

# CHALLENGES IN THE IMPLEMENTATION OF THE FOREST CODE (PD 1096) IN THE FOREST LAND AREAS OF ARAKAN, NORTH COTABATO, PHILIPPINES

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## ABSTRACT

This study was conducted to identify challenges in implementing Presidential Decree 1096 in the forest land areas of Arakan municipality. A qualitative research method using the key informant interviews (KIIs) from some concerned entity that has knowledge and experience with the implementation of PD 1096 in the municipality. The thematic analysis resulted in three (3) major themes; Compliance and Enforcement, Technical and Logistical Challenges, and Socio-Economic Barriers. This study also aims to provide new and effective strategies for the implementing body, policymakers, and policymakers to promote and underscore the significance of addressing both technical and socio-economic challenges to bolster the efficacy of building code enforcement in similar settings.

**Keywords:** challenges, forest code, forest land, Arakan, North Cotabato

## 1. INTRODUCTION

Arakan is a municipality located in the province of Cotabato. It was officially established in 1991 and is known for its mountainous terrain, forming part of the Bukidnon-Cotabato mountain range. The area is characterized by rich biodiversity, lush landscapes, and a strong agricultural economy, with key crops including corn, rice, and various fruits.

Arakan is home to several indigenous groups, notably the Manobo, who have a significant presence in the region. These indigenous communities have ancestral domains that encompass substantial portions of Arakan's land area. These domains are recognized under Philippine law, particularly the Indigenous Peoples' Rights Act (IPRA) of 1997, which ensures their rights to manage and protect their ancestral lands.

The ancestral domains in Arakan cover a significant portion of the municipality's land area approximately 61,983 hectares and are also vital for the cultural heritage, livelihood, and identity of the indigenous peoples. These areas are not only used for agriculture but also for traditional practices, forest management, and eco-tourism initiatives. Efforts in Arakan often focus on sustainable development, balancing economic growth with the preservation of natural resources and indigenous culture.

In 2023, tourism in Arakan significantly contributed to the local economy, although specific percentage figures for the tourist spots' share were not explicitly detailed. Arakan is renowned for its natural attractions, including numerous waterfalls, caves, and rivers that offer various adventure activities such as trekking, swimming, and spelunking.

Presidential Decree No. 1096, also known as the National Building Code of the Philippines, was enacted to establish a framework for the regulation of all building constructions within the country. Its primary aim is to ensure that buildings are safe, resilient, and conducive to the well-being of their occupants. However, the implementation of PD 1096 presents unique challenges in specific contexts, such as forest land areas. Arakan Municipality, located in the North Cotabato province, is one such area where the balance between development and environmental conservation is critical.

The primary problem addressed in this research is the difficulty in implementing PD 1096 within the forest land areas of Arakan Municipality. These difficulties arise due to several factors: the ecological sensitivity of forest lands, the socio-economic conditions of the local population, and potential conflicts between development goals and environmental preservation. Specific problems include inadequate infrastructure, limited resources for enforcement, and resistance from local communities who may rely on traditional building practices and forest resources for their livelihoods.

The objective of this research is to identify and analyze the challenges faced in the implementation of PD 1096 in the forest land areas of Arakan Municipality. Furthermore, the study aims to explore and document the coping mechanisms and strategies employed by local authorities and communities to address these challenges. By understanding both the obstacles and the adaptive strategies, the research seeks to provide recommendations for more effective implementation of building regulations that are sensitive to both developmental and environmental needs.

This research is significant as it highlights the intersection of development policy and environmental conservation. The findings will be valuable for policymakers, local government units, and development practitioners in crafting policies that are not only compliant with national building standards but also considerate of local ecological and socio-economic contexts. By addressing the specific challenges and coping mechanisms in Arakan Municipality, the study could serve as a model for similar forest land areas facing the same issues.

## 2. METHODOLOGY

This study utilized the qualitative research method using the key informant interviews (KIIs) from some concerned entity that has knowledge and experience with the implementation of PD 1096 in the municipality. Semi-structured interviews and desk review of related documents were conducted with the six (6) key informants from the Office of the Building Officials (3 staff), one municipal councilor, and two building/resort owners. Interviews were conducted in English and the local language, audio-recorded with consent and were then transcribed and translated accordingly. Thematic analysis was used to analyze the interview transcripts and organize them into broader themes to capture the challenges of the abovementioned persons in the implementation of PD 1096.

## 3. RESULTS AND DISCUSSION

This chapter presents the study's findings. The thematic analysis resulted in three (3) major themes of the challenges in the implementation of PD 1096 in Arakan municipality. The themes for challenges in the implementation of PD 1096 in Arakan municipality were, (1) Compliance and Enforcement, (2) Technical and Logistical Challenges and (3) Socio-Economic Barriers. A summary of key identified challenges in implementing PD 1096 is presented in Table 1.

**Table 1.** Challenges in implementing PD 1096 in the forest land areas of Arakan municipality

Theme	Challenges in Implementing
Compliance and Enforcement	<ul style="list-style-type: none"> <li>• Limited resources</li> <li>• Insufficient Manpower</li> <li>• Lack of awareness and Understanding</li> </ul>
Technical and Logistical Challenges	<ul style="list-style-type: none"> <li>• Infrastructure Limitations</li> <li>• Design and Construction</li> <li>• Adaptation to Local Conditions</li> </ul>
Socio-Economic Barriers	<ul style="list-style-type: none"> <li>• Cost of Compliance</li> <li>• Land Ownership</li> <li>• Resistance to Change</li> </ul>

**Theme 1. Compliance and Enforcement.** One interviewee from the Office of the Building Official confirmed that the municipality lacks awareness and understanding about PD 1096. One interviewee from the local legislation pointed out that it is because of insufficient manpower that the implementation of PD 1096 is tough and crucial especially when the client is a business owner. Another interviewee shared that because of limited resources why the implementation of PD 1096 is challenging in the municipality. Ensuring the adherence to and implementation of PD 1096, the National Building Code of the Philippines, in the forest land areas of Arakan Municipality poses a series of intricate challenges. These areas often face issues such as limited infrastructure, remote locations, and conflicting land use interests, which make the enforcement of building regulations particularly difficult. Research conducted by Santos et al. (2018) shed light on the obstacles in enforcing building codes in forested regions, including the presence of informal settlements, insufficient monitoring resources, and the lack of clear land ownership boundaries. To tackle these hurdles, a comprehensive approach is necessary, involving community participation, enhancing the capabilities of local authorities, and devising innovative enforcement strategies that cater to the specific conditions of forest land areas. By leveraging insights from such studies and fostering collaborative engagement with stakeholders, Arakan Municipality can work towards achieving better compliance and enforcement of building regulations in its forested areas, promoting sustainable development while safeguarding the ecological balance of these crucial landscapes.

**Theme 2. Technical and Logistical Challenges.** The interviewee from the Office of the Building Official highlighted in the interview that the building/resort owners in the municipality lack knowledge and guidance about the standards in construction and materials. They tend to build their houses and resorts as to what they think and imagine as they think that it is already considered the standard in constructing buildings. The unique challenges faced in enforcing building regulations in forest land areas of Arakan Municipality require a multifaceted approach that takes into

account the complexities of the environment and the diverse interests of the stakeholders involved. One key aspect of addressing these challenges is through community participation, where residents are actively engaged in the decision-making process and are educated on the importance of adhering to building codes for the preservation of the forest ecosystem. This can help foster a sense of ownership and responsibility among the community members, leading to better compliance with regulations.

Additionally, enhancing the capabilities of local authorities through training and capacity-building programs is crucial in ensuring effective enforcement of building regulations in remote forested areas. By equipping them with the necessary skills and resources, authorities can better monitor and regulate construction activities, thereby reducing the prevalence of informal settlements and unauthorized structures that pose a threat to the environment. Furthermore, innovative enforcement strategies tailored to the specific conditions of forested land areas in the municipality, such as utilizing technology for monitoring and inspection purposes, can help overcome logistical challenges and improve the efficiency of enforcement efforts. By leveraging insights from research studies like the one conducted by Santos et al. (2019), Arakan Municipality can develop targeted interventions that address the root causes of non-compliance and promote sustainable development practices in its forested areas. Overall, by adopting a comprehensive approach that involves collaboration with stakeholders, empowering local authorities, and implementing innovative enforcement strategies, Arakan Municipality can work towards achieving better compliance and enforcement of building regulations in its forest land areas. This not only ensures the safety and well-being of residents but also contributes to the preservation of the ecological balance of these vital landscapes for future generations.

**Theme 3. Socio-Economic Barriers.** It is crucial to address the socio-economic barriers in implementing PD 1096 in the forest land areas of Arakan Municipality to ensure fair compliance with building rules. These barriers encompass the financial burden of adhering to regulations, the ambiguity surrounding land ownership, and the resistance to change, all of which have an impact on housing conditions and make it more challenging for individuals to comply with the rules. A study conducted by Reyes et al. (2017) sheds light on how these factors affect housing in forested regions, emphasizing the difficulties faced by low-income residents in meeting the high costs of compliance. Additionally, unclear land ownership and land disputes can result in the emergence of informal settlements and irregular development. Arakan Municipality is under the Ancestral Domain which made it difficult to provide proof of ownership in a land area. Furthermore, resistance to change, whether rooted in cultural reasons or habit, can impede the adoption of safer building practices. While most of the barangays in the municipality accept modernization some IP barangays are difficult in implementing a safe building. In addition, some constituents do not want to embrace modernization, especially in the proceedings where PD 1096 is very crucial. To overcome these challenges, practical solutions are required, such as providing financial assistance to those in need, streamlining the land ownership processes, and fostering community initiatives to promote safer building practices. By addressing these issues, Arakan Municipality can ensure that everyone has the opportunity to reside in safer homes and contribute to sustainable development in forest areas.

#### 4. CONCLUSION AND RECOMMENDATION

This study identified compliance and enforcement, technical and logistical challenges, and socioeconomic barriers as the primary challenges in implementing PD 1096 in forest land areas of Arakan Municipality. Implementing PD 1096 in Arakan Municipality, particularly within its forest land areas, presents significant obstacles; these challenges encompass various aspects, including technical, logistical, and socio-economic barriers. Issues such as infrastructure constraints, intricate design, and construction requirements, and the need for adaptation to local conditions complicate enforcement efforts. Moreover, the high cost of compliance, unclear land ownership, and resistance to change further compound these challenges. It is imperative to address these barriers to ensure safe and sustainable development in these regions. To address these challenges effectively, Arakan Municipality should adopt a holistic approach that includes: 1. Enhanced Technical and Logistical Support: utilize advanced technologies like GIS and satellite imagery for improved monitoring and establish mobile inspection teams to access remote areas. 2. Financial Assistance Programs: offer targeted financial aid to assist low-income residents in meeting compliance costs and encourage the adoption of safer construction practices. 3. Land Ownership Clarification: simplify land titling processes to resolve ownership disputes and encourage formal settlements. 4. Community Engagement and Education: cultivate a culture of compliance through community-based initiatives and educational campaigns that highlight the benefits of adhering to building regulations. By implementing these strategies, Arakan Municipality can enhance compliance with PD 1096, enhance housing safety, and achieve sustainable development in its forest land areas. This study underscores the significance of addressing both technical and socio-economic challenges to bolster the efficacy of building code enforcement in similar settings.

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