

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

'04 JUN 30 P2:50

SENATE

S. No. 217

RECEIVED BY: 

Introduced by Senator Osmeña III

EXPLANATORY NOTE


In the shifting economic horizons of the present era, the use of our land and natural resources is subject to various and competing applications. To achieve the most equitable, if not the most efficient application of our land resources, our country needs a unifying framework that will accommodate and give justice to all parties - to provide balancing mechanisms that will safeguard and protect the interest of future generations against the excesses of the present; maintain food security while pushing ahead for global competitiveness; champion the rights of the marginalized poor; and temper the aggressiveness of aspiring industrialists in order to ensure a sustainable ecological balance.

This bills address such a need through provisions which

- a) Define and uphold national values and priorities with regard to land use;
- b) Establish systems for land classification, allocation, conversion and use;
- c) Reconstitute the Housing and Land Regulatory Board (HLRB) into the National Land Use Commission with jurisdiction and powers over matters pertaining to land use;
- d) Define the respective roles of national government agencies and local government units vis-à-vis land use matters;
- e) Set up mechanisms to ensure the sustainability of water resources; and
- f) Mandate the development, management and dissemination of land information, including mapping.

Today, the multiplicity of agencies exercising jurisdiction over land use, and the fragmentation of policies and regulations often lead to conflicts disputes that burden policy implementation, and even excesses that endanger ecological balance. Clearly, a cohesive land use code and central regulatory body in implement the code will greatly reduce the waste of resources that is so rife at present.

In view of the foregoing, early passage of this bill is earnestly requested.


SERGIO OSMEÑA III
Senator

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S E N A T E

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AN ACT
PROVIDING FOR THE NATIONAL LAND USE POLICY AND
PLANNING FRAMEWORKS AND THE IMPLEMENTING MECHANISM
THEREFOR, OTHERWISE KNOWN AS THE NATIONAL LAND USE
ACT OF THE PHILIPPINES

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

1 SECTION 1. **Title.** - This Act shall be known as the "National Land
2 Use Code."

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

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

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

12 b) Food security in basic food commodities with emphasis on self-
13 sufficiency in rice and corn production through efficient and sustainable use of
14 land resources consistent with the principles of sound agricultural
15 development, natural resources development, and agrarian reform;

16 c) Sustainable development and management of water resources
17 towards water security;

- 1 d) Rational population distribution and settlements development;
- 2 e) Equitable and sustainable economic growth and balanced and
3 dispersed industrial and tourism development guided by the principles of
4 agrarian reform, urban land reform, and rural development;
- 5 f) Sustainable management of natural resources;
- 6 g) Maintenance and preservation of environmental integrity and
7 stability;
- 8 h) Harmony between the rights and the varied interests of every
9 Filipino within the framework of people empowerment, decentralization, social
10 justice, and equity;
- 11 i) Respect to and protection of the sustainable traditional resource
12 rights of the indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs)
13 to their ancestral domains to ensure their economic, social, and cultural well-
14 being as well as recognition of the applicability of customary laws and
15 sustainable traditional resource use and management, knowledge, and
16 practices in ancestral domains;
- 17 j) Protection of the rights of basic sectors to ensure equitable
18 access to the country's land and other resources through state regulation of
19 land valuation to prevent uncontrolled land speculation resulting in
20 tremendous increase in land pricing; and
- 21 k) An integrated approach to the utilization, allocation,
22 development and management of water as a limited resource that will
23 complement and support sustainable land utilization.

24 It is also the policy of the State to institutionalize land use and physical
25 planning as a mechanism for identifying, determining, and evaluating
26 alternative land use patterns. This shall be supported by a national land use
27 allocation system and a land resource information and management system.

28 Guided by the principle that the land bears a social function and that
29 all economic agents shall contribute to the common good, landowners shall

1 be held responsible for developing and conserving their lands thereby making
2 their lands productive and supportive of environmental stability.

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

8 SEC. 4. **Definitions.** – As used in and for purposes of this Act, the
9 following terms shall mean:

10 (a) “Agricultural lands” refer to lands devoted to or suitable for the
11 cultivation of the soil, planting of crops, growing of fruit trees, raising of
12 livestock, poultry, fish or aqua-culture production, including the harvesting of
13 such farm products, and other farm activities and practices performed in
14 conjunction with such farming operations done by persons whether natural or
15 juridical;

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

21 (c) “Alienable and disposable lands of the public domain” refer to
22 lands of the public domain which have been delineated, classified, and
23 certified as such and available for disposition under C.A. No. 141, as
24 amended, otherwise known as the “Public Land Act”;

25 (d) “Ancestral domains” refer to all areas generally belonging to
26 ICCs/IPs as defined in R.A. No. 8371, otherwise known as the “Indigenous
27 Peoples' Rights Act of 1998” or IPRA;

28 (e) “CLUP or Comprehensive land use plan”

1 (f) "Comprehensive land use planning" refer to the act of defining
2 the allocation, utilization, development and management of all lands within a
3 given territory or jurisdiction according to the inherent qualities of the land
4 itself and supportive of sustainable economic, demographic, socio-cultural
5 and environmental objectives as an aid to decision making and legislation;

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

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

19 (i) "Development plan" refer to a document, which defines the
20 activities or measures that the national government or local government units
21 (LGUs) intend to implement in order to achieve a defined set of development
22 goals. It integrates the socio-economic and sectoral plans of the national
23 government or its instrumentality or a particular LGU with spatial plans such
24 as land use or physical framework plans. It may include an analysis of
25 problems and resources, definition of goals and objectives, policy guidelines,
26 project and target achievements, and an implementation mechanism which
27 defines the roles and contributions expected from the government and the
28 private sector.

1 (j) "Ecological-fragile lands" refers to lands within the critical
2 watershed, brackish and freshwater wetlands, pasture lands and croplands
3 which require rehabilitation and whose continued unsustainable use would
4 adversely affect the productivity of lowland agricultural areas and the stability
5 of the upland system;

6 (k) "Environmentally Critical Areas" refers to areas declared by law
7 as: (a) areas for natural parks, watershed reserves, wildlife preserves and
8 sanctuaries; (b) areas set aside as aesthetic potential tourist spots; (c)
9 areas which constitute the habitat for any endangered or threatened
10 species of indigenous Philippine wildlife (flora and fauna); (d) areas of unique
11 historic, archeological or scientific interests; (e) areas which are traditionally
12 occupied by cultural communities and tribes; (f) areas with critical slopes;
13 areas frequently visited and/or hard hit by natural calamities (geologic
14 hazards, floods, typhoons and volcanic activities); (h) areas classified as
15 prime agricultural lands; (i) recharge areas of aquifers; (j) waterbodies; (k)
16 mangrove areas; (l) coral reefs; (m) mossy and virgin forests; (n) rivers and
17 river banks; and (o) swamp forest and marshlands; (p) foreshore lands. For
18 purposes of this Act, this term shall also refer to other terrestrial, aquatic and
19 marine areas that need special and conservation measures because they are
20 ecologically fragile or they are needed for food security and food self-
21 sufficiency as determined by concerned agencies and LGUs in consultation
22 with the concerned sectors;

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

26 (m) "Food self-sufficiency" refer to the policy objective of meeting
27 the food requirements through intensive local food production in a sustainable
28 manner based on the country's existing and potential resource endowments
29 and related production advantages;

1 (n) "Food security" refer to the policy objective of meeting the food
2 availability, accessibility, and affordability requirements of the present and
3 future generations of Filipinos in a sustainable manner, through local
4 production, or importation, only when there is shortage established based on
5 a micro level situation, or both, based on the country's existing and potential
6 resource endowments and related production advantages, and consistent
7 with the overall national development objectives and policies;

8 (o) "Forest lands" refer to those lands of the public domain which
9 have been subjected to land evaluation and classification and have been
10 legally designated as such for production forest and protection/amenity forest;

11 (p) "Foreshore Land" refer to a string of land margining a body of
12 water, the part of a seashore between the low-water line usually at the
13 seaward margin of a low tide terrace and the upper limit of wave wash at high
14 tide usually marked by a beach scarp or berm;

15 (q) "Geo-hazard or disaster-prone areas" refer to areas frequently
16 visited and/or prone to experience weather/climatic, hydrologic, geologic, and
17 other natural calamities;

18 (r) "Indigenous Cultural Communities/Indigenous Peoples
19 (ICCs/IPs)" refer to groups of people or homogenous societies identified
20 under the IPRA;

21 (s) "Inland waters" refer to waters, which are not coastal and
22 marine waters not subject to acquisitive prescription consistent with the
23 provisions of P.D. No. 1067, otherwise known as the "Water Code of the
24 Philippines";

25 (t) "Land" refer to resources, both man-made and natural, found on
26 the surface below, and above the ground including inland waters and the air
27 therein;

1 (u) "Land Sub-classification" refer to the act of determining and
2 assigning the uses of classified public lands such as forest or timber lands,
3 natural parks, and mineral lands in accordance with existing laws;

4 (v) "Land use" refer to the manner of utilization of land, including its
5 allocation, development, and management;

6 (w) "Land use classification" refer to the act of delineating or
7 allocating lands according to protection land use, production land use,
8 settlements development, and infrastructure development as defined and
9 provided for in this Act;

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

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

20 (z) "Mineral lands" refer to lands in which minerals exist in sufficient
21 quantity or quality to justify the investment necessary for their extraction
22 and/or developments;

23 (aa) "Non-agricultural land use conversion" refer to the act of
24 changing the current use of piece of non-agricultural land into some other
25 uses;

26 (bb) "Non-Government Organization (NGO)" refer to a private, non-
27 profit organization that is committed to the task of political, socio-economic,
28 physical, cultural, and environmental development and established primarily
29 to provide service to marginalized sectors in these areas;

1 (cc) "People's Organization (PO)" refer to a private, non-profit,
2 voluntary, and community-based organization established primarily to provide
3 service to its members and the community in general;

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

11 (ee) "Premature or illegal conversion" refer to the undertaking of any
12 activity which results will modify or alter the physical characteristics of
13 agricultural lands to render them suitable for non-agricultural purposes
14 without an approved order of conversion from the secretary of the Department
15 of Agrarian Reform (DAR);

16 (ff) "Prime agricultural lands" refer to lands that can be used for
17 various or specific agricultural activities and can provide optimum and
18 sustainable yield with a minimum of inputs and development costs;

19 (gg) "Production land use" refer to the direct and indirect utilization of
20 land to generate outputs resulting from the following activities; agricultural,
21 fishfarming or aquaculture, timber or agro-forestry, grazing and pasture,
22 mining, industrial, and tourism;

23 (hh) "Protected areas" refer to identified portions of land set aside by
24 reason of their unique physical and biological significance, managed to
25 enhanced biological diversity, and protected against human exploitation. For
26 purposes of this Act, it shall include agricultural lands identified and
27 delineated under Sec. 32 hereof;

1 (ii) "Protection land use" refer to the utilization of land primarily for
2 the rehabilitation, conservation, and protection purposes and the promotion of
3 the country's ecological and life-support systems;

4 (jj) "Public domain" refer to lands which belong to the State which
5 may either be agricultural, forest or timber, mineral or national park as
6 provided for in the Constitution:

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

10 (ll) "Resettlement sites" refer to areas identified by the appropriate
11 national agency or by the local government unit with respect to areas within
12 its jurisdiction, which shall be used for the relocation of the underprivileged
13 and homeless;

14 (mm) "Settlements" refer to communities or built-up environment
15 areas where people prefer to live in;

16 (nn) "Settlements development" refer to any improvement on existing
17 settlements of any proposed development of certain areas for settlement
18 purposes. It also involves the spatial distribution of population, identification of
19 the roles and functions of key urban centers, determination of relationships
20 among settlement areas, and the provision of basic services and facilities of
21 identified major settlement areas of growth centers;

22 (oo) "Shoreline" refer to a strip of land covering at least 1 kilometer
23 from the point where sea water reaches during the highest high tide;

24 (pp) "Socialized Housing" refer to housing programs and projects
25 undertaken by the Government or the private sector for the underprivileged
26 and homeless citizens which shall include sites and services development,
27 long-term financing, liberalized terms of interest payments, and such other
28 benefits in accordance with R.A. No. 7279, otherwise known as the "Urban
29 Development and Housing Act of 1992" or UDHA;

1 (qq) "Socialized Housing Zones" refer to land identified and
2 designated by LGUs as sites for socialized housing pursuant to Article IV of
3 UDHA and its implementing guidelines.

4 (rr) "Sub-classification or reclassification of agricultural lands" refer
5 to the process undertaken by the LGUs of allocating in their respective
6 territorial jurisdictions the declared agricultural lands to specific uses such as
7 residential, industrial or commercial purposes. It shall serve as only one of the
8 bases for application for land conversion by the owners thereof and shall
9 constitute the power of LGUs to reclassify lands under Sec. 20 of R.A. No.
10 7160 or the "Local Government Code of 1991" consistent with the provisions
11 of this Act;

12 (ss) "Sustainable development" refer to the development objective of
13 meeting the needs of the present without compromising the ability of future
14 generations to meet their own needs consistent with the principles of social
15 equity, efficiency and environmental integrity.

16 (tt) "Urban areas" refer to all cities regardless of their population
17 density and to municipalities with population density of at least five hundred
18 (500) persons per square kilometer;

19 (uu) "Urbanizable areas" refer to sites and lands which, considering
20 present characteristics and prevailing conditions, display marked and great
21 potential of becoming urban areas within the period of five (5) years;

22 (vv) "Water security" is defined as sufficient access throughout the
23 year to the minimum daily requirement of clean water to maintain a healthy
24 life;

25 (ww) "Water use" is defined as the appropriation of water for domestic
26 municipal, irrigation, power generation, inland fisheries, poultry and livestock,
27 industrial and commercial, environmental, and recreation use;

28 (xx) "Watershed" refer to a catchment area of drainage basin from
29 which the waters of a stream or stream system are drawn;

1 (yy) "Zoning" refer to the regulatory tool for delineating the specific
2 uses of lands in accordance with the approved CLUP within the territorial
3 jurisdiction of a city/municipality and specifying the conditions for their
4 regulation, subject to the limitations imposed by law and competent authority;
5 and

6 (zz) "ZO or Zoning ordinance" refers to a local legislation passed by
7 the sangguniang pambayan or panglungsod approving the development
8 control/zoning plan, in accordance with an approved or adopted CLUP for the
9 city/municipality and providing for the regulations and other conditions on the
10 uses of land including the limitation on the infrastructures that may be placed
11 thereon within the territorial jurisdiction of a city or municipality. It incorporates
12 the protected areas under Sec. 14 (a) and the protected agricultural lands
13 under Sec. 32 hereof.

14 CHAPTER II

15 NATIONAL FRAMEWORK FOR LAND USE PLANNING

16 Article One

17 Physical Framework and Land Use Plans

18 SEC. 5 . *National Land Use Planning and Zoning Guidelines and*
19 *Standards.* – Within six months from the effectivity of this Act, the LUPA shall,
20 in consultation with the concerned sectors through mandatory conduct of
21 public hearings, formulate national land use planning and zoning guidelines
22 and standards which shall guide the LGUs in formulating their CLUPs and
23 enacting their Zoning standards and guidelines on land use shall be set at the
24 national level for major island grouping based on available data provided by
25 the existing mapping program. The guidelines and standards shall, among
26 others, include: (a) the implementing rules and regulations of this Act; (b) the
27 delineated protected areas including the agricultural lands that are given
28 protection under Section 32 of this Act which areas shall be incorporated in
29 the following plans and shall not be subject to reduction except by laws or

1 issuances from the concerned national agencies; and, (c) the spatial
2 implications of relevant national policies, national development plan, and
3 existing sectoral plans which are consistent with the provisions of this Act.

4 SEC. 6. City and Municipal Land Use Plans. – Consistent with the
5 preceding section and in consultation with the concerned sectors through the
6 mandatory conduct of public hearings. The cities and the municipalities
7 through their local development councils shall prepare their respective CLUPs
8 to determine the specific uses of their land and other physical resources,
9 including the delineation of actual boundaries on the ground on the territorial
10 jurisdiction of the city or municipality and the translation and integration of
11 sectoral plans in their respective plans. Protected areas pursuant to Section
12 14 and other existing laws and issuances as well as the agricultural lands
13 identified and delineated under Section 32 hereof shall be incorporated in the
14 CLUPs but the respective LGUS shall not diminish the areas included therein.

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

25 SEC. 8. *Land Use Plans for Ancestral Domains*. – Land use plans for
26 the delineated and recognized ancestral domains shall be formulated by the
27 ICCs/IPs themselves in accordance with their particular needs and traditional
28 resource and management systems with the assistance of the National
29 Commission on Indigenous Peoples (NCIP) and the LGUs concerned. Such

1 plans shall be recognized and integrated in the CLUPs as well as in the
2 provincial, regional and national physical framework plans. CLUPs or physical
3 framework plans made prior to delineation of ancestral domains included in
4 such plans or ordinances shall be without prejudice to the right of the
5 ICCs/IPs concerned to adopt different land use categories in accordance with
6 their particular needs and traditional resource and management systems.

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

18 **Article Two**

19 **Local Land Use Planning and Zoning**

20 SEC. 10. *Basis of City/Municipality Land Use Plans.* – the CLUPs of
21 cities and municipalities shall be formulated in consonance with the results of
22 mandatory consultations of the various sectors in the community and subject
23 to the nationally prescribed standards and guidelines pursuant to Secs. 5 & 9
24 hereof;

25 SEC. 11. *Coverage and Basis of Zoning.* – Zoning shall cover all
26 alienable and disposable lands, government-owned lands, and private lands
27 in the territorial jurisdiction of the city or municipality incorporating those
28 declared protected areas including those areas given protection under

1 Section 32 hereof. The zoning plan and ordinance of LGUs shall be based on
2 their respective approved CLUPs.

3 SEC. 12. *Period to Conduct Land Use Planning and Zoning.* – Within
4 one (1) year from the effectivity of this Act, all cities and municipalities shall
5 prepare and enact their respective CLUPs and ZOs. The actual zoning of
6 communities based on the standards and guidelines set forth pursuant to
7 Section 5 of this Act shall be conducted before the approval of the NPPF.
8 Thereafter, CLUPs and ZOs based on NPPF as provided in Section 9 hereof
9 may be subject to review or revision every seven (7) years or as mandated by
10 the LUPA.

11 Article Three

12 Framework for Land Use Planning

13 SEC. 13. *Basic Land Use Planning Considerations.* – In determining
14 the various land uses as provided in Sec. 14, the physical characteristics of
15 the land including the following, shall be considered:

16 (a) Geology, geomorphology, geologic hazards (seismic, landslide,
17 etc.) , soil and slope;

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

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

21 (d) Existing and potential use;

22 (e) Environmental and other natural resource constraints;

23 (f) Existing government policies on land allocation, utilization,
24 management and disposition.

25 SEC. 14. *Categories of Land Uses for Planning Purposes.* – In
26 determining and defining the NPPF, RPPFs/PPFPs, and the CLUPs, land
27 uses shall be grouped into four major functional uses as follows;

28 (a) *Protection land use.* – the adoption of which intends to protect,
29 preserve and enhance critical ecosystems from any human encroachment,

1 regenerate and rehabilitate degraded land and other physical resources,
2 ensure safeguard against environmental hazards including those resulting
3 from unregulated activities and enhance and sustain the benefits derived from
4 maintaining the integrity of the nation's land resources. Areas to be covered
5 under this category are those under the NIPAS as provided by R.A. No. 7586
6 and those outside the NIPAS which require rehabilitation and protection as
7 identified by the DENR, in coordination with concerned LGUs and national
8 government agencies, and in consultation with concerned sectors;

9 (b) *Production land use* – the adoption of which aims to determine
10 the most efficient, sustainable, and equitable manner of utilizing, developing
11 and managing land for productive purposes. Areas included under this
12 category are agricultural lands even though identified and delineated as
13 protected under Section 32 hereof, coastal zones excluding those declared by
14 DENR and other similar government agencies that are in environmentally
15 critical conditions, production forest, mineral lands, industrial development
16 areas, and tourism development areas;

17 (c) *Settlements development* – the adoption of which seeks to
18 promote an orderly, equitable, and sustainable development of human
19 settlements responsive to the needs of its inhabitants and the environment.
20 Classification shall be made based on the predominant economic and socio-
21 cultural activities, as urban or rural, and based on the topography and slope of
22 land as upland, hillside, lowland, or coastal. Major uses under this category
23 shall include: residential, including relocation and resettlement sites for
24 socialized housing as provided in UDHA and socialized housing zones;
25 commercial, industrial, institutional, (e.g. , sites of government offices, health
26 and education), utilities, tourism, recreational, including parks, urban forests,
27 open or green space; waste disposal; and roads, rail transportation networks,
28 and facilities;

1 (d) *Infrastructure development* – which shall cover areas identified
2 by LGUs, NEDA, and other concerned agencies as sites for priority
3 infrastructure projects which shall include, among others; power plants/
4 stations and major substations; irrigation and flood control sewerage and
5 drainage facilities; water supply system and treatment plants; airports/
6 seaports/ fishports; major road, bridge, and railway trunklines; farm-to-market
7 roads; agricultural research and development farms and/or stations; waste
8 disposal facilities; educational facilities; health facilities; telecommunications
9 stations/ other facilities; disaster mitigation facilities; and market sites;

10 *Provided, That the determination of functional uses of lands within*
11 *ancestral domains need not necessarily follow the land use categories*
12 *provided in this Act and separate land use categories for delineated ancestral*
13 *domains may be formulated by the concerned ICCs/IPs themselves in*
14 *accordance with their particular needs and traditional resource and*
15 *management systems.*

16 SEC. 15. *Categories of Water Uses for Planning Purposes.* – For
17 purposes of this Act, the categories of water uses for planning purposes shall
18 be in accordance with existing laws. Notwithstanding such laws, the
19 categories to be adopted must complement and support the foregoing
20 categories for land use planning. Within six (6) months from the effectivity of
21 this Act, after the conduct of public consultations, the National Water
22 Resources Board (NWRB) and the LUPA shall jointly adopt and issue
23 implementing guidelines, rules, and regulations that will promote the
24 integration of sound water resource utilization, allocation, management, and
25 development with the requirements of sustainable land use planning.

26 **CHAPTER III**

27 **IMPLEMENTING STRUCTURE AND MECHANISM**

28 **Article One**

29 **Land Use Policy Administration**

1 **SEC. 16.** *Reconstitution of the National Land Use Committee into Land*
2 *Use Policy Administration (LUPA).* – The National Land Use Committee under
3 the National Economic Development Authority (NEDA) is hereby reconstituted
4 into Land Use Policy Administration (LUPA). The powers and functions
5 vested by law to the Housing and Land Use Regulatory Board (HLURB)
6 pertaining to land use are hereby transferred to the LUPA. The LUPA shall be
7 the highest policy making body on land use and shall perform the task of
8 integration of efforts, monitoring of developments relating to land use,
9 evolution of policies, and regulation and direction of land use planning
10 processes.

11 **SEC. 17.** *Executive Board.* – The LUPA shall have an Executive Board
12 which shall be composed of nineteen (19) members, hereinafter referred to as
13 the Board, whose main function is to direct the implementation of the
14 provisions of this Act, and shall be composed of 19 members.

15 (a) The Executive Secretary as Chairperson;

16 (b) The Director-General of the National Economic and
17 Development Authority (NEDA) as Vice-Chairperson;

18 (c) The Secretaries of Environment and Natural Resources;
19 Agriculture; Agrarian Reform; Trade and Industry; Public Works and
20 Highways; Transportation and Communications; Energy; Science and
21 Technology; Tourism; Interior and Local Government; and Justice;

22 (d) The Chairperson of the Housing and Urban Development
23 Coordinating Council;

24 (e) Four representatives from different basic sectors with direct
25 involvement in sustainable land use programs, e.g., urban poor, peasants,
26 fisherfolk, and indigenous peoples – who shall be appointed by the President
27 based on the nomination and recommendation of the sectors that they
28 respective represent;

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

3 A consultative body composed of representatives from the Leagues of
4 Municipalities, Cities, and Provinces and from non-government sector such as
5 the private sector, NGOs and POs, and the academic community shall
6 likewise be convened every two months.

7 **SEC. 18. Powers and Functions.** – The LUPA shall have the following
8 powers and functions:

9 (a) Formulate policies on, and promulgate, in consultation with all
10 concerned sectors, national standards and guidelines on land use and zoning
11 under Secs. 6 and 9 hereof, and issue corresponding rules and regulations to
12 enforce compliance thereof;

13 (b) Formulate NFPF and RFPFs based on land use plans at the
14 local levels that shall serve as guide in translating the national development
15 plan and pertinent sectoral plans consistent with the provisions of this Act into
16 physical and spatial terms;

17 (c) Establish a National Land Use Allocation System which shall
18 provide detailed guidelines on land use policy areas or categories for land use
19 planning under Sec. 14 hereof;

20 (d) Establish a National Land Resource Information and
21 Management System, which shall integrate and process information on land
22 use and allocation generated by the various national government agencies,
23 define information requirements at various levels, and standardize information
24 inputs/outputs including scales and symbols in the case of territorial and
25 sectoral maps;

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

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

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

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

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

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

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

27 **SEC. 19. *Offices, Units and Staff Support.*** – The LUPA shall be
28 assisted by a secretariat under the general supervision of the Administrator.

1 **SEC. 20. Powers and Functions of the Administrator.** – The
2 Administrator shall have the following powers and functions:

3 (a) Act as the Executive Head of the LUPA and perform the powers
4 and function incident to said position;

5 (b) Be responsible for the implementation and overall execution of
6 the policies, rules and regulations, and decisions adopted by the Board; and
7 as such, s/he shall issue the corresponding implementing administrative
8 issuances, and promulgate opinions and interpretative circulars and rulings to
9 ensure expeditious and effective implementation thereof; and,

10 (c) Perform such other powers and functions as may be inherent,
11 incident, or related to the foregoing.

12 Decisions of the Administrator may be appealed to the LUPA Board.

13 **SEC. 21. Qualifications of the Administrator.** – The Administrator must
14 have a background or significant training preferably in the field of
15 environmental and/or physical planning, land resources management, or
16 development planning and management for a period of at least five (5) years.
17 S/he shall be appointed by the President and shall have the rank of a Cabinet
18 Secretary.

19 **SEC. 22. Qualification, Rank and Duties of the Deputy Administrator.** –
20 The Administrator shall be assisted by a Deputy Administrator who shall be
21 appointed by the President upon the Board's recommendation. The Deputy
22 Administration shall have the same qualifications as the Administrator and
23 shall have the rank of an Undersecretary.

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

27 **SEC. 23. Central and Regional Offices.** – The Administrator may
28 organize at the central and regional levels such offices as may be necessary
29 to the subject to civil service rules and regulations.

1 **Article Two**

2 **Land Development Councils and Land Use Committees**

3 **SEC. 24. Local Development Councils and Land Use Committees. –**

4 The formation of the CLUPs and PFPs shall be the primary responsibility of
5 the Local Development Councils (LDCs). The LGUs without existing LDCs as
6 mandated by R.A. No. 7160 shall create their respective LDCs within one
7 year from the effectivity of this Act.

8 Local land use Committees pertain to the provincial, city, or municipal
9 land use committees (PLUCs, C/MLUCs) formed by the LDCs. Existing and
10 newly formed LDCs shall create within one (1) year from effectivity of this Act
11 or from their creation as the case may be, a Local Land Use Committee to
12 assist them in performing such functions as defined in this Act; *Provided*, That
13 membership therein must, among others, include representatives from
14 concerned NGOs and Pos such as but not limited to peasants, fisherfolk,
15 urban poor, and indigenous cultural communities. Other concerned sectors
16 shall also be invited during committee deliberations and public hearings. The
17 C/MLUCs shall likewise solicit the land use
18 positions/views/perspectives/issues raised and articulated by the concerned
19 communities through their respective barangay representatives which shall
20 also be invited during committee deliberations and public hearings. The
21 C/MLUCs shall likewise solicit the land use positions/view/perspective/issues
22 raised and articulated by the concerned communities through their respective
23 barangay representatives which shall also participated during the public
24 hearings.

25 Until such time that the LUPA shall have created its counterpart
26 committees at the regional level, the Regional Land Use Committees under
27 the Regional Development Councils shall act as the counterpart of the LUPA
28 and shall perform such functions as defined under this Act.

29 **Article Three**

1 **Adoption, Approval and Review of Land Use Plans**

2 **SEC 25.** *Component Cities and Municipalities.* – Component cities and
3 municipalities shall have the power and authority to adopt and approve their
4 respective CLUPs and Zos through their respective sanggunians but subject
5 to the power of review of their respective provinces only with respect to the
6 consistency of the CLUPs and Zos with Sections 5 and 9 hereof.

7 **SEC. 26.** *Provinces and Independent and Highly Urbanized Cities.* –
8 Provinces and independent and highly urbanized cities shall have the power
9 and authority to adopt and approve their respective CLUPs and ZOs through
10 their respective, but subject to the power of review of the LUPA through its
11 Regional Land Use Committees or as provided in Section 24 hereof and only
12 with respect to the consistency of the CLUPs and ZOs with Sections 5 and 9
13 hereof.

14 **Article Four**

15 **Responsibilities of the National Government Agencies and LGUs**

16 **SEC. 27.** *National Base Mapping Program.* – A National Mapping
17 Program shall be implemented, coordinated, and monitored through the
18 creation of an inter-agency technical committee composed of the LUPA, as
19 the lead agency, the National Mapping and Resource Information Authority
20 (NAMRIA), the Bureau of Soils and Water Management (BSWM), the Forest
21 Management Bureau (FMB), the Land Management Bureau (LMB), the
22 Protected Areas and Wildlife Bureau (PAWB), the Philippines Institute of
23 Volcanology And Seismology (PHILVOCS), the Department of Agrarian
24 Reform (DAR), the National Water Resources Board (NSWRB), and other
25 concerned government agencies/bureaus.

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

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

12 For purposes of uniformity and standardization and in order to develop
13 a safe-built environment, the LGUs shall incorporate and integrate the
14 generated geo-hazard zoning maps in the preparation of their respective
15 CLUPs and ZOs. Said geo-hazard maps shall serve as guide for all the LGUs
16 in the preparation of their own hazards-constrained development plans.

17 **SEC. 29.** *Scope and Nature of Responsibilities of Other National*
18 *Government Agencies.* – All concerned national government agencies/ bodies
19 shall periodically report to the LUPA on the various activities and
20 accomplishments relative to land use. Likewise, they shall provide their
21 respective sectoral/development plans and render technical and
22 administrative support if called upon by the LUPA relative to the
23 implementation of the provisions of this Act.

24 **SEC. 30.** *Submission of Annual Report on the Implementation of*
25 *CLUPs and ZOs.* – The LDCs shall submit an annual report on the
26 implementation of their land use plans and zoning ordinances to the LUPA
27 through the Sangguniang Panlalawigan or in the case of highly urbanized and
28 independent cities through their respective Sanggunians.

29 **CHAPTER IV**

1 **SPECIAL AREAS OF CONCERN**

2 **Article One**

3 **Agricultural Lands**

4 **SEC. 31. Priority Areas for Agricultural Development.** – Priority areas
5 for agricultural development must be based on the Strategic Agricultural and
6 Fisheries Development Zones (SAFDZs) as defined by R.A. No. 8435 or the
7 Agricultural and Fisheries Modernization Act of 1997 (AFMA).

8 **SEC. 32. Conversion of Agricultural Lands.** – Agricultural Lands are
9 deemed converted to non-agricultural uses upon approval of the application
10 for conversion by the DAR. Prime agricultural lands and specific types of
11 lands to the extent necessary for attaining food self-sufficiency in rice and
12 corn and food security in other basic commodities, as determined by the DA,
13 subject to mandatory consultation with the LGUs, the private sector, the
14 NGOs, and POs, shall be protected from conversion, which shall include but
15 not limited to areas under the Network of Protected Areas for Agro-Industrial
16 Development (NPAAD): *Provided,* That all irrigated and irrigable lands, all
17 lands with existing or potential for high value crops, all agricultural lands that
18 are ecologically fragile and whose conversion will result into serious
19 environmental problems shall be given full protection from conversion, the
20 areas under which are subject to review every five years by the DA, again
21 with the mandatory public consultations: *Provided, further,* That consistent
22 with the State policy on giving priority to the completion of CARP, all the
23 remaining land subject to CARP including those lands covered under the
24 notice of compulsory acquisition/voluntary offer to sell, production or profit-
25 sharing, or commercial farm deferment of the CARP shall also be fully
26 protected from conversion pending the distribution and installation of the
27 farmer beneficiaries; but thereafter, Section 65 of R.A. No. 6657 shall apply:
28 *Provided, finally,* That pending the completion of the mapping, the
29 identification of specific areas under the NPAAD and the Strategic Agricultural

1 and Fisheries Development Zones (SAFDZs) under R.A. No. 8435 or
2 Agricultural and Fisheries Modernization Act of 1997 (AFMA), the revision
3 thereof pursuant to the foregoing, and the incorporation thereof in the NPPF,
4 there shall be a moratorium in all applications for conversion of agricultural
5 lands into non-agricultural uses commencing from the effectivity of this Act.
6 The application for conversion of these areas shall not be given due course
7 by the DAR.

8 **SEC. 33. Sub-classification or Reclassification of Agricultural Lands by**
9 *LGUs.* – Sub-classification or reclassification of agricultural lands to other
10 uses under Section 20 of R.A. No. 7160 or the Local Government Code of
11 1991 shall exclude the protected agricultural lands as stated in the preceding
12 section. The result of such sub-classification/reclassification shall constitute
13 the actual plan for allocating the future uses of lands within the territorial
14 jurisdictions of LGUs and is not synonymous to conversion. After the
15 completion of the mapping of protected agricultural lands, the DA and DAR
16 shall provide the LGUs with a complete list and maps thereof.

17 **Article Two**

18 **Other Land Use Conversion**

19 **SEC. 34. Conversion of Non-Agricultural Lands.** – The approved
20 CLUPs and ZOs of cities or municipalities shall be the basis for authorizing
21 the change of non-agricultural lands to other uses, such as from residential to
22 commercial and/or industrial subject, however, to national guidelines and
23 standards, and subsequently, the NPPF. A public hearing is required before
24 any CLUP/ZO is passed. The Sangguniang Panglungsod or Pambayan shall
25 approve any application for change of land use of non-agricultural lands
26 based on the recommendation of C/MLUCs.

27 **Article Three**

28 **Forest Lands and Preservation of Watersheds**

1 **SEC. 35. *Reversion of Alienable and Disposable Lands to Forestlands.***

2 – Upon the recommendation of the Secretary of the DENR, duly reviewed and
3 endorsed by the LUPA, and after due consultations with the concerned LGUs
4 and affected parties, Congress may authorize the reversion of alienable and
5 disposable lands of the public domain or portion thereof to forest lands.

6 **SEC. 36. *Determination of Forest Limit.*** – Within a year after the

7 release of the budget appropriated for the purpose of classifying,
8 reclassifying, and delineating all lands of the public domain, the DENR shall
9 submit the final inventory of lands after which, Congress shall within a period
10 of one hundred twenty (120) working days, determine by law the specific limit
11 of forest lands and national parks. Thereafter, such forest lands and national
12 parks shall be conserved and may not be diminished, except by law.

13 **SEC. 37. *Coverage of Production Forest.*** – Production forests include:

14 the residual dipterocarp forests; pine forest available for logging; rangelands
15 for grazing; areas under industrial forest plantation management; areas for
16 community forest program; integrated social forestry; and other forestlands for
17 special uses, excluding the critical watershed as identified by the DENR, in
18 coordination with concerned LGUs and national government agencies, and
19 subject to mandatory public consultations with concerned sectors.

20 **SEC. 38. *Criteria for the Sub-classification of Public Lands for Timber***

21 *Production, Agroforestry, Grazing and Pasture and Other Purposes.* – The
22 sub-classification of public lands shall be guided by the following:

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

24 (b) Classified public lands below fifty (50) percent slope may be
25 sub-classified for timber production, agroforestry, grazing or pasture land
26 activities provided that the use of such areas shall not result in soil
27 degradation or any adverse ecological condition;

28 (c) Watershed may be subject to multiple uses provided that the
29 area is utilized, managed and developed for the primary purpose by which it

1 has been established excluding critical watersheds as identified by the DENR,
2 in coordination with concerned LGUs and national government agencies, and
3 subject to mandatory public consultations with concerned sectors;

4 (d) All public lands above fifty (50) percent slope shall be
5 subclassified into appropriate protection or production land uses provided that
6 such land use shall not engender significant adverse environmental effects;
7 and,

8 (e) The overall carrying capacity of classified public land, including
9 their existing and potential land uses shall serve as the basis for determining
10 their subclassification.

11 **SEC. 39. Critical Watershed Areas.** – The DENR, in coordination with
12 the DA, the LGUs, and other government agencies, including government-
13 owned-and-controlled corporations, and with mandatory public consultations,
14 shall identify and delineate critical watershed areas that need to be protected,
15 rehabilitated, enhanced, and/or withdrawn from uses that contribute to its
16 further degradation.

17 **SEC. 40. Formulation and Implementation of Integrated Watershed**
18 **Management Plans.** – With the assistance of the DENR and upon mandatory
19 consultations with the concerned sectors, the LGUs through their Local Land
20 Use Committees shall prepare their watershed management plans which
21 shall be integrated with their respective CLUPS. The formulation and
22 integration of the plan shall be guided, among others, by the principle that the
23 management and development of inland water resources shall be at the water
24 resources shall be at the watershed level.

25 In cases where the watershed areas transcend the boundaries of a
26 particular municipality, an inter-LGU committee composed of representatives
27 from Local Land Use Committees of the LGUs where the watershed area is
28 located shall be formed. With the assistance of the DENR and upon
29 mandatory consultations with the concerned sectors, the inter-LGU committee

1 shall be tasked to formulate the watershed management plan for the said
2 watershed area.

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

6 **Article Four**

7 **Coastal Zones**

8 **SEC. 41. Classification of Coastal Zones.** – All public lands in the
9 coastal zones shall be sub-classified as fishponds, mangrove, fisherfolk
10 settlement and recreational/tourism areas.

11 **SEC. 42. Guidelines for the Allocation and Utilization of Lands Within**
12 *the Coastal Zones.* – The allocation and utilization of lands within the coastal
13 zones shall be guided by the following:

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

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

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

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

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

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

3 (g) Areas which form part of foreshore lands as defined in this Act
4 including those that are under lease agreements/arrangements should
5 undergo zonation and evaluation to determined their boundaries and actual
6 size and corresponding uses; and,

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

9 (1) Traditional fishers or fisherfolk who are inhabitants of the
10 coastal communities; and

11 (2) Members of legitimate fisherfolk organization and/or holders of
12 stewardship, lease contracts, or titles to ancestral domains or any form of
13 property rights arrangements, who participate in coastal resource
14 management initiatives.

15 **SEC. 43. *Disposition of Public Lands for Fishpond.*** – Upon the
16 effectivity of this Act but subject to existing rights and the preceding section,
17 no fishpond lease agreement (FLA) shall be issued for tidal swamps,
18 mangroves and other swamps, marshes, ponds, foreshore lands, and coastal
19 areas within public lands, including those presently declared available for
20 fishpond developent.

21 The LUPA, in coordination withDENR, DA, FARMCs and LGUs shall
22 set aside a portion of available public lands for fish propagation, fish
23 sanctuary, conservation, ecological purposes and fisherfolk settlement areas.

24 **SEC. 45. *Tourism and Recreation Zone.*** – The designation of areas for
25 tourism and resorts near to, or over fishery areas or ports thereof, shall be
26 with the consent of the concerned LGUs and FARMCs, and subject to the
27 policies and guidelines of this Act.

28 **Article Five**

29 **Mineral Lands**

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

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

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

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

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

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

22 (a) The slope of the exhausted mineral lands shall not be above
23 eighteen (18) percent;

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

26 (c) The area can promote and sustain economic activities that
27 would support development of settlements, without incurring significant
28 environmental problems. The area shall then be subject to an environmental

1 impact assessment, the findings of which shall serve as basis for making any
2 recommendation on its classification; and,

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

5 Article Six

6 Settlements Development

7 **SEC. 49. *Town, City, and Settlements Development.*** - The
8 development of town, city and settlements through the zoning ordinances or
9 cities and municipalities shall be guided by urban zoning standards designed
10 to maximize existing urban spaces and reasonably restrain urban expansion
11 to be formulated by the LUPA and included in *guidelines and standards* to be
12 issued under Sections 5 and 9 hereof.

13 **SEC. 50. *Settlements within Geohazards Areas.*** - Settlements within
14 geohazard areas may be allowed provided that mitigating and/or protective
15 measures are adopted to address the potential danger or risk to lives and
16 property within such settlements. In coordination with the concerned agencies
17 of the government, the LUPA shall provide assistance to concerned LGUs
18 and settlers in instituting safety and corrective measures to address the
19 potential danger or risk.

20 **SEC. 51. *Protection of Ecological Harmony.*** - To ensure the ecological
21 harmony of towns, cities, and settlements, certain projects which will alter the
22 present use of a zoned area shall be issued a building permit, business
23 permit, and or development permit. The identification of these projects shall
24 be done in coordination with the LGUs.

25 **SEC. 52. *Designation of Waste Disposal Site.*** - Each city or
26 municipality shall identify, designate and allocate land within their territorial
27 jurisdiction to serve as waste disposal site within one (1) year from the
28 effectivity of this Act. The LGUs, in coordination with the DENR and/or
29 competent authority, shall identify solid waste disposal sites in order to

1 fasttrack the conduct of environmental impact assessment study and to
2 facilitate processing of the environmental compliance certificate. This site or
3 area shall be identified in the city or municipality's CLUP and ZO. For this
4 purpose, cities and municipalities shall establish their solid waste
5 management program. Likewise, as provided under Section 33 or R.A. NO.
6 7160, cities and municipalities may through appropriate ordinances, bind
7 themselves towards the establishment of a common solid waste management
8 program.

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

14 **SEC. 53. *Designation of Socialized Housing Sites in Urban and***
15 *Urbanizing Areas.* – Each city or municipality in urban and urbanizing areas
16 shall identify, designate and allocate land within their territorial jurisdiction to
17 ensure the availability of adequate lands to meet the shelter needs of poor
18 residents in their respective city or municipality or to be used as sites for
19 socialized housing pursuant to Article IV of UDH and Sections 5 and 32 of this
20 Act.

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

28 **SEC. 54. *Zonification of Identified Sites for Socialized Housing.*** –
29 These socialized housing sites shall be identified and designated as

1 socialized housing zones in the city's or municipality's CLUP and shall be
2 established through appropriate and approved zoning ordinances. The
3 current zoning ordinances of the LGUs shall be reviewed and revised to
4 include these socialized housing zones. These sites shall be used exclusively
5 for housing that qualifies as socialized housing under the UDHA.

6 **SEC. 55. Valuation of lands for Socialized Housing.** – Equitable land
7 valuation guidelines for socialized housing shall be set by the Department of
8 Finance on the basis of the market value reflected in the zonal valuation, or in
9 its absence, on the latest real property tax declaration. For sites already
10 occupied by qualified beneficiaries under the UDHA and sites identified as
11 Socialized Housing Zones as defined in this Act, the Department of Finance
12 shall factor into the valuation, the blighted status of the land as certified by the
13 LGUs or the National Housing Authority.

14 **SEC. 56. Urban Forest or Green Space.** – Each city or highly
15 urbanized municipality shall identify, designate, and allocate lands owned by
16 the city or municipality as urban forest or green space, based on the
17 guidelines and standards to be issued by the DENR and approved by the
18 LUPA.

19 **Article Seven**

20 **Industrial Development Areas**

21 **SEC. 57. Designation of Industrial Areas.** – The identification and
22 establishment of industrial development areas shall conform with the
23 provisions of R.A. No. 7916, otherwise known as the Philippine Economic
24 Zone Authority (PEZA) Law, the UDHA, R.A. Act. No. 6657, otherwise known
25 as Comprehensive Agrarian Reform Law, and Section 32 hereof, taking into
26 consideration the following:

27 (a) Identified network of areas for agricultural development and
28 protected agricultural areas pursuant to Section 32 hereof;

1 (b) National policies on the regional dispersal of industries and agri-
2 based industrial development;

3 (c) Identified growth areas and corridors in the National
4 Development Plan;

5 (d) National Integrated Protection Area System and other protected
6 areas;

7 (e) National Urban Development Framework;

8 (f) Identified Socialized Housing Zones;

9 (g) National settlements development plan; and

10 (h) National infrastructure development plan.

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

14 **Article Eight**

15 **Tourism Development Areas**

16 **SEC. 58.** *Designation of Tourism Development Areas.* - The
17 identification, selection and development of tourism development areas shall
18 be done in consultation and coordination with the concerned LGUs, national
19 government agencies, the private sector, and the affected communities.
20 Consistent with Section 32 and 45 hereof, these areas shall likewise include
21 those covered by legislation and executive issuances which designate
22 specific sites as tourist spots and tourist zones as well as those identified in
23 the national and regional tourism master plans.

24 Designated areas for tourism development shall become part of the
25 CLUPs and ZOs of the cities or municipalities where those areas are located.

26 **Article Nine**

27 **Infrastructure Development**

28 **SEC. 59.** *Allocation and Use of Land for Infrastructure Development.* -
29 Land, whether public or private, shall be allocated and utilized for priority

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

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

9 (b) Upgrade existing facilities to international standards;

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

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

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

27 **SEC. 60. Infrastructure Projects Within Environmentally-Critical Areas.**

28 – Construction of priority infrastructure projects within protected, hazard-
29 prone, or environmentally critical areas shall be allowed provided that

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

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

18 The DPWH, DOE, DOTC, in coordination with the concerned national
19 government agencies, the LGUs and the private sector shall identify and
20 assess all major infrastructure projects in environmentally-critical areas and
21 submit their recommendations to the LUPA within six (6) months from the
22 effectivity of this Act.

23 **Article Ten**

24 **Training, Education, and Value Formation**

25 **SEC. 61. Mandatory Curriculum.** – In order to create a well informed,
26 responsive and committed citizenry who value the protection, conservation
27 and development of the country's limited land and other physical resources,
28 the State shall mandate the inclusion of sustainable land use education, or

1 any subject related thereto in the curricula of primary, secondary and tertiary
2 education.

3 **SEC. 62. *Information and Education Campaign.*** – The LUPA shall
4 coordinate a nationwide education information campaign in land use and
5 physical planning to be implemented by local and national government
6 agencies. The DILG and concerned agencies shall formulate and implement
7 a land use management capability building program for national and local
8 government officials, community leaders, NGOs, POs, religious sector, and
9 the general public.

10 **CHAPTER V**

11 **INCENTIVES, SANCTIONS, AND PENALTIES**

12 **Article One**

13 **Incentives and Awards**

14 **SEC. 63. *Formulation of a System of Incentives and Awards.*** – The
15 LUPA shall come out with a system of incentives and awards to LGUs that
16 regularly update their CLUPs/ZOs within the prescribed period as follows:

17 (a) Provinces, Highly Urbanized Cities, and Independent
18 Component Cities – once every ten years or less; and

19 (b) Component cities and municipalities – once every five years or
20 less.

21 **SEC. 64. *Priority in Giving Technical Assistance to LGUs.*** – In
22 providing technical assistance and other forms of support related to land use
23 management and implementation of development plans, national government
24 agencies shall give priority to cities and municipalities with approved CLUPs
25 and ZOs.

26 **Article Two**

27 **Sanctions and Penalties**

28 **SEC. 65. *Fine on Non-Completion and Non-Commencement of***
29 ***Development of Agricultural Lands with Approved Order of Conversion.*** - Any

1 landowner and/or his designated developer or duly authorized representative
2 who fails to commence and/or complete the development of agricultural lands
3 with approved order of conversion shall be penalized, jointly or severally, with
4 any of the following fines based on the zonal value of the land at the time the
5 fine is imposed:

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

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

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

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

14 *Provided, further,* That in such case, the order of conversion shall be deemed
15 revoked automatically and the land shall revert back to its original agricultural
16 use and shall be covered by the Department of Agrarian Reform through
17 compulsory acquisition for distribution to qualified beneficiaries.

18 (b) On failure to complete 50% of the approved conversion plan
19 within a specified time frame, the Department of Agrarian Reform shall
20 imposed a fine equivalent to fifty percent (50%) of the zonal value of the
21 subject land and shall automatically issue an order revoking the conversion
22 plan on the undeveloped portion which shall automatically revert to its original
23 use as agricultural land. The same shall be covered under the CARP and
24 processed for land distribution as soon as possible.

25 **SEC. 66. Authority to Impose Fine.** – The DAR shall impose the
26 penalty provided under the preceding section.

27 **SEC. 67. Withdrawal of Local Development Permits and/or Licenses.** –
28 Upon receipt of notice from the DAR, the concerned agencies, city or
29 municipality shall withdraw and/or revoke any development permit and/or

1 other licenses that may be necessary to develop the agricultural land subject
2 of conversion.

3 **SEC. 68.** *Utilization of Fines.* – The fines collected under Sections 126
4 and 129 hereof shall automatically accrue to the Agrarian Reform Fund
5 consistent with the provisions under R.A. No. 6657.

6 **SEC. 69.** *Failure to Formulate, Enforce, and/or Implement the CLUPs*
7 *(CLUPs) and Zoning Ordinances (ZOs).* – Consistent with due process, the
8 LUPA in coordination with the DILG shall investigate, review and recommend
9 the filing of charges against local chief executives and other local officials and
10 employees responsible for the formulation, enforcement, and/or
11 implementation of the CLUPs in case of any of the following:

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

14 (b) Failure to provide appropriate budgetary allocation to effect its
15 implementation;

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

19 (d) Failure of the CLUPs/ZOs to conform to the prescribed national
20 guidelines and standards as provided in Section 5 hereof and thereafter, with
21 NFPF as stated in Section 9 hereof;

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

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

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

3 **SEC. 70. *Premature or Illegal Conversion.*** – Paragraph 2, Section 11
4 of R.A. No. 8435, is hereby amended to read as follows:

5 “Any person found guilty of premature or illegal conversion as defined
6 in this Act shall be penalized with imprisonment of seven (7) to twelve (12)
7 years or a fine equivalent of fifty percent (50%) of the market value of the
8 subject land, or both, at the discretion of the court and accessory penalty of
9 forfeiture of the land and any improvement thereon: *Provided*, That if the
10 offender is a juridical person, the penalty shall be imposed on the responsible
11 officers thereof.”

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

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

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

19 **SEC. 71. *Person(s) Abetting Illegal Conversion.*** – Any person initiating,
20 causing, inducing, or abetting illegal conversion shall, upon conviction, be
21 imprisoned from seven (7) to twelve (12) years and a fine of not less than
22 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
24 penalty shall in addition thereto includes perpetual disqualification and
25 forfeiture of all his/her benefits and entitlements accruing to his public
26 position.

27 **SEC. 72. *Imposition of Penalty for Reclassification of Protected***
28 ***Agricultural Lands.*** – Any person initiating, causing, inducing, or abetting the
29 reclassification of protected agricultural areas as defined in Section 32 hereof

1 into non-agricultural uses shall be penalized with imprisonment of 7-12 years
2 and a fine of not less than one hundred thousand (100,000.00) pesos, or both
3 at the discretion of the court: *Provided, That if the offender is a public official*
4 *or employee, the penalty shall in addition thereto include perpetual*
5 *disqualification and forfeiture of all his/her benefits and entitlements accruing*
6 *to his public position; Provided, further, That if the offender is a juridical*
7 *person, the penalty shall be imposed on the responsible officers thereof.*

8 CHAPTER VI

9 MISCELLANEOUS , TRANSITORY , AND FINAL PROVISIONS

10 Article One

11 Mandatory Review

12 **SEC. 73. *Mandatory Review*** . – Congress shall undertake a mandatory
13 review of this Act at least once every seven (7) years from the effectivity of
14 this Act, or as often as it may be deemed necessary to ensure that the land
15 use policies and guidelines remain responsive to changing circumstances.
16 For this purpose, Congress may call on the LUPA to undertake the necessary
17 researches and consultations.

18 Article Two

19 Transitory Provisions

20 **SEC. 74. *Convening of the LUPA***. – Within thirty (30) days upon the
21 effectivity of this Act, the Executive Secretary, as Chairman, shall convene
22 the LUPA. The Deputy Director General for Land Use of NEDA and the Chief
23 Executive Officer of the HLURB shall sit temporarily as *ex-officio* members of
24 the LUPA Executive Board unto such time that a regular Administrator has
25 been appointed by the President.

26 **SEC. 75. *Preparation of Implementing Rules and Regulations and***
27 ***Other Immediate Tasks***. – Within one hundred twenty (120) days from the
28 effectivity of this Act, the LUPA, in coordination with the Congressional
29 Committees on Natural Resources, Agriculture, Agrarian Reform, Housing

1 and Urban Development, Rural Development, National Cultural Communities,
2 Appropriations and Ways and Means, shall undertake the preparation of the
3 implementing rules and regulations of this Act with mandatory consultations
4 with social development NGOs and POs and the private sector.

5 Within the same period, the LUPA shall also review existing rules and
6 regulations on land use, and based therefrom, revise such rules and
7 regulations, or cause concerned agencies to revise them for the efficient and
8 effective implementation of the provisions of this Act. All concerned national
9 government agencies and bodies shall inform the LUPA of the status of the
10 implementation of such rules and regulations.

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

13 **SEC. 76.** *Effectivity of the Reconstitution of the National Land Use*
14 *Committee (NLUC) into the LUPA.* - Until such time that the LUPA has been
15 organized and fully operational, the NLUC and HLURB shall continue
16 exercising their powers and function and their personnel shall receive the
17 same salary, emoluments and privileges. Hiring, separation, replacement and
18 appointment of personnel shall be in accordance with existing Civil Service
19 rules and regulations: *Provided, however,* That preferential consideration
20 shall be given to existing officers and employees of the LUPA who possess
21 the appropriate eligibility and meets the qualification standards for the
22 positions.

23 **SEC. 77.** *Appropriations.* - The amount necessary to carry out the
24 provisions of this Act shall be included in the General Appropriations Act of
25 the year following its enactment into law and thereafter.

26 In case such amount is insufficient, the LUPA may request for
27 augmentation of fund from Department of Budget Management (DBM).
28 Thereafter, the LUPA shall be included in the General Appropriations.

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

4 **SEC. 78. *Review of Existing Land Use Plans.*** – Provinces, cities and
5 municipalities with existing land use plans shall review, revise, reconcile and
6 harmonize the same with the guidelines and standard set forth under this Act.

7 **Article Three**

8 **Final Provisions**

9 **SEC. 79. *Non- Impairment Clause.*** – Nothing in this act shall be
10 construed as to diminish, impair, or repeal rights recognized, granted, or
11 available to marginalized or basic sectors under existing laws including but
12 not limited to R.A. Nos. 7279, 6657, 8371, and 8550.

13 **SEC. 80. *Separability Clause.*** – If, for any reason or reasons, any part
14 or provision of this Act shall be declared or held to be unconstitutional or
15 invalid other parts or provisions hereof, which are not affected thereby shall
16 continue to be in full force and effect.

17 **SEC. 81. *Repealing Clause.*** – Section 10 of R.A. No. 8435, Sections
18 447 (a2vii) and 458 (a2viii) of the Local Government Code and all other
19 related laws and Administrative issuances are hereby modified by Section 32
20 hereof. Likewise, the pertinent provisions of the Local Government Code of
21 1991 (LGC) are modified accordingly. All other general and special laws, acts,
22 decrees, executive orders, proclamation and administrative regulation, or any
23 part thereof which are inconsistent with this Act are hereby repealed or
24 modified accordingly.

25 **SEC. 82. *Effectivity Clause.*** - This Act shall take effect fifteen (15)
26 days after its publication in at least two (2) newspapers of general circulation.

27 Approved.