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SENATE

S. No. 2673

RECEIVED BY: 

Introduced by Senator JUAN MIGUEL F. ZUBIRI

EXPLANATORY NOTE

A national land use policy is a primary tool to achieve national development and social equity. It is envisioned to provide a policy for the rational, holistic and just allocation, utilization, management and development of our land resources. It includes the parameters that will guide planning at the national and local levels.

This proposed national land use policy also provides for guidelines in major areas, as follows: agricultural lands, forestlands and watersheds, coastal zones, mineral lands, energy resource lands, settlements development areas, industrial development areas, tourism development and heritage areas. Land use and physical planning shall at all times adhere to important policies and principles that promote:

- a) sustainable development and just management of resources;
- b) environmental integrity and stability;
- c) disaster risk-reduction and climate change resiliency;
- d) food security;
- e) protection of prime agricultural lands;
- f) water security;
- g) rational settlements development;
- h) physical and economic integration;
- i) agrarian reform, urban land reform and rural development;
- j) private-public partnership;
- k) people empowerment, decentralization, social justice and equity;
- l) respect and protection of the rights of indigenous cultural communities and indigenous peoples;
- m) protection of the rights of basic sectors;
- n) deeper understanding of our history and culture;
- o) energy security; and
- p) market orientation within the framework of ecological and intergenerational factors.

Planning processes at all levels shall include mandatory consultation in a bottom-up, top-down approach. Meanwhile, plans shall be subject to review and shall include clear timelines for their approval and adoption. The proposed national land use measure addresses the vital issues of agrarian reform, climate change, the completion of a national database and geo-hazard mapping, and disaster risk reduction and management. These issues had emerged and exerted great impact on the Philippines since Congress had first initiated the crafting of a national land use policy, more than two decades ago.

The proposed national land use policy will also harmonize existing laws governing the allocation, utilization, development and management of land resources. Furthermore, conflicting land uses and interests of our growing population over limited land resources show the need to institutionalize a comprehensive national land use policy.

In view of the foregoing, the passage of this measure is earnestly urged.



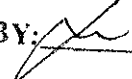
JUAN MIGUEL F. ZUBIRI



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AN ACT
INSTITUTING A NATIONAL LAND USE POLICY, PROVIDING THE
IMPLEMENTING MECHANISMS THEREFOR, AND FOR OTHER PURPOSES

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

CHAPTER I

INTRODUCTORY PROVISIONS

SECTION 1. Title. - This Act shall be known and cited as the "**National Land Use Act of the Philippines of 2011**".

SEC. 2. Declaration of Policies and Principles. - It is the policy of the State to provide for a rational, holistic, and just allocation, utilization, management, and development of the country's land resources to ensure their optimum use, consistent with the principle of sustainable development and inclusive growth.

The State shall recognize the need for rational, optimal and sustainable settlements development and shall allocate lands for urban uses and new town development, consistent with the principles of environmental management and equitable access to land and security.

Toward this end, the State shall institutionalize land use and physical planning as mechanisms for identifying, determining, and evaluating alternative land use and allocation patterns that promote and ensure:

- a) Sustainable and just management and utilization of natural resources;
- b) Maintenance and preservation of environmental integrity and stability;
- c) Disaster risk-reduction and climate change resiliency;
- d) Food security in basic food commodities with emphasis on self-sufficiency in rice and corn production through efficient and sustainable use of land resources, consistent with the principles of sound agricultural development, natural resources development, and agrarian reform;
- e) Protection of prime agricultural lands for food production activities and highest

1 priority to the finalization of the Comprehensive Agrarian Reform Program (CARP),
2 provided under Republic Act No. 6657 or the Comprehensive Agrarian Reform Law, as
3 amended by Republic Act No. 9700;

4 f) Water security through sustainable development and management of water
5 resources;

6 g) Rational population distribution and settlements development that shall
7 ensure adequate land allocation for government mass housing programs;

8 h) Spatial integration that links consumption and production areas to achieve
9 physical and economic integration through appropriate infrastructure systems;

10 i) Equitable and sustainable economic growth and balanced and dispersed
11 industrial and tourism development guided by the principles of agrarian reform, urban
12 land reform, and rural development;

13 j) Private-public partnership where government provides the appropriate policy,
14 legal and institutional framework to guide the private sector's management of
15 resources;

16 k) Harmony between the rights and the varied interests of every Filipino within
17 the framework of people empowerment, decentralization, social justice, and equity;

18 l) Respect for and protection of the sustainable traditional resource rights of the
19 Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) to their ancestral
20 domains to ensure their economic, social, and cultural well-being as well as recognition
21 of the applicability of customary laws and sustainable traditional resource use and
22 management, knowledge, and practices in ancestral domains;

23 m) Protection of the rights of basic sectors to equitable access to the country's
24 land and other resources through State regulation of land valuation to prevent
25 uncontrolled land speculation resulting in tremendous increase in land pricing;

26 n) Protection, conservation and preservation of the Filipino historical, cultural
27 and built cultural heritage and resources for the deeper understanding of our history and
28 culture as a people;

29 o) Attainment of energy security or energy self-sufficiency through sustainable
30 and priority development of indigenous energy resources; and

31 p) Market orientation where the interplay of market forces within the framework
32 of ecological and intergenerational factors is encouraged and adopted as the basic
33 parameter in achieving efficiency in land use and allocation.

34 It is also the policy of the State to ensure that local government units (LGUs)
35 share with the national government the responsibility of managing and maintaining
36 ecological balance within their territorial jurisdiction as stated in the 1987 Constitution
37 and the 1991 Local Government Code (LGC) or Republic Act 7160.

38 Guided by the principle that the use of land bears a social function and that all

1 economic agents shall contribute to the common good, landowners, land tenure
2 holders, in the case of forestlands, be it an individual, communal, corporate or group
3 shall be held responsible for developing and conserving their lands thereby making their
4 lands productive and supportive of environmental stability.

5 **SEC. 3. Scope.** - This Act shall apply to all lands whether public, private,
6 government-owned, and/or in the possession of individuals, communities, indigenous
7 people, or groups of people, to guide and govern the use, allocation, development and
8 management of land resources including such activities that bear impact on said
9 resources.

10 **CHAPTER II**

11 **DEFINITIONS**

12 **SEC. 4. Definition of Terms.** - As used in and for purposes of this Act, the
13 following terms shall mean:

14 a) ***"Agricultural land"*** shall refer to land devoted to agricultural activity as
15 defined in Republic Act No. 6657, as amended and not classified as mineral, forest,
16 residential, commercial or industrial land;

17 b) ***"Agricultural land use conversion"*** shall refer to the undertaking of any
18 development activity which modifies or alters the physical characteristics of agricultural
19 lands to render them suitable for non-agricultural purposes with an approved order of
20 conversion issued exclusively by the Department of Agrarian Reform (DAR);

21 c) ***"Alienable and disposable (A&D) lands"*** shall refer to lands of the public
22 domain which have been delineated, classified, and certified as open and available for
23 disposition under the provisions of Commonwealth Act No.141, otherwise known as the
24 "Public Land Act," as amended;

25 d) ***"Ancestral domains"*** shall refer to all areas generally belonging to ICCs/IPs
26 as defined in Republic Act No. 8371, otherwise known as the "Indigenous Peoples
27 Rights Act (IPRA) of 1998;"

28 e) ***"Basic Sector"*** shall refer to a group of people not referring to any organized
29 groups such as but not limited to women, youth, elderly, differently-abled, peasants and
30 fisher folk;

31 f) ***"Basic Shelter"*** shall refer to any subdivision unit, housing unit or
32 condominium satisfying the barest minimum shelter requirements under the minimum
33 design standards of Batas Pambansa Blg. 220;

34 g) ***"Comprehensive Land Use Plan (CLUP)"*** shall refer to a document
35 embodying a set of policies, accompanied by maps and similar illustrations, that serves
36 as principal basis for determining the future land use of lands and natural resources for
37 production and protection purpose within the territorial jurisdiction of the city or
38 municipality. It represents the community-desired pattern of population distribution and

proposes future allocation of land resources to various land-using activities. It identifies the allocation, character, and extent of the areas of land resources to be used for different purposes and includes the processes and the criteria employed in the determination of the land use. It has a long-term perspective, encompassing a minimum of three (3) terms of local elective officials;

h) **“Comprehensive land use planning”** shall refer to the act of defining the allocation, utilization, development and management of all lands within a given territory or jurisdiction according to the inherent characteristic of the land itself and supportive of sustainable, economic, demographic, socio-cultural and environmental objectives as an aid to decision-making and legislation;

i) **“Coastal area/zone”** shall refer to a band of dry land and the adjacent ocean space (water and submerged land) in which terrestrial processes and uses directly affect oceanic processes and uses, and vice versa. Its geographic extent may include areas within a landmark limit of one (1) kilometer from the shoreline at high tide to include mangrove swamps, brackish water ponds, *nipa* swamps, estuarine rivers, sandy beaches and other areas within a seaward limit of 200 meters isobath to include coral reefs, algal flats, seagrass beds, and other soft-bottom areas. For purposes of initiating and implementing sustainable coastal resources protection and management, it shall include foreshore lands;

j) **“Critical habitats”** shall refer to areas outside protected areas as defined in Republic Act No. 7586, otherwise known as the *“National Integrated Protected Areas System Act of 1992”*, that are known habitats of threatened species and designated as such based on scientific data taking into consideration species endemism and/or richness, presence of human-made pressures/threats to the survival of wildlife living in the area, among others;

k) **“Critical watershed”** shall refer to a drainage area of a river system supporting existing and proposed hydro-electric power, domestic water consumption, irrigation works or existing water facilities needing immediate protection and rehabilitation as it is being subjected to fast denudation causing accelerated erosion, destructive floods and polluted water. It shall be closed for logging until it is fully rehabilitated;

l) **“Cultural heritage”** shall refer to the totality of cultural properties preserved and developed through time and passed on for posterity;

m) **“Customary laws”** shall refer to a body of written and/ or unwritten rules, usages, customs and practices traditionally and continually recognized, accepted, and observed by respective ICCs/IPs, consistent with the IPRA;

n) **“Development plan”** shall refer to a document that defines the activities or measures that the national government or local government units (LGU's) intend to

implement in order to achieve a defined set of development goals. It integrates the socio-economic and sectoral plans of the national government or its instrumentality or a particular LGU with spatial plans such as land use or physical framework plans. It may include an analysis of problems and resources, definition of goals and objectives, policy guidelines, project and target achievements, and an implementation mechanism which defines the roles and contributions expected from the government and the private sector. Development plans include the national-level Medium-Term Philippine Development Plan (MTPDP) and its counterpart plans at the regional, provincial and local levels called the Medium-Term Regional Development Plan (MTRDP), the Provincial Development and Physical Framework Plan (PDPFP) and the Comprehensive Development Plan (CDP). These plans are translated into medium-term investment programs, also prepared at the national, regional and local levels, where programs, projects and activities derived from the development plans are ranked, prioritized, and matched with investment financing capacities. ;

o) ***“Ecologically-fragile lands”*** shall refer to lands within the critical watershed, brackish and freshwater wetlands, pasture lands, and croplands which require rehabilitation and whose continued unsustainable use would adversely affect the productivity of lowland agricultural areas and the stability of the upland ecosystem;

p) ***“Ecotourism”*** shall refer to sustainable tourism or travel to a given natural area with exotic or threatened ecosystems or a heritage area to observe wildlife or to help preserve nature, in the process providing for community participation, protection and management of natural resources, culture and indigenous knowledge systems and practices, environmental education and ethics, as well as economic benefits fostered and pursued for the enrichment of host communities and the satisfaction of visitors;

q) ***“Energy resource lands”*** shall refer to lands where naturally occurring or indigenous energy resources exist in sufficient quantity or quality as to be economically viable for exploration, development, production, utilization, and distribution process;

r) ***“Energy resources”*** shall refer to surface or subsurface substances that serve as energy sources. These are traditionally mineral fuel deposits such as coal, petroleum, natural gas or renewable resources from geothermal, hydro reservoirs, or non-conventional sources such as ocean waves, solar, wind, biomass, and other similar resources which serve the same purpose;

s) ***“Environmentally critical areas”*** shall refer to areas declared by law as: (a) protected areas pursuant to Republic Act No. 7586 or the NIPAS Act of 1992; (b) areas for natural parks, watershed reserves, wildlife preserves, and sanctuaries; (c) areas set aside as aesthetic potential tourist spots; (d) areas which constitute the habitat of any endangered or threatened species or indigenous Philippine wildlife (flora and fauna); (e) areas of unique historic, archaeological, or scientific interests; (f) areas which are

1 traditionally occupied by ICCs/IPs; (g) areas with critical slopes; (h) areas frequently
2 visited and/or hard hit by natural calamities (geologic hazards, floods, typhoons and
3 volcanic activities); (i) prime agricultural lands; (j) recharge areas of aquifers; (k) water
4 bodies; (l) mangrove areas; (m) coral reefs; (n) mossy and virgin forests; (o) rivers and
5 river banks; (p) swamp forest and marshlands; and (q) foreshore lands. This term shall
6 also include other terrestrial, aquatic and marine areas that need special protection and
7 conservation measures because they are ecologically fragile or they are needed for
8 food security and food self sufficiency as determined by concerned agencies and LGUs
9 in consultation with the concerned sectors;

10 t) **“Estuary”** shall refer to a wetland type where the river mouth widens into a
11 marine ecosystem, the salinity of which is intermediate between salt and freshwater
12 where tidal action is an important biophysical regulator;

13 u) **“Exhausted energy resource lands”** shall refer to specific energy resource
14 sites whose energy reserves of the desired type(s) are no longer in sufficient quantity
15 or quality to justify additional expenditure for their extraction and utilization;

16 v) **“Exhausted mineral lands”** shall refer to specific sites whose mineral
17 deposits are no longer in sufficient quantity or quality to justify additional expenditure for
18 their extraction and utilization;

19 w) **“Exhausted mineral resources”** shall refer to a situation where the mineral
20 resources in specific sites are no longer in sufficient quantity or quality to justify
21 additional expenditure for extraction or utilization;

22 x) **“Flood plain”** shall refer to the portion of a river valley adjacent to a river
23 channel which is covered with water when river overflows its banks at flood stages. The
24 plain usually consists of silt deposited by the stream;

25 y) **“Flood-prone areas”** shall refer to low lying areas usually adjacent to large
26 or active water bodies and therefore experience regular or seasonal inundation as a
27 result of changes in the mean water level of these bodies or because of land
28 reclamation and other artificial interference with the natural processes;

29 z) **“Food security”** shall refer to the policy objective of meeting the food
30 availability, accessibility, quality and affordability requirements of the present and future
31 generations of Filipinos in a sustainable manner, through local production or
32 importation, only when there is shortage established based on a micro level situation, or
33 both, based on the country's existing and potential resource endowments and related
34 production advantages, and consistent with the overall national development objectives
35 and policies;

36 aa) **“Food self-sufficiency”** shall refer to the policy objective of meeting the
37 food requirements through intensive local food production in a sustainable manner
38 based on the country's existing and potential resource endowments and related

1 production advantages;

2 bb) **“Forestlands”** shall refer to those lands of the public domain which have
3 been subjected to land evaluation and classification and have been legally designated
4 as such for production forest and/or protection/amenity forest. They include the public
5 forest, the permanent forest or forest reserves, and forest reservations;

6 cc) **“Foreshore land”** shall refer to a string of land margining a body of water,
7 the part of a seashore between the low-water line usually at the seaward margin of a
8 low tide terrace and the upper limit of wave wash at high tide usually marked by a
9 beach scarp or berm;

10 dd) **“Framework for physical planning”** shall refer to an indicative plan
11 promoting the most appropriate and rational use of land and other physical resources.
12 It provides policy guidelines for all decisions relating to land use and environmental
13 management, to prevent and mitigate the adverse effects of inappropriate resource
14 utilization of the country's food security and food self-sufficiency on rice and corn, the
15 people's welfare and their environment. It embodies both policies and strategies
16 necessary to carry out goals and objectives of this Act;

17 ee) **“Free and Prior Informed Consent”** – refers to consensus of all members
18 of the ICCs/IPs or local community to be determined in accordance with their respective
19 customary laws and practices, free from any external manipulation, interference and
20 coercion, and obtained after fully disclosing the intent and scope of the activity, in a
21 language and process understandable to the community;

22 ff) **“Geo-hazards”** shall refer to natural and human-induced geological
23 processes that have potential to cause destruction and pose a threat or risk to human
24 life and property;

25 gg) **“Geo-hazard areas or disaster-prone areas”** shall refer to areas
26 frequently visited and/or vulnerable or prone to experience weather/climatic, hydrologic,
27 geologic, and other natural calamities;

28 hh) **“Heritage Zones”** refer to historical, anthropological, archaeological and
29 artistic geographical areas and settings that are culturally significant to the country as
30 declared by the National Museum and/or National Historical Institute, pursuant to R.A.
31 No. 10066 or the National Cultural Heritage Act of 2009;

32 ii) **“Illegal conversion”** shall refer to any activity that modifies or alters the
33 physical characteristics of agricultural lands to render them suitable for non-agricultural
34 purposes without an approved order of conversion from the DAR Secretary;

35 jj) **“Improvements”** shall refer to all types of buildings and residential units,
36 walls, fences, structures or construction of all kinds of fixed character or are adhered to
37 the soil but shall not include trees, plants, growing fruits, and other fixtures that are
38 mere super impositions on the land, and the value of improvements shall not be less

1 than fifty percent (50%) of the assessed value of the property;

2 kk) ***“Inclusive growth”*** refers to ensuring that the economic opportunities
3 created by growth are available to all, particularly the poor, to the maximum possible
4 extent;

5 ll) ***“Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs)”***
6 shall refer to groups of people or homogenous societies identified under Republic Act
7 No. 8371 or the *“Indigenous People’s Rights Act (IPRA)”*;

8 mm) ***“Indigenous energy resources”*** shall refer to energy resources, which
9 originate or occur naturally in the Philippines;

10 nn) ***“Inland waters”*** shall refer to waters, which are not coastal and marine
11 waters not subject to acquisitive prescription consistent with the provisions of
12 Presidential Decree No. 1067, otherwise known as the *“Water Code of the Philippines”*;

13 oo) ***“Inter-tidal sand flat”*** shall refer to a juvenile fish-feeding area and
14 habitat for crustaceans. The littoral gravel and sand biotopes are also used by important
15 wintering ground and roosting/feeding grounds of indigenous migratory birds;

16 pp) ***“Integrated watershed management”*** shall refer to a planning strategy
17 or program for watershed areas that complement environmentally-sound soil and water
18 management practices with mechanisms for ensuring greater responsibility,
19 involvement, or participation of individuals, groups, communities and other stakeholders
20 benefiting from these areas and water-related infrastructure;

21 qq) ***“Key biodiversity areas”*** shall refer to sites that are globally significant
22 for biodiversity conservation primarily containing species that require site-scale
23 conservation to prevent extinction in the short-term and medium-term. Such species
24 may be globally threatened , restricted-range and/or globally significant congregations
25 of species;

26 rr) ***“Lagoon”*** shall refer to a semi-enclosed coastal basin with limited
27 freshwater input, high salinity and restricted circulation which often lies behind sand
28 dunes. It is often highly productive and habitat for variety of plants and animal, serves
29 as nurseries of prawns and shrimps and also site for harbor, aquaculture, industry and
30 recreation;

31 ss) ***“Land”*** shall refer to resources, both human-made and natural, found on
32 the surface, below, and above the ground including inland waters and the air therein. In
33 its broadest sense, it shall include all uses, improvements and developments of such
34 resources and may be viewed as a resource, as space, as location, as property and as
35 factor of production or capital;

36 tt) ***“Land use”*** shall refer to the manner of utilization of land, including its
37 allocation, development, and management;

38 uu) ***“Land use classification”*** shall refer to the act of delineating or allocating

lands according to protection land use, production land use, settlements development, and infrastructure development as defined and provided for in this Act;

vv) **“Land sub-classification”** shall refer to the act of determining and assigning specific uses of classified lands of the public domain, such as forest or timber lands, alienable or disposable agricultural lands, national parks, and mineral lands in accordance with existing laws and this Act;

ww) **“Land use plan”** shall refer to a document embodying a set of policies accompanied by maps and similar illustrations which represents the community-desired pattern of population distribution and a proposal for the future allocation of land to the various land using activities. It identifies the allocation, character and extent of the areas of land resources to be used for different purposes and includes the process and the criteria employed in the determination of the land use;

xx) **“Land use planning”** shall refer to the act of defining the allocation, utilization, development, and management of all lands within a given territory or jurisdiction according to the inherent qualities of the land itself and supportive of sustainable economic, demographic, socio-cultural and environmental objectives as an aid to decision-making and legislation;

yy) **“Land Use Policy Council”** shall refer to the highest land use policy making body created under Section 14 of this Act;

zz) **“Mandatory public hearings/consultations”** shall refer to the mechanism to ensure the involvement of affected sectors in land use planning from the local to the national level. It involves giving notice of hearing/consultation to affected sectors through publication or posting in conspicuous places, conduct of a reasonable number of hearings, and solicitation of positions and the public presentation and validation of the planning results before the final adoption of the plans;

aaa) **“Mass housing”** shall refer to residential subdivision and condominium projects covered by development permits and licenses to sell, catering to the homeless population to include socialized, economic/low-cost and medium-cost housing beneficiaries with affordabilities as defined from time to time by the Housing and Urban Development Coordinating Council (HUDCC);

bbb) **“Minerals”** shall refer to all naturally occurring inorganic substance in solid, gas, liquid or intermediate state excluding energy materials such as coal, petroleum, natural gas, radioactive materials and geothermal energy;

ccc) **“Mineral exploration”** shall refer to the systematic searching or prospecting for mineral resources;

ddd) **“Mineral lands”** shall refer to lands in which minerals exist in sufficient quantity or quality to justify the investment necessary for their extraction and/or development;

eee) **“Mudflat”** shall refer to a wetland type that is usually an unvegetated area, dominated by muddy substrate which provides rich feeding grounds for vertebrates such as fish and water birds and also important in preventing soil erosion;

fff) **“Multiple use of land resources”** shall refer to the utilization or management strategy of public lands, which allows any activity thereat, involving one or more of its resources, depending on the result of prior evaluation on its numerous beneficial uses, that will produce the optimum benefits to the development and progress of the country and to the public welfare without impairment or with the least injury to its other resources;

ggg) **“National integrated protected areas system (NIPAS)”** shall refer to the classification and administration of all designated protected areas to maintain essential ecological processes and life-support systems, to preserves genetics diversity, to ensure sustainable use of resources found therein, and to maintain their natural conditions to the greatest extent possible;

hhh) **“National Parks”** shall refer to land of the public domain classified as such in the 1987 Philippine Constitution which include all areas under the National Integrated Protected Areas System, pursuant to Republic Act No. 7586 or the “NIPAS” Act of 1992;

iii) **“Network of Protected Areas for Agriculture and Agro-industrial Development (NPAAAD)”** shall refer to agricultural areas identified by the Department of Agriculture through the Bureau of Soils and Water Management (BSWM) in coordination with the National Mapping and Resource Information Authority (NAMRIA) in order to ensure the efficient utilization of land for agriculture and agro-industrial development and promote sustainable growth. The NPAAAD covers all irrigated areas, all irrigable lands already covered by irrigation projects with firm funding commitments, all alluvial plains, land highly suitable for agriculture whether irrigated or not, agro-industrial croplands or lands planted to industrial crops that support the validity of existing agricultural infrastructure and agro-based enterprises, highlands or areas located at an elevation of five hundred (500) meters or above and have the potential for growing semi-temperate and high value crops, all agricultural lands that are ecologically fragile the conversion of which will result in serious environmental degradation, and all mangrove areas and fish sanctuaries;

jjj) **“Non-agricultural land use conversion”** shall refer to the act of changing the current use of a piece of non-agricultural land into some other uses;

kkk) **“Non-government organization”** shall refer to a private and non-profit voluntary organization which is committed to the task of political, socio-economic, physical, cultural and environmental development and established primarily to provide service to marginalized sectors in these areas;

1 III) **“Patrimonial properties”** refer to all the properties belonging to the State
2 that are not intended for public use or for public service for the development of national
3 wealth;

4 mmm) **“People’s organization”** shall refer to a private, non-profit, voluntary and
5 community-based organization established primarily to provide service to its members
6 and the community in general;

7 nnn) **“Physical framework plans”** shall refer to indicative plans based on
8 comprehensive land use plans (CLUPs) and national policies whether national,
9 regional, or provincial which provide policy guidelines for all decisions relating to land
10 use and environmental management to prevent or mitigate the adverse effects of
11 inappropriate resource utilization on food security, the people's welfare and their
12 environment. it embodies both policies and strategies necessary to carry out
13 development goals and objectives;

14 ooo) **“Premature or illegal conversion”** shall refer to any activity that modifies
15 or alters the physical characteristics of agricultural lands to render them suitable for
16 non-agricultural purposes without an approved order of conversion from the DAR
17 Secretary;

18 ppp) **“Prime agricultural land”** shall refer to all irrigated areas; all irrigable
19 lands already covered by irrigation projects with firm funding commitments; all alluvial
20 plain lands highly suitable for agriculture whether irrigated or not, agro-industrial
21 croplands or lands presently planted to industrial crops that support the viability of
22 existing agricultural infrastructure and agro-based enterprises, highlands, or areas
23 located at elevation of 500 meters or above and have the potential for growing semi-
24 temperate and high value crops; all agricultural lands that are ecologically fragile, the
25 conversion of which will result in serious environmental degradation, and mangrove
26 areas and fish sanctuaries;

27 qqq) **“Production land use”** shall refer to the direct and indirect utilization of
28 land to generate outputs resulting from the following activities: agricultural, fish, farming
29 or aquaculture, timber or agro-forestry, grazing and pasture, mining, indigenous energy
30 resource development, industry, and tourism;

31 rrr) **“Protected areas”** shall refer to portions of land set aside by reason of
32 their unique physical and biological significance, managed to enhance biological
33 diversity, and protected against destructive human exploitation. For purposes of this
34 Act, it shall include agricultural lands identified and delineated under Section 28 hereof;

35 sss) **“Protection land use”** shall refer to the utilization of land
36 primarily for rehabilitation, conservation, and protection purposes and the promotion of
37 the country's ecological and life-support systems;

38 ttt) **“Public domain”** shall refer to lands that belong to the State which may

be any of the following: agricultural, forest or timber, mineral, or national park as provided for in the Constitution;

uuu) **"Public lands"** shall refer to lands which have not been subject to private property rights or subject to sale or other modes of acquisition or concession under the general laws, and are devoted to public use;

vvv) **"Reclassification of agricultural lands"** shall refer to the act of specifying how agricultural lands shall be utilized for non-agricultural uses such as residential, industrial, or commercial purposes through the local planning and zoning processes pursuant to Republic Act No. 7160 or the Local Government Code of 1991 and subject to the requirements and procedure for conversion. It is equivalent to land sub-classification, as defined in this Act for classified lands of the public domain and also includes the reversion of non-agricultural lands to agricultural use;

www) **"Resettlement sites"** shall refer to areas identified by the appropriate national agency or by the local government unit, with respect to areas within its jurisdiction that shall be used for the relocation of the underprivileged and homeless, as defined under Republic Act No. 7279 or the "Urban Development and Housing Act (UDHA)";

xxx) **"River basin"** shall refer to the horizontal projection of area from which a river and its tributaries receive surface water originating from precipitation;

yyy) **"Settlements"** shall refer to formal and informal communities or built-up residential areas where people prefer to live in and land areas classified, zoned, or converted for current or future residential or housing development purposes, including socialized housing zones for the homeless and underprivileged citizens;

zzz) **"Settlements development"** shall refer to any improvement on existing formal or informal residential or housing settlements or any proposed development of certain areas for residential or mass housing settlement purposes. It also involves the spatial distribution of population, identification of the roles and functions of key urban centers, determination of relationships among settlement areas, and the provision of basic services and facilities of identified major residential or housing settlement areas or growth centers. It is also concerned with the interrelationship of settlements as they develop and establish functional linkages based on their respective resource endowments and comparative advantages;

aaaa) **"Shoreline"** shall refer to the line where shore and water meet. "Shore" is the narrow strip of land in immediate contact with any body of water, including the area between high and low water lines;

bbbb) **"Significant caves"** shall refer to caves which contain materials or possess features that have archaeological, cultural, ecological, historical or scientific value as determined by the Department of Environment and Natural Resources (DENR)

1 in coordination with the scientific community and the academe;

2 cccc) **“Socialized housing”** shall refer to housing programs and projects
3 undertaken by the government or the private sector for the underprivileged and
4 homeless citizens which shall include sites and services development, long-term
5 financing, liberalized terms on interest payments, and such other benefits in accordance
6 with the UDHA;

7 dddd) **“Socialized housing zones”** shall refer to lands identified and
8 designated by local government units as sites for socialized housing, pursuant to Article
9 IV of Republic Act No. 7279 or the UDHA, and its implementing guidelines. It shall
10 include areas that are presently occupied by the urban poor, as well as those identified
11 as resettlement areas as defined herein;

12 eeee) **“Sub-classification or reclassification of agricultural lands”** shall refer
13 to the process undertaken by the LGUs of allocating in their respective territorial
14 jurisdictions the declared agricultural land to specific uses such as residential, industrial
15 or commercial purposes. It is only one of the bases for application for land conversion
16 by the owners thereof and shall constitute the power of LGUs to reclassify lands under
17 Section 20 of R.A. No. 7160 or the Local Government Code of 1991, consistent with the
18 provisions of this Act;

19 ffff) **“Sustainable development”** shall refer to the development objective of
20 meeting the needs of the present generation without compromising the ability of future
21 generations to meet their own needs consistent with the principles of social equity,
22 efficiency, and environmental integrity;

23 gggg) **“Stakeholder”** shall refer to an individual, social group or organization
24 that has a direct or indirect interest in an activity, project, resources, or decision;

25 hhhh) **“Tourism development areas”** shall refer to specific sites for tourism
26 development located in areas identified as priorities in the national, regional, and inter-
27 regional area specific tourism master plans and other sector plans such as eco-tourism
28 and agri-tourism sites, including those designated through legislative and executive
29 issuances such as tourist spots, tourist zones and tourism ecozones which can be
30 developed into tourism estates or integrated resort, leisure, and recreation complexes,
31 and other tourism related facilities;

32 iiiii) **“Tourism Enterprise Zone”** refers to an area designated as tourism
33 enterprise zone by the Tourism Infrastructure and Enterprise Zone Authority pursuant to
34 the provisions of RA 9593 otherwise known as the Tourism Act of 2009;

35 jjjj) **“Tourism estates”** shall refer to large tracts of land with well-defined
36 boundaries in any area identified in the Philippine tourism master plan and regional
37 tourism master plan, by proclamation of the President and/or by an act of Congress
38 including local legislation. Such land shall be suitable for the development of an

1 integrated tourism and resort complex including but not limited to accommodation
2 facilities, food and beverage outlets, convention and meeting areas, sports, recreational
3 and leisure centers and commercial outlets among others. It shall be provided with
4 roads, water supply facilities, power and utilities like potable water, drainage sewerage
5 disposal, solid waste disposal system and other necessary infrastructure. The estate
6 shall be under one unified and continuous management;

7 kkkk) **“Tourist spot”** shall refer to a particular area/site/spot, human-made or
8 natural, known for its unique tourist/visitor-drawing attributes and activities. It may be
9 classified according to its social, cultural, natural, historical, scientific, religious, and
10 recreational significance;

11 llll) **“Tourist zone”** shall refer to a geographic area with well-defined
12 boundaries proclaimed as such by the President of the Philippines and/or by acts of
13 Congress. No development projects for any purpose shall be initiated and introduced
14 within the zone prior to the formulation of a tourism master development plan which
15 shall be undertaken in coordination with the Department of Tourism (DOT) and the
16 Philippine Tourism Authority (PTA). A tourist zone is established for the enhancement
17 and/or the conservation of cultural and historical heritage and for the appreciation and
18 enjoyment of the local population and its visitors;

19 mmmm) **“Urban areas”** shall refer to all cities regardless of their population
20 density and to municipalities with population density of at least Five hundred (500)
21 persons per hectare;

22 nnnn) **“Urbanizable areas”** shall refer to sites and lands which, considering
23 present characteristics and prevailing conditions, display marked and great potential of
24 becoming urban areas within a period of five (5) years;

25 oooo) **“Urban forestry or green space”** shall refer to the establishment or
26 setting-up of areas for mini-forest or small nature parks, lining roads and highways with
27 trees, shrubs, or ornamental plants, and ground landscaping of schools, hospitals, and
28 other government agencies in order to improve the environment in urban areas;

29 pppp) **“Water security”** shall refer to the sufficient access throughout the year
30 to the minimum daily requirement of clean water to maintain a healthy life;

31 qqqq) **“Water use”** shall refer to the appropriation of water for domestic,
32 municipal, irrigation, power generation, inland fisheries, poultry and livestock, industrial
33 and commercial, environmental, and recreational use;

34 rrrr) **“Watershed”** shall refer to a topographically delineated area of land from
35 which rainwater can drain as surface run-off vis-à-vis a specific stream or river system
36 to a common outlet point which may be a dam, irrigation system or urban water supply
37 take-off point, or where the stream discharges into a river, lake, or the sea;

38 ssss) **“Zoning”** shall refer to the regulatory tool for delineating the specific uses

of lands in accordance with the approved Comprehensive Land Use Plan (CLUP) within the territorial jurisdiction of a city/municipality and specifying the conditions for their regulation; subject to the limitations imposed by law and competent authority; and,

tttt) **“Zoning ordinance or ZO”** shall refer to a local law passed by the *Sangguniang Pambayan* or *Panglunsod* approving the development control/zoning plan in accordance with an approved or adopted CLUP for the city/municipality, and providing for the regulations and other conditions on the uses of land including the limitation on the infrastructure that may be placed thereon within the territorial jurisdiction of a city or municipality. It incorporates the protected areas under Section 13(a) and the protected agricultural lands under Section 29 of this Act.

CHAPTER III

PHYSICAL FRAMEWORK AND LAND USE PLANS

SEC. 5. National Framework for Physical Planning.- The Land Use Policy Council (LUPC) created in Section 14 herein, in consultation with the concerned sectors through the mandatory conduct of public hearings, shall formulate, periodically update and ensure the implementation of a national framework for physical planning that shall serve as the general long-term framework for the spatial development directions of the entire country. A NFPP shall be the basis for adopting land use and physical planning-related guidelines and standards, including zoning and other land use control standards that will guide the formulation of city/municipal zoning ordinances.

The policies prescribed in the NPFP shall be integrated into the MTPDP and Medium-Term Philippine Investment Program.

SEC. 6. National Land Use Planning Process. - The land use and physical planning process shall be formulated following a combined bottom-up and top-down approach. The national framework for physical planning, which guides the planning and management of the country's land and other physical resources at the national and sub-national levels, shall indicate broad spatial directions and policy guidelines on settlements development, production land use, protection land use and infrastructure development. The regional and provincial framework plans and Comprehensive Land Use Plans (CLUPs), which cover the physical development of their respective territories, shall be consistent with the national framework for physical planning: *Provided, That* the integration and harmonization of physical framework plans at all levels shall be iterative to ensure that the concerns of both top and bottom levels of government are considered in the national, regional and physical framework plans and CLUPs. The physical and land use plans prepared at all levels shall have internal consistency specifically on but not limited to the development, management and conservation of forestlands found within a given territory and the linkages of the major land use categories to ensure their complementation in the utilization, development and

management of resources.

SEC. 7. Regional Physical Framework Plans.- In consultation with concerned sectors, the Regional Land Use Policy Council (RLUPC) shall define the desired spatial arrangement of land-using activities in the entire region, consolidating and harmonizing the provincial physical framework plans of provinces and independent cities within the territorial jurisdiction of the region. The regional physical framework plan, which depicts an end-state scenario toward which efforts and activities are directed, shall consist of spatially-based and area-focused policies, consistent with those in the national framework for physical planning, to guide detailed physical, socio-economic, sectoral and investment planning.

SEC. 8. Provincial Physical Framework Plans. - In consultation with concerned sectors, the Provincial Planning and Development Office (PPDO) shall prepare a provincial physical framework plan to determine the physical development of the entire provincial territory, consolidating and harmonizing the land use plans of component cities and municipalities, and defining the uses of land and other resources within the province consistent with the policies in the regional physical framework plan. It shall submit the provincial physical framework plan to the Provincial Land Use Policy Council (PLUPC), created under Section 20 of this Act, for review and endorsement to the *Sangguniang Panlalawigan*, which shall adopt the same pursuant to Section 468 (2) (vii) of the LGC.

SEC. 9. City and Municipal Land Use Plans.- The City/Municipal Planning and Development Office (C/MPPDO), in consultation with concerned sectors through mandatory conduct of public hearings, shall prepare the CLUP to determine the specific uses of land and other physical resources therein including areas co-managed with the national government and, as appropriate, the ancestral domain areas. The CLUP shall be consistent with the PDPFP and shall embody the desired land use patterns and mixes of the city or municipal territory and provide appropriate policies for each of the four land use planning categories that shall guide and serve as framework for more detailed development and sectoral planning.

The CLUP shall be translated into a zoning ordinance by the concerned *sanggunian* to regulate the uses of land, including the limitations on height, density and bulk of buildings and other infrastructure that may be placed thereon.

SEC. 10. Revision of Existing Planning Guidelines. – The existing planning guidelines inconsistent with this Act shall be revised pursuant to Sections 5, 6, 7, 8 and 9 of this Act which redefines the NPFP, RPFP, PDPFP and CLUP.

CHAPTER IV

FRAMEWORK FOR LAND USE PLANNING

SEC. 11. Priorities in Land Use Allocation and Planning.- In projecting

1 spatial allocation for different land uses, the LGUs shall first exclude areas under
2 protection land use of Section 13(a) hereof, national parks, energy resource lands, and
3 prime agricultural lands to ensure ecological integrity, energy supply, and promote food
4 security. Areas with prior rights and those with site-specific resources for basic services,
5 such as but not limited to, water and indigenous energy resources, shall also be
6 excluded. Spatial allocation and planning shall then proceed in accordance with
7 Sections 12 and 13 hereof with priorities given to integrated watershed management
8 areas, socialized housing sites, fisherfolk settlement in coastal areas, and waste
9 disposal sites.

10 **SEC. 12. Adoption of Multiple Uses of Land Resources.** - The primary and
11 alternative uses of a specific land resource shall be determined and evaluated prior to
12 any decision for the assignment of its use. Areas feasible for sustainable land resource
13 use may be considered multiple-use zones wherein settlements, tourism, agriculture,
14 agro-forestry and extraction activities and other income-generating or livelihood
15 activities may be allowed: *Provided*, That multiple uses of land resources shall be in
16 accordance with priorities in land use allocation and planning and that no
17 reclassification shall be allowed.

18 **SEC. 13. Basic Land Use Planning Considerations.** - In determining the
19 various land uses, the people and their productive activities and the need for functional
20 open spaces and preservation areas as well as the various interrelationships of the
21 physical characteristics of the land and other elements therein shall be considered,
22 among others, the following:

23 (a) Availability of natural resources including indigenous energy resources for
24 energy security and self-sufficiency;

25 (b) Geology, geomorphology, geologic hazard, climate, soil, vegetative cover,
26 demography and slope;

27 (c) Economic, environmental, social and related development activities;

28 (d) Existing government policies on land and natural resources allocation,
29 utilization, management and disposition;

30 (e) Technological changes/advancement;

31 (f) Existing customary rights for the protection of indigenous peoples and
32 vulnerable groups including women and urban poor; and

33 (g) Inventory of prior and existing rights, to harmonize determination of land
34 use.

35 **SEC. 14. Categories of Land Uses for Planning Purposes.** In determining
36 and defining the national, regional and provincial framework plans, and CLUPs, land
37 uses shall be grouped into four major functional uses as follows:

38 (a) **Protection Land Use** shall refer to the use of land primarily for

1 rehabilitation, conservation, and protection purposes and the promotion of the country's
2 ecological and life-support systems. Planning for protection land use intends to achieve
3 environmental stability and ecological integrity, ensure a balance between resource use
4 and the preservation of some areas with environmental, aesthetic, educational, cultural
5 and historical significance, and protect people and human-made structures from the ill-
6 effects of natural hazards. Areas under this category are those covered by Republic Act
7 No. 7586 or the *NIPAS Law* and other coastal and marine protected areas, those areas
8 outside NIPAS but nonetheless require protection because of their outstanding physical
9 and aesthetic features, anthropological significance, and biological diversity, and those
10 areas prone to natural hazards. Areas outside the coverage of the NIPAS law include,
11 but are not limited to the following:

12 a.1. Reserved old-growth forests above 1,000 meters in elevation and
13 those 50% in slope gradient;

14 a.2. Mangrove and fish sanctuaries, pursuant to Republic Act No. 8435 or
15 the *"Agriculture and Fisheries Modernization Act of 1997."* and Republic Act No.
16 8550 or *"The Philippine Fisheries Code of 1998"*;

17 a.3. Buffer zones or strips/easements, pursuant to Presidential Decree No.
18 705, amending Presidential Decree No. 389, otherwise known as the *"Forestry*
19 *Reform Code of the Philippines"* and Presidential Decree No. 1067 or the *"Water*
20 *Code of the Philippines"*;

21 a.4. Salvage zones along foreshore areas, freshwater swamps and
22 marshes, plazas and heritage/historic sites, pursuant to Presidential Decree No.
23 2146;

24 a.5. Watersheds supporting domestic water supply;

25 a.6. Utility easement like transmission lines of power companies, oil and
26 gas facilities, cell sites, and domestic water lines;

27 a.7. Amenity areas or those with high aesthetic values, pursuant to
28 Presidential Decree No. 2146;

29 a.8 Natural and human-made areas/sites of cultural, historical and
30 anthropological significance, which are declared as such by internationally
31 recognized organizations and concerned national agencies;

32 a.9 Critical habitats as provided in Republic Act No. 9147 or the
33 *"Wildlife Resources Conservation and Protection Act"*;

34 a.10 Significant caves under Republic Act 9072 or the *"National Caves*

and Cave Resources Management and Protection Act”; or

a.11 Key biodiversity areas under Executive Order 578 Series of 2006 or the “National Biodiversity Policy”.

(b) *Production Land Use* shall refer to the direct and indirect utilization of land resources for crop, fishery, livestock and poultry production, agroforestry, mining, industry, energy development, and tourism. Planning for production land shall determine the most efficient, sustainable, and equitable manner of utilizing, developing and managing land for productive purposes. Areas included in this category are agricultural lands, fishing grounds, coastal and marine zones, production forest which comprise lands 18% to 50% in slope gradient such as: residual dipterocarps, rangelands for grazing purposes, industrial tree plantation/Integrated Forest Management Agreement (IFMA), community based forest management areas and other reforestation projects, mineral lands or mining areas and reservations, energy resource lands, industrial development areas, and tourism development areas where productive activities could be undertaken to meet the country’s requirements for food security, economic growth and development.

(c) *Settlements Development* shall refer to any improvement on existing settlements in urban and rural areas or any proposed development of certain areas for settlement purposes involving the spatial distribution of population, identification of the roles and functions of key urban centers, determination of relationships among settlement areas, and the provision of basic services and facilities to such settlement. The settlements development plan ensures for the present and future generation the following: i) effective integration of activities within and among settlements, allowing efficient movement of people and production of commodities through the provision of appropriate land, infrastructure, and facilities; and ii) access of the population to housing, education, health care, recreation, transportation and communication, sanitation, and basic utilities such as water, power, waste disposal, and other services.

(d) *Infrastructure Development* shall refer to the availability or supply of basic services and fostering of economic and other forms of integration necessary for producing or obtaining the material requirements of Filipinos, in an efficient, responsive, safe and ecologically friendly built environment. It covers sub-sectors of transportation, communications, indigenous energy exploration and development, water resources, and social infrastructure.

Provided, That the determination of functional uses of lands within ancestral domains shall consider traditional resource and management systems that do not endanger the lives of the people and property of the local community and neighboring

1 areas or increase the vulnerability of the natural environment to the effects of natural
2 and human-induced geological processes.

3 CHAPTER V

4 IMPLEMENTING STRUCTURE AND MECHANISM

5 ARTICLE I

6 LAND USE POLICY COUNCIL

7 **SEC. 15. Creation of the Land Use Policy Council (LUPC).** - The LUPC is
8 hereby created as a committee under National Economic Development Authority
9 (NEDA) Board. It shall exercise the powers and responsibilities of the National Land
10 Use Committee (NLUC). The LUPC shall act as the highest policy making body on land
11 use and resolve land use policy conflicts between or among agencies, branches, or
12 levels of the government. It shall integrate efforts, monitor developments relating to
13 land use and the evolution of policies.

14 **SEC. 16. Composition of the LUPC.** - The LUPC shall be composed of the
15 following.

16 a) The Secretary-General of the National Economic and Development Authority
17 (NEDA) as Chairperson;

18 b) The Secretaries of the Department of Environment and Natural Resources
19 (DENR) and the Department of Agriculture (DA) and the Chairperson of the Housing
20 and Urban Development Coordinating Council (HUDCC) as Vice-Chairpersons;

21 The members shall be:

22 c) The Secretaries of the Department of Agrarian Reform (DAR), the
23 Department of Trade and Industry (DTI), the Department of Public Works and Highways
24 (DPWH), the Department of Transportation and Communications (DOTC), the
25 Department of Tourism (DOT), the Department of Interior and Local Government
26 (DILG), the Department of Justice (DOJ), the Department of Science and Technology
27 (DOST), the Department of Finance (DOF) and the Department of Energy (DOE);

28 d) A representative each from four (4) basic sectors directly involved in land use,
29 namely: urban poor, peasants, fisherfolk, and indigenous peoples who shall be
30 appointed by the President of the Philippines based on the nomination and
31 recommendation of the respective sectoral councils of the National Anti-Poverty
32 Commission (NAPC). At least two (2) sectoral representatives shall be women;

33 e) Two (2) representatives from private subdivision, and housing developers;
34 and

35 f) A representative from the indigenous peoples through the National
36 Commission on Indigenous Peoples (NCIP.)

37 A consultative body shall likewise be convened by the LUPC at least once a year
38 or as often as may be necessary. It shall be composed of representatives from the

1 Leagues of Municipalities, Cities, and Provinces, other government agencies not
2 represented in the LUPC, and from non-government sectors such as the private sector,
3 non-government organizations (NGOs) and people's organizations (POs), and the
4 academic community.

5 **SEC. 17. Powers and Functions.** The LUPC shall have the following powers
6 and functions:

7 a) Advise the President of the Philippines and the NEDA Board on all matters
8 concerning land use and physical planning;

9 b) Integrate and harmonize all laws, guidelines and policies relevant to land use
10 and physical planning to come up with a rational, cohesive, and comprehensive national
11 land use framework;

12 c) Formulate policies and endorse land use and physical planning-related
13 policies that may be formulated by the Regional Land Use Policy Council (RLUPC),
14 created under Section 21 of this Act, and concerned agencies as well as promulgate
15 zoning and other land use control standards and guidelines which shall guide the
16 formulation of land use plans and zoning ordinances by local governments;

17 d) Prepare, periodically review and if necessary, update the national framework
18 for physical planning to provide the general framework for the spatial development
19 directions for the entire country and sub-national levels;

20 e) Review and endorse all land use and physical planning related guidelines;

21 f) Monitor and coordinate the gathering of data, the conduct of studies
22 pertaining to land use planning including studies on the management of identified land
23 uses and such other studies not undertaken by other government agencies;

24 g) Recommend to the President of the Philippines the adoption, passage, or
25 amendment of laws to ensure that sectoral programs, plans, projects, and activities,
26 including local government initiatives affecting land use are consistent with national
27 development objectives;

28 h) Coordinate with and assist other government agencies and LGUs in planning,
29 developing, and implementing their land use classification programs, and provide, to the
30 extent possible, technical assistance and guidance;

31 i) Monitor and coordinate the activities of concerned agencies and entities of
32 the government, as well as LGUs, in the enforcement and implementation of policies
33 and regulations relating to land use and resource management and development;

34 j) Monitor and coordinate activities in the establishment of a national land
35 resource information and management system, of concerned agencies that shall
36 integrate and process information on land use and allocation generated by the various
37 national government agencies; define information requirements at various levels; and
38 standardize information inputs and outputs including scales and symbols used in

1 territorial and sectoral maps;

2 k) Call on any department, bureau, office, agency, or instrumentality of the
3 government, and or private entities and organization for cooperation, support, and
4 assistance in the performance of its functions;

5 l) Decide and resolve policy conflicts and territorial jurisdiction on land use
6 between or among agencies, branches, or levels of the government and act on
7 unresolved land use policy conflicts at the regional level elevated by the Regional Land
8 Use Policy Council (RLUPC);

9 m) Adopt rules of procedures for the orderly and expeditious conduct of meetings
10 and other business of the Council; and

11 n) Perform such other acts and functions and exercise such other powers as
12 may be necessarily implied, inherent, incident, or related to the foregoing.

13 **SEC. 18. LUPC-Technical Board (LUPC-TB).** A Technical Board shall be
14 created to provide technical support to the LUPC. It shall be composed of:

15 a. NEDA Deputy Director-General for Regional Development as Chairperson;

16 b. Representatives of the member agencies/institutions of the LUPC, who shall
17 have a rank not lower than Director level; and

18 c. The representatives of the four (4) basic sectors as enumerated in Section 4
19 (e) of this Act.

20 **SEC. 19. Offices, Units and Staff Support.** The NEDA Regional Development
21 Office shall continue to provide core secretariat services to LUPC, its Technical Board
22 and RLUPC. Other government agencies may also be called upon for staff support.

23 **ARTICLE 2**

24 **LOCAL DEVELOPMENT COUNCILS AS LOCAL LAND USE POLICY** 25 **COUNCILS**

26 **SEC. 20. City/Municipal Land Use Policy Council (C/MLUPC).** The
27 City/Municipal Development Council (C/MDC), created under Section 106 of the Local
28 Government Code, shall act as the City/Municipal Land use Policy Council (C/MLUPC)
29 that will tackle land use concerns whenever necessary. A duly authorized
30 representative from the DAR, the DENR and the DA shall be included in the
31 composition of the C/MLUPC.

32 In addition to the functions enumerated in Section 109 of the LGC, the C/MLUP
33 shall:

34 a. Advise the *Sangguniang Bayan* or *Sangguniang Panlungsod* on all matters
35 pertaining to land use and physical planning;

36 b. Review and endorse to the *Sangguniang Bayan* or *Sangguniang Panlungsod*
37 for adoption, the CLUP prepared and periodically updated by the City/Municipal
38 Planning and Development Office and other land use and physical planning-related

1 policies; and

2 c. Decide and resolve policy conflicts on land use planning, classification, and
3 allocation that may arise between and among barangays and any unresolved land use
4 conflict at the barangay level regarding the violation of zoning ordinances including
5 opposition to applications for locational clearances, permits or certificates.

6 For purposes of this Act, the City/Municipal Planning and Development
7 Coordinator (C/MPDC) shall: (a) act on all applications for locational clearances for all
8 projects except those of vital and national economic or environmental significance; and
9 (b) monitor on-going/existing projects within their respective jurisdictions and issue
10 notices of violation to owners, developers, or managers of projects that are violative of
11 zoning ordinances.

12 The C/MLUPC may call upon any local official concerned such as C/MPDC,
13 City/Municipal Agriculturist, City/Municipal Environment and Natural Resources Officer,
14 City/Municipal Engineer, City/Municipal Assessor, or any official of national agencies
15 during discussions on land use and physical planning concerns.

16 Local government units without operational C/MDC as mandated by the 1991
17 LGC shall activate their respective Councils within six (6) months from the effectivity of
18 this Act.

19 **SEC. 21. Provincial Land Use Policy Council (PLUPC).** The Provincial
20 Development Council (PDC), created under Section 106 of the LGC, shall act as the
21 Provincial Land Use Policy Council that will tackle land use concerns whenever
22 necessary. A duly authorized representative from the DAR, the DENR and the DA
23 shall be included in the composition of the PLUPC,

24 In addition to the functions enumerated in Section 109 of the LGC, the PLUPC
25 shall:

26 a. Advise the *Sangguniang Panlalawigan* on all matters pertaining to land use
27 and physical planning;

28 b. Review and endorse to the *Sangguniang Panlalawigan* for adoption, the
29 provincial physical framework plans, prepared and periodically updated by the
30 Provincial Planning and Development Office and other land use and physical planning-
31 related policies;

32 c. Assist the *Sangguniang Panlalawigan* in reviewing the CLUPs of component
33 cities/municipalities to ensure consistency with the provincial physical framework plans
34 and compliance with the limits prescribed under the 1991 LGC for reclassifying
35 agricultural lands; and

36 d. Decide and resolve policy conflicts on land use planning, classification, and,
37 allocation that may arise between or among cities/municipalities and any unresolved
38 land use conflicts at the city/municipal level.

1 The PLUPC may call upon any local official concerned such as Provincial
2 Planning and Development Coordinator, Provincial Agriculturist, Provincial Environment
3 and Natural Resources Officer, Provincial Engineer, Provincial Assessor, or any official
4 of national agencies and other relevant agencies during discussions on land use and
5 physical planning concerns.

6 **SEC. 22. Regional Land Use Policy Council (RLUPC).** At the regional level,
7 the Regional Land Use Policy Council (RLUPC) shall be institutionalized, replicating the
8 LUPC structure and composition which shall include a duly authorized representative
9 from the DA, the DENR and the DA. The RLUPC shall have the following functions:

- 10 a. Formulate and adopt regional policies on land use and physical planning;
- 11 b. Prepare and periodically update a regional physical framework plan, taking
12 into consideration national policies and lower level plans;
- 13 c. Assist the provinces in preparing and periodically updating its physical
14 framework plans to ensure consistency with the regional and national plans and policies
15 and to facilitate its integration to the regional plans;
- 16 d. Review, prior to adoption by respective Sanggunians, the provincial physical
17 framework plan and CLUPs of highly urbanized and independent component cities to
18 ensure consistency with the regional physical framework plan and national policies set
19 forth by LUPC and compliance with limits prescribed under the 1991 LGC for
20 reclassifying agricultural lands;
- 21 e. Decide and resolve policy conflicts on land use planning, classification, and
22 allocation that may arise between or among regional line agencies, provinces and
23 cities/municipalities;
- 24 f. Monitor changes in land use and other physical resources in the region;
- 25 g. Evaluate consistency of major programs and projects with the regional
26 physical framework plans and their impact on land use and the environment;
- 27 h. Undertake the gathering of regional data for the Land Resource Information
28 and Management System; and
- 29 i. Perform other related functions as may be directed by the LUPC.

30 **ARTICLE 3**

31 **ADOPTION, APPROVAL AND REVIEW OF LAND USE PLANS**

32 **SEC. 23. Component Cities and Municipalities.-** Component cities and
33 municipalities shall have the power and authority to adopt and approve their respective
34 CLUPs and ZOs through their respective *sanggunians* subject to the power of review of
35 *their respective* provinces only with respect to the consistency of the CLUPs and ZOs
36 with Section 8 hereof on the preparation of the provincial physical framework plan.
37 Upon adoption and approval of the CLUP and ZO by the Sanggunian, all land areas
38 zoned for residential purposes or for settlements development shall cease to be

1 covered by the CARP and therefore, shall not be required to secure further order of
2 land conversion or exemption certificates from the DAR, except for the payment of
3 disturbance compensation if applicable, as well as the requirements pertaining to the
4 issuance of environmental compliance certificate (ECC) by the DENR.

5 **SEC. 24. Provinces and Independent and Highly Urbanized Cities.-**

6 Provinces and independent and highly urbanized cities shall have the power and
7 authority to adopt and approve their respective CLUPs, ZOs or provincial physical
8 framework plan, as the case may be, through their respective *sanggunian* but subject to
9 the review of the RLUPC as provided in Section 22 of this Act.

10 **ARTICLE 4**

11 **RESPONSIBILITIES OF THE NATIONAL GOVERNMENT AGENCIES AND**
12 **LGUs**

13 **SEC. 25. National Base Mapping Program.-** A national mapping program
14 shall be implemented, coordinated, and monitored through the creation of an Inter-
15 agency Technical Committee (ITC) composed of the National Mapping and Resource
16 Information Authority (NAMRIA), as the lead agency, the Bureau of Soils and Water
17 Management (BSWM), the Forest Management Bureau (FMB), the Land Management
18 Bureau (LMB), the Protected Areas and Wildlife Bureau (PAWB), the Mines and
19 Geosciences Bureau (MGB), the Philippine Institute of Volcanology and Seismology
20 (PHIVOLCS), DAR, the National Water Resources Board (NWRB), DOE, NEDA and
21 other concerned government agencies/bureaus. The ITC shall be constituted, and the
22 mapping program shall be initiated, within thirty (30) days from the effectivity of this Act.

23 For purposes of uniformity and standardization, the LGUs, to be assisted by the
24 appropriate agencies of the national government, shall likewise prepare their respective
25 territorial maps using scales, symbols, and other indicators to be prescribed in
26 accordance with this Act. The completed maps shall be integrated in the national
27 framework for physical planning pursuant to Section 5 of this Act.

28 **SEC. 26. National Geo-hazard Mapping Program.-** Within thirty (30) days
29 from the effectivity of this Act, a nationwide geo-hazard mapping program shall be
30 initiated jointly thru the LUPC by the PHIVOLCS, the Philippine Atmospheric
31 Geophysical and Astronomical Services Administration (PAGASA), the NAMRIA, the
32 Mines and Geosciences Bureau (MGB), BSWM, and DOE, in coordination with the
33 National Disaster Risk Reduction and Management Council (NDRRMC), the Regional
34 Disaster Risk Reduction and Management Council (RDRRMC), and other concerned
35 government agencies. The program shall include the generation of indicative geo-
36 hazard zoning maps that will outline areas in the Philippines which are prone to
37 liquefaction, land slides, severe flooding, lahar, ground rupturing, tsunami, river erosion,
38 coastal erosion, sinkhole collapse, earthquake, lava flow, pyroclastic flow, base surge,

1 and other natural hazards.

2 For purposes of uniformity and standardization and in order to develop a safe-
3 built environment, the LGUs shall subsequently incorporate and integrate the generated
4 geo-hazard zoning maps in their respective CLUPs. Said geo-hazard maps shall serve
5 as guide for all the LGUs in the preparation of their own hazards-constrained
6 development plans. The national framework physical planning, pursuant to Section 5
7 hereof, shall incorporate these geo-hazard maps.

8 All infrastructure activities including real estates and subdivision projects and the
9 development of tourist spots requiring an Environmental Compliance Certificate (ECC)
10 shall be required to submit an Engineering Geological and Geo-hazard Assessment
11 Report (EGGAR).

12 **SEC. 27. Scope and Nature of Responsibilities of Other National**
13 **Government Agencies.-** All concerned national government agencies/bodies shall
14 periodically report to the LUPC on the various activities and accomplishments relative to
15 land use. Likewise, they shall provide their respective sectoral/development plans and
16 render technical and administrative support if called upon by the LUPC relative to the
17 implementation of the provisions of this Act.

18 **SEC. 28. Submission of Annual Report on the Implementation of CLUPs. -**
19 The C/MLUPC shall submit an annual report on the implementation of their land use
20 plans to the PLUPC, which shall integrate the same for submission to the RLUPC,
21 which shall in turn integrate the provincial reports for submission to the LUPC.

22 **CHAPTER VI**

23 **SPECIAL AREAS OF CONCERN**

24 **ARTICLE I**

25 **AGRICULTURAL LANDS**

26 **SEC. 29. Priority Areas for Agricultural Development.-** Priority areas for
27 agricultural development shall be those agricultural areas covered under Republic Act
28 No. 6657 or the CARP, as amended, and those covered under Network of Protected
29 Areas for Agricultural and Agro-Industrial Development (NPAAAD), defined in Section 4
30 of this Act and in R.A. No. 8435 or the "Agriculture and Fisheries Modernization Act".

31 **SEC 30. Conversion of Agricultural Lands.-** Agricultural lands are deemed
32 converted to non-agricultural uses upon approval by the DAR of the application for
33 conversion. Prime agricultural lands and specific types of lands to the extent necessary
34 for attaining food self-sufficiency in rice and corn and food security in other basic
35 commodities, as determined by the DA, subject to mandatory consultation with the
36 LGUs, the private sector, the NGOs, and POs, shall be protected from conversion,
37 which shall include but not limited to areas under the NPAAAD: *Provided, That* all
38 irrigated and irrigable lands, all lands developed or possessing the potential for

development of high value crops, and all agricultural lands that are ecologically fragile and whose conversion will result in serious environmental problems shall be given full protection from conversion, the areas under which are subject to review every seven (7) years by the DA, with the mandatory public consultations: *Provided, further,* That consistent with the State policy on giving priority to the completion of the CARP, all lands subject to CARP including those lands covered under the notice of compulsory acquisition/voluntary offer to sell, production or profit-sharing, or commercial farm deferment shall also be protected from conversion pending the distribution and installation of the farmer beneficiaries, but thereafter, Section 22 of R.A. No. 9700 or CARP Extension shall apply: *Provided, furthermore,* That the conversion of agricultural lands for use of priority government projects for basic services such as, but not limited to, irrigation and power shall be allowed only upon the recommendation of the Secretaries of the DA and the DAR: *Provided, finally,* That the mapping of the NPAAAD under the AFMA shall be completed within two (2) years from the effectivity of this Act.

Lands defined under Section 10 of R.A. No. 6657 shall remain exempted and excluded from the coverage of CARP.

SEC. 31. Sub-classification or Re-classification of Agricultural Lands by LGUs.- Sub-classification or re-classification of agricultural lands to other uses under Section 20 of the LGC of 1991 shall exclude the protected agricultural lands as stated in the preceding section. Moreover, such sub-classification/reclassification is not synonymous to conversion. The DA and DAR shall provide the LGUs with complete list and maps of protected agricultural lands within their territorial jurisdictions.

ARTICLE 2

FOREST LANDS AND WATERSHED MANAGEMENT

SEC. 32. Reversion of Alienable and Disposable Lands to Forestlands.- Upon the recommendation of the Secretary of the DENR, duly reviewed and endorsed by the LUPC, and after due consultations with the concerned LGUs and affected parties, Congress may authorize the reversion of alienable and disposable lands of the public domain or portion thereof to forestlands. Thereafter, said lands shall be included in the preparation of land use plans within forestlands.

SEC. 33. Critical Watershed Areas.- The DENR, in coordination with the DA, LGUs, and other government agencies, including government-owned and-controlled corporations, and with mandatory public consultations, shall identify and delineate critical watershed areas that need to be protected, rehabilitated, enhanced, and/or withdrawn from uses that contribute to their further degradation.

SEC. 34. Formulation and Implementation of Integrated Watershed Management Plans.- With the assistance of the DENR and upon mandatory consultations with the concerned sectors, the LGUs through their local land use

committees shall prepare their watershed management plans which shall be integrated with their respective CLUPs. The formulation and integration of the plan shall be guided, among others, by the principle that the management and development of inland water resources shall be at the watershed level. A nationwide mapping of watersheds in the country shall be implemented.

In cases where the watershed areas transcend the boundaries of a particular municipality, an inter-LGU committee composed of representatives from local land use committees of the LGUs where the watershed area is located shall be formed. With the assistance of the DENR and upon mandatory consultations with the concerned sectors, the inter-LGU committee shall formulate the watershed management plan for the said watershed area.

The DENR and the concerned LGUs shall jointly implement the watershed management plan subject to regular consultations with and involvement of the community and other stakeholders in the implementation of the plan.

The preparation of forest land use plans shall make use of the watershed as the basic planning unit.

ARTICLE 3

COASTAL ZONE

SEC. 35. Criteria on the Allocation and Utilization of Lands within the Coastal Zones.- The allocation and utilization of lands within the coastal zones shall be guided by the following:

a) Areas vegetated with mangrove species shall be preserved for mangrove production and shall not be converted to other uses;

b) Areas which meet all accepted criteria on elevation, soil type, soil depth, topography, supply for successful fishpond development, and are not identified as mangrove protected areas, shall be utilized for aquaculture purposes;

c) Areas sub-classified as mangrove and still suitable for use as such, or due to environmental conditions need to be preserved as mangrove, but is devoid of mangrove stands shall not be converted to other uses. The DENR shall ensure that these lands shall be reforested within a given period of time;

d) Areas accessible to the sea and identified for fisherfolk settlement and housing shall be allocated to traditional fisherfolk who are inhabitants of the coastal communities and members of legitimate fisherfolk organizations and/or holders of stewardship lease contracts or titles to ancestral domains or any form of property right arrangements who participate in coastal resource management initiatives, subject to the usual census procedures of the HUDCC.

e) Areas which are neither sub-classified as mangrove, fisherfolk settlement nor fishpond may be devoted to recreational or tourism purposes: *Provided, That* such

undertaking will not result in environmental degradation and displacement of small fishers;

f) Areas which are considered as traditional fishing grounds shall be used primarily for such purpose;

g) Areas which have been allocated for small infrastructure needed by fisherfolk shall be allowed; and

h) Areas which form part of foreshore lands as defined in this Act including those which are under lease agreements or arrangements shall undergo zoning and evaluation to determine their boundaries and actual sizes and corresponding uses.

SEC. 36. Coastal Land Zone Sub-classification.- All public lands in the coastal zones shall be sub-classified into any of the following: estuaries, lagoons, intertidal flats, mudflats, fishponds, mangroves, protection from tidal surge, for preservation of biodiversity, habitats and sanctuaries for endangered wildlife, fisherfolk settlement, or recreational/tourism areas. No sub-classification of coastal zones to different uses shall be done without the following:

a) Conduct of a comprehensive resource and environmental assessment by the DENR and respective LGUs and accredited NGOs and POs within their jurisdiction; and

b) Prior consultation with the Local Fisheries and Aquatic Resource Management Councils (FARMCs) formed under Republic Act No. 8550 or the Philippine Fisheries Code.

SEC. 37. Zoning of Foreshore Areas.- Local government units, in coordination with the DENR, shall conduct zoning of their respective foreshore areas to assist government and community fishers identify priority areas for conservation and development, and to enable them to set targets for mangrove reforestation and rehabilitation.

SEC. 38. Protection of Waterways Easements and Flood Plains. - Structures of any kind shall not be built in waterways easements. Pursuant to PD 1067 or the Water Code, the banks of rivers and streams and the shores of the seas and lakes throughout their entire length and within a zone of three (3) meters in urban areas, twenty (20) meters in agricultural areas and forty (40) meters in forest areas, along their margins, are subject to the easement of public use only in the interest of recreation, navigation, floatage, fishing and salvage.

The protection of flood plains shall adopt a river basin management approach in order to come up with integrated flood mitigation interventions. Development within flood plains and other flood-prone areas must be controlled or, if allowed, must be so sited, constructed and serviced that life of occupants are not put at risk and that disruptions during floods are minimal. The identification and characterization of flood-prone areas and flood plains shall be an integral part of CLUP preparation. Through the

CLUPs and zoning ordinances, LGUs shall establish land use regulations to mitigate flood risks.

The DPWH, in coordination with DOST and DENR, shall declare flood control areas, as necessary, and prohibit or control activities that could damage or cause deterioration of lakes and dikes, obstruct the flow of water, change the natural flow of rivers, increase flood losses or aggravate flood problems pursuant to PD 1067.

ARTICLE 4

MINERAL LANDS

SEC. 39. Criteria for the Utilization and Allocation of Land for Mining Purposes.- Consistent with Section 6 of this Act and the provisions of Republic Act No. 7942 or the Mining Act of 1995, and to ensure that the objectives of maintaining ecological balance and maximizing economic returns to mining operations are realized, the allocation and utilization of lands for mining purposes shall be guided by the following:

- a) The principles of sustainable development and responsible mining;
- b) In case of small-scale mining, adequate and acceptable safeguards shall be instituted by the holders of mining rights or permits to prevent environmental degradation of the mining sites and adjacent areas;
- c) Mineral reservations which have become non-operational for more than five (5) years as determined by the Mines and Geosciences Bureau (MGB) shall be placed under appropriate surface management by the DENR; and
- d) Consistent with the Mining Act of 1995, areas closed to mining operations shall be periodically reviewed through mineral exploration to be undertaken by the DENR for the purpose of determining whether or not their continued closure is consistent with the national interest and, if warranted, recommend their reclassification as mineral lands.
- e) Protection forestlands and agricultural lands shall be exempt from mining activities to minimize the effect of natural calamities and to protect food security respectively. The small to large scale mining operations shall yield from and recognize the tenurial instrument given by the government such as original certificate of title (OCT), transfer certificate of title (TCT), certificate of ancestral domain title (CADT), emancipation patent-certificate of land ownership award (EP-CLOA) and other instruments. If these be present, no mining activity shall be conducted.

SEC. 40. Reversion of Mineral Lands.- All mineral lands with exhausted mineral resources, as determined by the MGB upon the recommendation of the DENR, shall revert to its original land classification, that is, as forestland or agricultural land. In the case of forestlands, the DENR may classify such areas for other purposes in consultation with concerned LGU's, the Department of Tourism (DOT), and other

1 national government agencies.

2 **ARTICLE 5**

3 **ENERGY RESOURCE LANDS**

4 **SEC. 41. Guidelines for the Utilization and Allocation of Lands for Energy**
5 **Resource Exploration, Development, Production, Utilization, and Distribution**
6 **Purposes.-** To ensure that the objectives of maintaining ecological balance and
7 maximizing the power potential from indigenous energy resources in the most
8 economical and environmentally-acceptable means are realized, the allocation and
9 utilization of lands for said purposes shall be guided by the following, consistent with
10 existing regulations and laws on energy resources:

11 a) Indigenous energy resource exploration and development for the purpose of a
12 National Energy Resource Inventory and Data Base as well as Energy Resource Block
13 Map shall be allowed subject to the implementation of complementary watershed and
14 other land management plans;

15 b) Indigenous energy resource exploration, development, production, utilization,
16 and distribution shall be subject to the appropriate requirements and processes of the
17 Philippine Environmental Impact Statement (EIS) system. Each project shall secure an
18 Environmental Compliance Certificate (ECC) prior to project implementation to ensure
19 adequate and appropriate environmental management measures and optimum methods
20 for resource access and recovery are utilized; and

21 c) Energy reservations or portions thereof which have become or have been
22 established to be non-economically viable to operate or are no longer used for energy
23 purposes shall be released to give way to other land uses, subject to existing laws
24 covering energy reservations.

25 **SEC. 42. Reversion of Energy Resource Lands.-** All exhausted indigenous
26 energy resource lands not covered by proclamations shall automatically revert to the
27 category of forestlands or agricultural lands open to disposition, whichever is
28 appropriate. Exhausted energy resource lands shall refer to specific energy resource
29 sites whose energy reserves of the desired type/s are no longer in sufficient quantity or
30 quality to justify additional expenditure for their extraction and utilization.

31 **CHAPTER VII**

32 **SETTLEMENTS DEVELOPMENT**

33 **SEC. 43. Town, City, and Settlements Development. -** The development of
34 town, city, and settlements through the zoning ordinances of cities and municipalities
35 shall be guided by CLUPs and urban zoning standards designed to maximize existing
36 urban spaces. Socialized housing and settlement areas shall be established only on
37 alienable and disposable lands in order to avoid further degradation of forestlands.

1 **SEC. 44. Settlements within Geo-hazard Areas.-** Settlements, in particular
2 housing or residential developments, within geo-hazard areas may be allowed provided
3 that mitigating and/or protective measures are adopted to address the potential danger
4 or risk to lives and property within such settlements. In coordination with the concerned
5 agencies of the government, the LUPC shall provide assistance to concerned LGUs and
6 settlers in instituting safety and corrective measures to address the potential danger or
7 risk.

8 Residential zones as designated in the CLUP shall be considered as outside the
9 geo-hazard areas. For this purpose, housing projects within such areas shall be exempt
10 from the ECC as well as the Engineering Geological and Geohazard Assessment
11 Report (EGGAR) and maybe implemented without the need for any further certificate of
12 exemption from the DENR or any other government regulatory agency.

13 **SEC. 45. Designation of Sanitary Landfill.-** Each city or municipality shall
14 identify, designate and allocate an area within their territorial jurisdiction to serve as
15 sanitary landfill within one (1) year from the effectivity of this Act. The LGUs, in
16 coordination with the DENR or any other competent authority, shall identify sanitary
17 landfill in order to fast-track the conduct of environmental impact assessment study and
18 to facilitate processing of the environmental compliance certificate. The site or area
19 shall be identified in the city or municipality's CLUP. For this purpose, cities and
20 municipalities shall establish their solid waste management program, pursuant to R.A.
21 No. 9003, otherwise known as the "*Ecological Solid Waste Management Act of 2000*".
22 Likewise, as provided under Section 33 of the LGC, cities and municipalities may,
23 through appropriate ordinances, bind themselves towards the establishment of a
24 common solid waste management program.

25 Within ninety (90) days from the effectivity of this Act, the DENR, in coordination
26 with concerned agencies, shall promulgate the necessary guidelines and standards for
27 the formulation and establishment of solid waste management programs by cities and
28 municipalities, and shall submit the same to the LUPC for review and approval.

29 **SEC. 46. Designation and Zoning of Socialized Housing Zones.-** Each city
30 or municipality in urban, urbanizable and rural areas shall designate through the CLUP
31 adequate lands for housing or residential purposes, including socialized housing and
32 resettlement areas for the immediate and future needs of the local population as well as
33 the underprivileged and homeless in their territory, pursuant to existing laws and
34 regulations. In order to ensure adequate availability of land for the housing needs of the
35 local population, the CLUP shall be updated, at maximum, every nine (9) years for
36 provinces, cities and municipalities.

1 The designated sites for socialized housing shall be located in residential zones,
2 and shall be zoned as socialized housing zones that are integrated in the city or
3 municipality's zoning ordinance, pursuant to existing laws and regulations.

4 Fisherfolk settlements and housing in coastal municipalities shall be zoned near
5 the sea for easy access to their livelihood as provided under Section 36 (b) of this Act.

6 The housing or residential lands designated in the CLUPS and ZOs of cities and
7 municipalities shall, on one hand, not be subject to further land reclassification by the
8 LGU or land conversion procedure under DAR. On the other hand, agricultural lands as
9 designated in the CLUP which are no longer economically feasible for agricultural use
10 may be subject to land reclassification or conversion to housing/residential purposes
11 and such conversion, as the case may be, shall be exempt from the coverage of any
12 moratorium on land conversion.

13 **SEC. 47. Urban Forest or Green Space.-** Each city or highly urbanizing
14 municipality shall identify, designate, and allocate lands owned by the city or
15 municipality as urban forest or green space based on the guidelines and standards to
16 be issued by the DENR and approved by the LUPC.

17 **CHAPTER VIII**

18 **INDUSTRIAL DEVELOPMENT AREAS**

19 **SEC. 48. Criteria for Designating Industrial Development Areas.-** The
20 identification and establishment of industrial development areas shall conform with the
21 provisions of R. A. No.7916, or the Philippine Economic Zone Authority (PEZA) Act,
22 R.A. No. 6657 or the Comprehensive Agrarian Reform Program, (CARP) Act, as
23 amended by R.A. No. 9700 or the Comprehensive Agrarian Reform Program with
24 Extension and Reforms Act (CARPER), R.A. 8371 or the Indigenous Peoples Rights
25 Act (IPRA), R.A. No. 7279 or the Urban Development Housing Act (UDHA), and R.A.
26 No. 8435 or the Agriculture and Fisheries Modernization Act (AFMA), taking into
27 consideration the following:

28 a) Identified network of areas for agricultural development and protected
29 agricultural areas pursuant to the AFMA;

30 b) National policies on the regional dispersal of industries and agri-based
31 industrial development;

32 c) Identified growth areas and corridors in the National Development Plan;

33 d) National Protected Areas System (NIPAS) and non-NIPAS areas that require
34 protection;

35 e) National and Urban Development and Housing Framework;

36 f) Identified Socialized Housing Zones; and

37 g) National framework for physical planning and other existing national
38 programs and policies.

1 The designated industrial development areas shall become an integral part of the
2 land use plan and zoning ordinance of the city or municipality where these areas are
3 located.

4 CHAPTER IX

5 TOURISM DEVELOPMENT AND HERITAGE AREAS

6 **SEC. 49. Designating Tourism Development Areas.-** The identification,
7 selection, and development of tourism development areas, tourism estates and tourism
8 enterprise zones (TEZs) shall be done in consultation and coordination with the
9 concerned LGUs, the Tourism Infrastructure and Enterprise Zone Authority (TIEZA) and
10 concerned national government agencies, the private sector, and the affected
11 communities, subject to the provisions of R.A. No. 9593 or *Tourism Act of 2009*.
12 Tourism development areas shall likewise include those covered by legislative and
13 executive issuances as tourist spots, tourist zones and tourism ecozones which can be
14 developed into tourism estates or integrated resort, leisure and recreation complexes
15 and other tourism-related facilities as well as those identified in the national, regional
16 and inter-regional tourism, and area specific tourism master plans and other sector
17 plans such as ecotourism and agri-tourism sites.

18 Designated areas for tourism development shall become part of the CLUPs of
19 the cities or municipalities where these are located.

20 Lands identified as part of a TEZ shall qualify for exemption from the coverage of
21 RAs 7279 and 6657 subject to rules and regulations to be crafted by the TIEZA,
22 HUDCC and DAR; Provided that a certificate shall be obtained from the DA that said
23 lands are no longer economically feasible and sound for agricultural purposes,
24 consistent with Section 46(c) of this Act.

25 **SEC. 50. Identification and Declaration of Areas for Protection,**
26 **Conservation and Preservation of Cultural Heritage.-** Pursuant to R. A. No. 10066,
27 the National Historical Institute (NHI) and/or the National Museum in coordination with
28 National Commission for Culture and the Arts, HLURB and other concerned agencies,
29 local communities, and the private sector, shall identify declared areas and structures
30 which shall be protected and/or preserved as part of the Philippine cultural heritage.

31 The LGUs in coordination with the NHI, the National Commission for Culture and
32 Arts (NCCA) and the Cultural Center of the Philippines (CCP) shall designate historical
33 zones to protect the historical integrity of said geographical areas and cultural space of
34 intangible cultural properties.

35 CHAPTER X

36 INFRASTRUCTURE DEVELOPMENT

37 **SEC. 51. Allocation and Use of Land for Infrastructure Development.-**
38 Land, whether public or private, shall be allocated and utilized for priority infrastructure

1 projects that are supportive of national or local development objectives. The NEDA, in
2 consultation with the concerned national government agencies, LGUs, and the private
3 sector shall identify and periodically review, update and/or revise the list of priority
4 infrastructure projects subject to Sections 6 and 30 of this Act, and Section 47 of R. A.
5 No. 8435 or AFMA. In determining and evaluating the list of priority infrastructure
6 projects, consideration shall be given to those that:

7 (a) Respond to immediate and vital requirements of the national economy with
8 priority on improving rural infrastructure and the development of the agriculture and
9 fisheries sectors;

10 (b) Upgrade existing facilities to international standards;

11 (c) Address the need for sustainable settlements development; and,

12 (d) Help mitigate the destructive effects of natural disaster-causing phenomena
13 or those that shall serve as alternatives to existing infrastructures found in natural
14 hazard-prone areas:

15 *Provided, That* the provision and implementation of infrastructure support shall
16 be made compatible with existing environmental conditions and the physical, whether
17 natural or human-made, and cultural character of the area. Mandatory public
18 consultations pursuant to existing laws and regulations shall be held prior to the
19 conduct of all infrastructure projects that will necessarily involve dislocation or
20 displacement of people in the area: *Provided, further, That* the proponent of the
21 infrastructure project shall follow the rules on just and humane eviction or demolition
22 under Section 28 of R. A. No. 7279 or the Urban Development Housing Act (UDHA),
23 notwithstanding the provisions of Republic Act No. 8975, prohibiting lower courts from
24 issuing temporary restraining orders, preliminary injunctions, or preliminary mandatory
25 injunctions, and proponent shall follow IPRA: *Provided Finally, That* national
26 government infrastructure projects shall allocate budget for the adequate relocation of
27 displaced communities.

28 **SEC. 52. Infrastructure Projects Within Geo-hazard Areas.-** Construction of
29 priority infrastructure projects within hazard-prone areas shall be allowed: *Provided,*
30 *That* mitigating and/or preventive measures are adopted to address the potential
31 adverse economic, socio-cultural, and environmental impacts that will emanate from
32 these infrastructure projects, subject to the findings and recommendations of a
33 feasibility study/environmental impact assessment in accordance with Presidential
34 Decree No. 1586, Establishing An Environmental Impact Statement System, Including
35 Other Environmental Management Related Measures, and R. A. No. 4846 or the
36 *Cultural Properties Preservation and Protection Act, as amended by Presidential*
37 *Decree 374.*

38 Existing projects that did not go through the process of an environmental impact

assessment and pose threats to the environment, integrity of historic, archeological, or scientifically significant areas; or are impinging on critical ecosystems, may be: (a) terminated immediately, (b) required to implement an Environmental Management Plan; (c) gradually phased-out and relocated, or (d) maintained up to their life span, subject, however, to mitigating measures: *Provided*, That the rules on mandatory public consultations and just and humane eviction or demolition shall also be observed prior to the termination, gradual phase-out, or relocation of projects that will necessarily involve dislocation or displacement of people in the area.

CHAPTER XI

TRAINING, EDUCATION, AND VALUE FORMATION

SEC. 53. Value Formation.- In order to create a well informed, responsible and committed citizenry who values the protection, conservation and development of the country's limited land, and other physical resources, the State shall mandate the inclusion of sustainable land use education or any subject related thereto in the curricula of primary, secondary and tertiary education.

SEC. 54. Information and Education Campaign.- The LUPC shall undertake a nationwide education information campaign in land use and physical planning to be implemented by local and national government agencies. The DILG and concerned agencies shall formulate and implement a land use management capability-building program for national and local government officials, community leaders, NGOs, POs, religious sector, and the general public.

CHAPTER XII

INCENTIVES, SANCTIONS, AND PENALTIES

ARTICLE 1

INCENTIVES AND AWARDS

SEC. 55. Formulation of a System of Incentives and Awards.- The LUPC shall come out with a system of incentives and awards to LGUs that regularly update their CLUPs within the prescribed period, as follows:

(a) Provinces, Highly Urbanized Cities, and Independent Component Cities - once every nine (9) years; and

(b) Component cities and municipalities once every nine (9) years.

SEC. 56 Priority in Giving Technical Assistance to LGUs.- In providing technical assistance and other forms of support related to land use management and the implementation of development plans, the national government agencies shall give priority to cities and municipalities with approved CLUPs.

ARTICLE 2

SANCTIONS AND PENALTIES

1 **SEC. 57. Fine for Non-Completion and Non-Commencement of**
2 **Development of Agricultural Lands with Approved Order of Conversion.-** A
3 landowner and his/her designated developer or duly authorized representative who fails
4 to commence and/or complete the development of agricultural lands with approved
5 order of conversion shall be penalized, jointly or severally, with any of the following fines
6 based on the zonal value of the land at the time the fine is imposed:

7 a. On failure to commence within one year from the date of conversion order:

8 (1) Six percent (6%) of the zonal value of the subject land for the first
9 three (3) hectares,

10 (2) Fifteen percent (15%) of the zonal value of the subject land for the next
11 three hectares, and

12 (3) Thirty percent (30%) of the zonal value of the subject land for the
13 remaining area.

14 *Provided,* That the order of conversion shall be deemed revoked
15 automatically and the land shall revert to its original agricultural use and covered by the
16 DAR through compulsory acquisition for distribution to qualified beneficiaries.

17 b. On failure to complete fifty percent (50%) of the approved conversion plan
18 within a specified time frame: Fifty percent (50%) of the zonal value of the subject land
19 and the revocation of the conversion plan on the undeveloped portion which shall
20 automatically revert to its original use as agricultural land. The same shall be covered
21 under the CARP and processed for land distribution as soon as possible.

22 **SEC. 58. Authority to Impose Fine.-** The DAR shall impose the penalty
23 provided for under the preceding section.

24 **SEC. 59. Withdrawal of Local Development Permits or Licenses.-** Upon
25 receipt of notice from the DAR, the concerned agencies and the city or municipality
26 shall withdraw or revoke any development permit and other licenses that may be
27 necessary to develop the agricultural land subject of conversion.

28 **SEC. 60. Utilization of Fines.-** The fines collected under Sections 57, 62 and
29 63 hereof shall automatically accrue to the Agrarian Reform Fund consistent with the
30 provisions of the CARP, as amended.

31 **SEC. 61. Failure to Formulate, Enforce, and/or Implement the CLUPs.-**
32 Consistent with due process, the DILG shall investigate, review, and impose
33 appropriate action regarding local chief executives and other local officials and
34 employees responsible for the formulation, enforcement, and/or implementation of the
35 CLUPs in case of any of the following:

36 (a) Failure to implement and enforce the CLUP due to negligence of duty;

37 (b) Failure to provide appropriate budgetary allocation to effect its
38 implementation; and,

(c) Failure to complete the preparation of the CLUP despite the availability of funds, resources, and support by the *Sanggunian* concerned.

Any public official or employee, regardless of whether elected or appointed or holding office or employment in a casual, temporary, holdover, permanent, or regular capacity, found to be responsible for any of the foregoing acts, after due notice and hearing by the appropriate body or agency, shall be punished with forfeiture of salaries and allowances and suspension from:

1. Six (6) to nine (9) months, in case of non-implementation of CLUP; or
2. Three (3) to six (6) months, in case of non-completion of the CLUP.

SEC. 62. Person(s) Abetting Illegal Conversion.- Any person initiating, causing, inducing, or abetting illegal conversion shall, upon conviction, be imprisoned from seven (7) to twelve (12) years and imposed a fine of not less than One hundred thousand (P100,000.00) pesos, or both at the discretion of the court: *Provided*, That if the offender is a public official or employee, whether elected or appointed, the penalty shall, in addition thereto, include dismissal through permanent separation from the service and forfeiture of all benefits and entitlements accruing to the public position and perpetual disqualification to run or apply for any elective or appointive public office: *Provided, further*, That if the offender is a juridical person, the penalty of imprisonment shall be imposed on the president, chief executive officer, manager, chairperson and all the members of the board, and other responsible officers thereof, and the fine shall be equivalent to the zonal value of the land or forty percent (40%) of the shareholders equity, as determined at the time of judgment whichever is higher, plus forfeiture of the land in favor of the State for sale through public auction, the proceeds of which shall automatically accrue to the Agrarian Reform Fund as provided for in Section 58 of this Act.

SEC. 63. Penalty for Reclassification of Protected Agricultural Lands and Exceeding the Limit of Areas Allowed for Reclassification.- Any person initiating, causing, inducing, or abetting the reclassification of protected agricultural areas into non-agricultural uses and exceeding the limits set forth under Section 20 of the LGC of 1991, shall be penalized with imprisonment of twelve (12) years and a fine of not less than One hundred thousand (P100,000.00) pesos, or both at the discretion of the Court: *Provided*, That if the offender is a public official or employee, the penalty shall, in addition thereto, include dismissal through permanent separation from the service, whether elected or appointed, and forfeiture of entitlements accruing to the public position, and perpetual disqualification to run or apply for any elective or appointive public position: *Provided, further*, That if the offender is a juridical person, the penalty shall be imposed on the president, chief executive officer, manager, chairperson and all the members of the board, and other responsible officers thereof.

1 **SEC. 64. Payment of Disturbance Compensation.-** Following the order of
2 priority as enumerated in Section 22 of the CARP, as amended, qualified beneficiaries
3 such as agricultural lessees and share tenants, regular farm workers, seasonal farm
4 workers, other farm workers, actual tillers or occupants of public lands, collective, or
5 cooperative of the above-mentioned beneficiaries, and others directly working on the
6 land affected by agricultural land use conversion shall be entitled to the payment of
7 disturbance compensation equivalent to five (5) times the average of the gross harvests
8 on the landholding during the last five (5) preceding calendar years or a certain
9 percentage of the converted land, whichever is higher, as determined by the DAR.

10 **CHAPTER XIII**

11 **TRANSITORY AND FINAL PROVISIONS**

12 **SEC. 65. Convening of the LUPC.-** Within thirty (30) days from the effectivity
13 of this Act, the Secretary of Socio-Economic Planning shall convene the LUPC.

14 **SEC. 66. Implementing Rules and Regulations.-** Within sixty (60) days from
15 the effectivity of this Act, the LUPC shall promulgate the rules and regulations to
16 implement the provisions of this Act. Said rules and regulations shall be submitted to
17 the Congressional Oversight Committee for approval.

18 **SEC. 67. Congressional Oversight Committee on the Land Use Act.-** There
19 is hereby created a Congressional Oversight Committee composed of seven (7)
20 members from the Senate Committee on Environment and Natural Resources and
21 seven (7) members from the House of Representatives Committees on Natural
22 Resources. The Chairpersons of the Senate Committee on Environment and Natural
23 Resources and the House of Representatives Committee on Natural Resources shall
24 be the Chair and Co-Chair of the Congressional Oversight Committee, respectively.
25 The other members from the Senate shall be appointed by the Senate President based
26 on proportional representation of the parties or coalitions therein with at least one (1)
27 senator representing the minority. The other members from the House of
28 Representatives shall be appointed by the Speaker also based on proportional
29 representation of the parties or coalitions therein with at least one (1) member
30 representing the minority.

31 The secretariat of the Oversight Committee shall be drawn from the existing
32 secretariat personnel of the committees comprising the oversight and the funding shall
33 be taken from the appropriations of both the Senate and the House of Representatives.

34 **SEC. 68. Appropriations.-** The appropriations for the National Land Use
35 Committee under the National Economic and Development Authority in the General
36 Appropriations Act shall be used to carry out the initial operations of the Land Use
37 Policy Council. Thereafter, additional sums as may be necessary for the full

1 implementation of LUPC's functions shall be included in the annual General
2 Appropriations Act.

3 **SEC. 69. Review of Existing Land Use Plans.-** Provinces, cities, and
4 municipalities with existing land use plans shall review, revise, reconcile, and harmonize
5 the same with the guidelines and standards set forth under this Act within one (1) year
6 from the effectivity of this Act.

7 **SEC. 70. Repealing Clause.-** All republic acts, executive orders, rules and
8 regulations, and other issuances, or parts thereof, that are inconsistent with the
9 provisions of this Republic Act are hereby repealed or modified accordingly.

10 **SEC. 71. Non-impairment Clause.-** Nothing in this Act shall be construed as to
11 diminish, impair, or repeal rights recognized, granted, or available to marginalized or
12 basic sectors under existing laws including but not limited to Republic Act Nos. 7279,
13 6657, 8371, and 8550.

14 **SEC. 72. Separability Clause.-** If for any reason or reasons, any part or
15 provision of this Act shall be declared or held to be unconstitutional or invalid other parts
16 or provisions hereof, which are not affected thereby shall continue to be in full force and
17 effect.

18 **SEC. 73. Effectivity Clause.-** This Act shall take effect fifteen (15) days after
19 its publication in the Official Gazette or in at least two (2) national newspapers of
20 general circulation.

21 ***Approved,***