



REPUBLIC OF THE PHILIPPINES

Department of Budget and Management
Malacañang, Manila

27 August 2004

DIR. VIRGILIO V. SALENTE

Secretariat Head

GOP-UNDP Governance Portfolio
United Nations Development Programme
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UNDP MANILA	
FILE NO.	PH/02/009
SEP 03 2004	
ACTION	INFO
L	DRR/RR / EEB

Dear Director Salentes:

Submitted herewith are the Final Reports of the following Projects implemented in 2002 under the **Civil Service and Economic Management Programme of the GOP-UNDP Governance Portfolio**:

Project	Implementing Agency
1. Documentation of Reforms in the Department of Budget and Management (DBM)	DBM
2. Training Needs Analysis for the Department of Budget and Management (DBM)	DBM
3. Continuing the Reduction of Signatures Required for Critical Government Transactions	Development Academy of the Philippines
4. Institutional Strengthening Program of the Cooperative Development Authority (CDA) - Phase II	CDA

Thank you very much.

Very truly yours,

A. D. Castillo
AMELITA D. CASTILLO

Programme Manager
Civil Service and Economic Management Programme
GOP-UNDP Governance Portfolio

cc: Dr. Emmanuel E. Buendia, UNDP

DEPARTMENT OF BUDGET AND MANAGEMENT
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 CENTRAL RECORDS



Government of the Philippines
United Nations Development Programme



Portfolio on Enabling Environment:
Poverty Reduction through Good Governance

**PHI / 02 / 009 CIVIL SERVICE AND ECONOMIC MANAGEMENT:
ENHANCING INSTITUTIONAL CAPACITIES TO PROMOTE
PUBLIC ADMINISTRATION AND FISCAL REFORMS**

Continuing the Reduction of Signatures Required for Critical Government Transactions – Phase I

FINAL REPORT

(July 2003)

Executing Agency:



Department of Budget and Management

Implementing Agency:



Development Academy of the Philippines



development academy of the philippines

30 July 2003

Hon. CYNTHIA G. CASTEL
Undersecretary
Department of Budget and Management
Gen. Solano Street
San Miguel, Manila

Dear Undersecretary CASTEL:

Warm greetings!

We are pleased to submit to you the final report in connection with the Project: Continuing the Reduction of Signatures for Critical Government Transactions. The study assessed and reviewed the processes involved in the following transactions:

- Licensure Process for Professional Teachers of the Professional Regulation Commission
- Issuance of the Environmental Compliance Certificate of the Department of Environment and Natural Resources
- Issuance of the Certificate of Land Ownership Award of the Department of Agrarian Reform

We would be happy to assist you in your future initiatives to further promote good governance in the bureaucracy.

Thank you very much.

Very truly yours,

MAGDALENA L. MENDOZA
Managing Director
Center for Governance

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Ellen 8/1/03 4:00 PM



Government of the Philippines
United Nations Development Programme



Portfolio on Enabling Environment:
Poverty Reduction through Good Governance

**PHI / 02 / 009 CIVIL SERVICE AND ECONOMIC MANAGEMENT:
ENHANCING INSTITUTIONAL CAPACITIES TO PROMOTE
PUBLIC ADMINISTRATION AND FISCAL REFORMS**

**Continuing the Reduction of Signatures
Required for Critical Government
Transactions – Phase I
(Issuance of Environmental
Compliance Certificates)**

FINAL REPORT

(July 2003)

Executing Agency:



Department of Budget and Management

Implementing Agency:



Development Academy of the Philippines

A Report on the

Issuance of the

Environmental Compliance

Certificate (ECC)

and the

Issuance of the Certificate

of Land Ownership Award

(CLOA)

Prepared by the



Development Academy of the Philippines

The National Productivity Organization



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LIST OF ACRONYMS

AO	Administrative Order
CLUP	Comprehensive Land Use Plan
CNCs	Certificates of Non-Coverage
DA	Department of Agriculture
DAO	DENR Administrative Order
DAP	Development Academy of the Philippines
DAR	Department of Agrarian Reform
DENR	Department of Environment and Natural Resources
DENR-RO	DENR Regional Office
DOE	Department of Energy
DOH	Department of Health
DTI	Department of Trade and Industry
ECAs	Environmentally Critical Areas
ECC	Environmental Compliance Certificate
ECPs	Environmentally Critical Projects
EIA	Environmental Impact Assessment
EIS	Environmental Impact Statement
EMB	Environmental Management Bureau
EMP	Environmental Management Plan
ENROs	Environment and Natural Resources Officers
EO	Executive Order
FGD	Focused Group Discussion
GMAC	Gabay sa Mamamayan Action Center
IEC	Information Education Campaign
IEE	Initial Environmental Examination
LCE	Local Chief Executive
LGU	Local Government Unit
MC	Memorandum Circular
MOA	Memorandum of Agreement
MPDCs	Municipal Planning and Development Coordinators
NEPC	National Environmental Protection Council
NGOs	Non-Government Organizations
PCCI	Philippine Chamber of Commerce
PCEG	Presidential Committee on Effective Governance
PD	Project Description
PENRO	Provincial Environment and Natural Resources Office
POs	Peoples' Organizations
SMEs	Small-Medium Enterprises
TRF	Technical Review Fee

Summary of Findings on the Issuance of the Environmental Compliance Certificate (ECC)

I. Background

The program of the Arroyo administration under the Public Sector Institutional Strengthening Program is the Functional and Structural Rationalization of Functions and Agencies. This Program focuses on reducing the number of signatures needed to complete critical government frontline transactions in response to the continuing demand for efficient government services. Spearheading this task is the Presidential Committee on Effective Governance (PCEG) whose role is to review agency frontline services and identifying areas of concern. One of the priority areas identified is the issuance of the Environmental Compliance Certificate (ECC) under the Department of Environment and Natural Resources (DENR).

II. Situationer

The Philippine Environmental Policy or Presidential Decree (PD) 1151 is the first policy issuance on Environmental Impact Statement (EIS) System in the Philippines. It explicitly requires all agencies and instrumentalities of the government to prepare an environmental impact system for every action, project or undertaking which may significantly affect the quality of the environment. The Philippine EIS System declared environmentally critical projects (ECPS) and projects within environmentally critical areas (ECAs) as projects which require the submission of an EIS. It further provides that no person, partnership or corporation shall undertake or operate any such declared ECP or project within an ECA without first securing an Environmental Compliance Certificate (ECC). The EIS is essential in obtaining an ECC issued by the DENR. The ECC is needed to obtain project-related permits and approvals, and in many cases, bank loans.

Several policy and regulatory framework form the basis of the Philippine EIS System. These are:

- PD 1151 (1977): The Philippine Environmental Policy
- PD 1586 (1978)
- Proclamation 2146 (1981)
- National Environmental protection Council (NEPC) Office Circular 3 (1983)
- Philippine Constitution (1987)
- DENR Administrative Order (DAO) No. 11, Series of 1994
- Executive Order (EO) 291 (January 1996)
- DAO 96-37
- Memorandum Circular (MC) No. 11, Series of 1998
- Administrative Order (AO) 42, November 2, 2002

According to definition, projects within the scope of the EIS System are required to secure ECCs prior to implementation. Otherwise, projects outside the scope of the EIS System are presumed to pose no significant negative impacts to the environment so that proponents are not required to secure ECCs or Certificates of Non-Coverage (CNCs) prior to project implementation.

DAO 96-37 is an attempt to further streamline the EIS system and to strengthen the processes for its implementation. In this regard, the DENR has come-up with a procedural manual designed to serve as a primary reference for the DENR staff or personnel, project proponents, EIA preparers and practitioners, and other stakeholders involved in the smooth implementation of the EIS system. Aside from this, DAO 96-37 seeks to achieve the following objectives:

- Ensure that environmental considerations are included at the initial stage of project development
- Further simplify the existing application process to make it more effective
- Enhance public participation in the EIA process to make it socially acceptable to the community and other stakeholders

DAO 96-37 and its procedural manual are considered the primary bases for the EIS System. It contains the guiding principles and parameters needed to formulate a good quality EIS. To ensure that only projects or undertakings with significant environmental impacts are covered by the EIS system, the Department employs a two-step procedure. The EMB or the DENR determines if the undertaking is an 'activity' or a 'project'. This process ensures that projects for implementation do not pose significant harm to the environment. If it is indeed a project, the EMB or DENR-RO determines if it is an environmentally critical one (ECP) or located within an environmentally critical area (ECA).

The EMB or DENR applies the following screening process for undertakings classified as activity or project:

- If the project is an ECP, the proponent prepares an EIS for submission to the EMB
- If the project is located in an ECA, the proponent prepares an Initial Environmental Examination (IEE) for submission to the concerned DENR Regional Office (DENR-RO)
- All other projects including those operating prior to 1982 and meeting the criteria set forth in Section 2 Article II of DAO 96-37 are not covered by the Philippine EIS System and the proponent shall be issued a Certificate of Non-Coverage (CNC) upon his/her request.

The EIS implementation was without problems at the time the DENR required proponents to secure an ECC prior to project implementation in 1982. Processing time for some applications took almost two (2) years, with proponents complaining about undue delays. **Attachment 1** illustrates the longer ECC process. The Department has so far thought of ways to

streamline the ECC issuance and is currently implementing the new AO 42 in an effort to cut short the processing time.

Furthermore, according to the Environmental Management Bureau (EMB), delays in the processing of ECC applications are experienced in the following instances:

- When staff consults other experts to help them determine if the submitted documents are adequate
- Difficulty in coordinating schedules and availability of experts and resource persons for review committee meetings
- Inadequacy of copies of EIS documents
- If the proponent requests for additional meetings
- Submitted additional requirement is still inadequate
- In the case of a public hearing, the proponent fails to publish the notice on time to meet the 20 days notification period
- Conflict on the availability of public hearing venue
- Other stakeholders may have issues which the director or the secretary should address
- The director may require the proponent other vital information
- The EIS/review documents may be returned to the EIA Division for further review or clarification
- There may be critical or unresolved issues pertaining to the social acceptability of projects which have strategic significance/national policy interest and which may involve cabinet/political level intervention

III. Objectives of the Workshop, Methodology/Approach and Participants

Aside from the major concern of streamlining the ECC process and identifying areas for improvement, the one-day workshop was conducted primarily to:

- Examine and validate the current system of issuing ECCs;
- Surface issues and concerns relative to the various phases in the system; and
- Formulate the necessary recommendations to make the system less tedious and less problematic. *RECOMM TO SHORTEN ECC ISSUANCE*

The DAP specifically employed the FGD and key informant interview of selected officers and staff of the Department. There was also a review of secondary literature to beef up the study. Process observation was not resorted to primarily because of the length of the issuance flow. It is more applicable to do process observation in setting standard times, which requires quite a large sample taking into account the entire country where the Department operates. What the project team tried to capture in the short period of the study was to gather the appropriate participants and solicit their views about the system.

The participants invited to the FGD were representatives from the local government units, DENR regional/provincial/municipal office, and the private sector. The criteria for selection included accessibility of the areas, areas that experience problems in the issuance of the ECC, areas that are less problematic or have minimal problems and those where ECCs are easily issued. There were a total of 35 participants to the FGD.

Participants to the workshop were divided into two groups: one group was composed of representatives from the government sector while the other group was from the private sector, those who play a major role in the issuance of the ECC.

IV. Findings, Issues and Concerns Regarding the Issuance of the ECC

Policies and guidelines covering the issuance of the ECC are embodied in DAO 96-37 and its procedural manual. Inasmuch as the Department has been encountering problems in the process, it has continued to devise ways of making the process less tedious for the proponents. It has further moved for a holistic approach in streamlining and rationalizing of the Philippine EIS System through AO 42, intending to address the deficiencies in the current system. The Department has somehow reduced some of its requirements to make the process more transparent and less prone to corruption. An example of this is a positive endorsement from the local chief executive (LCE) as a requirement for ECC issuance. This is an area where proponents could succumb to the LCE's pressure.

As an initial effort towards this end, Region IV has instituted means of shortcutting the process. While it took the Department more than a year before to issue an ECC, it has now reduced processing time to 120 days. **Attachment 2** shows the improvement in time of the ECC issuance.

As outlined in AO 42, the Department has opted to implement a systems oriented and integrated approach where relevant information management systems shall be established. Information requirements shall focus on those data needed to assess critical impacts of projects. What will make the system easier to implement is customizing the requirements based on project type, with the requirements limited only to what is necessary and essential.

To live up to the reduced processing time, the Department has started implementing the following simplified procedures in relation to this:

- Standardizing the fees and fines for permit applications and penalties;
- Devolving the signatories to the EMB Regional Directors for non-environmentally critical projects reducing the number of signatories in the ECC application process;
- Providing definite timelines for completing the review of ECC applications and automatic approval for applications exceeding the prescribed timeframe; and

- Disseminating information and disclosing the status of ECC application

Attachment 3 shows the regional statistics culled from the EMB Website reflecting the volume of transactions for the last two years starting 2001 up to the present regarding ECC and non-ECC applications. Erroneous entries were found and were deleted from the summary. It could be noted that the volume of transactions centered on non-ECP applications with a total of 1,494 applications. Second to this are applications for certificate of non-coverage totaling 616 transactions while applications for ECC stood at 178. This shows that the Department could easily cut short processing time given the new measures being undertaken and the volume of transactions.

The following issues and concerns surfaced during the FGD may help the Department further assess the efficiency and effectiveness of the ECC issuance process:

Government Sector

ECC Issuance Phase	Facilitating Factors	Hindering Factors/ Problems Encountered	Recommendations for Improvement
Project and EIS Scoping	<ul style="list-style-type: none"> ▪ List of requirements for ECC application is always furnished and sometimes explained to applicants ▪ Utilization of the GMAC (Gabay sa Mamamayan Action Center) for ECC requirements list and information dissemination at the barangay level (not exactly for ECC IEC alone) 	Unawareness of who should be invited during the project scoping for the EIS	<ul style="list-style-type: none"> ▪ Adjust number of ECC requirements corresponding to the size of the industry and potential level of pollution (e.g., cottage, micro, small, medium or large-scale) ▪ Expand the coverage of exemptions from the requirements of ECC e.g., small-medium enterprises (SMEs) and small-scale projects ▪ Simplification of requirements for securing ECC
	Coordination of the DENR with the Department of Trade and Industry (DTI), the Philippine Chamber of Commerce (PCCI), JCC and LGUs (small scale enterprises)	<ul style="list-style-type: none"> ▪ Some Municipalities have no zoning plans and ordinances ▪ Difficulty in securing locational clearance (zoning) 	<ul style="list-style-type: none"> ▪ If project (i.e., government project) is for the general welfare of the province, RA 7160 provisions must be given priority in lieu of LGU clearance ▪ Comprehensive Land Use Plan

ECC Issuance Phase	Facilitating Factors	Hindering Factors/ Problems Encountered	Recommendations for Improvement
			<p>(CLUP) should be strictly followed</p> <ul style="list-style-type: none"> ▪ Number of ECC requirements must be adjusted based on approved CLUPs and zoning ordinances
		<ul style="list-style-type: none"> ▪ Difficulty in securing positive endorsement from LGU officials ▪ Poor social acceptability 	<p>Delete positive endorsement from LGU as ECC application requirement. Consultation with stakeholders is instead recommended during pre-submission of documents</p>
		<p>In applying for the ECC, the Initial Environmental Evaluation (IEE) Review cannot proceed without payment of the P9, 600.00 TRF. ECC will not be released unless the TRF is paid. MOA signing takes a long time and delays start of the review especially if it involves government projects.</p>	<p>To reduce delay in IEE review/ECC processing, EMB-DENR should honor a "promissory note" for the payment of the TRF just to proceed with the IEE review/ECC processing. The ECC will then be released upon full payment according to the EMB-DENR.</p>

ECC Issuance Phase	Facilitating Factors	Hindering Factors/ Problems Encountered	Recommendations for Improvement
Project Description (PD) and Submission/EIS Preparation	<ul style="list-style-type: none"> ▪ Assistance from the DENR in the preparation of the Environmental Impact Assessment (EIA) ▪ Credible and recognized IEE and EIS consultants and preparers ▪ Posting of requirements for ECC applications at the barangay hall ▪ Lack of statistical data (standards) that will serve as basis for the IEE preparation ▪ Requirements submitted are insufficient 	<ul style="list-style-type: none"> ▪ Inconsistent interpretation of the ECC requirements by the different agencies (i.e., DTI, DAR, DA and the LGUs) ▪ Lack of knowledge of the project proponents in the preparation of the PD/ IEE ▪ Misconception of the proponent regarding the cost of PD/IEE preparation ▪ Proponents are unaware that PD/ IEE preparers are not employed by DENR 	<ul style="list-style-type: none"> ▪ Strengthen the capabilities of environmental consultants in areas such as organizing and professionalizing ▪ Screening of applications as to completeness of documentary requirements prior to acceptance
EIS Evaluation		<ul style="list-style-type: none"> ▪ EIA review committee members are not DENR employees ▪ Reviewers are sometimes also EIA preparers 	<ul style="list-style-type: none"> ▪ Training of EIS/IEE evaluators (DENR organic personnel)

ECC Issuance Phase	Facilitating Factors	Hindering Factors/ Problems Encountered	Recommendations for Improvement
		(conflict of interest)	
ECC Recommendation	DENR enhanced IEC activities like publications, broadcasts, seminars, meetings	<ul style="list-style-type: none"> ▪ Too many requirements (bureaucratic requirements are complex) ▪ Frequent reshuffling of DENR employees and officials resulting to having no continuity in the process and consistency of implementation 	<ul style="list-style-type: none"> ▪ Transparency in the entire EIA review process ▪ Involvement of civil society and defining the accountability of decision makers (all parties involved should be accountable)
Compliance Monitoring	<ul style="list-style-type: none"> ▪ Conditioning with proponents prior to ECC releasing (ECC deliberation) ▪ Self-compliance report submitted by proponent quarterly 	<ul style="list-style-type: none"> ▪ DENR has difficulty monitoring projects since there are six environment and natural resources officers (ENROs) to 35 LGUs (ratio is approximately 5 LGUs : 1 ENRO. The ideal set-up is to have a 1:1 ratio ▪ Insufficient number of staff to do monitoring since most of 	<ul style="list-style-type: none"> ▪ Lobby to make the ENRO position mandatory ▪ There should be shared responsibility of monitoring with the LGUs, non-government organizations (NGOs), and peoples' organizations (POs) ▪ Minimize ECC conditions and instead focus on the environmental management

ECC Issuance Phase	Facilitating Factors	Hindering Factors/ Problems Encountered	Recommendations for Improvement
		<p>them are detailed with the Environmental Management Bureau (EMB)</p> <ul style="list-style-type: none"> ▪ Lack of service vehicle for monitoring projects. Oftentimes area or project site is not accessible via regular public transportation ▪ Too many ECC conditions ▪ Compliance to ECC conditions is very costly 	<p>plan (EMP)</p> <ul style="list-style-type: none"> ▪ Define regulatory responsibilities of DENR, EMB, and Central Office, regional and provincial offices, and LGUs (province, city, municipality)

Business Sector

Facilitating Factors:

- Presence of an IEE checklist
- Presence of a multi-partite team composed of NGOs, proponent, LGUs, DENR, Department of Energy (DOE), POs, and Department of health (DOH)
- Soon to be organized Philippine Association of EIA Practitioners
- DENR is currently organizing a pool of experts to assist proponents

Hindering Factors:

- Proponent lacks knowledge on the preparation of IEE requirements
- Some proponents are not familiar with the DENR
- Lack of proper information dissemination of the DENR to the LGUs
- Unavailability of IEC materials when proponents request for such
- There are instances wherein ECC processing is withheld based on a personal complaint
- Proponent does not know where to go
- Some participants experienced the "TURUAN sa DENR" when they inquire
- LGUs lack of political will to implement projects properly
- Municipal Planning and Development Coordinators (MPDCs) are not aware of the zoning clearance
- Political intervention gets in the way of ECC issuance
- Some LGUs are not familiar with the ECC
- There are local chief executives (LCEs) who issue building permit without ECC
- Political intervention is resorted to in seeking for endorsement
- Insufficient feedback mechanism regarding the status of application requirements (DENR to proponents)
- It is very difficult to follow-up ECC applications (process is very tedious)
- There is no time frame of the process
- There are no standard guidelines for proponents to follow in completing the IEE
- DENR has no regular consultation with proponents
- Irregular monitoring of the DENR regarding ECC compliance

Recommendations:

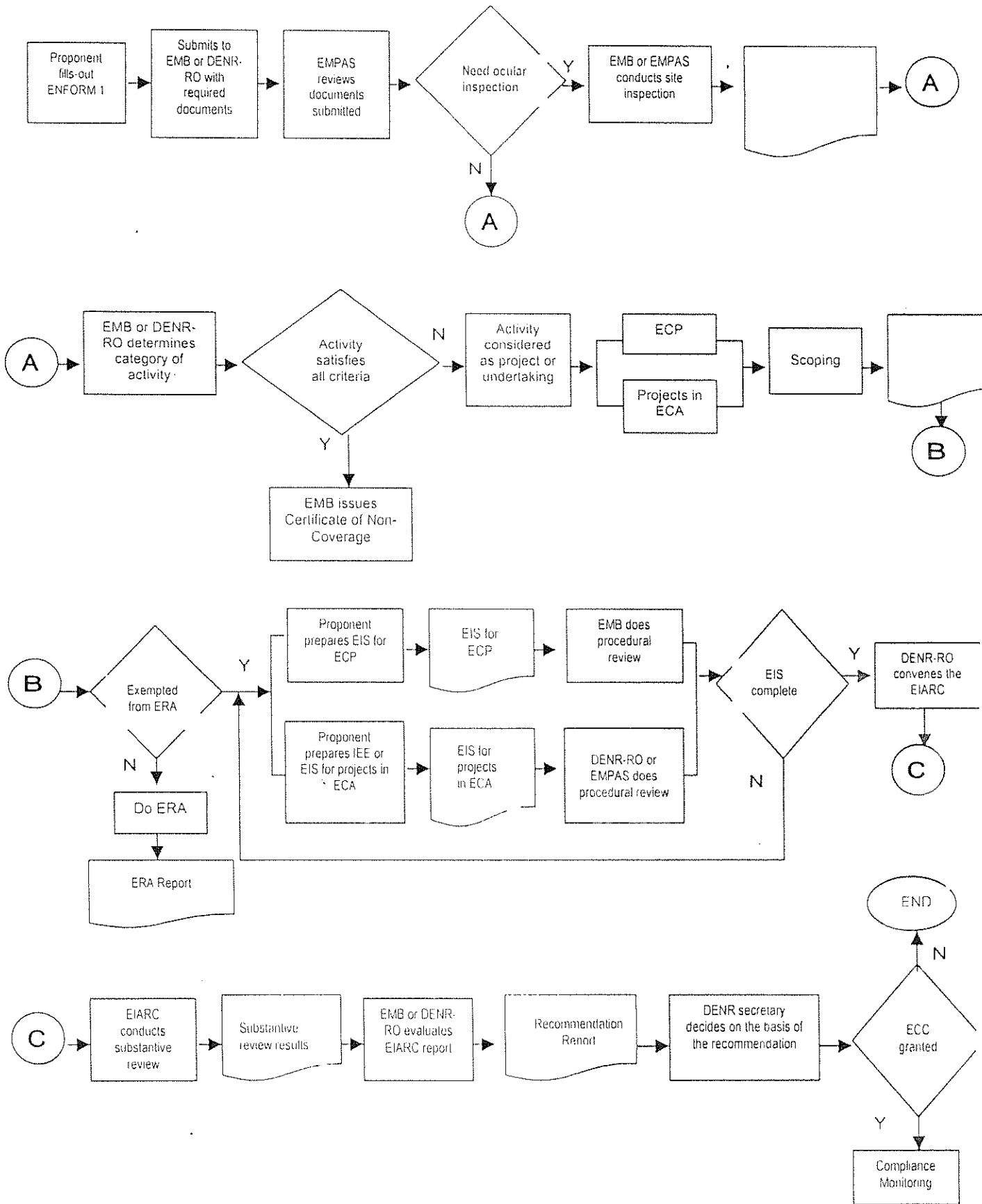
- Information dissemination of the LGUs up to the grassroots level on the IEE, EIA, ECC
- DENR should be proactive enough to assist small scale industries
- DENR officer should conduct seminar for small scale projects/industries
- DENR to provide technical assistance especially for small scale industries

- DENR should post an ECC process flow chart at the office entrance
- DENR pool of experts should assist proponents
- DENR should coordinate with the LGUs regarding projects requiring ECC
- There should be a technical expert corresponding to the type of project. As an example, a forester evaluates piggery projects
- DENR regional office should assist proponents in completing the IEE
- DENR should come up with specific IEE per industry
- There should be a standard design (guidelines) for piggery projects since this is the most common type of project
- DENR should conduct seminars on piggery waste practices
- Issuance of the certificate of non-coverage (CNC) for small scale projects should be at the Provincial Environment and Natural Resources Office (PENRO) ✓
- DENR should think of constituting a consultative assembly to be the watchdog for the environment

The following observations, findings, and some recommendations were gathered during the plenary presentation of the outputs:

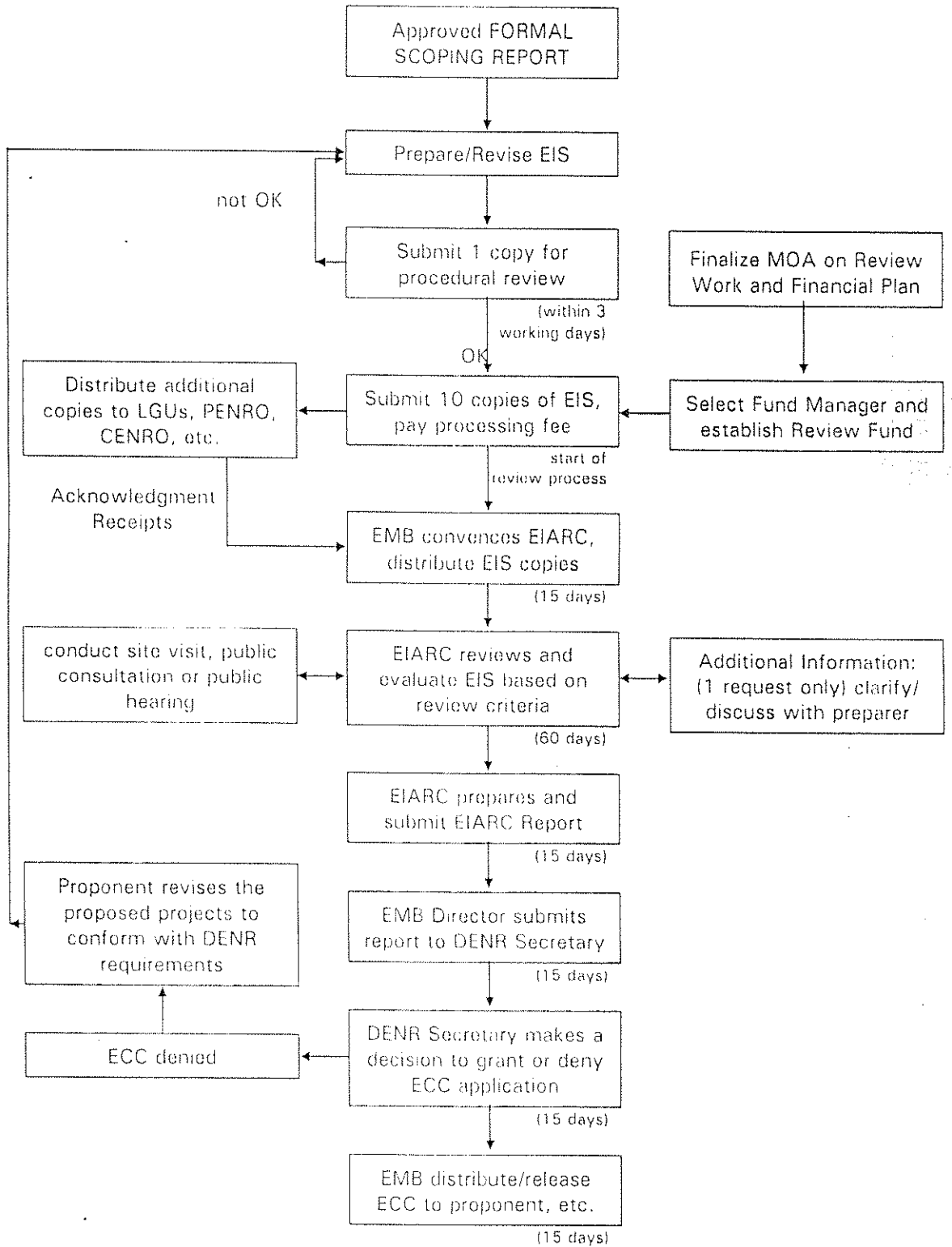
- Some DENR employees (at various levels) are not well-oriented/updated on the nitty-gritty of the ECC issuance. There is a need to address information asymmetry across various levels in the Department
- There are 34 municipalities in the Province of Batangas but there are only six (6) environment and natural resources officers (ENRO) assigned to the Province whereas the Province of Laguna has a one-to-one correspondence relative to this (42 ENROs to 42 municipalities)
- The Regional Director openly admitted that the provincial staff expertise is in forestry
- The group recommended that the local government unit (LGU) create a plantilla position for an ENRO
- The public lack knowledge on how to go about applying for an ECC
- There is a perception of corruption due to the recommending of DENR staff of a preparer or consultant
- There is a need (need) to strengthen the information and education campaign (IEC) from within the Department and externally regarding ECC application and issuance as well as actions/documentation relative to it
- The public is not well-informed or familiar with the scope of programs and services of the DENR. This is in contrast with those that the LGUs provide as regards environmental concerns

- There is no system installed to provide proponents with timely and accurate feedback on the status of ECC application. This is likewise true in cases of complaints brought to the attention of the DENR or the LGUs
- In the project scoping phase, there is no assurance that major environmental issues and concerns surrounding a project will be discussed. In this regard, DENR must take a more direct and substantial role in facilitating, assisting and strengthening this phase of the process
- DENR uses mostly output indicators for its programs and services, e.g., number of IEC materials distributed, number of workshops conducted, etc. There is a need to develop outcome/results indicators which will be useful in assessing the impact of its programs. An example of this is: The issue of why the public is not aware of the EIS requirements even if IEC materials are posted in barangay halls
- Proponents believe that the overall cost they pay for an ECC is exorbitant. They need to find means to comply with the requirements with less cost. An example: projects such as waste water treatment systems installation and operation may cost more than the primary project itself
- Due to the highly technical nature of the ECC documents and preparation process, only self regulation by the consultants is the only source of protection for the proponents as of the moment. In this case, DENR may have to provide clearer and more substantial guidelines to guide the professional relationship of proponents and consultants so as to ensure the protection of both parties' interest while ensuring that environmental imperatives are not compromised
- A local special body should be created (possibly strengthened by a legal provision to be included in RA 7160) focusing on environmental concerns
- There should be regular consultations to be instituted between various stakeholders with DENR as convenor or facilitator
- Work process simplification for ECC issuance
- Use of CLUP as a guide to determine allowable range and categories of recommended proponent projects. There should likewise be coherent alignment of the CLUP with LGU zoning plans
- Develop more M&E indicators and conduct of regular M&E activities as part of a system which would ensure multi-stakeholder involvement since ECC is issued only once

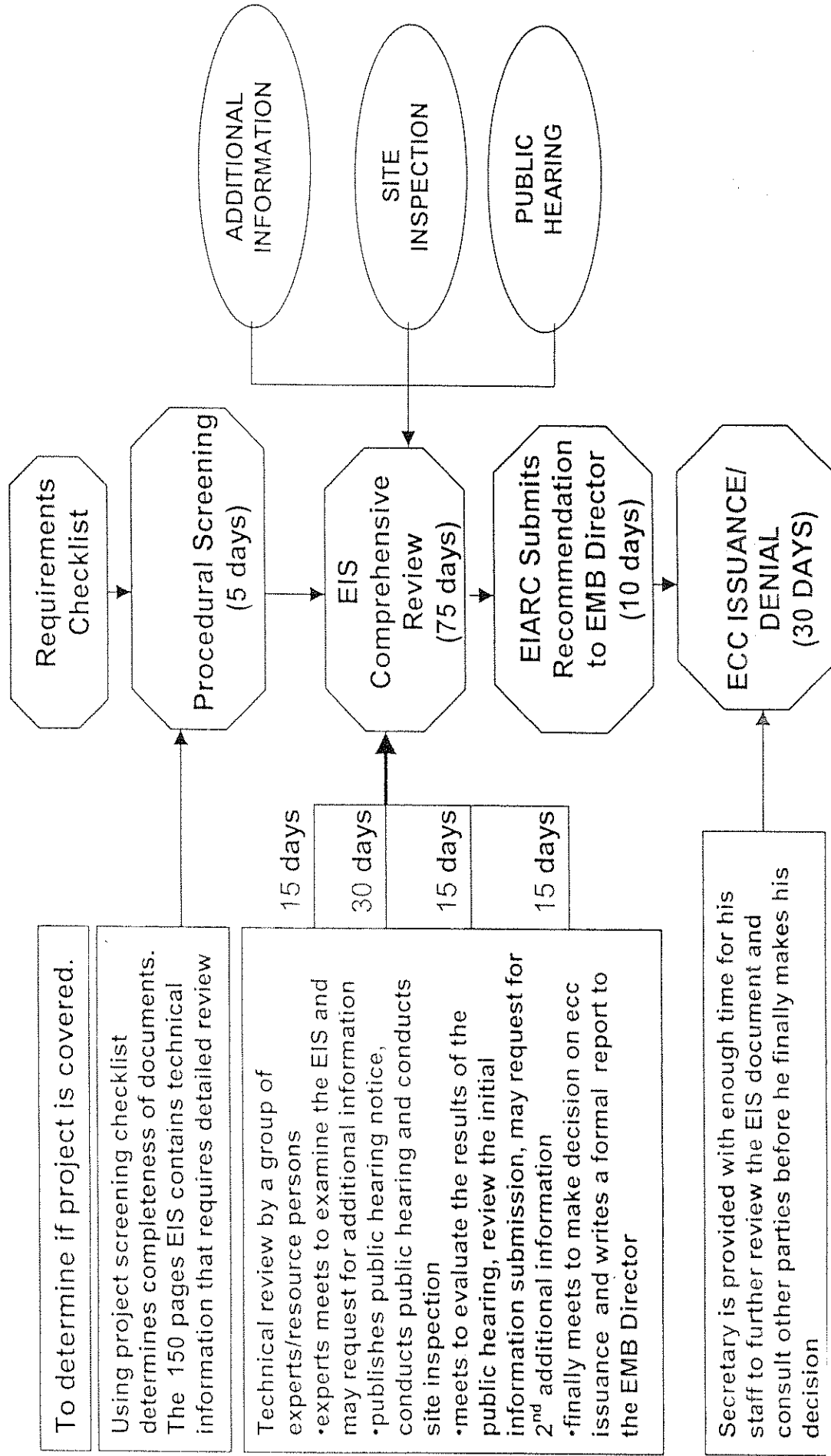


Process Flow for ECC Issuance

FLOW CHART of EIS REVIEW PROCESS



THE EIS REVIEW PROCESS (120 days)



Attachment 3: ECC Statistics

Region	ECC/ECP			Non-ECP			CNC/IEE Checklist			
	Approved	Under Process	Returned to Proponent	Approved/Endorsed	Denied	Under Process	Returned to Proponent	Approved	Under Process	Returned to Proponent
Region 1	95	68						28	8	
Region 2				51	1	25		22	10	
Region 3	15	14		185		15	9	18		1
Region 4A	11	17	1	359/1		202	131	80	2	16
Region 4B	83	31	3	1				30/2	2/3	
Region 5				93		20		42	2	1
Region 6				201		43		83	7	6
Region 7				187	3	6	23	99	8	16
Region 8				55	1	6	13	79	3	3
Region 9				42/1		20	8	12	2	3
Region 10				83		13	14	44	2	2
Region 11				86			2			
Region 12		1		46		21	5	31	9	
Region 13				48		13	4	30		1
Region 14				57		10	10	18	2	1
Total	178/6	100/11	3/1	1,494	5	394	219	616/2	57/3	50



Government of the Philippines
United Nations Development Programme



Portfolio on Enabling Environment:
Poverty Reduction through Good Governance

PHI / 02 / 009 CIVIL SERVICE AND ECONOMIC MANAGEMENT:
*ENHANCING INSTITUTIONAL CAPACITIES TO PROMOTE
PUBLIC ADMINISTRATION AND FISCAL REFORMS*

Continuing the Reduction of Signatures
Required for Critical Government
Transactions – Phase I
(Certificates of Land Ownership Award)

FINAL REPORT
(July 2003)

Executing Agency:



Department of Budget and Management

Implementing Agency:



Development Academy of the Philippines

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ANNEX

Land Acquisition and Distribution Process.....	Attachment 1
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LIST OF ACRONYMS

AO	Administrative Order
ARBs	Agrarian Reform Beneficiaries
BARC	Barangay Agrarian Reform Council
CA	Compulsory Acquisition
CARL	Comprehensive Agrarian Reform Law
CBCs	CARP beneficiary certificates
CLOA	Certificate of Land Ownership Award
CLTs	Certificates of Land Transfer
CLUP	Comprehensive Land Use Plan
CLUPPI -2	Center for Land Use Policy, Planning and Implementation
DAR	Department of Agrarian Reform
DARAB	DAR Adjudication Board
DARMO	DAR Municipal Officer
DENR	Department of Environment and Natural Resources
DOJ	Department of Justice
EO	Executive Order
EP	Emancipation Patent
FB	Farmer Beneficiary
FBs	Farmer Beneficiaries
FGD	Focus Group Discussion
FP	Free Patent
GFI	Government Financial Institution
HLURB	Housing and Land Use Regulatory Board
HP	Homestead Patent
LAD	Land Acquisition and Distribution
LBP	Land Bank of the Philippines
LGU	Local Government Unit
LO	Land Owners
LRA	Land Registration Authority
MARO	Municipal Agrarian Reform Officer
MC	Memorandum Circular
NGO	Non-government Organizations
NOC	Notice of Coverage
OLT	Operation Land Transfer
PARCCOM	Provincial agrarian Reform Coordinating Committee
PCEG	Presidential Committee on Effective Governance
PCIT	Regional CARP Implementing Team
PD	Presidential Decree
PDIC	Philippine Deposit Insurance Corporation
PNP	Philippine National Police
PO	Peoples' Organizations
RA	Republic Act
ROD	Register of Deeds
RP	Republic of the Philippines
SB	Senate Bill
TCT	Transfer Certificate Title

TRO	Temporary Restraining Orders
UPALs	Untitled Private Agricultural Lands
VLT	Voluntary Land Transfer
VLT/DPS	Voluntary Land Transfer/Direct Payment Scheme
VOS	Voluntary Offer to Sell

Summary of Findings
on the
Issuance of the Certificate of Land Ownership Award (CLOA)

I. Background

The program of the Arroyo administration under the Public Sector Institutional Strengthening Program is the Functional and Structural Rationalization of Functions and Agencies. This Program focuses on reducing the number of signatures needed to complete critical government frontline transactions in response to the continuing demand for efficient government services. Spearheading this task is the Presidential Committee on Effective Governance (PCEG) whose role is to review agency frontline services and identifying areas of concern. One of the priority areas identified is the issuance of the Certificate of Land Ownership Award (CLOA) under the Department of Agrarian Reform.

II. Situationer

The agrarian structure in the Philippines is generally characterized by the co-existence of small peasant farms and large plantations wherein the ownership-holding pattern is highly skewed. Agrarian reform, too, has a long history in the Philippines. The first historic agrarian legislation was Republic Act (RA) 3844 amended into RA 6389 under which structures were created to provide financial support for the program. The second historic legislation came when Presidential Decree (PD) No.2 declared the entire country as a land reform area while PD No. 27 declared the transfer of agricultural lands primarily devoted to rice and corn. The third landmark legislation was the Comprehensive Agrarian Reform Law (CARL) or RA 6657 under then President Aquino, which gave birth to the Comprehensive Agrarian Reform Program (CARP) based on the "land-to-the-tiller" principle.

CARP covers all private and public lands suitable to agriculture. Exempted from this coverage are the following:

- Lands classified and approved as non-agricultural prior to the CARL enactment;
- Undeveloped hills with a slope of 18% and above;
- Lands actually, directly, and exclusively used and found necessary for parks and wildlife, national defense/military reservations, school sites and campuses, church sites and convents, communal breeding grounds and cemeteries, fish sanctuaries and breeding grounds, research center, forest reserves, and penal colonies and farms;
- Poultry, livestock, salt beds, and fishponds

Several land acquisition modes are utilized for land distribution such as operation land transfer (OLT), voluntary land transfer/direct payment scheme (VLT/DPS), voluntary offer to sell (VOS), and compulsory acquisition (CA).

There are likewise legal instruments of ownership like certificates of land transfer (CLTs). The qualified farmer beneficiary (FB) is directly awarded with either an Emancipation Patent (EP) under PD No. 27/Executive Order (EO) 228 or CLOA under RA 6657. Prior to CARL, CLTs are given to beneficiaries in agricultural landed estates and settlement projects as a provisional title. After the beneficiaries have complied with the conditions stated in the CLT, they are given a Homestead Patent (HP) or Free Patent (FP) representing absolute ownership of the land. In lands devoted to other crops, the DAR distributes a CLOA on a collective (mother CLOA) or individual basis. For uplands and ancestral lands, the Department of Environment and Natural Resources (DENR) awards Stewardship Contracts to qualified farmers and communities.

As much as it would like to distribute lands to the farmers based on its targets, the DAR is faced with issues regarding land distribution. During the last two years of the Estrada-Morales administration, it distributed only about 355,000 hectares or 50% below its target. The Department concentrated on the more contentious private agricultural lands that have been left untouched by the previous administrations.

On the other hand, the data on land distribution is simplistic. The Department presumed the issuance of the CLOAs alone presented an accurate picture of the state of agrarian reform. However, the figures are not precise because the Department has failed to factor in other variables. It has failed to account for the following instances in the issuance of the CLOA when:

- The CLOAs were subsequently cancelled or were facing cancellation proceedings;
- The farmers were unable to enter the lands awarded to them because of landowner resistance;
- The farmers were driven off the land after being installed either because of landowner threats or the Department was unable to provide support services;
- The farmers subsequently and illegally sold their lands to land developers because they were offered high prices for their lands;
- Lands were not really distributed but were covered by non-land transfer schemes or remained under the control of the landlords even if there was a formal issuance of CLOAs.

Similarly, EP/CLOA cancellation had increased from 1998-2000. May 2000 data showed an increase of 400% from the previous years.¹ From the data

¹ Selected highlights from the paper presented by the Pambansang Kilusan ng mga Samahang Magsasaka (PAKISAMA) during the International Conference on Access to Land in Bonn, Germany, March 2001

presented, the Department still has a long way to go in trying to meet its land distribution targets.

Considering that the means in applying for a CLOA is long and tedious, the PCEG deemed it an important aspect to look into. Its primary objective in selecting the CLOA issuance is to make the issuance as transparent as possible, cut down the cycle time, and pinpoint areas for improvement.

III. Objectives of the Workshop, Methodology/Approach and Participants

Aside from the major concern of streamlining the CLOA issuance system and identifying areas for improvement, the one-day workshop was conducted primarily to:

- Examine and validate the current system of issuing CLOAs;
- Surface issues and concerns relative to the various phases in the system; and
- Formulate the necessary recommendations to make the system less tedious and less problematic.

The DAP specifically employed the FGD and key informant interview of selected officers and staff of the Department. There was also a review of secondary literature to beef up the study. Process observation was not resorted to primarily because of the length of the issuance flow. It is more applicable to do process observation in setting standard times, which requires quite a large sample taking into account the entire country where the Department operates. What the project team tried to capture in the short period of the study was to gather the appropriate participants and solicit their views about the system.

The participants invited to the FGD were representatives from different government agencies, farmer beneficiaries and non-government organizations. The criteria for selection included accessibility of the areas, areas that experience problems in the issuance of the CLOA, areas that are less problematic or have minimal problems and those where CLOAs are easily issued. There were a total of 45 participants to the FGD.

Participants to the workshop were divided into two groups: one group was composed of representatives from the Department and other government agencies that play a major role in the issuance of the CLOA and the other group was composed of farmer beneficiaries and representatives from non-government organizations.

IV. Findings, Issues and Concerns Regarding the Issuance of the CLOA

The present system the Department employs in the issuance of the CLOA is based on Administrative Order No.2, Series of 1996 and amended by Administrative Order No.4, Series of 2000. In the current system, the

approximate time to issue a CLOA is more than 500 days from preparation of the necessary documents up to the issuance of the CLOA and installation of farmer beneficiaries. Participants from the NGO/PO sector have experience of up to five years applying for a CLOA.

The current system, sad to say, is not a processing system per se because standard time has not been established for the different 'nodes' within the system. Region IV has presented a proposal relative to this, reflecting reduced times for each segment of the issuance flow. Please refer to **Attachment 1 for the CLOA Issuance Flow**. However, the times indicated are based on interviews with field personnel and best estimates on how the staff perceive the flow. Although the Department has made efforts to reduce processing time, it has yet to determine the most feasible arrangement and appropriate time frame since the system necessitates an inter-agency involvement of the major players.

The Department's simplistic land distribution information system contributes to the ineffectiveness of the system since no correction is made whenever there are CLOA cancellations. In short, the information system handles 'add only' data and no deductions. Compounding this problem is an unclear monitoring system. The Department undertakes output monitoring only, which pertains to the activities leading to the issuance of the CLOA. Actual monitoring at post-CLOA stage, if there is any, is not sufficient to determine or establish the true state of land distribution.

To further help the Department in improving the system, the following issues and concerns were surfaced during the FGD:

A. *For the NGO/PO Sector*

Facilitating Factors

On coordination and assistance:

- According to the farmer beneficiary participants, they hold a dialogue with the landowner together with the Barangay Agrarian Reform Council (BARC) and DAR
- Presence of DAR, BARC, informal farmers' group
- Assistance from informal farmers and farm workers group
- There are some 'pro reform' DAR officials who are available and accessible
- Efforts and intervention of cooperatives and PARCCOM intercession
- Pakikipagtulungan ng mga peoples' organizations (PO) at non-government organizations (NGO) sa lugar
- The Regional CARP Implementing Team (RCIT) and the Provincial CARP Implementing Team (PCIT) are re-energized to facilitate coordination between and among DAR, the Department of Environment and natural Resources (DENR), the Land Bank of the Philippines (LBP), the Land Registration Authority (LRA), and other implementing agencies

On the availability or completeness of requirements:

- It facilitates things if all requirements are satisfied
- If transfer certificate title (TCT) is on file, cancellation and issuance of RP title is easily done
- Will takers identified by the DAR municipal officer (DARMO)
- In case of private lands, voluntary offer to sell (VOS), voluntary land transfer (VLT) and the like

On the land characteristics:

- If the land is in DAR's possession or the land is owned by a government financial institution (GFI) or sequestered
- Availability of CARP land
- The land is agricultural in nature
- If the land is below 18% in slope

On CLOA generation and post-CLOA:

- RP titling and issuance of CARP beneficiary certificates (CBCs)
- Issuance of a joint or collective CLOA facilitate distribution of land to farmer beneficiaries
- BARC conducts monitoring and validation

Hindering Factors

On the selection of beneficiaries:

- There is no proper screening of deserving agrarian reform beneficiaries (ARBs). In such cases, non-priority ARBs get parcels of land. According to DAR-Region IV Director, there may be lapses in the screening of agrarian reform beneficiaries, but not in all cases
- Administrators are included as farmer beneficiaries (FBs). Region IV director informed the group that by law, administrators or supervising officers are not included as farmer beneficiaries
- Insufficient documentation, screening, and interviews

On the major players in the system:

- In the case of Balayan, the Register of Deeds (ROD) does not act on the CLOA (participants' perception is that ROD is keeping or withholding the CLOA)
- There are cases where the ROD does not immediately sign the CLOA resulting to too much delay in the release

- Erroneous CARP coverage because the municipal agrarian reform officer (MARO) failed to determine land use or zoning ordinance status of the subject landholding
- After June 15, 1988 several agricultural lands were sold by landowners because of the assessors' re-classification
- Department of Justice (DOJ) opinion number 44, which clarifies the fact that agricultural lands classified before June 15, 1988 are exempted from land distribution and they do not form part of the Department's target
- The Register of Deeds issues a different title for CARPable lands to exempt them from CARP. There are cases wherein the genuine title (reference) is not in the possession of the ROD
- The Register of Deeds facilitates land transaction without the Department's clearance but on the basis of reclassified tax declaration
- Ayaw ng MARO magbigay ng endorsement sa assessor dahil balak ibenta ang lupa
- The Housing and Land Use Regulatory Board (HLURB) gives contrasting classification on the same parcel of land, which causes a CLOA to be cancelled
- Government agencies involved in the issuance of the CLOA could not get their acts together

On the aspect of coordination and support to beneficiaries:

- Non-availability of participating personnel
- Non-cooperation of the landowners (resistance to CARP)
- Lack of coordination between the DAR and the Department of Environment and Natural Resources (DENR) and other implementing agencies like the Land Registration Authority (LRA) and the Land Bank of the Philippines (LBP)
- No proper consultation with actual tillers or potential farmer beneficiaries
- Insufficient support services to agrarian reform beneficiaries
- There is lack of information on the CARP and the land acquisition and distribution

On land valuation and payment:

- Delay in the full payment of the value of the land to the landowner. Unless the law is amended, the landowner will be paid for the compensation of his land for 10 years
- Wrong land valuation or questionable land valuation. This is the perception of the group but according to DAR, this is not true for the Department and the LBP
- Unfair mode of payment (this could be on the side of both the landowner and the farmer beneficiaries)

On the orderliness/completeness of requirements:

- Liens/encumbrances that are not cancelled
- Outstanding annotations on the title being covered (title is not clean)
- Original land titles are not cancelled even if CLOAs have been issued. There are cases wherein the landowner applied for a loan using the original title. One landowner according to a participant was able to avail a P300M loan. According to the DAR, non-cancellation of original land titles even if CLOAs have already been issued thus allowing the former landowner to avail of a loan using the title is the concern of the ROD
- Computed areas in survey differ with the computed areas in the CLOAs and title of origin (post CLOA)
- Protection of emancipation patent or CLOA recipients (Cancellation of the CLOA on grounds not attributable to farmers and no prescriptive period for cancellation)
- Missing documents like land titles, survey plans, and other pertinent documents in the Provinces of Quezon, Negros and Batangas, to name a few. In some cases there are multiple titles.
- Uncertainties in the technical description of the land or at times non-availability of technical description and documents such as approved survey, plan, etc.

On the issue of reclassification or exemption:

- The Department accepts conditional approval of reclassification
- The Department exempts landholdings from CARP on the basis of other titles (Pinaghahati-hati ng may-ari ang titulo para malito ang DAR)
- The MARO and the LGU issue certifications of petition for exemption
- Undeveloped land with slope greater than 18% made as basis for CLOA cancellation
- Center for Land Use Policy, Planning and Implementation (CLUPPI-2) helping landowners on their petition for exemption
- DAR Administrative Order No.4, Series of 2003 addresses issues on exemption. After the 60-day prescription period from serving of the Notice of Coverage (NOC) within which the landowner may file a protest on exemption and conversion, the DAR will no longer entertain any protest.
- Ini-exempt ng DAR ang lupa sa ilalim ng dating titulo ng may-ari kahit alam ng DAR na sakop na ito ng CLOA
- Paghahabol ng mga Roxas sa agrarian reform beneficiaries ng mga lupa sa Nasugbu, Batangas (1993 CLOA awardee. Roxas filed a petition for exemption)

On program implementation:

- Biased/improper implementation of the program
- Patuloy na paghahabol ng dating may-ari ng lupa (Pagsasampa ng kaso ng dating may-ari ng lupa upang mapabagal ang pamamahagi nito)

- There is a failure of implementing the CARP's general policy of covering as much land as possible for redistribution to landless farmers since distribution is based on tax declaration and not on the land use or zoning ordinance
- DAR lacks the capacity or political will to confront resistant landowners, which causes goons and private armies to block agrarian reform beneficiaries' installation

On CLOA generation and post-CLOA activities:

- The Department has no guidelines in the issuance of CBCs. This is a perception of the NGO/PO sector but the DAR representative clarified that the rules and procedures in the issuance of CBCs are laid down in DAR Administrative Order No. 11, Series of 1991.
- After issuance of the CLOA, abandonment, selling or illegal conversion of the land
- Patung-patong na pag-generate ng CLOA. Hindi pa kanselado ang mother title ay mayroon na namang iba
- Farmer beneficiaries require separate CLOAs

Others:

- Generally, all stages in the process is bureaucratic, foot dragging, with red tape (bureaucratic process coupled with the long and tedious land acquisition and distribution (LAD) process)
- Court injunctions, status quo, temporary restraining orders affect the whole LAD process
- Although LAD is a priority program, there is not enough funding for the land owners' compensation
- Patuloy na may naghahabol pa sa lupa katulad ng mga workers at squatters
- Procedural lapses (hurrying or shortcutting the process to meet LAD targets)
- Short cutting the issuance of the CLOA. In the case of private landholdings, CLOAs issued do not pass through RP titling. Issuance of CLOA without passing through RP titling is possible for untitled lands
- Injunctions or temporary restraining orders (TROs) to the CARP process issued by regular courts (Regular courts are not supposed to issue court orders but higher/appellate courts only)
- An instance wherein the order of the DAR Secretary is contradictory based on facts and actual use of the land
- Hindi mapatupad and tatlong House Bills: House Bill 5511, Senate Bills 167 and 168
- DAR personnel as landowners' AGENT
- On the issue of the Pinugay watershed, Region IV Director informed the group of a scheduled inter-agency meeting before the end of April 2003 to discuss the issue

- BARC election every two years is not conducted
- In some cases, local government units overrule BARC decisions

Recommendations

On coordination and support to farmer beneficiaries:

- Complete the land use classification for the entire country
- Minimize gray areas or lands for classification
- Form a composite group composed of representatives from DAR and the LGU to determine actual use of the land
- Close coordination of key players
- There should be a prior meeting and planning of participants to facilitate coordination
- Seek assistance or help from leaders of NGOs, cooperatives, etc. to facilitate coordination
- Conduct of a quarterly meeting is a must to discuss problems encountered and to resolve issues
- Ipatawag ang lahat ng farmer-leader ng PPU-DARPO
- There should be proper coordination between DAR and the local government units (There is a need to come-up with a mechanism for coordination, that is, to coordinate CARPable lands especially re-classified lands. At present, LGUs have limited inputs from DAR)
- Farmers should be present during the joint field investigation
- Presence of peoples' initiative or 'claim-making' activities
- Palagiang dalawin ng farmer beneficiaries ang tagapagpaganap gaya ng DAR, LBP, ROD, DENR para pabilisin ang proceso

On the orderliness/completeness of requirements:

- Provide advance list of properties covered by CARP (have separate filing to avoid loss)
- Do a listing/inventory of all untitled private agricultural lands (UPALs) (DAR-DENR technical working group to document UPAL)
- Secure cancellation or proper court order to effect cancellation of liens or encumbrances
- Bilisan ang pagtukoy sa malawak na hacienda at pag-cover ng CARP
- Pigilan ang pagpasa ng SB 167 at 168 at zoning ordinance ng local government unit
- Allow provisional registration of less than 500 registrants of lost or misplaced title upon securing authority from the Land Registration Authority (At present provisional registration is allowed only if there are 500 or more registrants)

On the issue of conversion, exemption, and cancellation:

- Review provisions of DOJ Opinion # 44 on the issue of conversion.
- Pass a law or administrative order providing for prescriptive periods for CLOA cancellation

On valuation and payment:

- Payment should be through compromise agreement. This is already addressed in the VLT/DPS wherein the LO and FB should agree on the value of the land which is fair and just to both of them
- Municipal and city assessors should be required to submit a certified true copy of title upon making the declaration or payment of the real estate tax

On program implementation:

- Ipatupad and tamang proceso ng lupa sa mga agrarian reform beneficiaries ng Nasugbu Batangas
- In cases of obstruction, use the full force of the law or state power
- Isama sa CARP ang lupang niyugan (lands planted to coconuts). According to the DAR, CARP already covers coconut lands
- Sinsorong pagpapatupad ng CARP!
- Quick decisive action from DAR, DENR, LBP, LRA
- Fast track the implementation of the CARP
- Strict implementation of CARP laws from identification of farmer beneficiaries to post-award monitoring

On post-CLOA activities:

- There should already be a tax declaration when the CLOA is awarded
- The Department should register the CLOA with the Register of Deeds while the agrarian reform beneficiaries shall facilitate issuance
- Immediate installation once CLOA is issued (This may hold true for lands with no tillers, sequestered lands or lands of government financial institutions)

Others:

- DAR to provide guidelines on the right of agriculturists to own public land. DAR AO No. 3, Series of 1997 provides for granting of public lands which are under the jurisdiction of DAR to agricultural graduates
- 15-day response period on letter requests from the public should be strictly followed
- Formation of an agrarian reform battalion and criminal prosecution of defiant landowners

- No CLOA has been generated for one landholding issued a RP title since September 2000. This is over and above the 180 days provision stipulated in RA 6657. According to the DAR representative, 180 days can be interpreted as directory only and not mandatory

B. Government Sector

STAGE IN THE SYSTEM	FACILITATING FACTORS	PROBLEMS ENCOUNTERED	RECOMMENDATION
	Functional Barangay Agrarian Reform Council (BARC)	BARC is not functional	The existing guidelines on BARC shall be enforced or amended. The guidelines should include provision of honorarium for BARC so that it would be motivated to perform its function
		Different interpretations of the policies by the implementors	Do briefing and information dissemination on policies related to LAD
	Close coordination among line agencies DAR-ROD-Assessor-DENR		
	Cooperative land owners	Uncooperative land owners	
	Good quality of database of MAROs		<ul style="list-style-type: none"> ▪ Establishment of quality and workable database ▪ Include establishing the database in the performance contract of the MARO/PARO
	Active farmers' group/organization		
		Misidentification as to CARPable lands	Comprehensive Land Use Plan (CLUP)

B. Government Sector

STAGE IN THE SYSTEM	FACILITATING FACTORS	PROBLEMS ENCOUNTERED	RECOMMENDATION
		<p>Property cannot be located (i.e. mostly Philippine Deposit Insurance Corporation – PDIC properties)</p>	
		<p>Missing land titles</p>	<p>As regards missing titles –</p> <p><i>In the long term:</i></p> <ul style="list-style-type: none"> ▪ Lobby with Senate/ Congress regarding reconstitution of missing titles of CARPable lands by the DARAB ▪ Request the Department of Justice (DOJ) to conduct investigation on missing titles <p><i>Immediate:</i></p> <ul style="list-style-type: none"> ▪ Segregate titles with Notice of Coverage (NOC) under CARP at the ROD file ▪ Come up with a joint DAR-Land Registration Authority (LRA) memorandum circular (MC) on the file segregation

B. Government Sector

STAGE IN THE SYSTEM	FACILITATING FACTORS	PROBLEMS ENCOUNTERED	RECOMMENDATION
		TCT has an annotation encumbrance	Enforcement of joint DILG-DAR-Philippine National Police (PNP) MC #5, series of 2002
		Application for exclusion, for exemption and conversion (should not be a problem anymore based on the present guidelines)	
		Affected by court cases, pending application	Set time frame for resolution of pending cases (DAR-Regular Courts)
Preliminary Ocular Inspection	Availability of initial documents for identification/documentation (i.e., titles) Full cooperation of LOs	Some RODs have no Xerox machine	To provide every ROD with one (1) Xerox machine
Issuance of Notice of Coverage (NOV) & Posting	Issuance of AO 1 Series of 2003	<ul style="list-style-type: none"> ▪ The period of 60 days for the LO to reply from the receipt of NOC would further delay the CARP implementation ▪ Inaccurate addresses of LOs ▪ Refusal of LO to acknowledge proof of service/receipt of NOC 	<ul style="list-style-type: none"> ▪ Shorten the 60 days to 30 days ▪ Fund allocation publication ▪ Inaccurate addresses and refusal to acknowledge have been addressed by AO 1, Series of 2003

B. Government Sector

STAGE IN THE SYSTEM	FACILITATING FACTORS	PROBLEMS ENCOUNTERED	RECOMMENDATION
Joint Field Investigation	Full cooperation of LOs, FBs & line agencies	Non-participation of line agencies in the conduct of field investigation	Proper coordination and follow-through
Preliminary Screening and Listing of Proposed ARBs	Functional BARC/ active farmers' group/ organization, supportive barangay council Deliberation on revised guidelines on the identification/ screening of FBs is on going (for finalization)	Uncooperative/ disinterested FBs Guidelines on identification/screening of FBs not comprehensive/detailed	The proposed guidelines on I.D./screening should be approved
Land Survey Activities	LUMD fund availability	Lack of sufficient fund	Timely release of LUMD fund
	Application of the SWEDE Survey Technology	Missing titles/ no available technical reference	For concerned line agencies to prioritize DAR's request for documents
		Overlapping surveys/survey plans	DENR should have a clear cut documentary requirement for survey plan approval
		LO protest/ refusal to allow conduct of survey	Early resolution of LOs protest

B. Government Sector

STAGE IN THE SYSTEM	FACILITATING FACTORS	PROBLEMS ENCOUNTERED	RECOMMENDATION
Land Valuation & Compensation		<ul style="list-style-type: none"> ▪ Suspension of land valuation of <u>1,000</u> square meters or less of agricultural area under CARP ▪ Idle lands without history of cultivation 	DAR to comply with requirements regarding idle lands without history of cultivation
Issuance of NLVA to LO			
Posting of NLVA			
Reply to NLVA			
Acceptance/DOP			
Rejection/DDO			
Certification of Payment/Deposit	Completion of requirements by DAR & LO	<ul style="list-style-type: none"> ▪ Lack of requirements ▪ Protest of coverage 	Complete requirements
Issuance of TCT/RP title	Availability of Land Titles	<ul style="list-style-type: none"> ▪ Missing Titles on ROD files ▪ Non-cancellation of mortgage ▪ Non-cancellation of mother title ▪ With annotation regarding certificate of sale 	
CLOA Generation		Issuance of CLOA without cancellation of the current title	

B. Government Sector

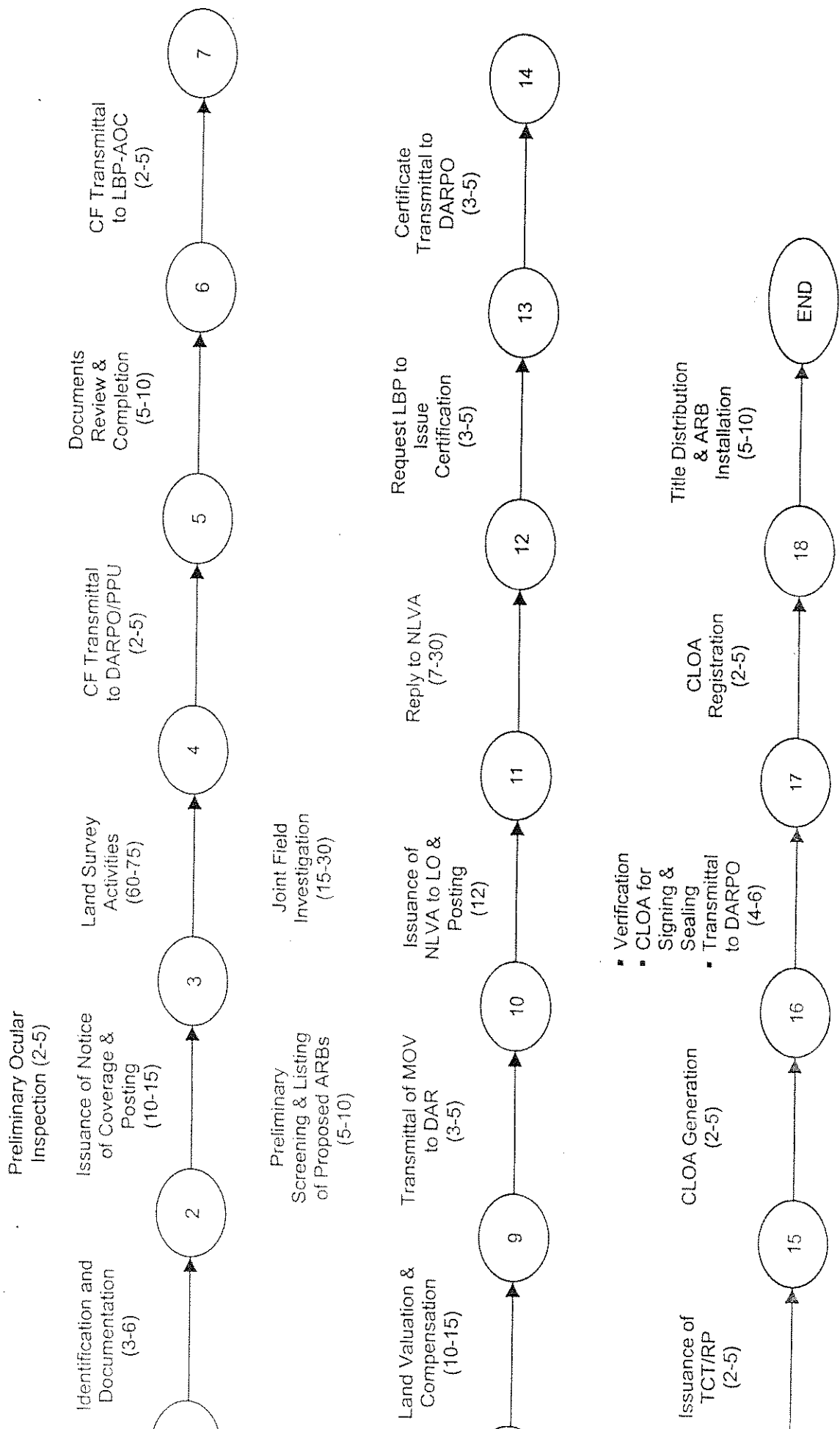
STAGE IN THE SYSTEM	FACILITATING FACTORS	PROBLEMS ENCOUNTERED	RECOMMENDATION
CLOA Registration		<p>Overlapping of areas covered by patent titles and CLOAS</p> <ul style="list-style-type: none"> ▪ Difficulty on the part of DAR in taking <u>possession</u> of the land (i.e. presence of armed groups) ▪ Difficulties in maintaining standing crops and determining LOs share 	<p>To be brought up to the attention of DENR (to be spearheaded by DAR)</p> <ul style="list-style-type: none"> ▪ Enforcement of joint DILG-DAR-PNP MC no. 5, Series of 2002 ▪ Come up with guidelines on standing crops

The following areas for improvement are recommended to further tighten the system:

- The Department should redesign its information system on the CLOA issuance, monitoring and validation to reflect actual figures and realistic variances or deviations from the target.
- It should design as well a monitoring system to capture what is actually happening in the field. This should include a functional and 'user-friendly' feedback mechanism to aid in decision-making functions of the Department.
- To streamline the system on issuing the CLOA, standard times should be established for each segment or node within the system. This could only happen if the documents or requirements needed for processing are complete. This stage in the system constitutes the preparatory activities or the identification and documentation stage.
- Inasmuch as most of the problems and delays are dependent on the availability of documents, the Department should decide to target 'clean lands' only or those lands which have complete documentation. In this case, no landholding should be processed without complete documents.
- The Department should likewise devise a functional and appropriate 'support system' for its farmer beneficiaries to 'protect' the CLOAs that have already been issued.
- The Department should make it a regular function to do 'massive' information dissemination to all concerned field officers and personnel. This would enable various Department personnel to be informed of current office orders, issuances, and circulars. One advantage of this effort is a common understanding and interpretation of the staff regarding the various issuances.

Land Acquisition and Distribution (LAD) Process

For VOS and CA only (Time Estimates in Days)





Government of the Philippines
United Nations Development Programme



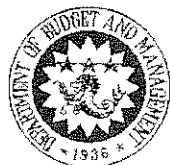
Portfolio on Enabling Environment:
Poverty Reduction through Good Governance

PHI / 02 / 009 CIVIL SERVICE AND ECONOMIC MANAGEMENT:
*ENHANCING INSTITUTIONAL CAPACITIES TO PROMOTE
PUBLIC ADMINISTRATION AND FISCAL REFORMS*

Continuing the Reduction of Signatures Required for Critical Government Transactions – Phase I

FINAL REPORT
(July 2003)

Executing Agency:



Department of Budget and Management

Implementing Agency:



Development Academy of the Philippines



Development Academy of the Philippines

30 July 2003

Hon. CYNTHIA G. CASTEL
Undersecretary
Department of Budget and Management
Gen. Solano Street
San Miguel, Manila

Dear Undersecretary CASTEL:

Warm greetings!

We are pleased to submit to you the final report in connection with the Project: Continuing the Reduction of Signatures for Critical Government Transactions. The study assessed and reviewed the processes involved in the following transactions:

- Licensure Process for Professional Teachers of the Professional Regulation Commission
- Issuance of the Environmental Compliance Certificate of the Department of Environment and Natural Resources
- Issuance of the Certificate of Land Ownership Award of the Department of Agrarian Reform

We would be happy to assist you in your future initiatives to further promote good governance in the bureaucracy.

Thank you very much.

Very truly yours,


MAGDALENA L. MENDOZA
Managing Director
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Portfolio on Enabling Environment:
Poverty Reduction through Good Governance

PHI / 02 / 009 CIVIL SERVICE AND ECONOMIC MANAGEMENT:
*ENHANCING INSTITUTIONAL CAPACITIES TO PROMOTE
PUBLIC ADMINISTRATION AND FISCAL REFORMS*

Continuing the Reduction of Signatures Required for Critical Government Transactions – Phase I (Licensure Process for Professional Teachers)

FINAL REPORT

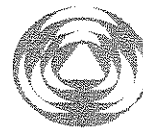
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Assessment of the Licensure Process for Professional Teachers

FINAL REPORT

Prepared by the:

Development Academy of the Philippines

The National Productivity Organization



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LIST OF ACRONYMS

AC	Action Sheet
AF	Answer File(s)
AF	Applicants' File
AK	Answer Key
AU-OPT	Application Unit – Office for Professional Teachers
BS	Building supervisors
CAF	Computerized Application Form
CL	Control Logbook
CSC	Civil Service Commission
CTP	Compliance Testing Procedure (CTP)
CTR	Control Total Report
DAP	Development Academy of the Philippines
DepEd	Department of Education
EC	Exam Coordinators
EDP	Electronic data processing (EDP)
EDPD-OFAS	Electronic Data Processing Division – Office of Finance and Administrative Services
EF	Examinee File
EPL	Edited Proof List
FS	Floor Supervisor
HF	History File
LET	Licensure Examination for Teachers
MLQ-LET	Master List of Questions for the LET
MPL	Minimum Passing Level
NF	Names File
NOA	Notice of Admission
OMR	Optical Mark Reader
OP	Oath of Professionals
OPT	Office for Professional Teachers
OR	Official Receipt
ORBP	Official Registry Book for Professionals
PCEG	Presidential Committee on Effective Governance
PERRC	Permanent Examination Registration Record Card
PRBT	Professional Regulatory Board for Teachers
PRC	Professional Regulation Commission
PRC-CSC	PRC Client Service Center
RA	Republic Act
RD-LO	Rating Division – Licensure Office
RU-OPT	Records Unit – Office for Professional Teachers
RW/P	Room watchers/ proctors
SF	Score File
SSSAD	Submission of Authentic Documents
TAF	Teachers Application Form
TOR	Transcript of Records
TQD	Test Question Databank System

Assessment of the Licensure Process for Professional Teachers

Final Report

I. Background

In 2002, the Presidential Committee on Effective Governance (PCEG) commissioned the Development Academy of the Philippines (DAP) to conduct a study with the aim of streamlining the delivery of critical services by selected government agencies. One of these agencies was the Professional Regulation Commission (PRC). In the case of PRC, the study will assess frontline operations in the following areas: 1) processing of professional licensure examination applications and the 2) registration of new professionals. Measures would be recommended to simplify work processes and to reduce the number of signatures involved in them.

Prompted by the need to address other system flaws and process bottlenecks, the PRC decided on a more extensive study of the processes involved in the licensure and registration of professional teachers. This being the need, DAP conducted a study on the structures, systems and processes of the Office for Professional Teachers (OPT), the unit in the PRC which is tasked for overseeing the licensure and registration of professional teachers.

II. Scope and Methodology of the Study

This assessment traced the entire licensure process for teachers, starting from the preparation of professional licensure examinations and ending with the oath taking and registration of new professionals.

Time constraints limited the methodology of the study to key person interviews involving selected officers and staff of the Office for Professional Teachers (OPT) and other PRC central units and review of secondary data and materials. Actual shop floor process observations were not conducted.

III. The Office for Professional Teachers (OPT)

The OPT was established by PRC in 1995 due to the transfer to PRC of the task of regulating the teaching profession from the Civil Service Commission (CSC). The transfer was mandated by Republic Act (RA) 7836 or The Philippine Teachers Professionalization Act of 1994 and supported by Board Resolution No. 95-01 issued by the PRC Board for Professional Teachers on November 20, 1995.

The OPT was intended as a "one-stop processing center" to service the various needs and requirements exclusively of applicants for the Licensure Examination for Teachers (LET) and professional teachers, who were expected to swell the number of PRC clients as a result of the transfer. Its establishment was aimed at deconcentrating the anticipated volume of transactions in various PRC offices and absorbing a large part of it.

Moreover, the OPT was designed as a "mini-PRC" to perform licensure and regulatory tasks. The OPT replicated, clustered and performed the entire range of licensure and regulation

functions being performed on a larger scale by PRC. In doing so, it set up the structures, systems and processes being used by or approximating those of other PRC units. As an example, it had its own Application, Registration, Cash and Records Units and worked closely with the Professional Regulatory Board for Teachers (PRBT).

IV. Licensure Process for Professional Teachers

The licensure process for professional teachers is undertaken annually by the OPT and is composed of five major work processes:

The first major work process is the Processing of Applications for the Licensure Examination for Teachers. This is a complete process in itself; which is needed in order for the teacher applicant to be allowed to take the examination. This is shown in Figure 1.

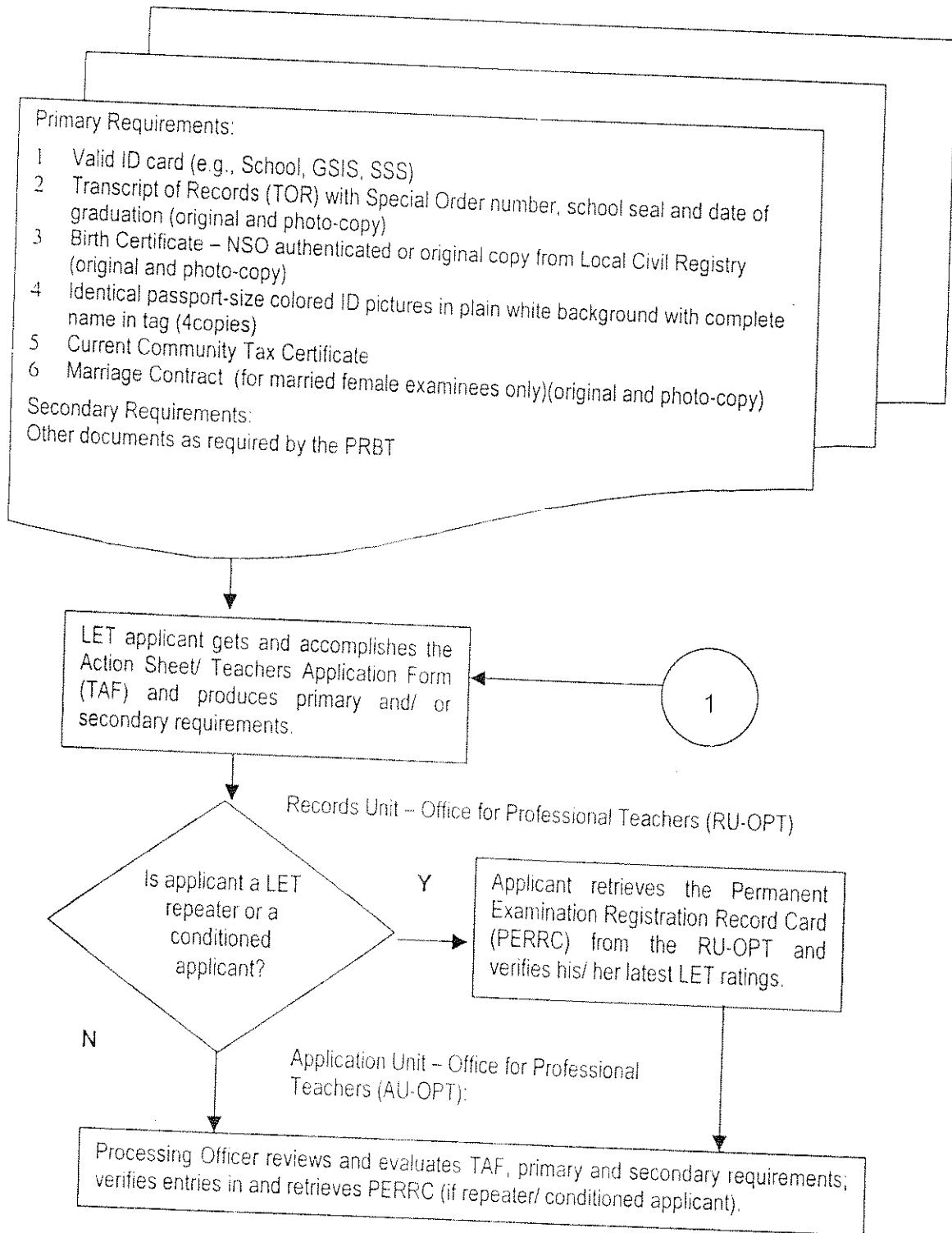
The next four processes enumerated below are interconnected with each other. Completion of the earlier one is necessary so that the next process can commence. These are shown in Figures 2-5.

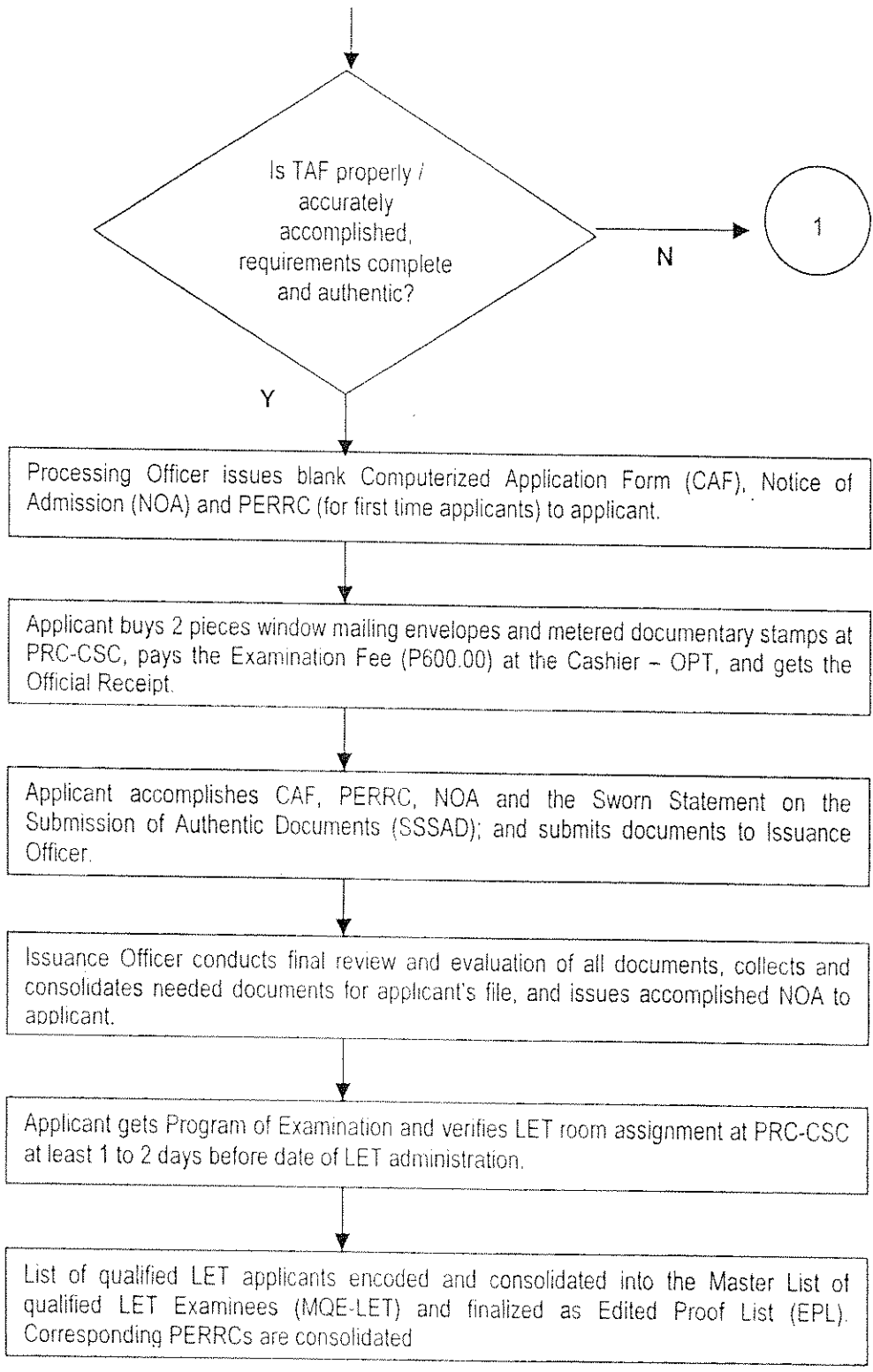
- Formulation of the Questions for the Licensure Examination for Teachers (LET);
- Preparation for and Conduct of the LET;
- LET Correction and Releasing of Results; and
- Oath Taking and Registration of New Professional Teachers.

The above processes are presented in flowchart form indicating different activities. The activities are placed in the boxes, while the unit undertaking the activities is indicated before the activity.

Figure 1: Process Flowchart for LET Application Processing

PRC Client Service Center (PRC-CSC) or at OPT:





Situationer on LET Application Processing:

Among all offices in the PRC, the OPT has the largest and fastest growing number of clients. Since PRC first administered the LET in 1996, LET applications processed annually have dramatically increased in number (i.e., from 97,564 in 1996 to 141,732 applicants in 2002) surging by 45.27% in 2002. LET applications alone accounted for more than 50% of the total number of applications processed by PRC in 2002.

In contrast to the huge and rapid increases in the number of LET applicants (and successful passers) annually, the OPT gradually reduced the size of its personnel complement over the years. It started with 20 personnel in 1995, increased its complement to 61, then reduced its staff to just 41 in January 2003.

Even if annual LET applications start as early as February, first-time applicants are only able to apply 3 weeks at the earliest before the deadline of May 31. The official Transcript of Records, a primary requirement for LET application, is issued by school authorities to their graduates only on the first week of May (at the earliest), leaving applicants very little time to apply within the period prescribed by PRC.

OPT frontliners also observe that many applicants, even with complete sets of documentary requirements (e.g., repeaters), do not file applications at earlier dates and instead join first time applicants within the little time available nearing the deadline.

The Regional Offices have inadequate capabilities to perform the entire range of functions and extension services expected of them. As a result, they cannot fully and consistently implement licensure process guidelines and standards. Faulty LET application processing at the Regional Offices is not uncommon, e.g., data reflected in LET application forms are inconsistent with data reflected on the birth certificate or transcript of records. Once these faulty applications reach OPT, OPT is forced to disapprove the applications and return the documents to the concerned Regional Offices, leading to a rework of the entire process at great cost and loss of time to the applicant.

This results in very heavy transaction volumes experienced by various OPT units at certain periods of the year. For instance, the Application Unit-OPT has to cope with the problem on the last three weeks of May nearing the deadline for the LET application. The Registration Unit-OPT experiences the same problem just after the release of LET results in the first week of November. In all of these cases, waiting time increases for each activity in the application process.

LET application processing also consumes more than its share of PRC's resources. During peak periods, the OPT is forced to request for the services of additional officers and staff from other PRC units to assist in its operations. Likewise, OPT personnel in units with lesser work loads are pulled out of their units and temporarily redeployed to units experiencing heavy transaction volumes. Due to the insufficient floor space for increased OPT operations, additional space at other floors of the building assigned for the operations of other PRC offices are temporarily sequestered for the OPT's use.

In spite of information disseminated using various means channeled through PRC regional offices, many applicants still resort to accessing OPT (and PRC) for their information needs. These consume much of OPT's time and manpower and compete with regular functions at the front desk and backroom operations.

Particular stages of the application process have also suffered from security lapses. A case in point is the assignment of OPT staff who have insufficient training in cashiering and who have not posted cash bonds to perform cashiering functions to respond to the heavy client volume. These are in violation of fiscal control requirements and standard operating procedures and are compounded by weak mechanisms for monitoring and supervision.

Issues and Problems in LET Application and Processing:

Major issues arising in LET application and processing are the following:

- Increased waiting time incurred by applicants during processing of accomplished Application Form for Teachers and requirements
- Lesser number of personnel to service needs of rapidly increasing numbers of LET applicants
- Annual deadline for LET application is May 31. First time LET applicants graduating from college are given only 2 months to prepare needed requirements, which include the Transcript of Records (TOR). The TOR is issued by school authorities on the first week of May at the earliest.
- No measures installed to set and regulate the daily volume of LET applicants (e.g., scheduling applicants alphabetically)
- LET application documents not thoroughly assessed by processing officers, mostly in the Regional Offices. In some cases, data entry inconsistencies are discovered after applications are transmitted to the OPT. In such cases, applications are invalidated and returned to regional offices. Regional Offices are often unable to immediately inform applicants of rejected applications. Applicants often learn of it upon following up after a period of time.
- Untrained personnel from other units are assigned to assist OPT staff and made to perform functions which are new to them.
- OPT staff are forced to answer inquiries and act on problems in application which should have been resolved at the Regional Offices
- Security lapses in work processes due to assignment of personnel to perform tasks without necessary safeguards (e.g., some personnel performing cashiering functions have not posted cash bonds).

Figure 2: Process Flowchart for the Formulation of the LET

Professional Regulatory Board for Teachers (PRBT):

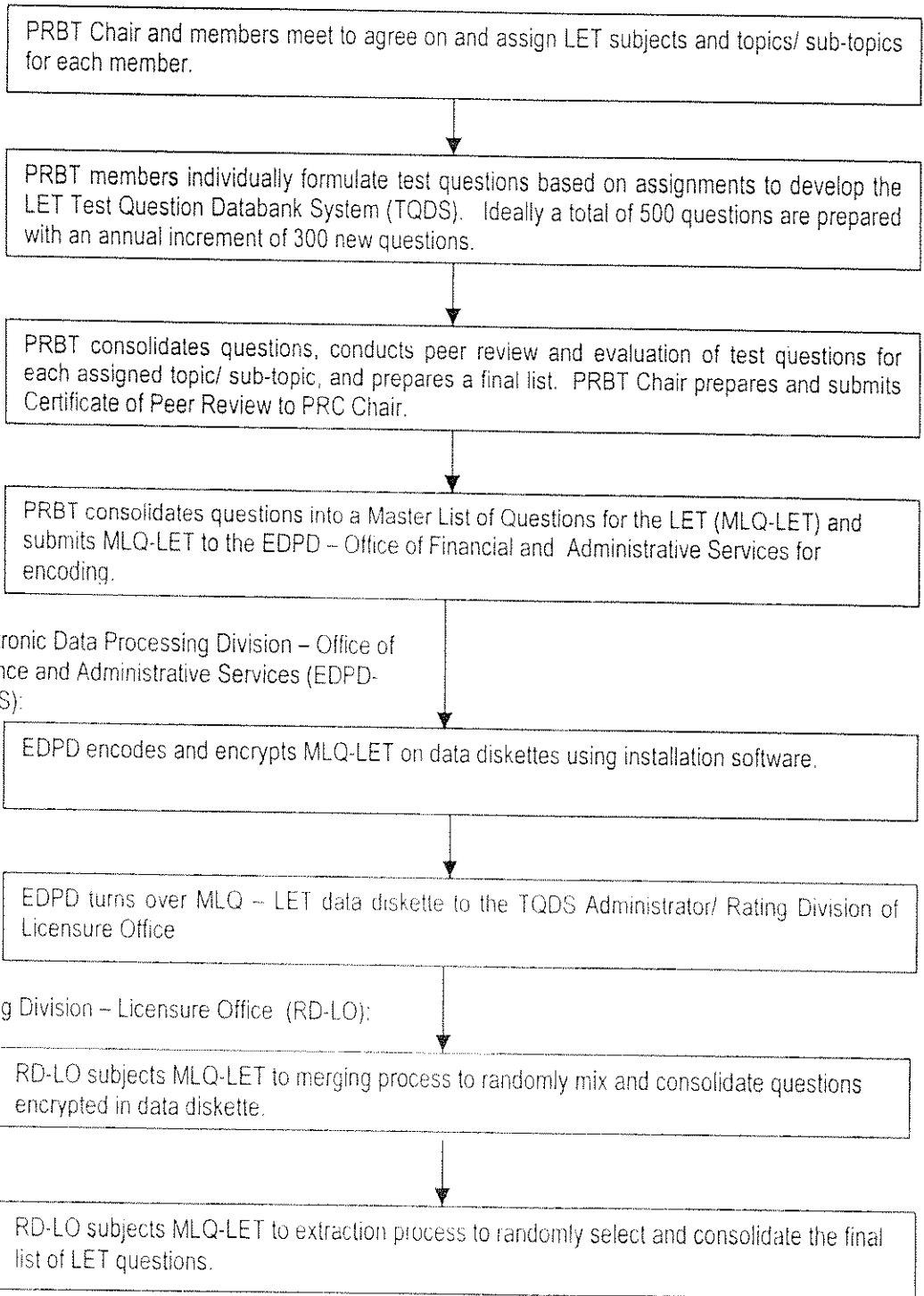
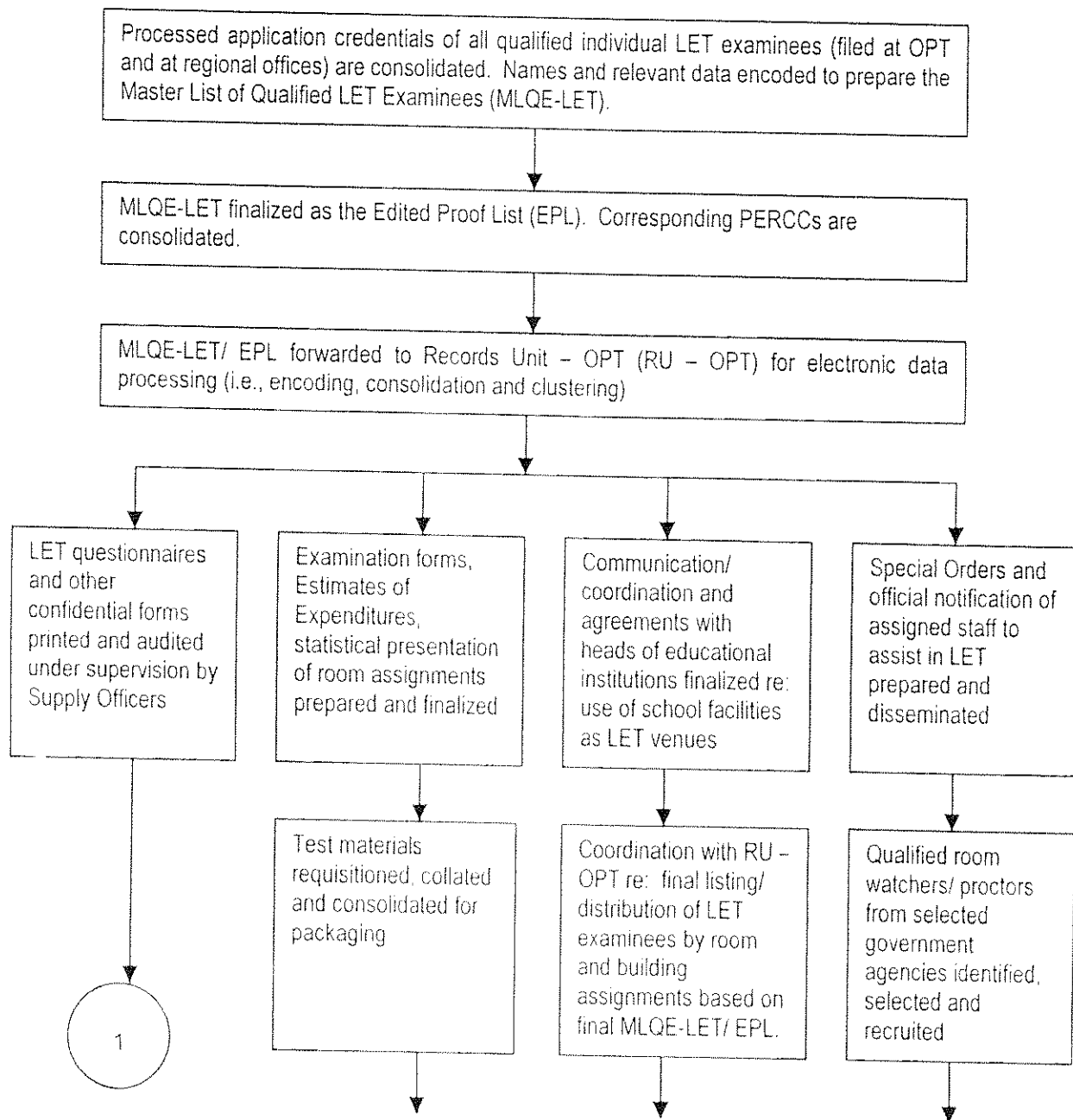


Figure 3: Process Flowchart for Preparation for and Conduct of the LET

Preparation for the LET:

Application Unit – Office for Professional Teachers (AU – OPT):



Test materials packaged and labeled in plastic envelopes under close supervision

Ocular inspections and assessments of LET exam venues conducted

Room watchers/ proctors (RW/P), floor (FS)/ building supervisors (BS) and exam coordinators (EC) assigned and briefed re: LET process flow; tasks/ responsibilities; security, coordination and deployment arrangements

Accountability forms prepared for distribution per room and per subject

1

Management/ Supervision over the Conduct of LET

RW/P:

1. Monitor and document LET process inside exam rooms
2. Accomplish documentation and other reports
3. Collect, consolidate and account for all LET answer sheets, questionnaires and all other documents/ test materials at the end of exam
4. Submit all documents and test materials to FS

FS:

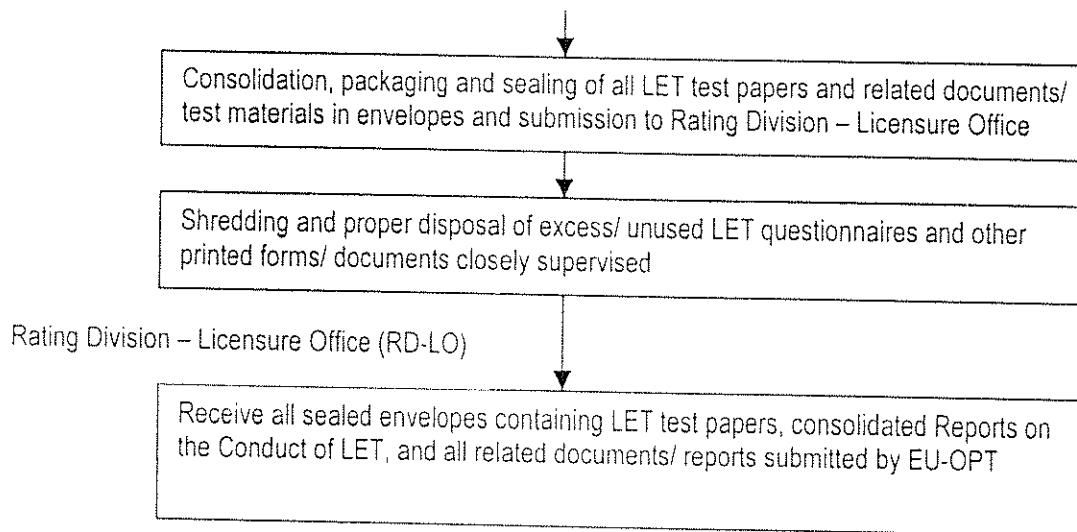
1. Collect, consolidate and account for LET test papers and all other documents/ test materials submitted by all RW/P
2. Submit all documents to BS

BS:

1. Collect, consolidate and account for LET test papers and all other documents/ test materials submitted by all FS
2. Prepares Report on Conduct of LET
3. Prepare Delivery Receipt for all documents
4. Submits all documents to EC

EC:

1. Collect, consolidate and account for LET test papers and all other documents/ test materials submitted by all BS
2. Prepares and submits Report on List of Absentees, test materials and consolidated Report of Conduct of LET to OPT
3. Prepares and submits reports for PRC Chair
4. Prepares and submit statistical reports for the Rating Division – Licensure Office



Situationer on the Preparation and Conduct of the LET:

The OPT is heavily dependent on the Regional Offices for assistance in coordinating and undertaking the preparations for the conduct of the LET. After the initial arrangements are made by the Central Office with the Department of Education (DEPED) and school authorities, regional offices are tasked to coordinate and work closely with regional DEPED offices and with the school authorities to evaluate and prepare school facilities selected as LET testing centers.

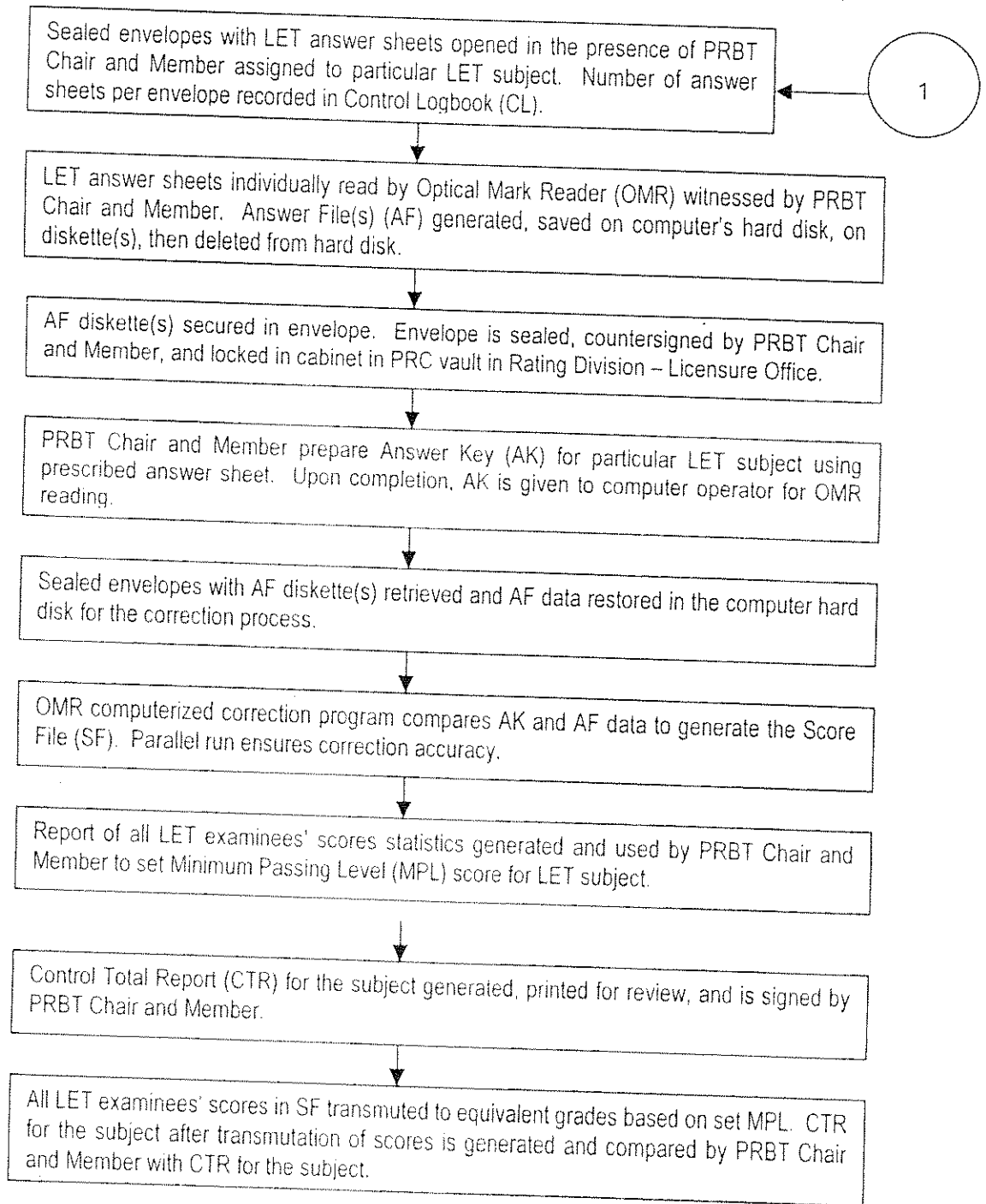
More importantly, Regional Offices play major roles in the actual conduct of the LET. The OPT has to effectively coordinate activities, schedules, and deployment of manpower and material resources every time the LET is conducted.

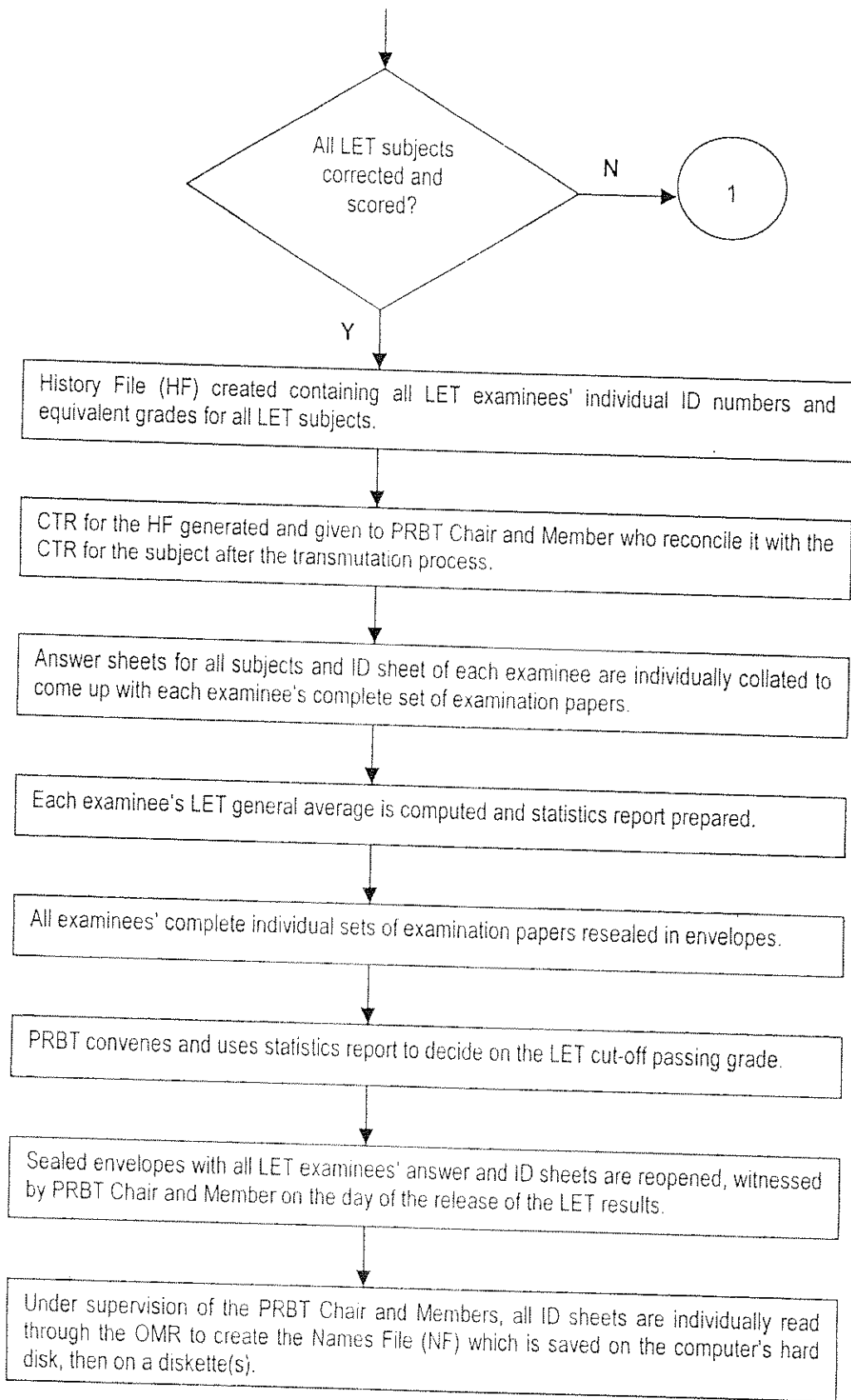
Issues and Problems on the Preparation and Conduct of the LET:

- Security and integrity of the conduct of the LET is constantly at risk due to OPT'S difficulties in ensuring nationwide supervision, monitoring and control of LET activities
- Lack of competent OPT personnel who may be simultaneously assigned for field assignments

Figure 4: Process Flowchart for LET Correction and Releasing of Results

Rating Division-Licensure Office (RD-LO) and Professional Regulatory Board for Teachers (PRBT):





Each LET examinee's answer and ID sheets are reconsolidated.

Screening process is done to match each LET examinee's handwriting on the ID and all corresponding answer sheets.

The Applicants' File (AF)/ Edited Proof List (EPL) from the Records Unit-OPT is matched with the Names File (NF) to create the Examinee File (EF).

EF is matched with the HF to generate all needed reports for the release of LET results.

Compliance Testing Procedure (CTP) is conducted to test the integrity of the results for all the subjects in the LET.

Reports generated:

1. Table of Results of Passing Candidates
2. Table of Results of Failed and Conditioned Candidates (if any)
3. Master List of Examinees
4. Alphabetical Listing of Successful Examinees for Press Release
5. Report of Rating
6. Performance of Schools in the LET

Figure 5: Process Flowchart for the Oath Taking and Registration of New Professional Teachers

Oath Taking:

LET passers take the Oath of Professionals (OP) during PRBT supervised Oath Taking Ceremonies or as administered by authorized individuals.

Registration:

Rating Unit – Office for Professional Teachers (RU-OPT)

Requirements:

1. Current Community Tax Certificate
2. 2 identical ID pictures (2"x2") with complete name in tag
3. 2 sets of metered documentary stamps
4. One short brown envelope with name and profession

New professional teacher registrant gets OP Form from PRC-CSC, accomplishes and submits it with requirements to RU-OPT Registration Officer.

Registration Officer retrieves registrant's PERRC from RU-OPT, verifies latest LET rating/ status, assesses required fees to be paid by registrant, and notes assessed fees to be paid on the OP Form.

Registrant pays registration fee at Cashier-OPT and secures Official Receipt (OR).

Registration Officer notes OR, retrieves OP Form and the PERRC, records payment made in PERRC, and assigns a registration number to client.

Registrant registers as a new professional teacher in the Official Registry Book for Professionals

Registration Officer attaches OP Form to PERRC, returns OR and issues Claim Stub to registrant.

New professional teacher returns on scheduled day to claim Professional License and Board Certificate.

Situationer on the Registration of New Professional Teachers:

LET passers who register as new professional teachers at OPT have increased by 89.5% since 1996 (i.e., from 26,830 in 1996 to 50,832 in 2002). By 2002, the ratio stood at 1 OPT staff to serve the needs of 1,240 new professional teachers, most of whom flock to the OPT to register starting on the second week of November, immediately following the release of LET results. The rapid and heavy influx of registrants adds to the daily volume of transactions with registered professional teachers doing official business with PRC.

In addition to the annual registration of new professional teachers, the OPT has to cope with 847,153 professional teachers who still have to register and convert their professional eligibility certification from the Civil Service Commission to that of PRC under RA 7836. In compliance with this law, 551,723 professional teachers have already registered and converted their eligibility certification. To date, OPT has not designed separate procedures for the registration of these teachers nor addressed the backlog of potential transactions from this client sector.

Electronic data processing (EDP) equipment are routinely overused and are insufficient to meet increased work demands. For instance, the computer server used by the OPT is shared across the entire PRC for all professions and cannot effectively cope with the volume of transactions being processed. The limited interconnectivity has likewise slowed down data transfers. The ID scanning and printing machines used in the registration process of the OPT (and for all professions) are outmoded and are operating at less than 50% optimal capacity. Though a possible means to fast track licensure, attempts to outsource ID printing have not been continued due to significant security risks (e.g., fake licenses). Outsourcing also creates problems in ensuring that the ID's quality meets required technical specifications. Other than the limited budget, the lengthy and complicated bidding and requisition processes required for property purchases have constrained OPT (and PRC's) efforts to replace outmoded and dilapidated equipment.

Issues and Problems on the Registration of New Professional Teachers:

- Long waiting time incurred by new teacher registrants in the issuance of the professional license and the board certificate
- Lesser number of personnel to service needs of more registrants and professional teachers transacting business with OPT
- No measures installed to set and regulate the daily volume of new registrants and professional teachers transacting business with OPT (e.g., designating registration schedules by family name or assigning separate windows according to category of the registrants)
- Systems and procedures which restrict rather than facilitate bidding and requisition of equipment

V. Recommendations

The findings suggest that the OPT cannot effectively and adequately respond to the various needs and demands of an increasing number of its clients. Reforms must be undertaken to address improvements in the OPT's systems and processes for it to be able to meet its objective of at least ensuring the on-time delivery and acceptable quality of its services, and the efficiency of its delivery operations. These recommendations include the following:

1. Considering that all LET applications are approved by the OPT based in the main office and considering further that applications come from all over the country where PRC Regional Offices are situated, it is imperative to strengthen these Regional Offices so that they process applications with the least error. This would minimize rework on the part of applicants and the OPT.
2. In order to come up with rational manpower complement, it is necessary that cycle time for each transaction be established. This may be done for priority processes or where a preponderance of long waiting time is observed.
3. The deadline for the application for the LET is set on May 31, very close to the time when applicants graduate from college. Considering the short time within which thousands of applications are received and processed, there is no wonder that resources at PRC are stretched, sometimes beyond reasonable limits. There may, therefore be a need to rethink the schedule of the annual LET so that deadline for applications may be adjusted thereby extending the period within which to process applications.

However, the LET schedule may not be taken in isolation. There may be a need to take a look at the entire professional examinations for the year and make adjustments, where possible.

4. An immediate solution to the overcrowding at the PRC is the installation of mechanisms that will give applicants designated date during the application period to apply. In a way, PRC must educate its applicants and enforce this mechanism.