

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
FIRST REGULAR SESSION)

SENATE

S.B. No. 1045

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The laws governing the land use and planning are numerous and scattered. These are implemented by several government offices at the national, regional, provincial and municipal levels, which are geographically distant from each other. This confusing situation has not only delayed the implementation of development programs, but has also been a rich source of graft and corruption. Hence, the need to codify such existing laws into a single code.

This proposed Land Use Code incorporates inputs from various government agencies involved in the development planning, as well as those from concerned non-profit organizations. It identifies the various types of land uses, discusses the entire process of land use planning and its devolution to local government units, the government agencies and officials involved, and the requisite clearances and permits for land development.

Although there have been several proposed drafts of a unified land code pending before Congress, this bill is different as it incorporates current policies of effective land use policy and management in the United States.

This bill aims to provide direction to the role land use planning can play in the development of our economy and institutions in a manner consistent with the best interests of all the people concerned.

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO *df*

THIRTEENTH CONGRESS OF THE REPUBLIC)
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AN ACT
PROVIDING FOR A NATIONAL LAND USE FRAMEWORK AND ITS IMPLEMENTING
MECHANISMS

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

TITLE I - GENERAL PROVISIONS
CHAPTER I - Preliminary Chapter

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

SECTION 2. *Declaration of Policies.* - The State shall pursue policies to guide and improve the allocation, utilization, management and development of the country's land resources including water resources, to ensure their optimum use, under the principles of sustained economic growth the efficiency and social justice.

It shall also be the policy of the State to adopt and institutionalize land use and physical planning as a mechanism for identifying and evaluating alternative land uses. This shall be supported by the national land use classification system and a land resource information management system.

SECTION 3. *Principles.* - The State shall ensure the effective sharing of powers, functions and accountability among the national government, local government units and local communities on land use and allocation, under the principle of decentralization.

SECTION 4. *Construction of the Act.* - All doubts in the implementation and interpretation of the provision of this Act, including its implementing rules and regulations shall be resolved in favor of:

- (1) conservation and protection of land and water resources for sustainable development;
- (2) equitable access and use of land and other natural resources for sustainable livelihood particularly of society's marginalized sectors;
- (3) greater responsibility and authority of the government to regulate the allocation, utilization, development and management of land and water; and
- (4) the reconciliation of private interests with the public good.

CHAPTER 2 - Definition of Terms

SECTION 5. *Definitions.* - As used in this Act, the following terms shall mean:

- (1) Agricultural Land – land devoted or suitable for cultivation of the soil, planting of crops, growing of fruit trees, raising of livestock, poultry, fish or aquaculture production, including the harvesting of such farm products, and other farm activities and practices performed in conjunction with such farming operations done by persons whether natural or juridical and not classified by law as mineral land, forest land, or national park, residential land, commercial land or industrial land.
- (2) Agro-Forest Areas – areas allotted to the sustainable simultaneous or sequential production of tree, shrub, herbaceous, and domestic animal crops managed compatibly and principally with cultural and economic needs of local populations.
- (3) Alienable and Disposable Lands of the Public Domain – lands of the public domain classified as such and available for disposition under the Public Land Act.
- (4) Ancestral Domain – refers to all lands and natural resources continuously owned, occupied or possessed by indigenous cultural communities, communally, or individually, in accordance with their customs and traditions.
- (5) Ancestral Lands – refers to those real properties within or outside the ancestral domain which are communally or individually owned, occupied or possessed by indigenous cultural communities in accordance with their customs and traditions.
- (6) Carrying Capacity – the measure of the number of individual that can be supported by the environment and available resources without deterioration.

(7) Classified Public Lands – lands classified as forest lands, mineral lands and protected areas which are inalienable and agricultural lands of the public domain which are alienable and disposable.

(8) Coastal Zones – strips of land adjacent to a lake or ocean space and seabeds in which the land ecology and land use directly affect the lake and ocean space ecology.

(9) Comprehensive Local Development Plan (CLDP) – a document embodying specific proposals for guiding, regulating growth and development at the local level which including socio-economic factors, infrastructure, local government administration and land use planning.

(10) Comprehensive Land Use Plan (CLUP) – a city or municipal land use plan duly approved by the *Sangguniang Panlalawigan* and enacted through zoning ordinances. The CLUP takes into consideration requirements for food production, human settlements, ecological balance and industrial expansion. It is the primary and dominant basis for future use of local resources and for reclassification of agricultural lands into other uses.

(11) Critical Watershed – is a drainage of a river system which supports or is expected to support proposed or on-going hydro-electric plants, irrigation systems, local waterworks system and domestic water facilities in need of immediate rehabilitation and protection due to rapid denudation resulting in accelerated siltation and destructive floods.

(12) Development Plan – a document which defines the activities or measures that government, in consultation with the people, intends to implement in order to achieve a defined set of development goals. A plan may include an analysis of problems and resources, definition of goals and objectives, policy guidelines, project and target achievements, and an implementation mechanisms which defines the roles and contributions expected from agencies and the private sector. This also refers to the socio-economic framework of the national or local government unit.

(13) Dominant Land Use – the pervasive utilization of land within a perimeter of 100 meters from a specific parcel of land.

(14) Ecologically-Fragile Agricultural Lands – lands within the critical watershed, brackish and freshwater wetlands and pasture lands whose continued development would

adversely affect the productivity of lowland agriculture areas and the stability of the upland system.

(15) *Food Security* – a policy objective for meeting present and future food requirement, either through local production or importation or both.

(16) *Forestlands* – refers to those lands of the public domain which have been classified into multiple uses such as production forest, agroforestry, rangeland, forestland reservations, inland water bodies, protection forests, resettlements and military reservations.

(17) *Grazing Lands* – lands of public domain set aside, in view of the suitability of topography and vegetation, for the raising of livestock.

(18) *Government-Owned Lands* – alienable lands which are owned by the government of the Republic of the Philippines.

(19) *Hazard and Disaster Prone Areas and/or Environmentally Critical Areas* – areas prone to natural hazards due to weather, hydrologic and geologic conditions. These include (a) weather and water related hazards such as tropical cyclone rains, storm surge, flood, and drought; (b) earthquake induced hazards which are characterized by ground shaking, ground rupture, liquefaction and lateral spreading, landslides and tsunami; (c) volcanic hazards which include lava and pyroclastic flow, airfall, lahar, and edifice failure; and (d) erosion related hazards.

(20) *Idle Lands* – refers to non-agricultural lands in urban and urbanizable areas on which no improvements for the last three (3) years have been made by the owner, as certified by the city, municipal or provincial assessor.

(21) *Indigenous Cultural Communities* – a homogenous society identified by self-ascription and ascription by others, who have continually lived as a community on communally bounded and defined territory, sharing common language, customs, traditions and other distinct cultural traits.

(22) *Irrigated Lands* – lands where surface or ground water is available to support rice and other crop production.

(23) *Land Classification* – the assessment of land, which includes surveying, classifying, studying and mapping of lands under the public domain.

(24) Land Reclassification – a subsequent change in land use of classified lands of the public domain for allocation and disposition into specific uses.

(25) Land Subclassification – the act of determining and assigning the specific uses of classified lands of the public domain.

(26) Land Use Conversion – the act of changing the current use of land into some other use.

(27) Land Use – the manner of utilization of land, including its allocation, development and management.

(28) Land Capability Classification – the act of determining the suitability of the land into specific uses.

(29) Land Use Planning – the act of defining the allocation, utilization, development and management of all lands within a given territory or jurisdiction as an aid to decision-making and legislation.

(30) Land Use Plan – a plan which includes a land use map, the factors indicating the socially desired mix of land uses and a set of policies to guide future development.

(31) Mineral Lands – lands in which minerals exist in sufficient quantity or quality to justify the investment necessary for their extraction and/or development.

(32) Marginal Lands – lands which cannot yield substantial returns when utilized.

(33) Non-Government Organization – a private, non-profit organization that is committed to the task of socio-economic, physical, cultural and environmental development and established primarily to provide service in these areas.

(34) People's Organization – private, non-profit voluntary and community-based organization established primarily to provide service to its members and the community in general.

(35) Permanent Forest or Forest Reserves – are lands of the public domain which have been subclassified as such and determined to be needed for forest purposes.

(36) Physical Framework Plan – a plan which allocates the most appropriate and rational use of land and other physical resources.

(37) Potentially-Irrigable Lands – lands already covered by irrigation projects of the National Irrigation Administration, Department of Agriculture or Local government units with firm funding commitments at the time of the zoning and/or the application for land use conversion.

(38) Prime Agricultural Lands – refer to lands falling under unit class A or B in the category of lands formulated by the Bureau of Soil and Water Management (BSWM) which can be highly productive using soil conservation practices.

(39) Productive Land Use – the utilization of land through the following activities; agriculture, fishing or aquaculture, timber or agroforestry, grazing and pasture, mining, industry and tourism.

(40) Production Forest – forestland managed primarily for the production of timber and other tree products. These lands include natural and artificially regenerated forests.

(41) Protection Land Use – the utilization of land primarily for rehabilitation, conservation and protection purposes through the preservation of the ecology.

(42) Protection Forest – forest land and public forest maintained primarily for their beneficial influence on soil and water in particular and the environment in general.

(43) Public Domain – lands controlled by the national government, and are classified either as agricultural, forest or timber, mineral and national parks.

(44) Public Lands – lands which have not been subject to private property rights or subject to any mode of acquisition or concession and devoted to public use.

(45) Public Forest – is the mass of land of the public domain which has not been classified.

(46) Rural Areas- areas not otherwise defined as urban.

(47) Settlements – the communities or built-up environment where people prefer to reside.

(48) Settlements Development – any improvement on existing settlements, or any proposed development of certain areas for settlement purposes. It also involves the spatial distribution of population, identification of key urban centers and the provision of basic services to major settlement areas or growth centers.

(49) Sustainable Development – a development objective to meet the needs of Filipinos for a prolonged period of time in accordance with the principles of social equity, efficiency and environment integrity.

(50) Tourism Development Areas – specific sites which can be developed into tourism estates or integrated resort, leisure and recreation complexes and other tourism-related facilities.

(51) Tourism Estate - refers to large tracts of land with defined boundaries which are suitable for development of integrated resort complexes.

(52) Tourism Spot – shall mean a particular site/spot, whether man-made or natural known for its unique tourist-drawing attributes and activities. It may be classified according to its social, cultural, natural, scientific or recreational significance.

(53) Tourist Zones – areas programmed for tourism development on account of their unique geological, natural or geographical features.

(54) Urban Areas – refers to all cities regardless of their population density and to municipalities with a population density of at least five hundred (500) persons per square kilometer.

(55) Watershed – a water source which contributes to the supply of water in a stream or lake, drainage area or catchment area; the catchment area or drainage basin from which the waters of a stream or stream system are drawn the area from which a river or lake receives its water.

(56) Zoning – a local legislation delineating the specific uses of lands within the territorial jurisdiction of a city/municipality and specifying the conditions for their regulation subject to limitations imposed by law or competent authority.

(57) Zoning Ordinance – is a local legislation which embodies regulations on land use in accordance with the comprehensive development and land use plans of the city of municipality.

TITLE II - NATIONAL LAND USE PLANNING FRAMEWORK
CHAPTER 3 -Defining Priorities for Land Utilization and Allocation
Article One - Priorities for Land Utilization and Allocation

SECTION 6. *Priorities for Land Use.* - National, regional, and local development plans shall provide for priorities in land use allocation and utilization, such as areas needed for food and crop production, settlements development, industry development, tourism development, and infrastructure development which promote employment and development.

The State shall periodically update and revise these development plans in order to response effectively to changing demands based on the *guidelines set forth in this Act.*

SECTION 7. *Sustainability of Land Use.* - In order to achieve sustainable use of land resources, these shall be used in accordance with their technical suitability, economic viability, social acceptability, and environmental integrity for specific uses, so that production can be maximized in the long-term with no *significant deterioration of the land resource.*

SECTION 8. *Food Security.* - Land resources shall be efficiently utilized for the production of basic food commodities. The attainment of food security is a shared objective of all sectors of the economy and is vital to national development and survival.

SECTION 9. *Completion of Agrarian Reform Program.* - Priority shall be given to the completion of the Agrarian Reform Program, primarily its land tenure improvement program.

SECTION 10. *Industrial Development.* - The State shall allocate land to implement a *nationwide development program* consistent with agricultural development and agrarian reform.

The identification and selection of areas for industrial development shall be undertaken by national government agencies in coordination with concerned development councils and affected sectors of society.

SECTION 11. *Settlements Development.* - Lands shall be allocated for settlements purposes in both rural and urban areas based on, among others, the population levels of these areas, their suitability, accessibility, viability and acceptability to the community. Settlements developments programs shall be undertaken by local government units, in coordination with national government agencies and the affected communities.

SECTION 12. *Tourism Development and Management.* - Land shall be allocated for tourism development in a manner which promotes the protection, preservation and enhancement of the natural and cultural attributes of the country in general and the local community in particular. The affected communities shall be consulted and shall participate in the planning and implementation of tourism development projects.

SECTION 13. *Infrastructure Development.* - Lands shall be allocated for priority infrastructure projects subject to the limitation imposed under this Act.

Article Two - Multiple Uses of Land Resources

SECTION 14. *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 and resource use may be considered multiple-use zones wherein settlements, agriculture, agroforestry and extraction activities and other income-generating or livelihood activities may be allowed.

Article Three - Local Autonomy

SECTION 15. *Local and National Priorities.* - Local governments shall determine land allocation and utilization through their physical framework and land use plans, provided that such plans are consistent with the regional priorities set forth by the national government.

Article Four - Indigenous Cultural Communities

SECTION 16. *Norms and Practices of Indigenous Cultural Communities.* - The norms and practices of indigenous cultural communities on land tenure and socio-economic activities shall be respected in the allocation and utilization of lands in the ancestral domain.

Article Five - Hazard or Disaster Preparedness and Management

SECTION 17. *Identification of Hazard and Disaster Prone Areas.* - The National Land Use Coordinating Committee (NLUCC) shall, within six (6) months from the effectivity of this Act, identify hazard and disaster prone areas to guide the establishment of settlements and infrastructure.

SECTION 18. *Hazard and Disaster Mapping.* - The National Disaster and Coordinating Council (NDCC), in coordination with the Philippine Institute of Volcanology and Seismology (PHILVOCS) and the Philippine Atmospheric Geophysical and Astronomical Services Administration (PAGASA) and other concerned agencies, shall undertake hazard and disaster mapping within six (6) months from the effectivity of this Act.

SECTION 19. *Disaster Preparedness/Management.* - The NDCC shall, within one (1) year from the effectivity of this Act, provide the framework for which disaster and their effects can be managed and mitigated. The framework shall include the formulation of a multi-hazard mitigation/protection plan and the capability building program for concerned government agencies and local government units in the implementation of disaster preparedness measures and policies.

CHAPTER 4 - General Land Use Classification for Planning Purposes

SECTION 20. *Classification of Land Use Functions for Planning Process.* - To guide and assist the local government units in planning and making decisions on the allocation and utilization of land, the following land use planning categories shall be adopted.

- (1) Protection Land Use;

- (2) Production Land Use;
- (3) Settlements Development;
- (4) Infrastructure Development;

These land use planning categories shall serve as bases for determining and defining the land use requirement of national, regional and local physical framework and land use plans.

SECTION 21. *Basic Land Use Planning Considerations.* - In determining various land uses as categorized in the preceding section, the following shall be taken –

(1) principles of multiple use and sustained agricultural productions set forth in this Act and other applicable laws.

(2) systematic interdisciplinary approach to achieve integrated consideration of physical, biological, economic and other sciences;

(3) priority for the designation and protection of areas of *critical environmental concern*;

(4) inventory of public lands, their resources and other values;

(5) present and potential uses of lands and resources under consideration;

(6) relative scarcity of the values involved and the availability of alternative means (including recycling) and sites for realization of those values;

(7) long-term benefits to the public against short-term benefits;

(8) compliance with applicable environmental and pollution control laws, including air, water, noise and other pollution standards or implementation plans;

(9) existing government policies on land allocation, utilization, management and disposition; and

(10) coordination of the National Government with local government units on land use inventory, planning and management activities and comprehensive development plans.

SECTION 22. *Physical Resource Inventory and Assessment and Land Capability.* - The Departments of Agrarian Reform (DAR), Agriculture (DA), Environment and Natural Resources (DENR), Public Works and Highways (DPWH), Transportation and Communication (DOTC), Trade and Industry (DTI), and Tourism (DOT), National Irrigation Administration (NIA), the

National Mapping and Resource Information Authority (NAMRIA), the National Statistics Office (NSO) as well as other concerned agencies, LGUs and NGOs shall, at least once every five years, undertake a physical resource inventory and land capability study as inputs to land use and physical planning. The activities of these concerned agencies shall be coordinated by the NLUCC.

CHAPTER 5 - Protection Land Use

SECTION 23. *Objectives of Protection Land Use.* - The objectives of protection land use include;

- (1) Protection, preservation and enhancement of critical ecosystem with potential and existing biodiversity from any human encroachment;
- (2) Regeneration and Rehabilitation of degraded land and marine resources;
- (3) Protection of the people from environmental hazards and those areas which are subject to unregulated activities; and
- (4) Preservation of benefits derived from maintaining the integrity of the nation's land resources.

SECTION 24. *Coverage of Protection Land Use.* - Subject to prior rights, if any, the areas to be covered under Protection Land Use shall include the following:

- (1) Areas covered by the Republic No. 7586 (NIPAS Law); and
- (2) Areas outside the coverage of the Republic Act. No. 7586 but requiring similar rehabilitation and protection measures and those areas prone to natural hazards.

SECTION 25. *Areas Under Republic Act. No. 7586.* - Unless otherwise specified in this Act, the coverage, identification and management thereof shall be governed by the provision of Republic Act. No. 7586

SECTION 26. *Areas Outside the NIPAS.* - The DENR, in consultation with affected communities and in coordination with concerned local government units and national government agencies shall identify areas to be covered under protection land use. Within one (1)

year from the effectivity of this Act, said Department shall submit initial list of areas outside NIPAS to the NLUCC for review and approval.

The DENR shall promulgate and issue rules and regulations for the identification and management of these areas.

SECTION 27. *Monitoring and Management of Protected Areas.* - The DENR and concerned local government units shall be responsible, in close coordination with other national government agencies, NGOs, POs and affected communities, for the monitoring and management of these protected areas. The DENR, in collaboration with concerned local government units, shall submit regular semestral reports to the NLUCC.

The DENR shall, within six (6) months from the effectivity of this Act, establish a monitoring system, in consultation with the local government units, the private sector and concerned national government agencies.

SECTION 28. *Protection Function of the Use of Private Property.* - The use of privately-owned land shall take into consideration its effects on the community. Landowners are responsible for the development and conservation of their lands in order to make them productive and supportive of environment stability.

The DENR in collaboration with concerned government agencies, private institutions, and local government units shall monitor the utilization of privately-owned lands to ensure that it redounds to the common good.

CHAPTER 6 - Production Land Use

SECTION 29. *Objective of Production Land Use.* - The allocation of lands, whether private or public, is aimed at determining the most efficient, most effective, most sustainable and equitable manner of utilizing, developing and managing land for productive purposes.

SECTION 30. *Coverage of Production Land Use.* - Production land use shall include the following:

- (1) Coastal Marine Zones;
- (2) Production Forests;
- (3) Minerals Lands;
- (4) Industrial Development Areas;
- (5) Tourism Development Areas;

Article One - Agricultural Lands

SECTION 31. *Network of Areas for Agricultural Development.* - The DA shall establish a network of areas for agricultural development to ensure sustainable food production and security. These shall include, among others, the following:

- (1) All irrigated and potentially irrigable areas, including lands with soils suitable for agricultural development;
- (2) All alluvial plain lands that are suitable for agricultural production and/or can be devoted to food production;
- (3) All sustainable lands that are traditional sources of food;
- (4) All crop lands required to attain a certain scale of production to sustain the economic viability of existing agro-based industries in the municipality, city or province;
- (5) All lands in areas not highly prone to natural hazards that are suitable for the production of trees and other cash crops;
- (6) All agricultural lands that are ecologically fragile and the conversion of which will result into serious environmental problems; and
- (7) All lands covered under notice of compulsory acquisition (NCA/Voluntary Offer to Sell (VOS), Stock Distribution Option (SDO), Production of Profit Sharing (PPS) and Commercial Farm Deferment under the Comprehensive Agrarian Reform Program (CARP).

SECTION 32. *Review of Areas for Agricultural Development.* - The DA, in consultation with concerned sectors, and the LGUs shall identify and review the areas identified for agricultural development at least once every two (2) years or as after as deemed necessary by the

NLUCC. The DA shall submit its recommendation for any modification thereof to NLUCC for approval.

SECTION 33. *Mapping.*- The DA, through the Bureau of Soils and Water Management (BSWM), in coordination with NAMRIA shall undertake the mapping of areas for agricultural development for all municipalities and cities at the scale of 1:10,000 and for all provinces, at the scale of 1:50,000, or in accordance with standards set by the NLUCC. The BSWM may call on other agencies to provide technical and other logistical support in this undertaking.

Article Two - Coastal and Marine Zones

SECTION 34. *Classification of Coastal and Marine Zones.*- All public lands in the coastal zones shall be subclassified as fishponds, mangrove, and recreational/tourism areas, in particular those indicated in Section 10 of Republic Act 7611, a.k.a. An Act for the Strategic Environment Plan for Palawan.

SECTION 35. *Guidelines for the Allocation and Utilization of Lands Within the Coastal and Marine Zones.* - The allocation and utilization of lands within the coastal and marine zones shall be guided by the following:

- (1) areas vegetated with mangrove species shall preserved for selective production, and wildlife sanctuaries will not converted to other uses;
- (2) areas which meet all accepted criteria on elevation, soil type, soil depth topography and water supply for successful fishpond development and devoid of any mangrove stands may be utilized for aquaculture;
- (3) Areas subclassified as mangrove and still suitable for use or those which have to be preserved as mangrove due to environmental conditions, even if there are no mangrove stands will not be converted to other uses. DENR shall ensure that these lands shall be reforested within a period of 10 years after the effectivity of this Act;

- (4) Areas which are neither subclassified as mangrove nor fishpond may be devoted for recreation, tourism purposes, provided such undertaking will not result in environmental degradation;
- (5) Areas which are considered as traditional fishing grounds shall be used primarily for such purposes;
- (6) Areas which are allocated for small infrastructure needed by fisherfolks.

SECTION 36. *Revision of Fishponds to Mangroves.* - Fishponds covered by existing fishpond lease agreements but which are not operating efficiently and which are found suitable for mangroves shall be allowed to be revegetated into mangrove forests.

Article Three - Production Forests

SECTION 37. *Coverage of Productive Forests.* - Production forests include the residual dipterocarp forests; pine forests available for logging; rangelands for grazing; areas under industrial forest plantation management; areas for community forest program's Integrated Social Forestry, watersheds and other forest lands for special uses. Based on slope classification production forests are those with slopes ranging between 18 to 50 percent regardless of forests covered.

SECTION 38. *Criteria for the Subclassification of Public Lands for Timber Production, Privately-held Forest Lands, Agroforestry, Grazing and Pasture and Other Purposes.* - The subclassification of public lands shall be guided by the following:

- (1) Geology, geomorphology, soil and slope;
- (2) Classified public lands within eighteen (18) to fifty (50) percent slope shall be subclassified for timber production, agroforestry, grazing, pasture or agricultural land activities provided that the use of such areas shall not results in soil degradation or any adverse ecological condition;
- (3) Critical watershed may be subject to multiple uses provided that the area is utilized, managed and developed for the primary purpose by which it has been established;

(4) All public lands above fifty (50) percent slope shall be sub-classified into appropriate protection or production land uses, provided that such land uses shall not engender significant adverse environmental effects;

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

Article Four - Mineral Lands

SECTION 39. *Guidelines for the Utilization and Allocation of Lands for Mining Purposes.* - To ensure that the objectives of maintaining ecological balance and maximizing economic returns to mining operations are realized, the allocation and utilization of lands for mining purposes, shall observe the following guidelines consistent with the existing Mining Law:

(1) Large scale mining shall include in their work program appropriate mitigating measures on the negative effects of mining activities on the ecology of the area and the use of optimum recovery method of extracting minerals and with due consideration to the utilization, development and protection of other surface resources.

(2) Small-scale mining shall be encouraged, strengthened and assisted provided that the conditions stipulated in its Environmental Compliance Certificate are strictly followed.

(3) Mineral reservations which had become non-operational for more than five (5) years shall be reviewed and assessed by the DENR and possibly some portion which are not economically viable to operate should be released to give way to other important land uses except those classified as A&D lands which are covered by the provisions of RA 7942.

SECTION 40. *Reversion of Mineral Lands.* - All exhausted mineral lands shall automatically revert to the category of forest lands, unless the DENR has classified such areas for other purposes; Purposes, however, that in the case of mineral lands with slope below eighteen (18) percent and outside the NIPAS, the DENR shall recommend to Congress their further classification as alienable and disposable land of the public domain. Exhausted mineral lands shall refer to specific mineral sites whose mineral reserves of the desired type(s) are no

longer in sufficient quantity or quality to justify additional expenditure for their extraction and utilization.

SECTION 41. *Criteria for the Classification of Mineral Lands as Alienable and Disposable Lands.* - Exhausted mineral lands shall be classified as alienable lands upon satisfaction of all of the following conditions:

(1) The slope of the exhausted mineral lands shall not be above eighteen (18) percent provided that other requirements embodied in the PD 705 as amended are met;

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

(3) The area can promote and sustain economic activities that would support development of settlements, without incurring significant environmental problems. The area shall then be subject to an environmental impact assessment, the findings of which shall serve as basis for making any recommendation on its classification; and

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

Article Five - Industrial Development Areas

SECTION 42. *Designation of Industrial Development Areas.* - The identification and establishment of industrial development areas shall conform with the provisions of the PEZA Law and shall take into consideration the following;

(1) Identified network of areas for agricultural development;

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

(3) National integrated protection area system;

(4) National settlements development plan; and

(5) National Infrastructure development plan.

The designated industrial development area shall become an integral part of the land use plan and zoning ordinance of the city or municipality where it is located.

Article Six - Tourism Development Areas

SECTION 43. *Designation of Tourism Development Areas.* - The identification, selection and development of tourism development areas shall be done in consultation and coordination with concerned local government units, national government agencies, concerned NGOs and the affected communities.

Designated areas for tourism development shall form part of the land use plan and zoning ordinance of the city or municipality where these are located.

Prioritization in the development of tourism areas shall be guided by sections 6 and 7 of the Act.

CHAPTER 7 - Settlements Development

SECTION 44. *Objective of Settlements Development.* - Land shall be allocated and utilized to achieve and promote an orderly and efficient development of human settlements responsive to the needs of its inhabitants and the environment.

SECTION 45. *Classification of Settlements.* - Settlements can be classified based on the predominant economic and socio-cultural activities, as urban or rural; or based on the topography and slope of land, as upland, hillside, lowland or coastal.

SECTION 46. *Prescribed Major Uses of Land for Settlements Development.* - Land shall be allocated for settlement development based on the following:

(1) Residential, including relocation and settlements sites for socialized housing as provided in Republic Act 7279, otherwise known as the Urban Development and Housing Act;

(2) Commercial;

(3) Industrial ;

(4) Institutional, such as sites of government offices, health and education church, cemetery and military reservation;

(5) Tourism;

(6) Utilities, including sites of public and private utilities such as power substations, water reservoirs, etc.;

(7) Waste disposal;

(8) Recreational, including parks, urban forests, open or green space;

(9) Roads, rail and water transportation networks and facilities;

SECTION 47. *Designation of Sites for Socialized Housing.* - Each city or municipality shall allocate, identify, and designate sites within the lands allocated for residential purposes within their territorial jurisdiction to serve as socialized housing sites within one year (1) from the effectivity of this Act. The local government units, in coordination with the National Housing Authority, the Housing and Land Use Regulatory Board, the National Mapping Resource Information Authority, and the Land Management Bureau, and in consultation with local communities, concerned non-government organizations and the private sector, shall identify lands for socialized housing and resettlements purposes in their respective areas in accordance with Section 8 of R. A. No. 7279 or the Urban Development and Housing Act of 1992. These socialized housing sites shall be designated in the city or municipality's land use plan and zoning ordinance.

The local government units, in accordance with the above-mentioned government agencies and in consultation with local communities, non-government organizations and the private sector, shall identify and designate additional sites for socialized housing and resettlement as the need to do arises.

SECTION 48. *Designation of Waste Disposal Site.* - Each city or municipality shall identify, designate, and allocate land within their territorial jurisdiction to serve as waste disposal site within one (1) year from the effectivity of this Act. The local government units (LGUs), in coordination with DENR and/or other competent authority, shall identify Waste Disposal Sites in order to fast track the conduct of Environmental Impact Assessment (EIA)/Study and to facilitate processing of the Environment Compliance Certificate. This site or area shall be identified in the city or municipality's land use plan and zoning ordinance. For this purpose, cities and

municipalities shall establish their solid and wastes management program. Likewise, as provided under Section 33 of R.A. No. 7160, or the Local Government Code of 1991, cities and municipalities may, through appropriate ordinances, bind themselves toward the establishment of a rational solid and liquid wastes management program.

Within ninety (90) days from the effectivity of this Act, the DENR in coordination with concerned agencies, people's organizations and other private sector groups, shall promulgate the necessary guidelines and standards for the formulation and establishment of wastes management program by cities and municipalities.

SECTION 49. *Urban Forest.* - Each city or highly urbanized municipality shall identify, designate and allocate lands owned by the city or municipality as urban forest or green space, based on the guidelines and standards to be issued by the DENR and approved by the NLUCC.

SECTION 50. *Settlements in Hazard-Prone Areas.* - The establishment of settlements in hazard prone areas shall be regulated. In case existing settlements are already established in identified hazard prone areas, their continued existence shall be regulated and further expansion shall be allowed provided mitigation measures, including disaster mitigation capabilities of local government are put in place.

CHAPTER 8 - Infrastructure Development

SECTION 51. *Allocation and Utilization of Land for Infrastructure Development Purposes.* - Land, whether public or private, shall be allocated and utilized for priority infrastructure projects that are supportive of national or local development objectives.

SECTION 52. *Priority Infrastructure Projects.* - For purposes of land allocation and utilization, priority infrastructure programs and projects of national significance shall include, but shall not be limited to the following:

- (1) power plants/stations and major substations;
- (2) irrigation and flood control and drainage facilities;

- (3) water supply system and treatment;
- (4) airports and airlines;
- (5) seaports and waterways;
- (6) fishports;
- (7) farm-to-market roads;
- (8) major road, bridge and railway trunklines;
- (9) waste disposal facilities;
- (10) educational/recreational/sports facilities;
- (11) health facilities;
- (12) telecommunication stations/other facilities;
- (13) disaster mitigation facilities (short protection, soil erosion control, etc.); and
- (14) agricultural research and development farms and/or stations.

Prioritizations of the above infrastructure projects shall consider the safeguards needed to protect the concerned sectors.

The National Economic and Development Authority (NEDA) Board, in consultation with the LGUs, NGOs and other private groups shall identify and periodically review, update and/or revise at least once every four (4) years the list priority infrastructure projects based on national development objectives and priorities.

Local government shall undertake the prioritization of their respective infrastructure projects based on their Comprehensive Development Plan.

SECTION 53. Evaluation and Prioritization of Nationally-Funded Projects. - In determining and evaluating the list of priority infrastructure projects, consideration shall be given to those that;

- (1) Provide for the basic requirements of the population for healthy and productive lives;
- (2) Respond to immediate and vital requirements of the regional economy;
- (3) Gradually upgrade existing facilities to international standards;
- (4) Address the need for sustainable settlements development; and

(5) Help mitigate the destructive effects of natural disaster-causing phenomena or those that shall serve as alternatives to existing infrastructure found in environmentally-critical areas.

SECTION 54. *Infrastructure Projects Including Those Within Environmentally-Critical Areas.* - New infrastructure projects may be constructed within protected, hazard prone or environmentally critical areas provided, however, that mitigating measures shall be adopted to address the environmental impacts that will emanate from them during the pre-construction, operation and abandonment stages, subject to the findings and recommendations of the environmental impact assessment.

Existing infrastructure found to be improperly located as well as those posing threats to the environment or impinging on critical ecosystem may be terminated immediately, or gradually phased out and relocated, or maintained up to their life span, subject however to mitigating measures.

The DPWH and DOTC, in coordination with concerned national government agencies shall identify and assess all major infrastructure projects in environmentally-critical areas and submit their recommendation to the NLUCC within six (6) months from the effectivity of this Act.

SECTION 55. *Provision and Implementation of Infrastructure Projects.* - The provision and implementation of infrastructure projects shall be made compatible with existing environmental conditions and the physical, whether natural or man-made, and cultural character of the area.

CHAPTER 9 - National Land Resources Classification, Delineation and Allocation System

SECTION 56. *Provision and Implementation of Infrastructure Projects.* The provision and implementation of infrastructure projects shall be made compatible with existing environmental conditions and the physical, whether natural or man-made, and cultural character of the area.

CHAPTER 9 - National Land Resource Classification, Delineation and Allocation System

SECTION 56. *Adoption of the National Land Resource Classification, Delineation, and Allocation System.* - To ensure the judicious allocation and utilization of land resources, a National Land Resource Classification, Delineation and Allocation System, hereinafter referred to as System, shall be adopted. The System shall embody the policies, priorities, procedures and mechanism for assigning and/or changing the uses of land resources and their alienation as enunciated in this Act.

SECTION 57. *Components of the National Land Resource Classification, Delineation, and Allocation System.* - The system shall consist of the following subsystem: land classification, land reclassification, land subclassification, zoning and land use conversion.

Article One - Land Classification

SECTION 58. *Scope of Land Classification.* - Land Classification shall include all unclassified lands of the public domain.

SECTION 59. *Identification, Delineation and Inventory.* - Within a period of one (1) year from the effectivity of this Act, the DENR, in consultation and collaboration with local government units, non-government organizations and other private groups, shall submit to Congress the inventory of all public lands. Based therefrom, Congress shall within a period of one hundred twenty (120) working days, determine by law the specific limits of forest lands and national parks. Thereafter, such forest lands and national parks shall be conserved and may not be diminished, except by law.

SECTION 60. *Subsequent Land Classification.* - The DENR is hereby authorized to submit to Congress a proposal for the further delineation of classified public lands as alienable and disposable lands, subject, however to the following conditions:

(1) That certain parcels of lands are needed for priority infrastructure projects of the government, subject however, to an environmental impact assessment and to the concurrence of the affected communities;

(2) That certain parcels of lands are presently being utilized to serve as permanent settlements sites, without any alternative for relocation and where the economic opportunities available to such existing community do not endanger ecological balance in the area;

(3) That certain parcels of lands which are terraced and utilized for rice and vegetable production prior to the effectivity of this Act shall be classified as alienable and disposable regardless of slope and elevation.

SECTION 61. *Conditional Land Titling.* - Land titles could be provided with certain conditions pertaining to its use. Such conditions shall be set by the DENR.

Article Two - Land Classification

SECTION 62. *Coverage of Land Reclassification.* - Land reclassification covers all alienable and disposable lands of the public domain.

SECTION 63. *Prescribed Major Land Uses.* - Alienable and disposable lands of the public domain shall be reclassified and disposed of according to the following uses:

- (a) agriculture, agroforestry and aquaculture;
- (b) settlements;
- (c) industrial;
- (d) tourism;
- (e) infrastructure;
- (f) institutional.

The legal instruments for the disposition of alienable and disposable lands of the public domain shall define the specific use thereof.

SECTION 64. *Inclusion in Land Use Plans.* - Areas already reclassified shall be incorporated in the land use plan of the city or municipality concerned.

SECTION 65. *Jurisdiction on Land Reclassification.* - Except for agricultural lands turned over to the DAR, the DENR shall be responsible for the survey, titling, and disposition of alienable and disposable lands of the public domain.

SECTION 66. *Rules and Regulations on the Disposition and Management of the Alienable Lands of the Public Domain.* - Unless otherwise indicated, the allocations, utilization and disposition of the alienable and disposable lands of the public domain shall be governed by applicable provisions in the Public Land Act, special acts, other Codes and in this Act.

SECTION 67. *Reversion to Public Lands.* - Upon recommendation of the Secretary of the DENR, duly reviewed and endorsed by the NLUCC, and after due consultations with the concerned LGUs, Congress may authorize the reversion of alienable and disposable lands or portion thereof to public lands.

Article Three - Land Subclassification

SECTION 68. *Coverage of Land Subclassification.* - Land subclassification shall cover all classified public lands and the assignment of their uses according to the following categories:

- (1) Protection Forest;
- (2) Timber Production;
- (3) Agroforestry;
- (4) Grazing or Pasture Lands;
- (5) Watershed;
- (6) Natural Parks;
- (6) State Reservations;
- (7) Other NIPAS categories; and
- (8) Such other categories as may be provided by law.

SECTION 69. *Jurisdiction on Subclassification.* - The sub-classification of classified public lands shall be undertaken by the DENR, in coordination with the LGUs and concerned

agencies within two (2) years from the effectivity of this Act. Thereafter, the DENR, in coordination with the DA shall undertake the monitoring and periodic review of the progress of the utilization and development of timber or production forest, and submit a report to the NLUCC.

Article Four - Zoning

SECTION 70. *Coverage of Zoning.* - Zoning shall cover all alienable and disposable lands, including private lands as well as those declared protected areas within the territorial jurisdiction of the city or municipality.

SECTION 71. *Zoning Plan and Ordinance.* - Zoning shall be in accordance with a zoning plan and implemented by authority of a zoning ordinance.

(1) A development control plan or zoning plan which identifies and delineates the areas or districts and their specific uses; and

(2) An ordinance which sets the regulations for the development of each area or district based on their specific uses and the penal provisions for violations thereof, subject to the limitations imposed by law, or competent authority.

SECTION 72. *Basis of City/Municipal Land Use Plans.* - The land use plans of component cities and municipalities shall be based on the physical framework plans of their respective provinces and in consultation with the various sectors of the community. In the case of independent cities, their land use plans shall be based on the physical framework plans of the regions to which they are administratively and functionally attached.

SECTION 73. *Basis of Development Control or Zoning Plan.* - The city and municipal development control plan or zoning plan shall be based on their respective land use plans.

SECTION 74. *Basis of Zoning Ordinance.* - All city and municipal zoning ordinances shall be based on their respective development control plan duly approved by their respective *Sanggunian*, subject however to national guidelines and standards.

SECTION 75. *Power and Authority to Undertake Zoning.* - Cities and Municipalities shall have the power and authority to undertake the zoning of areas within their territorial jurisdiction, subject however to national guidelines and standards.

SECTION 76. *Preparation of Land Use and Zoning Plans.* - All cities and municipalities must prepare their land use and zoning plans in accordance with their comprehensive development plans within one (1) year from the effectivity of this Act. If the cities/municipalities fail to comply with the preparation of zoning and land use plans, the DILG shall impose the penalty provided under the Local Government Code of 1991. National Agencies shall give priority to cities and municipalities with approved development control or zoning plans in terms of providing technical assistance and other forms of support as may be deemed necessary.

SECTION 77. *Review and Revision of National Land Use Planning and Zoning Guidelines and Standards.* - To facilitate the exercise of the land use planning and zoning functions of local governments, the NLUCC shall cause the HLURB to undertake, within one (1) year from the effectivity of this Act the review and revision, if appropriate, of all existing national planning guidelines and standards for land use plans and zoning ordinances of local governments, in accordance with national land use policies, guidelines and standards approved by the NLUCC.

Article Five - Conversion of Alienable and Disposal Lands

SECTION 78. *Scope of Land Use Conversion.* - Land use conversion covers all alienable and disposal lands including all privately-titled lands. Specifically, these conversions shall include the following:

- (1) Agricultural Lands to other non-agricultural purposes;

(2) Lands presently devoted to one type of agricultural activity to another type, such as from cropland to fishpond; and

(3) Lands presently devoted to a particular type of non-agriculture use to another non-agriculture purposes, such as from residential to commercial, or from residential to industrial.

SECTION 79. *Approving Authority on Conversion of Agricultural Lands.* - The DAR shall have the power and authority to approve the conversion of agricultural lands for non-agricultural purposes as embodied in Section 79 (a), and conversion of agricultural activity to another type as embodied in Section 79 (b).

SECTION 80. *Approving Authority on Conversion of Non-Agricultural Lands.* - The city or municipal government, through their respective *Sanggunian* shall have the power and authority to approve conversion of non-agricultural lands into other non-agricultural purposes as embodied in Section 79 (c), subject to the provision of this Act and national standards and guidelines.

SECTION 81. *Authority to Impose Agricultural Land Use Conversion Taxes.* - The national government and the city or municipal government are hereby authorized to impose, individually or collectively taxes on the conversion of agricultural lands for non-agricultural purposes provided for in Section 124, Chapter Thirteen (13), Title III of this Act.

TITLE III - IMPLEMENTING STRUCTURE AND MECHANISMS
CHAPTER 10 - National Government Units
Article One - National Land Use Coordinating Committee

SECTION 82. *Creation of a National Land Use Coordinating Committee.* - The National Land Use Coordinating Committee (NLUCC) which was created under Letter of Instruction (LOI) 1350 on 02 August 1983 shall be reconstituted into the National Land Use Coordinating Committee whose powers, functions and composition shall differ from the original NLUCC

The NLUCC shall be under the NEDA Board as one of its committees.

SECTION 83. *Powers and Functions of the NLUCC.* - The NLUCC shall be vested with the following powers and functions to:

(1) Prescribe, amend and enforce rules and regulations for carrying out the provisions of the Act;

(2) Promulgate standards and guidelines to enforce the provisions of this Act;

(3) Coordinate, integrate, harmonize and oversee all land use and physical planning activities of national line government agencies and bodies, including government-owned and controlled corporations and local government units;

(4) Ensure and monitor compliance with the policies, plans, standards and guidelines to implement this Act;

(5) Coordinate and establish a single and coordinated land use information system, and monitor its implementation;

(6) Coordinate and undertake the formulation of a National Physical Framework Plan (NPFPP) and its regional components, consistent with and supportive of the National Development Plan; and their periodic review and updating;

(7) Coordinate, integrate and undertake, through concerned national government agencies, as may be deemed appropriate, technical assistance on land use and physical planning at all levels;

(8) Review, formulate and recommend to the President and the NEDA Board on matters concerning policies on land use, and improvements in land use planning and land resource classification and information system.

(9) Perform such other functions as may be necessary to implement the policies contained in this Act, or as may be assigned by the President.

The NLUCC shall be empowered to enjoin the support of any national government agencies and bodies and local government units in the performance of its functions.

SECTIONS 84. *Composition.* - The NLUCC shall be composed of the following:

(1) Secretary of Socio-Economic Planning and Director-General of the NEDA Secretariat as Chairman;

- (2) Secretary of the DENR as Co-Chairman;
- (3) Secretaries of the DA, DAR, DILG, DOTC, DTI, DOT, DPWH, DOE, DOST, and DOJ;
- (4) Chairman of the Housing and Urban Development Coordinating Council (HUDCC) and the Chief Executive Officer of the Housing and Land Use Regulatory Board (HLURB);
- (5) Presidents of the Leagues of Provinces, Cities and Municipalities; and
- (6) Six (6) Representatives from sectoral groups, private business sector, the academic community; and the Indigenous Cultural Communities.

SECTION 85. *Executive Committee.* - To assist the NLUCC, there shall be created an Executive Committee which shall be composed of the Deputy Director-General of the NEDA Secretariat and an Undersecretary of the DENR as Chairman and Co-Chairman, respectively and the Undersecretaries of the member agencies, the Secretary-General of the HUDCC, the Administrator of the National Mapping and Resource Information Authority, the Chief Executive Officer of the Housing and Land Use Regulatory Board, the Executive Director of the National Water Resources Board, the Executive Director of the Commission on Population and the representatives of the Leagues of Provinces, Cities, and Municipalities, non-government organization, people's organization, private business sector, the academic community and indigenous cultural communities.

The Executive Committee may create technical committee as it may deem necessary to undertake the various activities of the NLUCC.

SECTION 86. *Committee Secretariat.* - The Director-General of the NEDA Secretariat shall propose an appropriate organizational structure or arrangement for the NLUC Secretariat.

Article Two - Regional Land Use Coordinating Committee

SECTION 87. *Regional Land Use Coordinating Committee.* - The Regional Land Use Committees (RLUCs) shall be reorganized and shall be renamed Regional Land Use

Coordinating Committee, hereinafter referred to as RLUCC. In the case of the National Capital Region (NCR), the Cordillera Administrative Region (CAR) and the Autonomous Region of Muslim Mindanao (ARMM), their RLUCC shall be created. The RLUCC shall be lodged under the Regional Development Council of the various agencies, or in the case of the NCR, CAR, and ARMM, the Metropolitan Manila Development Authority (MMDA), the Cordillera Executive Board (CEB), and the Regional Planning Development Board (RPDB), respective, as one of their regular Committees.

SECTION 88. *Powers and Functions of the RLUCC.* - The RLUCC shall undertake the following:

(1) Coordination and formulation of the Regional Physical Framework Plans for the regions, and their periodic review and updating;

(2) Review, evaluation and ratification of the land use and physical framework plans of provinces and independent component cities to ensure their consistency with the Regional Physical Framework Plan (RPFPP) and national planning guidelines and standards;

(3) Submission of recommendation on the evaluation of priority development areas as may be identified by concerned national government agencies and local government units for land use conversion;

(4) Monitoring of the implementation of the Regional Physical Framework Plan and the national land use policies, guidelines and standards in the region;

(5) Coordination of land use and other physical planning activities, including technical assistance of national government agencies and their regional and field offices in the region;

(6) Submission of semi-annual report to the NLUCC of its activities, accomplishments and other matters relative to the performance of its functions;

(7) Performance of other functions as may be directed by the NLUCC.

SECTION 89. *Composition of the RLUCCs.* - The RLUCCs shall be headed by the Regional Director of the NEDA Secretariat and the Regional Executive Director of the DENR as Chairman and Co-Chairman respectively. In the case of the NCR, CAR and ARMM, the

Chairman of the RLUC shall be designated by the respective Heads of the MMDA, CEB and RPDB, while the Co-Chairman shall be the Regional Executive Director of the Department of Environment and Natural Resources, or its equivalent office in said regions. The members of the RLUC shall consist of the Directors/Heads of the regional offices of the member agencies comprising the Executive Committee of the NLUC, or their equivalent in the MMDA, CEB, or RPDB; and the regional representatives of the League of Provinces, Cities and Municipalities, sectoral representatives, private business sector, the academic community and indigenous cultural communities.

SECTION 90. *Technical Secretariat.* - The NEDA Regional Office shall serve as the principal technical secretariat of the RLUC. The MMDA, CAR, and ARMM shall designate from among their member-agencies those that shall comprise the secretariat of the RLUC. The other member agencies may be called upon to provide support, including manpower, to the technical secretariat.

Article Three - Responsibilities of Other National Government Agencies

SECTION 91. *Scope and Nature of Responsibilities of Other National Government Agencies.* - All concerned national government agencies/bodies shall periodically report to the NLUC on their various activities and accomplishments relative to land use. Likewise, they shall provide technical and administrative support, if called upon by the NLUC relative to the implementation of the provisions of this Act.

SECTION 92. *The National Economic and Development Authority.* - The NEDA shall be responsible for ensuring the consistency of the National Development Plan and the National Physical Framework Plan, including their regional counterpart plans. For this purpose, it shall periodically review and update appropriate planning guidelines and standards for the national and regional physical framework plans. It shall also provide technical assistance to the regions and the provinces, in coordination with the NLUC.

SECTION 93. *Department of Agriculture.* - The DA shall be responsible for the identification, delineation and mapping of the network of areas for agricultural development as defined in Section 32 of this Act. For this purpose, it shall formulate the National Agricultural Development Framework Plan for the proposed utilization, conservation and development of these areas. It shall also propose the necessary support infrastructure such as irrigation and post harvest facilities, farm-to-market roads, and agro-industrial complexes.

SECTION 94. *Department of Agrarian Reform.* - The DAR shall be primarily responsible for the review, evaluation and approval of applications for conversion of agricultural lands into non-agricultural purposes, in coordination with other national government agencies and the local government units.

SECTION 95. *Department of Environment and Natural Resources.* - The DENR shall be primarily responsible for the legal classification, and sub-classification of classified public lands, and the land reclassification of alienable and disposable lands of the public domain.

The Department, through the National Mapping and Resource Information Authority, shall be responsible for the production of topographic base maps at various scales needed for land use planning at all levels.

The Department shall be responsible for preparing the National Environment and Natural Resources Development Plan, as inputs to the national, regional and provincial physical framework plans.

SECTION 96. *Department of Interior and Local Government.* - The DILG shall be responsible for the general supervision of the local government units to ensure that the provincial physical framework plans, the city and municipal land use plans and zoning ordinances are prepared in accordance with appropriate national guidelines and standards.

SECTION 97. *Department of Public Works and Highways, Department of Energy, and Department of Transportation and Communication.* - The DPWH, DOE and DOTC shall be jointly responsible, in coordination and consultation with concerned national government

agencies, local governments and the private sector for the preparation of an integrated National Infrastructure Development Plan, which shall serve as the basis for the national, regional and provincial physical framework plans.

SECTION 98. *Department of Trade and Industry.* - The DTI shall be responsible for the formulation of a National Trade and Industry Development Plan which shall be subject to periodic review. This shall be the basis of national, regional and provincial physical framework plans.

SECTION 99. *Department of Tourism.* - The DOT shall be responsible for the formulation of a National Tourism Development Plan and Regional Development Plan its periodic review and updating. It shall likewise continue to accredit tourism facilities as well as review, update and prescribe national and regional guidelines and standards for tourism development.

SECTION 100. *Department of Science and Technology.* - The DOST shall advise the NLUCC on technical matters related to the utilization and management of land and other physical resources in terms of their limitations and constraints. Among others, it shall identify hazard and disaster prone and provide assistance in the formulation of disaster and management formulation.

SECTION 101. *Housing and Urban Development Coordination Council.* - Under the direction of the HUDCC, the Housing and Land Use Regulatory Board shall be responsible for the formulation of a National Urban Development and Housing Framework and its periodic review and updating. This shall serve as the basis for national, regional and provincial physical framework plans. It shall, through the HLURB, continue to review and formulate the national guidelines and standards for land use plans, and zoning ordinances of cities and municipalities.

SECTION 102. *Department of Justice.* - The DOJ shall be responsible for the settlements of disputes including boundary disputes and other land related issues/case.

CHAPTER II - Local Government Units
Article One - Local Land Use Coordinating Committee

SECTION 103. *Local Development Council.* - The Local Development Council (LDCs) created under Section 106 of Republic Act No. 7160 shall act as the counterpart of the NLUCC at the local levels; Provided, that when performing as such, sectoral representatives from the peasants, farmers, fisherfolks, among others shall be invited.

Article Two - Provincial Land Use Coordinating Committee

SECTION 104. *Functions of the Provincial Land Use Coordinating Committee.* - In addition to those provided under Section 109 of Republic Act No. 7160, the Provincial Development Council (PDC), as Provincial Land Use Coordinating Committee, hereinafter referred to as PLUCC, shall undertake the following:

(1) Coordinate and undertake the formulation of the Provincial Physical Framework plans (PPFPs) consistent with the Regional Physical Framework Plan and providing the basis for the formulation of the land use and comprehensive development plans of its component cities and municipalities;

(2) Review and evaluate the land use plans and zoning ordinances of component cities and municipalities, and submit its recommendation for their ratification to the Sanggunian Panlalawigan;

(3) Monitor the implementation of the PPFPs and the land use plans and zoning ordinances of component cities and municipalities.

(4) Submit periodic report to the RLUCC on matters relative to land use; and

(5) Perform such other functions as may be provided by law, or competent authority.

The PLUCC shall be empowered to call on any local government officials, or any national government agencies to assist it in the performance of its functions.

SECTION 105. *PLUCC Technical Working Committee.* - There shall be created a PLUCC Technical Working Committee, hereinafter referred to as PLUCC-TWC to serve as the technical arm of the PLUCC.

The PLUCC-TWC shall be composed of the Provincial Planning and Development Coordinator as Chairman and shall include, but not limited to, the following as members;

- (1) Provincial Agriculturist;
- (2) Representatives of the regional agencies with field offices, namely: DA, DAR, DILG, DPWH, DTI, DENR, DOT, Housing and Land Use Regulatory Board (HLURB); and
- (3) Five (5) representatives from the non-government organizations, and the private business sector and academic community in the province; and from the indigenous cultural communities in the province, if applicable.

Article Three - City/Municipality Land Use Coordinating Committee

SECTION 106. *Functions of the City and Municipal Land Use Coordinating Committee.*

- Further to those provided under section 109 of Republic Act No. 7160, the city and municipal development councils (C/MDCs) as City and Municipal Land Use Coordinating Committee (C/MLUCC), shall exercise the following functions:

- (1) Formulate and periodically update the city or municipality land use plan consistent with the PPFs and based on national and regional guidelines and standards; except, however, in the case of highly urbanized cities and independent component cities, their land use plans shall be made consistent with the RPFs. This shall be done with due notice to and public consultation with the affected *barangays*;
- (2) Transform the *general* land use plan into smaller zoning plans with the accompanying zoning ordinances and submit for approval to the local *sanggunian*;
- (3) Monitor the implementation of the zoning plan and ordinance; and
- (4) Perform other functions as may be provided by law, or competent authority.

SECTION 107. *C/MLUC Technical Working Committee.* - The city and municipal development council shall create their respective multi-sectoral C/MLUCC Technical Working

Committee, hereinafter referred to as C/MLUCC-TWC, to assist them in the performance of their functions. The chairmanship and the members of the C/MLUCC-TWC may be patterned after that of the provincial land use committee, or its equivalent provided however, that there will be a representative from the non-government organization, people' organization, the private business sector, and if, applicable, the academic community and the indigenous cultural communities in the city or municipality which shall constitute not less than one-fourth (1/4) of the entire membership.

CHAPTER 12 - Land Use and Physical Planning and Development
Article One - Hierarchy of Physical Framework and Land Use Plans

SECTION 108. *National Physical Framework Plan.* – The NLUCC shall prepare and periodically update a National Physical Framework Plan or the NFPF which shall define the objectives, policies and strategies on the uses of land and other physical resources of the country to guide and support the implementation of the National Development Plan.

SECTION 109. *Regional Physical Framework Plans.* – The Regional Physical Framework Plans or the RFPFs shall define the objective, strategies and the uses of land and other physical resources within the region.

SECTION 110. *Provincial Physical Framework Plan.* – The provinces shall prepare their provincial Physical Framework Plans or PFPFs, which shall define in greater detail the uses of land and other physical resources therein including an effort to delineate actual boundaries on the ground within the territorial jurisdiction of the province.

SECTION 111. *City and Municipality Land Use Plans.* – The cities and municipalities shall prepare their respective land use plans to determine the specific uses of land and other physical resources. Actual boundaries on the ground within the territorial jurisdiction of the city or municipality shall be delineated.

SECTION 112. *Relationships among National, Regional and Local Physical and Land use Plans.* – The physical framework and land use plans shall have the following relationships:

(1) The RFPF shall define the objectives, policies and strategies outlined in the NFPF within the context of the region, and shall provide the basis for the preparation of the land use plans of its component cities and municipalities.

(2) The PPFPP shall define the objectives, strategies and indicative uses of land and other physical resources within the context of the province, consistent with the regional objectives and strategies. It shall serve as basis for the preparation of the land use plans of its component cities and municipalities.

(3) The city or municipal land use plans shall translate the objectives, strategies and uses of land and other physical resources proposed in the PPFPP into specific uses and shall serve as the basis for the preparation of the zoning plan to include embodiment of local aspirations concerning desirable physical development and growth of the locality.

SECTION 113. *Sectoral and Special Plans.* - The NLUCC shall direct, or cause concerned agency/ies to undertake the formulation of sectoral and other special plans at the national and regional levels, or as it may determine, to wit:

- (1) Environment and natural resources development plan;
- (2) Agricultural development plan;
- (3) Industrial development plan;
- (4) Settlements development plan;
- (5) Infrastructure development plan;
- (6) Tourism development plan;
- (7) Energy development plan;
- (8) Disaster mitigation plan; and
- (9) Watershed management plan.

SECTION 114. *Relation of Land Use Plan with the Comprehensive Local Development Plan.* - The land use plan shall serve as an integral component of the comprehensive local development plan to provide the latter with spatial and physical dimension.

SECTION 115. *Authority to Issue National Planning Guidelines and Standards.* - The NLUCC shall review existing planning guidelines, and cause the agencies concerned to undertake their version, if necessary, to ensure their consistency with the plans, policies and strategies approved by the Committee. The NLUCC shall be the final authority on the issuance of all national guidelines and standards on land use and physical planning.

Article Two - Plan Formulation, Review and Adoption

SECTION 116. *Preparation of Physical Framework and Land Use Plans.* - The concerned regional and local development councils and boards shall initiate the preparation of their respective physical framework and land use plans. The preparation of the physical framework and land use plans shall conform with the planning guidelines to be issued by the NLUCC.

SECTION 117. *Review and Approval of Physical Framework and Land Use Plans.* -

(1) The NPFP shall be reviewed and endorsed by the NLUCC for approval by the President and the Cabinet.

(2) The RPFPP shall be approved and adopted by the RDCs; in the case of the CAR and the ARMM, by their respective legislative bodies; and in the case of the NCR, by the MMDA.

(3) The PPFP shall be endorsed, through a resolution by the PDC/PLUCC to the RDC/RLUCC for review, approval and adoption to ensure their consistency with the RPFPP and national policies set forth by the NLUCC.

(4) Through a resolution, the city or municipal land use plans shall be endorsed by the C/MDC or C/MLUCC to the PDC for approval and adoption of the comprehensive land use plans of provinces, highly urbanized cities and independent component cities, and land use plans of Metro Manila cities and municipalities shall be reviewed and ratified by the HLURB to ensure compliance with national standards and guidelines. Upon arrival, the city or municipal development council shall pass a *sanggunian* resolution adopting the approved land use plan.

SECTION 118. *Monitoring.* - The concerned regional and local development councils/boards/authorities shall regularly monitor the implementation of their plans. In particular, the city or municipal development council shall submit a semestral report to the *Sanggunian Panlalawigan*, or in the case of independent cities, to the Regional Land Use Coordinating Council on the implementation of their land use plans and zoning ordinances.

SECTION 119. *Public Consultation.* - The concerned regional and local development councils/boards/authorities and their respective legislative bodies shall ensure adequate and widespread participation of the community in all phases of the planning process.

SECTION 120. *Inter-Local Government Planning.* - The local governments may group themselves for the purpose of planning the allocation of land and other physical resources for their common use.

CHAPTER 18 - Land Use Information Management and Dissemination
Article One - Ecological Education and Value Formation

SECTION 121. *Mandatory Curriculum.* - Ecological education shall form part of primary, secondary and tertiary school curricula. A subject shall be included in all years in the primary and secondary schools.

SECTION 122. *Curriculum Development.* - The Department of Education shall, within one year from the effectivity of this Act, formulate the curricula for all levels in close consultation and coordination with other government agencies, non-governmental organizations, academic community, parent-teacher associations, and other sectors of society. These shall be implemented in the next school year.

Article Two - Land Resource Information and Management System

SECTION 123. *Coordination, Development and Implementation of Land Resource Information System.* - The NLUCC shall coordinate the establishment, development and implementation of a land resource information and management system that will, among others, integrate existing as well as proposed information units of concerned national government agencies, standardize information inputs/outputs, and define information requirements at various levels.

Article Three - National Base Mapping Program

SECTION 124. *Coordination and Monitoring the Implementation of a National Base Mapping Program.* - The NLUCC shall coordinate and monitor the implementation of a National Mapping Program. For this purpose, the NLUCC shall create an interagency technical committee composed of the National Mapping and Resource Information Authority (NAMRIA), the Bureau of Soils and Water Management (BSWM), the Land Management Bureau (LMB), the Housing and Land Use Regulatory Board (HLRB), Philippine Institute of Volcanology and Seismology (PHIVOLCS) and other concerned government agencies/bureaus.

SECTION 125. *Generation of Sources of Information on Land Use.* - The NLUCC shall cause the generation of sources of information on land use such as aerial photographs and satellite imageries through the NAMRIA covering specific areas and eventually the whole country. Such sources shall be updated every ten (10) years or as often as may be deemed necessary.

TITLE IV - MISCELLANEOUS, TRANSITORY AND FINAL PROVISIONS

CHAPTER 19 - Mandatory Review

SECTION 126. *Mandatory Review Every Seven Years.* - Congress shall undertake a mandatory review of this Act once every seven (7) years from the effectivity of this Act, or as often as may deem necessary to ensure that land use policies and guidelines remain responsive to changing circumstances. For this purpose, Congress may call on the NLUCC to undertake research and consultation.

CHAPTER 20 - Penal Provision

SECTION 127. *Penal Provision.* - Any person who knowingly, or deliberately causes agricultural lands within the priority areas for agricultural development as specific under Section 32 of this Act to become economically unproductive and inutile for continued agricultural activities, and not due to any natural causes so as to satisfy the provision of Section 135 (a) thereof and/or undertakes premature conversion of any agricultural lands shall be punished by imprisonment of not less than (3) months to not more than six (6) months; not less than one (1) year to not more than five (5) years or a fine based on the following schedule:

(1) One Hundred Thousand Pesos (P100,000.00), or ten (10) percent of the zonal value of the proposed use, or adjusted fair market value thereof as defined in Section 146 of this Act, whichever is the highest, for the first three (3) hectares; and

(b) Fifty Thousand Pesos (50,000.00), or seven (7) percent of the zonal value of the proposed use, or adjusted fair market value as determined based on the preceding paragraph, whichever is highest, for each additional hectare or fraction thereof, or both at the discretion of the court.

Furthermore, such actions would cause the termination of the project or activity to be undertaken and suspension of the project proponent from undertaking any land development activity in the city or municipality.

CHAPTER 21 - Transitory Provisions

SECTION 128. *Implementing Guidelines for the Organization and the Convening of the National, Regional and Local Land Use Coordinating Committees.* - Within forty-five (45) days from the effectivity of this Act, the NEDA Secretariat shall promulgate the implementing guidelines for the organization of the NLUCC, including the selection of representatives from the non-government organization, people's organization, the academic community and the indigenous cultural community. Within sixty (60) days from the effectivity of this Act, the Director-General of the NEDA shall convene the members of the NLUCC.

SECTION 129. *Review, Formulation and Issuance of Implementing Rules and Regulations.* - The NLUCC shall initially review existing rules and regulations on land use, and based therefrom, revise such rules and regulations, or cause concerned agencies to revise them for the efficient and effective implementation of the provisions of this Act, within one (1) year from the effectivity thereof. All concerned national government agencies and bodies shall inform the NLUCC of the status of the implementation of such rules and regulations.

Unless provided in this Act, the NLUCC shall be primarily responsible for the promulgation and issuance of all implementing rules and regulations, including planning guidelines and standards of different regions/localities. These rules and regulations shall become effective fifteen (15) days after their publication in the Official Gazette and announcement of their adoption in at least one (1) newspaper of general circulation.

All existing rules and regulations shall be in force and effect unless revoked by the NLUCC, or competent authority.

SECTION 130. *Review of City and Municipal Land Use Plans and Zoning Ordinance.* - All existing cities and municipal land use plans and zoning ordinances shall be reviewed by the

RLUs in the case of provinces, highly urbanized cities and independent component cities, and by the PLUCCs, for component cities and municipalities, within a period of two (2) years from the effectivity of this Act for affirmation and modification in accordance with the provisions of this Act. All cities and municipalities which have not completed or formulated their respective land use plans shall complete the same and prepare and enact the corresponding zoning ordinance within this prescribed period in accordance with the provisions of this Act. The Housing and Land Use Regulatory Board shall, within one hundred twenty (120) days from the effectivity of this Act formulate guidelines to implement this Section and submit the same to the NLUCC for review and approval.

All municipal land use plans prepared and approved by the SB prior to the effectivity of this Act shall be revised in accordance to existing review guidelines promulgated by HLURB.

SECTION 131. *Interim Secretariat of the NLUCC.* - Until such time that the Director-General of the NEDA Secretariat is able to establish a permanent secretariat of the NLUCC, each member agency shall then provide two qualified technical staff, or as determined by the NLUCC, on secondment of the NEDA Secretariat.

Likewise, within ninety (90) days from the approval of this Act, the Director-General of the NEDA shall submit to the Department of Budget and Management (DBM) the organizational structure and plantilla positions for the secretariat, including its operational budget for the incoming

SECTION 132. *Funding.* - To fund the initial activities, personnel and other operating expenditures of the NLUCC and its Secretariat, the sum of twenty-five million pesos (P25,000,000.00) is hereby allotted out of any funds in the National Treasury not otherwise appropriated. Thereafter, the NLUCC and its Secretariat shall be included in the general appropriation.

All member-agencies of the NLUCC and its Executive Committee shall allocate specific amount from their agency budgets to fund activities, personnel and other operating expenditures relative to their participation in the Committee.

Correspondingly, all agencies concerned shall allocate funds to the special activities that the Act directs them to undertake such as resource inventory, revision of implementing rules and regulations.

CHAPTER 22 - Final Provisions

SECTION 133. *Repealing Clause.* - All general and special laws, acts, decrees, executive orders, proclamations and administrative regulations, or any parts thereof which are inconsistent with this Act are hereby repealed or modified accordingly, except Executive Order 72, Republic Act 7279, Executive Order 124 and Letter of Instructions 1350.

SECTION 134. *Separability Clause.* - If, for any reason or reasons, any parts or provisions of this Act shall be declared or held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 135. *Effectivity Clause.* - This Act shall take effect within fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,