



Community-driven land tenure strategies: the experiences of the Homeless People's Federation of the Philippines

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ABSTRACT This paper describes and discusses community-driven land tenure initiatives to address the issue of access to land in urban areas in the Philippines. This includes countering actual and threatened displacements from market-driven land, housing and urban development policies, mega-infrastructure development and disasters. The paper begins with a review of the relevant Philippines land and housing policies and their implications. It then describes the experience of the Homeless People's Federation of the Philippines with three different land acquisition strategies (direct negotiated purchase, the Community Mortgage Programme, and usufruct schemes) in responding to the need for land and housing and to threats of, or actual, displacements. This includes case studies of community-led land acquisition initiatives by federation homeowners associations in Montalban, Iloilo and Albay (direct purchase), Quezon City (Community Mortgage Programme) and Quezon City and Muntinlupa (usufruct). It then considers what has been learned from these initiatives and what they imply for enabling mechanisms and policies to benefit self-help, low-income communities in their land tenure improvement initiatives. This includes a discussion of the potential advantages of usufruct in securing tenure more easily than with conventional land titling programmes.

KEYWORDS Community Mortgage Programme / community-led land acquisition strategies / negotiated direct purchase / usufructs

I. INTRODUCTION

Hundreds of thousands of urban poor households in the Philippines live on land that does not belong to them and they suffer the constant threat of being displaced. In addition, many live in informal settlements on dangerous sites – for instance on dump sites, along railroad tracks, under bridges and on riverbanks, shorelines, low-lying areas and critical slopes.

“The lack of affordable land and housing options for the poor in most Philippine cities means that between one-third and one-half of the urban population is forced to live in informal settlements, in conditions that are illegal, insecure and environmentally degraded, without access to toilets, water supply or electricity and in ever-present danger of eviction. Without secure land, housing and serviced neighbourhoods, more and more of the poor's scanty resources simply go on surviving. People are placed in a cycle of squatting and eviction, which further impoverishes the poor and prevents them from developing themselves.”⁽¹⁾

However, solutions are being created by dynamic low-income communities that are part of the Homeless People's Federation of the Philippines who, through self-help initiatives such as savings and allied strategies, build their own homes, buy land, improve their livelihoods and negotiate for their place in the cities. The core of this paper concerns the ways in which they have done so. It draws on the authors' work with the federation and on interviews with federation members.⁽²⁾

II. BACKGROUND

The Philippines, with its 7,107 islands and limited land area of 300,000 square kilometres, is experiencing rapid urbanization.⁽³⁾ The rapidly increasing urban poor population is at risk of displacement by large infrastructure initiatives and problematic land use, administration and management policies.⁽⁴⁾ In addition, the country is impacted by earthquakes, volcanic eruptions, regular typhoons and storm surges.⁽⁵⁾ These affect mostly the poorer communities (who tend to be located in high risk or environmentally insecure areas) and the built environment in the form of disasters such as landslides, floods and flash floods. There is also a lack of proactive measures and institutional arrangements to reduce disaster risk, particularly in the provision of suitable land and housing for relocating those on sites at risk, or resettlement efforts after disasters.⁽⁶⁾

The Philippines has urbanized rapidly; current estimates suggest that 60 per cent of the population will be living in urban areas by 2010⁽⁷⁾ compared to 30 per cent in 1960. The population living in slums has grown far more rapidly than the urban population.⁽⁸⁾ The Presidential Commission for the Urban Poor estimated that by 2004/05, there were 2 million urban poor households. This is likely to understate the scale of urban poverty, as a larger number of urban households lack a living wage of P16,073 a month (for decent food, housing, clothing, education and transportation costs for a family of six). Further compounding the problem is the fact that urban land values have grown far more rapidly than urban incomes.

The Medium-Term Philippine Development Plan suggests that 3.75 million housing units are needed between 2005 and 2010, but the target for housing production in these years is for only 1.15 million units.⁽⁹⁾ To make matters worse, displacements of the urban and peri-urban poor are on the rise – as a result of infrastructure projects, market development policies, court evictions and disasters. Data from the Presidential Commission for the Urban Poor show that since 2005, a total of 261 applications for certificates of compliance have been received and 98 have been issued, affecting 6,304 families (excluding the North and South Rail development). There are also 277 cases of court-ordered demolitions. During the period 2005–2010, government shall relocate some 108,358 families affected by the North and South Rail development (80,779 households), the Pasig River rehabilitation (6,802 households) and the canal cleaning programme (21,047 households). These displacements are casualties in the development bid to “decongest” Metro Manila and establish an urban industrial beltway.⁽¹⁰⁾ In addition, tens of thousands of families have been displaced or affected by disasters, including the Payatas trash slide, the Guinsaugon landslide, the Bikol mudflow, floods (typhoon Frank flooded the whole of Iloilo and Panay Island) and the latest landslide in Masara Village.⁽¹¹⁾

resource NGO working with marginalized sectors through the creative use of the law. He also worked as a consultant to the Philippine government's Presidential Commission for the Urban Poor from 2001 to 2003.

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The following leaders from the Homeless People's Federation of the Philippines were interviewed for this paper: Sonia Cardinogara, Kabalaka Homeowners Association, Iloilo City; Rosa Espinosa, Samahan ng mga Nagkakaisang Relokatis ng Bagong Silangan Neighbourhood Association, Quezon City; Mary Bernadette Jocsing, Kabalaka Homeowners Association, Iloilo City; Charito Roquero, Kapatiran Sama-sama sa Miraculous Medal, Muntinlupa, Metro Manila; Elisa Silay, Samahan ng mga Nagkakaisang Relokatis ng Bagong Silangan Neighbourhood Association, Quezon City; Rosella Tresvalles, Payatas Scavengers Homeowners Association, Inc., San Isidro, Montalban, Rizal; Leonor Vallez, Golden Showers Homeowners Phase 2, Quezon City; and Rollie Villanueva, HPFPI Bicol.

1. Vincentian Missionaries Social Development Foundation Incorporated (VMSDFI) (2001), “Meet the Philippines Homeless People's Federation”, *Environment and Urbanization* Vol 13, No 2, October, pages 73–74.

2. Sonia Cardinogara, Kabalaka Homeowners Association; Rosa Espinosa, Samahan ng mga Nagkakaisang Relokatis ng Bagong Silangan Neighbourhood Association; Mary Bernadette Jocsing, Kabalaka Homeowners Association; Charito Roquero,

Kapatiran Sama-sama sa Miraculous Medal; Elisa Silay, Samahan ng mga Nagkakaisang Relokatis ng Bagong Silangan Neighbourhood Association; Rosella Tresvalles, Payatas Scavengers Homeowners Association, Inc.; Leonor Valleja, Golden Showers Homeowners Phase 2; and Rollie Villanueva, HPFPI Bicol.

3. National Economic and Development Authority (NEDA) (2004a), *Medium-Term Philippine Development Plan (MTPDP) 2005–2010; Chapter 4: Housing Construction*, NEDA, Pasig City.

4. Llanto, G M and M Ballesteros (2003), "Land issues in poverty reduction strategies and the development agenda: the Philippines", Discussion Paper DP 2003–03, Philippine Institute of Development Studies (PIDS), Makati City.

5. Duque, Priscilla P (2005), "Disaster management and critical issues on disaster risk reduction in the Philippines", NDCC–OCD, presented at the International Workshop on Emergency Response and Rescue, 31 October–1 November, Quezon City.

6. Co, Jason Christopher Rayos (2009), "Community-driven disaster intervention: experiences of the Homeless People's Federation of the Philippines", HPFP, PACSII and IIED, Manila and London, 70 pages.

7. The World Bank (no date), *Issues and Dynamics: Urban Systems in Developing East Asia*, East Asia Infrastructure Department, World Bank, Washington DC.

8. Karaos, Anna Marie A (2003), "Urban governance and poverty alleviation in the Philippines", Paper presented at the National Conference on Urban Governance, Ciudad Christia, San Mateo, Rizal, Philippines, May.

9. See reference 3.

10. See reference 3; also National Economic and Development Authority (NEDA) (2004b), *Metro Luzon Development Agenda 2005–2010*, NEDA, Pasig City.

III. GOVERNMENT LAND POLICIES

a. Inherent state power over land

Land policies in the Philippines are based on regalian doctrine,⁽¹²⁾ which was introduced by the Spanish colonizers. Such doctrine is enshrined in the 1987 Constitution, which provides:

"All lands of the public domain, waters, minerals, coal, petroleum and other mineral oils, all forces of potential energy, fisheries, forests or timber, wildlife, flora and fauna and other natural resources are **owned by the state**. With the exception of agricultural lands, all other natural resources shall not be alienated. The exploration, development and utilization of natural resources shall be under the full control and supervision of the state..." (authors' emphasis)

As the owner of lands, the Philippine state can therefore, administer, regulate and classify the same, in addition to the inherent ownership rights to use, possess, dispose, abuse, recover and have beneficial use of the fruits. From the constitutional provision stems the power to classify/categorize lands into protected areas, alienable and disposable⁽¹³⁾ lands and privately owned lands. Of the total Philippine land area of 30 million hectares, 15.9 million hectares are forest lands or protected areas and 14.1 million hectares are alienable and disposable lands, 64.8 per cent of which are titled and privately owned.⁽¹⁴⁾ Unfortunately, the poor, who are strongly dependent on access to land or space for their livelihoods and welfare, have limited access.⁽¹⁵⁾

Access to land by the poor is affected by the land market. Problems of boundary disputes, illegal occupation of state and forest lands, fake titles, inappropriate land valuations and lack of commitment to environmental sustainability constrain the efficiency of land markets. These problems arise from:

- unclear and inconsistent land policies;
- inefficient land administration infrastructure;
- a highly politicized land tax system;
- an inefficient agrarian reform programme;
- an inefficient housing development programme;⁽¹⁶⁾ and
- problematic land use planning.⁽¹⁷⁾

b. Principles underlying land policy, land codes, laws and regulations

The 1987 Constitution provides the following principles⁽¹⁸⁾ relating to property/land, which form the basis of Philippine land policy:

- protection of property;
- promotion of social justice and human rights;
- promotion of rural development and agrarian reform;
- promotion of the rights of indigenous communities;
- promotion of a self-reliant and independent national economy; and
- protection of the right of the people to a balanced and healthful ecology.

On the social aspects of property and land, two sections of the Constitution are relevant:

“The Congress shall give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good.

To this end, the State shall regulate the acquisition, ownership, use and disposition of property and its increments.” (Section 1, Article XIII on Social Justice and Human Rights)

and:

“The use of property bears a social function, and all economic agents shall contribute to the common good. Individuals and private groups, including corporations, cooperatives and similar collective organizations, shall have the right to own, establish and operate economic enterprises, subject to the duty of the State to promote distributive justice and to intervene when the common good so demands.” (Section 6, Article XII, on National Economy and Patrimony)

These sections unequivocally state that property (i.e. land) is imbued with a social dimension and the state reserves the right to regulate its ownership, use and administration in the interests of equitable distribution of wealth. From this social justice policy emerge the codes, numerous laws and regulations that pertain to land, classified as follows:

- land classification, surveying and disposition;
- land use, planning and management;
- access to land tenure;
- land titling; and
- land taxation, fees and charges.⁽¹⁹⁾

At least five codes and 11 laws directly affect the utilization and regulation of Philippine land.⁽²⁰⁾ All of the laws are still effective and are enforced by various government agencies. Most of these laws are products of the 1987 Philippine Constitution and include provisions on national patrimony coupled with social justice.

The laws that affect access to land can be categorized into four groups. The first group includes laws that operationalize the social justice provisions of the Constitution and these include the Comprehensive Agrarian Reform Law of 1988 and the Urban Development and Housing Act (UDHA) of 1992. The second group comprises laws that advocate ecological conservation and environmental protection. The third group consists of laws that advance the development of the country and include the Local Government Code (LGC) of 1991. The fourth group includes laws with economic goals, such as the Mining Act of 1995, the tourism laws and the economic zone laws.⁽²¹⁾

IV. URBAN LAND REFORM AND HOUSING⁽²²⁾

a. Developments up to 1991

The United Nation’s Millennium Development Goals,⁽²³⁾ which include the target of significant improvement to the lives of at least 100 million slum dwellers by 2020, provide the overall framework for development

11. As illustrated in Co (2009), see reference 6.

12. A principle in law that means that all natural wealth – agricultural, forest or timber, mineral lands in the public domain and all other natural resources – belongs to the state.

13. These are lands in the public domain that are susceptible to being acquired by private interests, based on the Constitution and Commonwealth Act 141.

14. See reference 4.

15. See reference 4.

16. See reference 4.

17. Ernesto Serote states that proper land use planning and implementation involves the confluence of technical and political aspects, underpinned by social philosophy. The reality is that land use planning in cities and municipalities is problematic as they become only technical undertakings, lacking the social character and lacking the political backing needed for its proper implementation. See Serote, Ernesto M (no date), “Land use planning in the Philippines: philosophy, politics and practice”, School of Urban and Regional Planning, University of the Philippines, Quezon City.

18. Under Article II, Declaration of Principles and State Policies Sections 5, 10, 11, 16, 19, 21 and 22, as cited by Garcia, Aison and Marlon Manuel (2007), *The Legal Frameworks of Access to Land and Tenurial Security in the Philippines*, Sentrong Alternatibong Lingap Panligal (SALIGAN), October.

19. National Internal Revenue Code; Local Government Code (RA 7160); Urban Development and Housing Act (RA 7279).

20. A code is more comprehensive than a law. A code is composed of laws that have the same or related subject matter that are compiled as one.

21. See reference 18, Garcia and Manuel (2007).

22. This draws on Co, Jason Christopher Rayos (2006),

Philippine Urban Land Reform and Housing Legislation and the Trends in Urbanization, Urban Poverty and People's Initiatives in Social Housing Production, Philippine Action for Community-led Shelter Initiatives, Inc. (PACSII) and Sentro ng Alternatibong Lingap Panligal (SALIGAN), Quezon City, Philippines. This 2006 paper has much more detailed coverage of this topic.

23. The Millennium Development Goals are a set of eight goals and 18 targets to which most international agencies and national governments have committed themselves. The targets include major reductions in poverty, ill-health and premature death by 2015 and large improvements in provision for schools, health care, water and sanitation; also significant improvements in the lives of at least 100 million "slum" dwellers by 2020.

24. Article 25, Universal Declaration of Human Rights, December 1948, United Nations, New York.

25. Section 2, Article II of the 1987 Constitution, whereby: *"The Philippines...adopts the generally accepted principles of international law as part of the law of the land..."*

26. Section 9, Article XIII of the 1987 Constitution provides: *"The State shall, by law, and for the common good undertake, in cooperation with the private sector, a continuing programme for urban land reform and housing which will make available at affordable cost decent housing and basic services to underprivileged and homeless citizens in urban centres and resettlement areas. It shall also promote adequate employment opportunities to such citizens. In the implementation of such programme, the State shall respect the rights of small property owners."* Likewise, Section 10, Article XIII of the 1987 Constitution also provides: *"Urban or rural poor dwellers shall not be evicted nor their dwellings demolished, except in accordance with law and in a just and humane manner..."*

action. These are underpinned by international human rights that attain normative status in the Universal Declaration of Human Rights, which lays down the core rights/"entitlements" of every person to:

"...a standard of living, adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control."⁽²⁴⁾

Recognition and enforcement of international covenants on human rights necessitate their incorporation in the Philippine Constitution.⁽²⁵⁾ Sections 9 and 10, Article XIII on Social Justice and Human Rights of the 1987 Constitution not only echo the Right to Adequate Housing mentioned above but also that of the corollary Right against Forced Evictions. These sections provide for state mandates to undertake a continuing urban land reform and housing programme and lay down the general policy of aversion to demolitions and evictions.⁽²⁶⁾

Complementing these mandates are provisions on local governments' autonomy through decentralization: having the powers to create their own sources of revenue and to levy taxes, and having a just share in national taxes and the proceeds of national wealth. In addition, the mandates to respect and promote the role of people's organizations in pursuing their collective interests through effective participation in all levels of social, political and economic decision-making.

But the 1987 Constitutional provisions are not immediately executory, except for the Bill of Rights under Article III and others. This means that specific enabling laws need to be enacted for enforceability and implementation.

Urban land reform measures can be traced back to the 1930s and 1940s, but gained more scale after the Second World War when the war-torn countryside impelled displaced families to migrate to Manila to seek better lives and access to services. The migrants clustered around the port area in Tondo and in some parts of Quezon City.

In 1978, President Marcos promulgated Presidential Decree 1517, known as the Urban Land Reform Decree, during martial law. With Congress closed down, this gave urban planners and technocrats the chance to make legislation. Presidential Decree 1517 claimed in its Declaration of Policy:

"a) to liberate our human communities from blight, congestion and hazard and to promote their development and modernization; b) to bring out the optimum use of land as a national resource for public welfare rather than as a commodity of trade subject to price speculation and indiscriminate use; c) to provide equitable access and opportunity to the use and enjoyment of the fruits of the land; d) to acquire such lands as are necessary to prevent speculative buying of land for public welfare; and e) to maintain and support a vigorous private enterprise system responsive to community requirements in the use and development of urban lands."

The decree then introduced Urban Land Reform Zones (ULRZs) or Areas for Priority Development (APDs), innovative ways for planning, land acquisition (land assembly, land banking, land exchange, land consolidation, readjustments and joint venture arrangements), land disposition

(neighbourhood ownership, residential freeholds, leaseholds, reservation of development rights), land value assessments, taxation and a vigorous land development financing scheme.⁽²⁷⁾ The decree provided some measure of secure tenure for tenants in ULRZs or APDs by providing a prohibition from dispossession that complemented the land acquisition and disposition schemes mentioned. Finally, the decree not only established the physical and land use planning infrastructure through the creation of the Ministry of Human Settlements, it also promoted land use planning to the different local government units.

Unfortunately, the APD scheme was discontinued in 1986 under the Aquino government, but before this, subsequent Marcos directives had tended to water down its progressive portions. While it could have been a scheme to ensure urban land for housing the urban poor in a more integrated development context, instead, the unseen hand of urban landowners, the scheme's perceived regressive effect on land markets and the political stigma it underpinned caused it to be discontinued.⁽²⁸⁾ Moreover, urban tenancy (security of tenure) under the APD frame turned out to be tenuous, as landowners circumvented the decree either with an outright offer to sell and evict when negotiations came to nothing or a refusal to sell to the urban poor.

Further, and more important, was the restrictive interpretation given by the Supreme Court to the terms "tenant"⁽²⁹⁾ and "residents who have legally occupied the lands by contract", despite the addition of the term "occupant family" under Presidential Decree 2016 precisely in order to include those informal occupants of land with no landowner consent; this excluded the very persons the decree was meant to protect. Finally, there was no clear, sustainable funding allocation for the APD framework, which could have made a real difference.

b. A decentralized framework for governance, shelter and basic services delivery: the Local Government Code of 1991

With the failure of centralist governance to spark development, a shift towards decentralization to local authorities took place. In 1991, Congress enacted the Local Government Code (LGC).

The city as local government enjoys a measure of relative autonomy in the Constitution, and this finds further support in the LGC. The dual nature of a city as government and body corporate⁽³⁰⁾ provides the impetus to govern and provide basic services to constituents via a legal personality, and enter into contracts and dispose and acquire property. Thus, having relative fiscal autonomy, the mandate to deliver basic services (such as mass housing etc.), its proximity to urban poor constituents (compared to national government) and the provisos on democratic participation by organized people's and civil groups make the city the logical urban governance and shelter engagement nexus.

c. The shift to localization, social housing, and urban land and development: a look at the 1992 Urban Development and Housing Act

The Urban Development and Housing Act of 1992 (UDHA), in contrast to Presidential Decree 1517, was a multisectoral-initiated piece of legislation

27. See reference 17, Serote (no date).

28. See reference 17, Serote (no date); also, see reference 4.

29. "Tenant" refers to the rightful occupant of land and its structures, but does not include those whose presence on the land is merely tolerated and without the benefit of contract, those who enter the land by force or deceit, or those whose possession is under litigation. Section 3, Presidential Decree 1517.

30. Section 15, Political and Corporate Nature of Local Government Units: "Every local government unit created or recognized under this Code is a body politic and corporate endowed with powers to be exercised by it in conformity with law. As such, it shall exercise powers as a political sub-division of the national government and as a corporate entity representing the inhabitants of its territory." In relation to Section 22 of RA 7160 (Local Government Code).

that passed through lobby and advocacy in the post-Marcos Congress. The Aquino administration had a different approach to urban land reform in that it did not focus as much on legislating secure tenure as the urban tenancy provisions of Presidential Decree 1517 did. The UDHA details and implements Sections 9 and 10 of Article XIII of the 1987 Constitution on urban land reform and housing, and the protective mantle of just and humane manner of eviction and demolition. The UDHA refines the local government mandates for low-cost, mass housing provision under Section 17 of the LGC by specifically mandating local governments in urban and urbanizing areas to implement the Socialized Housing Programme. The Act also provides for urban renewal and resettlement activities and points to funding sources for operationalization. Furthermore, Sections 23, 24, 20 and 32 provide bases for organized slum communities to undertake and promote citywide engagement for secure tenure, as well as for the private sector/NGOs to enter into joint partnerships with the city for social housing.

Essentially, the UDHA centres on the following:

- local government unit mandates on urban land inventory, identification, acquisition and disposition for social housing, and urban development planning by local government units to whom the mandate fell;
- the National Shelter Programme on resettlement, the Community Mortgage Programme and public land proclamations;
- protecting underprivileged and homeless persons from unjust and inhumane demolitions;
- strengthening urban poor consultation and participation in shelter issues; and
- provision of an enabling milieu for the private sector to enter into social housing provision.

Hence, under the Socialized Housing Programme more pressure is placed on local governments to “step up” in terms of institutional and structural capacities, not only for the already complex dimensions of shelter provision but also with the more sophisticated aspects of urban land and development planning and management. A study of 25 leading urban local government units’ compliance with the UDHA mandates⁽³¹⁾ shows that with regard to the mandates of land inventory, identification, land acquisition, disposition of lands for social housing, registration of programme beneficiaries, balanced housing development, prohibition and monitoring of evictions and demolitions, and the establishment of local implementation mechanisms, less than half have fully complied with all the aspects.

In addition to the social housing programme, which should be local government unit-led, the UDHA also provides for the National Shelter Programme. But this involves a myriad of shelter agencies with different mandates ranging from overall policy and direction coordination (Housing and Urban Development Coordinating Council), to shelter provision for the lowest 30 per cent of the income decile (National Housing Authority), land financing and mortgage (National Home Mortgage and Finance Corporation/Social Housing Finance Corporation), project development guaranty (Home Guarantee Corporation), housing and land regulation (Housing and Land Use Regulatory Board) and support funding (from private and government social security and mutual benefit funds). This

31. Dizon, Ana Marie et al. (2000), “The UDHA challenge: monitoring local government unit compliance, issues and developments in local housing”, Urban Poor Associates (UPA) Research and Information Desk, PHILSSA, Ateneo de Manila University, Quezon City, 28 March. The study involved 25 cities.

complex housing administrative machinery based on disparate and even overlapping charter mandates (and turf wars) proved to be one obstacle that hindered (and still hinders) efficient housing delivery.

Note that despite the change in administration from the Marcos regime, the UDHA did not repeal Presidential Decree 1517. It recognized the incentives given to APD and ULRZ beneficiaries and provided additional incentives in the form of:

- land surveys and titling at minimal cost;
- liberalized terms for credit facilities and housing loans, and 100 per cent deduction from every home buyer's gross income tax of all interest payments made on documented loans incurred for the construction or purchase of the home buyer's house;
- exemption from the payment of documentary stamp tax, registration fees and other fees for the issuance of transfer certificates of title; and
- basic services such as water, electricity, sewerage and road networks.⁽³²⁾

The concept of equitable and socially responsible land ownership exists in the laws of the Philippines,⁽³³⁾ as illustrated in the text of the Constitution quoted in Section III. So why are there still so many poor and homeless people in the Philippines? Serote suggests that:

"The welfare rhetoric of the Constitution has to be translated into specific statutes before it can be operationalized. Legislative bodies, however, from the national to the local level, are not about to enact those needed legislations with any sense of urgency. That is because legislatures from the local to the national levels are dominated by landed property interests."⁽³⁴⁾

As mentioned previously, the UDHA is a comprehensive law that laid down not only programmes on housing but also a programme for the development of cities and municipalities. It includes programmes of relocation, the Community Mortgage Programme, slum upgrading, inventory of government lands, identification of legitimate beneficiaries and the role of the local government units in housing. Among the important features of UDHA is the complete process and condition for the implementation of a just and humane demolition.⁽³⁵⁾

But government provides limited funding to the UDHA programme on housing. There is also a lack of understanding and political will on the part of local officials to implement the law. So here is the challenge to the urban poor and other people's organizations: they should know and understand their rights under the law and make the necessary advocacy to force the local government units to implement the provisions of the law, especially those which pertain to security of housing.⁽³⁶⁾

V. THE FEDERATION AS A SOCIAL MOVEMENT FOR SECURE TENURE

The Homeless People's Federation of the Philippines is a self-help, community-based federation that promotes savings mobilization as a way of building the financial capability of communities to invest in their own development. As of December 2007, the federation had approximately 70,000 members from 161 associations and groups in 22 cities and

32. Section 25, RA 7279.

33. See reference 17, Serote (no date).

34. See reference 17, Serote (no date).

35. Gatpatan-Bedia, Marlene V (2002), "Kinamatarung sa Pag-angkon sang Puluy-an (Housing rights)", Part of the Human Rights Primer Series published by The Martin de Rada Human Rights Desk at the Institute for Social Development Issues and Initiatives, Coordinating Centre for Research and Publications, University of San Agustin, Iloilo City.

36. See reference 35.

37. For a more detailed history of the Homeless People's Federation of the Philippines, see Yu, Sandra O (2002), "Documentation of the experience of the Homeless People's Federation of the Philippines for the Cities Alliance project on pro-poor slum upgrading frameworks", Homeless People's Federation of the Philippines–Philippine Action for Community-led Shelter Initiatives, Quezon City; also Vincentian Missionaries (1998), "The Payatas environmental development programme: microenterprise promotion and involvement in solid waste management in Quezon City", *Environment and Urbanization* Vol 10, No 2, October, pages 55–68; see reference 1; and Yu, Sandra and Anna Marie Karaos (2004), "Establishing the role of communities in governance: the experience of the Homeless People's Federation of the Philippines", *Environment and Urbanization* Vol 16, No 1, April, pages 107–120.

38. See reference 37, Yu (2002).

39. See reference 37, Yu (2002).

40. See Homeless People's Federation of the Philippines Video Documentary, courtesy of the Opus Prize Foundation and Weber Shandwick.

municipalities in Luzon, Visayas and Mindanao.⁽³⁷⁾ As a social movement of poor communities espousing people-driven secure tenure initiatives, it responds to this challenge of displacements by organizing and mobilizing households affected by disasters or threatened by eviction to plan, negotiate and manage their land acquisition and relocation efforts. The federation is supported by its non-governmental organization partner, the Philippine Action for Community-led Shelter Initiatives, Inc. (PACSII), which was formed in 2002. PACSII's main purpose is to support the federation with professional advice, fundraising, logistics, training, learning exchanges, back-up during negotiations and access to intermediaries in the media, government and funding agencies.

The federation believes in the capacity and skills of communities to drive their own development undertakings. Its origins lie in the Payatas community and its development of savings in 1995, encouraged and supported by Fr. Carcellar of VMSDFI.⁽³⁸⁾ In just a few months, the programme could count among its members *jeepney* drivers, market vendors, tricycle drivers, school children, mothers saving for infants, and the elderly. Within a year, the savings programme listed 2,000 depositors, and within two years and a half, a total of 5,300 depositors belonging to around 540 savings groups in Payatas alone.⁽³⁹⁾ As news of the savings programme spread rapidly beyond Payatas, residents of poor communities in Mandaue City, Bicol, General Santos City, Iloilo City and Muntinlupa City started coming to Payatas to learn about the programme. Community exchanges became the means of transferring technology to new urban poor groups. The federation was launched in 1998 and formally registered with the Securities and Exchange Commission (SEC) in 2001. Whenever a group is organized under the banner of the federation, the first group project is to save. "Everything we do, we start with savings" says Sonia Cadornigara, the federation's Visayas coordinator. In 2008, the federation received the Opus Prize, an international humanitarian award for faith-based entrepreneurship.⁽⁴⁰⁾

VI. "AMIN ANG BAHAY NA 'TO" (THIS IS OUR HOUSE): COMMUNITY LAND ACQUISITION INITIATIVES

a. Land acquisition methods

This section will discuss three land acquisition methods being used by federation homeowners associations: direct purchase, the Community Mortgage Programme and usufruct. Table 1 lists the places where these are being implemented and the reasons why, namely displacement because of mega-infrastructure projects such as the Manila South Railway Development Project and the Iloilo Flood Control Project, and disasters triggered by typhoons and flash floods.

The direct purchase mode is essentially a land sale contract involving a prospective community association and a landowner, under agreed terms and conditions such as price and instalment or lump sum payment. The agreement to buy and sell the land is formalized into duly executed Deeds of Sale that need to be registered as subsequent transactions over the land title.

The Community Mortgage Programme (CMP) is an innovative mortgage finance facility that allows low-income communities to purchase the

TABLE 1
Location of land acquisitions by the federation

Place of settlement	Cause of displacement (and need for land)	Location of land acquired
Albay (Bicol region) (Camalig, Daraga and Guinobatan)	Mudflow and flood	Brgy Baligang, Camalig; Brgy Bongalon, Daraga; and Brgy Mauraro, Guinobatan, all in Albay province
Metro Manila (Payatas and Muntinlupa railway)	Payatas: trash slide and flood Railway development: Manila South Railway development project	3-hectare property acquired by the Payatas scavengers in Miraculous Hills sub-division, San Isidro, Montalban
Iloilo City: Benedicto (Jaro), Lapaz Floodway Community, San Isidro (Jaro); and Calumpang	Iloilo Flood Control Project Calumpang (shoreline and riverbank swelling during typhoons)	Brgy Calumpang, Iloilo City

SOURCE: Homeless People's Federation of the Philippines (HPFP) (2007), "Reconstruction and resettlement update: Bicol region", HPFP, June 4; also Homeless People's Federation of the Philippines (HPFP) (2005), "Documentation report Iloilo Flood Control Project (IFCP)", HPFP, October; and interviews conducted with key leaders of the HPFP: Sonia Cardinogara, Kabalaka Homeowners Association, Iloilo City; Rosa Espinosa, Samahan ng mga Nagkakaisang Relokatis ng Bagong Silangan Neighbourhood Association, Quezon City; Mary Bernadette Jocsing, Kabalaka Homeowners Association, Iloilo City; Charito Roquero, Kapatiran Sama-sama sa Miraculous Medal, Muntinlupa, Metro Manila; Elisa Silay, Samahan ng mga Nagkakaisang Relokatis ng Bagong Silangan Neighbourhood Association, Quezon City; Rosella Tresvalles, Payatas Scavengers Homeowners Association, Inc., San Isidro, Montalban, Rizal; Leonor Valleza, Golden Showers Homeowners Phase 2, Quezon City; and Rollie Villanueva, HPFPI Bicol.

land that they occupy or the land that they identified for site and housing development. Organized groups of urban poor can apply for 25 year loans to the Social Housing Finance Corporation at a flat interest rate of 6 per cent per annum, and the land being bought serves as collateral. There are three levels of loan available, namely for land acquisition, site development and housing development. Table 2 shows the loan amounts available.

In contrast to the direct purchase mode, where there are only two parties involved (the landowner and the community), the CMP involves four entities: the community, the landowner, the originator and the Social Housing Finance Corporation, with clear tasks pursuant to programme regulations.

Among the government's social housing programmes, the CMP has reached the most of poor households belonging to the housing backlog segment and the lowest 30 per cent of the population by income: 138,871 households between 1989 and 2003. The CMP is also the programme most adopted and supported by local government units (27 local government units as originators) and NGOs (80 NGOs as community organizers and originators). CMP initiatives are also important for social relationships, as neighbourhoods formed over the years are essentially retained and physical dislocation is kept to a minimum. Thus, the inhabitants retain proximity and accessibility to existing social services, the market, sources of employment and livelihoods. Some CMP projects encourage the formation of community equity in the continuing process of housing for the poor, and this reduces the financing burden of the government by

TABLE 2
Loan amounts available from the
Community Mortgage Programme

Purpose	Amount	
	Metro Manila/HUA	Other areas
Lot acquisition		
* undeveloped	P80,000	P45,000
* developed	P80,000	P60,000
Site development	P15,000 per beneficiary	
House construction	P40,000 per beneficiary	
Loan package	P120,000	P100,000

NOTE: On 1 June 2009, there were P49.3 to the US dollar; between 1999 and 2008, the exchange rate fluctuated from a low of P39 to a high of P56 to the US dollar.

SOURCE: Table downloaded from the Social Housing Corporation website: shfc.gov.ph.

building parallel social cohesion in the community. During the process of community organizing and the origination of some CMP projects, the community builds up savings needed for community organizing; also, the CMP loan origination make take from six months to three years, depending on the level of organization of the community.⁽⁴¹⁾

With respect to usufruct, Philippine civil law defines this as a real right, temporary in nature, which authorizes the holder to enjoy all the benefits that result from the normal enjoyment and exploitation of another's property, with the obligation to return at the designated time either the same thing or in special cases its equivalent.⁽⁴²⁾ The term "usufruct" comes from the Latin word *ususfructus* or *usus et fructus*, which means "use and enjoyment". So usufruct is an agreement that gives to a person called the "usufructuary" the beneficial use of the land, with the obligation to return the land at a specified period of time. While most would consider usufruct as a kind of lease in terms of the land, it differs from the latter in many ways (Table 3).

Thus, except for the obligation to undertake repairs and pay taxes, a usufruct arrangement gives the usufructuary a lot of flexibility in terms of use and enforceability, compared to other parties.

As a civil law concept, usufruct is already recognized as an important component in the context of obtaining secure tenure. In fact, the UDHA even defines secure tenure as "...the degree of protection against infringement, or unjust, unreasonable and arbitrary eviction or disposition, by virtue of the right of ownership, lease agreement, usufruct and other contractual arrangements."⁽⁴³⁾ Moreover, the UDHA further champions the usufruct scheme when it showcases it as one of the alternative modes of disposing government-acquired lands and housing for social housing.⁽⁴⁴⁾ A former Commissioner of the Housing and Land Use Regulatory Board cites usufruct arrangements as one of the alternative instruments for securing tenure, together with the horizontal condominium and home ownership association concepts.⁽⁴⁵⁾

41. Vertido, Dam C (2005), "Status of the Community Mortgage Programme; implementation and review of its key problems and weaknesses", Advocacy Agenda 1, Mindanao Coalition of Development NGO Networks, April.

42. Article 562, New Civil Code of the Philippines.

43. Section 3(o), Republic Act 7279, Urban Development and Housing Act of 1992 (UDHA).

44. Section 12, Republic Act 7279, Urban Development and Housing Act of 1992 (UDHA).

45. As cited in Marin, Gemma (2005), "The adoption of the usufruct arrangement as alternative tenure instrument for providing security of tenure to urban informal settlers", John Carrol Institute on Church and Social Issues, Quezon City, pages 3-4.

TABLE 3
Comparing lease and usufruct

Basis	Usufruct	Lease
Extent	Covers all uses as a rule	Generally covers only a particular or specific use
Nature of the right	Is always a real right (i.e. enforceable against the whole world)	Is a real right only if, as in the case of a lease over real property, the lease is registered or is for more than one year; otherwise, it is only a personal right
Creator of the right	Can be created only by the owner or by a duly authorized agent acting on their behalf	The lessor may or may not be the owner (as when there is a sub-lease or when the lessor is only a usufructuary)
Origin	May be created by law, contract, last will or prescription	May be created as a rule only by contract and, by way of exception, by law
Cause	The owner is more or less passive, and allows the usufructuary to enjoy the thing given in usufruct	Owner or lessor is more or less active
Repairs	Usufructuary has the duty to make ordinary repairs	The lessee generally has no duty to pay for repairs
Taxes	Usufructuary pays for annual charges and taxes on all fruits	Owner pays for land taxes
Other aspects	Usufructuary may lease the property to another	Lessees can not constitute a usufruct on the leased property
SOURCE: SALIGAN Urban Poor Unit (2005), "Notes on usufructs", unpublished, SALIGAN, Quezon City.		

A current Asian Development Bank-supported slum upgrading project (Metro Manila Urban Services for the Poor), which covers upgrading needs across the cities in Metropolitan Manila, has adopted usufruct arrangements as key project components.

VII. CASE STUDIES OF LAND ACQUISITION METHODS USED BY FEDERATION HOMEOWNERS ASSOCIATIONS

Table 4 shows the land acquisition methods used by the various homeowners associations.

a. Direct purchase by the Payatas Scavengers Homeowners Association, Quezon City

One of the first federation organizations that decided to directly purchase their own land was the waste picker members of the core group in Quezon City, the Payatas Scavengers Homeowners Association. This was in 1997, after the officers of this core group completed some paralegal training on land issues organized by the Vincentian Missionaries Social Development Foundation Inc. As waste pickers living on and around the 30-hectare Payatas waste dump site, they were aware of the constant health and

TABLE 4
Land acquisition methods used by federation homeowners associations

Land acquisition method	Homeowners associations
Direct purchase	<ul style="list-style-type: none"> • Camalig Flood Victims Association Inc. – CAFLOVAS (Camalig, Albay) • United Reming Victims Homeless Association Inc. – URVHAI (Daraga, Albay) • Saversville Homeowners Association Inc. – SHAI (Guinobatan, Albay) • Payatas Scavengers Homeowners Association Inc. – PSHAI (Miraculous Hills sub-division, Montalban, Rizal) • Kabalaka Homeowners Association (Calumpang, Iloilo)
Community Mortgage Programme	<ul style="list-style-type: none"> • Golden Shower Homeowners Association Phase 1 and 2
Usufruct	<ul style="list-style-type: none"> • Samahan ng mga Nagkakaisang Relocatees ng Bagong Silangan Neighbourhood Association – SANAREBAS Inc. (Bagong Silangan, Quezon City) • Kapatiran Sama-sama sa Miraculous Medal (National Bilibid Prison relocation area, Muntinlupa)

life-threatening hazards to which they were exposed. As members of the federation, the group was sent to a community exchange programme in Mumbai, India, and in South Africa, sponsored by Slum Dwellers International (SDI). In India, the group saw a housing exhibition where people who had recently acquired their own land had developed their own examples of low-cost housing designs. In South Africa, they learned how savings groups could be better organized for land and housing, along with regular savings groups. There they saw the formation of low-income housing groups that could be constituted differently from the regular savings groups, depending on the land acquisition project to which they might belong.⁽⁴⁶⁾

When they came back from this foreign exposure trip, the Payatas group started to search for safer land to buy. They found and purchased a three-hectare plot in San Isidro, Montalban, Rizal in 1998. At P150 per square metre, they bought the land for P4.5 million; Caritas Manila provided P3.9 million as bridge-finance while the remainder came from the group’s savings and some money borrowed from the Iloilo federation.⁽⁴⁷⁾

The purchasing process was not simple. The land that the seller showed them was indicated as being on a plateau near the national highway. However, once payment had been made and the deeds signed, the group members were surprised to find that the land they had purchased was almost at the top of the mountain and far from the main road. Even today, they only have a very rough road (that looks like a logging road), which gets muddy during the rainy season.

Before they were able to build their houses, they encountered problems with getting permits from government offices. For instance, it took two years for the Department of Agrarian Reform to issue the Certification of Non-Tenancy, and it was only following the Payatas trash slide in 2000 that the certification was immediately released. The Environmental Clearance Certificate (ECC) from the Department of Environment and Natural Resources was also delayed, because the group was told that it had to pay P100,000 and had to secure an Environmental Geological and Geohazard Assessment Report (EGGAR). While members were willing to raise the money, they were paralyzed by the uncertain requirements

46. See reference 37, Yu (2002).

47. See note in Table 2 for details of the peso:US dollar exchange rates.

with regard to obtaining the EGGAR. They were advised to execute a Memorandum of Agreement (MOA) with a government agency, which allegedly should pay for the work needed for the EGGAR. As the Quezon City government refused to pay the fees, the application for the EGGAR and the ECC came to a standstill. However, the administrative order covering the EGGAR stated that a proponent or developer could enter into an MOA with the Mines and Geosciences Bureau, or hire a private geologist, and this is much less costly. Moreover, as per Memorandum Circular No 2002-43, a simpler process is now required in lieu of the EGGAR, and a technical report is now optional.⁽⁴⁸⁾

Fortunately, the mayor, Pedro Cuerpo of Montalban, is very supportive of the group. The municipality of Montalban exempted them from such fees as the development permit. In fact, it was the mayor who convinced the group to name their place Miraculous Hills sub-division rather than Payatas Scavengers. By June 2008, there were 42 families living in the sub-division and 28 housing units, each measuring 50 square metres. Each member will pay a monthly amortization of P300-500 for three years for the lot and will then start paying for the amortization of the house, at a total cost ranging from P57,000 to P108,000.

There are problems regarding paying the amortization, especially after the Payatas trash slide where 270 people died, buried in the mountain of garbage. Sixty families who were members of the association lost their homes, and eventually everyone was affected because the dump site was closed. The association talked with Caritas Manila about their difficulties with paying, and Caritas gave them an extension and wrote off the 13 per cent interest on their loans. Association members continued to pay their amortization and to accumulate more savings. After three years of residing in Miraculous Hills, Rosella Tresvalles, the association's president noted: *"In Payatas we were squatters. Here, this is really ours. We cannot be driven out from here."*

b. Direct purchase by the Kabalaka Homeowners Association, Iloilo City

The Kabalaka Homeowners Association (KHA) of Calumpang has also used direct purchase. Sonia Cadornigara remembered how in 1997 there were many demolitions of informal communities in *barangay* Calumpang and in other *barangays* within the parish of Miraculous Medal. People fighting demolition were even using floats with statues of Catholic saints from the Holy Week procession as shields and as barricades to stop the demolition teams. Cadornigara's house was also threatened with demolition. As parishioners of Miraculous Medal, the victims asked the Vincentian parish priest for help, who immediately coordinated with the VDMF's main office in Quezon City.

As well as the very real threat of demolition, many houses in the area were also threatened by typhoons, especially those houses built on high tide lines and on riverbanks. Thus, there was an immediate need to look for a safe relocation site with tenure security.

A group of 11 informal settlers from the parish (including Cadornigara) was sent on a visit to Quezon City, including to Payatas. There they learned the rudiments of running a people-led savings initiative from the residents of Payatas, and on their return Kabalaka Savings was started

48. See reference 37, Yu (2002).

with 600 members (it later came to be known as the KHA). At first, members would go to the parish to deposit amounts ranging from five pesos to 50 pesos or more. After two years, they had saved P1 million. Today, the organization has expanded into the Area Resource Centre Kabalaka, with 4,770 individual savers, and by June 2008 it had total savings of P19.6 million.

Cadornigara, the first elected president of the KHA, told of how a bank employee at Bank of Philippine Islands in Iloilo City almost ignored them when they inquired about opening an account. But the plastic bag carried by Cadornigara and her companions contained P600,000, more than enough to open an account. When the bank employee realized this, he called the bank manager and they and the janitor counted the KHA's money. From that time on, the KHA has been one of the bank's most important clients. The KHA members then looked for land. Luckily, there was a Bank of Philippine Islands foreclosed property in Calumpang just a short distance from the Miraculous Heart parish. It was a 7,145 square metre property by the river and the bank was selling it for P2.7 million (P370 per square metre). The KHA could only afford P800,000, but they borrowed P2 million from the federation's Urban Poor Development Fund (Box 1) at an annual interest rate of 9 per cent on a diminishing balance.

In August 2001, the Deed of Sale of the Calumpang property was signed between the KHA and the bank. Bank officials came from the main office in Manila to witness the signing because they could not believe that an urban poor organization could fulfill a real property deal. The site was divided into 73 lots and KHA members are paying around P1,000 (a little

BOX 1

The Homeless People's Federation of the Philippines Urban Poor Development Fund (UPDF)

The UPDF was established by the Homeless People's Federation of the Philippines in 1999 in response to the inadequacy of available institutional shelter finance. Even the innovative Community Mortgage Programme (CMP) was marred by slow processing and complex documentary requirements. Landowners willing to sell land to the federation often refused to receive payment under the CMP programme and would insist instead on direct purchase. The UPDF provides a longer-term financing facility for shelter-related purposes. It requires a stake from members (through their savings) and also leverages contributions from other stakeholders to bridge-finance more substantial investments such as land purchase, site development and housing construction. The bridge-financing facility is replenished through repayments by borrowers over a longer period of time; e.g. five to 10 years. Thus the total UPDF is made up of contributions from different stakeholders, including low-income households, national and local governments, donor agencies, multilateral agencies and the private sector. As of March 2009, members' savings within the federation (amounting to P4.383 million) were able to leverage some P92.5 million (approximately US\$ 1.927 million) from different stakeholders for shelter-related financing, including: multilateral agencies (which account for 42 per cent of total funds); national government (15 per cent of total funds); northern donor agencies (30 per cent of total funds); and international community networks (8 per cent of total funds).

SOURCE: Based on UDPF and March 2009 financial reports from HPFPI Luzon, Visayas and Mindanao.

over US\$ 20) a month for five years. Together, they managed to construct a dyke to protect their properties from the river's swollen waters. As of June 2008, the KHA had repaid P2,259,740 for the land (including the previous savings).

c. Direct purchase by federation associations in Daraga, Camalig and Guinobatan

The most recent federation organizations to have used direct purchase are groups in the province of Albay in the Bicol region. The region was devastated by flash floods in 2006 when two typhoons hit the country and thousands of Bicolanos were made homeless.

Two federation leaders, Rollie Villanueva and Jocelyn Cantoria, went to Bicol and organized the typhoon victims to help them rebuild their lives through post-disaster reconstruction efforts. But it was difficult to convince people in the evacuation centres to save for their new homes, given that most of them had lost not only their properties but also their livelihoods. It was made all the more difficult by the many government agencies and politicians visiting the evacuation centres and promising free housing. Eventually their efforts paid off, and by June 2008 there were 11 savings groups in the three towns in Albay province. Their savings programme has already accumulated more than P1.3 million. Since most members want their children to inherit their land, they opted for direct purchase. So members in each town organized themselves into homeowners associations and, with bridge financing from UPDF, they were able to purchase land in their towns. But with regard to title registration and processing for eventual site development, the communities encountered stringent requirements for conversion, permits and clearances from various line agencies such as the Department of Agrarian Reform and the Philippine Coconut Authority. Nevertheless, the dreams of the members of these homeowners associations are slowly being realized.

d. The Community Mortgage Programme (CMP) for Golden Shower

According to Gemma Marin, the CMP:

“...did not prove easy to use and could not be considered as truly successful. While this programme was by far the most favoured and most successful in terms of affordability and promising security to the poor, its reach was reportedly only 60 per cent of target and awarding of titles was taking a longer time than expected. It could not cope with the complex administrative processes and procedures of securing the land (particularly with the Registry of Deeds), non-cooperation from the landowners and delinquency of beneficiaries in loan repayment.”⁽⁴⁹⁾

These problems are the ones besetting the Golden Shower Homeowners Association in Payatas, where the federation sought to use the CMP to acquire land tenure.⁽⁵⁰⁾ Informal settlers started residing in the area from the 1970s. Different groups claimed that they owned the land, including government agencies. In 1972, a lawyer claimed that he owned the land

49. See reference 45.

50. This case study draws on Ayala Foundation, Inc., Institute on Church and Social Issues, and Institute of Philippine Culture, Ateneo de Manila University (2003), “Process documentation research on the ADB–JFPR and DSWD slum improvement projects in Muntinlupa and Payatas (Interim Report: July 2001–December 2002)”, Ateneo de Manila University, Quezon City.

because of a Spanish land title that he held, and he gave residents “authorization to occupy”. More than 10 years later, another group, holding the same Spanish title, managed to secure a temporary restraining order against the association while it negotiated with Manila Remnants, a real estate developer that owned the land. By then, the association had ascertained that Manila Remnants were the real owners of the land that they occupied, and in 1996 the Supreme Court nullified the said Spanish land title.

In 1991, Manila Remnants offered to sell the land to the association for P250 per square metre, but raised the price to P500 in 1995 when the community was not able to make any payments because of delays in its socioeconomic survey. Association officers were also finding it difficult to collect money from members and this also delayed the initial payment. In 1996, Manila Remnants raised the price once again, to P750 per square metre. This time, the association was able to collect P5,000 from each family and gave P274,000 to Manila Remnants as an initial payment so that it would not sell the land to other buyers. But in 1997, Manila Remnants raised the price to P1,000 per square metre and it was also negotiating with Quezon City government about selling them the land and so did not accept the second down payment. The local government wanted to build medium-rise buildings but this plan came to nothing.

Golden Shower was chosen as the site of a project supported by the Asian Development Bank Japan Fund for Poverty Reduction and the Department of Social Welfare and Development. The CMP loan application process had also been initiated. With the intervention of VMSDFI and an assurance of prompt full payment, Manila Remnants brought the price down to P23 million (P811 per square metre). The first payment for P3 million was released in November 2000, drawing on VMSDFI’s project counterpart fund. The association’s initial payment of P274,000 was returned to them by Manila Remnants. The second payment of P17 million was released in August 2001 as bridge finance by the Asian Development Bank and the Department of Social Welfare and Development, with the rest paid by VMSDFI’s counterpart fund in three tranches up to February 2002.

The Golden Shower community then divided into two groups to meet one of the CMP requirements for land acquisition that homeowners associations should have fewer than 300 members. The National Housing Authority, as the “CMP originator”, assigned a representative to serve as liaison between the Golden Shower associations and the National Home Mortgage and Finance Corporation. Despite this, the CMP loan application process was delayed for a while because of the difficulties the two associations had in meeting the technical and financial requirements, including producing an approved sub-division plan. The delay in the release of the sub-division plan was related to the associations’ difficulties in collecting payments from their members.

Many site development projects were undertaken with Asian Development Bank funding, including the construction of concrete roads, footpaths and drainage facilities. The site was also re-blocked. This was not without difficulty because some residents in the area refused to cooperate with the project and a working committee was set up to address this.

The main problem plaguing the project is this difficulty in collecting payments from members. Many members decided to stop paying their monthly amortization. Many believed that they would no longer be evicted

from their land because the owner, Manila Remnants, had already been paid. They refuse to understand the concept of paying the amortization so that the P23 million used to pay for the land can be recovered by the UPDF and used to help other homeless people's organizations. But Leonor Valleza, president of one of the two associations, believes this can be solved. She, with the help of active officers, association members and volunteer leaders from the federation are working hard to convince other members to pay their amortization and to be active in their associations once again.

e. Usufruct in Bagong Silangan

Usufruct, although not an entirely new concept, is the more recently introduced mode of land tenure acquisition. As noted earlier, the distinct feature of usufruct is the use and enjoyment of all fruits of another's property without actually owning the property, but with the obligation of preserving its form and substance during the agreed term of use.⁽⁵¹⁾

The trash slide in Payatas in 2000 triggered the immediate relocation of affected families. VMSDFI offered the land donated by Ms Amparo Barcelon⁽⁵²⁾ to the Congregation of the Mission in Bagong Silangan, Quezon City. The federation and VMSDFI conducted surveys in the high risk areas in Payatas. The officers of the federation convinced the residents living in the danger zones near the creek or at the foot of the dumpsite to relocate to Bagong Silangan and to participate in the housing project there. Those who were interested were advised by the federation about savings schemes, policies and procedures in resettling, and the different paper requirements to facilitate their relocation. The federation made it clear that those who wished to participate in the housing project would have to save or pay to be able to stay in the unit for as long as they wanted. The savings would not include payment for the land. Initially, the first 36 resettler households shared 15 newly constructed units. By June 2005, there were 146 families and 159 units. This covered almost 50 per cent of 20 blocks in the area. The expansion also accommodated vulnerable groups such as the elderly and disabled persons. Some blocks were used as transient, multi-purpose facilities and offices.⁽⁵³⁾

Since in the usufruct scheme residents only borrow the land for a specific length of time, clear rules or agreement are necessary. In Bagong Silangan, the residents only pay for their housing units, and the key provisions for resettlement and house management are:

- Savings or payment for the following schemes: down payment of P3,000 for the unit and a one-time federation membership fee of P100; regular contributions to the Urban Poor Development Fund amounting to P50 every month and compulsory savings of P25–250 per week; and after one year, contractual savings for housing of P250 a month for five years.
- Voluntary dismantling of their houses in Payatas to prevent new settlers in the high risk and dangerous areas. The materials salvaged from dismantled houses might be useful for their new house in Bagong Silangan.
- Prohibition of extensions or additions to the unit, for example a second floor. The federation must be informed of any plans for repairs or renovations before the beneficiaries start these.

51. See reference 45.

52. Ms Amparo Barcelon is a private individual who donated five hectares of land situated in Bagong Silangan to the various Catholic congregations for missionary and tax relief purposes in 1991. Ms Barcelon later formed the family foundation called One Real Estate Corporation, which formally served as the land donor. See reference 45.

53. See reference 45.

54. See reference 45.

- Relatives and friends are prohibited from living with the beneficiaries and no sale or transfer of assignment of unit to non-relatives is allowed. Any transfer of assignment is allowable only in the event of the death of the beneficiary, and only to their children or close relatives.
- Maintenance and preservation of the housing unit.⁽⁵⁴⁾

The P3,000 down payment proved too expensive for the first people to be relocated, so in August 2001 the federation gave the 36 households a year's grace to pay for the unit. In 2004, 25 families were given P10,000 each by a contractor of the controlled dumpsite to facilitate their relocation. This enabled these families to immediately pay the P3,000 down payment for a unit.

The Quezon City government, under the mayor Ismael Mathay, facilitated the exemption from taxes, licences and permits for the Socialized Housing Programme. City Hall also donated three housing units.

In order to help the federation monitor compliance of the savings schemes and the housing project as a whole, the community association in the area, called SANAREBAS, was organized. Officers were elected every year and regular meetings were conducted. The association assisted in the daily collection of savings. It conducted other programmes such as the Children's Rehabilitation Programme, which included a feeding programme, a health desk and a tutorial programme. Members were required to pay P10 a month towards the association's regular expenses.⁽⁵⁵⁾ Recently, the association formally opened their day care centre, run by volunteer para-teachers.

55. See reference 45.

Elisa Silay, treasurer of SANAREBAS noted that:

"As long as we are paying our dues, as long as we are following the rules, we are free to stay here. We are safe here. Unlike in Payatas, when rain comes, we are already nervous because before we know it, the flood water is already up to our neck." "And we will not be driven away from here" added Rosa Espinosa, vice-president of SANAREBAS.

f. KASAMMI usufruct

In Muntinlupa City, the Manila North and South Rail project is going to displace around 13,000 families living each side of the rail tracks. This includes the 400 members of the Kapatiran Sama-sama sa Miraculous Medal (KASAMMI) group that belongs to the federation and that started as a parish-based organization in the Miraculous Medal parish in Muntinlupa.

The North Rail relocation project was initiated in 2001 and although the relocations were due to be completed by October 2005, they only began in February 2005.⁽⁵⁶⁾ Many were relocated in Balagtas, Bulacan, and San Pedro, Laguna, but many others along each side of the railway tracks had nowhere to go.

The NHA, together with the local government of Muntinlupa City and the various people's organizations including the federation, was able to convince the National Bilibid Prison to lend five hectares of its property to the people to be relocated. With the intervention of the vice-president, Noli de Castro, the housing czar of the country, the usufruct scheme was made possible.

56. Swilling, Mark (2007), "Bowling with the mayor: overview of the context, work and significance of the Homeless People's Federation of the Philippines", Sustainability Institute, School of Public Management and Planning, Stellenbosch University, South Africa.

Starting in July 2008, the railway informal settlers, which include the members of KASAMMI, began relocating to their new homes on this site. The row houses are made of concrete materials and measure 32 square metres each. The total cost of materials and labour for each house is P65,000, while the development costs (which include the roads and drainage system) are P75,000 for each house. This is payable over 30 years with a one year moratorium (in recognition of expenses during relocation). There are 2,500 houses available on the site.

An interview with Charito Roquero, president of KASAMMI and federation coordinator for the region, highlighted how relieved she was that they will be transferring to a house of their own, with secure tenure – although she is aware that the land is only being lent to them by the government. Roquero and her members are busy developing livelihood projects to ensure that they will be able to meet the amortization of their houses and continue saving. Some of their livelihood projects are sewing rugs and curtains, *balut* vending and operating small neighbourhood (*sari-sari*) stores. They are also organizing a transport cooperative. A company making multi-cabs (small *jeepneys* used for public transportation) is offering 15 units to KASAMMI for P150,000 each for three years. The group will manage this fleet of little *jeepneys*, providing a public transport link between their community and Muntinlupa City.

While the legal implications of using usufruct for community-driven efforts to access security of tenure for housing are still to be fully studied and established, the philosophical aspects are readily recognized. The negotiated usufruct scheme in a market-dominated urbanization context is a way of giving back to land its social value rather than just its monetary value within the market. With usufruct, land itself serves as a vital resource for building decent shelter, building human and social capital and creating opportunities to improve urban livability. The still-evolving usufruct scheme helps challenge development thinking in terms of “space” for human and social capital formation among slum dwellers rather than in terms of finance and market-driven asset building. Restoring the social value of land implies social responsibility, particularly for the landed. It also encompasses principles of social justice and stewardship and so facilitates the maintenance of a sound nature–human interface.⁽⁵⁷⁾

VIII. LESSONS LEARNED

Table 5 summarizes the schemes and processes of the three different forms of land acquisition described above.

a. Direct purchase

- Direct purchase, when compared to the CMP, does not require much compliance with the technical aspects and details of a loan prior to negotiations with the landowner. Documentation and technical aspects come into play during the registration of the agreement, titling and the processing for site development.
- Direct purchase fits better with most communities’ organizational capacities; a CMP process necessitates a well-prepared community able to cope with the rigid documentary, financial and technical requirements.

57. Bernardo, Joel C M (2004), “Usufruct contracts: unlocking the social value of land”, HPFPI and PACSII, Quezon City.

TABLE 5
Summary of land acquisition process

Process/ scheme	Direct purchase	Community Mortgage Programme	Usufruct
Social mobilization	Pre land acquisition		
	<ul style="list-style-type: none"> • Community organizing and mobilization <ul style="list-style-type: none"> ▪ community consultations ▪ socioeconomic surveys ▪ orientations, organizational development, exchanges, savings orientation, book-keeping • Registration of the group with the Securities and Exchange Commission or Housing and Land Use Regulatory Board as a homeowners association to gain corporate personality, and the Bureau of Internal Revenue • Orientation workshops on savings, organizational development, land and housing laws, paralegal and para-engineering • Community savings and UPDF • For the CMP, meeting with the National Housing Authority and Quezon City (originators) for the loan documentation • Establishment of community volunteer working committees • Conduct land research on the titles • Meetings and negotiations with landowners 		
Land acquisition	Savings groups organize into homeowners associations (HOAs)		
	<ul style="list-style-type: none"> • HOAs scout for land to buy (it may be the on-site land) • HOAs process papers and permits to buy the land • Execution of Deed of Sale over the land • HOAs sub-divide and develop the land 	<ul style="list-style-type: none"> • HOAs link with government agencies for a mortgage programme (National Housing Authority–Social Housing Finance Corporation) • HOAs scout for land to buy (it may be the on-site land) • HOAs process papers and permits to buy the land • Execution of Deed of Sale over the land • HOAs sub-divide and develop the land 	<ul style="list-style-type: none"> • HOAs link with local government units, government agencies or private entities and NGOs to negotiate for land to be leased or used under usufruct • HOAs with partner agencies process legal usufruct agreement • HOAs sub-divide and develop the land
Maintaining organizations	Post land acquisition (maintaining the organization)		
	<ul style="list-style-type: none"> • Registration of the sale with the Registry of Deeds and the issuance of a new title; payment of appropriate taxes • Obtaining required site development permits, clearances and certifications from national and local government • Site development and housing construction • Attending regular city, regional core group meetings of the Homeless People’s Federation • Exchanges • Livelihoods to improve income 		
	Engagements with local government and technical people post land acquisition (maintaining the organization)	Engagement with local government and technical people	

SOURCE: Yu, Sandra O (2002), “Documentation of the experience of the Homeless People’s Federation of the Philippines for the Cities Alliance project on pro-poor slum upgrading frameworks”, Homeless People’s Federation of the Philippines–Philippine Action for Community-led Shelter Initiatives, Quezon City; also Marin, Gemma (2005), “The adoption of the usufruct arrangement as alternative tenure instrument for providing security of tenure to urban informal settlers”, John Carrol Institute on Church and Social Issues, Quezon City; and interviews with the following HPFP leaders: Sonia Cardinogara, Kabalaka Homeowners Association, Iloilo City; Rosa Espinosa, Samahan ng mga Nagkakaisang Relokatis ng Bagong Silangan Neighbourhood Association, Quezon City; Mary Bernadette Jocsing, Kabalaka Homeowners Association, Iloilo City; Charito Roquero, Kapatiran Sama-sama sa Miraculous Medal, Muntinlupa, Metro Manila; Elisa Silay, Samahan ng mga Nagkakaisang Relokatis ng Bagong Silangan Neighbourhood Association, Quezon City; Rosella Tresvalles, Payatas Scavengers Homeowners Association, Inc., San Isidro, Montalban, Rizal; Leonor Valleza, Golden Showers Homeowners Phase 2, Quezon City; and Rollic Villanueva, HPFPI Bicol.

- Community organizing and mobilization are crucial to building self-reliance and, for post-disaster responses, moving inhabitants away from assuming that government will address their problems.
- Savings for land acquisition are leveraged with UPDF support.
- Site and housing development regulations and documentary requirements are set up for conventional developer applications, not for self-help groups of low-income communities who do not have the necessary resources for immediate compliance. It can be argued that some of these documentary requirements should be relaxed, possibly through making use of existing and recent legislation such as the UDHA, the Anti-Red Tape Law, Executive Order 45, Series of 2001, the use of alternative building technology, and tenurial arrangements such as usufruct to fast-track document processing.
- Technical and legal know-how on land transactions obtained through training and hands-on work saves time and resources.
- Linkages with national government housing agencies for the issuance of endorsements to facilitate the processing of documents and clearances in local agencies should be maximized.
- Regular inter-community assemblies and exchange visits to share and learn from each others' land tenure initiatives.
- Early assessment of site suitability, classification, etc. for housing and hazard profile through land research and certification with the Mines and Geosciences Bureau informs land negotiations.
- There is a need to factor in the future site development costs in order to inform land negotiations and community planning.
- Versatility of community savings and enumeration surveys as disaster mitigation/ preparedness tools, in line with obtaining safe land in hazard-prone Bikol.
- Forge institutional links with technical institutions and government for the provision of support to land initiatives.
- Information and access for safe land: review local government hazard maps if these are available and lobby for the municipality or province to integrate geo-hazard mapping in their land use and development planning.
- Integrate post-disaster reconstruction and pre-disaster mitigation/ preparedness as part of municipal development and shelter planning that considers more active community participation (savings, etc.).
- On financing: counterpart savings through UPDF, donor funds, local government development funds and even calamity funds to be used to acquire safe land and fund housing development.

b. The Community Mortgage Programme

- Plus factors for the CMP are: its offer of up to P120,000 or P100,000 for a total land, site development and housing package, sometimes in a single application; it is affordable, with long amortization terms (25 years at 6 per cent per annum).
- The difficulty with the CMP lies in the need for a high level of community readiness to comply with the various documentation, and technical, financial and organizational requirements.
- While there is a measure of certainty that the loan will be available upon compliance with the requirements, this may take a long time

and the landowner may not be willing to wait for the loan to be secured.

- A strong, established community savings mechanism and governance, in addition to forward financial technical planning is needed.
- It may be possible to leverage bridge finance funds from various sources, such as community savings, UPDF, etc., to support ongoing CMP processing so as to lock up the price and gain immediate secure tenure.
- The efforts in complying with the rigid documentation and technical aspects for loan take out will pay off as these are intended to cover all the bases for eventual site and housing development.

c. Usufruct⁽⁵⁸⁾

- Usufruct is a viable option for obtaining immediate secure tenure, especially on very dense and high value central city land.
- Proper consultation and orientation complements the evolving nature of the federation usufruct scheme and results in more participation among the families and vouchsafes more appropriate responses to emerging needs.
- While the evolving nature of the Bagong Silangan usufruct scheme constitutes its strength, there is the need to set the general parameters and conditions once all stakeholders have adequately discussed the options.
- The federation's experience highlights the advantages of site proximity and ready access to institutions and services. The Bagong Silangan site is in the middle of the Quezon City residential zone, with ready access to basic services, institutions and main roads. Furthermore, site development in the area has sought to provide for the basic amenities.
- The presence of a strong community association, complemented by strong intermediary institution support, helps ensure more meaningful secure tenure partnerships.
- The federation's usufruct scheme in Bagong Silangan paved the way for government to concretize its investment in the housing project. It also showed that the usufruct scheme paves the way for an emerging community-led mechanism for housing that other urban poor groups can draw on. It is primarily meant to promote and establish communities' influence and involvement in city development processes, particularly in addressing the dilemma of slum dwelling and securing immediate access to decent shelter beyond finance and land market constraints.

Six points in favour of usufruct:

- The existing legal framework broadly supports usufruct arrangements. While more support and details are needed, present laws already lay the basis for promoting usufruct arrangements. The usufruct scheme realizes the constitutional declaration on the social value of property and provides a counterpoint to the commodification of property that adversely affects the poor.
- Usufruct arrangements provide immediate secure tenure and access to basic services. Land title transfer schemes approximating key elements of usufruct have succeeded in providing immediate secure

58. Co, Jason Christopher Rayos (2008), *Usufruct Schemes: Alternative Modes of Securing Tenure for the Poor*, Philippine Action for Community-led Shelter Initiatives, Inc. (PACSI), Homeless People's Federation of the Philippines Inc. (HPFPI) and Sentro ng Alternatibong Lingap Panligal (SALIGAN), Quezon City.

tenure to low-income households who are victims of disasters and those in dense urban areas with high land values.

- There is substantial social acceptability of the scheme by those directly affected. While title transfer is still the preferred scheme, there is growing acceptance among the urban poor for secure tenure arrangements with less than title transfer, such as usufruct, as long as:
 - the terms are clear and they are part of the process;
 - the site is located near their source of livelihood and with ready access to basic social services;
 - there is community management and other stakeholder support; and
 - the scheme is more affordable, as the issuance of title to beneficiaries entails greater expense and effort than the granting of usufruct.
- Usufruct arrangements reflect the evolving transitional and incremental modalities of self-build and sustainable communities. The UDHA recognizes that usufruct is a transitional mode of securing tenure. It needs support in the form of legislated incentives (tax or otherwise) to get buy-in from private and corporate landowners and developers. For instance, UDHA incentives for social housing could be used, such as transfer tax exemptions, real property exemptions and fast-tracking of land and housing permits. Usufruct arrangements also need to initiate responsive community development and livelihood programmes, not only to increase family incomes but also to prepare them for eventual access to land and housing under more formal arrangements (in cities with more urban land/space).
- Usufruct arrangements constitute viable tools or schemes for urban land development and management that city governments can use, if they retain ownership over residential lands rather than disposing of these to UDHA beneficiaries through sale. When coupled with restrictive covenants on disposition to non-beneficiaries, the city can better control the gentrification or “downraiding”⁽⁵⁹⁾ that plague many local government social housing programmes (and that defeat the very purpose of such programmes by not prioritizing those who cannot afford housing). It is also a more effective check on violators and opportunists. Beneficiaries will hesitate to sell their rights because they are not owners, and buyers cannot claim good faith as the seller has no document to show ownership. The government can easily cancel awards and take possession of the property without going through legal processes.⁽⁶⁰⁾
- Usufruct emphasizes the social aspects of property and shows that title transfer is not the only means of securing tenure.

The three community-driven strategies for land tenure discussed in this paper form options for the urban poor. While each have their strengths and constraints, all have proved to be viable methods of obtaining access to land or secure tenure. All three are affected by inefficient land markets, skewed development policies, rigid and numerous regulatory requirements and institutional limitations in the line⁽⁶¹⁾ and regulatory agencies; also by the availability (or not) of housing finance.

The cases described above also show the important role of strong, empowered communities and savings in combination with meaningful

59. Gentrification or “downraiding” is the phenomenon whereby more affluent individuals and families (or those who can afford it) enter or obtain rights to government socialized housing programmes designed for the poor.

60. See reference 58.

61. Line agencies are implementing agencies on land and housing.

collaboration with networks of people's organizations, local government and technical support.

Key points to consider in promoting enabling policies and implementation:

- more participatory measures to build the capacities of community organizations in the technical aspects of land transactions and in managing their finances;
- measures to create the space for these organizations to participate and negotiate for the allocation of land in local governance, particularly in land and development planning of their cities;
- more equitable city level land use and management planning and implementation that consider the housing, upgrading and disaster risk needs of its constituents;
- full implementation of existing laws and regulations (Anti-Red Tape Law, Executive Order 45) to fast-track clearance and permit processing; and working to reduce regulatory standards for land and housing activities without compromising safety and environmental impacts;
- incentives to promote the participation of the private sector, academia and professional groups for the provision of technical and financial support to communities; and
- the establishment of an alternative finance facility involving multiple (community, local, national and international) funding sources, which operates through mortgage finance, guarantees and/or targeted subsidies to support community housing or upgrading.

IX. CONCLUSIONS

“There is no doubt that the most important actor in the housing sector are the communities and their organizations. Community-initiated housing solutions are more often not only better suited to the needs and capacities of communities but they are also easier to sustain because of the built-in participatory processes they entail.”⁽⁶²⁾

The operative phrase here is “built-in participatory processes”, as seen in the case studies presented here. By organizing themselves, and with the help of NGOs such as PACSII, community organizations were able to gather their meagre resources in order to secure housing with security of tenure for their families. Of course, there were also organizations such as the Golden Shower Homeowners Phase 1 and 2 where “built-in participatory processes” failed to develop – but here, federation community organizers are working overtime to re-solicit participation.

The most important lesson from the experiences narrated in this paper is that the urban poor can fulfil their dream of owning a house if they can organize and do things together. Of course, the government should also show its commitment to a just and socialized housing environment. Simplifying housing permit acquisition, especially for people's organizations, would be a good step forward.

The individual stories of federation member organizations are stories of the personal and collective struggles of poor people organizing themselves and driving their own development agenda. It is a continuing struggle. There are no short cuts and easy ways. They will still have to pay

62. Anna Marie Karaos, executive director of the John Carrol Institute on Church and Social Issues (JCISI), based at Ateneo de Manila University.

amortization for years before their houses and/or lands become legally theirs. But for now they can say with pride: "*Amin ang bahay na 'to.'*" "*This house is ours. A house that is safe from demolition and disasters. The nightmare of being displaced, a thing of the past.*"

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