

Article

## Policy Landscape for Customary Forest Management in the Philippine Cordilleras

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### Abstract

Forest management strategies in the Philippines recognize the cultural attributes of forests and customary practices accorded to them. Local communities view forests as an essential and contiguous resource. The Philippine Cordilleras is home to local community forests, natural and man-made or built. Natural forests are held collectively and managed according to customary practices. Man-made forests are developed by kin groups. These are small patches of forests that when surveyed make up a significant portion of the community's natural resources. The "principle of collective ownership of forests" and the "customary tenurial security" are important principles in sustainable forest management in the Philippine Cordilleras. Agencies and local government units (LGUs) are challenged to strengthen their capacity to proactively encourage contemporary customary principles and practices to be used alongside official processes. These customary principles, when used within existing platforms, will prepare communities to face issues that affect their customary forests. Forests in some parts of the Cordilleras are tenured customarily, and such tenure comes with responsibility under the customary regime. The customary regime needs to

be given equal attention in official processes to strengthen and effectively enforce forest local governance.

#### **Keywords**

Forest management, Indigenous Knowledge, Cordillera, SDG, Philippines

## **Introduction**

Policies on forest protection and conservation in the Philippines has built up since the release of Presidential Decree No. 75 (Revising Presidential Decree No. 389, otherwise known as the Forestry Reform Code of the Philippines) in 1975. In 2004, the thrust of forest legislations shifted to Sustainable Forest Management (SFM), executive orders, administrative orders, memorandum orders, and circulars have been enacted toward SFM. The first executive order was No. 318, which was issued in June 2004. Titled “Promoting Sustainable Forest Management in the Philippines,” it adopted Community-Based Forest Management (CBFM) as the primary strategy in forest conservation and development. This strategy shall be done through “a collaborative undertaking of the national government and the LGU’s, local peoples, community organizations, civil society organizations (CSO’s), and private business entities” (Sec. 2.3.1. to 2). The policy also states that “local cultures, values, traditions, religious beliefs and the rights of indigenous peoples to their ancestral lands and domains as promoted and/or defined by existing legislation shall be recognized and respected in all forestry undertakings of the State and the private sector” (Section 2.3.3). Although a series of writeshops has been conducted and resulted to the drafting of an implementing rules and regulations (IRR) for this policy, this policy is yet to have its Implementing Rules and Regulations (Dolom et.al. 2018).

The Department of Environment and Natural Resources (DENR) Administrative Order No. 2004-29 (Revised Rules and Regulations for the Implementation of Executive Order 263, Otherwise Known as the Community-Based Forest Management Strategy), defines Sustainable Forest Management (SFM) as “the process of managing, developing, and utilizing forest lands and resources therein to achieve the production of desired products or services without impairing the inherent productivity of the forest,

thereby ensuring a continuous flow of these products or services and without undesirable effects on the physical and social environment” (Sec. 3). This policy makes an explicit statement for “respect[ing] the rights of indigenous peoples to their ancestral domains by taking into account their customs, traditions and beliefs in the formulation of laws and policies.” (Sec. 1). The Community-Based Forest Management Strategy (CBFMS) issues the following tenurial instruments to successful applicants: a) Community-Based Forest Management Agreement (CBFMA), an agreement of twenty-five years duration between the DENR and the participating people’s organizations, which sets the incentives and the parameters for developing, utilizing, and managing specific forest lands applied for, and b) Certificate of Stewardship (CS), for individual rights, and “is co-terminus with the CBFMA” (Sec. 14). In principle, the issuance of tenure instruments under the CBFM can promote sustainable forest management, because it will give tenure rights to local communities and allow for the collaborative management of forests. However, as a program in the CBFM with its stipulated conditionalities, much control is held by the DENR. The transfer of rights is time-bound and subject to state forest regulations and reporting system (Pulhin et al. 2008). In the case of the Cordillera Region, 88 Community-Based Forest Management Agreements (CBFMAs) have been issued covering 62,787 hectares of land as of 2016 (Domingo and Manejar 2018).

Studies on forests in the Philippines have dealt with assessments of policies at the national level and offered these findings and recommendations for sustainable forest management: a) traditional forest practices promote sustainable forest management but are challenged for their continuity (Camacho et al. 2016); b) indigenous women play important roles in forest protection and conservation (Gabriel et al. 2020); c) the apparent inadequacy of provisions for enforcement and institutionalization of policies on sustainable forest management (Dolom et al. 2018; Domingo and Manejar 2018); d) the need for policy reform to respond to the needs of local people (Pulhin 2002); and e) the need to address the issues of equity in awarding of tenure agreements and granting resource use rights to communities (Guiang et al. 2001).

This paper makes a case for the policy landscape of customary forest management in the implementation of the Philippine SFM to argue

for the strengthening of policy measures and associated human capacity development for SFM in the Cordilleras.

## Customary forest management

In the Philippine Cordilleras, forests are an amalgamation of interdependent entities that compose an important resource in local communities. Trees and other plants, animals, and land and its attribute landforms are important entities in forests. Local people view forest resources as primary determinants of good human habitat. Forest quality builds water quality, and exudes good community settlements. It affects the rest of the other components of the composite natural resource where the condition and quality of water supply are known by the state of forest. Studies have shown that “availability and quality of water are more and more threatened by overuse, misuse and pollution, and that these are strongly influenced by forests” (Calder et al. 2007). Moreover, several human activities and climactic changes are now altering forest’s role in regulating water flows and influencing the availability of water resources (Bergkamp, Orlando, and Burton 2003).

An important feature in the Philippine Cordilleras is the existence of customary forest management along with state forest governance. Community forests are natural forests that are held collectively and managed based on customary practices that are developed from the communities’ culture and shared history (Enkiwe-Abayao 2002). Aside from this, man-made forests have also been established by communities (Camacho et al. 2012; Avtar et al. 2019). Developed by kin groups, these are small patches of forests that when surveyed make up a significant portion of the community natural resource (Enkiwe-Abayao 2002). These predate the Philippines’ state forest institutions, policies, and programs. Over the years, the implementation of customary and state forest governance at various platforms has undergone changes to suit new conditions in communities.

State and customary resource tenure systems coexist in most communities. Traditionally, rights to land are based on *primus occupantis* (i.e., first to occupy and make improvements, and ownership titles are recorded orally in their customary practices including the continuous use of the resource) (Prill-Brett 2003). There are areas

within the community that are open for everyone's use and usually enjoyed using the principle of usufruct rights. Natural forests are traditionally considered for communal use by the community. However, as the population grew, groups "claim certain forest stands as common property after investing minimal improvements such as swidden gardens followed by the performance of rituals" (Prill-Brett 2003, 2). The land and forest tenure customary system reflects the Cordillera regional situation, needs, and capacities. With certain forests owned customarily by indigenous peoples in the Cordillera, national policies need to consider this in crafting the IRR for Philippine forests.

### DENR's Community-Based Forest Management Program (CBFMP)

Aimed at involving communities in forest management, DENR's Community-Based Forest Management Program (CBFMP) in 1998 reconfigured the previous administrative orders on forest protection, such as the Integrated Social Forestry Program (ISFP), Forestry Sector Program, Forestry Sector Project, Forest Land Management Agreement Program (FLMP), Community Forestry Program (CFP), Ancestral Domains Management Program (ADMP), and other people-oriented forestry projects. CBFMP (DENR Adm. O. 96-29) is premised on the concept that "efficient and sustained management of forest lands and coastal areas can result from responsible resource utilization by organized and empowered local communities" (Article I, Sec. 3, p.48). Benefits to communities include the issuance of permits to people's organizations (POs) in forested areas to allow them to occupy and use forest lands agroforestry, for harvesting of timber and non-timber products, and for forest protection and reforestation. People have used these permits to continue using some sections of their forest domains even if they were declared by the government as belonging to the state (e.g., forest reserve or protected area.)

In its policy statement, the CBFMP provides that "it is the policy of the State to [...] respect the rights of indigenous peoples to their ancestral domains by taking into account their customs, traditions and beliefs in the formulation of laws and policies" (DENR Adm O. 96-29, Article 1, Sec. 2, p.1). It further states that an "active and transparent community participation and tenurial security shall be among the key strategies for achieving these goals" and that it supports

the “efforts of local communities and indigenous peoples to protect, rehabilitate, develop and manage forestlands and coastal resources.” A Community-Based Forest Management Agreement (CBFMA) “shall also be the tenurial instrument to be issued to PO’s” (DENR Adm O. 96-29, Article IX, Sec. 1, p.80). The term can be renewed for another twenty-five years thereafter “subject to compliance by the CBFMA holder with the terms and agreement and other pertinent laws, rules, and regulations” (ibid.). The CBFMA in this case tries to address tenurial security of forests to a limited period of twenty-five years (fifty years maximum if renewal is approved). Ownership in this case is limited to fifty years and use rights of forest resources are subject to approval of state authorities. Unlike customary practices of forest tenure security that are hinged on principles and values of exclusivity held by generations of kindred over the years, the CBFMP is restrictive and time-bound. Principles of exclusivity in customary tenure are practiced with culturally ascribed norms such as shared ownership and various practices of customary inheritance.

The revised implementing guidelines for the CBFMS stipulate the forest use entitlements and a long list of responsibilities of a CBFMA holder including a payment of forest charges for forest products harvested from natural resources as well as fees and other taxes required by the government. The rationale for this required payment is vague in tenure instruments issued by the DENR. Why would people pay to harvest forest products from forests that they traditionally managed? More so, POs are delegated serious tasks to “protect, rehabilitate and conserve the natural resources in the CBFM area and assist the government in the protection of adjacent forest lands” (DENR Adm O. 2004-29. Sec. 7, p.5) but are required to pay for charges when they harvest forests products. It is noteworthy that POs are given the latitude to “designate areas according to their sustainable use and in accordance with their native customs, traditions and practice” (DENR Adm O. 2004-29. Sec. 7, p.5), which is consistent to the objective of CBFMA. However, customary sovereignty is subject to national law because the of this provision that POs “allocate and regulate resource-use rights in accordance with national laws, rules and regulations” (ibid.). Access and use rights granted to POs are also set forth in Table 1:

Table 1. Entitlements and responsibilities of a CBFMA holder

<b>Entitlements of CBFMA Holders (POs) (DENR Adm. O. 2004-29. Sec. 6, p.4)</b>	<b>Responsibilities of CBFMA Holders (People’s Organizations) (DENR Adm. O. 2004-29. Sec. 7, pp.4–5)</b>
<p>To occupy, develop, protect, manage, and utilize the forest lands and its resources within a designated CBFM area and claim ownership of introduced improvements</p>	<p>Take the lead in boundary delineation, taking into account their customs, traditions, and beliefs; and if needed, in parcellary surveys within their CBFM area</p>
<p>When appropriate, allocate to members and regulate rights to use and sustainably manage forest lands resources within the CBFM area</p>	<p>Designate areas according to their sustainable use and, when appropriate, in accordance with their native customs, traditions and practices, allocate and regulate resource-use rights in accordance with national laws, rules, and regulations</p>
<p>To be exempted from paying land rental for use of the CBFM areas</p>	<p>Prepare and implement Community Resource Management Framework and Five-year Work Plan</p>
<p>To be properly informed of and be consulted on all government projects to be implemented in the area. A PO’s consent shall be secured by the DENR prior to the granting and/or renewal of contracts, leases and permits for the extraction and utilization of natural resources within the area to a third party; provided, that an equitable sharing agreement shall be executed by such third-party with the PO prior to any grant or renewal of such contracts, leases, and permits</p>	<p>Develop and implement equitable benefit-sharing arrangements among its members</p> <p>Protect, rehabilitate, and conserve the natural resources in the CBFM area and assist the government in the protection of adjacent forest lands</p> <p>Develop and enforce policies pertaining to the rights and responsibilities of PO members and the accountability of PO leaders</p>
<p>To be given preferential access by the DENR to all available assistance in the development and implementation of the Community Resource Management Framework and Five-year Work Plan of the PO</p>	<p>Be accountable for any violation borne by the subcontractor in which he/she had entered into for the development of the entire CBFMA area or portions hereof, and/or economic activities</p>

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To enter into agreements or contracts with private or government entities for the development of the whole or portions of the CBFM area, and/or economic activities therein	Develop mechanisms for addressing conflicts, including rules, regulations and sanctions regarding forest use and protection; Provided, that in case of Indigenous Cultural Communities (ICCs)/ Indigenous People's (IPs) indigenous processes and mechanisms shall be followed
	Be transparent and promote participatory management and consensus building in all activities and endeavors
	Pay forest charges for forest products harvested from natural forest, as well as fees and other taxes required by the government

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Source: DENR Adm. O. 2004-29, Sec. 6 and 7, pp. 4-5

The revised rules and regulations for the CBFMP are clear about the management of the CBFMP. The Forest Management Bureau of DENR serves as the coordinating office and performs two important functions in relation to sustainable forest management: 1) “liaise with other government and non-government organizations for support and/or participation in the program”; and 2) “assist in the development and preparation of project proposals for financial support by donor agencies” (DENR Adm. O. 2004-29, Sec. 33, p.15). Fund allocation for the CBFMP is limited to operational costs of field offices of the Community Environment and Natural Resources Office (CENRO) and Provincial Environment and Natural Resources Office (PENRO) (DENR Adm. O. 2004-29, Sec. 37, p.16). Funds needed for activities under the CBFMA will have to be sourced out. This holds back the implementation of activities, especially if efforts to source funds are not successful.

In terms of implementation of the CBFMP in the Philippines, Guiang and Castillo (n.d., 16) write that “existing policies give top priority to biodiversity conservation and watershed management, but these commitments are not backed up with accompanying budgetary allocations.” The *Philippine Master Plan for Climate Resilient Forestry Development* also states that “local and indigenous practices in managing public forestlands will be respected”



(Forest Management Bureau [FMB] 2016, 114). More so, it upholds that the “[c]ommunity and individual tenure instruments, such as community-based forest management (CBFM) agreement, certificate of ancestral domain title (CADT), and protected area community-based resource management agreement (PACBRMA), will be used to provide land tenure security to these communities” (FMB 2016, 114).

## The Customary in Sustainable Forest Management

There are two policy issuances in 2008 and 2013 that show the innovations for implementation of customary forest management in the Philippines. First, the Department of Environment and Natural Resources-National Commission on Indigenous Peoples (DENR-NCIP) Joint Administrative Order (JAO) No. 2008-01 titled, “Guidelines and Procedures for the Recognition, Documentation, Registration and Confirmation of All Sustainable Traditional and Indigenous Forest Resources Management Systems and Practices (STIFRMSP) of Indigenous Cultural Communities or Indigenous Peoples in Ancestral Domain/Land.” This administrative order aims to “institutionalize the traditional and culture-driven sustainable forest resources management systems and practices, policies and customary laws of the ICCs/IPs” and “formulate appropriate [policies] consistent with the in-depth study and evaluation of the documented STIFRMSP based on their defined culture and existing customary laws/traditions” (Sec. 2.2.21, p.2). Second, the DENR Memorandum Circular 2013-06 titled “Guidelines and Procedure for Plantation Development for the National Greening Program (NGP) with Area Coverage of 100 Hectares and Above within Public Forestlands through the Engagement of Services of Private Sectors, Civil Society Organizations, Non-Government Organizations, People's Organizations/Indigenous People, Local Government Units and Other Government Entities” that mentions the participations of IPs/Indigenous Cultural Communities to the NGP.

The DENR-NCIP Joint Administrative Order (JAO) No. 2008-01 recognizes tradition-based forest management practices of communities with the end goal of processing for the registration and confirmation of STIFRMSP. Its policy statement suggests affirmation of the rights of IPs to governance of their customary forest thus, “the recognition of the inherent right of ICCs/IPs to self-governance and

self-determination as well as their contribution in conservation, management, development of the country's environment and natural resources" (Sec. 1, p.1). In this policy, the STIFRMSP will be formally recognized after they are documented, registered, and confirmed jointly by the DENR and the NCIP (DENR-NCIP JAO No. 2008-01).

There are stages in the implementation of the STIFRMSP. First, "the documentation of indigenous and traditionally managed forests and the different practices in relation to forest resources management, harvesting and utilization thereof, which shall be undertaken jointly by the DENR and the NCIP in coordination with the indigenous leadership system, Barangay and Municipal LGUs and other concerned stakeholders" (Sec. 8, p.7). The unit of documentation is the traditional domain management, which captures the integrative landscape/nature of the domain. Second, Registration. Under this policy, the registration of the indigenous and traditionally managed forest shall be issued with a Joint Implementing Rules and Regulations (JIRR) approved by the DENR, the NCIP, and all agencies that are involved in the recognition process (DENR-NCIP JAO No. 2008-01). Registration requires a very long process that links the LGU and peoples' customary governance into the national forest management system. A verified indigenous management system is measured in the following:

- a) The existing Indigenous Forest Resources Management Systems/Practices is promoting forest conservation, protection, utilization and biodiversity conservation;
- b) the basis of the indigenous forest resources management practices shall focus on the maintenance of the watershed system necessary to sustain/maintain the protective and productive functions of the forest through indigenous knowledge approach/practices which will enhance soil and water conservation and biodiversity;
- c) the presence of customary laws, if verified to be within the framework of sustainable forest resources management, which may be written or unwritten rules, regulations, usages, customs, and practices traditionally observed, accepted and recognized by the respective ICCs/IPs in the management of forest resources;
- d) the security of land tenure and land use rights as provided for under the IPRA and other applicable ENR laws, rules and regulations shall be a requirement for sustainable use (DENR-NCIP JAO No. 2008-01 STIFRMSP, p.8).

More so, it also requires that “the current indigenous forest resources management systems/practices can be harmonized with current ENR laws, rules and regulations” (DENR-NCIP JAO No. 2008-01 STIFRMSP, Sec. 9.6, p.8), and STIFRMSP is only confirmed when the registration is approved. This policy is also premised on the presence of sustained practice customary laws which may not be the case for many communities given difficulties of transmission of customary knowledge (Abayao 2020). The weak mechanism of transmission of customary knowledge at the community level is a growing problem (Avtar 2019). This is a challenge in the desired continuity of customary practice. Thus, the STIFRMSP may need to include a program to revitalize customary forest governance and address transmission of knowledge where a generation of customary forest practitioners can be established and effectively participate in contemporary forest governance.

The STIFRMSP puts emphasis on formalizing a traditional governance system and distinguishing the roles of traditional leaders (DENR-NCIP JAO No. 2008-01). This governance system is referred to in the document as “Indigenous Socio-Political Structures i.e., Council of Elders/ Leaders” and is given the following roles: a) “Initiate and approve the participatory formulation of community policies relative to the effective management and conservation of forest resources, including the recommendation for the establishment of community/village forests within their territory” (Sec. 5.3.c, p.6); b) “activate its authority within the community for the implementation of cultural governance toward effective sustainable forest conservation and management” (Sec. 5.3.d, p.6). It is interesting to note that the policy is recognizing customary practices and puts regulations in forest use rights primarily on customary governance. Sec. 10.4 (p.6) states that “the resource extraction shall be in accordance with existing traditional resource rights defined by the community in its indigenous system and practice,” and that “all DENR laws, rules and guidelines on resource utilization shall be applicable in a supplementary manner.” This provision appears to be vague for including “DENR laws, rules and guidelines to be applied in a supplementary manner” in a STIFRMSP. The rationale for this is not stipulated. More so, this policy does not have an explicit provision for forest tenure, an important stimulus for sustainable forest management. Kuster and de Graaf (2019, 30) asserts that “a formalized collective

property rights provide an incentive to invest in sustainable forest management practices and restoration.”

This policy has addressed the sustainability of practice of traditional indigenous forest resources management systems by implementing training programs for the implementers such as “the Resource Management Technical Group from the DENR, the NCIP, LGUs, other stakeholders, and ICCs/IPs” (Sec. 11, p.10). It will be useful if training programs are reconfigured to support the in situ strengthening of customary forest knowledge and practices by designing innovative programs that allow elders in the indigenous communities to teach the younger generation about customary forest principles and practices.

Comparing the STIFRMSP with that of customary practices on SFM in the Cordilleras, Table 2 below shows the terms and restrictions of the STIFRMSP and the advantages of customary practices in SFM in the Cordilleras.

Table 2. STIFRMSP and customary practices on SFM in the Cordilleras

<b>Sustainable Forest Management Issues</b>	<b>STIFRMSP (DENR–NCIP JAO No. 2008-01)</b>	<b>Customary Practices on SFM in the Cordilleras</b>
Forest Tenure	Indigenous Peoples’ Rights Act (IPRA)	Customary inheritance
Forest Rights of Stakeholders	Secure permits to use forest resources	Rights to forestland, water, and forest attributes
Responsibilities of Stakeholders	Anchored on state conceptualization of forest management	Intergenerational system of learning and transmission of knowledge  Differentiated roles between communal forests and private/kin forest

<p>Forest Utilization</p>	<p>“ICCs/ IPs with registered STIFRMSP shall be issued with forest resource utilization permit[s]” (Sec.10.1, p.10)</p>	<p>Resource-use guiding principles according to community/local needs</p>
	<p>“ICCs/ IPs with registered STIFRMSP shall be issued with forest resource utilization permit[s]” (Sec.10.1, p.10)</p> <p>“[T]he existing land use as a traditionally managed forest especially for watershed protection shall be regulated and extraction of resources shall be allowed only in areas identified by the community as production site. However, utilization within the areas shall be allowed subject to the provisions of the approved Ancestral Domain Sustainable Development and Protection Plan (ADSDPP)” (Sec. 10.3).</p> <p>“Resources utilization from naturally grown forests for livelihood projects as carving, handicrafts, manufacturing, etc., shall be regulated and only the allowable volume/number of species needed as raw materials for livelihood projects could be disposed of outside the domain/ locality in accordance with existing traditional resource rights and DENR laws, rules, and regulations” (Sec. 10.6).</p>	<p>Rationalized. Use timber resources when many and practice selective cutting (Avtar 2019)</p>

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Access	Restricted to number of years approved in the CBFMAs	
Rewards Mechanism	Permits granted by the state subject to the CBFMA	Ownership and perpetual rights to land and forest resources based on customary practices
Sustainability	Limited, up to fifty years maximum	Guaranteed continuity based on kin-based intergenerational transmission of practices.

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The STIFRMSP was implemented in the Cordillera Region with a target of fourteen STIFRMSP in 2013 (Fianza 2013). A report in 2014 says that the Ifugao's Tawali and Ayangan groups in the fourteen barangays of Kiangnan, Ifugao received a Joint Confirmation and Recognition Order from the DENR and the NCIP that confirmed their Muyung practice (Codamon 2014). However, there is no official report accessible to show official information about the status of implementation and data on how many official confirmations following the processes mentioned earlier had been approved. From our fieldwork, we learned about a parcel of communal forest in the Municipality of Bokod that was applied for STIFRMSP. This application was submitted for confirmation, but there is no official report that it is approved.

Forests in indigenous communities are tenured customarily, and such tenure comes with responsibility under the customary regime. The customary regime therefore needs to be given an official recognition in forest tenure, and be effectively enforced and included in measurements and assessments in the Philippines' SFM. Customary forest knowledge is built on forest tenure and is continuously evolving, as people make use of their experiences to innovate sustainable strategies.

## The National Greening Program and Customary Land Tenure

The National Greening Program, a government priority program, has been implemented in the Philippines since 2011. It has the goal of planting 1.5 billion new trees covering 1.5 million hectares of land of public domain (i.e., forestlands, mangrove and protected areas, ancestral domains, civil and military reservations, etc.) for a period of six years (2011–2016) (Exec. Order No. 26, s. 2011). The Cordillera Regional Development Plan 2017-2022 reports that the NGP established more than 102,000 hectares in 2016 (p.270).

Based on the Implementing Rules and Regulations (IRR) of the Expanded National Greening Program (eNGP), the establishment of new plantations in sites covered by the program shall undergo the following procedure: a) site assessment, b) site and soil preparation, c) species selection and spacing, d) nursery establishment and seedling production, e) plantation establishment, and f) maintenance and protection (DENR Adm. Order No. 2016-20, Sec. 6.1). Sites are selected from public lands with a priority on community-managed forest lands covered by tenure instruments such as the CBFMA (DENR Memorandum Circular No. 2011-01). People's organizations (POs) handling CBFMAs are given priority though non-CBFMA holders can also apply, given that they meet the requirements by the program. These POs will be contracted for the remaining tasks in the establishment and maintenance of new plantations. Communities are consulted in the process of species selection whereas DENR prescribes guidelines on the spacing of seedlings and maintenance of planting sites to ensure the survival of seedlings. As the NGP is also a poverty-reduction program, incentives such as the proceeds from the plantations “duly accounted by the DENR shall accrue to the NGP beneficiary communities to address food security and poverty reduction” (Exec. Order No. 26, s. 2011, Section 3.3.1).

Let us take the case of an NGP beneficiary who maintains seven hectares of land under the NGP program. The area is planted with coffee and bamboo. In the beneficiary's perspective, the government is paying him to plant on his own land, and he will also benefit from the coffee and bamboo he has planted. In line with the NGP guidelines on the provision of incentives for NGP beneficiary communities, the lot owners have control on the sale of their harvest.

Based on field observations, there were also noticeable adjustments in the actual implementation of the NGP program, especially in relation to labor requisites. This is the shortage of labor force for the NGP program because it was competing with the continuing agricultural activities of the locals. Twenty-five people are assigned to a five-hectare NGP for site preparation and planting. In addition, maintenance is done every quarter after the trees are planted, and it typically takes fifteen people working for a month to complete site maintenance. The laborers are then hired from various barangays because labor is not enough. The NGP sites are planted with trees and maintained for a period of two to three years by the PO partners. The sites are then turned over to the community for use or maintenance. A beneficiary says that this is the best benefit of the NGP, for it has reminded people not just to plant trees for their backyard but to build communal forest resources as well.

There are issues in the long term for communities who view the NGP as a way of improving an area that they also believe they own customarily even if this is officially proclaimed as, (e.g., National Park by the government.) The NGP contract is silent about ownership of plantations that it produces. Such absence obscures the customary land tenure claims of local people who participate in this program.

As a government program, the implementation of the NGP falls under the Commission on Audit (COA) Circular No. 2012-001 “Prescribing the Revised Guidelines and Documentary Requirements for Common Government Transactions,” thus having a long list of requirements for POs to enter into agreement with the DENR. The pre-audit Checklist of Requirement for NGP Contracts thus requires a rigid and tedious process of application for POs (Annual NGP Reports in Benguet).<sup>1</sup> The long list of requirements discourages locals, including POs, who find the requirements applicable to commercially oriented engagements. It is apparent from these requirements that only officially registered POs can apply and they have to comply with required documents by the time the project is introduced and finalized in an area.

When a national agency such as the DENR proactively implements national programs that affect land tenure (e.g., NGP), it becomes a factor in the promotion of a commercial view of lands and resources. The customary rights of communities over their communal



forest are a concern for some communities. Specifically, they are concerned that particular areas of their communal forests are now being used as NGP plantation sites. At the barangay meetings we attended, fear was expressed that growing trees funded by the DENR will also mean that people give way to Government delineation of national parks' management and thereby agreeing to state governance.

The NGP adds another set of requirements, (e.g., requiring that the program will be contracted out to a people's organization.) This does not seem to be compatible with customary practice that is already losing support from official institutional operations in the community. The requirements and procedures demanded by the government agencies, (e.g., DENR and NCIP,) require a full and effective support scheme, especially because the entire official processing is remotely known to the people.

## Community Livelihoods and Forests

In the *Philippine Master Plan for Climate Resilient Forestry Development*, the forestry sector's vision is for a Climate Resilient Forestry Development, and among its goals are “to place all forestlands under sustainable forest management[...]" and “to strengthen resilience of forest dependent communities to climate change hazards" (FMB 2016, 71). The specific reference to local communities is its objective to attain the forestry sector's target for an “average annual income of upland communities increased by 50 percent by 2025" (FMB 2016, 72). The master plan uses what they call “integrated watershed resource management" (IWRM) that makes specific reference to IPs peoples ancestral domain sustainable development and protection plan (ADSDPP) to be one of the plans that it will be aligning to. (FMB 2016, 77).

Ensuring livelihoods of communities is an important attribute of sustainable forest management. Avtaretal (2019) proposed that for communities whose livelihoods are at risk, a program to codevelop forest management systems that support a livelihood income is important. This calls for a more aggressive implementation of forest-based sustainable livelihood programs, and it can start with existing programs that should reenvision to address the livelihood of indigenous communities. For example, in the DENR's Forest Management Bureau's (FMB) Non-Timber Forest Products–Exchange

Programme, they reported that they “assisted indigenous communities in the identification of Indigenous Community Conserved Areas within their ancestral domains: Dumagat Remontado in General Nakar with 2,704 hectares; Palawano of Brookes Point with 5,000 hectares, Higaonon of Impasugong, Bukidnon with 10,863 hectares” (FMB 2019, 16). Conservation is highlighted here but the very need for livelihoods in forest communities is not addressed in the program, which is common on forestry initiatives in the Philippines. This can perhaps be reenvisioned to consider FMB’s assistance to communities to establish small scale nature-based activities that will allow them to collect payments from those who will avail of these.

In terms of institutional governance, this 2016 Master Plan states that the DENR has initiated its restructuring of its current department structure into functional units and doing away with sectoral divisions. This is DENR’s strategic response to what the plan has pronounced, that the “DENR no longer has exclusive jurisdiction over forest ecosystems” because the “governance of forestlands and protected areas has been characterized by overlapping institutional mandates at the national level and overlapping tenure at the forest management unit level” (FMB 2016, 110).

The FMB of the DENR could add activities that promote customary management of forests in its information education and communication (IEC) activities. The bureau’s reported activities are more sector-oriented, such as “International Day of Forests Photo Contest (2016 & 2017),” “International Day of Forests Symposium on Sustainable Cities (2018),” “International Day of Forests Paydro Online Quiz Contest (2019),” “Bike Hike Plant in celebration of Philippine Forestry Service Anniversary and Arbor Day (2016, 2017 & 2019),” and the like (FMB 2019, 30).

Lyver et al. (2017) suggests the application of indigenous community-based monitoring systems alongside scientific-based approaches because of their potential to ensure that cultural values relevant to people are captured in the results. This study has demonstrated a successful creation of Indicators and Metrics for assessment for community forests. Accordingly, many indicators given by local people linked to the “provisioning capacity of the forest” (2017, 3199). This tells us that forests are recognized as a source.

## Conclusion and recommendations

IP communities have strong desires to protect and secure their forest resources, both in customary ways and through legal mechanisms. Having legal instruments such as CBFMAs and CADTs only allow for a certain degree of belonging to a customary resource, and ownership on a temporary footing. But LGUs and national agencies such the DENR and the NCIP have not reached an official working platform where collaboration and complementation are used in their strategies. It is observable that each agency has a work mandate to deliver, thus a fragmentary approach to addressing a problem. The case of the processing of the “communal forest” where all three agencies worked but have not achieved their goal is a manifestation of a very weak working mechanism.

Policies, including IRR, may need to invigorate their goal from seeking compliance to and asserting forest use restrictions to localizing governance processes and continuing to build customary governance systems in communities. This way, local communities will navigate their needs and decide on forest use processes alongside short- and long-term consequences whenever they use forest resources.

Agencies and LGUs are challenged to strengthen their capacity to engage with communities that proactively encourage contemporary customary principles and practices to be used alongside official processes. These customary principles, when used and negotiated in contemporary official forest management practice, will prepare communities to deal with issues that affect their customary forests. Communities will collectively discuss the issues, problems, and prospects and make judgments accordingly. When recognized and implemented in official processes, the customary principles and practices will continue to evolve, and shall be given broader possibilities for transmission. Reconfiguring a development plan in relation to SFM shall require revisions in the required official deliverables of government agencies. Planning and assessment templates on forest management by DENR offices and LGUs need to officially register a criteria and a measurable indicator for customary forest practices underscoring their relevance to understanding problems, the solutions they offer, and the proactive and enabling mechanisms that they require for these to work.

The following may be used to strengthen the existing policies on customary forest management:

- 1.) Provide associated criteria and indicators for existing policies and their inclusion in the annual reporting of implementation at the national and local levels.
- 2.) Create indicators for enforcement of customary forest policies, especially CBFMP, STIFRMSP, and NGP, and be included in the annual report of concerned agencies and LGUs. Make this accessible in the official websites of DENR.
- 3.) Review annually and update the policies on customary forest management using the results of reports (see no. 2).
- 4.) Assign a dedicated staff at the national and PENRO/CENRO level in established IPs regions of the Philippines to work full time on the implementation of the STIFRMSP and associated policies.
- 5.) Create an enabling mechanism for participatory local governance by revising the STIFRMSP to allow free access and use of man-made forests established by communities.
- 6.) Create an enabling participatory environment on SFM by assisting LGUs and local communities to establish “forest heritage tourism” appropriate to their goals and needs.
- 7.) DENR and NCIP to issue policies to address the individual security of forest tenure and rights.
- 8.) National agencies may organize an interdisciplinary program with the academe to develop criteria and indicators for customary forests and link this to the Philippines’ commitment to the global indicator framework for the Sustainable Development Goals and targets of the 2030 Agenda for Sustainable Development.

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### Note

1. The following are the requirements needed to be passed by a PO to ensure the release of DENR NGP funds: 1) SEC/CDA/DOLE Registration Certificate, 2) articles of Incorporation/Cooperation/Bylaws, 3) audited Financial Statement for the past 3 years for old POs or Audited Financial Statements submitted to SEC/CDA/DOLE for new POs, 4) latest Income Tax Return (ITR) or TIN for new POs, 5) Disclosure of the NGO/PO of other related businesses, if any, 6) complete project proposal completed by the PO, 7) Certificate of accreditation of the PO by BAC or a committee created for the purpose including the following: BAC resolution, Request for Quotation, Post Qualification Report, and Notice of award indicating the date of receipt by the contractor, 8) certification of the Agency Head that the PO has no violation with previous MOAs, 9) certification from the Municipal Mayor that the PO is registered and operating in the municipality, and 10) clear photocopy of PO passbook.

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