Introduction

- Private sector perspective
- Acquisition problems → disposition constraints
- Property: public and private-owned land.
  - Property rights are meaningful only to the extent that land can be utilized and value extracted from it.
  - Property rights reflect the value that the market places on land by virtue of its productive potential.
- Problems and solutions/approaches: technical, legal, institutional.
Land Acquisition Problems

Types

• Ownership  ➔ Who to acquire from?

• Documentation / Process  ➔ Obstacles during acquisition process

• Zoning / Land use regulation  ➔ Inconsistency between perceived property value and “as-is” value

• Possession / Access  ➔ Obstacles to realizing value of property
Ownership

- Title overlaps
- Duplicate/multiple titles
- Spurious titles, survey plans, tax declarations
- Adverse claims, pending litigation
- Unclear process of private ownership of reclaimed lands
Ownership

- **Title overlaps**
- **Duplicate/ multiple titles**

E.g. Maysilo Estate

- Covering 1,660 hectares located in Malabon, Caloocan, and QC

- 5 OCTs issued for the entire Maysilo Estate; OCT 994 covers largest land area (1,342 has)

- Two versions of OCT 994 issued: 3 May 1917 and 19 April 1917

- Supreme Court upheld validity of April OCT

- CA Decisions and DOJ/Senate Reports ruled that April OCT is spurious and May OCT is legitimate

- Supreme Court recently ruled May OCT is legitimate
Ownership

• Adverse claims
• Pending litigation

Cultural Center of the Philippines

• 48 hectares for bidding
• 26 hectares adverse claim
Ownership

• Unclear process of private ownership of reclaimed lands

Cebu City SRP

» A 295-hectare reclamation (only 210 ha. net area, titled)

» Special Economic Zone (SEZ, PEZA-registered)

» Y12,315 billion ODA (JBIC) (PhP5.05 billion or $104 million)

» Built to complement the Cebu South Road, a 12 km 4-lane highway designed to facilitate traffic in the central part of the eastern coast of Cebu island
Documentation/Process

• Inaccurate TCTs, lot descriptions
• Difficulty in getting public documents (e.g. for parcel verification, traceback)
• Duplicate government functions (e.g. admin vs judicial titling)
• LGU boundary dispute
• Uncertain/inconsistent bidding processes and rules
• Corruption
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Zoning/Land Use Regulation

- Overlapping zoning/land use boundaries
- Inconsistency between zoning and actual use
- Inconsistency between zoning and deed restrictions
- Unrealistic or impractical zoning regulations, e.g. parking, density
Zoning/Land Use Regulation

- Overlapping land use regulations/boundaries
- Inconsistency between zoning/land use regulations and actual practice

PROC 1636: National Park, Wildlife Sanctuary and Game Preserve Reservations in Tanay Area

EO 33 MARIKINA WATERSHED
Declaring specific areas as part of Marikina Watershed Reserve

PROC 573: KALIWA WATERSHED
Declaring specific areas as part of Kaliwa Watershed

PROC 1637: LUNSOD SILANGAN
Designating areas in Antipolo, San Mateo and Rodriguez Areas as part of Lungsod Silangan Townsite Reservation

DENR Land Classification:
ALIENABLE & DISPOSABLE
Zoning/Land Use Regulation

- Inconsistency between zoning and deed restrictions

Deed Restrictions

- Contractual agreement between land developer and lot buyer governing land use, density, building form, governance, etc.

  - Ex. Along Ayala Avenue
    - Office use only
    - FAR 16 density
    - Build flush to front and side boundaries
    - Membership in estate association

- Ex. Residential villages
  - Single family residence
  - Two storey building
  - Building setbacks
  - Membership in village association

Areas subject to deed restrictions
Zoning/Land Use Regulation

- Inconsistency between zoning and deed restrictions

Hierarchy of Regulations
- Principle: most stringent provision prevails
Zoning/Land Use Regulation

- **Inconsistency between zoning and deed restrictions**

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<th>Local zoning ordinance</th>
<th>Deed restrictions</th>
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**Hierarchy of Regulations**
- Principle: most stringent provision prevails

**Inconsistent with hierarchy:**
- local < deed restrictions
- deed restrictions not allowed
Zoning/Land Use Regulation

• Inconsistency between zoning and deed restrictions

Hierarchy of Regulations
• Principle: most stringent provision prevails

Inconsistent with hierarchy:
• local < deed restrictions
• deed restrictions not allowed

Ideal for enforcement and acquisition:
• local = deed restrictions
Zoning/Land Use Regulation

- Unrealistic or impractical zoning regulations
  - E.g. Low density zoning for high density bidding
  - E.g. Excessive parking requirements in local zoning ordinances

Welfareville:
- Bidding: mixed use, high density
- Zoning: R-1, low density
- 22,000 families
Possession/Access

- Squatters / illegal - legal occupants
- Lack of infrastructure
Possession/Access

- Squatters / illegal - legal occupants

E.g. Old Bilibid
- 8.40 ha
- 4,000 jail inmates
- 1,200 families
Possession/Access

• Squatters/illegal occupants

• Lack of infrastructure
  – Roads
  – Drainage/flood control
  – Water supply
  – Other infrastructure that allows access to and development of property
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<td>Amend and reconcile pertinent provisions of local zoning and other legislation</td>
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