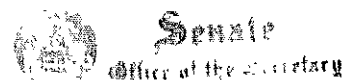


SIXTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



13 JUL -1 4:42

SENATE

RECEIVED BY:

S.B. No. 7

Introduced by Senator Loren Legarda

EXPLANATORY NOTE

This bill seeks to institutionalize a national land use policy to ensure a rational, holistic, and just allocation, utilization, management and development of the country's land resources. According to the United Nations Conference on Human Settlements (1976), *land, because of its unique nature and the crucial role it plays in human settlements, cannot be treated as an ordinary asset, controlled by individuals and subject to the pressures and inefficiencies of the market. Private land ownership is also a principal instrument of accumulation and concentration of wealth and therefore contributes to social injustice; if unchecked, it may become a major obstacle in the planning and implementation of development schemes. Social justice, urban renewal and development, the provision of decent dwellings and healthy conditions for the people can only be achieved if land is used in the interests of society as a whole.*

In the Philippines, there are various laws passed to address the need for a sound land use. The Forestry Reform Code of 1975, the Comprehensive Agrarian Reform Law (1988), Indigenous Peoples Rights Act of 1997 and the Agriculture and Fisheries Modernization Act of 1997 have all been implemented through the years to ensure that the 30,001,563 (2004) total land area of the country is utilized properly. However, due to the presence of different stakeholders in the use of land and the lack of a national land use policy framework the use of land in our country remains chaotic and breeds environmental degradation.

This bill addresses those concerns by mandating the formulation of a National Framework for Physical Planning (NFPP) which shall serve as the general long-term framework for the spatial development directions of the entire country and provide analytical parameters for the planned allocation, use and management of the country's land and other physical resources. A centralized body called the Land Use Policy Council composed of various government agencies involved in land use shall be created to formulate, periodically update and implement the said plan and to coordinate with, assist and monitor the compliance of local government units (LGUs) in planning, developing and implementing their respective comprehensive land use plan under this bill.

Under this proposed measure, land is classified according to use:

1.) *Protection land use* which shall refer to the use of land primarily for rehabilitation, conservation, and protection purposes and the promotion of the country's ecological and life-support systems. Areas under this category are those under the coverage of Republic Act No. 7586 or the National Integrated Protected Areas System (NIPAS) law and other coastal and marine protected areas; those areas outside NIPAS but nonetheless require protection because of their outstanding physical and aesthetic features, anthropological significance, and biological diversity; and those areas prone to natural hazards;

2.) *Production land use* which shall refer to the direct and indirect utilization of land resources for crop, fishery, livestock and poultry production, agroforestry, mining, industry, energy development, and tourism. Areas included in this category are agricultural lands, fishing grounds, fishponds, and fish cages, coastal and marine zones, production forest which comprise lands 18% to 50% in slope gradient such as: residual dipterocarps, rangelands for grazing purposes, industrial tree plantation/IFMA, community based agro-forestry areas and other reforestation projects; mineral lands or mining areas and reservations, energy resource lands, industrial development areas, and tourism development areas where productive activities could be undertaken to meet the country's requirements for food security, economic growth and development;

3.) *Settlements Development* which shall refer to any improvement on existing settlements in urban and rural areas or any proposed development of certain areas for settlement purposes involving the spatial distribution of population, identification of the roles and functions of key urban centers; determination of relationships among settlement areas, and the provision of basic services and facilities to such settlement; and

4.) *Infrastructure Development* which seeks to provide basic services and foster economic and other forms of integration necessary for producing or obtaining the material requirements of Filipinos, in an efficient, responsive, safe and ecologically friendly built environment. It covers these sub-sectors: transportation, communications, indigenous energy exploration and development, water resources, and social infrastructure.

To ensure compliance with the national land use policy, incentives and awards shall be given to local government units that regularly update their comprehensive land use plan while fines and sanctions shall be imposed for violating certain provisions of this proposed measure.

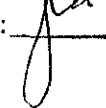
In view of the foregoing, immediate passage of this bill is earnestly sought.


LOREN LEGARDA
Senator

13 JUL -1 7:8:42

SENATE

S.B. No. 7

RECEIVED BY: 

Introduced by Senator Loren Legarda

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

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

CHAPTER I
INTRODUCTORY PROVISIONS

SECTION 1. Title.- This Act shall be known and cited as the "National Land Use Act (NALUPA) of 2013."

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. All lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, fisheries, forests or timber, wildlife, flora and fauna, and other natural resources are owned by the state. With the exception of agricultural lands, all other natural resources shall not be alienated.

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

- a) Sustainable and just management and utilization of natural resources;
- b) Maintenance and preservation of environmental integrity and stability specifically the perpetual protection of permanent forests and watersheds for the attainment of food, water and energy sufficiency;
- c) Protection and conservation of the country's natural heritage, wildlife and key biodiversity areas to maintain and protect ecological processes in the country;

- d) Disaster risk-reduction and climate change resiliency;
- e) Protection of prime agricultural lands for food security in basic food commodities with emphasis on self-sufficiency in rice and corn;
- f) Water security through sustainable development and management of water resources;
- g) Settlements, transportation and infrastructure development in support of urban, rural and regional development and inclusive growth;
- h) Harmony between the rights and the varied interests of every Filipino within the framework of people empowerment, decentralization, social justice, and equity;
- i) Respect for and protection of the sustainable traditional resource right 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 in compliance with free and prior informed consent of ICC/IPs;
- j) Equitable access to land through State intervention that guarantees its affordability to the basic and marginalized sectors;
- k) Protection, preservation, and development of the Filipino historical, cultural and built cultural heritage and resources for the deeper understanding of our history and culture as a people;
- l) Attainment of energy security and self-sufficiency; and
- m) Market orientation where the interplay of market forces within the framework of ecological and intergenerational factors is encouraged and adopted as the basic parameter in achieving efficiency in land use and allocation.

It is also the policy of the State to ensure that local government units (LGUs) share with the national government the responsibility of managing and maintaining ecological balance within their territorial jurisdiction as stated in the Constitution and the 1991 Local Government Code (LGC) or Republic Act No. 7160.

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

1 **SEC. 3. Scope.-** This Act shall apply to all lands whether public, private,
2 government-owned, and/ or in the possession of individuals, communities, indigenous
3 peoples, or groups of people, including areas declared/designated as special economic
4 zones and/ or freeports, proclamations and reservations to provide for a rational, holistic
5 and just allocation, development and management of land resources including such
6 activities that bear impact on said resources.

CHAPTER II DEFINITIONS

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

- 9
- 10 a) "Agricultural land" shall refer to land of public domain and private land which
11 have been devoted to agricultural activity as defined in Republic Act No. 6657,
12 as amended and not further classified for residential, commercial or industrial
13 use and such other uses as may be provided by law;
14
- 15 b) "Agricultural land use conversion" shall refer to the undertaking of any
16 development activity which modifies or alters the physical characteristics of
17 agricultural lands to render them suitable for non-agricultural purposes with an
18 approved order of conversion issued exclusively by the Department of Agrarian
19 Reform (DAR);
20
- 21 c) "Alienable and disposable (A&D) lands" shall refer to lands of the public
22 domain which have been delineated, classified, and certified as open and
23 available for disposition under the provisions of Commonwealth Act No. 141,
24 otherwise known as the "Public Land Act," as amended;
25
- 26 d) "Ancestral domains" shall refer to all areas generally belonging to ICCs/IPs as
27 defined in Republic Act No. 8371, otherwise known as the "Indigenous Peoples
28 Rights Act (IPRA) of 1998;"
29
- 30 e) "Basic and marginalized sectors" shall refer to a group of people such as but not
31 limited to the farmers, fisherfolks, urban poor and indigenous people;
32

- 1 f) "Basic shelter" shall refer to any subdivision unit, housing unit or condominium
2 satisfying the barest minimum shelter requirements under the minimum design
3 standards of Batas Pambansa Blg. 220;
4
- 5 g) "Comprehensive land use plan (CLUP)" shall refer to a document embodying a
6 set of policies, accompanied by maps and similar illustrations, that serves as
7 principal basis for determining the future land use of lands and natural
8 resources within the territorial jurisdiction of the city or municipality. It
9 represents the community-desired pattern of population distribution and
10 proposes future allocation of land resources to various land-using activities. It
11 identifies the allocation, character, and extent of the areas of land resources to be
12 used for different purposes and includes the processes and the criteria employed
13 in the determination of the land use. It has a long-term perspective,
14 encompassing a minimum of three (3) terms of local elective officials.
15
- 16 h) "Comprehensive land use planning" shall refer to the act of defining the
17 strategic allocation, utilization, development and management of all lands
18 within a given territory or jurisdiction according to the inherent characteristic of
19 the land itself and supportive of sustainable, economic, demographic, socio-
20 cultural and environmental objectives as an aid to decision-making and
21 egislation;
22
- 23 i) "Coastal Area/Zone" shall refer to a band of dry land and the adjacent ocean
24 space (water and submerged land) in which terrestrial processes and uses
25 directly affect oceanic processes and uses, and vice versa. Its geographic extent
26 may include areas within a landmark limit of one (1) kilometer from the
27 shoreline at high tide to include mangrove swamps, brackish water ponds, nip
28 swamps, estuarine rivers, sandy beaches and other areas within a seaward limit
29 of 200 meters isobath to include coral reefs, algal flats, seagrass beds, and other
30 soft-bottom areas. For purposes of initiating and implementing sustainable
31 coastal resources protection and management, it shall include foreshore lands;
32
- 33 j) "Critical watershed" shall refer to a drainage area of a river system supporting
34 existing and proposed hydro-electric power, domestic water consumption,
35 irrigation works or existing water facilities needing immediate protection and

1 rehabilitation to minimize erosion and improve water yield. It shall be closed for
2 logging until it is fully rehabilitated;

3
4 k) "Critical watershed" shall refer to a watershed supporting existing and
5 proposed hydro-electric power and irrigation works needing immediate
6 rehabilitation as it is being subjected to fast denudation causing accelerated
7 erosion and destructive floods;

8
9 l) "Cultural heritage" shall refer to the totality of cultural properties preserved and
10 developed through time and passed on for posterity;

11
12 m) "Customary laws" shall refer to a body of written and/or unwritten rules,
13 usages, customs and practices traditionally and continually recognized, accepted
14 and observed by respective ICCs/ IPs, consistent with the IPRA;

15
16 n) "Development plan" shall refer to a document that defines the activities or
17 measures that the national government or local government units (LGUs) intend
18 to implement in order to achieve a defined set of development goals. It
19 integrates the socio-economic and sectoral plans of the national government or
20 its instrumentality or a particular LGU with the approved land use or physical
21 framework plans. It may include an analysis of problems and resources,
22 definition of goals and objectives, policy guidelines, project and target
23 achievements, and an implementation mechanism which defines the roles and
24 contributions expected from the government and the private sector.
25 Development plans include the national-level Medium-Term Philippine
26 Development Plan (MTPDP) and its counterpart plans at the regional, provincial
27 and local levels called the Medium-Term Regional Development Plan (MTRDP),
28 the Provincial Physical Framework and Development Plan (PPFDP) and the
29 Comprehensive Development Plan (CDP). These plans are translated into
30 medium-term investment programs, also prepared at the national, regional and
31 local levels, where programs, projects and activities derived from the
32 development plans are ranked, prioritized and matched with investment
33 financing capacities;

34 o) "Ecologically-fragile lands" shall refer to lands within the critical watershed,
35 brackish and freshwater wetlands, pasture lands, and croplands which require
36 rehabilitation and whose continued unsustainable use would adversely affect

the productivity of lowland agricultural areas and the stability of the upland system;

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

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

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

s) "Environmentally critical areas" shall refer to areas declared by law as: (a) protected areas pursuant to Republic Act No. 7586 or the NIPAS Act of 1992; (b) areas for natural parks, watershed reserves, wildlife preserves, and sanctuaries; (c) areas set aside as aesthetic potential tourist spots; (d) areas which constitute the habitat of any endangered or threatened species or indigenous Philippine wildlife (flora and fauna); (e) areas of unique historic, archaeological, or scientific interests; (f) areas which are traditionally occupied by ICCs/IPs; (g) areas with critical slopes; (h) areas frequently visited and/or hard hit by natural calamities (geologic hazards, floods, typhoons and volcanic activities); (i) areas exposed to geologic and hydro-meteorologic hazards; (j) prime agricultural lands; (k) recharge areas of aquifers; (l) water bodies; (m) mangrove areas; (n) coral reefs; (o) mossy and virgin forests; (p) rivers and river banks; and (q) swamp forest and marshlands; and (r) foreshore lands. This term shall also include other terrestrial, aquatic and marine areas that need special protection

and conservation measures because they are ecologically fragile or they are needed for food security and food self sufficiency as determined by concerned agencies and LGUs in consultation with the concerned sectors;

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

u) "Exhausted mineral resources" shall refer to a situation where the mineral resources in specific sites whose energy reserves of the desired type(s) are no longer in sufficient quantity or quality to justify additional expenditure for extraction or utilization;

v) "Exhausted mineral lands" shall refer to specific sites whose mineral deposits are no longer in sufficient quantity or quality to justify additional expenditure for their extraction and utilization as may be determined by the latest technology available;

w) "Exhausted mineral resources" shall refer to a situation where the mineral resources in specific sites are no longer in sufficient quantity or quality to justify additional expenditure for extraction or utilization as determined by the Mines and Geosciences Bureau (MGB) and approved by the Department of Environment and Natural Resources (DENR);

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

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

z) "Food security" shall refer to the policy objective of meeting the food availability, accessibility, quality and affordability requirements of the present and future generations of Filipinos in a sustainable manner, through local

1 production or importation, only when there is shortage established based on a
2 micro level situation, or both, based on the country's existing and potential
3 resource endowments and related production advantages, and consistent with
4 the overall national development objectives and policies;

5
6 aa) "Food self-sufficiency" shall refer to the policy objective of meeting the food
7 requirements through intensive local food production in a sustainable manner
8 based on the country's existing and potential resource endowments and related
9 production advantages;

10
11 bb) "Forestlands" shall refer to lands of the public domain which have been
12 classified or declared as such and all unclassified lands of the public domain;

13
14 cc) "Foreshore land" shall refer to the part of the shore which is alternately covered
15 and uncovered by the ebb and flow of the tide;

16
17 dd) "Free and prior informed consent" shall refer to consensus of all members of
18 the ICCs/IPs to be determined in accordance with their respective customary
19 laws and practices, free from any external manipulation, interference and
20 coercion, and obtained after fully disclosing the intent and scope of the activity,
21 in a language and process understandable to the community;

22
23 ee) "Geo-hazards" shall refer to natural and man-induced geological processes that
24 have potential to cause destruction and pose a threat or risk to man's life and
25 property;

26
27 ff) "Geo-hazard prone areas" shall refer to areas frequently visited and/or
28 vulnerable or prone to experience weather/climatic, hydrologic, geologic, and
29 other natural calamities;

30
31 gg) "Heritage zones" shall refer to historical, anthropological, archaeological and
32 artistic geographical areas and settings that are culturally significant to the
33 country as declared by the National Museum and/or National Historical
34 Commission of the Philippines, pursuant to Republic Act No. 10066 or the
35 National Cultural Heritage Act of 2009;

- 1 hh) "Indigenous Cultural Communities/Indigenous Peoples (ICC.s/IPs)" shall
2 refer to groups of people or homogenous societies identified under Republic Act
3 No. 8371 or the Indigenous People's Rights Act (IPRA);
4
- 5 ii) "Inland waters" shall refer to waters, which are not coastal and marine waters
6 not subject to acquisitive prescription consistent with the provisions of
7 Presidential Decree No. 1067, otherwise known as the "Water Code of the
8 Philippines";
9
- 10 jj) "Inter-tidal sand flat" shall refer to a juvenile fish-feeding area and habitat for
11 crustaceans. The litoral gravel and sand biotopes are also used by important
12 wintering ground and roosting/feeding grounds of indigenous migratory birds;
13
- 14 kk) "Integrated ecosystems watershed management" shall refer to an integrated
15 planning and management framework that covers the ridge-to-reef landscape of
16 a watershed or subwatershed from its upland, lowland and coastal ecosystems
17 and the interaction, interdependencies and linkages of its bio-physical, human
18 and physical resources and development;
19
- 20 ll) "Key biodiversity areas" shall refer to sites that are nationally and globally
21 significant for biodiversity conservation primarily containing species that
22 require site-scale conservation to prevent extinction in the short-term and
23 medium-term. Such species may be nationally and globally threatened,
24 restricted0range and/or nationally and globally significant congregations of
25 species;
26
- 27 mm) "Lagoon" shall refer to a semi-enclosed coastal basin with limited freshwater
28 input, high salinity and restricted circulation which often lies behind sand
29 dunes. It is often highly productive and habitat for variety of plants and animal,
30 serves as nurseries of prawns and shrimps and also site for harbor, aquaculture,
31 industry and recreation;
32
- 33 nn) "Land" shall refer to resources, both natural and artificial, found on the surface,
34 below, and above the ground including inland and coastal waters;
35

- 1 oo) "Land use" shall refer to the manner of allocation, utilization, management and
2 development of land;
3
- 4 pp) "Land use classification" shall refer to the act of delineating or allocating
5 lands according to protection land use, production land use, settlements
6 development, and infrastructure development as defined and provided for in
7 this Act;
8
- 9 qq) "Land sub-classification" shall refer to the act of determining and assigning
10 specific uses of classified lands of the public domain, such as forest or timber
11 lands, alienable or disposable agricultural lands, national parks, and mineral
12 lands in accordance with existing laws and this Act;
13
- 14 rr) "Mandatory public hearings/consultations" shall refer to the mechanism to
15 ensure the involvement of concerned sectors in all affected areas in land use
16 planning from the local to the national level. It involves giving effective notice of
17 hearing/consultation to concerned sectors within an affected area through direct
18 written invitations, using regular mail or electronic means and publication/
19 posting in conspicuous places, conduct of a reasonable number of hearings in or
20 proximate to the specific area affected, and solicitation of positions and the
21 public confirmation of the planning results in the specific area affected before
22 the final adoption of the plans;
23
- 24 ss) "Minerals" shall refer to all naturally occurring inorganic substance in solid, gas,
25 liquid or intermediate state excluding energy materials such as coal, petroleum,
26 natural gas, radioactive materials and geothermal energy;
27
- 28 tt) "Mineral exploration" shall refer to the systematic searching or prospecting for
29 mineral resources including energy resources;
30
- 31 uu) "Mineral lands" shall refer to lands of the public domain, excluding those in
32 permanent forestlands, protection lands and privately-owned lands where
33 minerals resources are found in sufficient quantity and quality for extraction,
34 development and utilization;
35

- 1 vv) "Mineral resources" shall refer to any concentration of minerals/rocks with
2 potential economic value;
3
- 4 ww) "Mudflat" shall refer to a wetland type that is usually an unvegetated area,
5 dominated by muddy substrate which provides rich feeding grounds for
6 vertebrates such as fish and water birds and also important in preventing soil
7 erosion;
8
- 9 xx) "Multiple use of land resources" shall refer to the utilization or management
10 strategy for any land, within production land use areas, which allows any
11 activity thereat, involving one or more of its resources, depending on the result
12 of prior evaluation on its numerous beneficial use that will produce the
13 optimum benefits to the development and progress of the country and the
14 public welfare without impairment; with the least injury to its other resources;
15
- 16 yy) "Municipal waters" shall include not only streams, lakes, inland bodies of water
17 and tidal waters within the municipality which are not included within the
18 protected areas as defined under Republic Act No. 7586 (the NIPAS law), public
19 forest, timber lands, forest reserves or fishery reserves, but also marine waters
20 included between two (2) lines drawn perpendicular to the general coastline
21 from points where the boundary lines of the municipality touch the sea at low
22 tide and a third line parallel with the general coastline including offshore islands
23 and fifteen (15) kilometers from such coastline. Where two (2) municipalities are
24 so situated on opposite shores that there is less than thirty (30) kilometers of
25 marine waters between them, the third line shall be equally distant from
26 opposite shore of the respective municipalities.
27
- 28 zz) "National Integrated Protected Areas System (NIPAS)" shall refer to the
29 classification and administration of all designated protected areas to maintain
30 essential ecological processes and life-support systems, to preserve genetics
31 diversity, to ensure sustainable use of resources found therein, and to maintain
32 their natural conditions to the greatest extent possible;
33
- 34 aaa) "National Parks" shall refer to the land of public domain classified as such in
35 the 1987 Philippine Constitution which includes all areas under the NIPAS

1 pursuant to RA7586, primarily set aside and designated for the conservation of
2 the natural and historic objects, native plants and animals, their associated
3 habitats and cultural diversity;

4 bbb) "National physical framework plan" also referred to as the National Land
5 Use Plan, shall refer to a strategic plan containing the policy areas determining
6 the most appropriate and rational use of land and other physical resources such
7 as but not limited to protection, production, settlement and infrastructure land
8 use. It provides policy guidelines for all decisions relating to land use and
9 environmental management, to prevent and mitigate the adverse effects of
10 inappropriate resource utilization on the country's food security and food self-
11 sufficiency on rice and corn, the people's welfare and their environment. It
12 embodies both policies and strategies necessary to carry out goals and objectives
13 of this Act;

14
15 ccc) "Network of Protected Areas for Agriculture and Agro-industrial
16 Development (NPAAAD)" shall refer to agricultural areas identified by the
17 Department of Agriculture through the Bureau of Soils and Water Management
18 (BSWM) in coordination with the National Mapping and Resource Information
19 Authority (NAMRIA) in order to ensure the efficient utilization of land for
20 agriculture and agro-industrial development and promote sustainable growth.
21 The NPAAAD covers all irrigated areas; all irrigable lands already covered by
22 irrigation projects with firm funding commitments; all alluvial plains; land
23 highly suitable for agriculture whether irrigated or not; agro-industrial
24 croplands or lands planted to industrial crops that support the validity of
25 existing agricultural infrastructure and agro-based enterprises; highlands or
26 areas located at an elevation of Five hundred (500) meters or above and have the
27 potential for growing semi-temperate and high value crops; all agricultural
28 lands that are ecologically fragile the conversion of which will result in serious
29 environmental degradation; and all mangrove areas and fish sanctuaries;

30
31 ddd) "Patrimonial properties" refer to all the properties belonging to the State that
32 are not intended for public use or for public service for the development of
33 national wealth;

- 1 eee) "People's organization" shall refer to a private, non-profit, voluntary and
2 community-based organization with membership constituency established
3 primarily to provide service to its members and the community in general;
4
- 5 fff) "Permanent forest" shall refer to lands of the public domain, that includes forest
6 reserves, which has been identified and determined to be needed for protection,
7 conservation, preservation and management as forests and shall be reserved,
8 conserved and protected into perpetuity for such purpose;
9
- 10 ggg) "Permanent forestlands" shall refer to forestlands, within public or private
11 lands, that have been identified, determined and demarcated on the ground by
12 the State to serve such purpose and shall be protected, conserved, preserved,
13 maintained and managed as forestlands free from any form of utilization,
14 exploitation or development, and reserved permanently as such for the benefit
15 and use of future generations;
16
- 17 hhh) "Physical framework plans" shall refer to strategic plans based on
18 comprehensive land use plans (CLUPs) and national policies whether national,
19 regional or provincial which provide policy guidelines for all decisions relating
20 to land use and environment management to prevent or mitigate the adverse
21 effects of inappropriate resource utilization on food security, the people's
22 welfare and their environment. It embodies both policies and strategies
23 necessary to carry out development goals and objectives;
24
- 25 iii) "Premature or illegal conversion of agricultural lands" shall refer to any activity
26 that modifies or alters the physical characteristics of agricultural lands to render
27 them suitable for non-agricultural purposes without an approved order of
28 conversion from the DAR Secretary;
29
- 30 jjj) "Prime agricultural land" shall refer to all irrigated areas, all irrigable lands; all
31 rain-fed areas planted to rice and other crops; all alluvial plain lands highly
32 suitable for agriculture whether irrigated or not; agro-industrial croplands or
33 lands presently planted to industrial crops that support the viability of existing
34 agricultural infrastructure and agro-based enterprises, highlands, or areas
35 located at elevation of 500 meters or above and have the potential for growing
36 semi-temperature and high value crops; all agricultural lands that are

ecologically fragile, the conversion of which will result in serious environmental degradation; and mangrove areas and fish sanctuaries;

kkk) "Production land use" shall refer to the direct and indirect utilization of land to generate outputs resulting from the following activities: agricultural, fish farming or aquaculture, timber or agroforestry, grazing and pasture, mining, indigenous energy resource development, industry, and tourism;

lll) "Protected areas" shall refer to portions of land and water set aside by reason of their unique physical and biological significance, managed to enhance biological diversity, and protected against destructive human exploitation. For purposes of this Act, it shall include national parks as defined herein and agricultural lands identified and delineated under Section 32 hereof;

mmm)"Protection land use" shall refer to the utilization of land primarily for food, water and energy security, rehabilitation, conservation, and protection purposes for the promotion of the country's ecological and life-support systems;

nnn) "Public domain" shall refer to lands that belong to the State which may be any of the following: agricultural, forest or timber, mineral, or national park as provided for in the Constitution;

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

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

qqq) "Resettlement sites" shall refer to areas identified by the appropriate national agency or by the LGU, with respect to areas within its jurisdiction, which shall

1 be used for the relocation of the underprivileged and homeless, as defined under
2 Republic Act No. 7279 or the Urban Development and Housing Act (UDHA);
3

4 rrr) "River basin" shall refer to the portion of land drained by a river and its
5 tributaries. It encompasses the entire land surface dissected and drained by
6 many streams and creeks that flow downhill into one another, and eventually
7 into one river. The final destination is an estuary or an ocean;
8

9 sss) "Settlements" shall refer to formal and informal communities or built-up
10 residential areas where people prefer to live in land areas classified, zoned, or
11 converted for current or future residential or housing development purposes,,
12 including socialized housing zones for the homeless and underprivileged
13 citizens;
14

15 ttt) "Settlements development" shall refer to any improvement on existing formal or
16 informal residential or housing settlements or any proposed development of
17 certain areas for settlement purposes. It also involves the spatial distribution of
18 population, identification of the roles and functions of key urban centers,
19 determination of relationships among settlement areas, and the provision of
20 basic services and facilities of identified major settlement areas or growth
21 centers. It is also concerned with the interrelationship of settlements as they
22 develop and establish functional linkages based on their respective endowments
23 and comparative advantages;
24

25 uuu) "Shoreline" shall refer to the line where shore and water meet;
26

27 vvv) "Significant caves" shall refer to caves which contain materials or possess
28 features that have archaeological, cultural, ecological, historical or scientific
29 value as determined by the DENR in coordination with the scientific community
30 and the academe;
31

32 www) "Socialized housing" shall refer to housing programs and projects
33 undertaken by the government or the private sector for the underprivileged and
34 homeless citizens which shall include sites and services development, long-term
35 financing, liberalized terms on interest payments, and such other benefits in
36 accordance with the UDHA;

xxx) "Socialized housing zones" shall refer to lands identified and designated by LGUs as sites for socialized housing pursuant to Article IV of the UDHA and its implementing guidelines;

yyy) "Sustainable development" shall refer to the development objective of meeting the needs of the present generation without compromising the ability of future generations to meet their own needs consistent with the principles of social equity, efficiency, and environmental integrity;

zzz) "Tourism development areas" shall refer to specific sites for tourism development located in areas identified as priorities in the national and regional, area specific tourism master plans and other sector plans such as eco-tourism and agri-tourism sites, including those designated through legislative and executive issuances i.e., tourist spots, tourist zones and tourism ecozones which can be developed into tourism estates or integrated resort, leisure, and recreation complexes, and other tourism related facilities subject to restrictions imposed by its protection status and land use category;

aaaa) "Tourism Enterprise Zone" shall refer to an area designated as tourism enterprise zone by the Tourism Infrastructure and Enterprise Zone Authority (TIEZA) pursuant to the provisions of Republic Act No. 9593 otherwise known as the Tourist Act of 2009;

bbbb) "Tourism estates" shall refer to large tracts of land with well-defined boundaries in any area identified in the Philippine tourism master plan and regional tourism master plan, by proclamation of the President and/or by an Act of Congress including local legislation. Such land shall be suitable for the development of an integrated tourism and resort complex including but not limited to accommodation facilities, food and beverage outlets, convention and meeting areas, sports, recreational and leisure centers and commercial outlets among others. It shall be provided with roads, water supply facilities, power and utilities like potable water, drainage sewerage disposal, solid waste disposal system and other necessary infrastructure. The estate shall be under one unified and continuous management;

1 cccc) "Tourist spot" shall refer to a particular area/site/spot, human-made or
2 natural, known for its unique tourist/visitor-drawing attributes and activities. It
3 may be classified according to its social, cultural, natural, historical, scientific,
4 religious, and recreational significance;

5
6 dddd) "Tourist zone" shall refer to a geographic area with well-defined boundaries
7 proclaimed as such by the President of the Philippines and/or by Acts of
8 Congress. No development projects for any purpose shall be initiated and
9 introduced within the zone prior to the formulation of a tourism master
10 development plan which shall be undertaken in coordination with the
11 Department of Tourism and the Philippine Tourism Authority. A tourist zone is
12 established for the enhancement and/or the conservation of cultural and
13 historical heritage and for the appreciation and enjoyment of the local
14 population and its visitors;

15
16 eeee) "Urban areas" shall refer to all cities regardless of their population density
17 and to municipalities with population density of at least Five hundred (500)
18 persons per square kilometer;

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

23
24 gggg) "Urban forestry or green space" shall refer to the establishment and
25 management of forest in urban environment for the physiological and
26 psychological well-being of the people;

27
28 hhhh) "Water security" shall refer to the sufficient access throughout the year to
29 the minimum daily requirement of clean water to maintain a healthy life;

30
31 iiiii) "Water use" shall refer to the appropriation of water for domestic, municipal,
32 irrigation, power generation, inland fisheries, poultry and livestock, industrial
33 and commercial, environmental, and recreational use and other purposes;

1 jjjj) "Watershed" shall refer to a topographically delineated area of land drained by
2 a stream or fixed body of water and its tributaries having common outlet for
3 surface runoff;

4
5 kkkk) "Zoning" shall refer to the process of delineating the specific uses of lands in
6 accordance with the approved CLUP within the territorial jurisdiction of a
7 city/municipality and specifying the conditions for their regulation; subject to
8 the limitations imposed by law and competent authority; and

9
10 llll) "Zoning ordinance or ZO" shall refer to a local law passed by the Sangguniang
11 Bayan or Panglunsod approving the development control/zoning plan in
12 accordance with an approved or adopted CLUP for the city/municipality, and
13 providing for the regulations and other conditions on the uses of land including
14 the limitation on the infrastructure that may be placed thereon within the
15 territorial jurisdiction of a city or municipality. It incorporates the protected
16 areas under Section 13(a) and the protected agricultural lands under Section 32
17 hereof.

CHAPTER III

PHYSICAL FRAMEWORK AND LAND USE PLANS

18 *SEC. 5. National Framework for Physical Planning.*- The and use and physical
19 planning shall be formulated following a combined bottom-up and top-down approach.
20 The National Land Use Commission (NLUC) shall draft the National Physical Framework
21 Plan (NPFP)/ National Land Use Plan (NLUP) which shall have a timeframe of thirty (30)
22 years, with regular review and updating every ten (10) years: *Provided, however,* That
23 nothing herein shall prevent the NLUC from reviewing and updating at anytime the
24 NPFP/NLUP where public interest so requires. The NPFP, which guides the planning and
25 management of the country's land and other physical resources at the national and sub-
26 national levels, shall indicate broad spatial directions and policy guidelines on settlements
27 development, production land use, protection land use, and infrastructure such as but not
28 limited to social services, and utilities, transportation and communication. The Regional
29 Physical Framework Plans (RPFPs), Provincial Physical Framework and Development
30 Plans (PPFDPs) and Comprehensive Land Use Plans (CLUPs), which shall also have a 30-
31 year timeframe and cover the physical development of their respective territories, shall be

1 consistent with the national physical framework plan: *Provided*, that the integration and
2 harmonization of the physical framework plans at all levels shall be iterative to ensure that
3 the concerns of both top and bottom levels of government are considered. The physical
4 and land use plans prepared at all levels shall have internal consistency specifically on, but
5 not limited to, the development, management and conservation of forestlands found
6 within a given territory and the linkages of the major land use categories to ensure their
7 complementation in the utilization, development and management of resources.

8 All regional, provincial, city and municipal land use plans and zoning ordinances
9 shall only be amended or revised at the earliest after every ten (10) years except if an
10 earlier amendment or revision of the CLUP or ZO is authorized by the NLUC due to
11 extraordinary causes.

12 The NLUC shall issue procedural guidelines which shall guide the formulation and
13 integration/harmonization process: *Provided*, the National Economic and Development
14 Authority (NEDA), the Housing and Land Use Regulatory Board (HLURB), the
15 Department of the Interior and Local Government (DILG) and other agencies will continue
16 to issue guidelines on the content of the plans consistent with their respective agency
17 mandates.

18
19 **SEC. 6. City and Municipal Land Use Plans.-** All barangays shall provide their
20 sectoral, temporal and spatial data for the CLUP which shall serve as the foundation for
21 the formulation of the city/municipal CLUPs. The data shall be provided by the
22 Sangguniang Pambarangay through stakeholder consultations. The Comprehensive Land
23 Use Plan (CLUP) shall determine the specific uses of land and other physical and natural
24 resources, both private and public, within their territorial jurisdiction including areas co-
25 managed with the national government and, as appropriate, management plans for
26 ancestral domains, critical watersheds, river basins and protected areas.

27
28 The CLUP shall delineate actual boundaries on the ground within the territorial
29 jurisdictions, embody the desired land use patterns of the barangay, city or municipality,
30 translate and integrate sectoral plans, and provide appropriate policies for each of the four
31 land use planning categories. The spatial directions prescribed in the CLUP shall serve as
32 the basis for the preparation and formulation of the Comprehensive Development Plan
33 (CDP) and Local Development Investment Programs (LDIP) of the LGUs.

34
35 The CLUP may be formulated as a component of a Comprehensive Land Use and
36 Development Plan (CLUDP), which merges the traditionally separate CLUP and

1 Comprehensive Development Plan to address the disconnect between the spatial and
2 sectoral factors and to ensure the complementation between the medium- and long-term
3 concerns.

4 Consistent with the national standards and guidelines prescribed in Section 5, the
5 cities and municipalities shall, in consultation with the concerned sectors, prepare their
6 respective CLUPS. The City/Municipal Land Use Planning and Management Board
7 (C/MLUPB), created under this Act, shall be responsible for the preparation and
8 formulation of the CLUP and ensure its consistency with national and regional physical
9 planning guidelines and standards. Under the general supervision of the respective
10 C/MLUPB, the City/Municipal Planning and Development Coordinator/Office
11 (C/MPDC/PDO) shall provide technical, secretariat and administrative support in the
12 preparation, consultation, integration and formulation process of the respective CLUPs of
13 each city or municipality.

14 The CLUPs shall be submitted by the city/municipal Local Development Councils
15 (LDC) for adoption and approval of the sangguniang bayan (SB). The approved CLUPs
16 shall be submitted to the province for integration into the PPFP.

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

20
21 **SEC. 7. Provincial Physical Framework Plans.-** The PPFP shall determine the
22 physical development of the entire provincial territory, consolidate and harmonize the
23 comprehensive land use plans of component cities and municipalities, consistent with the
24 RPFP. It shall reflect the indicative land use management and physical development
25 direction of the province.

26 Further, the PPFP shall serve as basis for other sectoral and development plans
27 related to land, natural resources, and infrastructure facilities, including the development
28 plan of the province; reconciliation and rationalization of land use proposals among
29 component cities and municipalities and with the higher level framework plan; guiding
30 development agencies and private developers, particularly those that undertake large-
31 scale projects; and providing a basis for resolving conflicts arising from the
32 implementation of land use plans and development projects involving two or more
33 municipalities.

1 The PPFP shall serve as the basis for the preparation of the Provincial Development
2 Plan (PDP) and Provincial Development Investment Program (PDIP). The PPFP, PDP,
3 PDIP and/or Provincial Physical Framework and Development Plan (PPFDP) shall serve
4 as the basis for the formulation of sectoral action plans of national government agencies in
5 the province and all LGUs within its jurisdiction. The province may opt to prepare their
6 PDP alongside the preparation of PPFP and consolidate them into a PPFDP: *Provided, That*
7 PPFDP shall remain consistent with the PPFP: *Provided, further, That* any review or changes
8 in the PPFP shall coincide with the over-all review process of the NPFP.

9 The Provincial Land Use Planning and Management Board (PLUPMB), created
10 under this Act, shall ensure that the PPFP is consistent with the national and regional
11 planning framework and guidelines issued by the NLUPC/RLUPB. The PPFP shall be
12 presented to the Provincial Development Council (PDC) for endorsement to the
13 sangguniang panlalawigan, who shall formally adopt and approve the PPFP. The
14 approved PPFP shall be submitted to the RLUPB for consolidation and integration into the
15 RPFP.

16 Under the general supervision of the PLUPMB, the Provincial Planning and
17 Development Coordinator/Office (PPDC/PPDO) shall provide technical, secretariat and
18 administrative support in the preparation, consultation, integration and formulation
19 process of the PPFP.

20 SEC. 8. *Regional Physical Framework Plans.* – In consultation with concerned sectors,
21 the Regional Land Use Policy Board (RLUPB) shall define the desired spatial arrangement
22 of land-using activities in the entire region, consolidating and harmonizing the provincial
23 physical framework plans of provinces and independent cities within the territorial
24 jurisdiction of the region. The regional physical framework plan, which depicts an end-
25 state scenario toward which efforts and activities are directed, shall consist of spatially-
26 based and area-focused policies, consistent with those in the national framework for
27 physical planning, to guide detailed physical, socio-economic, sectoral and investment
28 planning.

29 SEC. 9. *National Physical Framework Plan/National Land Use Plan.* – The National
30 Land Use Commission (NLUC) created in Section 14 herein, in consultation with the
31 concerned sectors through the conduct of mandatory public hearings/consultations, shall
32 formulate, periodically update and ensure the implementation of a national physical
33 framework plan that shall prescribe and influence the country's land use and physical
34 development. The NPFP shall operationalize the policies provided in this Act and will be

the basis for adopting land use and physical planning-related guidelines and standards, including zoning and other land use control standards that will guide the formulation of city/municipal zoning ordinances.

The NPFP strategic objectives and directions shall be the basis for the preparation and formulation and prioritization of the MTPDP and Medium-Term Philippine Investment Program (MTPIP).

CHAPTER IV

FRAMEWORK FOR LAND USE PLANNING

SEC. 10. *Priorities in Land Use Allocation and Planning.*- In projecting spatial allocation for different land uses, the LGUs shall first exclude areas under protection land use of Section 13(A) hereof, national parks, energy resource lands, and prime agricultural lands to ensure ecological integrity, energy supply, and promote food security. Areas with prior rights and those with site-specific resources for basic services, such as but not limited to, water and indigenous energy resources, shall also be excluded. Spatial allocation and planning shall then proceed in accordance with Sections 12 and 13 hereof with priorities given to integrated watershed management areas, socialized housing sites, fisherfolk settlement in coastal areas, and waste disposal sites.

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

SEC. 12. *Basic Land Use Considerations.*- Various land uses as categorized in the succeeding section shall be determined in a manner that promotes the policies and principles defined in Section 2 of this Act and shall consider the following elements therein, among others:

(a) Protection land use category as defined in Section 13 shall prevail over existing production land use category. The State shall undertake the necessary action in changing the classification of these production areas;

(b) Preservation, conservation, rehabilitation and protection to perpetuity of permanent forestlands, critical watersheds, key biodiversity areas, environmentally-critical and ecologically-fragile areas and prime agricultural lands from any other land use, conversion, disposition, intrusion, utilization and development aside from its determined use and limits;

(c) Protection of natural forests and natural resources ensures environmental stability, conserve biological diversity, improve ecosystem functions and provide long-term ecological and economic benefits. Designated restoration areas are designed to revive the ecosystem functions and services of forests as well as improve the economic and ecological benefits of local communities;

(d) Protection of forest and wetlands from infrastructure development to preserve the ecological services they provide which are essential to economic development. These activities include, but not limited to river channelization and dredging, large scale irrigation and river diversions which reduce riverine habitat and alters flood patterns and natural flow regimes, reduce downstream water availability for agriculture and contribute to salinization through saltwater intrusion in coastal areas;

(e) Resolution of land use conflicts which are life-threatening or threatening to public safety, sustainability of key production resources or employment activities and the delivery of basic services and are harmful or destructive to protected areas, flora, fauna and other protected natural resources. Greater consideration shall be given to the human and tenorial rights of vulnerable groups in resolving land use conflicts;

(f) Identification of geo-hazard prone areas and high risk/danger zones and corresponding risk reduction measures to ensure the prioritization of life and safety: *Provided, That specifically identified and assessed extremely hazardous and high-*

1 risk/danger zones shall be similarly protected and cleared from all forms of human-made
2 obstacles, obstructions and instructions to ensure and secure public health and safety;

3 (g) Respect for existing customary rights and traditional land uses of ICCS/IPS;

4 (h) Identification of settlement areas to check the demand for land and establish
5 the location of employment-generating industries and basic services; and

6 (i) The availability of natural resources including indigenous energy resources for
7 energy security and self-sufficiency. However, infrastructure energy projects such as dams
8 with large reservoirs in natural ecosystems shall not be allowed if it would interrupt the
9 connectivity of river systems, disrupt fish spawning and migration, and alter seasonal
10 flood regimes.

11
12 **SEC. 13. *Categories of Land Uses for Planning Purposes.*** In determining and
13 defining the national, regional and provincial framework plans, and CLUPs, land uses
14 shall be grouped into four major functional uses as follows:

15 (a) *Protection Land Use* shall refer to the use of land primarily for food, water and
16 energy security, rehabilitation, conservation, and protection purposes for the promotion of
17 the country's ecological and life-support systems. Planning for protection land use intends
18 to achieve food self-sufficiency in rice and corn, water and energy security, environmental
19 stability and ecological integrity, ensure a balance between resource use and the
20 preservation of some areas with environmental, aesthetic, educational, cultural, heritage
21 and historical significance, and protect people and human-made structures from the ill-
22 effects of natural hazards. All lands, either public or private, under protection land use
23 shall be permanently conserved, preserved, rehabilitated and protected from all other land
24 uses, disposition, intrusion, utilization and development that is not consistent from its
25 existing uses. Areas under this category also include those covered by Republic Act No.
26 7586 or the NIPAS Law and other coastal and marine protected areas, those areas outside
27 NIPAS but nonetheless require protection because of their outstanding physical and

aesthetic features, anthropological significance, and biological diversity, and those areas prone to natural hazards. Areas outside the coverage of the NIPAS law include, but are not limited to the following:

(a.1.) Old-growth forests and mossy;

(a.2.) Areas with more than 50% in slope gradient;

(a.3.) Mangrove and fish sanctuaries, pursuant to Republic Act No. 8435 or the "Agriculture and Fisheries Modernization Act of 1997" and Republic Act No. 8550 or "The Philippine Fisheries Code of 1998";

(a.4.) Buffer zones or strips/easements, pursuant to Presidential Decree No. 705, amending Presidential Decree No. 389, otherwise known as the "Forestry Reform Code of the Philippines" and Presidential Decree No. 1067 or the "Water Code of the Philippines";

(a.5.) Salvage zones along foreshore areas, freshwater swamps and marshes, plazas and heritage/historic sites, pursuant to Presidential Decree No. 2146;

(a.6.) Watersheds;

(a.7.) Utility easement like transmission lines of power companies, oil and gas facilities, cell sites, and domestic water lines;

(a.8.) Amenity areas or those with high aesthetic values, pursuant to Presidential Decree No. 2146;

(a.9.) Natural and human-made areas/sites of cultural, historical and anthropological significance, which are declared as such by internationally recognized organizations and concerned national agencies;

(a.10.) Critical habitats as provided in Republic Act No. 9147 or the "Wildlife Resources Conservation and Protection Act";

(a.11.) Significant caves under Republic Act No. 9072 or the "National Caves and

1 Cave Resources Management and Protection Act”; or

2 (a.12.) Key biodiversity areas under Executive Order 578, Series of 2006, or the
3 “National Biodiversity Policy”;

4 (a.13.) Irrigated and irrigable lands pursuant to Republic Act No. 9700.

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

18 (c) *Settlements Development* shall refer to any improvement on existing settlements
19 in urban and rural areas or any proposed development of certain areas for settlement
20 purposes involving the spatial distribution of population, identification of the roles and
21 functions of key urban centers, determination of relationships among settlement areas, and
22 the provision of basic services and facilities to such settlement. The settlements
23 development plan ensures for the present and future generation the following: (i) effective
24 integration of activities within and among settlements, allowing efficient movement of
25 people and production of commodities through the provision of appropriate land,
26 infrastructure, and facilities; and (ii) access of the population to housing, education, health

1 care, recreation, transportation and communication, sanitation, and basic utilities such as
2 water, power, waste disposal, and other services.

3 (d) *Infrastructure Development* shall refer to the availability or supply of basic
4 services and fostering of economic and other forms of integration necessary for producing
5 or obtaining the material requirements of Filipinos, in an efficient, responsive, safe and
6 ecologically friendly built environment. It covers sub-sectors of transportation,
7 communications, water resources, and social infrastructure: *Provided, That the*
8 *determination of functional uses of lands within ancestral domains shall consider*
9 *traditional resource and management systems that do not endanger the lives of the people*
10 *and property of the local community and neighboring areas or increase the vulnerability of*
11 *the natural environment to the effects of natural and human-induced geological processes.*
12

13 CHAPTER V 14 IMPLEMENTING STRUCTURE AND MECHANISM

15 Article I

16 NATIONAL LAND USE COMMISSION

17 SEC. 14. *Creation of the National Land Use Commission (NLUC).* – The National Land
18 Use Commission, hereinafter referred to as NLUC, is hereby created as a Commission
19 under the Office of the President. It shall exercise the powers and responsibilities of the
20 current NEDA Board–National Land Use Committee which is hereby abolished and the
21 powers and functions pertaining to land use planning vested by law to the HLURB. The
22 NLUC shall act as the highest policy making body on land use and resolve land use policy
23 conflicts between or among agencies, branches, or levels of the government. It shall
24 integrate efforts, monitor developments relating to land use and the evolution of policies.
25 It shall also establish Regional Offices.

26 SEC. 15. *Composition of the NLUC.* – The NLUC shall be composed of the following:

(a) Chairman to be appointed by the President for a term of six (6) years, with a rank of Cabinet Secretary;

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

The President may designate from among the two Vice-Chairpersons a Chief Executive Officer who shall supervise the day-to-day affairs of the NLUC.

The members shall be:

(c) The Chairperson of the Housing and Urban Development Coordinating Council (HUDCC), the Secretaries of the Department of Agriculture (DA), the Department of Agrarian Reform (DAR), the Department of Trade and Industry (DTI), the Department of Public Works and Highways (DPWH), the Department of Transportation and Communications (DOTC), the Department of Tourism (DOT), the Department of the Interior and Local Government (DILG), the Department of Justice (DOJ), the Department of Science and Technology (DOST), the Department of Finance (DOF), the Department of Energy (DOE) and the Chairperson of the National Commission on Indigenous Peoples (NCIP);

The Department Secretaries and the Chairperson of the NCIP may designate a representative with a rank not lower than Assistant Secretary and Commissioner, respectively: *Provided*, That the designated representative shall be on a permanent basis.

(d) A representative each from the Leagues of Provinces, Cities and Municipalities;

(e) A representative each from four (4) basic and marginalized sectors directly involved in land use, namely: urban poor, farmer-peasants, fisherfolk, and indigenous peoples who shall be appointed by the President of the Philippines based on the nomination and recommendation of the respective sectoral councils of the National Anti-

1 Poverty Commission (NAPC). At least two (2) sectoral representatives shall be women;

2 (f) Two (2) representatives from private subdivisions, and housing developers; and

3 (g) Two (2) representatives from the accredited association of professionals dealing
4 on land use such as but not limited to urban and regional planners, environmental
5 planners, architects, geologists and geodetic engineers;

6 A consultative body shall likewise be convened by the NLUC at least once a year or
7 as often as may be necessary. It shall be composed of representatives from the Leagues of
8 Municipalities, Cities, and Provinces, other government agencies not represented in the
9 NLUC, and from nongovernment sectors such as the private sector, non-government
10 organizations (NGOs) and people's organizations (POs), and the academic community.

11 SEC. 16. *Powers and Functions.* – The NLUC shall have the following powers and
12 functions:

13 (a) Advise the President of the Philippines and the NEDA Board on all matters
14 concerning land use and physical planning;

15 (b) Integrate and harmonize all laws, guidelines and policies relevant to land use
16 and physical planning to come up with a rational, cohesive, and comprehensive national
17 land use framework;

18 (c) Formulate policies and approve land use and physical planning-related policies
19 that may be formulated by the Regional Land Use Policy Board (RLUPB), created under
20 Section 25 of this Act, and concerned agencies as well as promulgate zoning and other
21 land use control standards and guidelines which shall guide the formulation of land use
22 plans and zoning ordinances by local governments;

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

(e) Review and approve all land use and physical planning related guidelines;

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

(g) Report and recommend to the President of the Philippines and to Congress the adoption, passage, or amendment of laws to ensure that sectoral programs, plans, projects, and activities, including local government initiatives affecting land use are consistent with national development objectives;

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

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

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

(k) Be the repository of all RPFs, PPFDs and CLUPs and all data and information pertaining to land and land use;

(l) Call on any department, bureau, office, agency, or instrumentality of the government, and/or private entities and organization for cooperation, support, and assistance in the performance of its functions;

(m) Decide and resolve policy conflicts and territorial jurisdiction on land use between or among agencies, branches, or levels of the government and act on unresolved

land use policy conflicts at the regional level elevated by the Regional Land Use Policy Board (RLUPB);

(n) Adopt rules of procedures for the orderly and expeditious conduct of meetings and other business of the Council;

(o) Perform such other acts and functions and exercise such other powers as may be necessarily implied, inherent, incident, or related to the foregoing; and

(p) Review and recommend fiscal policies and taxation on different land uses and classification to achieve national goals.

SEC. 17. *NLUC Technical Secretariat (NLUC-TS)*. – A Technical Secretariat shall be created to provide technical support to the NLUC. It shall be headed by an Executive Director with a rank of Undersecretary. He shall be a qualified professional in any of the fields of land use, physical planning, environmental management, engineering, public governance or law:

SEC. 18. *The NLUC Technical Secretariat Executive Director*. – The Executive Director shall supervise the operations of the NLUC Technical Secretariat and assist the NLUC Chairperson or his/her designated Chief Executive Officer (CEO).

In the absence of the CEO, he/she shall preside over the meetings of the NLUC-TS.

He/she shall also perform such other functions as may be tasked by the Chairperson or CEO-Vice Chairperson.

SEC. 19. *Offices, Units and Staff Support*. – The Policy and Planning Unit of the HLURB shall be the core secretariat of the NLUC. The staff in the HLURB Policy and Planning Unit and NEDA Regional Development Office who opted to transfer to the NLUC shall be given priority without diminution in rank and remuneration. The staffing pattern shall be drafted by the NLUC in coordination with the DBM and Civil Service Commission. Other government agencies may also be called upon for staff support.

1 The NLUC technical secretariat shall be divided into following service units –
2 Planning and Policy Services, Technical Advisory and Assistance Service, and
3 Administrative and Financial Services. Each service unit shall be headed by a Director
4 with minimum rank of Director I (SG 22) and shall possess professional qualifications that
5 relate to land use, physical planning, management, engineering, governance and law.

6 (a) Planning and Policy Services – shall provide planning and policy support
7 services to the NLUC. It shall be responsible for preparation, formulation and issuance of
8 national land use planning guidelines, standards and policies that would be approved by
9 the NLUC. It shall also be responsible for assisting the NLUC in monitoring the
10 implementation and compliance of national and local agencies on the national land use
11 policies, directives, and guidelines. It shall also maintain and update an open and publicly
12 accessible national land use plan inventory, information and database monitoring system
13 that shall collate, integrate and consolidate the general status of the country's land uses at
14 all LGU levels. It shall also provide legal and legislative support to the NLUC and other
15 policy-making bodies on land use policies and land use related issues and concerns.

16 (b) Technical Advisory and Assistance Service – shall provide technical advisory
17 services to the NLUC and other policy making bodies related to land use management and
18 implementation. It shall also provide technical assistance to local and national agencies in
19 the preparation and formulation of their local land use plans, development and sectoral
20 plans, and other land use-related concerns that maybe raised by these bodies. It shall
21 maintain a national network of technical capable and qualified representatives under its
22 supervision and administration that shall provide technical advisory and secretariat
23 support to local land use planning bodies at the LGU levels. The technical advisory and
24 assistance service shall develop and provide training and capacity building programmes
25 on land use planning, land management, zoning, mapping and other related skills for local

1 government units to enhance and strengthen their capacity to effectively perform the
2 functions of LGUs under this Act.

3 (c) Administrative and financial services – shall provide day-to-day administrative,
4 human resources, budgeting, logistical support and financial services to the NLUC and its
5 technical secretariat. It shall also perform other administrative and support services
6 necessary for the effective and efficient operation of the NLUC and NLUC secretariat.

7 Article 2

8 REGIONAL AND LOCAL LAND USE PLANNING BOARDS

9 SEC. 20. *City/Municipal Land Use Planning and Management Board (C/MLUPMB).* –
10 The C/MLUPMB is hereby created under this Act in all municipalities and cities,
11 including highly urbanized and component cities, to oversee the preparation, integration,
12 adoption and approval of their respective Comprehensive Land Use Plans (CLUPs) and
13 shall ensure the consistency of such plans with approved national, regional and provincial
14 planning guidelines. The C/MLUPMB shall also be directly responsible for the effective
15 management and implementation of the approved CLUP and for ensuring that any
16 existing and future local policies, including zoning ordinances, development initiatives,
17 programs and projects introduced within its jurisdiction are consistent with and
18 supportive of the land use resource management and physical planning objectives,
19 directions and character identified by the approved CLUP.

20 SEC. 21. *Powers and Responsibilities of the City/Municipal Land Use Planning and*
21 *Management Board.* – The following are the powers and responsibilities of the
22 C/MLUPMB:

23 (a) In coordination with the city/municipal planning and development
24 office/coordinator, review and issue the necessary local planning guidelines and/or
25 implementing policies for the preparation and formulation of the CLUPs within its

1 jurisdiction as provided for by approved national, regional and provincial planning
2 policies and guidelines;

3 (b) Review and endorse to the sangguniang bayan or sangguniang panlungsod
4 the draft CLUP for adoption;

5 (c) Ensure the input of the barangays within the jurisdiction of the respective
6 city/municipal on sectoral, temporal and spatial dimensions of the plan and its
7 consistency with approved national, regional and provincial planning guidelines;

8 (d) Review, monitor and assess the implementation and operationalization of the
9 approved CLUP;

10 (e) Decide and resolve land use policy and zoning conflicts that may arise between
11 or among barangays within the LGUs;

12 (f) Resolve and decide any complaints regarding the issuance of applications for
13 locational clearances, building and zoning permits and/or other planning-related
14 requirement for any project, both private and public, by the LGU to ensure consistency
15 and conformity with the approved CLUP and zoning ordinances;

16 (g) Advise the local chief executive and sangguniang bayan on all matters
17 pertaining to land use and physical planning;

18 (h) Promote cooperation and sharing of resources between and among its
19 barangays and neighboring LGUs to address common land use and development issues
20 including those related to geo-physical hazards, watershed and river basins, coastal and
21 marine waters, climate change impact and disaster risks; and

22 (i) Convene a technical working group composed of city/municipal agriculturist,
23 city/municipal environment and natural resources officer, city/municipal engineer,
24 city/municipal assessor and such other LGU officials with land related functions in the

preparation of the CLUP. The TWG may request any field officials of national government agencies with land administration function to assist for the same purposes.

SEC. 22. *Composition of the C/MLUPMB.* – The C/MLUPMB shall be composed of five (5) members and shall be headed by a Chairperson :

(a) City/municipal planning and development coordinator (C/MPDC);

(b) Chairperson of the Sangguniang Bayan Committee on Environment and Natural Resources who shall serve as the chairperson of the C/MLUPMB;

(c) One (1) representative from the local business/private sector association/chamber of commerce, who shall be appointed from among the accredited organizations within their respective development councils;

(d) One (1) representative from the basic sector and marginalized groups (urban poor, fisherfolk, farmers and indigenous peoples) who shall be appointed from among the accredited organizations within their respective development councils; and

(e) NLUC representative who shall serve as ex-officio member.

Except for *ex officio* members, the members of the C/MLUPMB shall be appointed for a term of three (3) years, subject however to the elected office held, government employment and/or official designation in the LGU, national agency and/or local business/private sector association or basic and marginalized sector group representation in the Board. The City/Municipal Planning and Development Coordinator/Office (C/MPDC/O) shall provide technical secretariat and administrative support and resources for the effective operation of the C/MLUPMB.

Aside from the C/MPDO/C, the C/MLUPMB may call upon other local and national government offices and agencies such as the local engineer, the assessor and the local field representatives of the DA, the DPWH, the DOTC, the DOT, the DENR, the

1 DAR, the DepED and other concerned national agencies to assist the C/MLUPMB in the
2 performance of its roles and mandates.

3 Annual appropriations for the operation and activities of the C/MLUPMB shall be
4 included in the annual budget proposal of the C/MPDO/C: *Provided, That* other funds
5 and resources, including grants, applicable service fees and charges collected,
6 contributions, donations, and other funds to support its operations and activities may be
7 accepted and received by the PLUPMB, subject to existing auditing and reporting
8 procedures.

9 LGUs shall create and/or activate their respective C/MLUPMB upon guidelines
10 issued by the NLUC for such purposes, not later than six (6) months from the effectivity of
11 this Act.

12 SEC. 23. *Provincial Land Use Planning and Management Board (PLUPMB)*. – The
13 PLUPMB is hereby created in all provinces under this Act to oversee the preparation,
14 integration, adoption and approval of the Provincial Physical Framework Plan (PPFP) and
15 shall ensure its consistency with approved national and regional planning guidelines. The
16 PLUPMB shall also be directly responsible for the effective management and
17 implementation of the approved PPFP and ensure that any existing and future
18 development initiatives, programs and projects introduced within its jurisdiction are
19 consistent with and supportive of the land use resource management and physical
20 planning objectives, directions and character identified in the approved PPFP.

21 In addition to the functions enumerated in Section 109 of the LGC, the PLUPMB
22 shall:

23 (a) Advise the *Sangguniang Panlalawigan* on all matters pertaining to land use and
24 physical planning;

25 (b) Review and endorse to the *Sangguniang Panlalawigan* for adoption, the provincial

physical framework plans, prepared and periodically updated by the Provincial Planning and Development Office and other land use and physical planning-related policies;

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

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

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

SEC. 24. *Composition of the PLUPMB.* – The PLUPMB shall be composed of the following fourteen (14) members to be selected based on the rules to be formulated by the NLUPC as provided in this Act:

(a) Provincial Planning and Development Coordinator (PPDC);

(b) Chairperson of SP Committee on Environment and Natural Resources;

(c) Provincial Chapter President - League Of Municipalities and/or League of Cities;

(d) Provincial Agrarian Reform Officer (PARO);

(e) Provincial Environment and Natural Resources Officer (PENRO);

(f) Provincial Agricultural Officer (PAO);

(g) NCIP Provincial Officer;

(h) NLUC Technical Representative;

1 (i) One (1) representative from the local business/private sector
2 association/chamber of commerce, who shall be appointed from among the accredited
3 organizations within their respective development councils;

4 (j) Four (4) representatives from the basic and marginalized sector groups (urban
5 poor, fisherfolk, farmers, indigenous peoples): *Provided*, That at least two (2)
6 representatives shall be women: *Provided, further*, That the representatives shall be
7 appointed from among the accredited organizations within their respective development
8 councils; and

9 (k) Designated board chairperson to be chosen among the members.

10 Except for ex-officio members, the members of the PLUPMB shall be appointed for
11 a term of three (3) years, subject however to the elected office held, government
12 employment and/or official designation of the local government unit, national agency
13 and/or local business/private sector association or basic and marginalized sector group
14 representation in the Board. The NLUPC, within ninety (90) days from its establishment,
15 shall formulate the rules for the selection of the chairperson and the members in the
16 PLUPMB. The Provincial Planning and Development Coordinator/Office (PPDC/O) shall
17 provide technical secretariat and administrative support and resources for the effective
18 operation of the PLUPMB.

19 Aside from the PPDO, the PLUPMB may call upon other local and national
20 government offices and agencies such as the local engineer, assessor, and local field
21 representatives of the DA, DPWH, DOTC, DOT, DENR, DAR, DECS, NCIP and other
22 concerned national agencies to assist the PLUPMB in the performance of its roles and
23 mandates.

24 Appropriations for the regular operation and activities of the PLUPMB shall be
25 included in the annual budget proposal of the PPDO: *Provided*, That other funds and
26 resources, including grants, applicable service fees and charges collected, contributions,

donations, and other funds to support its operations and activities may be accepted and received by the PLUPMB subject to existing auditing and reporting procedures.

SEC. 25. *Regional Land Use Policy Board (RLUPB).* – At the regional level, the Regional Land Use Policy Board (RLUPB) shall be institutionalized, replicating the NLUC structure and composition which shall include a duly authorized representative from the NEDA, the DENR, the DA and the DAR. The RLUPB shall have the following functions:

(a) Formulate and adopt regional policies on land use and physical planning;

(b) Prepare and periodically update a regional physical framework plan, taking into consideration national policies and lower level plans;

(c) Assist the provinces in preparing and periodically updating its physical framework plans to ensure consistency with the regional and national plans and policies and to facilitate its integration to the regional plans;

(d) Review, prior to adoption by respective *sanggunians*, the Provincial Physical Framework Plan and CLUPs of highly urbanized and independent component cities to ensure consistency with the regional physical framework plan and national policies set forth by LUPC and compliance with limits prescribed under the 1991 LGC for reclassifying agricultural lands;

(e) Decide and resolve policy conflicts on land use planning, classification, and allocation that may arise between or among regional line agencies, provinces and cities/municipalities;

(f) Monitor changes in land use and other physical resources in the region;

(g) Evaluate consistency of major programs and projects with the regional physical framework plans and their impact on land use and the environment;

(h) Undertake the gathering of regional data for the Land Resource Information and Management System; and

(i) Perform other related functions as may be directed by the LUPC.

1 Article 3

2 ADOPTION, APPROVAL AND REVIEW OF LAND USE PLANS

3 SEC. 26. *Component Cities and Municipalities.* – Component cities and municipalities
4 shall have the power and authority to adopt and approve their respective CLUPs and ZOs
5 through their respective *sanggunians* subject to the power of review of their respective
6 provinces only with respect to the consistency of the CLUPs and ZOs with Section 8 hereof
7 on the preparation of the provincial physical framework plan.

8 SEC. 27. *Provinces and Independent and Highly Urbanized Cities.* – Provinces and
9 independent and highly urbanized cities shall have the power and authority to adopt and
10 approve their respective CLUPs, ZOs or provincial physical framework plan, as the case
11 may be, through their respective *sanggunian* but subject to the review of the RLUPB as
12 provided in Section 25 of this Act.

13 Article 4

14 RESPONSIBILITIES OF THE NATIONAL GOVERNMENT AGENCIES AND LGUS

15 SEC. 28. *National Base Mapping Program.* – A national mapping program shall be
16 implemented, coordinated, and monitored through the creation of an Inter-agency
17 Technical Committee (ITC) composed of the NAMRIA, as the lead agency, the Bureau of
18 Soils and Water Management (BSWM), the Forest Management Bureau (FMB), the Land
19 Management Bureau (LMB), the Land Registration Authority (LRA), the Protected Areas
20 and Wildlife Bureau (PAWB), the Mines and Geosciences Bureau (MGB), the Philippine
21 Institute of Volcanology and Seismology (PHIVOLCS), the DAR, the National Water
22 Resources Board (NWRB), the DOE, the NEDA and other concerned government
23 agencies/bureaus. The ITC shall be constituted, and the mapping program shall be
24 initiated, within thirty (30) days from the effectivity of this Act. The agencies mentioned in

1 this Section shall endeavor to finish their base mapping program within two (2) years
2 upon the effectivity of this Act.

3 To facilitate land use planning and as a part of the National Base Mapping Program,
4 the Interagency Technical Committee (ITC) shall establish a nationally consistent
5 Alphanumeric Grid Reference System based on universally-defined coordinate and grid
6 systems for accurate and consistent identification and communication.

7 The spatial and non-spatial data generated by these activities shall be downloaded
8 to the LGU as soon as practicable. On the other hand, existing land information data
9 available to the national government agencies as of the effectivity of this Act shall be
10 immediately downloaded to the LGU.

11 For purposes of uniformity and standardization, the LGUs, to be assisted by the
12 appropriate agencies of the national government, shall likewise prepare their respective
13 territorial maps using scales, symbols, and other indicators to be prescribed in accordance
14 with this Act. The completed maps shall be integrated in the national physical framework
15 plan pursuant to Section 5 of this Act.

16 SEC. 29. *National Geo-hazard Mapping Program.* – Within thirty (30) days from the
17 effectivity of this Act, a nationwide geo-hazard mapping program shall be initiated jointly
18 thru the NLUC by the PHIVOLCS, the Philippine Atmospheric Geophysical and
19 Astronomical Services Administration (PAGASA), the NAMRIA, the MGB, the BSWM,
20 and the DOE, in coordination with the National Disaster Risk Reduction and Management
21 Council (NDRRMC), the Regional Disaster Risk Reduction and Management Council
22 (RDRRMC), and other concerned government agencies. The program shall include the
23 generation of indicative geo-hazard zoning maps that will outline areas in the Philippines
24 which are prone to liquefaction, landslides, severe flooding, lahar, ground rupturing,
25 tsunami, river erosion, coastal erosion, sinkhole collapse, earthquake, lava flow,
26 pyroclastic flow, base surge, and other natural hazards.

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

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

11 SEC. 30. *Scope and Nature of Responsibilities of Other National Government Agencies.* –
12 All concerned national government agencies/bodies shall periodically report to the NLUC
13 on the various activities and accomplishments relative to land use. Likewise, they shall
14 provide their respective sectoral/development plans and render technical and
15 administrative support if called upon by the NLUC relative to the implementation of the
16 provisions of this Act.

17 SEC. 31. *Submission of Annual Report on the Implementation of CLUPs.* – The
18 C/MLUPC shall submit an annual report on the implementation of their land use plans to
19 the PLUPMB, which shall integrate the same for submission to the RLUPB, which shall in
20 turn integrate the provincial reports for submission to the NLUC.

21 CHAPTER VI

22 SPECIAL AREAS OF CONCERN

23 Article I

24 AGRICULTURAL LANDS

25 SEC. 32. *Priority Areas for Agricultural Development.* – Priority areas for agricultural

1 development for purposes of agricultural production shall be those agricultural areas
2 under protection land use covered under Republic Act No. 6657 or the CARP, as amended,
3 and those covered under Network of Protected Areas for Agricultural and Agro-Industrial
4 Development (NPAAAD), defined in Section 4 of this Act and in R.A. No. 8435 or the
5 "Agriculture and Fisheries Modernization Act".

6 SEC. 33. *Conversion of Agricultural Lands.* – Prime agricultural lands and specific
7 types of lands to the extent necessary for attaining food self-sufficiency in rice and corn
8 and food security in other basic commodities, as determined by the DA, subject to
9 mandatory public hearings/consultations with the LGUs, the private sector, the NGOs,
10 and POs, shall be protected from conversion, which shall include but not limited to areas
11 under the NPAAAD: *Provided,* That all irrigated and irrigable lands, all lands developed or
12 possessing the potential for development of high value crops, and all agricultural lands
13 that are ecologically fragile and whose conversion will result in serious environmental
14 problems cannot be converted, the areas under which are subject to review every ten (10)
15 years by the DAR, with the mandatory public hearings/consultations.

16 SEC. 34. *Sub-classification or Re-classification of Agricultural Lands by LGUs.* – Sub-
17 classification or re-classification of agricultural lands to other uses under Section 20 of the
18 LGC of 1991 shall exclude the protected agricultural lands as stated in the preceding
19 section. Moreover, such sub-classification/reclassification is not synonymous to
20 conversion. The DA and DAR shall provide the LGUs with complete list and maps of
21 protected agricultural lands within their territorial jurisdictions.

22 Article 2

23 ANCESTRAL DOMAIN

SEC. 35. *Priority Areas For Agricultural Development Within Ancestral Domain.* – Agricultural lands within ancestral domain shall be developed in accordance with their Ancestral Domain Sustainable Development Protection Plan (ADSDPP).

SEC. 36. *Respect For Ancestral Domains.* – The Ancestral Domain Management Plan (ADMP) or ADS DPP shall be adopted in the CLUP and/or other plans that the LGU is mandated to produce. The extent of the ancestral domains shall be reflected in the land use plan, where it will be zoned as such in the zoning ordinance and shall be co-managed by the LGU and IP community. Additionally, the ADS DPP shall be included in the investment plans of the LGU.

SEC. 37. *Ancestral Domain Policy Adoption.* – Ancestral domain policies shall be adopted in the LGU's land use policy framework. However, in the event that the ADMP/ADSDPP is still in the formulation stage or remains to be formulated, the right to self-determination and traditional resource and management systems and processes shall be upheld at all times as provided for by the IPRA of 1997.

Article 3

FOREST LANDS AND WATERSHED MANAGEMENT

SEC. 38. *Forestland Boundary Delineation.* – Pursuant to Section 4, Article 12 of the 1987 Constitution which mandates Congress to determine by law the specific limits of forestlands and national parks, the Secretary of the DENR shall submit to Congress the final forestland boundaries delineated by province and the Congress shall consider the same for adoption.

SEC. 39. *Reversion of Alienable and Disposable Lands to Forestlands.* – Upon the recommendation of the Secretary of the DENR, duly reviewed and endorsed by the NLUC, and after due consultations with the concerned LGUs and affected parties, Congress may authorize the reversion of alienable and disposable lands of the public domain or portion

1 thereof to forestlands. Thereafter, said lands shall be included in the preparation of land
2 use plans within forestlands.

3 SEC. 40. *Critical Watershed Areas.* – The DENR, in coordination with the DA, LGUs,
4 and other government agencies, including government-owned and -controlled
5 corporations, and with mandatory public hearings/consultations, shall review, identify
6 and delineate critical watershed areas that need to be protected, rehabilitated, enhanced,
7 and/or withdrawn from uses that contribute to their further degradation.

8 SEC. 41. *Formulation and Implementation of Integrated Watershed Management Plans.* –
9 In the absence of a law on the protection and sustainable management of our forests, the
10 LGUs through their local land use committees and upon mandatory public
11 hearings/consultations with the concerned sectors, and with the assistance of DENR, shall
12 prepare their watershed management plans which shall be integrated with their respective
13 CLUPs. The formulation and integration of the plan shall be guided, among others, by the
14 principle that the management and development of inland water resources shall be at the
15 watershed level. A nationwide mapping of watersheds in the country shall be
16 implemented.

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

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

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

Article 4

National Parks and other NIPAS Areas

SEC. 42 Integrated Management Strategy. For more effective planning, management and protection of Protected Areas at the provincial and municipal/city levels, the Protected Area Management Plan referred to in the NIPAS law shall be incorporated in the PPFP and CLUPS, if applicable, wherein Protected Area Zoning shall be reflected.

Article 5

COASTAL ZONE

SEC. 43. *Criteria on the Allocation and Utilization of Lands within the Coastal Zones.* – The allocation and utilization of lands within the coastal zones shall be guided by the following:

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

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

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

(d) Areas accessible to the sea and identified for fisherfolk settlement and housing shall be allocated to traditional fisherfolk who are inhabitants of the coastal communities and members of legitimate fisherfolk organizations and/or holders of stewardship lease

contracts or titles to ancestral domains or any form of property right arrangements who participate in coastal resource management initiatives, subject to the usual census procedures of the HUDCC.

(e) Areas which are neither sub-classified as mangrove, fisherfolk settlement nor fishpond may be devoted to recreational or tourism purposes: *Provided*, That such undertaking will not result in environmental degradation and displacement of small fishers;

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

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

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

SEC. 43. *Coastal Land Zone Sub-classification.* – All public lands in the coastal zones shall be sub-classified into any of the following: estuaries, lagoons, inter-tidal flats, mudflats, fishponds, mangroves, protection from tidal surge, for preservation of biodiversity, habitats and sanctuaries for endangered wildlife, fisherfolk settlement, or recreational/tourism areas. No sub-classification of coastal zones to different uses shall be done without the following:

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

(b) Integrated Coastal Management Approach, in accordance to EO 533, shall be used as the framework for coastal areas which should be incorporated in the Comprehensive Land Use Plan of the LGUs

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

SEC. 44. *Zoning of Foreshore Areas.* – Local government units, in coordination with the DENR, shall conduct zoning of their respective foreshore areas to assist government and community fishers identify priority areas for conservation and development, and to enable them to set targets for mangrove reforestation and rehabilitation.

SEC. 45. *Protection of Waterways Easements and Flood Plains.* – Structures of any kind shall not be built in waterways easements. Pursuant to PD 1067 or the Water Code, the banks of rivers and streams and the shores of the seas and lakes throughout their entire length and within a zone of three (3) meters in urban areas, twenty (20) meters in agricultural areas and forty (40) meters in forest areas, along their margins, are subject to the easement of public use only in the interest of recreation, navigation, floatage, fishing and salvage.

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

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

Article 5

MINERAL LANDS

1 SEC. 46. *Criteria for the Utilization and Allocation of Land for Mining Purposes.* –
2 Consistent with Section 6 of this Act and the provisions of Republic Act No. 7942 or the
3 Mining Act of 1995, and to ensure that the objectives of maintaining ecological balance
4 and maximizing economic returns to mining operations are realized, the allocation and
5 utilization of lands for mining purposes shall be guided by the following:

6 (a) The principles of sustainable development and responsible mining;

7 (b) In case of small-scale mining, adequate and acceptable safeguards shall be
8 instituted by the holders of mining rights or permits to prevent environmental
9 degradation of the mining sites and adjacent areas;

10 (d) Mineral reservations which have become non-operational for more than five
11 (5) years as determined by the MGB shall be placed under appropriate surface
12 management by the DENR; and

13 (e) Consistent with the Mining Act of 1995, areas closed to mining operations
14 shall be periodically reviewed through mineral exploration to be undertaken by the
15 DENR for the purpose of determining whether or not their continued closure is consistent
16 with the national interest and, if warranted, recommend their reclassification as mineral
17 lands.

18 (f) Land under protection land use shall be exempted from mining activities to
19 minimize the effect of natural calamities and to protect food security respectively.

20 (f) The small to large scale mining operations shall yield from and recognize the
21 tenurial instrument given by the government such as Original Certificate of Title (OCT),
22 Transfer Certificate of Title (TCT), Certificate of Ancestral Domain Title (CADT),
23 Emancipation Patent – Certificate of Land Ownership Award (EP-CLOA) and other
24 instruments.

25 SEC. 47. *Reversion of Mineral Lands.* – All mineral lands with exhausted mineral
26 resources, as determined by the MGB upon the recommendation of the DENR, shall revert

1 to its original land classification, that is, as forestland or agricultural land. In the case of
2 forestlands, the DENR may classify such areas for other purposes in consultation with
3 concerned LGU's, the Department of Tourism (DOT), and other national government
4 agencies.

5 Article 6

6 ENERGY RESOURCE LANDS

7 SEC. 48. *Guidelines for the Utilization and Allocation of Lands for Energy Resource*
8 *Exploration, Development, Production, Utilization, and Distribution Purposes.* – To ensure that
9 the objectives of maintaining ecological balance and maximizing the power potential from
10 indigenous energy resources in the most economical and environmentally-acceptable
11 means are realized, the allocation and utilization of lands for said purposes shall be guided
12 by the following, consistent with existing regulations and laws 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 Block
15 Map shall be allowed subject to the implementation of complementary watershed and
16 other land management plans;

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

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

SEC. 49. *Reversion of Energy Resource Lands.* -- All exhausted indigenous energy resource lands not covered by proclamations shall automatically revert to the category of forestlands or agricultural lands open to disposition, whichever is appropriate. Exhausted energy resource lands shall refer to specific energy resource sites whose energy reserves of the desired type/s are no longer in sufficient quantity or quality to justify additional expenditure for their extraction and utilization.

CHAPTER VII

SETTLEMENTS DEVELOPMENT

SEC. 50. *Town, City, and Settlements Development.* – The development of town, city, and settlements through the zoning ordinances of cities and municipalities shall be guided by CLUPs and urban zoning standards designed to maximize existing urban spaces. Socialized housing and settlement areas shall be established only on alienable and disposable lands in order to avoid further degradation of forestlands.

SEC. 51. *Settlements Within Geo-hazard Areas.* – Settlements, in particular housing or residential developments, within geo-hazard areas may be allowed provided that mitigating and/or protective measures are adopted to address the potential danger or risk to lives and property within such settlements.

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

SEC. 52. *Designation of Sanitary Landfill.* – Each city or municipality shall identify, designate and allocate an area preferably within their territorial jurisdiction to serve as sanitary landfill within one (1) year from the effectivity of this Act. The LGUs, in

1 coordination with the DENR or any other competent authority, shall identify sanitary
2 landfill in order to fast-track the conduct of environmental impact assessment study and to
3 facilitate processing of the environmental compliance certificate. The site or area shall be
4 identified in the city or municipality's CLUP. For this purpose, cities and municipalities
5 shall establish their solid waste management program, pursuant to R.A. No. 9003,
6 otherwise known as the "Ecological Solid Waste Management Act of 2000". Likewise, as
7 provided under Section 33 of the LGC, cities and municipalities may, through appropriate
8 ordinances, bind themselves towards the establishment of a common solid waste
9 management program.

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

14 SEC. 53. *Designation and Zoning of Socialized Housing Zones.* – Each city or
15 municipality in urban, urbanizable and rural areas shall designate through the CLUP
16 adequate lands for housing or residential purposes, including socialized housing and
17 resettlement areas for the immediate and future needs of the local population as well as
18 the underprivileged and homeless in their territory, pursuant to existing laws and
19 regulations. In order to ensure adequate availability of land for the housing needs of the
20 local population, the CLUP shall be updated, at the earliest after every ten (10) years for
21 provinces, cities and municipalities.

22 The designated sites for socialized housing shall be located in residential zones, and
23 shall be zoned as socialized housing zones that are integrated in the city or municipality's
24 zoning ordinance, pursuant to existing laws and regulations. Preference shall be given to
25 lands proximate to public transportation facilities which may include inter alia railways
26 and public terminals.

1 Fisherfolk settlements and housing in coastal municipalities shall be zoned near the
2 sea for easy access to their livelihood pursuant to Section 42 of this Act.

3 SEC. 54. *Urban Forest or Green Space.* – Each city or highly urbanizing municipality
4 shall identify, designate, and allocate lands owned by the city or municipality as urban
5 forest or green space based on the guidelines and standards to be issued by the DENR and
6 approved by the NLUC.

7 CHAPTER VIII

8 INDUSTRIAL DEVELOPMENT AREAS

9 SEC. 55. *Criteria for Designating Industrial Development Areas.* – The identification
10 and establishment of industrial development areas including Special Economic Zones
11 and/or freeports shall conform with the provisions of R. A. No. 7916, or the Philippine
12 Economic Zone Authority (PEZA) Act, R.A. No. 6657 or the Comprehensive Agrarian
13 Reform Program, (CARP) Act, as amended by R.A. No. 9700 or the Comprehensive
14 Agrarian Reform Program with Extension and Reforms Act (CARPER), R.A. 8371 or the
15 Indigenous Peoples Rights Act (IPRA), R.A. No. 7279 or the Urban Development Housing
16 Act (UDHA), and R.A. No. 8435 or the Agriculture and Fisheries Modernization Act
17 (AFMA), taking into consideration the following:

18 (a) Identified network of areas for agricultural development and protected
19 agricultural areas pursuant to the AFMA;

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

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

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

25 (e) National and Urban Development and Housing Framework;

- (f) Identified Socialized Housing Zones;
- (g) National framework for physical planning and other existing national programs and policies;
- (h) Local Government Unit (LGU) consent through a resolution from the affected LGU's respective sanggunians;
- (i) Environmental Compliance Certificate (ECC) and Environmental Impact Statement (EIS);
- (j) Certificate of no overlap from the DENR, DAR and the NCIP; and
- (k) NEDA approval.

The land use plans of all Special Economic Zones (SEZs) and/or freeports whether created by special laws, through Republic Act No. 7916 (PEZA Law) or executive proclamations shall conform to the approved Comprehensive Land Use Plans pursuant to this Act. The National Land Use Commission (NLUC) shall order all Special Economic Zones and freeports to submit revised land use plans, for review and approval by their respective city or municipal councils where these areas are located.

Any conflict or overlap in land use shall be resolved in favor of the preferential rights of the basic and marginalized sectors protected by the Constitution.

NEDA shall review and evaluate the viability in terms of the volume of investments against the cost of environment, labor, tax incentive, and maintenance of peace and order of Special Economic Zones and freeports.

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

CHAPTER IX

TOURISM DEVELOPMENT AND HERITAGE AREAS

SEC. 56. *Designating Tourism Development Areas.* – The identification, selection, and development of tourism development areas, tourism estates and tourism enterprise zones (TEZs) shall be done in consultation and coordination with the concerned LGUs, the TIEZA and concerned national government agencies, the private sector, and the affected communities, subject to the provisions of R.A. No. 9593 or Tourism Act of 2009. Tourism development areas shall likewise include those covered by legislative and executive issuances as tourist spots, tourist zones and tourism ecozones which can be developed into tourism estates or integrated resort, leisure and recreation complexes and other tourism-related facilities as well as those identified in the national, regional and inter-regional tourism, and area specific tourism master plans and other sector plans such as ecotourism and agri-tourism sites.

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

Lands identified as part of a TEZ shall qualify for exemption from the coverage of Republic Act Nos. 7279 and 6657 subject to rules and regulations to be crafted by the TIEZA, HUDCC, DAR and DA: *Provided*, That a certificate shall be obtained from the DA that said lands are no longer economically feasible and sound for agricultural purposes, consistent with Section 33 of this Act.

SEC. 57. *Identification and Declaration of Areas for Protection, Conservation and Preservation of Cultural Heritage.* – Pursuant to R. A. No. 10066, the National Historical Commission of the Philippines (NHCP) and/or the National Museum in coordination with National Commission for Culture and the Arts (NCCA), HLURB and other concerned agencies, local communities, and the private sector, shall identify declared areas and structures which shall be protected and/or preserved as part of the Philippine cultural heritage subject to the IPRA.

The LGUs in coordination with the NHCP, the NCCA and the Cultural Center of the Philippines (CCP) shall designate historical zones to protect the historical integrity of said geographical areas and cultural space of intangible cultural properties.

CHAPTER X

INFRASTRUCTURE DEVELOPMENT

SEC. 58. *Allocation and Use of Land for Infrastructure Development.* – Land, whether public or private, shall be allocated and utilized for priority infrastructure projects that are supportive of national or local development objectives. The NEDA, in consultation with the concerned national government agencies, LGUs, and the private sector shall identify and periodically review, update and/or revise the list of priority infrastructure projects subject to Sections 6 and 33 of this Act, and Section 47 of R. A. No. 8435 or AFMA. In determining and evaluating the list of priority infrastructure projects, consideration shall be given to those that:

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

(b) Upgrade existing facilities to international standards;

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

(d) Help mitigate the destructive effects of natural disaster-causing phenomena or those that shall serve as alternatives to existing infrastructures found in natural hazard-prone areas: *Provided*, That the provision and implementation of infrastructure support shall be made compatible with existing environmental conditions and the physical, whether natural or human-made, and cultural character of the area. Mandatory public hearings/consultations pursuant to existing laws and regulations shall be held prior to the conduct of all infrastructure projects that will necessarily involve dislocation or displacement of people in the area: *Provided, further*, That the proponent of the

1 infrastructure project shall follow the rules on just and humane eviction or demolition
2 under Section 28 of R. A. No. 7279 or the Urban Development Housing Act (UDHA),
3 notwithstanding the provisions of Republic Act No. 8975, prohibiting lower courts from
4 issuing temporary restraining orders, preliminary injunctions, or preliminary mandatory
5 injunctions, and proponent shall follow IPRA: *Provided, finally,* That national government
6 infrastructure projects shall allocate budget for the adequate relocation of displaced
7 communities.

8 SEC. 59. *Infrastructure Projects Within Geo-hazard Areas.* – Construction of priority
9 infrastructure projects within hazard-prone areas shall be allowed: *Provided,* That
10 mitigating and/or preventive measures are adopted to address the potential adverse
11 economic, socio-cultural, and environmental impacts that will emanate from these
12 infrastructure projects, subject to the findings and recommendations of a feasibility
13 study/environmental impact assessment in accordance with Presidential Decree No.
14 1586, Establishing An Environmental Impact Statement System, Including Other
15 Environmental Management Related Measures, and R. A. No. 4846 or the Cultural
16 Properties Preservation and Protection Act, as amended by Presidential Decree No. 374.

17 Existing projects that did not go through the process of an environmental impact
18 assessment and pose threats to the environment, integrity of historic, archeological, or
19 scientifically significant areas; or are impinging on critical ecosystems, shall either be as
20 determined by the concerned agencies: (a) terminated immediately, (b) required to
21 implement an Environmental Management Plan; (c) gradually phased-out and relocated,
22 or (d) maintained up to their life span, subject, however, to mitigating measures: *Provided,*
23 That the rules on mandatory public hearings/consultations and just and humane eviction
24 or demolition shall also be observed prior to the termination, gradual phase-out, or
25 relocation of projects that will necessarily involve dislocation or displacement of people in
26 the area.

1 CHAPTER XI

2 TRAINING, EDUCATION, AND VALUE FORMATION

3 SEC. 60. *Value Formation.* – In order to create a well informed, responsible and
4 committed citizenry who values the protection, conservation and development of the
5 country's limited land, and other physical resources, the State shall mandate the inclusion
6 of sustainable land use education or any subject related thereto in the curricula of primary,
7 secondary and tertiary education.

8 SEC. 61. *Information and Education Campaign.* – The NLUC shall undertake a
9 nationwide education information campaign in land use and physical planning to be
10 implemented by local and national government agencies. The DILG and concerned
11 agencies shall formulate and implement a land use management capability-building
12 program for national and local government officials, community leaders, NGOs, POs,
13 religious sector, and the general public: *Provided,* That it shall be mandatory for local
14 government officials involved in the preparation of CLUPs and PPFDP, including the
15 municipal, city and provincial development officer to attend the Land Use Management
16 Capability-Building Program.

17 CHAPTER XII

18 INCENTIVES, SANCTIONS, AND PENALTIES

19 Article 1

20 Incentives and Awards

21 SEC. 62. *Formulation of a System of Incentives and Awards.* – The NLUC shall come
22 out with a system of incentives and awards to LGUs that regularly update their
23 CLUPs/ZOs within the prescribed period, as follows:

24 (a) Provinces, Highly Urbanized Cities, and Independent Component Cities -

once every ten (10) years; and

(b) Component cities and municipalities once every ten (10) years.

SEC. 63. *Priority in Giving Technical Assistance to LGUs.* – In providing technical assistance and other forms of support related to land use management and the implementation of development plans, the national government agencies shall give priority to cities and municipalities with approved CLUPs/ZOs.

Article 2

SANCTIONS AND PENALTIES

SEC. 64. *Fine for Non-Completion and Non-Commencement of Development of Agricultural Lands with Approved Order of Conversion.* – A landowner and his/her designated developer or duly authorized representative who fails to commence and/or complete the development of agricultural lands with approved order of conversion shall be penalized, jointly or severally, with any of the following fines based on the zonal value of the land at the time the fine is imposed:

(a) On failure to commence within one (1) year from the date of conversion order:

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

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

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

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

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

6 SEC. 65. *Authority to Impose Fine.* – The DAR shall impose the penalty provided for
7 under the preceding section.

8 SEC. 66. *Withdrawal of Local Development Permits or Licenses.* – Upon receipt of
9 notice from the DAR, the concerned agencies and the city or municipality shall withdraw
10 or revoke any development permit and other licenses that may be necessary to develop the
11 agricultural land subject of conversion.

12 SEC. 67. *Utilization of Fines.* – The fines collected under Sections 64, 69 and 70
13 hereof shall automatically accrue to the Agrarian Reform Fund consistent with the
14 provisions of the CARP, as amended.

15 SEC. 68. *Failure to Formulate, Enforce, and/or Implement the CLUPs.* – Consistent with
16 due process, the DILG shall investigate, review, and impose appropriate action regarding
17 local chief executives and other local officials and employees responsible for the
18 formulation, enforcement, and/or implementation of the CLUPs in case of any of the
19 following:

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

21 (b) Failure to provide appropriate budgetary allocation to effect its
22 implementation; and,

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

25 Any public official or employee, regardless of whether elected or appointed or

1 holding office or employment in a casual, temporary, holdover, permanent, or regular
2 capacity, found to be responsible for any of the foregoing acts, after due notice and
3 hearing by the appropriate body or agency, shall be punished with forfeiture of salaries
4 and allowances and suspension from:

5 1. Six (6) to nine (9) months, in case of non-implementation of CLUP; or

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

7 SEC. 69. *Person(s) Abetting Illegal Conversion.* – Any person initiating, causing,
8 inducing, or abetting illegal conversion shall, upon conviction, be imprisoned from seven
9 (7) to twelve (12) years and imposed a fine of not less than One hundred thousand pesos
10 (P100,000.00), or both at the discretion of the Court: *Provided*, That if the offender is a
11 public official or employee, whether elected or appointed, the penalty shall, in addition
12 thereto, include dismissal through permanent separation from the service and forfeiture of
13 all benefits and entitlements accruing to the public position and perpetual disqualification
14 to run or apply for any elective or appointive public office: *Provided, further*, That if the
15 offender is a juridical person, the penalty of imprisonment shall be imposed on the
16 president, chief executive officer, manager, chairperson and all the members of the board,
17 and other responsible officers thereof, and the fine shall be equivalent to the zonal value of
18 the land or forty percent (40%) of the shareholders equity, as determined at the time of
19 judgment whichever is higher, plus forfeiture of the land in favor of the State for sale
20 through public auction, the proceeds of which shall automatically accrue to the Agrarian
21 Reform Fund as provided for in Section 67 of this Act.

22 SEC. 70. *Penalty for Reclassification of Protected Agricultural Lands and Exceeding the*
23 *Limit of Areas Allowed for Reclassification.* – Any person initiating, causing, inducing, or
24 abetting the reclassification of protected agricultural areas into non-agricultural uses and
25 exceeding the limits set forth under Section 20 of the LGC of 1991, shall be penalized with
26 imprisonment of twelve (12) years and a fine of not less than One hundred thousand pesos

(P100,000.00), or both at the discretion of the court: *Provided*, That if the offender is a public official or employee, the penalty shall, in addition thereto, include dismissal through permanent separation from the service, whether elected or appointed, and forfeiture of entitlements accruing to the public position, and perpetual disqualification to run or apply for any elective or appointive public position: *Provided, further*, That if the offender is a juridical person, the penalty shall be imposed on the president, chief executive officer, manager, chairperson and all the members of the board, and other responsible officers thereof.

SEC. 71. *Payment of Disturbance Compensation.* – Following the order of priority as enumerated in Section 22 of the CARP, as amended, qualified beneficiaries such as agricultural lessees and share tenants, regular farm workers, seasonal farm workers, other farm workers, actual tillers or occupants of public lands, collective, or cooperative of the above-mentioned beneficiaries, and others directly working on the land affected by agricultural land use conversion shall be entitled to the payment of disturbance compensation equivalent to five (5) times the average of the gross harvests on the landholding during the last five (5) preceding calendar years or a certain percentage of the converted land, whichever is higher, as determined by the DAR.

CHAPTER XIII

TRANSITORY AND FINAL PROVISIONS

SEC. 72. *Convening of the NLUC.* – Within thirty (30) days from the effectivity of this Act, the President shall convene the NLUC.

SEC. 73. *Implementing Rules and Regulations.* – Within six (6) months from the effectivity of this Act, the NLUC shall promulgate the rules and regulations to implement the provisions of this Act. Said rules and regulations shall be submitted to the

1 Congressional Oversight Committee for approval.

2 SEC. 74. *Congressional Oversight Committee on the Land Use Act.* – There is hereby
3 created a Congressional Oversight Committee which shall monitor the implementation of
4 this Act. It shall be composed of seven (7) members from the Senate and seven (7)
5 members from the House of Representatives. The Chairpersons of the Senate Committee
6 on Environment and Natural Resources and the House of Representatives Committee on
7 Natural Resources shall be the Chair and Co-Chair of the Congressional Oversight
8 Committee, respectively. The other members from the Senate shall be appointed by the
9 Senate President based on proportional representation of the parties or coalitions therein
10 with at least one (1) senator representing the minority. The other members from the House
11 of Representatives shall be appointed by the Speaker also based on proportional
12 representation of the parties or coalitions therein with at least one (1) member representing
13 the minority.

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

17 SEC. 75. *Appropriations.* – The appropriations for the National Land Use
18 Commission shall be taken from the budget of the Office of the President in the General
19 Appropriations Act in the year following the effectivity of this Act shall be used to carry
20 out the initial operations of the National Land Use Commission. Thereafter, additional
21 sums as may be necessary for the full implementation of NLUC's functions shall be
22 included in the annual General Appropriations Act.

23 SEC. 76. *Review of Existing Land Use Plans.* – Provinces, cities, and municipalities
24 specially managed/administered areas by government, all Special Economic Zones
25 and/or freeports with existing land use plans shall review, revise, reconcile, and
26 harmonize the same with the guidelines and standards set forth under this Act within

1 three (3) years from the effectivity of this Act. Actual use shall be preferred over future or
2 reserve use.

3 SEC. 77. *Repealing Clause.* – All republic acts, executive orders, rules and
4 regulations, and other issuances, or parts thereof, that are inconsistent with the provisions
5 of this Act are hereby repealed or modified accordingly.

6 SEC. 78. *Non-impairment Clause.* – Nothing in this Act shall be construed as to
7 diminish, impair, or repeal rights recognized, granted, or available to marginalized or
8 basic sectors under existing laws including but not limited to Republic Act Nos. 7279, 6657,
9 8371, and 8550.

10 SEC. 79. *Separability Clause.* – If for any reason or reasons, any part or provision of
11 this Act shall be declared or held to be unconstitutional or invalid other parts or
12 provisions hereof, which are not affected thereby shall continue to be in full force and
13 effect.

14 SEC. 80. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
15 publication in the *Official Gazette* or in at least two (2) national newspapers of general
16 circulation.

Approved,