be contrasted with free patents, where the notice given is 14 days before a title is granted. The effect of granting a title is the same in both cases. This highlights the potential to reduce the notice for judicial titling processes. In addition, the need for gazettal is questionable. It can be replaced by notices in the national and local press.

Multiple reviews by lawyers

The following interventions are required by lawyers or court officials:

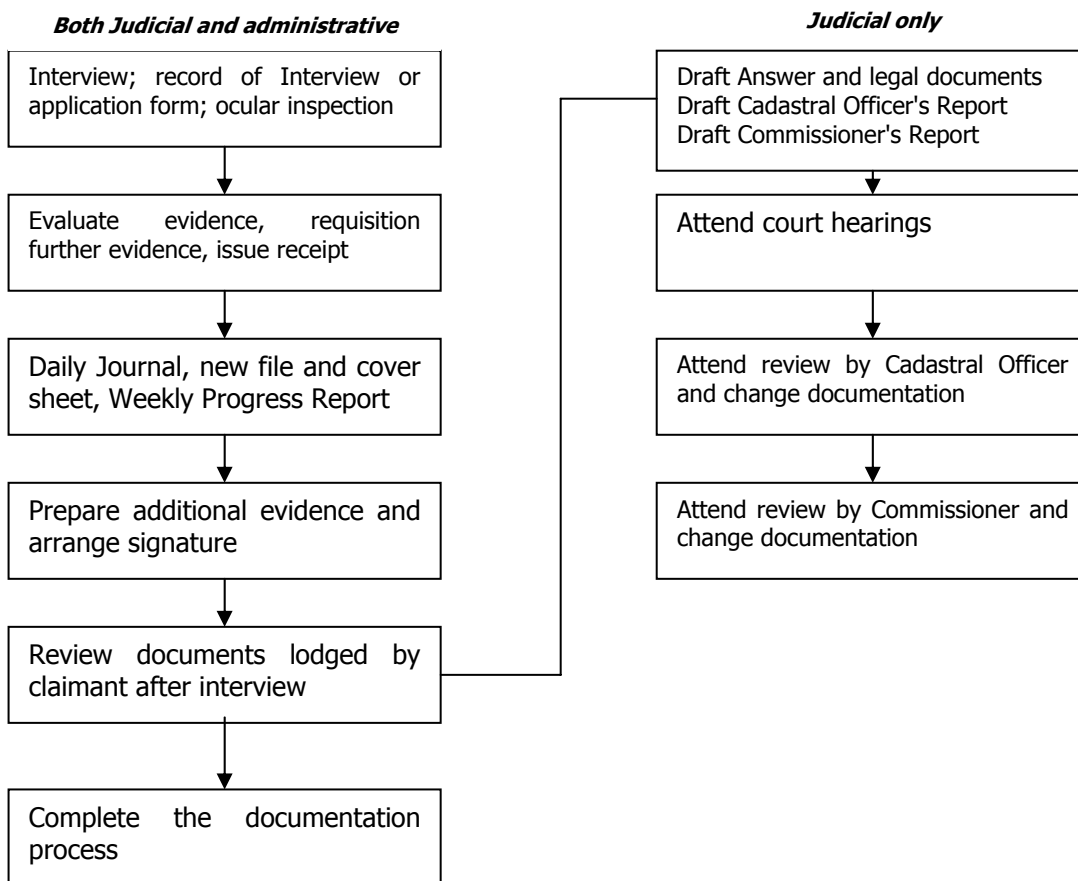
- Review of all documents by the Cadastral Officer
- Review of the claims and the Cadastral Officer's Report by the Commissioner of the Court
- Review of the Commissioner's recommendations by the judge
- Review of judge's decision by OSG

It is important that judicial titling cases be quickly dealt with as delays can cause problems:

- Circumstances can change for claimants after the original interview – such a sales, a death in the family
- The court may be concerned about the date of the Answer
- If the process goes into the following year, new community tax certificates may be required to support the application.
- In calculating the registration fees, the ROD requires the assessed value in the latest tax declaration. If delays are substantial a new version of the tax declaration may be required.

Additional actions by the adjudicators

The diagram illustrates that the role of the adjudicator for judicial titling includes extra functions that make the process longer and more demanding.



Additional Processing by CIM

The following additional steps are required of the CIM staff:

- Compilation of a list of survey claimants for lots adjoining the target barangay
- Prepare a barangay boundary index map

- Prepare a detailed technical description for the boundary of the barangay
- Compile or replace the geodetic engineer's certificate.

Additional steps for CRS

The following additional steps are required for the RS staff:

- Validate the list of survey claimants not only for the target barangay but also for lots in adjoining barangays adjoining the target barangay
- Conduct two or more barangay assemblies
- Multiple mobilisation of the claimants (i) for the interview (ii) for the meeting with the Cadastral Officer (iii) for the hearing
- Greater client contact to follow up missing documents. The importance of this is greater in judicial cases.

It will be seen after examining the free patent process that judicial titling is not as simple as free patents.

Capacity to expand the use of the process

LAMP has not been able to adequately resource the existing pilots. The main factor is cadastral officers, who are already full-time employees of the State. So it could not resource an expanded programme unless a new strategy is adopted in recruiting Cadastral Officers.

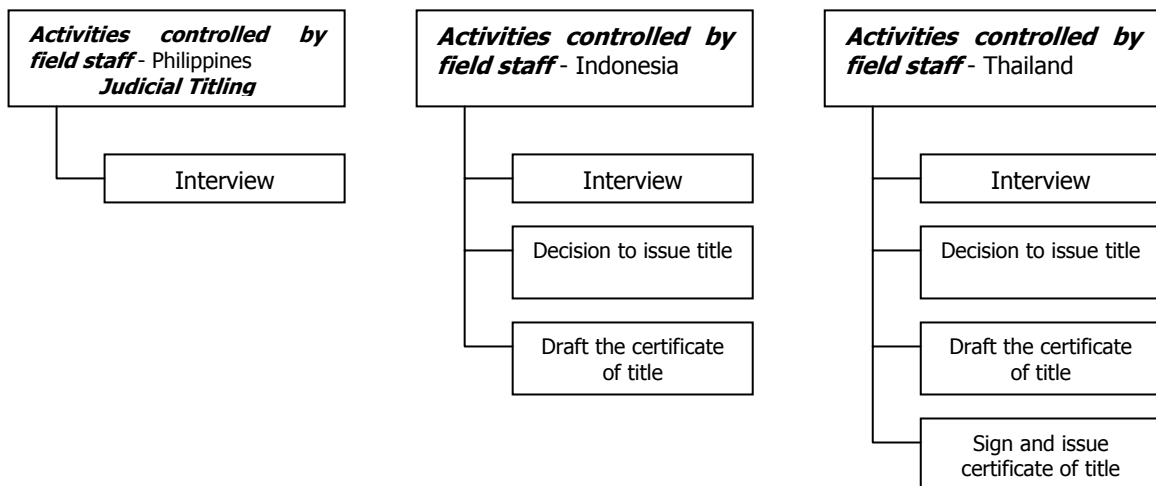
Control over key functions

Judicial titling is characterized by a lack of control of key functions. The field staff and PIO 1 have limited control over field processes. For example, the field party has the capacity to conduct interviews and to gather information, but it lacks power over the following:

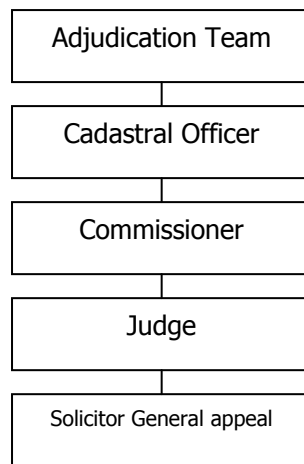
- decision-making process – the decision about the validity of the claim of the applicant and the decision to issue a title
- drafting the certificate of title to be issued to the claimant
- signing titles for issue to claimants

The following diagram compares the situation in the Philippines with that in systematic registration in Thailand and Indonesia. It illustrates the greater control by field staff in Thailand and Indonesia over the title issue process.

Diagram: Activities controlled by field staff in the Philippines, Indonesia and Thailand



The approval process is as follows:



3.4 Lessons from Judicial Titling Pilots

A detailed analysis of the steps in judicial titling and observations/ lessons learned in the prototype are set out in Attachment 1 of Volume 2 of the adviser's report. However, the following Table summarises some key issues.

Issue	Lesson	Action
CIM sheets and database	Poor use is made of this invaluable, fundamental tool by the SAT. This could diminish accuracy	Set up a CIM officer in the base camp to set up correct procedures including updating
	There is no update methodology for CIM sheets and the database from information obtained in the field	Allocate a CIM officer to the base camp to manage this
	No examination of the transfer of updated data to external clients	CIM to organise this
	The barangay profiles may be inaccurate because of failure to use the database	Allocate a CIM officer to the base camp to manage this
CRS	Too much time is given to follow-up of lacking documents	New procedure limiting field time to 6 weeks
Adjudication	No consistent setting of work targets	Monitor performance of SAT Leaders
	Lack of computer skills limited effectiveness of adjudicators. Judicial titling is dependent on the production of documentation. Access to computers is key.	Selection Criteria Training
	Failure to liaise with the local CRS and to provide lists of lacking documents and Daily Progress Report; so resource not well utilised. Key is the lack of organisation of the daily activities of the base camp and the desire by the leader to maximize outputs.	Monitor performance of SAT Leaders
Cadastral Officer	The following have occurred: <ul style="list-style-type: none"> • There is not a ready supply of lawyers who are willing to serve as Cadastral Officers • The cadastral officers appointed in the project have been withdrawing for non-payment of allowances • Cadastral officers generally are already full-time employees and so 	Full-time Cadastral Officer.

Issue	Lesson	Action
	<p>are not fully available to assist LAMP. Their part-time availability makes it difficult to control the delivery of outputs</p> <ul style="list-style-type: none"> • Cadastral Officers need to interview the claimants but are not prepared to do this in the base camp. This brings logistical difficulties of moving the claimants to the workplace of the Cadastral Officer. • Different Cadastral Officers have different practices and different requirements • Cadastral Officers lack support staff to assist in the preparation of reports • Cadastral Officer operate with uncertainty about their liability for errors. They have expressed fear about imprisonment. They have constant reminders that the Solicitor General will examine each land parcel decision individually to ensure compliance with all legal forms and procedures. If these are not followed an appeal will be lodged. <p>Only one pilot has completed the Cadastral Officer and hearing process. The total time taken was 6 months for 75 Answers.</p>	
Commissioner of the Court	<p>Unwillingness to rely on documentary evidence and insistence on formal hearings:</p> <ul style="list-style-type: none"> • Diminishes the value of the research by the adjudicator • Makes the role of the Cadastral Officer meaningless • Adds time to the process and more stress for claimants • The procedure is little different to the voluntary cadastral proceedings 	<p>Remove hearing</p> <p>Rely on documentary evidence</p> <p>Merge role of Cadastral Officer and Commissioner</p>
External agencies	<p>Major delays come from factors external to LAMP. A key determinant of productivity is the performance of these external participants.</p>	<p>Give LRA functions to LAMP</p> <p>Remove gazettal and allow LAMP to advertise in a national newspaper</p>
Mobility	<p>Access to claimants is key. Hire cars are a major cost. Staff use their own resources when travelling</p>	
Supplies	<p>The lack of a consistent flow of office supplies diminishes effectiveness. Staff use their own resources.</p>	

Major deficiency in the management of the project at SAT level

Review workshops have consistently highlighted the fundamental importance of the management of field operations SAT Leaders but little progress has been evidenced in the resolution of the issues. The major management deficiency is manifest in:

- Disappointing involvement of the SAT leaders in the evaluation process. After two years as leaders of the lesson-learning process, the SAT Leaders should have been running the review workshops rather than being unwilling participants. There were no suggested changes to work procedures and no suggested amendments to the operations manual. The focus of attention is on amending the performance of other units rather than their own, indicative of a deeper problem.
- Failure by adjudicators to schedule interviews and hearings and to meet with the cadastral officers and commissioners. This reflects on the lack of organisation by the SAT Leader.
- The significant contrast between the leadership of the CRS and the leadership of the SAT. This was manifest in the absence of deadlines for the completion of fieldwork. There was no programme for the closure of the base camps, no phased transfer of staff from the early barangays to the expansion barangays.
- Failure to set and review weekly performance by the adjudicators as requested at the review workshop in December 2002. This manifests itself in no deadlines for the completion of the fieldwork.
- Failure by the SAT Leaders to implement the Non-Participating process. The aim was to develop a maximum time that the field staff would pursue a claimant who failed to provide adequate documentation. It would permit the fieldwork to be terminated after a reasonable effort was made to encourage participation. Without the process it results in a vague implementation process that lacks sharp systematic processes. This resulted in base camps operating much longer than they needed to. This was referred to at the workshop on 15 May but was still not implemented. It needed subsequent meetings from the Systematic Registration Manager to implement.
- Failure by Systematic Adjudication Team Leaders to attend meetings and workshops - crucial meetings where it is necessary to plan, make decisions and take accurate information back to the field. SAT Leaders come to meetings unprepared and much time is spent trying to summarise the latest work position of the base camp by recording statistics on the board.
- Decisions made at workshops are not implemented by SAT leaders - examples are new monthly and daily report forms, Non-participant procedure, timetable for shutting base camps.
- Failure in some base camps to adequately liaise with the CRS team. This results in the inefficient use of the CRS asset. As an example the failure to regularly provide the Daily Progress Report to the CRS team.
- Adjudicator's reports are not internally consistent so the Systematic Registration Manager has to clarify and seek more accurate statistics.
- Because of the unreliability of reports, independent audits were organised on two occasions.
- There are claims that SAT Leaders are not keeping good records of the participation by barangay representatives and so some representatives are being paid when they should not be.
- There are claims that some adjudicators only work five days while others are required to work six days.

To emphasise the fundamental importance of the SAT Leader's performance, the adviser's previous report encouraged the SAT Leaders to address the following:

[extract from the Adviser's final report of December 2002 for Activity 21 indicating that the following issues require attention]

Previous report	Evaluation
The process of liaison with the local CRS to ensure smooth support from those responsible for mobilising the community and for following up on lacking documents;	Deficient
Liaison with the Cadastral Officer to ensure smooth implementation of the review of documents;	Deficient. Reliance on the legal assistant
Setting weekly targets/ deliverables for each adjudicator and reviewing outputs weekly in a meeting between the Systematic Adjudication Team Leader and the adjudicator;	Not done
Setting start and finish dates for the activities in a barangay. This includes setting deadlines for the completion of interviews and documentation for each barangay;	No deadline for field activities
Assessing the skills of staff and providing staff development where required. Monitoring the performance of individual adjudicators and giving training where required;	
Regular meetings between the Systematic Adjudication Team Leader, the adjudicator and the CRS Assistant to review progress for lots where there is no participation. It is vital that timely decisions are made that the lot is not likely to proceed because (i) the owner cannot be contacted (ii) the owner has been contacted but shows no interest in proceeding (iii) the owner is interested in proceeding but has inadequate evidence (iv) the owner has inadequate evidence but has insufficient funds to complete the evidence such as having documents notarized. Once a parcel has been classified as not continuing, this should be marked on the Weekly Progress Report;	Process set up but not fully implemented until successive workshops imposed deadlines
Ensuring the adjudicators submit adequate Daily Journals;	
Ensuring the adjudicators update the Weekly Progress Report and that the base camp clerk submits a revised copy weekly to the CRS officer;	CRS comment that not provided
Accepting responsibility for planning additional training for staff. For example it has been identified that base camp clerks need training and development in the use of computers. However there has been little planning of the training. Such issues are seen as a "management issue" of PIO 1 rather than as the responsibility of the Systematic Adjudication Team Leaders to plan;	No training initiatives
Not simply collating reports but using them as a management tool to identify problems;	Little progress
Monitoring the production of the draft Answers, Cadastral Officer's Reports and Commissioner's Reports by the adjudicators;	Undertaken in the monthly report
Ensuring that adjudicators do not delegate their functions to the base camp clerks;	
Liaison with government landowners to ensure provision of Answers by for government land;	
Taking the initiative to identify ways in which processes can be improved and implementing them;	Little progress
Ensuring that adjudicators don't start work in new barangays until their responsibilities in the old barangay have been completed;	

The report commented:

"It is key that the leaders accept as their responsibility the constant improvement of processes. The activities are pilots and PIO 1 has stressed the need for constant review. This needs to be translated into action. An extension of this concept is that each base camp should be viewed by its staff as an experiment in itself, with the Systematic Adjudication Team Leader as the manager of the learning process. Project managers should encourage the Systematic Adjudication Team Leader to conduct regular review meetings in the base camp instead of depending on time-consuming workshops to review processes. This is more suited to the busy production schedules of base camps."

3.5 Advantages and Disadvantages

Issue	Detail <i>[compare with free patent]</i>
Advantages of judicial titling	
<i>Applies to all land</i>	All land can be titled under this approach, including residential and commercial land, church land and government land <i>[free patent is not as flexible - it does not apply to all land]</i>
<i>Title absolute within 1 year</i>	The judicially issued title is absolute in one year; the Homestead Patent is absolute in 25 years; <i>[the free patent is absolute in one year]</i>
<i>Title issues without restrictions on transfer, mortgage</i>	There is no five-year restriction on subsequent transactions. <i>[five-year restriction applies to free patent]</i>
<i>Applies equally to tenanted land</i>	This permits more land to be titled. <i>[for free patents the project is seeking the same advantage]</i>
<i>Can apply to lots up to 12 hectares</i>	Instead of requiring CARP issues to be resolved in advance, the land is first titled and then DAR action commences. <i>[for free patents the project is seeking the same advantage]</i>
<i>It is not necessary to take into consideration other land owned by the claimant</i>	Simplifies the process <i>[for free patents the aggregate of 12 hectares total land holding must be observed]</i>
Disadvantages of judicial titling	
<i>Many organisations involved so the process is slower. Management of external relationships is key.</i>	The potential to eliminate the other agencies is small. <i>[free patent has a faster more expeditious process]</i>
<i>Dependence on court process so lack of control</i>	Impressive cooperation was given by the courts in Leyte but can this be assured in other locations? <i>[not applicable to free patents]</i>
<i>Lawyers involved in several stages of process</i>	Risk of different opinions. <i>[not applicable to free patents]</i>
<i>Every lot must be considered and the owner must prepare an Answer</i>	Even the owners of titled land must be interviewed and encouraged to file an Answer. Whereas the claimants for unregistered land provide an Answer detailing their claim for the land, the owners of registered land file an Answer rejecting the court's capacity to make an order affecting their land <i>[not applicable to free patents - only untitled lots are considered]</i>
<i>Multiple visits from CRS teams</i>	For (i) assembly (ii) interview (iii) interview with Cadastral Officer (iv) hearing

Issue	Detail <i>[compare with free patent]</i>
	<i>[fewer visits for free patents]</i>
<i>Must consider all lots</i>	This adds to the volume of work <i>[for free patents only untitled lots are considered]</i>
<i>Notice required is longer</i>	Notice required is longer than for Free Patents and this slows the process <i>[shorter notice period for free patents]</i>
<i>Impact on titled owners - they must also complete answers and be called by the Commissioner. This wastes time unnecessarily and adds no value</i>	Adds time but adds no value
<i>Formal hearing processes depend on verbal evidence given by examination and cross examination. No reliance on affidavits. It is time consuming</i>	Diminishes value of outputs from adjudicator. Duplication of effort - the research by the adjudicator and gathering of evidence is duplicated by the Cadastral Officer who will also conduct interviews. This in turn is duplicated by the Commissioner who will conduct a hearing and examine claimants and witnesses
<i>Risk of appeal by the Solicitor General results in strict compliance with legal formalities.</i>	
<i>Existing political boundary dispute stops the process</i>	<i>[political boundary disputes do not affect free patents]</i>
<i>57-year proof period</i>	<i>[30 years for patents]</i>

3.6 Further streamlining judicial titling

The following methods of streamlining judicial titling require review:

Simpler process for judicial titling	Law/ regulation	Advantages
<i>Reduced period of proof – from 57 years to 10 years</i>	Law	Significantly simplifies process of proving a claim
<i>Clear procedures in regulation</i>	Regulation/ Administrative Order	Will give certainty concerning procedures, evidence to be furnished; removes doubts, potential for different opinions
<i>Merge role of Cadastral Officer and Commissioner of the Court</i>	Law	Eliminates double checking, saves time There will be expertise among Commissioners as pilots increase
<i>Reduce public notice of Petition to 30 days</i>	Law	Faster process. Free patent applications receive only 30 days notice
<i>Simple informal hearing process</i>	•Regulation •Rules of Court	<ul style="list-style-type: none"> Remove the need for any hearing for uncontested parcels where the cadastral officer confirms that complete evidence has been provided Permit greater reliance on affidavits and minimise the need for verbal evidence
<i>Remove need for Commissioner's order to be endorsed by the judge</i>	Law	Reduces impact on the court and potential delays caused by listing. Faster process. In effect this will become an administrative process Parcels titled faster DAR process simplified
<i>Eliminate interviews and hearings for titled land - rely on affidavits in support; the</i>		

Simpler process for judicial titling	Law/ regulation	Advantages
<i>cadastral officer rather than the Commissioner can interview the supporting witnesses</i>		
<i>Remove the need for Answers for titled land and replace with a simple report to the court by the SAT leader</i>		
<i>Remove the need for a hearing for titled land</i>		
<i>Remove the need for the gazettal</i>	Law	LAMP to publish in a national newspaper
<i>Remove the functions of the LRA and transfer to LAMP</i>		LAMP to post and serve notices

The future - ongoing issues

The prototype objectives for judicial titling are now complete. The base camps closed on 30 June and exit reports giving an inventory of the status of each lot were prepared by the SAT Leaders. It is not necessary to commence any more judicial titling activities. Existing pilots can now be wrapped up.

At the meeting of SAT Leaders on 2 June, the following Table was prepared of potential completion dates of hearings by Commissioners [with some additions]. It is based on using the same resources of Cadastral Officer and Commissioners as the project has at the moment, and continuing at the speed we have seen in Cabariwan [7.5 hearings per week]. For example, after Cabariwan is completed, assign the same resources to Bolirao and so on. The potential completion dates for judicial pilots suggests that working at the existing speed with existing resources, it will take several years to wrap up Judicial Titling pilots. The issue has been raised in PIO 1 whether to withdraw Petitions and convert to free patents.

Some can be completed through the court process [Cabariwan the rural pilot and Arado, the residential pilot] and others can have their petitions withdrawn and be transferred to Free Patents. The pilot at Libertad is still awaiting approval of the survey plan and the Petition has not been filed. This can be transferred to Free Patents. However, such a decision will have a major impact on PIO 1 and members of the community.

Location	No of lots	Untitled lots	Initial hearings	Complete the hearings¹
Cabariwan	84	69	✓	27 June 2003
Bolirao	180	162	✓	31 October 2003
Hinulogan	275	275	✓	30 April 2004
Bayabas	119	115	✓	30 June 2004
Anahaway	367	91	✓	30 September 2004
San Isidro	359	94	✓	31 December 2004
Macalpi-ay	172	160		30 June 2005
Arado	1394	175		30 June 2008
Libertad				2009

LAMP 1 has a fixed lifespan. The existing pilots will not be completed within that time frame. A procedure exists for withdrawing Petitions. The pilots can be transferred to free patents. The project must evaluate shutting down some or all of the judicial pilots. In evaluating which pilots to cancel and which to continue, the following are relevant:

- Whether an initial hearing has been held - Libertad and Macalpi-ay have not had hearings but the Macalpi-ay hearing is scheduled for July

¹ Assumes continuation of existing resources and speed

- Whether the number of untitled lots is a low or high percentage of the total lots. For example in Anahaway and San Isidro, only 25% of lots are untitled. Hearings are held for 100% of lots but only a 25% output is achieved. A more efficient alternative may be to withdraw petitions and start again with free patents.

If the project converts Libertad, Macalpi-ay, San Isidro and Anahaway to free patents the bulk of the hearings for continued judicial pilots [except Arado] can be completed in 2004. However it is essential that communities be fully consulted in this process, given the facts and requested to select their preferred option for proceeding.

4. Progress in Free Patent Pilots

4.1 Introduction

The free patent titling law expired on 31 December 2000. The law renewing the process was enacted in July 2002 and was signed by the President in November 2002. The law came into effect in December 2002.

From July 2002, in preparation for the commencement of the free patent reinstatement, PIO 1 conducted meetings and workshops with affected stakeholders in an attempt to highlight issues and streamline processes. In particular, it was concerned to take the existing sporadic processes and adapt them for application in a systematic registration context. This involved attempting to eliminate multiple processing steps and transferring activities to the field. Stakeholders supported the use of adjudicators as canvassers, with deputy public land inspectors taking final responsibility for inspection reports. Stakeholder workshops were conducted on 11 September and 29 September 2002 and 3 December 2002.

In December 2002, initial training was provided for base camp clerks and deputy public land inspectors involved in the field tests planned for December 2002 or January 2003. An orientation programme for the barangay representatives involved in the field tests was also developed. These were conducted on 4 and 10 January 2003.

During the development process, some innovations not requiring regulation were introduced. Other reforms identified as requiring legislative change were flagged and referred to PMO. These issues were taken up by the World Bank during its February 2003 Mission. They were further developed into drafting instructions by the International Land Law Adviser in March 2003. This resulted in production of a draft Bill in May 2003.

In the early part of 2003, the prototype was not sure if the commencement of the new law had been proclaimed and this remained until an authoritative declaration was contained in a DENR instruction. Because of the uncertainty, the staff undertook a small pilot of pending applications that remain unprocessed. These could be completed without the commencement of the new law. In the barangay of Lukay there were 18 incomplete pending applications. However only two of the parcels were still owned by the original claimants and thus new applications were required.

The startup of the initial pilots was delayed by a technical study tour of Thailand and Lao in March 2003. This was preceded and followed by workshops in Manila. This removed from the prototype senior technical staff responsible for implementing the pilots. The adviser was absent from the prototype for 4 weeks. The pilots received impetus in late March 2003 when the managers returned from the study tours. At the same time, the project made a strong commitment to issue titles in June 2003. The following Pilots were conducted:

- Surveyed land - San Miguel [barangay of Lukay]
- Unsurveyed land - Pastrana [Barangays of Lourdes and Malitbogay]

Key events included:

- Training day and workshop December 2002
- 10 April 2003 - training day for free patents
- CENRO staff visit base camp to review processes
- Roadblock meetings 23 April 2004
- Progress report for Lukay
- Evaluation workshop 17 June 2003

The following Table summarises progress:

Table: Statistics for barangays

Issue	Lukay	Lourdes	Malitbogay	Maliwaliw	Caluctogan
Survey?	surveyed	unsurveyed	unsurveyed	surveyed	surveyed
Date of report	17 June 2003				
No. of untitled parcels	127	43	140	99	34
Date commence interviews	17/3/2003	8/3/2003	8/3/2003	9/6/2003	9/6/2003
No. interviewed	76	12	11	90	34
No. not participating in interviews	12				
No. not providing documents	39				
No. Completed applications	66	6		17	27
No. transmitted to CENRO	66				
Date of transmittal	April, May				
No. completed in CENRO Records	58				
No. processed	58				
No. Patents drafted	28 *				
No for signature PENRO	28 *				
No of patents lodged with ROD					

* This is as at 17 June but by 30 June this had increased to 56.

Progress in surveyed barangay - Lukay

In the awareness buildup phase, the CRS team identified 133 land claimants for 24 lots. Of these, 31 were disputed, 40 had registered titles, 18 were patented, 8 were residential, 28 had patents pending, 5 were government land, 5 were larger than five hectares and were originally excluded, 1 was with the ROD awaiting registration. 127 lots were untitled agricultural lots potential for patent action under the pilot. 107 notices of the barangay assembly were served. A mobile public address system was also used to advise the community of the meeting. The LGU arranged the venue. The 127 lots were owned by 76 claimants.

Only one meeting was conducted [compared to multiple meetings for judicial] providing details of patent requirements and fees [general not specific], the interview process evidence required to support an application.

Four adjudicators worked intensively with tight weekly output targets. These were closely monitored by the Systematic Registration Manager until mid-May to ensure that deliverables were presented. In 12 weeks of processing, from a potential 127 untitled lots, a total of 66 completed applications were presented by the base camp to CENRO for processing. Minor processing difficulties in the One Stop Shop in relation to technical descriptions were identified and resolved by the Prototype Manager. The base camp was closed on 6 June. Processing in the One Stop Shop continued in June and at the date of the review workshop, 28 applications had been sent to PENRO for signature, 9 were awaiting signature of the technical description, 14 were awaiting finalisation of the technical description and 5 were incomplete. A fee collection/ title delivery day attended by the ROD, CENRO and PENRO, was set for 25 June and lodgment in the ROD occurred simultaneously. Two fees must be collected - the CENRO fee and the ROD title registration fee.

The following observations were made in this pilot:

- The technical description process is complicated and slows processing

- Some senior staff found difficulty accepting the role of the barangay representative during the interview/ocular inspection. It is fundamental to systematic registration to verify the team is dealing with the correct claimant, the correct land and the correct adjoining owners. The barangay representative adds confirmation of these features and often brings a local knowledge of land ownership and use patterns. They are also a link to the barangay dispute resolution process.
- The field staff appear to have worked in a focused way until 15 May. In the first 6 weeks, all 66 applications were presented to CENRO. In the following 6 weeks no applications were presented. In the following six weeks of processing, no completed applications were presented to CENRO. Mid-May corresponds with the announcement by PIO 1 of potential major staff reductions and a restructuring of work processes. Attendance of staff was not 100% after that time and leadership of the base camp is highlighted as a weakness in the field process. Adjudicator output was 0.2 land parcels per day, which is only a 4% achievement of the project objective. When asked how the SAT leader could take steps to improve productivity the leader said it cannot be improved. Of the files referred by the base camp approximately 14% contained deficiencies.
- The fee collection process is complicated. Various computations are required and then posting of fees is required. The CRS team must then personally explain the size of the fee and arrange a payment day. The ROD title registration includes a fee component of 0.25% of the assessed value. The project can simplify steps by removing the complicated process and having a flat fee that includes registration.
- The CRS staff commented that the lack of certainty about fees was a hindrance to clear communication and produced some uncertainty about participation on the part of claimants

The potential major roadblock to the patent process is the declared intention by ROD to not register patents exceeding 5 hectares or patent applications not supported by a tax declaration in the name of the claimant - which in effect requires payment of taxes including capital gains taxes. The attitude of the PMO is to proceed regardless with lodgment.

Progress in unsurveyed barangays - Pastrana

In February 2003, survey contractors for Pastrana were procured and orientation training was provided. Two deputy public land inspectors were assigned to work with the contractors in Lourdes and Malitbogay. The survey and adjudication work commenced in March during the time of the technical study tour. However, failure to coordinate adjudication activities with the survey party in order to complete simultaneous adjudication and survey led to the surveyor proceeding independently.

The project provided survey contractors with only minimal training in Survey Notification Sheet processes. This included a 30-minute orientation by a SAT Leader who is not a geodetic engineer. It did not include field instruction and the drafting of sample documentation. By April 2003, there were early indications of lack of quality in SNS. The process of consulting the owner, neighbours and the barangay is as important as the product. The project took remedial action and set up quality control processes. The effect should be monitored.

Inspections of the base camp were carried out in April 2003 and again in June 2003 and the lack of progress was noted on each occasion.

The following observations were made in this pilot:

- Low output by the adjudicator and little liaison with the CRS staff. Insufficient information about lacking documents was provided. The daily progress reports were not effectively provided.

- The base camp was temporarily closed for non-payment of power bills. After three weeks the camp reopened but little leadership was given by the SAT leader on this task.
- Strong SAT leadership is fundamental to productivity in the field. This particularly relates to the setting and monitoring of weekly work targets. The lack of leadership has resulted in the breakdown in the coordination of timing of the simultaneous activities, low productivity by field staff, failure to provide lists of lacking documents and daily progress reports.
- Visits to the base camp were marred by absences of staff.
- Training of survey contractors in systematic processes should be detailed. The work is significantly different to normal subdivision activities and is complicated by additional liaison responsibilities.
- The aim of combining survey and adjudication was not met because of lack of adjudicator commitment to this task. The problem was exacerbated by the lack of effective leadership of the base camp for the period February - 28 April. After that date a new SAT Leader was appointed but that SAT Leader also had responsibilities at Dagami for an ongoing judicial pilot.
- The coordination of the adjudication and survey activities requires careful control.
- Mobilisation of the local CRS is a problem because of lack of vehicles.
- Lack of liaison between the CRS and the SAT.
- No effective strategy designed for closing the base camp

Initial indications using the Lukay pilot as a base are that initial titles cost in the vicinity of \$US 300 to issue and that adjudicator productivity is in the region of 0.2 land parcels per day. This will be assessed later in the evaluation section. However it provides an initial guide to assess performance against project objectives of titles at \$US 60 and adjudication rates of 5 parcels per day in surveyed areas.

4.2 Changes to Simplify Procedures already introduced

The following changes were identified during the development of the pilot and have been introduced by administrative action:

Change	Impact
Reduced possession period to 30 years	Simpler to prove the claim - less documentation required. By DENR order.
Interview and ocular inspection occur on the same day	It is no longer necessary for the file to be numbered in CENRO Records before the ocular inspection
Ocular inspection and Final Inspection Report undertaken by the adjudicator not a deputy public land inspector.	More flexibility to use contract staff
Bulk research conducted by SAT before interview - Regional trial court clearance and database	Saves time - adjudicator commences adjudication with valuable information already available from CENRO, database, RTC etc
Latest tax declaration obtained direct by LAMP	Reduces the amount of research and cost of research by the claimant
Pre-verification by CENRO	Gives the adjudicator valuable information about whether there is already a patent, a pending patent or a dispute
Expedited posting by 24-hour turn around	Saves time - the application may be posted on

Change	Impact
in CENRO Records. The first evaluation step takes only one day	notice boards within 24 hours of lodgment in CENRO. The second step in Records [second verification] however takes 10 days and can be expedited.
Expedited processing in CENRO	LMO 3 can complete the application within 3.5 days - time saving. Potential for computer to speed title issue process.
Delegation of signing authority to PENRO	Previously the file passed from CENRO to PENRO to LMD to RED to the Secretary back to RED and PENRO as part of the approval process. This approval process was streamlined; reduction from 7 steps to 2 steps. The file goes from CENRO only to PENRO - procedure greatly simplified and time saved
Transferred from CENRO to LAMP the preparation of the technical description	Avoids two agencies processing technical descriptions; saves time
Eliminated one signature on the technical description	Faster processing [workshop outcome 10 April 2003]
Use of photocopier to copy technical description onto patent	Eliminates transcription errors. Faster [Roadblocks meeting 23 April 2003]
Contractual deputy public land inspectors?	Use of adjudicators as canvassers reduces the dependence on deputy public land inspectors. Recognises that processes can be undertaken by contractual staff
Eliminate the documentary stamp on affidavits by claimants and joint affidavit	Reduced cost
Eliminate LRA certificate of clearance	Recognises that this duplicates the certificate from RTC. Saves time [workshop outcome 10 April 2003]
Eliminate ROD certificate of clearance	Faster processing [workshop outcome 10 April 2003]
Region 8 stakeholders revise DAR process to follow titling	There was general recognition that the land reform programme is strengthened not weakened by the registration of the land and issue of a title. The reform process can be commenced once the title issues; because DAR knows the exact area and owner, the process is faster. This permits the original patent to issue without the delay of division of the land among qualified beneficiaries and eliminates potential for project bringing family conflicts
File not sent to PENRO - remains in OSS and signature occurs in OSS	Faster processing - eliminates processing step [Roadblocks meeting 23 April 2003]
Posting of the application can be made by the SAT team from the base camp rather than by CENRO	Saves time as base camp is decentralised.
Merging the interview and ocular inspection and restructure of processes enables all field work to be completed at the base camp before the file is sent to CENRO	Saves file going from base camp to CENRO back to the base camp and back to CENRO [stakeholder workshop December 2002]
Reduction from two barangay assemblies to one	Process is easier to explain and understand because of simpler method and is faster so second meeting unnecessary
Lacking document process reduced from 6	There are fewer documents to be collected and

Change	Impact
weeks [judicial titling] to 2 weeks	process is simpler, reducing base camp operations by 4 weeks

Changes that may complicate

As a result of moving to a carpet registration approach, LAMP requires the barangay representative to join the interview and the ocular inspection - adjudicators prefer speed and simple process. But in systematic registration there needs to be an assurance that the adjudicator is dealing with the correct owner and adjoining owners. Because the claimants are not known to the adjudicator, the aim is to have a barangay representative, who is familiar with claimants and land use in the barangay, participate in all activities.

The SNS process requires the survey party and adjudicator to work together with the claimants, adjoining owners and the barangay representative. This is difficult to arrange but it provides maximum opportunity for accurate adjudication and for eliminating disputes.

4.3 Evaluation

Participation rates and gender

The participation rate in the barangay assemblies at Lukay was 73%, with 97 of 133 potential claimants participating. 42 males [46%] and 49 females [53%] participated in the meeting.

The participation rates in interviews was 84%, with 64 of 76 claimants participating. 26% were male claimants, 29% were female claimants and 44% were "joint", with multiple claimants such as husband and wife or multiple heirs.

Of the 76 claimants, 42 [66%] had complete documentation. As a result 66 completed applications were received.

The overall participation rate in adjudication measured by completed applications was 66/127 52%. However this figure is not necessarily reliable as there is a suggestion that adjudicators lacked focus and leadership in the final 6 of 12 weeks in the field.

The main reasons for non-participation are:

- Some of the land was idle/ unused and the owners could not be located. This involved 7 applicants [9 lots]
- Some had no interest in participating even after 3 visits
- Some had no awareness of the benefits of participating
- Some were uncertain about committing to the project because they had no clear indication of what fees would be payable

Participation rates
Assemblies - **73%**
Interview - **84%**
Documentation - **66%**

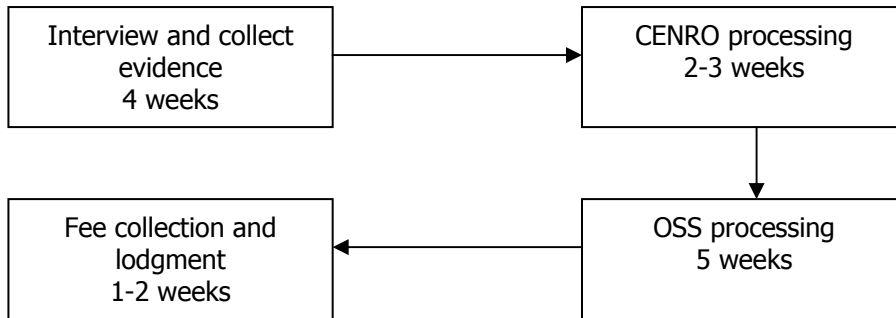
Other factors that are generally relevant to participation are:

- Participation is affected by geography - whether the claimant lives in the barangay
- The availability of documentation - although statistics suggest that 48% could not produce adequate documentation this is not well supported by accurate data from the AT and needs further investigation.
- Accessibility of the meeting and interview venue. The use of the barangay hall worked well though in some barangays it is not necessarily accessible.
- Mobility of the project staff in moving around the project area.

The SAT Leaders did not report gender details at the review workshop and therefore the statistics in the monthly reports must be updated.

Time

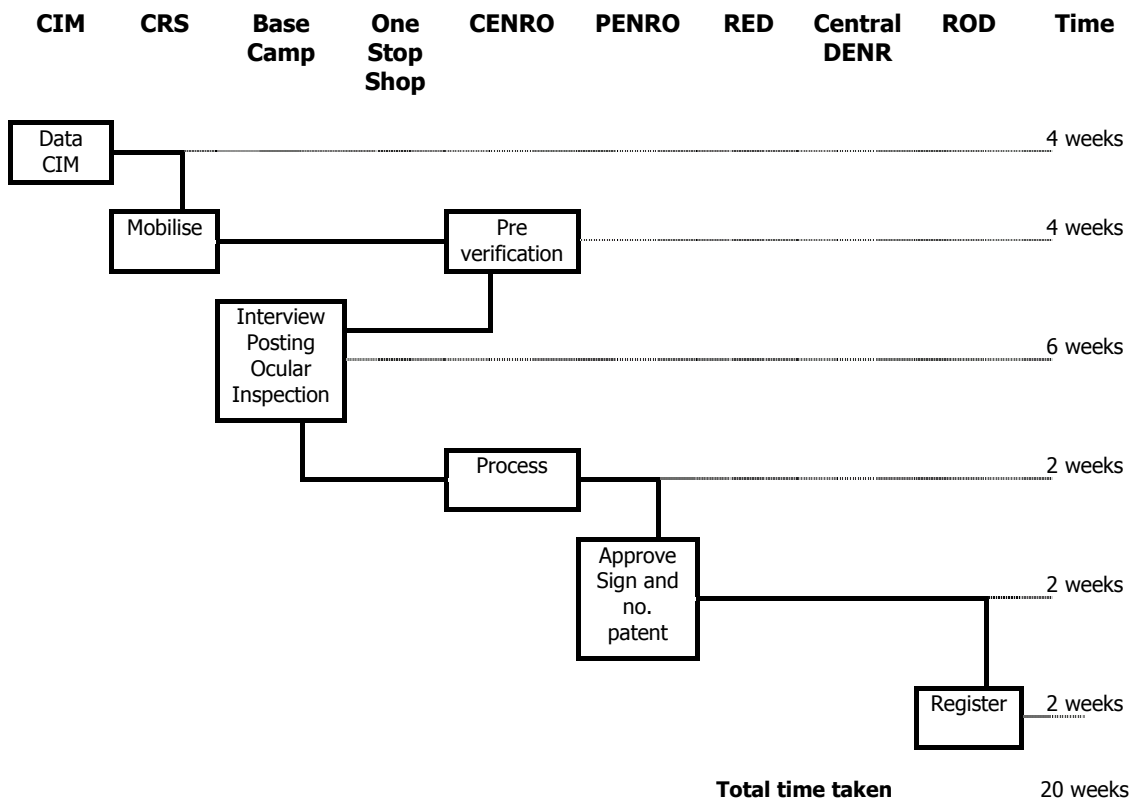
The pilot in Lukay demonstrates that titles can be produced in 3-4 months.



Potential for further streamlining has been identified and is reported below.

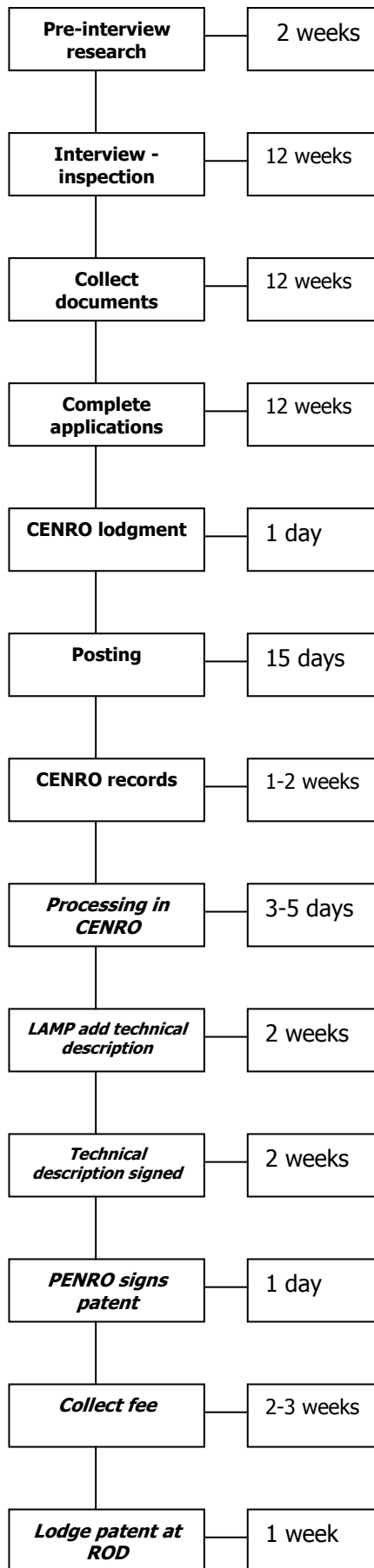
Time analysis - Original plan

Diagram: Mass free patents with simplified field processes



Note that the original plan anticipated that a total of 10 weeks in the field would be followed by 6 weeks processing within CENRO and ROD

Lukay



Note - actual times may not be sequential as steps occurred concurrently

TIME ANALYSIS IN PROCESSING STEPS - FREE PATENTS

No. of applications transmitted by base camp		Transmitted by Records to Processing		Transmitted to LAMP for technical description		Refer to Prototype Manager for Review		Refer by Manager for finalised technical description		Refer to Prototype Manager - signature of technical description		Transmit to CENRO for final form		Signed by PENRO		Collection of fees		To ROD for registration	
Date	No	Date	No	Date	No	Date	No	Date	No	Date	No	Date	No	Date	No	Date	No	Date	No
Apr 10, 03	13	Apr 23,	7	Apr 28	7														
Apr 23, 03	7																		
Apr 24,03	7																		
Apr 28, 03	8																		
May 5, 03	8	May 7	14			May 5	7	May 14	5										
May 7, 03	7	May 12	5					May 23	10	May 21	5	May 23	4						
May 12, 03	8	May 13	8	May 22	27	May 23	29	May 29	9	24 May	10	May 26	1						
May 15, 03	8							May 30	9	30 May	9	June 2	8						
		June 4	24	June 9	23			June 10	9	June 2	9	June 3	19						
												June 5	1	June 18	28	June 25		June 25	
	66	2-3 weeks	58	1-2 weeks	57	1 week	36	1 week	43	1 week	33	3 days	33	3 weeks					

Notes - analysis

1. Transmittal dates and numbers are inaccurate - there is a need for more care in record keeping
2. 3 weeks in CENRO - the second verification process in CENRO can be reduced
3. 6 weeks in LAMP - simplifying technical descriptions will reduce this
4. 57 approved to date by CENRO but only 33 signed by Prototype Manager as at 17 June

Cost per title

In the Table below (Cost per Title, productivity) an indicative cost of \$US 300 per title was evidenced in Lukay. The following should be noted about the costing:

- It is based on surveyed land and therefore omits a major cost component in adjudication - the survey contractors. But a better evaluation of this cost should occur in Activity 34
- CRS costs are inflated because they include community mobilisation activities in 5 unrelated barangays in San Miguel, some of the activities being judicial titling validation
- Cost will be different under the next pilot as the role of the CRS assistant will be eliminated. However the function is taken by adjudicators so this may simply mean the process takes longer
- The costing does not include intensive training programmes - Omits the cost of training on 10 April. However these may be considered as development costs.
- The major transport cost of car hire [33% of total cost] can be reduced when the project has its own cars
- The costing includes some adjudication activities not relevant to the production of patents at Lukay such as the judicial titling interview activities for Libtong
- Omits the cost of the free patent review on 17 June
- Costing includes the salary of OSS staff who only worked part-time on the free patent pilot
- Includes salary cost of preparing technical descriptions

This flags that the prototype must address

- lowering costs
- increasing productivity - the potential is illustrated -

Activity	Productivity rate	Cost
Actual results of pilots	0.2 per day per adjudicator	USD \$ 300
Increased productivity level	1 per day per adjudicator	\$ 60
Increased productivity level	2 per day per adjudicator	\$ 30
Increased productivity level	3 per day per adjudicator	\$ 20
Increased productivity level	4 per day per adjudicator	\$ 15
Increased productivity level	5 per day per adjudicator	\$ 12

Survey Costs

The following table assists in the calculation of an average survey cost of US\$40.00 per title.

Activity	Cost	Lots	Cost per parcel
Pastrana Module 1	P934,000	470	P1,987
Pastrana Module 2	P820,000	470	P1,745
Dagami Module 11	P620,000	271	P2,288
Average			2006 = US\$40

Assuming the survey cost is fixed and that the adjudication cost of \$300 (CIM, CRS, adjudication) can be reduced simply by improving productivity, then LAMP needs to target productivity of 3 parcels per adjudicator per day. The unit price would then be US\$ 20 for adjudication and US\$40 for survey, giving a total cost of US\$60.

Agencies involved

Only one agency, DENR, is involved in the patent process. However the approved patents are registered by ROD, but it has no review function and is obliged to carry out the administrative registration process. The benefits of one agency were demonstrated during the pilot, as DENR responded quickly to project needs. It obtained the passage of amending legislation to renew the free patent process and issued three supporting circulars. In response to a submission in late April 2003 about the major roadblock constituted by the complex approval process, a departmental administrative order was issued streamlining the process.

Productivity of adjudicators

The productivity of adjudicators at Lukay was 0.3 land parcels per adjudicator per day. The AT leader did not display a desire or intention to improve productivity and could offer no potential ways to improve productivity. The following Table sets out the calculation:

Table: Cost per title, productivity

		Lukay	Notes
1	<i>Total completed applications</i>	60	66 submitted some under requisition - say 60
2	<i>Total cost of base camp and adjudication</i>	990,000 P	See costing from SSU attached
3	<i>Cost per title</i>	\$US 300.00	990000/60/50
4	<i>Total adjudicators involved</i>	4	
5	<i>Total working days</i>	288	12 weeks, 6 days per week
6	<i>Productivity per adjudicator per day</i>	0.3	1/6 - [60/288]

The productivity and cost rates are well outside the project projections. The viability of the project is dependent on addressing the impediments to greater productivity in the next pilots. It must be accepted that the cost is based on only three months of piloting in one barangay and staff were initially lacking in skill. It should also be acknowledged that staff motivation fell away for 50% of the time and although 66 applications were delivered in the first 6 weeks of activity 0 applications were received in the following six weeks. The second six-week period followed the announcement by the prototype of a restructure and downsizing. The immediate response by field staff was a mass resignation, so there was an impact on morale. This reinforces the need to have strong leadership in the field committed to achieving project objectives. Leaders need to be committed to transparent processes and to ensuring that staff are productive.

At the review workshop the SAT Leader was asked by the Systematic Registration Manager how to lift the productivity rate from 0.2 parcels per day to say 0.3 [the target is 3-5 per day]. The Leader was of the opinion that staff are already working optimally and no improvement is possible. This highlighted to the adviser that the Systematic Registration Manager needs to have a detailed knowledge of technical processes in order to see through the bluff sometimes given by field staff, inflating complexities.

The following issues must be addressed in improving productivity:

- SAT Leaders and staff must be motivated to address the issue. At this stage there is no acceptance that the results are poor or that remedial action is required.
- Prototype management must make a significant commitment to (i) providing committed and effective leadership to fields activities (ii) conducting ongoing evaluation of staff (iii) taking decisive disciplinary action when problem staff are encountered. There was a manifest reluctance in the pilot to act decisively in relation to problems. Despite the suggestion of advisers concerning the replacement of SAT leaders or disciplinary action, this was not taken. Numerous workshops highlighted the management problem in the field.

- Legal changes provide more potential to increase productivity.

The options for further streamlining and thus increasing productivity are set out below.

Skills and resources required and availability

Table: Resources required

Step	Resources
Pre-interview research	CIM staff SAT staff OSS staff
Interview, inspection	Adjudicator Barangay representative Local CRS
Collect documents	Local CRS
Complete applications	Adjudicator
CENRO lodgment	CENRO Records clerks
Posting	Base camp clerk
CENRO Records	CENRO Records clerks
CENRO processing	Clerk LMO3
LAMP add technical description	Survey officer
Sign Technical description	Geodetic Engineer
PENRO sign	PENRO representative
Collect fee	Local CRS ROD CENRO PENRO
ROD register	Clerk
Deliver to client	Local CRS

Simplicity and flexibility of the process

The public notice given for patents is shorter than judicial. The activities of CIM are less for patents. The CRS team conducts fewer claimant mobilisation activities, the documentation required to support the claim is less, and the adjudicators need to prepare fewer documents. The approval process is much shorter for patents - once CENRO finalises the application the PENRO representative visits the One Stop Shop to sign the titles. Whereas judicial titling requires that detailed technical processes be followed, the patent process is one of flexibility. This is demonstrated in the compilation of documentation to support the claim. For judicial claims all documents in the chain of title need to be located or reconstituted or verified in another document; whereas in free patents the existence of the prior documents simply needs to be recited in the Remarks section of the Final Inspection Report.

Capacity to expand the use of the process

The key steps of adjudication and processing can be undertaken by contract staff. This is significant in facilitating expansion.

Control over key functions

Judicial and patent applications are similar in this regard, in that the adjudicator compiles an application and supporting documentation. The analysis and approval take place outside of LAMP in both judicial and patent applications. In patents, CENRO is part of the One Stop Shop and this makes processes easier to manage. Also the approval process by PENRO occurs within the One Stop Shop.

4.4 Advantages and Disadvantages of Free Patent titling

Table: Advantages and disadvantages of free patents

Issue	Detail
Advantages of free patent	
<i>Simple administrative process</i>	
<i>Length of possession</i>	30 years compared with 57 years for judicial
<i>Fewer organisations involved</i>	One agency. It can act quickly to change laws and procedures
<i>Fewer field activities than judicial, fewer interactions with the claimant</i>	It is not necessary to consult every lot owner. Only claimants need be interviewed
<i>Notice required is less</i>	14 days compared with 90 days
Disadvantages	
<i>Restrictions on sales for five years</i>	These are completely inappropriate where the land has potentially been owned by the claimant for 30 years
<i>Doesn't apply to residential land</i>	Can't cover all land in the barangay. So an additional titling method is required to support free patents.
<i>No application to church land</i>	
<i>Processing bottlenecks – deputy public land inspector required for ocular inspection and LMO3 for processing</i>	The capacity to use contract staff for these functions is a key issue impacting on the potential to expand the free patent programme
<i>The requirement to use deputy public land inspectors is restrictive and limits the use of contract staff</i>	This is being removed by administrative agreement
<i>Limitation on area – 5 hectares</i>	This may be extended to 12 ha by regulation
<i>Tenanted land can't be titled by this process</i>	This may be clarified in the regulation
<i>Evidence of payment of taxes is required</i>	A receipt showing payment is required. It need not be the latest tax assessment.

4.5 Further Streamlining

Productivity can be enhanced by addressing the following items:

Simpler process	Law/ regulation required?	Advantages/ impact on productivity
Simplify legal framework		
<i>Apply to residential commercial industrial</i>	Law	The result will be an administrative process that applies to all land
<i>Apply to government land church land</i>	Law	
<i>Remove the need to pay real estate taxes Circular More participants</i>	Law	More participants

Simpler process	Law/ regulation required?	Advantages/ impact on productivity
<i>Remove complex fees and replace by flat fee</i>	Law	More attractive to participants; easier to explain. At the moment two fees are payable - one to CENRO, which has 4 sub-fees [including a contribution to cadastral costs] and a registration fee to the ROD which includes a % of the value as a contribution to the Assurance Fund
<i>Reduced possession period - 10 years</i>	Law	Significantly simplifies process of proving a claim. This was partially simplified in a recent circular that reduced the proof period from 42 years to 30 years
<i>Clear procedures in regulation</i>	Law and Regulation/ administrative order	Will give certainty concerning procedures, evidence to be furnished; removes doubts, potential for different opinions
<i>Remove restrictions on transfer</i>	Law	The product from administrative titling will be the equivalent of the product of judicial titling
<i>Clarify application to tenanted land</i>	Law	Remove uncertainty
Simplify administrative requirements		
<i>Relationship with agrarian reform programme clarified – permit patents to issue up to 12 hectares, followed by CARP action. Recognise that the Registry of deeds can register patents exceeding 5 but less than 12 hectares</i>	Administrative order	Faster process as it is not necessary to first subdivide larger parcels. The role of MARO is not hindered but is helped by the issue of a title.
<i>Remove the need for a deputy public land inspector to carry out the ocular inspection –</i>	Administrative order	Remove bottleneck; permit the use of contract resources, facilitating expanded programme
<i>Permit the processing to be undertaken in the field rather than in CENRO. Permit CENRO to hire and train contract processors.</i>	Administrative order	Faster process
<i>Eliminate duplicated verification by CENRO Records Section or reduce to a few days</i>	Administrative order	Saving of one week
<i>Eliminate text technical descriptions and replace by diagrams</i>	Administrative order	Removes 2 weeks from the processing time
<i>Streamline the plan approval process</i>	Administrative order	
<i>Delegations to be established. Some functions, including signing of technical descriptions and processing in CENRO Records, have been delayed because of the absence of the signing officer</i>	Administrative order	A modern project needs an effective delegation of authority so that outputs are not dependent on the presence of one person. Processing should be able to continue and documents signed on every working day
Management of field activities		
<i>Experience of adjudicators - familiarity with processes</i>	Training and supervision	Improved training programme with hands on experience in applications will provide familiarity with processes
<i>Planning and implementing the careful transition from one barangay to the next Arranging pre-verification by SAT Leaders in advance while adjudicators are completing an earlier barangay</i>	Leadership and planning	Less wasted time at base camps. Adjudicators can complete one barangay and immediately begin activities in the next barangay without delays for planning. The SAT Leader will have arranged (i) CRS mobilisation (ii) community

Simpler process	Law/ regulation required?	Advantages/ impact on productivity
<i>will provide better productivity than a one-off pilot that involves base camp setup and closure. Phased roll-out will see staff flow more sequentially into new activities</i>		mobilisation (iii) pre-verification and preliminary research (iv) tax declarations etc (v) publicized the schedule of interviews (vi) calculated cadastral fees with the assistance of CENRO
<i>Increasing the use of support staff could improve productivity. The next pilot will use three clerks in the base camp</i>	Management	
<i>Effective base camp management Monitor the performance of staff</i>	Management	Monitoring outputs will improve production. Capacity to remove unproductive staff will assist productivity. The SAT leader can compare performance by weekly outputs to identify the need for intervention
<i>Effective use of the CRS resource to follow up lacking documents</i>	Management	Reduced waiting time
<i>Removal of morale issues should boost output - in the main project the cash flow problems that limit the availability of salaries, allowances, transport and base camp supplies should be removed</i>	Management	
<i>Transport issues</i>	Logistics	The vehicle hire cost is P307,500 of the total cost of P992,000. This can be reduced when the project cars are delivered
<i>Supply problems</i>	Logistics	
<i>Eliminate unnecessary forms - remove the interview form and complete the applications and affidavits in the field</i> <ul style="list-style-type: none"> • Rationalise the file cover sheet and delete items that are in the file checklist • Rationalise monthly reports to remove duplicated information • Rationalise the list of lacking documents - theoretically it is unnecessary if the Daily Progress Report includes lacking documents 	Administrative by SAT Leader	This will reinforce that all forms are to be completed in the field during the interview and not in the base camp. This will help adjudicators focus and will significantly affect performance. Adjudicators are completing an interview form and then transcribing the details onto the application form. This is time-consuming and can be replaced. The interview form and the affidavit forms should be completed in the field, as the thought process involved will require questions to get the right information to fill in the forms. The elimination of the interview form will save time and increase efficiency
<i>Review the operations manual. In its early form it recognizes that staff were starting from a zero base and so it included multiple copies and samples. Some of these can now be eliminated.</i>	Administrative by SAT Leader	
<i>Calculate fees up-front and notify claimants before the interview</i>	Administrative by SAT Leader	More certainty about applying
<i>Disclose hidden costs</i>	Administrative by SAT Leader	More certainty about applying
<i>Reduce non-participation period to 2 weeks</i>	Administrative by SAT Leader	Speeds process
<i>Validate list of claimants at a public meeting not by visitation</i>	Administrative by SAT Leader	This can save weeks
<i>One of the potential benefits of free patent titling is that the title</i>	Administrative by SAT Leader	Training and experience can reduce repeat activities

Simpler process	Law/ regulation required?	Advantages/ impact on productivity
<i>of predecessors in title do not need to be exhaustively documented. It is sufficient if the basis of the claims of predecessors are recited by the adjudicator in the remarks section of the final inspection report. This is not being properly done. The adjudicator must recite the facts to clarify the relationship of the claimant with (i) the survey claimant (ii) the person named as owner in the latest tax declaration.</i>		
Field processes		
<i>One merged interview and ocular inspection - this involves conducting the interview on the parcel. Both the interview and ocular inspection should be completed</i>	Administrative by SAT Leader	This will immediately double productivity at a minimum. Much faster processing.
<i>Complete and sign all forms during the interview - the application for public land, the affidavit, the affidavit by disinterested persons, the Final inspection report</i>	Administrative by SAT Leader	Much more efficient. All analysis by the adjudicator is done in the field
<i>Lacking documents - serve the first notice at the interview.</i>	Administrative by SAT Leader	Eliminates processing in the base camp.
<i>Eliminate the typing of forms - handwriting will suffice</i>	Administrative by SAT Leader	Removes time-consuming activity that adds no value; all forms must be completed in the field not the base camp
<i>Mass notice of applications – permit a single notice to apply to multiple parcels rather than to require a single notice for each parcel</i>	Administrative by SAT Leader	Faster process
<i>Replace the affidavit of public notice from the barangay chairman with an affidavit from the SAT leader that the notices have been displayed and no objections received</i>	Administrative by SAT Leader	Faster process
<i>Public objections to be accepted by the base camp – permit the base camp or CENRO to accept objections</i>	Administrative by SAT Leader	Faster process
<i>Eliminate multiple interviews by permitting the ocular inspection and the original interview to be carried out at the same time and by permitting the public notice to be displayed by the base camp</i>	Administrative by SAT Leader	Realise efficiencies in process; all field activities can be undertaken at the one time and the file can be submitted to CENRO when all evidence has been compiled.

Draft legislation will simplify processes

A draft bill has been prepared addressing the following:

- Reducing the period of occupation to 10 years - this will reduce the amount of research in the patent process
- Clarify the right for a grant of Free Patent over tenanted land. In Leyte it has been found that up to 60% of the land in some Barangays is tenanted. CA 141 entitles a person to a Free Patent if they have continuously occupied and cultivated the land for the requisite period. The wording of the Act leaves open to question the entitlement of an owner whose land is occupied and cultivated by a tenant farmer. This will be clarified by the amendment, permitting land subject to a tenancy to be patented.
- Extend the Free Patent provisions for administrative confirmation of incomplete or imperfect title to apply to residential, commercial, industrial, government and church lands.
- Remove the five-year restriction on transfer
- Remove restrictions on corporations

5. Study Tour Lessons

5.1 Introduction to the Study Tour

A number of programs were designed for implementation under LAMP in response to various capacity-building requirements. One proposal included the conduct of study tours for senior management and technical officials involved in the implementation of field activities. The opportunity to review international best practice supported by the World Bank and AusAID in other countries was highlighted as providing valuable material for review and possible adaptation to LAMP. A study tour by LAMP technical staff of Thailand and Lao was funded by AusAID and took place during March.

The following areas were flagged for evaluation by technical staff:

- Management of systematic registration field activities
- Management of regionalized systematic field activities
- Field Processes including:
 - ✓ Community mobilization and education
 - ✓ Interaction between adjudicators and the survey party
 - ✓ Work output rates of adjudicators
 - ✓ Use of orthophoto maps in field activities
 - ✓ Use of technology in the compilation of index maps
 - ✓ Use of technology in the preparation of certificates of title
 - ✓ Requirements for establishing a valid claim for title
 - ✓ Evidence required to support a claim
- Office processes for drafting and signing certificates of title
- Surveying and index mapping techniques and standards
- Management reporting techniques, collection of statistical and qualitative data
- Processes for monitoring quality of outputs
- Requirements for post-titling community education (particularly to educate the community on the registration role of the land office)
- Monitoring and evaluation of field activities
- Capacity-building requirements to put in place required systems and procedures
- Human resource aspects of field activities – recruitment, training, use of contract staff, payment of incentives and other allowances.

Tour Objectives

The objectives of the study tour include to:

- Expose technical staff of the prototype offices to procedures on land titling projects in other countries
- Improve the technical knowledge and understanding of land titling processes
- Evaluate lessons from the comparison of procedures in the Philippines with Lao PDR and Thailand
- In accordance with project activities during Activity 25 in PIO 1, to identify options for streamlining land titling procedures to be used in shaping the design of Phase II
- Identify short-term and long-term changes in land titling procedures in the Philippines.

5.2 Lessons from Study Tour

The adviser participated in the study tour to Thailand and Lao. This included:

- pre-tour workshop
- interview guide for the study tour

- draft final report format
- inputs into final report
- post-tour workshop

The tour consisted of a number of participants with diverse interests from CIM, Survey, CRS, SAT, Office processing and Sat management. A report of their findings and recommendations was given to PMO. During the tour, the following observations were made and recommendations generated.

Observation during study tour	Recommendation
First Registration	
Small flat fee - government subsidy	Philippines to introduce a fixed, standard fee to apply to all land parcels – eliminate documentary stamps, cadastral fee, entry fee and registration fee. The aim is to encourage/facilitate participation in the titling programme. [It will give claimants certainty upfront and will eliminate the calculation step]
Simple survey method focuses on speed rather than accuracy	Have the flexibility to have a range of survey options depending on where titling is occurring: <ul style="list-style-type: none"> • urban: ground survey • rural: flat, minimal tree cover – orthophoto; GPS • rural: mountains or tree cover – ground survey • control: GPS •
Low skill base not an impediment - Orthophoto relies on the recruitment of unskilled contract staff and training them	Introduce orthophotos. Recruit and train field parties. Reduced survey standards to permit these to be used in flat rural terrain without dense tree cover. [Simple fast]
Simple witnessing process - No notary or lawyer attestation of documents presented to adjudicator	Introduce a simpler attestation method with a wider class of witnesses
Provisional title can be issued in some circumstances	Permit the use of provisional titles in the following circumstances: <ul style="list-style-type: none"> • Claimant cannot establish the full possession period • Adjoining landowner has not appeared to confirm common boundary of unsurveyed land <p>This will give greater flexibility to permit non-complying land to be titled.</p>
Procedures are set out in regulations - Procedures are based on simple clear ministerial directions	Regulation specifically providing clear procedures for systematic registration. This will reduce uncertainty and simplify training of new staff.
One government agency controls registration of land and registration of land transactions. Concept of One Stop Shop unnecessary	One government agency or clear leadership in the One Stop Shop
Single comprehensive training programme for field staff	Comprehensive modular training programme for all field staff
Access ways are a key component of public's preparation for adjudication	CRS and SAT to get community to provide access ways
Pay based on productivity - Field staff are paid by outputs rather than flat payment. This gives incentive to achieve targets	Trial output-based incentive programme

Observation during study tour	Recommendation
Academe - Specific action to strengthen the academe to support improved technical training	Use academe to provide training on laws. Strengthen teaching in surveying subjects
Specific daily targets for each adjudicator - five unsurveyed parcels per day	SAT Leader to set weekly production targets
Contract staff - Increasing reliance on the recruitment and training of contract staff	Use contract staff for SAT Leaders, DPLI and processing
Incentive payments to head of village	Introduce incentives for barangay chairman
Mobility - Staff more mobile than LAMP because they have their own motorcycles	Greater mobility required
Faster process to issue titles - 3-5 months	Set target of titles in 3 months
Delegation of powers to the adjudication team (i) interview (ii) process and determine sufficiency of evidence (iii) publish notice of application (iv) decision to issue title (v) draft title (vi) sign title	Regulation delegating powers to the SAT
80% of land already has a preliminary title document in Thailand and this simplified registration process	
Existing culture to register land transactions means prelim titles are up to date	CRS to address post-titling registration of transactions
It is not necessary to reconstitute all missing documents. The application form is simply supported by the community members and is signed by the barangay chairman or representative.	Introduce by regulation greater reliance on affidavits by independent parties
Simple form of title - (i) no technical description but a diagram; (ii) a panel on the reverse side for recording future transactions (iii) the conditions of the grant of land are not extensively detailed on the title whereas in the Philippines great detail is recorded	Introduce simple form of title Eliminate (i) technical descriptions (ii) TCT
Can issue title in the name of deceased - this simplifies process by eliminating the need for proof that heir	Continue this
Subsequent registration	
Flexible forms - Forms are not in the laws but in the regulations. This gives flexibility.	Remove forms and fees from laws
Simple format of documents for subsequent transactions - (i) pre-printed format; (ii) no need for lawyer or notary as documents are witnessed by the land office staff.	Record transactions with land in a panel on the reverse of the title
Plans are used effectively as indexes -	Index to be maintained either manually or in the computer

Observation during study tour	Recommendation
Index plans are used in registering transactions	
Administrative power to correct errors on title	Introduce this
Records management - Effective storage using compactus, vertical plan files, colour coding	Introduce vertical map storage and compactus storage
Unique parcel identifier supports the transfer of data from land office and central valuation authority to users such as local administration	Unique parcel identifier
Multi-skilling of counter staff in the land office so all staff can receive all documents at the lodgment counter	Multi-skill One Stop Shop counter staff
Protection of spouse - If one person is recorded on title as owner and presents a transfer of the land, the land office requires the consent of the spouse	
CRS is simpler because (i) law is simple so easier to explain (ii) there is only one titling method to explain (iii) there is effective use of the Lao Women's Union (iv) interviews are arranged by the village head (v) the process for participating [collecting evidence is easier so simpler to explain] (vi) because villagers have already seen titles issue to other participants it is easier to believe the good news presented by CRS (vii) no programme of post-titling CRS and CRS development (viii) no concern with CB M & E	

6. Towards a Land Titling Methodology for Phase II

6.1 Introduction

Two land titling options are available:

- Administrative titling - undertaken by DENR. Various patents can be issued by DENR. The main option for agricultural land is the free patent. This option was not available for a two-year period from January 2001 to December 2002
- Judicial titling - where the court orders the confirmation of an imperfect title. Voluntary applications are initiated by individuals and mass claims are initiated by the department when it wishes to issue titles for the whole barangay.

In 2001 the project found homestead patents not suitable for a mass titling programme of land already cultivated. In 2002 judicial titling was tested and in 2003 free patents were tested. The conduct and evaluation of land titling pilots to June 2003 has provided LAMP with the opportunity to compare and contrast options and to select its preferred option for Phase II. Various review workshops were conducted in May and June 2003. PIO 1 is preparing evaluation reports and these are scheduled for 7 July 2003. Some comparison tables are set out in Attachment 4 of this report. Advisers suggested some criteria for evaluating the options. The criteria and the comparison are contained in the following Table:

Criteria for Evaluation

#	Criteria	Judicial	Administrative	Assessment
1	Time	No titles produced in 15 months of field activities.	Titles produced in 3.5 months of field activities	Free patent takes less time
2	Cost per title	\$US 400 per title - indicative as titles have not yet issued.	\$US 300 in the first pilot test at Lukay	Free patent cheaper to issue
3	Agencies involved and dependencies	Solicitor General LRA Government Printer DENR Municipal courts Cadastral officers	DENR Capacity to introduce reforms quickly already demonstrated - • Law enacted for free patent renewal • Three departmental orders • Order simplifying approval processes	The number of agencies and dependencies makes judicial titling slow and difficult to control. Free patents are superior because activity occurs within one agency which can act decisively.
4	Skills and resources required and availability	Law degree for adjudicators highly desirable. Other skills required: • DENR lawyers • Cadastral Officers • Clerks of the Court to be appointed as Commissioners • Judges There is a lack of cadastral officers in	No special skills required for adjudicators Lawyers not required	Free patents superior because no special skills are required. Contract staff can be employed and trained.

#	Criteria	Judicial	Administrative	Assessment
		LAMP 1. Availability of DENR lawyers is not always assured. OSG resources are not 100% available to LAMP.		
5	<i>Simplicity and flexibility of the process</i>	Inflexible - legal rules and procedures must be followed. If they are not, an appeal will be lodged by the Solicitor General	Flexible procedures and a supportive attitude from CENRO	Judicial Titling is inflexible and must comply with court processes. Free patent offers flexibility in assessment and proof of chain of title. Instead of producing every deed in the chain the facts can be recited by the adjudicator
	<i>Simplicity of steps</i>	<p><i>Summary</i> - The processing in the field is much more extensive - for example two barangay assemblies are required; CRS must also deal with the adjoining barangays; owners of all land must be contacted and interviewed [including owners of land already titled not just claimants who will be titled]. There are more visits from CRS for [validation, organise assemblies, interview with adjudicator; interview with Cadastral Officer, interview with Commissioner [hearing]</p> <p>Participating is more demanding of claimants, with a full hearing, examination and cross examination</p> <p>There is a legal impact of not participating as the land may be declared to be public land. This forces field staff to be more extensive in activities so that all persons receive due notice and can participate.</p> <p>Judges will not proceed to general default til 50% participation rates are achieved</p>	<p><i>Summary</i> - the CRS and adjudication activities focus only on the claimants of untitled land. The process is shorter and easier to explain so only one meeting is required.</p> <p>Documentation is simpler to compile. The main reason is that for judicial claims the rights of all prior owners in the chain of title must be fully documented but for free patents the entitlements of predecessors can simply be annotated in the remarks section of the Final Inspection report.</p> <p>There is no negative impact of not participating.</p>	Free patents simpler.

#	Criteria	Judicial	Administrative	Assessment
	CIM	Existence of political boundary dispute can stop work in the whole barangay Additional work: <ul style="list-style-type: none">• BBIM• Technical description of the barangay• Locate Geodetic Engineer's Certificate or reconstitute it• List of owners in adjoining barangay	Political boundary dispute does not stop work	Judicial titling is more demanding on CIM resources
	CRS	Additional activities: <ul style="list-style-type: none">• Validate list of adjoining owners• Organise interview with Cadastral Officer• Organise claimants to attend the hearing• Longer involvement by local CRS More claimants to be dealt with as registered owners etc must be persuaded to participate with no benefit in doing so.	One barangay assembly sufficient Claimants better able to understand the technically simpler processes	Judicial titling is more demanding on CRS resources
	SAT	Additional documentation must be prepared: <ul style="list-style-type: none">• Answer• Attend hearings• Attend Cadastral Officer meetings with claimants• Cadastral Officer's Report• Commissioner's Report• Need to reconstitute lacking documents More lots to be processed in each barangay as all land parcels including registered land must be interviewed. All government and church land must also be processed.	Application for public land; affidavit by claimant; affidavit by two disinterested persons; Final Inspection report Not necessary to reconstitute lacking documents. They are simply recited in the remarks column of the Inspection Report.	Judicial titling is more demanding on SAT resources. SAT involvement is over a longer period of time.
	Ease of amending process	Legal process - amend laws	Mostly by administrative action	For free patents it is easier to amend processes.
6	Capacity to	No. The project already	Capacity to make extensive	Free patents superior

#	Criteria	Judicial	Administrative	Assessment
	expand and sustainability	lacks resources on the pilot phase to support current activities. Expanded programme unlikely. Positions must be filled from a restricted class of people [clerks of the court etc]	use of contract staff Contract staff need no special skills but extensive training is required	because contract staff can be used for all positions. Assumption: Detailed training will be provided to contract staff
7	Control over key functions	Control over decision to issue title is outside OSS. It rests with the Cadastral Officer the Commissioner the judge and OSG Drafting of title outside OSS	Control of each step within OSS Two levels of approval after the SAT	Free patents superior because more steps are controlled by OSS
8	Quality of output	The certificate of titles is issued without restrictions on transactions	5-year restriction on sale	Judicial titling product superior
9	Land covered	Covers all land	Covers only residential land	Judicial superior but amendment expected to improve patents
10	Decentralisation	Centralised processing by OSG and LRA	Fully decentralised	Free patents
11	Transparency	Not yet evaluated		
12	Community response	Not yet evaluated		

Recommended Land Titling Method for Phase II

The recommended land titling option for Phase II is as follows:

Table: Land titling structure to initiate LAMP II

Land Type	Titling method	Assumption
Agricultural land	Free Patent	No amendment to law
Barangays containing substantial areas of residential, commercial, government and church land	Judicial titling	

For the longer term, the following model is suggested:

Table: Longer-term proposed titling model

Land Type	Titling method	Assumption
All land	Free patents as amended	Law extending free patents to all land is enacted

6.2 Summary of principle lessons

The following lessons were highlighted during Activity 25:

PMO-IDENTIFIED ISSUES	TECHNICAL, PROCEDURAL AND OPERATIONAL LESSONS	RECOMMENDATIONS
I. Land Titling framework		
Existing legal framework does not give a "complete suitable best practice" on land titling methodologies (1, 3, 4)	There are two different approaches to land titling and neither, in its present form, is a complete solution to the need for a process capable of widespread implementation in Phase II	Amend legislative framework as described below.
There are fundamental difficulties in the legal framework that will impact on a mass land titling programme.	<p>Proving ownership of land is difficult because of the length of occupation that must be proved:</p> <ul style="list-style-type: none"> • Judicial - 55 years • Free patents - 42 years <p>The land titling methods are linked to land use for historical reasons and this limits their effectiveness as a tool for mass titling. Only judicial titling applies to all land uses.</p> <p>Neither judicial titling nor free patent titling can be used for land that has been classified as A & D for less than 30 years.</p> <p>Pending applications dating back over 20 years can have a negative impact on the attitudes of the community to LAMP.</p> <p>Government acquisitions of land for irrigation purposes are not well documented and procedures need to be improved. Compensation issues arise.</p> <p>Cadastral fees vary according to area etc. Variable fees create uncertainty for LAMP participants.</p> <p>The requirement to have documents sworn before a Notary adds a significant cost to the claimant.</p> <p>Some agencies are uncertain whether back taxes must be paid before the title issues.</p>	<p>The legal framework should be simplified - see short-term and long-term recommendations below.</p> <p>Occupation for 10 years is sufficient</p> <p>One land titling method should apply to all land use types.</p> <p>When the occupation period is reduced to 10 years this period should also be reduced.</p> <p>Complete the processing of pending applications.</p> <p>Assist NIA to set up correct acquisition procedures.</p> <p>Flat fee to be adopted in Phase II.</p> <p>Simplify the attestation processes by broadening the class of person who can witness documents DAO required to confirm the payment of taxes is not a prerequisite to registration of the land title</p>

PMO-IDENTIFIED ISSUES	TECHNICAL, PROCEDURAL AND OPERATIONAL LESSONS	RECOMMENDATIONS
	<p>In the first two years of LAMP, free patents were not available as the law had expired and had not been renewed. The prototype was forced to test non-current procedures that have not been used for 40 years [Homestead Patent] or piloted for 20 years [cadastral proceedings]. The first Free Patent pilot commenced in early 2003.</p>	
<p>Judicial titling is not an effective base for mass titling program (1, 3, 4)</p>	<p><i>Cadastral proceedings [mass judicial titling]</i> in their present form are not a sound foundation for Phase II -</p> <p>While the process will result in the issue of an unrestricted title, the process is not ideal for a mass land titling programme. Factors include:</p> <ul style="list-style-type: none"> • <i>Organisational interdependencies</i> - the procedure depends on the cooperation of a number of government agencies, contributing to delays. Many organisations are involved in the process and the links between those organisations cannot be controlled by PIO 1 [Delay by Sol Gen in approving draft Petition up to 3 months; delays in receipt of notice of hearing by LRA because of reliance on registered post - up to one month; delays by LRA in arranging gazettal have resulted in delays by up to three additional months, with the initial hearing occurring 6 months after filing the Petition; court lists; part-time nature of Cadastral Officers.] • <i>the process is overly technical</i>, depends on the preparation of legal documentation and requires various reviews by lawyers. • <i>Legal oversight results in an overly cautious approach</i> - for example, Cadastral Officers take a cautious and over-strict approach because they fear penalties. • <i>the period of proof required to support a claim</i> is 57 years, an onerous obligation on the claimant. Proof back to 1945 is difficult [note legal advice is being sought on the impact of the free patent laws and possible shortening of period] • <i>Detailed technical process</i> - Judicial Titling requires more documentation than free patent titling. Base 	<p>Simplify the procedures by amending the law.</p> <p>Reduce occupation period to 10 years.</p>

PMO-IDENTIFIED ISSUES	TECHNICAL, PROCEDURAL AND OPERATIONAL LESSONS	RECOMMENDATIONS
	<p>camps have to produce three outcome reports not just one. Processing must also include all registered lots in the barangay</p> <ul style="list-style-type: none"> • <i>Legal approach to the correctness of a title is too cautious</i> for a mass titling programme where a more project-management approach of risk management is required • <i>The notice required - 3 months - is too long</i> c.f. Free Patent, 30 days) the period of notice is overly long, given the extensive public awareness programme associated with mass cadastral proceedings. • <i>Reliance on publication in the Gazette slows the process.</i> • <i>Lack of clear procedure</i> results in multiple opinions as to procedures; • <i>Lack of a lawyer in PIO 1 to clarify technical/ legal details</i> - inability of base camp to argue with Cadastral Officer without support of PIO 1 lawyer • P100,000 limit on the jurisdiction of the municipal trial court - if the land value exceeds that amount the matter must be referred to the regional trial court • The informal hearing could be simplified to eliminate verbal evidence where the title is uncontested and claim is fully documented 	<p>Reduce the notice period.</p> <p>Remove the gazettal requirement. Use publication in newspapers, as per Free Patent titling</p> <p>Finalise the recruitment of the PIO 1 lawyer.</p> <p>Issue Rules of Court allowing reliance on affidavits instead of verbal evidence</p>
	<p>Some of the delays occurring in the judicial titling process result from the first-time testing of judicial titling [procuring surveyors; canceling survey contract; finding PIO 1 lawyer; developing a methodology; finding cadastral officers; changing forms and supporting documents part-way thru;] The uncertain processes for all concerned, including adjudicators and Cadastral Officers, will be eliminated in future pilots. Adjudicators are increasingly confident as issues with Cadastral Officers are resolved. This will support higher productivity in future pilots.</p> <p>Quality control in initial judicial pilots has rested on the Cadastral Officer. This must shift to the deputy team leader in future pilots to ensure that documents are</p>	<p>The Phase II design should include deputy team leaders responsible for the management of quality.</p>

PMO-IDENTIFIED ISSUES	TECHNICAL, PROCEDURAL AND OPERATIONAL LESSONS	RECOMMENDATIONS
	prepared correctly the first time and to eliminate delays.	
	Intervention suggested by the Solicitor General will slow processes	Clarify that the Solicitor General should not lodge appeals against decisions of the municipal trial court in judicial proceedings; Clarify that the Solicitor General's Office should not require the project to submit all Answers to it for review;
Free Patent is more suitable for mass titling programs (1, 3)	<p>Free patents offer advantages over Judicial Titling as the process is more flexible and faster:</p> <ul style="list-style-type: none"> • Notice is only 30 days plus 15 days • Only one report must be prepared by the adjudication process - c.f. the Answer, the Cadastral Officer report and Commissioner's Report for Judicial Titling. • It is not necessary to process registered lots, government lots, church lots • No court hearing process is required • Only one agency is involved 	
	<p>The Free Patent process has weaknesses:</p> <ul style="list-style-type: none"> • It only applies to agricultural land. • It results in a title with a five-year restriction on transfers and mortgages. • The lack of capacity to use contract staff may limit the ability to use this option in mass titling. CENRO may not allow key steps [the ocular inspection by the deputy public land inspector; the processing of evidence in CENRO] to be undertaken by contract staff unless an administrative order gives the power. CENRO staffing levels are designed for sporadic needs not for the needs of LAMP. • The need to try to follow existing CENRO processes [for numbering applications, for advertising applications] removes potential streamlining at the base camp level. • Uncertain if it applies to tenanted land. • Multiple approval levels are inefficient and slow the process [CENRO, PENRO, Land Management Division, RED, Secretary]. 	<p>See legislative and administrative action recommended below.</p> <p>Remove this requirement by legislation</p> <p>DAO to give flexibility to CENRO, to hire and use contract staff</p> <p>Regulation for systematic titling by free patents will simplify processes</p> <p>Clarify by legislation Clarify by DAO that only the PENRO or PIO 1 signature is required</p>

PMO-IDENTIFIED ISSUES	TECHNICAL, PROCEDURAL AND OPERATIONAL LESSONS	RECOMMENDATIONS
	<ul style="list-style-type: none"> • Free Patents do not apply to government land, nor to residential commercial land etc. • There is still confusion as to whether tax must be paid by the claimant before the title issues. A circular issued by DENR in March 2003 requires tax to be paid • Corporations can't apply for a patent • Although the law permits free patents to issue up to 12 hectares, DENR's circular in March 2003 limits titles to 5 hectares 	Extend by legislation
	The free patent framework has the potential to overcome many of the inefficiencies evidenced in judicial titling and can be modified more easily, by administrative order.	Future land titling activity should focus on administrative titling rather than judicial titling methods. An effective strategy would be to (i) systematically title agricultural land by free patents; (ii) for claimants unable to provide sufficient evidence to support a free patent application, proceed with either (i) the issue of a provisional title to such claimants OR (ii) the issue of a homestead patent. Provide for H.P.s to be automatically converted to free patents after 10 years.
	<p>Homestead Patents - Not a sound platform for a mass land titling programme because:</p> <ul style="list-style-type: none"> • Only one Homestead Patent per person • 12-month cultivation period must be established after patent approval before the patent can be issues • Ignores accrued rights, which are in effect surrendered • Results in a title which includes a five-year restriction on transfers and mortgages • Transfers require approval of DENR for 25 years so in effect the title is not absolute for 25 years • Only one person can apply. A joint application cannot be made by the husband and wife • It only applies to agricultural land actually under cultivation • More suited to land newly released for occupation 	In relation to Homestead Patents, (i) remove any ambiguity that multiple claimants can apply for a homestead patent [such as a husband and wife, or multiple heirs of a deceased cultivator]; (ii) authorizing the 12-month delay in the issue of a patent to be dispensed with where the cultivation requirement [that 40% of the land be under cultivation within one year of the approval of the patent] is already satisfied at the time of the application (iii) delegating the Secretary's power to approve sales of homestead patents in 25 years following the issue of the patent to the CENRO level, and prescribing the circumstances where the approval will issue automatically. For example, the approval will issue within 14 days of the application upon payment of an application fee of P50 where the applicant declares that the land is surplus to requirements or the cultivator is no longer able to cultivate the land.
	Initial outcomes are that the homestead patent process was less attractive to the community than the alternative	

PMO-IDENTIFIED ISSUES	TECHNICAL, PROCEDURAL AND OPERATIONAL LESSONS	RECOMMENDATIONS
	procedure of judicial titling.	
	<p><i>Sales Patents</i> - Not considered a sound base for a mass land titling programme because:</p> <ul style="list-style-type: none"> • Treats land as public land and ignores accrued rights. An application is in effect a surrender of accrued rights • Only one sales patent per applicant • The land must be purchased again by public auction even if owned for generations • The owner may not be the highest bidder for the land • All back-taxes must be paid before the application can be processed. 	

7. Impact on Activity 34

7.1 Activities to Complete

Completed work

Completed pilots include the production of CIM by manual processes, survey control, an evaluation of GPS for boundary surveying [Activity 21], community mobilisation by top-down processes, and CRS by an LGU, Homestead Patents, and free patents. Evaluation reports are being prepared by PIO 1 and will be available in final form by 7 July 2003.

Incomplete work

The following activities remain incomplete:

- Wrap up judicial titling pilots - develop a strategy for ending the pilots, either by completing them, terminating them or converting to free patent processes
- Some pilots remain uncompleted and these will be completed - orthophotos, CIM method, CO. This will assist in defining the CIM and survey and CRS methods
- Implement the new structure identified by PIO 1 as a result of budget cuts
- Comprehensive training programme to be developed and liaison with academic institutions for the delivery of the land law component to be implemented
- Test the free patent processes under the new law expected to be passed late 2003
- Develop an IRR to reflect the revised and streamlined processes
- Field test the revised Free Patent titling process
- Develop training for field managers to give leadership, management coordination skills
- Continue the title issue process
- Review issues associated with an expanded land titling programme where the land titling process must be located in a new location and expanded

The impact on the next six months can be illustrated in the following Table. It reflects incomplete work from Activity 25 as well as plans for Activity 34:

Activity No.	Pilot/ Process	Location	Activity during 34
25 Jan Jun 2003	<i>Free patents for unsurveyed land</i>	Caninoan, Cabauhan, Dumarag, Capilla	PIO 1 to set as a priority to test the simultaneous conduct of adjudication and survey
	<i>CIM by orthophoto</i>		Continue implementation and evaluate
	<i>Evaluate potential of orthophoto for Survey and Title Issue</i>	Alang Alang - 1 baragay	Design, initiate pilot and evaluation Identify laws, regs that hinder flexible approach to lot definition
	<i>CIM by satellite imagery</i>		Initiate pilot and evaluation
	<i>Comparing ground survey with satellite imagery</i>		Initiate pilot and evaluation
	<i>CO - CD managed by PIO 1</i>	Caninoan	Conclude existing fieldwork and evaluate
	<i>CO - managed by NGO</i>	Cabauhan, Dumarag	Conclude existing fieldwork and evaluate
	<i>CO - managed by LGU</i>	Capilla	Conclude existing fieldwork and evaluate
34 Jul Dec 2003	<i>Test new structure of SAT to be implemented on 1 July 2003 - SAT to incorporate CRS function</i>	Dagami	Design pilot; conduct training; Implement; evaluate
	<i>Terminate all judicial titling activities</i>	Pastrana, Palo, Dagami	Exit strategy to be developed and implemented

Activity No.	Pilot/ Process	Location	Activity during 34
	<p>FREE PATENT REFINEMENT</p> <p>Continue to issue titles by free patent</p> <p>Test patents under the amended law</p> <p>Implementing regulation for systematic registration processes.</p> <p>Strategy for expansion in Phase II</p>	Dagami 10 barangays	<p>Complete existing pilots, complete an additional 10 barangays using procedures under the existing law and any amendments to the law</p> <p>Draft an implementing regulation for systematic processes.</p>
	<p>Free Patent training</p>		<p>Set up a training base to give on-the-job training in support of the expansion programme.</p> <p>Design comprehensive training programme</p> <p>Negotiate land law component with local academic institution.</p>

7.2 Workplan for adviser and counterpart during Activity 34

In Activity 25, the emphasis has been on testing, evaluating, comparing. In Activity 34 this will continue as some outputs have not yet been completed. However, objectives will include:

Objective	Detail
Improved productivity	Lift from 0.2 parcels per day to 2 parcels per day
Reduce cost	Reduce from \$300 US per day to \$US 60 per day
Regular documentation of learning process at base camp level	Base camp to recommend as part of monthly report a simpler process for each key step
Improved interview process	50% of the number of applications are fully completed in the field at the first meeting. All documents signed. Lacking
Improved lacking document process	All applications that cannot be completed in the field will receive the first notice of lacking documents at the time of interview

The Adviser and counterpart will undertake the following activities:

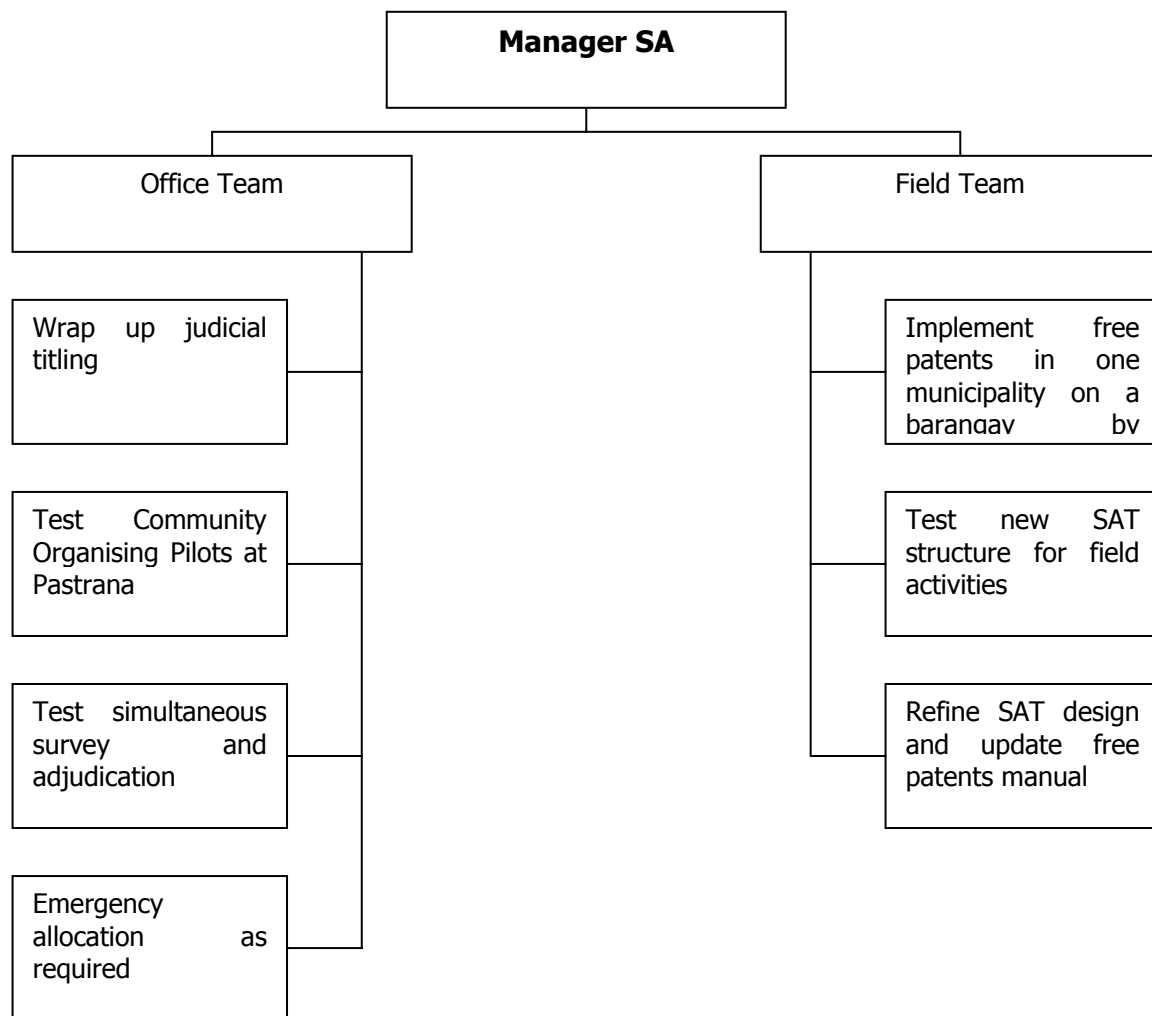
#	Person	Activity
1	Adviser - 12 weeks of inputs	<ul style="list-style-type: none"> Assisting the counterpart to design and implement the pilot activities - merged survey and adjudication; new SAT structure and functions Assist the counterpart in the design of training for the new pilots Assisting the prototype to conduct an evaluation of the pilots so that lessons can be collated In the light of continued field activities, assist PIO 1 to review its evaluation reports to PMO Using inputs from the new pilots, assist PIO 1 to complete its recommended streamlined land titling methodology for Phase II Assist PIO 1 to develop a strategy for effectively utilizing any extension of LAMP 1 Assist PIO 1 to develop a strategy to gear up towards the start of Phase II.

#	Person	Activity
2	<i>Counterpart</i> - full-time involvement	<p>The counterpart will continue her major role in the management of field, office and evaluation processes. This will include implementing the new management structure approved by PMO and will include:</p> <ol style="list-style-type: none"> 1. Effectively manage the ongoing pilot activities, to ensure they are completed on time 2. To document a comprehensive training programme for all field staff and to compile material from the pilots that may be used as training resources. This will include <ul style="list-style-type: none"> • Resource requirements • Relevant experience • Job Descriptions • Training modules 3. Plan and implement the process of evaluation of the lessons 4. Updating PIO 1 reports and lessons 5. Updating the report in the streamlined methodology for Phase II. 6. Maintain up-to-date manuals of practice 7. Implement an ongoing staff appraisal methodology 8. Identify and report on specific ways to improve the outputs/ productivity of adjudicators and reduce costs 9. Ensure the objectives of the CO pilots and the testing of simultaneous adjudication and survey are met 10. Reduce cost to \$US per patent 11. Raise productivity to 2 parcels per adjudicator titled per day 12. Streamline the interview process 13. Implement the new SAT structure and evaluate 14. Evaluate the combined adjudication and survey 15. Evaluate the CO process and impact

7.3 Implement new SAT structure

It should be noted that the prototype has suffered a significant cutback in terms of staff numbers and field activities. The SAT staff have been reduced from 38 to 17 positions. This will restrict the capacity of the prototype to resource major unplanned activities.

The following structure has been established by PIO 1:



SAT functions in Activity 34

Office-based Team

- Must no be capable of operating in a judicial titling and free patent environment, operating in an environment of no CRS Assistant
- Must accommodate the new CO process
- Test the more demanding process of merged adjudication and survey

Field-based Team

- Test SAT responsibility for managing the Local CRS resources - community mobilisation, community entry, engagement of local CRS, recruitment of barangay representatives, training of local CRS and barangay representatives, validation of list of claimants, notices of interview and notices to produce lacking documents, conducting barangay assemblies
- Identify ways to improve adjudicator productivity from 0.2 parcels per day to 3 parcels per day
- Identify ways to cut the cost of field activities

7.4 Activity 34 Training programme

The short-term needs of the training programme for systematic registration, as identified in an earlier report, are to:

- Finalise competencies and performance standards
- Develop one comprehensive training programme that combines theory and field practice
- Package all existing training material to support the comprehensive programme and identify other material required
- Identify specialists who can become trainers and provide them with training in the delivery of training
- Establish appropriate base camps as training grounds
- Establish relationships with external trainers

Discussions have started with a university for the presentation of various modules. The modules can be attended as appropriate by:

- SAT Leaders
- Adjudicators
- Survey verifiers
- Base camp clerical staff
- Office-based support staff
- CRS staff
- M&E support staff including CBME staff
- One Stop Shop enquiry staff
- Survey contractors

The initial plan of the first live-in training course, which may be conducted in July 2003, contains the following modules:

Session Plans - comprehensive Training Programme for LAMP field staff - July 2003

Day & Time	Module	Res. Person	Objectives	Teaching style, materials	LAMP staff	Competencies
	Registration and Opening Program	Prof. Mila Bales				
	Lecture: Introduction to Law <ul style="list-style-type: none"> • Hierarchy of laws, implementing regulations administrative orders, circulars and guidelines • Procedures in law making and repealing laws • Structure of government administration • Relevant provisions of the constitution • The role of the courts 	Atty. Imelda Nartea			SATL ADJ	
	Lecture: Land Laws <ul style="list-style-type: none"> • Public Lands Act • Cadastral Act • Land Registration Act • Other relevant laws 	Atty.			SATL ADJ	
	Lecture: Agrarian Reform Laws <ul style="list-style-type: none"> • Objectives • Relevant provisions 	Atty.			SATL ADJ	
	Lecture: The Civil Code: <ul style="list-style-type: none"> • Family, marriage • Death and inheritance • Possession • Prescription • Limits on ownership • Who can own land in the Philippines 	Atty. Gloriosa C. Guinocor			SATL ADJ	
	Lecture: Land Use <ul style="list-style-type: none"> • Alienable and disposable and forest land Land use zones	Engr.			SATL ADJ	
	Lecture: Land Maps and Survey Processes <ul style="list-style-type: none"> • Land defined • Survey control 	Engr.			SATL ADJ	

Day & Time	Module	Res. Person	Objectives	Teaching style, materials	LAMP staff	Competencies
	<ul style="list-style-type: none"> Types of survey used in the Philippines Technology and equipment available Types of maps to be encountered in the project 					
	Lecture: Land Titling and Registration <ul style="list-style-type: none"> Relevant provisions of laws Types of land titling Agencies administering land titling Comparison of Torrens land and untitled land Value of a title Benefits of registered land title Rights of registered owner 	Atty. Dingcong			SATL ADJ	
	Activity/Topic	Res. Person				
	Lecture: Registration of Land Transactions <ul style="list-style-type: none"> Types of transactions registered Role of the Register of Deeds Effects of registration and non-registration 	Atty. Dingcong			SATL ADJ	
	Lecture: The Project <ul style="list-style-type: none"> Structure (Agencies involved, assisting, financing the project) Objectives Prototypes Clients and stakeholders Logframe, Related government initiatives (e.g., CARP) MOA 	Engr. Unay			SATL ADJ	
	Lecture: The Prototype <ul style="list-style-type: none"> Structure Objectives Management Quality control 	Mr. Brian Garcia			SATL ADJ	

Day & Time	Module	Res. Person	Objectives	Teaching style, materials	LAMP staff	Competencies
	<ul style="list-style-type: none"> Logframe Deliverables Profile of the Prototype Communities <ul style="list-style-type: none"> Social and economic profile Access to government resources and services NGOs Livelihood support programs Social impact studies 					
	Lecture: Land Titling Program <ul style="list-style-type: none"> Sporadic adjudication Systematic adjudication: <ul style="list-style-type: none"> Blanket approach No dispute Community involvement and confirmation Confirmation by adjoining owners Public advertisement Opportunity to object Lecture: Systematic Registration <ul style="list-style-type: none"> Roles Aims Partnership with barangay Titling methods 	LAMP staff			SATL ADJ	
	Development of management capacity					
	Lecture: Free Patent Titling The Free patent Law: <ul style="list-style-type: none"> Basis of claim Who can claim What must be proved Length of occupation Evidences to support claim Taking possession Owners vs. tenants: relative rights 	LAMP staff			SATL ADJ	

Day & Time	Module	Res. Person	Objectives	Teaching style, materials	LAMP staff	Competencies
	Activity/Topic	Res. Person				
	The Free Patent titling procedure: <ul style="list-style-type: none"> • Manual • Basis of claim • Agencies and roles • Steps: <ul style="list-style-type: none"> ○ Pre-interview process and research ○ Interview ○ Ocular inspection • Evidences to support claim • Processing by CENRO • Flowcharts • Sample documentation • Objecting to applications 	LAMP staff			SATL ADJ	
	Lecture: Judicial Titling <ul style="list-style-type: none"> • Manual • Process • Basis of claim • Sample documentation 	LAMP staff			SATL ADJ	
	Lecture: The Base Camp <ul style="list-style-type: none"> • Structure • Operations • Reporting processes and forms • M & E 	LAMP staff			SATL ADJ	
	Lecture: Community Mobilization <ul style="list-style-type: none"> • Roles and functions of CRS • CO methodology • Information materials 	LAMP staff			SATL ADJ	
	Lecture:	Prof. Efren B. Saz			SATL ADJ	

Day & Time	Module	Res. Person	Objectives	Teaching style, materials	LAMP staff	Competencies
	Lecture: CIM <ul style="list-style-type: none"> • Products • Using the CIM sheet • Using the data base • Processes for updating records • Accessing and using the database • New procedures for updating CIM sheets and database 	LAMP staff		Samples of all products maps database Hands-on use of computer software	SATL ADJ	
	Lecture: Fees and Processes	LAMP staff			SATL ADJ	
	Lecture/Workshop: Legal Drafting <ul style="list-style-type: none"> • Deeds - legal requirements • Affidavits • Requirements • Witnessing procedures • Documentary stamp • Registration requirements • Actual drafting of sample Deed of Sale, Affidavit by Disinterested person, Special Power of Attorney, Extra judicial partition, self partition 	Atty. Gloriosa C. Guinocor		Lecture Actual drafting of documents	SATL ADJ	
	Lecture: Government Service <ul style="list-style-type: none"> • Morals • Responsibilities under the law • Personal standards • Transparency 	Atty. Ireneo Morales, CSC			SATL ADJ	
	Lecture : Gender Requirements of the law Application to field work How to operationalise the requirements	Dr. Marieta Sumagaysay Dr. I. Nical			SATL ADJ	
	Lecture: Human Resource Issues <ul style="list-style-type: none"> • Personnel organization and management 	Dr. Lourdes B. Cano			SATL ADJ	

Day & Time	Module	Res. Person	Objectives	Teaching style, materials	LAMP staff	Competencies
	<ul style="list-style-type: none"> Dispute resolution, negotiation Goal setting Contracts Performance evaluation 					
	<p>Lectures: Communication and Writing</p> <ul style="list-style-type: none"> Communication, interview process skills Report writing 	<p>Mr. Nits (SPBS)</p> <p>Dr. M. Espina</p>			SATL ADJ	
	Closing Program and Departure	Dr. M. Bales			SATL ADJ	

Abbreviations

AO	Administrative Order
APD	Australian Project Director
AusAID	Australian Agency for International Development
BBM	Barangay Boundary Monument
BLLM	Bureau of Lands Location Monument
CBME	Community-based Monitoring and Evaluation
CGSD	Coast & Geodetic Survey Department (NAMRIA)
CIM	Cadastral Index Mapping
CO	Community Organising
CRS	Community Relations and Services
DENR	Department of Environment and Natural Resources
EDME	Electromagnetic Distance Measuring Equipment
FNSP	Field Network Survey Party (DENR)
GE	Geodetic Engineer
GEP	Geodetic Engineers of the Philippines
GPS	Global Positioning System
LAG	Local Advisory Group
LAM	Land Administration and Management
LAMP	Land Administration and Management Project
LMB	Lands Management Bureau (DENR)
LEI	Land Equity International Pty Ltd
LGU	Local Government Unit
LRA	Land Registration Authority
MBM	Municipal Boundary Monument
NAMRIA	National Mapping and Resource Information Authority
NCR	National Capital Region
NRMDP	Natural Resources Management and Development Project
PIO	Project Implementation Office
PIO 1	Project Implementation Office based in Leyte
PMO	Project Management Office
PRS-92	Philippines Reference System 1992
PTM	Philippines Transverse Mercator (projection)
QC	Quezon City
ROD	Registry of Deeds
SAT	Systematic Adjudication Team
SNS	Survey Notification Sheet
TA	Technical Assistance
TOR	Terms of Reference
WB	World Bank