

Perceptions of Tenure Security in Camalig Municipality in the Philippines

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SUMMARY

This paper addresses the different types of land tenure existing in Camalig Municipality, the rights attached to them and occupiers views on tenure security. They are presented as the results of interviews and focus group discussions with residents in the five major categories of land tenure in the municipality. These land tenure types include informal settlements, government-assisted housing, resettlement sites, titled properties, and tenancy. The interviews were designed to investigate the perceptions of land tenure security of the residents, and to identify the factors that were perceived as improving tenure security.

The research also includes an investigation of the de-jure and de-facto elements of the perceptions of tenure security. The research is concluded by ranking each of the tenure categories with respect to its social and legal legitimacy.

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1. INTRODUCTION

Land tenure security has been considered as an important instrument for poverty reduction since it is one fundamental basis for economic activity (UN-HABITAT 2008). One of the strongest forms of tenure security is the provision of land titles (De-Soto 2000; Reerink and van Gelder 2010). However, there are arguments whether land title is the sole instrument in provision of tenure security (Durand-Lasserve and Royston 2002; Payne 2002; UN-HABITAT 2003a, 2003b, 2004). Tenure security is also related to access to land and the strongest form of access to land is having full rights of ownership (Mitchell 2011). In the process, a continuum of tenure is recognized where different sets of rights are improved to provide more recognized right to land (Mitchell 2011; UN-HABITAT 2008).

On the other hand, there is still a debate on what entails or constitutes tenure security (de Souza 2001; van Gelder 2010). Van Gelder (2010) argued that three kinds of tenure security exist: (1) *De jure* (legal) tenure security, (2) *De facto* tenure security and (3) Perceived tenure security. The legal tenure security exists when the right of access to and use of land is “underwritten by a known set of legal rules” (van Gelder, 2010); whereas *de facto* security is the tenure that operates in practice. It is based on the actual control of the property and is not related to its legal status. Perceived tenure security is the security of tenure perceived by the dwellers and is in effect an estimate of likelihood of the loss of tenure. It based on practical factors such as the perceived probability of eviction and other factors that may result in involuntary resettlement (van Gelder 2010). The latter corresponds to the concept of perceived tenure security in UN-HABITAT (2003b) that argued security of tenure is achieved when there is no threat of involuntary removal from their land (UN-HABITAT 2003b). The first two types of tenure security can also be considered to have different levels of legitimacy of the rights of land. *De jure* tenure security is considered to be legally legitimate and may or may not be considered socially legitimate, whereas *de facto* tenure security is considered socially legitimacy through broad social acceptance but often exists without legal recognition (Palmer et al. 2009).

In contributing to the debate of tenure security, there are several relevant papers on the perception of tenure security in developing countries (e.g. (de Souza 2001; Reerink and van Gelder 2010)). In the Philippines, for instance, where many of the urban poor are without security of tenure, basic services and access to land and job opportunities are factors that constitute tenure security (Porio and Crisol 2004). In the same way, tenure security for the poor in Indonesia and Cambodia is perceived to be constituted by the possibility of involuntary removal from their land and also of the government recognition of their occupied land (Khemro and Payne 2004; Reerink and van Gelder 2010).

In the Philippines tenure security does not rely solely on the provision of titles and relies on the provision of intermediate and alternative tenure instruments (Aristizabal and Gómez 2004; Khemro and Payne 2004; Porio and Crisol 2004; UN-HABITAT 2008). About 60% of the total land in the Philippines is informal or without legal titles (FAO 2009). Although one of the components of the comprehensive Land Administration and Management Project (LAMP¹) was the increasing of tenure security by provision of 102,000 land titles in the project areas, the project could only deliver 43.44% of its total target (Llanto et al. 2010; World Bank 2011).

Camalig Municipality is a medium-class municipality in the Province of Albay. In 2007, total population in the municipality is estimated 60,963 and projected to be 63,350 in 2013 or at an average of 0.91% annually. The average household size is 6 people, which equates to the national standard of 6 persons per household (MDCC Camalig 2009).

The municipality is affected by approximately 3 to 5 typhoons per year (Oxfam GB 2008), has a significant threat of floods, and faces the potential of eruptions from the nearby Mayon volcano. Situated along the typhoon belt, the municipality is also strongly affected by monsoon (rain-bearing) winds from southwest from approximately May to October and from the northeast from November to February. In addition, from June to December, typhoons often strike the archipelago. About 198,000 houses are threatened by wind destruction and at least 350,000 people have to evacuate at the occurrence of typhoon (Government of Albay 2010; World Bank 2005).

This paper presents the results of interviews and focus group discussions with residents living in disaster-prone areas in the five major categories of land tenure in the municipality. Representatives of each tenure group were randomly selected based on their availability and equal distribution of geographic representation. Between 20 and 40 people from different tenure groups were interviewed with the assistance of *barangay* officials. Two focus group discussions were conducted in each *barangay* where each tenure category was grouped according to their tenure type. The data collection was conducted in English and local language (tagalog) with the assistance of a translator.

The interviews and focus group discussions were designed to investigate the perceptions of land tenure security of the residents of the different tenure groups, and to identify the factors that were perceived as improving tenure security. In addition, *de-jure* and *de-facto* elements of the perceptions of tenure security were also investigated, that define the social and legal legitimacy over tenure security in the study area.

¹ Land Administration and Management Project is a 34.96 Million multi-funded project of World Bank, Australian Government through AusAid grant and the Government of the Philippines. The project development objectives are to increase land tenure security and improve land administration services through the implementation of institutional and legal reform, the realization of an accelerated land titling program, and the establishment of a fair and uniform property valuation system. Complete information is available on the [World Bank](#) webpage.

This research is part of PhD research that explores the relationship between tenure security and resilience to natural disasters in disaster-prone Camalig Municipality, the Philippines. Although this paper is focused more on tenure security, a few aspects of the relationship between disasters and tenure security are also discussed.

2. LAND TENURE SYSTEMS IN CAMALIG MUNICIPALITY

Two *barangay*² (Ilawod and Tagaytay) have been selected as case study areas since a range of tenure types exist in the municipality, namely public land, titled / registered land, informal settlements, tenancy (leasehold), and two forms of government-assisted housing (BLISS³ and resettlement sites). About 170 out of 646 properties in Barangay Ilawod are titled (26% of the total). In Barangay Tagaytay there are 216 titled properties out of 606 (35% exclusive of resettlement sites).

Surveys conducted in the two barangay have shown that there are about 371 informal settlers (57% of households) in Barangay Ilawod, and 371 informal settlers (61% of households excluding the resettlement sites) in Barangay Tagaytay. The informal settlers are mostly squatting in four primary locations: (1) within 15 meter strip of the abandoned railway, (2) within 15 meter strip of the river or on the river bank itself and (3) within 25 meters from the center of the main road. Some families also squat inside (4) forested areas. The largest number of people live in the resettlement area. These are communities living in disaster prone areas that were relocated to new sites selected by the local government (Table 1).

Table 1 Number of existing buildings in Barangay Ilawod and Barangay Tagaytay

<i>Barangay</i>	Tenant	Titled	Informal Settlers	Public	BLISS	Resettlement	Total
Ilawod	88	170	371	17	-	-	646
Tagaytay	112	216	214	5	59	1677	2283
Total	200	386	585	22	59	1677	2929

In the study area two different tenancy arrangements exist – labor tenancy and share cropping. Some labor tenancy practices are based on fixed wage, while some also based on the amount of harvest. The more harvest, the more wage the tenant receives. For share-cropping a pre-defined share between the owner and the tenant is agreed. This practice of share-cropping is mostly encountered in this study area where tenants live on the land they manage and become fully responsible for the land and the crop.

Generally labor tenancy is perceived to have less tenure security when compared to share cropping. The main difference is that the labor tenant works on the other persons land on a wage basis without any right to occupy the land for housing. However, according to the

² *Barangay* is the smallest administrative division in the Philippines and is the native Filipino term for a village, district, or ward.

³ BLISS (*Bangong Lipunan* (New Community) Integrated Social Services Housing) is a government and nationwide program launched in 1979 to respond to the dire housing needs for the poor in the Philippines.

responses there have been many cases demonstrating that both types of tenancy can be inherited to the next generation, and that the tenant living on the land they manage have more freedom to construct, develop and improve the houses.

Two resettlement sites have been established by the Albay Provincial Disaster Coordinating Council to permanently relocate people living in high hazard-prone areas in the Municipality of Camalig. The first relocation site was established after the eruption of Mayon Volcano in 1993 that destroyed all buildings and infrastructures in the original settlement. The second relocation site was established following the impact of the typhoon Reming in 2006 (MSWD 2007).

2.1 Legally recognized (*de jure*) land tenure rights

Many of the public land parcels occupied by the informal settlers are within the proclaimed buffer areas and the occupation is illegal. However, enforcement of these laws is weak as most residents have occupied the land for a number of years. Administrative Order No. 98-12 delineates a housing exclusion area within the 15 meters of the railway and road, and within 50 meters of a water body. Eviction and demolition is discouraged, however it may be allowed (i) when people occupy dangerous areas, (ii) when government infrastructure projects are to be implemented, and (iii) when there is a court order for eviction and demolition (DENR 1998).

BLISS is a national development strategy that aimed to shelter to low-income families and to make available long-term housing loans at low rates of interest (Abueg 1986). In the study area 59 BLISS houses were constructed in 1980. Many of the houses have been extended into 3-4 storey houses and are very prominent as they are surrounded by informal settlers on the road and river banks.

The rights of residents of all government-assisted housings are protected by contracts provided by local government, although land tenure for the whole site remains with the government. These contracts provide usufruct rights for 99 years of the housing unit. The contract also allows for the transfer of rights by inheritance. Under the BLISS scheme the beneficiaries get a land use certificate that can be used as evidence of property rights. In practice, transfer of these usufruct rights can exist through an informal market, especially between relations.

Holders of formal title documents have the highest level of *de jure* rights in theory. With the title document as evidence, titled groups generally do not face the threat of eviction or land grabbing. After recent natural disasters, no cases of land grabbing were encountered despite the fact that many of the title properties are owned by female single households⁴. People with titles also have greater access to formal credit, either by government or private financial institutions, using their titles as guarantee.

⁴ Interview with Disaster Management officer of Camalig Municipality

The following table summarizes the formal (*de jure*) land tenure rights for each of the six land tenure categories in the study area.

Table 2 Summary of recognised legal property rights for each tenure type

Legally recognized rights	Informal settlers	Tenants (leasehold)		Government assisted housing and resettlement	Registered titles
		Labour tenancy	Share-farming		
Legal occupancy rights	N	N	Y	Y	Y
Land use rights	N	Y	Y	Y	Y
The right to sell	N	N	N	N	Y
Inheritance rights	N	Y	Y	Y	Y
Registered land tenure rights	N	N	N	N	Y

Y = Yes, N = No

3. PERCEPTIONS OF TENURE SECURITY

3.1 Perceived tenure security of informal Settlers

All informal settlers realize that they squat on government land, and that eviction is one of the major threats they face. However, most of them (except those squatting along the railway) are confident that the government will not evict them in the next 5-10 years (Table 3).

Table 3 Perception of the threat of eviction for informal settlers

	Do you think that the government will evict you in the next 5-10 years?			
	Squatters along the road (n=40)	Squatters along the railway (n=30)	Squatters along the river (n=40)	Squatters in the forest (n=20)
Yes, there is possibility of eviction	20%	90%	10%	0
No, there is no possibility of eviction	80%	10%	90%	100%

The perceived security of tenure is also demonstrated by the confidence of the informal settlers in investing their capital in constructing and expanding the houses. In fact, there are a number of houses built on informal lands along the main road that have been built permanently. The majority of these houses are constructed using a combination of bricks and bamboo. On the other hand, many of the houses are built using very basic local resources, particularly bamboo and palm trees. However, they all believe that their houses will be improved as they are able to invest more capital. Long-term occupation is considered within the community to improve property rights.

Although their occupation of government land is not legally endorsed many people have been squatting there since as early as 1940s, and the informal settlers have little fear of investing

capital in their houses (Table 4). The exception is squatters along the railway where only 20% did not fear investing capital in their houses. Some of the houses have had considerable capital investments and the owner is considered as one of the richest in the neighbourhood. Various livelihoods have been established in the houses including art studios, internet café, beauty salons, grocery shops, a bakery, and small restaurants.

The 80% of the informal settlers along the road, who perceive there is little or no possibility of eviction, indicated that eviction could only happen if the eviction laws were more strictly enforced, or where a major development is undertaken along the road. However, they perceive that it also takes long time for that to happen and the government will prioritize developments in the urban areas in comparison to the rural areas in which they live.

Table 4 Fear of investing in capital improvements

	Do you have fear to investing your capital into housing improvements?			
	Squatters along the road (n=40)	Squatters along the railway (n =30)	Squatters along the river (n =40)	Squatters in the forest (n =20)
No	95%	20%	90%	100%
May be	5%	10%	10%	-
Yes	-	70%	20%	-

The provincial railway along Barangay Tagaytay has been inactive since the super-typhoon Reming in late 2006. There are informal settlers who have been residing there since 1951 although many recognize the possibility of eviction. These are the people who have been residing there for more than 20-30 years and have inherit the ownership of the land and house to the next generations. The responses indicate that these informal settlers believe they have a greater chance of eviction (90%, Table 3), a greater fear of investing capital (70%, Table 4) and less believe the government recognizes their tenure (60%, Table 5) than other areas of informal settlement.

In the case of informal settlements along the river, the squatters do not perceive the law and government as the major threats. Although they reside along the river bank, which is a buffer zone, 90% of the interviewees show no fear of eviction (Table 3). Some residents even confidently built more permanent structures on the river bank as they think that it prevents river erosion to the land. In fact, they are more fearful of natural disasters than eviction. Many of them have experienced moving houses, as their houses were destroyed by big floods or lahars from Mayon eruptions in 2006. However, they usually build the houses again on the same land when disasters season ends. On the other hand, moving to different locations along the river is also one of the disaster mitigation practices when the house is totally destroyed. Such practices in this study area and neighboring municipalities have created communities of ‘nomad river squatters’.

The informal settlers in the forest indicated no fear at all of eviction (Table 3). The number of houses built on government forest lands are growing as the people seek new sources of livelihood where they can also reside.

The level of confidence of different types of squatters is also demonstrated by their perception towards government agreement on their settlements. The majority of interviewees are convinced that their settlements are fully recognized by the government. Their representatives (*purok*⁵ leaders) are often invited for a municipality meeting, especially on contingency planning meeting prior to natural disasters. This also adds the level of confidence towards their occupation on government land.

Table 5 Perception on government recognition to the ownerships of different informal settlers

	Do you think that the government recognizes your tenure?			
	Squatters along the road (n=40)	Squatters along the railway (n =30)	Squatters along the river (n =40)	Squatters in the forest (n =20)
Yes	100%	60%	80%	100%
May be	-	10%	-	-
No	-	30%	20%	-

3.2 Perceived tenure security of tenant groups

Like informal settlements, eviction is also an issue among the tenant groups since their life and livelihood depend on the land owner. The difference is that it does not involve government officials in the case of eviction as the tenants do not live on public land or buffer zone areas. The majority of tenants (80%) were not concerned by the threat of eviction since they believe their use of the land also benefits the land owner (See Table 6).

Table 6 Perception on possibility of being evicted by the land owner

	Do you think that you will be evicted by the owner? (n = 40)	Do you think that the government will be involved in the case of eviction? (n = 40)
Yes	10%	0%
May be	10%	5%
No	80%	95%

The respondents highlighted the importance of building and maintaining good relationships with the owner. The strong social bonds within the community is also a factor that builds the confidence of the tenant group about their security of tenure. Nevertheless, they still perceive that the government can be mediators should conflicts or problems arise between the tenant and the owner. Although most tenants possess limited educational background, they realize that they have rights as tenants and know what to do in case of eviction. In the same way, they understand that their rights are protected by the agricultural laws.

Table 7 Perception on possibility of direct government involvement in case of eviction

	Do you know what to do:	
	in the case of eviction? (n = 40)	if the owner wants to sell the land and you can not live there anymore? (n = 40)

⁵ *Purok* (zone) is political subdivision of the *barangay* in the Philippines especially in rural areas

Yes	90%	65%
May be	-	25%
No	10%	10%

Another aspect that tenants group mentioned regarding their tenancy is the importance of having a receipt. This is perceived to be a good proof of their security. Having receipts not only legitimizes their tenancy but also demonstrates their responsibility to the land that they manage. However, in practice receipts are often not issued and only small percentage of respondents were concerned about this (Table 8). This once again confirms that the arrangement is also mostly based on trust. During typhoon Reming in 2006 about 90% of the tenants lost the receipts.

Table 8. Perception on having legitimated receipt as proof of share

	Do you think that it is important to have receipt? (n = 30)	Do you get receipt from the owner? (n = 30)	Does it bother you if the owner doesn't provide receipt? (n = 30)
Yes	80%	10%	5%
May be	5%	-	-
No	15%	90%	95%

Although most tenants agree on the importance of having a formal arrangement, flexibility of tenure arrangements is perceived to be more important - particularly in the event of disasters when most of the cops fail to get to harvest. However, developing a formal arrangement is perceived to be more complicated and requiring more time to start the tenancy. Government support in terms of provision of clear procedures on solving problems between tenant and land owner is perceived to be an important avenue to achieving security of tenancy.

3.3 Perceived tenure security of Government-assisted housing (BLISS) beneficiaries

The perception of tenure security for occupation of BLISS beneficiaries is based on the housing award contract awarded by the municipality of Camalig. The housing award confirms full usufruct rights attached to the beneficiaries as the legal owner of the awarded houses. Consequently, most beneficiaries perceive that eviction will not happen as this is government initiative that does not change in the future (Table 9).

Table 9 Perception on long-term ownership over BLISS housing

	Do you feel secured over long-term ownership of your house? (n = 30)
Yes	95%
May be	5%
No	-

The concept of land ownership in BLISS as mentioned in the housing-award contract is debated by most of the beneficiaries. For beneficiaries, though they know that they have full usufruct rights, the concept of land stewardship is perceived as ownership based on title, not

only certificate. Though some beneficiaries are not really bothered if the titles are collectively held by government, 80% of the respondents firmly state the importance of having individual title lots under their name. 60% of respondents concerned if the individual title is not provided (Table 10).

Table 10. Perception on importance of individual title

	Do you think that it is important to have title? (n = 30)	Does it bother you if the individual title is not provided? (n = 30)
Yes	80%	60%
May be	5%	5%
No	15%	35%

All participants have expressed their freedom to redevelop and reconstruct the houses into bigger and more beautiful ones. Based on observation, 98% of the houses in BLISS complex have been transformed into stronger and bigger houses; many of which are built to 2 or 3 storeys.

Table 11. Perception on investing capital over BLISS housing

	With this BLISS arrangement, do you have any doubts in investing your capital into the house? (n = 30)
Yes	-
May be	-
No	100%

3.4 Perceived tenure security of resettlement groups

The majority of people at the relocation sites considered the resettlement programs do not only provide safer settlement, but also improve the tenure security through a certificate of ownership provided by the local government. Security of tenure at their previous settlements was based on social recognition vis-à-vis the length of occupation. Without legal certificate of ownership at the original settlement, people were constantly fearful of the threat of forced eviction by the government (Table 12).

Table 12 Perception of tenure security over the houses provided at the resettlement sites

	Do you think that the new houses at resettlement sites provide you with more tenure security? (n = 40)	Are you happy with certificate of occupation? (n = 40)
Yes	100%	80%
May be	-	10
No	-	10

The rights of the beneficiaries are protected under the housing unit contract awarded by local government. The contract details that the awardees have the rights to exclusive and continuous occupation for a period of 99 years and extendable (LGU Camalig 2008). Despite the contract, nevertheless, beneficiaries at the two resettlement sites still perceive that having

a legitimate certificate is important in securing land tenure. A majority of the beneficiaries stated the importance of having individual titles to their awarded house at the resettlement sites (Table 13).

Table 13 Perception of the importance of having individual titles at the BLISS and resettlement sites

	How important is it to have individual titles on your awarded houses (n = 40)
Very important	60%
Important	20%
Not important	20%

The case of resettlement site is very similar to the BLISS site, as both are government initiatives in which the titles are collectively kept by the government. The difference lies in the rights attached to the beneficiaries. On a resettlement site, no transfer of rights or selling is possible since the house is restricted to be occupied by the beneficiaries of first blood families. The 99 years occupation (and extendable) is perceived to be an unlimited occupation provided that contract not be violated.

Even though the beneficiaries of BLISS and resettlement sites are confident with their tenure security (Table 11 and 12), the importance of having individual titles is still highlighted (Table 13).

3.5 Titled property

In the study area, land title is the most commonly recognized instrument for providing tenure security. Even though there are other factors perceived to constitute tenure security, the eventual dream of all residents is having legitimate proof of ownership in the form of title document. Theoretically, titled groups are the most secured of all tenure groups and various rights attached to their titles are enjoyed by the residents. In the study area, in strictly legal terms, only formal title holders can get licenses for development and construction. This license also functions as registration and information update of their properties to the municipality. This privilege is another tenure security factor that benefits the groups thus strengthening their ownership of the lot they occupy.

The only threat that this group face is the loss of government records due to disasters. The respondents on titled land indicated they were very secure, even in the event of a natural disaster (see Table 14). All interviewees and participants of focus group discussions recognize the possibility of documents destroyed due to disasters, either at the local government or their houses. In the Municipality of Camalig all title records are still kept using a manual paper-based recording system. Initiatives for improving the land administration system in the Philippines have been happening since 2002. One of the project components is the computerization of land records. However this land reform does not include Camalig Municipality.

Table 14 Perception of tenure security of the titled group in relation to having property in disaster-prone areas

	Do you feel secured with your property in the disaster-prone areas (n = 20)	Is it usually difficult to return to your property after disasters? (n = 20)	Do you feel any threat of land grabbing after the loss of documents in disasters? (n = 20)	Do you think that you could lose your property as your title certificates have been loss due to disasters? (n = 20)
Yes	100%	-	-	-
May be	-	-	5%	-
No	-	100%	95%	100%

4. DISCUSSION

4.1 Continuum of Tenure Security

As discussed previously, non-formal tenures are the dominant types of tenure systems. Without taking government-assisted housing into consideration, 64% of tenure is comprised of non-formal tenure including informal settlements and different arrangements of tenancy.

Informal settlements are considered to have the lowest level of tenure security whereas registered title group has the highest level of security. In practice, the range of different tenures in the study area form a continuum of tenure security.

Among the informal settlers themselves, moving from squatting along the river bank to having a space along the main road is considered an improvement in security of tenure. Informal settlers realize that they face two threats residing along the river bank: (1) natural disasters and (2) forced eviction by government. Moving to become squatters on the main road increases their security as they are at least less vulnerable from natural disasters and there is less possibility of eviction for informal settlers along the main road. In fact, this has been the practice in the study area and it is common to move from one squatting location to another.

Similarly the government's initiative of providing houses at the resettlement site to move people away from hazard-prone areas also involves a move along this continuum. The housing certificate awarded to beneficiaries certainly provides a more legitimate certificate of ownership to the beneficiaries. All beneficiaries of government-assisted housing were previously informal settlers from different places who now enjoy formal rights, especially with housing registration under their names and exclusive occupation rights for 99 years (LGU Camalig 2008).

On the other hand, the desire of government-housing beneficiaries to have individual titles instead of 'only' a certificate of ownership or housing award contract demonstrates a desire to move to a higher level of tenure security.

Although most of the tenant group depend on their long-term occupation of land, and trust of the government, as the main factors underpinning security, the provision of formal legally legitimate long-term tenancy is a legal avenue to providing them with more tenure security.

4.2 Factors constituting perceived Tenure Security

In the absence of land titles, other forms of government recognition may prove the highest form of evidence of property rights. For example all recipients of the government-assisted housing under the BLISS or resettlement schemes, received a certificate confirming their usufruct or occupancy rights. These groups may be considered to have a more formal tenure than the tenancy or different types of informal settlers. Despite the land titles being perceived as the strongest form of instrument to tenure security, many of the community members within each of the different tenure types perceive their tenure to be secure (Table 15). This indicates that *de facto* rights provide a degree of legitimacy within the community.

Table 15 General perceptions of tenure security based on the question 'Are you secured in terms of land tenure?'

	Informal						Regularized		
	Informal Settlers / Squatters				Tenant		Government-assisted housing	Titled	
	along riverbank (n = 30)	along railway (n = 20)	on forest (n = 20)	on road (n = 30)	Labour Tenancy (n = 20)	Share Cropping (n = 20)	BLISS (n = 20)	Resettle ment sites (n = 30)	Titled groups (n = 30)
Yes	60%	70%	90%	85%	75%	90%	90%	95%	100%
May be	30%	10%	10%	10%	15%	5%	10%	5%	-
No	10%	20%	-	5%	10%	5%	-	-	-

The possession of documentation in the form of title documents was agreed by all tenure groups as a primary element of tenure security. Where the land has not been titled, formal government certification of land use or occupation rights is also important. Government recognition is demonstrated by the presence of housing award certificates for the beneficiaries of housing assistance (i.e. BLISS and resettlement sites). On the other hand, for tenant groups, this recognition is rooted on mutual agreement and good relationships with land owners.

Social recognition is one of the primary factors of perceived tenure security identified. This is supported by the fact that the communities in the study area have strong social cohesion and respect each other. In terms of tenure security, it extends to protection of other people's space or land regardless of being formal or informal. In addition, even a community with formal land title still consider social recognition to be important in supporting and maintaining their tenure security.

The length of occupation of the site is another factor that increases the social legitimacy of tenure, especially for informal groups. For the informal settlers, acceptance of their right to re-occupy the land after disasters is also perceived as government recognition of their rights. There are no cases where informal settlers along main road, river bank and railway tracks were thwarted in returning to their original settlement after a natural disaster, or rebuilding their dwelling.

The legitimacy of tenure is also manifested through different rights attached to their possessions. For instance, the level that differentiates BLISS and resettlement sites is the 'right to sell' held by BLISS beneficiaries and 'transfers or waive of rights' to the third party aside from family members. Interestingly, among the informal settlers, investments made to the houses indicated by the construction of large solid houses is perceived as one of the strongest drivers of social legitimacy. Related to the right to sell is the function of passing on the occupation of land through inheritance to family members. Inheritance recognized by the law is also another important factor defining perceived security of tenure.

The social connection of people or households to government or institutions linked to power is another factor that constitutes tenure security, particularly for informal settlers. In addition, social relationships with other community members were also raised as a factor in perceived tenure security.

While threat of eviction was one of the core issues discussed among the respondents from the informal and tenancy, the research reveals that there is not a strong a correlation between perceived threat of eviction and the perceived level of tenure security. This suggests that that they considered the threat of eviction to be low and that their rights would be protected by government if they were evicted and resettled. Many of the respondents also noted that the study area is mostly rural and the focus of government development projects and eviction of informal settlements is more likely to be in the capital (around Metro Manila) and other urban areas.

Table 16 Factors constituting tenure security based on perceptions of community from different tenure groups

Aspects	Informal				Regularized			
	Informal Settlers				Tenant	BLISS	Resettlement	Titled Groups
	along the railway	on river bank	in forest	on road				
Legal legitimacy								
Title documents								✓
Formal certificate / award of housing or contract					✓	✓	✓	✓
Government recognition	✓			✓		✓	✓	✓
The land user is also the owner								✓
Social Legitimacy								
Length of occupation	✓	✓	✓	✓	✓			✓
Social recognition	✓	✓	✓	✓	✓	✓	✓	✓
Capital improvements and investment to property			✓	✓	✓	✓	✓	✓
Connection with government and or person from institutions linked to power is not needed						✓	✓	✓
Inheritance recognised					✓	✓	✓	✓
No perceived threat of eviction					✓	✓	✓	✓

4.3 Legal and Social legitimacy of tenure security

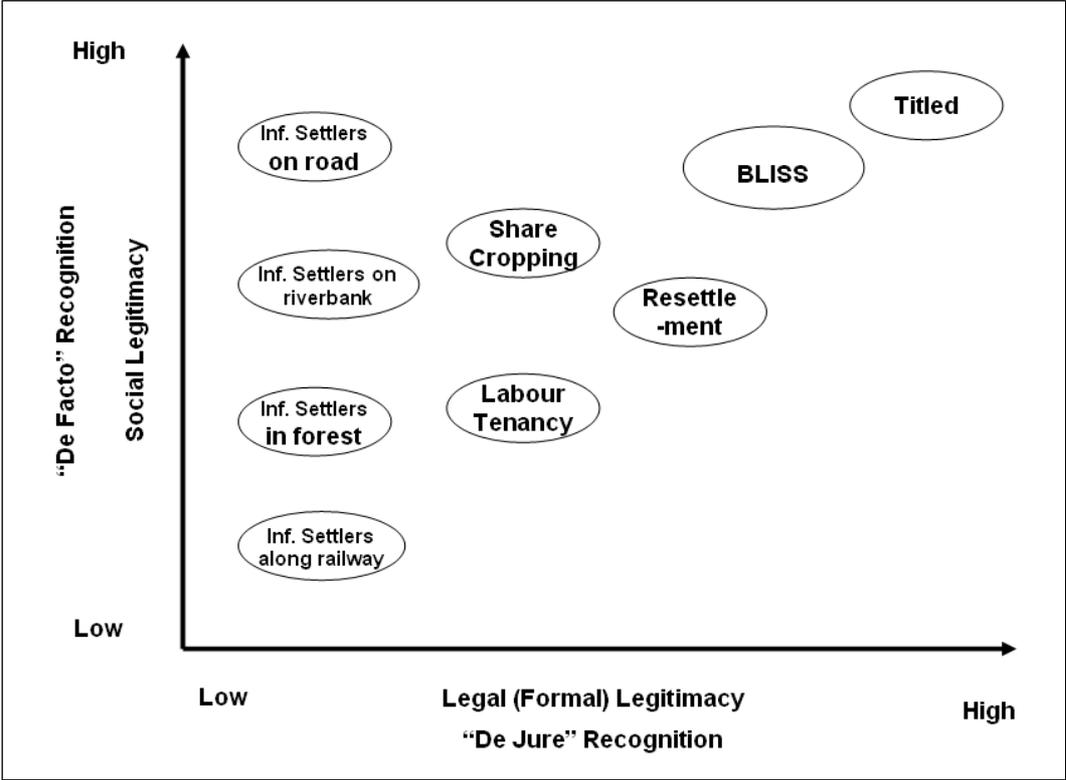
The factors that constitute perceived tenure security identified earlier confirm that there are two different sources of tenure security: legal (*de jure*) and social (*de facto*) legitimacy (Mitchell 2011; van Gelder 2010).

It is clear that legal legitimacy in Camalig Province is obtained from title documents or land use certificates that prove the property rights entitlement of the owner and the beneficiary. In the absence of legal documentation, other factors may be considered to be socially legitimate and allow the land user to defend themselves against claims to the land or buildings by others. In other words, while *de jure* legitimacy is the ultimate objective, the strong perception of tenure security can also be built from *de facto* legitimacy

Table 16 lists some of the elements of perceived tenure security identified and separates these into either legal or social legitimacy.

While it is impossible to provide a definitive ranking of the perceived tenure security of each of the land tenure categories, it is possible to make some judgments about the relative legal and social legitimacy of each tenure type in the study area. Figure 1 provides a graphical assessment of the level of tenure security of each of the tenure groups taking into account their legal and social legitimacy.

Figure 1 The level of tenure security based on legal and social legitimacy



5. CONCLUSIONS

This paper provides a description of the land tenure categories in the study area and the different perceptions of occupants regarding their tenure security. People living in the study area perceived that land titles provide the highest level of security of tenure. Communities with land titles have much more confidence in making capital investments on their properties. Those with government-assisted housing also perceived that their tenure security is high and consider the certificate of ownership provides important evidence of legitimacy. However, they believe that the allocation of individual titles to each dwelling would enhance their tenure security.

Social legitimacy also contributes to the security of tenure. There are different factors that constitute social legitimacy including the length of occupation on the land, social recognition, the strength of social and political relationships, and the ability to pass the rights through inheritance. Those factors have built their confidence in investing capital for improvements on their property. Another factor that demonstrates perceived tenure security is the fact that following natural disasters they are not aware of any instances where they were not allowed to resettle back to their pre-disaster land. . The government restrictions on the re-occupation of land is based more on the degree of vulnerability and risk of future natural disasters, rather than the degree of legal legitimacy of the tenure. Social cohesion of the community also plays a factor in determining social recognition and legitimacy.

It is interesting to note that the informal settlers demonstrated little fear of eviction.. They perceive that eviction is not likely to happen in rural areas unless there is proposed development or the construction of infrastructure. They also believe that if eviction occurs, they would be adequately compensated or provided with alternative housing. Threat of eviction did not seem to be a factor in assessing the security of tenure.

Though it can be concluded that title documents provide a greater degree of security of tenure, the importance of perceived tenure security based on social legitimacy has been highlighted in this paper. Having both social and legal legitimacy is important in achieving tenure security.

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BIOGRAPHICAL NOTES

Muhibuddin Usamah is a PhD Candidate at the School of Mathematical and Geospatial Sciences at RMIT University, winner of the 2009 Australian Leadership Award. In his earlier

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