

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

'04 JUN 30 P12:06

SENATE

SENATE BILL NO. 7

RECEIVED BY: 

Authored By Sen. Juan M. Flavier

EXPLANATORY NOTE

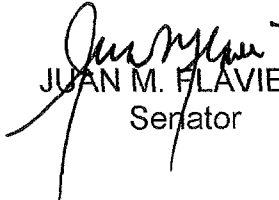
This bill seeks to establish a National Land Use Code in the Philippines in order to provide for a rational, holistic, and just allocation, utilization, management, and development of the country's land resources. To ensure their optimum use consistent with the principle of sustainable development.

Toward this end, this Bill seeks to adopt a land use and allocation pattern that promotes and ensures:

- (a) Protection of prime agricultural lands for food production activities and highest priority to the completion of the Comprehensive Agrarian Reform Program (CARP);
- (b) 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;
- (c) Sustainable development, management and utilization of natural resources, and maintenance and preservation of environmental integrity and stability;
- (d) Rational population distribution and settlements development;
- (e) Equitable and sustainable economic growth, and balanced and dispersed industrial and tourism development guided by the principles of agrarian reform, urban land reform, and rural development;
- (f) Energy security or energy self-sufficiency through sustainable and priority development of indigenous energy resources;

- (g) Harmony between the rights and the varied interests of every Filipino within the framework of people empowerment, decentralization, social justice, and equity;
- (h) Respect and protection of the sustainable traditional resource rights of the indigenous cultural communities/indigenous peoples (ICCs/IPs) to their ancestral domains to ensure their economic, social, and cultural well-being as well as recognition of the applicability of customary laws and sustainable traditional resource use and management, knowledge, and practices in ancestral domains;
- (i) Protection of the rights of basic sectors to ensure equitable access to the country's land and other resources through state regulation of land valuation to prevent uncontrolled land speculation resulting in tremendous increase in land pricing; and
- (j) An integrated approach to the utilization, allocation, development and management of water as a limited resource that will complement and support sustainable land utilization, and ensure water security.

Hence, the immediate approval of this Bill is earnestly urged.


JUAN M. FLAVIER
Senator

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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 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.*"

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.

Toward this end, the State shall adopt a land use and allocation pattern that promotes and ensures:

(a) Protection of prime agricultural lands for food production activities and highest priority to the completion of the Comprehensive Agrarian Reform Program (CARP);

(b) Food security in basic food commodities with emphasis on self-sufficiency in rice and corn production through efficient and sustainable use of land resources

1 consistent with the principles of sound agricultural development, natural resources
2 development, and agrarian reform;

3 (c) Sustainable development, management and utilization of natural resources,
4 and maintenance and preservation of environmental integrity and stability;

5 (d) Rational population distribution and settlements development;

6 (e) Equitable and sustainable economic growth, and balanced and dispersed
7 industrial and tourism development guided by the principles of agrarian reform, urban
8 land reform, and rural development;

9 (f) Energy security or energy self-sufficiency through sustainable and priority
10 development of indigenous energy resources;

11 (g) Harmony between the rights and the varied interests of every Filipino within
12 the framework of people empowerment, decentralization, social justice, and equity;

13 (h) Respect and protection of the sustainable traditional resource rights of the
14 indigenous cultural communities/indigenous peoples (ICCs/IPs) to their ancestral
15 domains to ensure their economic, social, and cultural well-being as well as recognition
16 of the applicability of customary laws and sustainable traditional resource use and
17 management, knowledge, and practices in ancestral domains;

18 (i) Protection of the rights of basic sectors to ensure equitable access to the
19 country's land and other resources through state regulation of land valuation to prevent
20 uncontrolled land speculation resulting in tremendous increase in land pricing; and

21 (j) An integrated approach to the utilization, allocation, development and
22 management of water as a limited resource that will complement and support
23 sustainable land utilization, and ensure water security.

24 It is also the policy of the State to institutionalize land use and physical planning
25 as a mechanism for identifying, determining, and evaluating alternative land use

1 patterns. This shall be supported by a national land use allocation system and a land
2 resource information and management system.

3 Guided by the principle that the use of land bears a social function and that all
4 economic agents shall contribute to the common good, landowners shall be held
5 responsible for developing and conserving their lands thereby making their lands
6 productive and supportive of environmental stability.

7 Multiple land usage is also encouraged to optimize utilization of our country's
8 varied, but limited, resources.

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

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

15 (a) "Agricultural Lands" refer to lands devoted to or suitable for the cultivation
16 of the soil, planting of crops, growing of fruit trees, raising of livestock, poultry, fish or
17 aquaculture production, including the harvesting of such farm products, and other farm
18 activities and practices performed in conjunction with such farming operations by
19 persons whether natural or juridical and not classified by law as mineral land, forest
20 land, residential land, commercial land, or industrial land;

21 (b) "Agricultural Land Use Conversion" refers to the undertaking of any
22 development activities which modify or alter the physical characteristics of agricultural
23 lands to render them suitable for non-agricultural purposes with an approved order of
24 conversion issued exclusively by the Land Use Policy Administration upon the
25 recommendation of the Department of Agrarian Reform (DAR);

1 (c) "Alienable and Disposable Lands" refer to lands of the public domain
2 which have been delineated, classified and certified as such and available for
3 disposition under Commonwealth Act No. 141, as amended, otherwise known as "The
4 Public Land Act";

5 (d) "Ancestral Domains" refer to all areas generally belonging to indigenous
6 cultural communities/indigenous peoples (ICCs/IPs) as defined in Republic Act No.
7 8371, otherwise known as "The Indigenous Peoples Rights Act of 1997" or "IPRA";

8 (e) "Comprehensive Land Use Plan (CLUP)" refers to a document embodying
9 a set of policies accompanied by maps and similar illustrations which represent the
10 community-desired pattern of population distribution and a proposal for the future
11 allocation of land to the various land-using activities, in accordance with the social and
12 economic objectives of the people. It identifies the location, character and extent of the
13 area's land resources to be used for different purposes and includes the process and
14 the criteria employed in the determination of the land use. It incorporates the protected
15 areas including the protected agricultural lands provided for in Sec. 33 hereof;

16 (f) "Comprehensive Land Use Planning" refers to the act of defining the
17 allocation, utilization, development, and management of all lands within a given territory
18 or jurisdiction according to the inherent characteristics of the land itself and supportive
19 of sustainable, economic, demographic, socio-cultural and environmental objectives as
20 an aid to decision-making and legislation;

21 (g) "Coastal Area/Zone" is a band of dry land and adjacent sea or ocean
22 space (water and submerged land) in which terrestrial processes and uses directly
23 affect marine or oceanic processes and uses, and vice versa. Its landward limit shall be
24 two (2) kilometers from the shoreline at highest high tide, to include mangrove swamps,
25 brackish water ponds, nipa swamps and estuarine rivers, and its seaward limit shall be
26 up to the 200-meter isobath, to include sandy beaches, coral reefs, algal flats, seagrass
27 beds and other soft-bottom areas;

1 (h) "Customary Laws" refer to a body of written and/or unwritten rules,
2 usages, customs and practices traditionally and continually recognized, accepted, and
3 observed by respective ICCs/IPs consistent with the IPRA;

4 (i) "Development Plan" refers to a document which defines the activities or
5 measures that the national government or local government units (LGUs) intend to
6 implement in order to achieve a defined set of development goals. It integrates the
7 socio-economic and sectoral plans of the national government or its instrumentality or a
8 particular LGU with spatial plans such as land use or physical framework plans. It may
9 include an analysis of problems and resources, definition of goals and objectives, policy
10 guidelines, project and target achievements, and an implementation mechanism which
11 defines the roles and contributions expected from the government and the private
12 sector.

13 (j) "Disaster-prone Areas" refer to areas frequently visited and/or prone to
14 experience weather/climatic, hydrologic, geologic and other natural calamities;

15 (k) "Ecologically-fragile Lands" refer to lands within the critical watershed,
16 brackish and freshwater wetlands, pasture lands and croplands which require
17 rehabilitation and whose continued unsustainable use would adversely affect the
18 productivity of lowland agricultural areas and the stability of the upland system and the
19 viability of other areas;

20 (l) "Energy Resources" refer to surface or subsurface substances, which
21 serve as energy sources. These are traditionally mineral fuel deposits such as coal,
22 petroleum, natural gas or resources from geothermal or hydro reservoirs, or non
23 conventional sources such as ocean waves, solar, wind, biomass, and other similar
24 resources which serve the same purpose;

1 (m) "Energy Resource Lands" refer to lands where naturally occurring or
2 indigenous energy resources exist in sufficient quantity or quality as to be economically
3 viable for exploration, development, production, utilization, and distribution purposes;

4 (n) "Environmentally Critical Areas" refer to areas declared by law or
5 presidential issuance as: (a) protected areas pursuant to Republic Act No. 7586 or the
6 "NIPAS Act of 1992"; (b) areas for watershed reserves; (c) areas set aside as aesthetic
7 potential tourist spots; (d) areas which constitute the habitat for any endangered or
8 threatened species of indigenous Philippine wildlife (flora and fauna); (e) areas of
9 unique historic, archeological and scientific interests; (f) areas that are traditionally
10 occupied by the ICCs/IPs; (g) areas with critical slopes; (h) areas frequently visited
11 and/or hard hit by natural calamities (geologic hazards, floods, typhoons and volcanic
12 activities); (i) areas classified as prime agricultural lands; (j) recharge areas of aquifers;
13 (k) water bodies; (l) mangrove areas; (m) coral reefs; (n) mossy and virgin forests; (o)
14 rivers and river banks; (p) swamp forest and marshlands; (q) foreshore lands; and (r)
15 small islands five thousand (5,000) hectares and below in size. For purposes of this
16 Act, this term shall also refer to other terrestrial, aquatic and marine areas that need
17 special protection and conservation measures because they are ecologically fragile or
18 they are needed for food security and food self-sufficiency as determined by concerned
19 agencies and local government units in consultation with the concerned sectors;

20 (o) "Exhausted Energy Resource Lands" refer to specific energy resource
21 sites whose energy reserves of the desired type(s) are no longer in sufficient quantity or
22 quality to justify additional expenditure for their extraction and utilization;

23 (p) "Exhausted Mineral Lands" refer to specific sites whose mineral deposits
24 are no longer in sufficient quantity or quality to justify additional expenditure for their
25 extraction and utilization;

26 (q) "Food Self-sufficiency" refers to the policy objective of meeting the food
27 requirements through intensive local food production in a sustainable manner based on

1 the country's existing and potential resource endowments and related production
2 advantages;

3 (r) "Food Security" refers to the policy objective, plan and strategy of meeting
4 the food requirements of the present and future generations of Filipinos in quantity,
5 ensuring the availability, accessibility and affordability of food to all, either through local
6 production or importation, or both, based on the country's existing and potential
7 resource endowment and related production advantages, and consistent with the overall
8 national development objectives and policies;

9 (s) "Forestlands" refer to those lands of the public domain which have been
10 subjected to land evaluation and classification and have been legally designated as
11 such for production forest and protection/amenity forest. They include the public forest,
12 the permanent forest or forest reserves, and forest reservations;

13 (t) "Foreshore Land" refers to a string of land that margins a body of water or
14 the shore between the lowest low waterline of a low tide terrace and the upper limit of
15 wave wash at highest high tide, usually marked by a beach scarp or berm;

16 (u) "Geo-hazard Areas" refer to areas where natural or man-induced
17 geological processes that have the potential to cause destruction and pose threat or risk
18 to man's life and property take place;

19 (v) "Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs)" refer to
20 a group of people or homogenous societies defined under Republic Act No. 8371,
21 otherwise known as "The Indigenous Peoples Rights Act of 1997" or "IPRA";

22 (w) "Indigenous Energy Resources" refer to energy resources, which originate
23 or occur naturally in the Philippines;

24 (x) "Inland Waters" refer to waters which are not coastal and marine waters
25 not subject to acquisitive prescription consistent with the provisions of Presidential
26 Decree No. 1067, otherwise known as "The Water Code of the Philippines";

1 (y) "Land" refers to resources, both natural and man-made, found on the
2 surface, below and above the ground including inland waters and the air therein;

3 (z) "Land Subclassification" refers to the act of determining and assigning the
4 uses of classified public lands such as forest or timber lands, national parks and mineral
5 lands in accordance with existing laws;

6 (aa) "Land Use" refers to the manner of utilizing the land, including its
7 allocation, development and management;

8 (bb) "Land Use Classification" refers to the act of delineating or allocating lands
9 according to protection land use, production land use, settlements development,
10 infrastructure development, and other land uses as defined and provided for in this Act;

11 (cc) "Land Use Policy Administration (LUPA)" refers to an administrative,
12 regulatory and quasi-judicial body provided for under this Act which shall be the final
13 authority in all matters relating to land use planning;

14 (dd) "Mandatory public hearings/consultations" refers to the mechanism for
15 ensuring the involvement of the affected stakeholders in land use planning from local to
16 national level. It involves giving notice of hearing/consultation to affected stakeholders
17 by publication or posting in conspicuous cases, conduct of reasonable number of
18 hearings, solicitation of positions and public presentation and validation of the planning
19 results before its finalization;

20 (ee) "Mineral Lands" refer to lands where mineral resources are found;

21 (ff) "National Parks" refer to land of the public domain classified as such in the
22 1987 Philippine Constitution which include all areas under the National Integrated
23 Protected Areas System pursuant to Republic Act No. 7586 or the "NIPAS Act of 1992" ;

24 (gg) "Non-agricultural Land Use Conversion" refers to the act of changing the
25 current use of a piece of non-agricultural land into some other uses;

1 (hh) "Non-Government Organization (NGO)" refers to a private, non-profit
2 voluntary organization that is committed to the task of political, socio-economic,
3 physical, cultural and environmental development and established primarily to provide
4 service to marginalized sectors in these areas;

5 (ii) "People's Organization (PO)" refers to a private, non-profit, voluntary and
6 community-based organization established primarily to provide service to its members
7 and the community in general;

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

15 (kk) "Premature or Illegal Conversion of Agricultural Land" refers to the
16 undertaking of any activity whose results will modify or alter the physical characteristics
17 of agricultural lands to render them suitable for non-agricultural purposes without an
18 approved order of conversion from the LUPA.

19 (ll) "Prime Agricultural Lands" refer to lands that can be used for various or
20 specific agricultural activities and can provide optimum and sustainable yield with a
21 minimum of inputs and development costs;

22 (mm) "Production Land Use" refers to the direct and indirect utilization of land to
23 generate outputs resulting from the following activities: agricultural, fish farming or
24 aquaculture, timber or agro-forestry, grazing and pasture, mining, industrial, tourism,
25 and indigenous energy resource development;

1 (nn) "Protected Area" refers to identified portions of land and water set aside by
2 reason of their unique physical and biological significance, managed to enhanced
3 biological diversity and protected against destructive human exploitation pursuant to
4 Republic Act No. 7586 or the "NIPAS Act of 1992". For purposes of this Act, it shall
5 include agricultural lands identified and delineated under Sec. 33 hereof;

6 (oo) "Protection Land Use" refers to the utilization of land primarily for the
7 rehabilitation, conservation and protection purposes and the promotion of the country's
8 ecological and life-support systems;

9 (pp) "Public Domain" refers to lands belonging to the State which may either be
10 agricultural, forest or timber, mineral or national park as provided for in the Constitution;

11 (qq) "Public Lands" refer to lands which have not been subject to private
12 property rights or subject to sale or other modes of acquisition of concession, under the
13 general laws, and are devoted to public use;

14 (rr) "Resettlement Areas" refer to areas identified by the appropriate national
15 agency or by the local government unit with respect to areas within its jurisdiction, which
16 shall be used for the relocation of the underprivileged, homeless citizens, and informal
17 settlers;

18 (ss) "Settlement" refers to the habitat, community or built-up environment
19 where people prefer to live in;

20 (tt) "Settlements Development" refers to any improvement on existing
21 settlements, or any proposed development of certain areas for settlement purposes. It
22 also involves the spatial distribution of population, identification of the roles and
23 functions of key urban centers and determination of relationships among settlement
24 areas, and the provision of basic services and facilities of identified major settlement
25 areas or growth centers;

1 (uu) "Shoreline" is the line where shore and water meet. "Shore" is the narrow
2 strip of land in immediate contact with any body of water, including the area between
3 high and low water lines;

4 (vv) "Socialized Housing" refers to housing programs and projects undertaken
5 by the Government or the private sector for the underprivileged, homeless citizens, and
6 informal settlers which shall include sites and services development, long-term
7 financing, liberalized terms on interest payments, and such other benefits in accordance
8 with the provisions of Republic Act No. 7279, otherwise known as the "Urban
9 Development and Housing Act of 1992" (UDHA);

10 (ww) "Socialized Housing Zones" refer to lands identified and designated by the
11 local government units as sites for socialized housing pursuant to Article IV of Republic
12 Act No. 7279 and its implementing guidelines;

13 (xx) "Sub-classification or reclassification of agricultural lands" refers to the
14 process undertaken by the local government units of allocating in their respective
15 territorial jurisdictions the declared agricultural lands to specific uses such as
16 residential, industrial or commercial purposes. It shall serve as one of the bases for
17 application for land conversion by the owners thereof and shall constitute the power of
18 the local government units to reclassify lands under Sec. 20 of Republic Act No. 7160,
19 otherwise known as the "Local Government Code of 1991" consistent with the
20 provisions of this Act;

21 (yy) "Sustainable development" refers to the development objective of meeting
22 the needs of the present without compromising the ability of future generations to meet
23 their own needs consistent with the principles of social equity, efficiency and
24 environmental integrity;

25 (zz) "Tourism Development Areas" refer to specific sites for tourism
26 development located in areas identified as priorities in the national and regional tourism
27 master plans as well as those designated through legislative and executive issuances

1 as tourist spots and tourist zones which can be developed into tourism estates or
2 integrated resort, leisure and recreation complexes, and other tourism related facilities;

3 (aaa) "Tourism Estates" refer to large tracts of land with well-defined boundaries
4 in any area identified in the Philippine Tourism Master Plan, Regional Tourism Master
5 Plans, by proclamation of the President and/or by acts of Congress including local and
6 integrated tourism and resort complex including but not limited to accommodation
7 facilities, food and beverages outlets, convention and meeting areas, sports,
8 recreational and leisure centers and commercial outlets among others. The estate shall
9 be under one unified and continuous management;

10 (bbb) "Tourist Zone" refers to a geographic area with well-defined boundaries
11 proclaimed as such by the President and/or by acts of Congress and is established for
12 the enhancement and/or the conservation of natural attributes and man-made resources
13 as well as the preservation of cultural and historical heritage for the appreciation and
14 enjoyment of the local population and the visitors;

15 (ccc) "Tourist Spot" refers to a particular area, site or spot, whether man-made
16 or natural, known for its unique tourist or visitor drawing attributes and activities. It may
17 be classified according to its social, cultural, natural, historical, scientific, religious and
18 recreational significance;

19 (ddd) "Urban areas" refer to all cities regardless of their population density and
20 to municipalities with a population density of at least five hundred (500) persons per
21 square kilometer;

22 (eee) "Urbanizable areas" refer to sites and lands which, considering present
23 characteristics and prevailing conditions, display marked and great potential of
24 becoming urban areas within the period of five (5) years;

25 (fff) "Water security" is sufficient access throughout the year to the minimum
26 daily requirement of clean water to maintain a healthy life;

1 (ggg) "Water Use" is the appropriation of water for domestic, municipal,
2 irrigation, power generation, inland fisheries, poultry and livestock, industrial and
3 commercial, environmental, and recreational use;

4 (hhh) "Watershed" refers to a catchment area or drainage basin from which the
5 waters of a stream or stream system are drawn;

6 (iii) "Zoning" refers to the regulatory tool for delineating the specific uses of
7 lands in accordance with the approved comprehensive land use plan within the
8 territorial jurisdiction of a city or municipality and specifying the conditions for their
9 regulation, subject to the limitations imposed by law and competent authority; and,

10 (jjj) "Zoning Ordinance (ZO)" refers to a local legislation approving the
11 development/land use plan and providing for the regulations and other conditions on the
12 uses of land including the limitation on the infrastructure that may be placed within the
13 territorial jurisdiction of a city or municipality. It incorporates the protected areas under
14 Sec. 14 (a) and the protected agricultural lands under Sec. 33 hereof.

15 CHAPTER II

16 NATIONAL FRAMEWORK FOR LAND USE PLANNING

17 Article One

18 Physical Framework and Land Use Plans

19 **SEC. 5.** *National Land Use Planning and Zoning Guidelines and Standards.* -

20 Within six (6) months from the effectivity of this Act, the Land Use Policy Administration
21 (LUPA), created under this Act, shall, in consultation with the concerned stakeholders
22 through mandatory conduct of public hearings, formulate national land use planning and
23 zoning guidelines and standards which shall guide the local government units (LGUs) in
24 formulating their Comprehensive Land Use Plans (CLUPs) and enacting their zoning
25 ordinances (ZOs). Standards and guidelines on land use shall be set at the national
26 level for major island groupings based on available data provided by the existing
27 mapping program. The guidelines and standards shall, among others, include: (a) the

1 implementing rules and regulations of this Act; (b) the delineated protected areas
2 including the agricultural lands that are given protection under Section 33 of this Act
3 which areas shall be incorporated in the following plans and shall not be subject to
4 reduction except by laws or issuances from the concerned national agencies; and, (c)
5 the spatial implications of relevant national policies, national development plan, and
6 existing sectoral plans which are consistent with the provisions of this Act.

7 **SEC. 6. *City and Municipal Land Use Plans.*** - Consistent with the preceding
8 section and in consultation with the concerned stakeholders through mandatory conduct
9 of public hearings, the cities and the municipalities through their local development
10 councils shall prepare their respective CLUPs to determine the specific uses of their
11 land and other physical resources, including the delineation of actual boundaries on the
12 ground on the territorial jurisdiction of the city or municipality and the translation and
13 integration of sectoral plans in their respective plans. Protected areas pursuant to
14 Section 14 and other existing laws and issuances as well as the agricultural lands
15 identified and delineated under Section 33, and the identified socialized housing sites
16 under Sections 58 and 59 hereof shall be incorporated in the CLUPs but the respective
17 LGUs shall not diminish the areas included therein.

18 **SEC. 7. *Provincial and Regional Physical Framework Plans.*** - In consultation with
19 the concerned stakeholders through mandatory conduct of public hearings, the
20 Provincial Development Council (PDC) and the Regional Land Use Committee (RLUC)
21 as provided for in Section 25 hereof shall prepare their respective provincial and
22 regional physical framework plans (PPFPs and RFPs) which shall consolidate,
23 integrate, harmonize, and reconcile the land use plans of the component cities and
24 municipalities of respective provinces or the land use plans of respective provinces and
25 independent and highly urbanized cities located in the concerned regions, as the case
26 may be, based on the preceding standards and guidelines as well as the city and
27 municipal CLUPs.

1 **SEC 8. *Land Use Plans for Ancestral Domains.*** - Land use plans for the
2 delineated and recognized ancestral domains shall be formulated by the indigenous
3 cultural communities/indigenous peoples (ICCs/IPs) themselves in accordance with
4 their particular needs and traditional resource and management systems with the
5 assistance of the National Commission on Indigenous Peoples (NCIP) and the LGUs
6 concerned. Such plans shall be recognized and integrated in the CLUPs as well as in
7 the provincial, regional and national physical framework plans. CLUPs or physical
8 framework plans made prior to delineation of ancestral domains included in such plans
9 or ordinances shall be without prejudice to the right of the ICCs/IPs concerned to adopt
10 different land use categories in accordance with their particular needs and traditional
11 resource and management systems.

12 **SEC. 9. *National Physical Framework Plan.*** - Based on the completed CLUPs,
13 the PFP, and the RFP, the LUPA may revise the standards and guidelines in Section
14 5 hereof, except with respect to the delineated and protected areas which may be
15 subject to review every five (5) years, and formulate the National Physical Framework
16 Plan (NFP). The NFP shall define the objectives, policies and strategies on the
17 indicative uses of land and other physical resources of the country to guide and support
18 the implementation of the national development plan. Upon its completion, all
19 subsequent planning processes pertaining to the use of land resources shall conform to
20 the mandatory provisions of the NFP, particularly with respect to the protected areas.

21 However, in case of national emergency or security, or when public interest so
22 demands, as certified by the President, the LUPA is empowered to review and/or revise
23 the NFP whenever necessary, without prejudice to actions that may be taken by
24 affected individuals, groups, or entities, whether public or private.

25 **Article Two**

26 **Local Land Use Planning and Zoning**

27 **SEC. 10. *Basis of City/Municipality Land Use Plans.*** - The CLUPs of cities and
28 municipalities shall be formulated in consonance with the results of mandatory

1 consultations of the various stakeholders in the community and subject to the nationally
2 prescribed standards and guidelines pursuant to Sections 5 and 9 hereof.

3 **#SEC. 11. Coverage and Basis of Zoning.** - Zoning shall cover all alienable and
4 disposable lands, government-owned lands, and private lands in the territorial
5 jurisdiction of the city or municipality incorporating those declared as protected areas
6 including those areas given protection under Section 33 hereof. The zoning plan and
7 ordinance of LGUs shall be based on their respective approved CLUPs.

8 **SEC. 12. Period to Conduct Land Use Planning and Zoning.** - Within six (6)
9 months from the issuance of the guidelines and standards as provided for in Section 5
10 of this Act, all cities and municipalities shall prepare and enact their respective CLUPs
11 and ZOs. The actual zoning of communities based on the standards and guidelines
12 shall be conducted before the approval of the NPFP. Thereafter, the CLUPs and ZOs
13 based on NPFP as provided for in Section 9 hereof may be subject to review or revision
14 every seven (7) years or as mandated by the LUPA.

15 **Article Three**

16 **Framework for Land Use Planning**

17 **SEC. 13. Basic Land Use Planning Considerations.** - In determining the various
18 land uses as provided for in Section 14 hereof, the physical characteristics of the land
19 including the following, shall be considered:

20 (a) Geology, geomorphology, geologic hazards (e.g., seismic, volcanic, mass
21 movements, landslide, etc.), soil and slope;

22 (b) Demography (population size, growth and distribution);

23 (c) Food security, socio-economic and related development activities;

24 (d) Energy security and self-sufficiency;

25 (e) Existing and potential land use;

1 (f) Environmental, natural resources, and other constraints;

2 (g) Existing government policies on land allocation, utilization, management and
3 disposition.

4 **SEC. 14. Categories of Land Uses for Planning Purposes.** - In determining and
5 defining the NPFP, RFPs/PPFPs and the CLUPs, land uses shall be grouped into four
6 major functional uses as follows:

7 (a) *Protection land use* -- the adoption of which intends to protect, preserve and
8 enhance critical ecosystems from any human encroachment, regenerate and
9 rehabilitate degraded land and other physical resources, ensure safeguard against
10 environmental hazards including those resulting from unregulated activities, and
11 enhance and sustain the benefits derived from maintaining the integrity of the nation's
12 land resources. Areas to be covered under this category are those under the National
13 Integrated Protected Areas System (NIPAS) as provided for by R.A. No. 7586 and those
14 outside the NIPAS which require rehabilitation and protection as identified by the
15 Department of Environment and Natural Resources (DENR), in coordination with
16 concerned LGUs and national government agencies (NGAs), and in consultation with
17 concerned stakeholders;

18 (b) *Production land use* -- the adoption of which aims to determine the most
19 efficient, sustainable, and equitable manner of utilizing, developing and managing land
20 for productive purposes. Areas included under this category are agricultural lands even
21 though identified and delineated as protected under Section 33 hereof, coastal zones
22 excluding those declared by DENR and other similar government agencies that are in
23 environmentally critical conditions, production forest, mineral lands, energy resource
24 lands, industrial development areas, and tourism development areas;

25 (c) *Settlements development* -- the adoption of which seeks to promote an orderly,
26 equitable, and sustainable development of human settlements responsive to the needs of its
27 inhabitants and the environment. Classification shall be made based on the predominant

1 economic and socio-cultural activities, as urban or rural, and based on the topography and
2 slope of land as upland, hillside, lowland, or coastal. Major uses under this category shall
3 include: residential, including relocation and resettlement sites for socialized housing as
4 provided for in R.A. No. 7279 (or the 'Urban Development and Housing Act of 1992' or 'UDHA')
5 and socialized housing zones; commercial, industrial; institutional, (e.g., sites of government
6 offices, health and education), utilities; tourism, recreational, including parks, urban forests,
7 open or green space; waste disposal; and roads, rail transportation networks, and facilities;

8 (d) *Infrastructure development* - which shall cover areas identified by the LGUs, the
9 National Economic and Development Authority (NEDA), and other concerned agencies as
10 sites for priority infrastructure projects which shall include, among others: power plants/stations
11 and major substations; indigenous energy resource exploration and development; irrigation
12 and flood control sewerage and drainage facilities; water supply system and treatment plants;
13 airports/ seaports/ fishports; major road, bridge, and railway trunklines; farm-to-market roads;
14 agricultural research and development farms and/or stations; waste disposal facilities;
15 educational facilities; health facilities; telecommunications stations/other facilities; disaster
16 mitigation facilities; and market sites: *Provided*, That the determination of functional uses of
17 lands within ancestral domains need not necessarily follow the land use categories provided for
18 in this Act and separate land use categories for delineated ancestral domains may be
19 formulated by the concerned ICCs/IPs themselves in accordance with their particular needs
20 and traditional resource and management systems.

21 **SEC. 15. Multiple Land Uses.** - Subject to the provisions of this Act, the LUPA
22 shall encourage multiple land uses as long as they are complementary and not
23 incompatible with each other.

24 **SEC. 16. Categories of Water Uses for Planning Purposes.** - For purposes of
25 this Act, the categories of water uses for planning purposes shall be in accordance with
26 existing laws. Notwithstanding such laws, the categories to be adopted must
27 complement and support the foregoing categories for land use planning. Within six (6)
28 months from the effectivity of this Act, after the conduct of public consultations, the
29 National Water Resources Board (NWRB) and the LUPA shall jointly adopt and issue

1 implementing guidelines, rules, and regulations that will promote the integration of
2 sound water resource utilization, allocation, management, and development with the
3 requirements of sustainable land use planning.

4 **CHAPTER III**

5 **IMPLEMENTING STRUCTURE AND MECHANISM**

6 **Article One**

7 **Land Use Policy Administration**

8 **SEC. 17.** *Creation of the Land Use Policy Administration (LUPA).* - The Land
9 Use Policy Administration (LUPA) is hereby created which shall be the highest policy
10 making body on land use and shall perform the task of integration of efforts, monitoring
11 of developments relating to land use, evolution of policies, and regulation and direction
12 of land use planning processes. The powers and functions vested by law to the
13 Housing and Land Use Regulatory Board (HLURB) and to the National Land Use
14 Committee (NLUC) under the National Economic Development Authority (NEDA)
15 pertaining to land use are hereby transferred to the LUPA.

16 **SEC. 18.** *Executive Board.* - The LUPA shall have an Executive Board, hereinafter
17 referred to as the Board, whose main function is to direct the implementation of the
18 provisions of this Act, and shall be composed of nineteen (19) members.

19 (a) The Executive Secretary as Chairperson;

20 (b) The Secretary of the Department of Environment and Natural Resources
21 (DENR) and the Director-General of the National Economic and Development Authority
22 (NEDA) as Vice-Chairpersons;

23 (c) The Secretaries of Agriculture; Agrarian Reform; Trade and Industry; Public
24 Works and Highways; Transportation and Communications; Energy; Science and
25 Technology; Tourism; Interior and Local Government; and Justice as members;

26 (d) The Chairperson of the Housing and Urban Development Coordinating
27 Council (HUDCC) as member;

1 (e) Four (4) representatives from the different basic sectors with direct
2 involvement in sustainable land use such as urban poor, peasants, fisherfolk, and
3 indigenous peoples - who shall be appointed by the President based on the nomination
4 and recommendation of the sectors that they respectively represent – as members;

5 (f) The Administrator of the LUPA, as ex-officio member, who shall likewise
6 act as Secretary to the Board.

7 A consultative body composed of representatives from the Leagues of
8 Municipalities, Cities, and Provinces and from non-government sector such as the
9 business sector, NGOs and POs, and the academic community shall likewise be
10 convened every two (2) months.

11 **SEC. 19. Powers and Functions.** - The LUPA shall have the following powers
12 and functions:

13 (a) Formulate policies on, and promulgate, in consultation with all concerned
14 stakeholders, national standards and guidelines on land use and zoning under Sections
15 5 and 9 hereof, and issue corresponding rules and regulations to enforce compliance
16 thereof;

17 (b) Formulate NPPF and RPPFs based on land use plans at the local levels
18 that shall serve as guide in translating the national development plan and pertinent
19 sectoral plans consistent with the provisions of this Act into physical and spatial terms;

20 (c) Establish a National Land Use Allocation System which shall provide
21 detailed guidelines on land use policy areas or categories for land use planning under
22 Section 14 hereof;

23 (d) Establish a National Land Resource Information and Management System,
24 which shall integrate and process information on land use and allocation generated by
25 the various national government agencies, define information requirements at various

1 levels, and standardize information inputs/outputs including scales and symbols in the
2 case of territorial and sectoral maps;

3 (e) Undertake the gathering of data, the conduct of studies pertaining to land
4 use planning, including studies on the management of identified land uses, and such
5 other studies not undertaken by other government agencies;

6 (f) Coordinate with, and assist other government agencies and LGUs in
7 planning, developing, and implementing their land use classification programs, and to
8 furnish, to the extent possible, technical assistance and guidance;

9 (g) Monitor and coordinate concerned agencies and entities of the government
10 in the enforcement and implementation of policies and regulations relating to land use
11 and resource management and development;

12 (h) Hear and resolve conflicts in land use planning, classification, and allocation
13 that may arise: (1) at the first instance -- between NGAs, between an NGA and an LGU,
14 between an NGA and any regional or local planning bodies, and other cases not falling
15 under its appellate capacity; (2) in its appellate capacity – with respect to conflicts
16 arising from the disapproval/modification of CLUPs of component cities and
17 municipalities by provinces and from the disapproval/modification of PFFPs of provinces
18 by the RLUCs or of the CLUPs of independent component and highly-urbanized cities
19 also by the RLUCs;

20 (i) Call on and deputize any department, bureau, office, agency or
21 instrumentality of the government, including the police forces, and or private entities and
22 organization for cooperation, support, and assistance in the performance of its
23 functions;

24 (j) Adopt its own organizational plan and staffing pattern, create central and
25 regional offices, and assist the LGUs in the formation of local land use committees; and,

1 (k) Perform such other acts and functions and exercise such other powers as
2 may be necessarily implied, inherent, incident, or related to the foregoing.

3 **SEC. 20. Offices, Units and Staff Support.** - The LUPA shall be assisted by a
4 secretariat under the general supervision of the Administrator.

5 The Administrator may organize at the central and regional levels such offices as
6 may be necessary subject to civil service rules and regulations.

7 Subject to existing laws, rules and regulations and until such time that LUPA
8 shall have been fully organized and operational, agencies performing functions related
9 to land use shall continue to discharge the same, under the operational supervision and
10 control of LUPA and consistent with the national guidelines and standards set forth in
11 Section 5 hereof.

12 **SEC. 21. Powers and Functions of the Administrator.** - The Administrator shall
13 have the following powers and functions:

14 (a) Act as the executive head of the LUPA and perform the powers and
15 functions incidental to said position;

16 (b) Be responsible for the implementation and overall execution of the policies,
17 rules and regulations, and decisions adopted by the Board; and as such, he/she shall
18 issue the corresponding implementing administrative issuances, and promulgate
19 opinions and interpretative circulars and rulings to ensure expeditious and effective
20 implementation thereof; and,

21 (c) Perform such other powers and functions as may be inherent, incidental, or
22 related to the foregoing.

23 The decisions of the Administrator may be appealed to the LUPA Board.

24 **SEC. 22. Qualifications of the Administrator.** - The Administrator must have a
25 background or significant training preferably in the field of environmental and/or physical
26 planning, land resources management, or development planning and management for a

1 period of at least five (5) years. He/she shall be appointed by the President and shall
2 have the rank of a Cabinet Secretary.

3 **SEC. 23. Qualifications, Rank and Duties of the Deputy Administrator.** - The
4 Administrator shall be assisted by a Deputy Administrator who shall be appointed by the
5 President upon the recommendation of the Board. The Deputy Administrator shall have
6 the same qualifications as the Administrator and shall have the rank of an
7 Undersecretary.

8 The Deputy Administrator shall be the operational administrative manager of the
9 LUPA and shall assist the Administrator in his/her routine housekeeping functions.

10 **Article Two**

11 **Land Development Councils and Land Use Committees**

12 **SEC. 24. Local Development Councils and Land Use Committees.** - The
13 formulation of the CLUPs and PFPs shall be the primary responsibility of the Local
14 Development Councils (LDCs). The LGUs without existing LDCs as mandated by R.A.
15 No. 7160 shall create their respective LDCs within one (1) year from the effectivity of
16 this Act.

17 Local land use committees pertain to the provincial, city, or municipal land use
18 committees (PLUCs, CLUCs, MLUCs) formed by the LDCs. Existing and newly formed
19 LDCs shall create within one (1) year from the effectivity of this Act or from their creation
20 as the case may be, a local land use committee to assist them in performing such
21 functions as defined in this Act: *Provided*, That membership therein must, among
22 others, include representatives from concerned NGOs and POs, such as but not limited
23 to peasants, fisherfolk, urban poor, and indigenous cultural communities/indigenous
24 peoples. Other concerned sectors shall also be invited during committee deliberations
25 and public hearings. The CLUCs/MLUCs shall likewise solicit the land use positions,
26 views, perspectives and issues raised and articulated by the concerned communities
27 through their respective barangay representatives who shall also participate during the
28 public hearings.

Responsibilities of the National Government Agencies and LGUs

SEC. 27. *National Base Mapping Program.* - A National Mapping Program shall be implemented, coordinated, and monitored through the creation of an inter-agency technical committee composed of the LUPA, as the lead agency, the National Mapping and Resource Information Authority (NAMRIA), the Bureau of Soils and Water Management (BSWM), the Mines and Geosciences Bureau (MGB), the Forest Management Bureau (FMB), the Land Management Bureau (LMB), the Protected Areas And Wildlife Bureau (PAWB), the Philippine Institute of Volcanology and Seismology (PHIVOLCS), the Department of Agrarian Reform (DAR), the National Water Resources Board (NSWRB), the Department of Energy (DOE), and other concerned government agencies/bureaus.

For purposes of uniformity and standardization, the LGUs, to be assisted by the appropriate agencies of the national government, shall likewise prepare their respective territorial maps using scales, symbols, and other indicators to be prescribed in accordance with this Act.

SEC. 28. *National Geo-hazard Mapping Program.* - A nationwide Geo-hazard Mapping Program shall be implemented jointly through the LUPA by the PHIVOLCS, the Bureau of Soils, the Philippine Atmospheric Geophysical and Astronomical Services Administration (PAGASA), and the Mines and Geosciences Bureau (MGB), in coordination with the National Disaster Coordinating Council (NDCC), the Regional Disaster Coordinating Councils, and other concerned government agencies. The program shall include the generation of indicative geo-hazard zoning maps that will outline areas in the Philippines prone to liquefaction, land slides, flooding, lahar, ground rupturing, tsunami, river erosion, coastal erosion, sinkhole collapse, earthquake, lava flow, pyroclastic flow, base surge, and other natural hazards.

For purposes of uniformity and standardization and in order to develop a safe built environment, the LGUs shall incorporate and integrate the generated geo-hazard

1 zoning maps in the preparation of their respective CLUPs and ZOs. The geo-hazard
2 maps shall serve as guide for all the LGUs in the preparation of their own hazards-
3 constrained development plans.

4 **SEC. 29. *Scope and Nature of Responsibilities of Other National Government***
5 ***Agencies (NGAs).*** - All concerned NGAs shall periodically report to the LUPA on the
6 various activities and accomplishments relative to land use. Likewise, they shall provide
7 for their respective sectoral/development plans and render technical and administrative
8 support if called upon by the LUPA relative to the implementation of the provisions of
9 this Act.

10 **SEC. 30. *Submission of Annual Report on the Implementation of CLUPs and***
11 ***ZOs.*** - The LDCs shall submit an annual report on the implementation of their land use
12 plans and zoning ordinances to the LUPA through the Sangguniang Panlalawigan, or in
13 the case of highly urbanized and independent cities, through their respective
14 Sanggunian Panlungsod.

15 CHAPTER IV

16 SPECIAL AREAS OF CONCERN

17 Article One

18 Agricultural Lands

19 **SEC. 31. *Priority Areas for Agricultural Development.*** - Priority areas for
20 agricultural development must be based on the Strategic Agricultural and Fisheries
21 Development Zones (SAFDZs) as defined in R.A. No. 8435, otherwise known as the
22 Agricultural and Fisheries Modernization Act of 1997 (AFMA).

23 **SEC. 32. *Conversion of Agricultural Lands.*** - Agricultural Lands are deemed
24 converted to non-agricultural uses upon approval of the application for conversion by
25 the LUPA as recommended by the DAR and as certified by the DA. Prime agricultural
26 lands and specific types of lands to the extent necessary for attaining food self-
27 sufficiency in rice and corn and food security in other basic commodities, as determined
28 by the DA, subject to mandatory consultation with the LGUs, the private sector, the

1 NGOs, and POs shall be protected from conversion. Such protection shall include, but
2 not limited to, areas under the Network of Protected Areas for Agricultural and Agro-
3 Industrial Development (NPAAAD): *Provided*, That all irrigated and irrigable lands, all
4 lands with existing or potential for high value crops, all agricultural lands that are
5 ecologically fragile and whose conversion will result into serious environmental
6 problems shall be given full protection from conversion. Such protected agricultural
7 lands and areas shall be subject to review every five (5) years by the DA, after the
8 conduct of mandatory public hearings/consultations: *Provided, further*, That consistent
9 with the State policy on giving priority to the completion of the Comprehensive Agrarian
10 Reform Program (CARP), all the remaining lands subject to CARP, including those
11 lands covered under the notice of compulsory acquisition/voluntary offer to sell,
12 production or profit-sharing, or commercial farm deferment of the CARP, shall also be
13 fully protected from conversion pending the distribution and installation of the farmer
14 beneficiaries; but thereafter, Section 65 of R.A. No. 6657 shall apply: *Provided, finally*,
15 That pending the completion of the mapping, the identification of specific areas under
16 the NPAAAD and the SAFDZs under R.A. No. 8435, the revision thereof pursuant to the
17 foregoing, and the incorporation thereof in the NPFP, there shall be a moratorium in all
18 applications for conversion of agricultural lands into non-agricultural uses commencing
19 from the effectivity of this Act, except for priority infrastructure projects that are of
20 national interest pursuant to Sec. 63 and 64 hereof. The application for conversion of
21 these protected areas shall not be given due course by the DAR and the LUPA.

22 **SEC. 33. Sub-classification or Reclassification of Agricultural Lands by LGUs. -**
23 Sub-classification or reclassification of agricultural lands to other uses under Section 20
24 of R.A. No. 7160 or the Local Government Code of 1991 shall exclude the protected
25 agricultural lands as stated in the preceding section. The result of such sub-
26 classification/reclassification shall constitute the actual plan for allocating the future
27 uses of lands within the territorial jurisdictions of LGUs and is not synonymous to

1 conversion. After the completion of the mapping of protected agricultural lands, the DA
2 and the DAR shall provide the LGUs with a complete list and maps thereof.

3 **Article Two**

4 **Other Land Use Conversion**

5 **SEC. 34. Conversion of Non-Agricultural Lands.** - The approved CLUPs and
6 ZOs of cities or municipalities shall be the basis for authorizing the change of non-
7 agricultural lands to other uses, such as from residential to commercial and/or industrial
8 subject, however, to national guidelines and standards, and subsequently, the NPFP. A
9 public hearing is required before any CLUP/ZO is passed. The Sangguniang
10 Panlungsod or Sangguniang Bayan shall approve any application for change of land
11 use of non-agricultural lands based on the recommendation of the CLUC/MLUC.

12 **Article Three**

13 **Forestlands and Preservation of Watersheds**

14 **SEC. 35. Reversion of Alienable and Disposable Lands to Forestlands.** - Upon
15 the recommendation of the Secretary of the DENR, duly reviewed and endorsed by the
16 LUPA, and after due consultations with the concerned LGUs and affected parties,
17 Congress may authorize the reversion of alienable and disposable lands of the public
18 domain or portion thereof to forestlands.

19 **SEC. 36. Determination of Forest Limit.** - Within one (1) year after the release of
20 the budget appropriated for the purpose of classifying, reclassifying, and delineating all
21 lands of the public domain, the DENR shall submit the final inventory of lands after
22 which, Congress shall within a period of one hundred twenty (120) working days,
23 determine by law the specific limit of forestlands and national parks, and endangered
24 forests and watershed areas, marking clearly their boundaries on the ground.
25 Thereafter, such forestlands and national parks shall be conserved and may not be
26 diminished, except by law.

1 **SEC. 37. Coverage of Production Forest.** - Production forests include: the
2 residual dipterocarp forests; pine forests available for logging; rangelands for grazing;
3 areas under industrial forest plantation management; areas for community forest
4 program; integrated social forestry; and other forestlands for special uses, excluding the
5 critical watersheds as identified by the DENR, in coordination with concerned LGUs and
6 NGAs, and subject to mandatory public consultations with concerned sectors.

7 **SEC. 38. Criteria for the Subclassification of Public Lands for Timber Production,**
8 *Agroforestry, Grazing and Pasture and Other Purposes.* - The sub-classification of
9 public lands shall be guided by the following:

10 (a) Geology, geomorphology, soil and slope;

11 (b) Classified public lands below fifty percent (50%) slope may be subclassified
12 for timber production, agroforestry, grazing or pasture land activities provided that the
13 use of such areas shall not result in soil degradation or any adverse ecological
14 condition;

15 (c) Watershed may be subject to multiple uses provided that the area is utilized,
16 managed and developed for the primary purpose by which it has been established
17 excluding critical watersheds as identified by the DENR, in coordination with concerned
18 LGUs and NGAs, and subject to mandatory public hearings/consultations with
19 concerned sectors;

20 (d) All public lands above fifty percent (50%) slope shall be subclassified into
21 appropriate protection or production land uses provided that such land use shall not
22 engender significant adverse environmental effects; and

23 (e) The overall carrying capacity of classified public lands, including their
24 existing and potential land uses shall serve as the basis for determining their
25 subclassification.

SEC. 42. *Guidelines for the Allocation and Utilization of Lands Within the Coastal*

2 *Zones.* - The allocation and utilization of lands within the coastal zones shall be guided
3 by the following:

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

6 (b) Areas that meet all accepted criteria on elevation, soil type, soil depth,
7 topography supply for successful fishpond development and devoid of any mangrove
8 stands, may be utilized for aquaculture purposes;

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

13 (d) Areas that are neither sub-classified as mangrove or fishpond may be
14 devoted for recreational and/or tourism purposes, provided that such undertaking will
15 not result in environmental degradation;

16 (e) Areas which are considered as traditional fishing grounds shall be used
17 primarily for such purpose;

18 (f) Areas which are allocated for small infrastructures needed by fisherfolk shall
19 be allowed;

20 (g) Areas which form part of foreshore lands as defined in this Act including
21 those that are under lease agreements/arrangements should undergo zonation and
22 evaluation to determine their boundaries and actual sizes and corresponding uses; and,

23 (h) Areas which are classified for fisherfolk settlement and housing shall be
24 allocated to:

1 (1) traditional fishers or fisherfolk who are inhabitants of the coastal
2 communities; and

3 (2) members of legitimate fisherfolk organizations and/or holders of
4 stewardship, lease contracts, or titles to ancestral domains or any form of property
5 rights arrangements, who participate in coastal resource management initiatives.

6 **SEC. 43. Coastal Zone Land Sub-classification by LGUs.** - Sub-classification of
7 coastal zones to different uses, which shall exclude the protected areas as stated in this
8 Act, by the LGUs shall be subject to prior consultation with local Fisheries and Aquatic
9 Resource Management Councils (FARMCs) formed under R.A. No. 8550.

10 **SEC. 44. Disposition of Public Lands for Fishpond.** - Upon the effectivity of this
11 Act but subject to existing rights and the preceding section, no fishpond lease
12 agreement (FLA) shall be issued for tidal swamps, mangroves and other swamps,
13 marshes, ponds, foreshore lands, and coastal areas within public lands, including those
14 presently declared available for fishpond development.

15 The LUPA, in coordination with the DENR, the DA, the FARMCs and the LGUs
16 shall set aside a portion of available public lands for fish propagation, fish sanctuary,
17 conservation, ecological purposes and fisherfolk settlement areas.

18 Fishponds covered by existing FLA, but, are abandoned or not operating
19 efficiently, and are found suitable for mangroves shall be allowed to be revegetated
20 back as mangrove forest.

21 **SEC. 45. Tourism and Recreation Zone.** - The designation of areas for tourism
22 and resorts near to or over fishery areas or ports thereof, shall be with the consent of
23 the concerned LGUs and FARMCs, and subject to the policies and guidelines set forth
24 in this Act.

- 33 -
Article Five

Mineral Lands

1
2
3 **SEC. 46.** *Guidelines for the Utilization and Allocation of Land for Mining*
4 *Purposes.* - To ensure that the objectives of maintaining ecological balance and
5 maximizing economic returns to mining operations are realized and consistent with R.A.
6 No. 7942, the allocation and utilization of lands for mining purposes shall be guided by
7 the following:

8 (a) Mining operations shall be undertaken with due consideration to the
9 utilization, development, and protection of land and other physical resources;

10 (b) Small-scale mining shall be allowed provided that safeguards are instituted
11 to prevent environmental degradation of the mining sites and adjacent areas; and,

12 (c) Mineral reservations which had become non-operational for more than five
13 (5) years shall be placed under appropriate surface management by the DENR.

14 **SEC. 47.** *Reversion of Mineral Lands.* - All exhausted mineral lands shall
15 automatically revert to the category of forestlands, unless the DENR has otherwise
16 classified such areas for other purposes.

17 **SEC. 48.** *Criteria for the Classification of Mineral Lands as Alienable and*
18 *Disposable Lands.* - Exhausted mineral lands may be classified as alienable and
19 disposable lands only upon the satisfaction of all of the following conditions:

20 (a) The slope of the exhausted mineral lands shall not be above eighteen
21 percent (18%);

22 (b) The rehabilitation of exhausted mineral lands can be accelerated if such
23 areas are released for other purposes;

24 (c) The area can promote and sustain economic activities that would support
25 development of settlements without incurring significant environmental problems. The

1 area shall then be subject to an environmental impact assessment (EIA), the findings of
2 which shall serve as basis for making any recommendation on its classification; and

3 (d) The land is found to be environmentally-safe from natural hazards.

4 Article Six

5 Energy Resource Lands

6 **SEC. 49.** *Guidelines for the Utilization and Allocation of Lands for Energy*
7 *Resource Exploration, Development, Production, Utilization and Distribution Purposes.* -

8 To ensure that the objectives of maintaining ecological balance and maximizing the
9 harnessing of power potential from indigenous energy resources in the most economical
10 and environmentally-acceptable means are realized, the allocation and utilization of
11 lands for said purposes shall be guided by the following, consistent with the existing
12 laws and DOE regulations on energy resources:

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

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

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

27 **SEC. 50.** *Reversion of Energy Resource Lands.* - All exhausted indigenous
28 energy resource lands not covered by proclamations shall automatically revert to the

1 category of forestlands or agricultural lands, whichever is appropriate, unless the DENR
2 and/or the DAR respectively classify such areas for other purposes.

3 **SEC. 51. *Energy Resource Exploration as a Temporary Land Use.*** - Premature
4 conversion of agricultural lands as defined in this Act shall exclude use of the land for
5 energy resource exploration, which is a temporary use of the land, it being a necessary
6 activity for the confirmation of the energy resource: *Provided, however,* That conversion
7 of the land to a permanent land use shall proceed once the energy resource is
8 confirmed for production and prior to commercial development: *Provided, further,* That
9 the LUPA shall set a time limit on such exploration as a temporary land use, taking into
10 account the different factors affecting exploration.

11 **Article Seven**

12 **Settlements Development**

13 **SEC. 52. *Town, City, and Settlements Development.*** - The development of town,
14 city and settlements through the zoning ordinances (ZOs) of cities and municipalities
15 shall be guided by urban zoning standards designed to maximize existing urban spaces
16 and reasonably restrain urban expansion to be formulated by the LUPA and included in
17 guidelines and standards to be issued under Sections 5 and 9 hereof.

18 **SEC. 53. *Settlements within Geo-hazard Areas.*** - Settlements within geo-hazard
19 areas may be allowed provided that mitigating and/or protective measures are adopted
20 to address the potential danger or risk to lives and property within such settlements. In
21 coordination with the concerned agencies of the government, the LUPA shall provide
22 assistance to concerned LGUs and settlers in instituting safety and corrective measures
23 to address the potential danger or risk.

24 **SEC. 54. *Protection of Ecological Harmony.*** - To ensure the ecological harmony
25 of towns, cities, and settlements, certain projects which will alter the present use of a
26 zoned area shall be issued a building permit, business permit, and/or development
27 permit, as the case may be. The identification of these projects shall be done in
28 coordination with the concerned LGUs.

1 **SEC. 55. *Designation of Waste Disposal Site.*** - Each city or municipality shall
2 identify, designate and allocate land within their territorial jurisdiction to serve as waste
3 disposal site within one (1) year from the effectivity of this Act. The LGUs, in
4 coordination with the DENR and/or competent authority, shall identify solid waste
5 disposal sites in order to fast track the conduct of environmental impact assessment
6 (EIA) study and to facilitate processing of the environmental compliance certificate
7 (ECC). This site or area shall be identified in the city's/municipality's CLUP and ZO.
8 For this purpose, cities and municipalities shall establish their solid waste management
9 program. Likewise, as provided for under Section 33 of R.A. No. 7160, cities and
10 municipalities may, through appropriate ordinances, bind themselves towards the
11 establishment of a common solid waste management program.

12 Within ninety (90) days from the effectivity of this Act, the DENR, in coordination
13 with concerned agencies, shall promulgate the necessary guidelines and standards for
14 the formulation and establishment of solid waste management program by cities and
15 municipalities, and shall submit the same to the LUPA for review and approval.

16 **SEC. 56. *Designation of Socialized Housing Sites in Urban and Urbanizing***
17 ***Areas.*** - Each city or municipality in urban and urbanizing areas shall identify, designate
18 and allocate land within their territorial jurisdiction to ensure the availability of adequate
19 land to meet the shelter needs of poor residents in their respective city or municipality or
20 to be used as sites for socialized housing pursuant to Article IV of UDHA.

21 Within ninety (90) days from the effectivity of this Act, the LUPA, in coordination
22 with the concerned agencies, and pursuant to existing laws, rules and regulations, shall
23 promulgate the necessary guidelines for the identification and designation of socialized
24 housing sites. All cities and municipalities in urban and urbanizing areas shall identify
25 and designate their socialized housing sites within six (6) months from the effectivity of
26 this Act and must submit the list of these sites and their respective hectarage to the
27 HUDCC.

- 1 (c) Identified growth areas and corridors in the National Development Plan;
- 2 (d) National Integrated Protection Area Systems and other protected areas;
- 3 (e) National Urban Development Framework;
- 4 (f) Identified Socialized Housing Zones;
- 5 (g) National settlements development plan; and,
- 6 (h) National infrastructure development plan.

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

10 **Article Nine**

11 **Tourism Development Areas**

12 **SEC. 61.** *Designation of Tourism Development Areas.* - The identification,
13 selection and development of tourism development areas shall be done in consultation
14 and coordination with the concerned LGUs, national government agencies, the private
15 sector, and the affected communities. Consistent with Sections 33 and 46 hereof, these
16 areas shall likewise include those covered by legislation and executive issuances which
17 designate specific sites as tourist spots and tourist zones, as well as those identified in
18 the national and regional tourism master plans.

19 Historical and Cultural Heritage Sites shall be included in these areas so as to
20 promote their protection, preservation and development for tourism purposes and
21 related activities.

22 Designated areas for tourism development shall become part of the CLUPs and
23 ZOs of the cities or municipalities where these are located.

24 **Article Ten**

25 **Infrastructure Development**

26 **SEC. 62.** *Allocation and Use of Land for Infrastructure Development.* - Land,
27 whether public or private, shall be allocated and utilized for priority infrastructure

1 projects that are supportive of national or local development objectives. The National
2 Economic and Development Authority (NEDA), in consultation with the concerned
3 NGAs, LGUs and the private sector shall identify and periodically review, update and/or
4 revise the list of priority infrastructure projects. In determining and evaluating the list of
5 priority infrastructure projects, consideration shall be given to those that:

6 (a) Respond to immediate and vital requirements of the national economy with
7 priority on food security and self-sufficiency concerns;

8 (b) Upgrade existing facilities to international standards;

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

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

13 *Provided*, That the provision and implementation of infrastructure support shall be made
14 compatible with existing environmental conditions and the physical, whether natural or
15 man-made, and cultural character of the area. Mandatory public hearings/consultations
16 shall be held prior to the conduct of all infrastructure projects that will necessarily
17 involve dislocation or displacement of people living in the area: *Provided, further*, That
18 the concerned NGA that will implement the infrastructure projects in areas occupied by
19 the urban poor and in identified socialized housing zones shall follow the rules on
20 mandatory consultation as provided for in RA 7160, as well as the rules on just and
21 humane demolitions or eviction under Section 28 of UDHA and said NGA shall submit a
22 report complying with the aforementioned provisions to the concerned LGU prior to
23 project implementation.

24 **SEC. 63. Infrastructure Projects Within Environmentally-Critical Areas.** -
25 Construction of priority infrastructure projects within protected, hazard-prone, or
26 environmentally critical areas shall be allowed provided that mitigating and/or preventive

1 measures are adopted to address the potential adverse economic, socio-cultural and
2 environmental impacts that will emanate from these infrastructure projects subject to the
3 findings and recommendations of a feasibility study and an environmental impact
4 assessment in accordance with P.D. Nos. 1586 and 4846:

5 Existing infrastructures found to be improperly located as well as those posing
6 threats to the environmental integrity of historic, archeologic, or scientifically significant
7 areas, or impinging on critical ecosystems may be terminated immediately, or gradually
8 phased out and relocated, or maintained up to their life span, subject however to
9 mitigating measures: *Provided*, That the concerned NGA that will implement the
10 infrastructure projects in socialized housing zones are mandated to follow the rules on
11 mandatory consultation as provided for in R.A. No. 7160, as well as the rules on just
12 and humane demolitions or eviction under Section 28 of UDHA: *Provided, further*, That
13 said NGA shall submit a report complying with the aforementioned provisions to the
14 concerned LGU prior to project implementation.

15 The DPWH, DOE, DOTC, in coordination with the concerned NGA, the LGUs
16 and the private sector shall identify and assess all major infrastructure projects in
17 environmentally-critical areas and submit their recommendations to the LUPA within six
18 (6) months from the effectivity of this Act.

19 **Article Eleven**

20 **Training, Education, and Value Formation**

21 **SEC. 64. *Mandatory Curriculum.*** - In order to create a well informed, responsive
22 and committed citizenry who value the protection, conservation and development of the
23 country's limited land and other physical resources, the State shall mandate the
24 inclusion of sustainable land use education, or any subject related thereto in the
25 curricula of primary, secondary and tertiary education.

26 **SEC. 65. *Information and Education Campaign.*** - The LUPA shall coordinate a
27 nationwide education information campaign in land use and physical planning to be
28 implemented by local and national government agencies. The DILG and concerned

1 agencies shall formulate and implement a land use management capability-building
2 program for national and local government officials, community leaders, NGOs, POs,
3 religious sector, and the general public.

4 **CHAPTER V**

5 **INCENTIVES, SANCTIONS, AND PENALTIES**

6 **Article One**

7 **Incentives and Awards**

8 **SEC. 66.** *Formulation of a System of Incentives and Awards.* - The LUPA shall
9 come out with a system of incentives and awards to LGUs that regularly update their
10 CLUPs/ZOs within the prescribed period as follows:

11 (a) Provinces, highly urbanized cities, and independent component cities –
12 once every ten (10) years or less; and

13 (b) Component cities and municipalities – once every five (5) years or less.

14 **SEC. 67.** *Priority in Giving Technical Assistance to LGUs.* - In providing technical
15 assistance and other forms of support related to land use management and
16 implementation of development plans, national government agencies (NGAs) shall give
17 priority to cities and municipalities with approved CLUPs and ZOs.

18 **SEC. 68.** *Incentives for Voluntary Transfer.* - Subject to existing laws and
19 ordinances, the LUPA, in coordination with the Board of Investments, shall provide for
20 incentives to affected industries that, within a specified period, would voluntarily transfer
21 to identified Industrial Development Areas.

22 **Article Two**

23 **Sanctions and Penalties**

24 **SEC. 69.** *Fine on Non-Completion and Non-Commencement of Development of*
25 *Agricultural Lands with Approved Order of Conversion.* - Any landowner and/or his/her
26 designated developer or duly authorized representative who fails to commence and/or
27 complete the development of agricultural lands with approved order of conversion shall

1 be penalized, jointly or severally, with any of the following fines based on the zonal
2 value of the land at the time the fine is imposed:

3 (a) On failure to commence within one year from the date of conversion order:

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

6 (2) Fifteen percent (15%) of the zonal value of the subject land for the next three
7 (3) hectares, and

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

10 *Provided*, That in such case, the order of conversion shall be deemed revoked
11 automatically and the land shall revert back to its original agricultural use and shall be
12 covered by the DAR through compulsory acquisition for distribution to qualified
13 beneficiaries.

14 (b) On failure to complete fifty percent (50%) of the approved conversion plan
15 within a specified time frame, the DAR shall impose a fine equivalent to fifty percent
16 (50%) of the zonal value of the subject land and shall automatically issue an order
17 revoking the conversion plan on the undeveloped portion which shall automatically
18 revert to its original use as agricultural land. The same shall be covered under the
19 CARP and processed for land distribution as soon as possible.

20 **SEC. 70. Authority to Impose Fine.** - The DAR shall impose the penalty imposed
21 under the preceding section.

22 **SEC. 71. Withdrawal of Local Development Permits and/or Licenses.** - Upon
23 receipt of notice from the DAR, the concerned agencies, city or municipality shall
24 withdraw and/or revoke any development permit and/or other licenses that may be
25 necessary to develop the agricultural land subject of conversion.

1 **SEC. 72. Utilization of Fines.** - The fines collected under Section 70 hereof shall
2 automatically accrue to the Agrarian Reform Fund consistent with the provisions of R.A.
3 Act No. 6657, otherwise known as the Comprehensive Agrarian Reform Law.

4 **SEC. 73. Failure to Formulate, Enforce, and/or Implement the CLUPs and ZOs.** -
5 Consistent with due process, the LUPA in coordination with the DILG shall investigate,
6 review and recommend the filing of charges against local chief executives and other
7 local officials and employees responsible for the formulation, enforcement, and/or
8 implementation of the CLUPs in case of any of the following:

9 (a) Failure to implement and enforce the CLUP/ZO due to negligence of duty;

10 (b) Failure to provide appropriate budgetary allocation to effect its
11 implementation;

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

14 (d) Failure of the CLUPs/ZOs to conform to the prescribed national guidelines
15 and standards as provided for in Section 5 hereof and thereafter, with NPFP as stated
16 in Section 9 hereof;

17 Any public official or employee, regardless of whether or not elected or appointed
18 or holding office or employment in a casual, temporary, holdover, permanent or regular
19 capacity, found to be responsible to any of the foregoing acts, after due notice and
20 hearing by the appropriate body or agency, shall be punished with forfeiture of salaries
21 and allowances and suspension from:

22 (a) Six (6) to nine (9) months, in case of non-implementation of the CLUP; or

23 (b) Three (3) to six (6) months, in case of non-completion of the CLUP.

24 **SEC. 74. Premature or Illegal Conversion.** – Paragraph 2, Section 11 of R.A. No.
25 8435, is hereby amended and shall read as follows:

26 “Any person found guilty of premature or illegal conversion as
27 defined in this Act shall be penalized with imprisonment of seven (7) to

1 twelve (12) years, or a fine equivalent to fifty percent (50%) of the market
2 value of the subject land, or both, at the discretion of the court and
3 accessory penalty of forfeiture of the land and any improvement thereon:

4 *Provided*, That if the offender is a juridical person, the penalty shall be
5 imposed on the responsible officers thereof.”

6 In addition, the DAR may impose the following penalties, after determining, in an
7 administrative proceeding, that violation of this Act has been committed:

8 (a) Cancellation or withdrawal of the authorization for land use conversion; and,

9 (b) Blacklisting or automatic disapproval of pending or subsequent conversion
10 applications that they may file with the DAR.

11 **SEC. 75. *Person(s) Abetting Illegal Conversion.*** - Any person initiating, causing,
12 inducing, or abetting illegal conversion shall, upon conviction, be penalized with
13 imprisonment of seven (7) to twelve (12) years and a fine of not less than one hundred
14 thousand (100,000.00) pesos, or both, at the discretion of the court: *Provided*, That if
15 the offender is a public official or employee, the penalty shall, in addition thereto,
16 includes perpetual disqualification and forfeiture of all his/her benefits and entitlements
17 accruing to his/her public position.

18 **SEC. 76. *Imposition of Penalty for Reclassification of Protected Agricultural***
19 ***Lands.*** - Any person initiating, causing, inducing, or abetting the reclassification of
20 protected agricultural areas as defined in Section 33 hereof into non-agricultural uses
21 shall be penalized with imprisonment of seven (7) to twelve (12) years and a fine of not
22 less than one hundred thousand (100,000.00) pesos, or both, at the discretion of the
23 court: *Provided*, That if the offender is a public official or employee, the penalty shall, in
24 addition thereto, include perpetual disqualification and forfeiture of all his/her benefits
25 and entitlements accruing to his/her public position; *Provided, further*, That if the
26 offender is a juridical person, the penalty shall be imposed on the responsible officers
27 thereof.

1 - 45 -
2 CHAPTER VI

3 MISCELLANEOUS, TRANSITORY AND FINAL PROVISIONS

4 Article One

5 Mandatory Review

6 **SEC. 77. *Mandatory Review Every Seven Years.*** – Congress shall undertake a
7 mandatory review of this Act at least once every seven (7) years from the date of
8 effectivity, or as often as it may deem necessary to ensure that land use policies and
9 guidelines remain responsive to changing circumstances. For this purpose, Congress
10 may call on the LUPA to undertake the necessary researches, consultations and public
11 hearings.

12 Article Two

13 Transitory Provisions

14 **SEC. 78. *Convening of the LUPA.*** – Within thirty (30) days after the effectivity of
15 this Act, the Executive Secretary, as Chairman, shall convene the LUPA. The Deputy
16 Director General for Land Use of NEDA and the Chief Executive Officer of the HLURB
17 shall sit temporarily as *ex-officio* members of the LUPA Executive Board until such time
18 that a regular Administrator shall have been appointed by the President.

19 **SEC. 79. *Preparation of Implementing Rules and Regulations and Other***
20 ***Immediate Tasks.*** – Within one hundred twenty (120) days from the effectivity of this
21 Act, the LUPA, in coordination with the Senate and House Committees on Natural
22 Resources, Agriculture, Agrarian Reform, Housing and Urban Development, Rural
23 Development, National Cultural Communities, Appropriations and Ways and Means,
24 shall undertake the preparation of the implementing rules and regulations of this Act
25 with mandatory consultations with social development NGOs and POs and the private
26 sector.

27 Within the same period, the LUPA shall also review existing rules and regulations
28 on land use, and based therefrom, revise such rules and regulations, or cause
concerned agencies to revise them for the efficient and effective implementation of the

1 provisions of this Act. All concerned national government agencies and bodies shall
2 inform the LUPA of the status of the implementation of such rules and regulations.

3 The LUPA shall likewise undertake the organization of its units and create
4 special task forces and committees to assist it in its undertakings.

5 Within one (1) year from the effectivity of this Act, the LUPA shall review and
6 revise, if appropriate, all existing national planning guidelines and standards to facilitate
7 the exercise of land use planning and zoning functions of local government units.

8 All existing rules and regulations shall be in force and effect unless revoked by
9 the LUPA or other competent authorities.

10 **SEC. 80. Effectivity of the Creation of LUPA.** – Until such time that the LUPA
11 shall have been organized and fully operational, the NLUC, HLURB, and other agencies
12 performing functions related to land use shall continue exercising such powers and
13 functions and their personnel shall receive the same salary, emoluments and privileges.
14 Hiring, separation, replacement and appointment of personnel shall be in accordance
15 with existing Civil Service rules and regulations: *Provided, however,* That in filling up the
16 personnel requirements of the LUPA, preferential consideration shall be given to
17 existing officers and employees of the NLUC, HLURB and the other agencies referred
18 to above, who will be displaced: *Provided, further,* That they possess the appropriate
19 and necessary skills and eligibility and meet the qualification standards for the positions.

20 **SEC. 81. Appropriations.** – The amount necessary to carry out the provisions of
21 this Act shall be included in the General Appropriations Act of the year following its
22 enactment into law and thereafter.

23 In case such amount is insufficient, the LUPA may request for augmentation of
24 funds from the Department of Budget and Management (DBM). Thereafter, the LUPA
25 shall be included in the General Appropriations for the next year.

26 Congress shall appropriate an amount to the DENR necessary for it to conduct
27 the classification and demarcation activities needed in the final inventory of all lands as
28 provided herein.

