



SENATE

'19 JUL -1 A11 :11

Senate Bill No. 38

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Introduced by Senator FRANCIS N. PANGILINAN

AN ACT

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

EXPLANATORY NOTE

The proposed National Land Use Act institutionalizes a comprehensive land use policy to ensure the sustainable use of our country's land and physical resources. It provides mechanisms for identifying, determining, and evaluating appropriate land use and allocation patterns that promote and ensure:

- a) Sustainable management and utilization of natural resources;
- b) Maintenance and preservation of environmental integrity and stability specifically the perpetual protection of permanent forests and watershed for the attainment of food, water and energy sufficiency;
- c) Disaster risk-reduction and climate change resiliency;
- d) Protection of prime agricultural lands for food security in basic commodities with emphasis on self-sufficiency in rice and corn;
- e) Water security through sustainable development and management of water resources towards water security;
- f) Settlements, transportation and infrastructure development in support of urban, rural and regional development and inclusive growth;
- g) Harmony between the rights and the varied interests of every Filipino within the framework of people empowerment, decentralization, social justice, and equity;
- h) Respect for and protection of the sustainable traditional resource rights of the Indigenous Cultural Communities/ Indigenous Peoples (ICCs/ IPs) to their ancestral domains to ensure their economic, social, and cultural well-being as well as recognition of the applicability of customary laws and sustainable traditional resource use and management, knowledge, and practices in ancestral domains in compliance with free and prior informed consent of ICC/ IPs;
- i) Protection of the rights of basic sectors to equitable access to the country's land;
- j) 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;
- k) Attainment of energy security and self-sufficiency; and
- l) Market orientation where the interplay of market forces and fair trade within the framework of ecological development and equity consideration is

encouraged and adopted as the basic parameter in achieving efficiency in land use and allocation.

This legislative measure integrates and harmonizes our conflicting laws, policies, principles and guidelines on land use and physical planning. It seeks to strengthen and complement the implementation of the Climate Change Act and the Philippine Disaster Risk Reduction and Management Act, the ratified ASEAN Agreement on Disaster Management and Emergency Responses (AASMER), and other government programs to increase and build resilience and flexibility against natural disasters and climate change.

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



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

CHAPTER I

INTRODUCTORY PROVISIONS

SECTION 1. *Title.* - This Act shall be known and cited as the “*National Land Use Act of 2019.*”

SEC. 2. *Declaration of Principles and Policies.* – 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.

Pursuant to the constitutional provision or mandate, 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 to ensure their optimum use, consistent with the principle of sustainable development.

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

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

- 4 a) Sustainable management and utilization of natural resources;
- 5 b) Maintenance and preservation of environmental integrity and stability
6 specifically the perpetual protection of permanent forests and watershed for
7 the attainment of food, water and energy sufficiency;
- 8 c) Disaster risk-reduction and climate change resiliency;
- 9 d) Protection of prime agricultural lands for food security in basic commodities
10 with emphasis on self-sufficiency in rice and corn;
- 11 e) Water security through sustainable development and management of water
12 resources towards water security;
- 13 f) Settlements, transportation and infrastructure development in support of
14 urban, rural and regional development and inclusive growth;
- 15 g) Harmony between the rights and the varied interests of every Filipino within
16 the framework of people empowerment, decentralization, social justice, and
17 equity;
- 18 h) Respect for and protection of the sustainable traditional resource rights of the
19 Indigenous Cultural Communities/ Indigenous Peoples (ICCs/ IPs) to their
20 ancestral domains to ensure their economic, social, and cultural well-being as
21 well as recognition of the applicability of customary laws and sustainable
22 traditional resource use and management, knowledge, and practices in
23 ancestral domains in compliance with free and prior informed consent of ICC/
24 IPs;
- 25 i) Protection of the rights of basic sectors to equitable access to the country's land;

- j) 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;
- k) Attainment of energy security and self-sufficiency; and
- l) Market orientation where the interplay of market forces and fair trade within the framework of ecological development and equity consideration 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 1987 Constitution and the 1991 Local Government Code (LGC) or Republic Act 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, land tenure holders, in the case of forestlands, be it an individual, communal, corporate or group shall be held responsible for developing and conserving their lands thereby making their lands productive and supportive of environmental stability.

SEC. 3. *Scope.* – This Act shall apply to all lands whether public, private, government-owned, and/or in the possession of individuals, communities, indigenous people, or groups of people, to provide for a rational, holistic, and just allocation, development and management of land including such activities that bear impact on said resources.

CHAPTER II

DEFINITIONS

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

- 1 a) "*Agricultural land*" shall refer to land of public domain which have been
2 devoted to agricultural activity as defined in Republic Act No. 6657, as
3 amended and not further classified for residential, commercial or industrial
4 use and such other uses as may be provided by law;
- 5 b) "*Agricultural land use conversion*" shall refer to the undertaking of any
6 development activity which modifies or alters the physical characteristics of
7 agricultural lands to render them suitable for non-agricultural purposes with
8 an approved order of conversion issued exclusively by the Department of
9 Agrarian Reform (DAR);
- 10 c) "*Alienable and disposable (A&D) lands*" shall refer to lands of the public domain
11 which have been delineated, classified, and certified as open and available for
12 disposition under the provisions of Commonwealth Act No. 141, otherwise
13 known as the "Public Land Act," as amended;
- 14 d) "*Ancestral domains*" shall refer to all areas generally belonging to ICCs/ IPs as
15 defined in Republic Act No. 8371, otherwise known as the "Indigenous Peoples
16 Rights Act (IPRA) of 1998;"
- 17 e) "*Basic Sector*" shall refer to a group of people not referring to any organized
18 groups such as but not limited to women, youth, elderly, differently-abled,
19 peasants and fisher folk;
- 20 f) "*Basic Shelter*" shall refer to any subdivision unit, housing unit or
21 condominium satisfying the barest minimum shelter requirements under the
22 minimum design standards of Batas Pambansa Blg. 220;
- 23 g) "*Comprehensive Land Use Plan (CLUP)*" shall refer to a document embodying a
24 set of policies and guidelines, accompanied by official maps and similar
25 illustrations, that serves as principal basis for determining the future land use
26 of lands and natural resources for production and protection purpose within
27 the territorial jurisdiction of the city or municipality. It represents the

community-desired pattern of population distribution and proposes future allocation of land resources to various land-using activities. It identifies the allocation, character, and extent of the areas of land resources to be used for different purposes and includes the processes and the criteria employed in the determination of the land use. It has a long-term perspective, encompassing a minimum of ten (10) years;

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

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

j) "*Critical habitats*" shall refer to areas outside protected areas as defined in Republic Act No. 7586, otherwise known as the "National Integrated Protected Areas System Act of 1992", that are known habitats of threatened species and designated as such based on scientific data taking into consideration species

1 endemicity and/or richness, presence of human-made pressures/ threats to
2 the survival of wildlife living in the area, among others;

3 k) "*Critical watershed*" shall refer to a drainage area of a river system supporting
4 existing and proposed hydro-electric power, domestic water consumption,
5 irrigation works, or existing water facilities needing immediate protection and
6 rehabilitation to minimize erosion and improve water yield. It shall be closed
7 for logging until it is fully rehabilitated;

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

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

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

1 and local levels, where programs, projects and activities derived from the
2 development plans are ranked, prioritized, and matched with investment
3 financing capacities;

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

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

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

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

25 s) "*Environmentally critical areas*" shall refer to areas declared by law as: (a)
26 protected areas pursuant to Republic Act No. 7586 or the NIPAS Act of 1992;
27 (b) areas for natural parks, watershed reserves, wildlife preserves, and

1 sanctuaries; (c) areas set aside as aesthetic potential tourist spots; (d) areas
2 which constitute the habitat of any endangered or threatened species or
3 indigenous Philippine wildlife (flora and fauna); (e) areas of unique historic,
4 archaeological, or scientific interests; (f) areas which are traditionally occupied
5 by ICCs/ IPs; (g) areas with critical slopes; (h) areas exposed to geologic and
6 hydro-meteorological hazards; (i) prime agricultural lands; (j) recharge areas
7 of aquifers; (k) water bodies; (l) mangrove areas; (m) coral reefs; (n) mossy and
8 old-growth forests; (o) rivers and river banks; (p) swamp forest and
9 marshlands; and (q) foreshore lands. This term shall also include other
10 terrestrial, aquatic and marine areas that need special protection and
11 conservation measures because they are ecologically fragile, or they are
12 needed for food security and food self-sufficiency as determined by concerned
13 agencies and LGUs in consultation with the concerned sectors;

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

17 u) "*Exhausted energy resource lands*" shall refer to specific energy resource sites
18 whose energy reserves of the desired type(s) are no longer in sufficient
19 quantity or quality to justify additional expenditure for their extraction and
20 utilization as certified by the Department of Energy;

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

25 w) "*Exhausted mineral resources*" shall refer to a situation where the mineral
26 resources in specific sites are no longer in sufficient quantity or quality to

1 justify additional expenditure for extraction or utilization as determined by
2 the Mines and Geosciences Bureau and approved by the DENR;

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

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

10 z) "*Food security*" shall refer to the policy objective of meeting the food
11 availability, accessibility, quality and affordability requirements of the present
12 and future generations of Filipinos in a sustainable manner, through local
13 production or importation, only when there is shortage established based on
14 a micro level situation, or both, based on the country's existing and potential
15 resource endowments and related production advantages, and consistent with
16 the overall national development objectives and policies;

17 aa) "*Food self-sufficiency*" shall refer to the policy objective of meeting the food
18 requirements through intensive local food production in a sustainable manner
19 based on the country's existing and potential resource endowments and
20 related production advantages;

21 bb) "*Forestlands*" shall refer to lands of the public domain classified and/or
22 determined as needed. They include all permanent forests or forest reserves,
23 forest reservations and all remaining unclassified lands of the public domain;

24 cc) "*Foreshore land*" shall refer to the part of the shore which is alternately covered
25 and uncovered by the ebb and flow of the tide;

26 dd) "*Free and Prior Informed Consent*" refers to consensus of all members of the
27 ICCs/ IPs to be determined in accordance with their respective customary

laws and practices, free from any external manipulation, interference and coercion, and obtained after fully disclosing the intent and scope of the activity, in a language and process understandable to the community;

ee) "*Geo-hazards*" shall refer to natural and human-induced geological processes that have potential to cause destruction and pose a threat or risk to human life and property;

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

gg) "*Heritage Zones*" refer to historical, anthropological, archaeological and artistic geographical areas and settings that are culturally significant to the country as declared by the National Museum and/or National Historical Commission of the Philippines, pursuant to R.A. No. 10066 or the National Cultural Heritage Act of 2009;

hh) "*Illegal agricultural land conversion*" shall refer to any activity that modifies or alters the physical characteristics of agricultural lands to render them suitable for non-agricultural purposes without an approved order of conversion from the DAR Secretary;

ii) "*Improvements*" shall refer to all types of buildings and residential units, walls, fences, structures or construction of all kinds of fixed character or are adhered to the soil but shall not include trees, plants, growing fruits, and other fixtures that are mere super impositions on the land, and the value of improvements shall not be less than fifty percent (50%) of the assessed value of the property;

jj) "*Inclusive growth*" refers to ensuring that the economic opportunities created by growth are available to all, particularly the poor, to the maximum possible extent;

- 1 kk) "*Indigenous Cultural Communities/ Indigenous Peoples (ICCs/ IPs)*" shall refer to
2 groups of people or homogenous societies identified under Republic Act No.
3 8371 or the "Indigenous People's Rights Act (IPRA)";
- 4 ll) "*Indigenous energy resources*" shall refer to energy resources, which originate or
5 occur naturally in the Philippines;
- 6 mm) "*Inland waters*" shall refer to waters, which are not coastal and marine waters
7 not subject to acquisitive prescription consistent with the provisions of
8 Presidential Decree No. 1067, otherwise known as the "Water Code of the
9 Philippines";
- 10 nn) "*Inter-tidal sand flat*" shall refer to a juvenile fish-feeding area and habitat for
11 crustaceans. The littoral gravel and sand biotopes are also used by important
12 wintering ground and roosting/ feeding grounds of indigenous migratory
13 birds;
- 14 oo) "*Integrated watershed management*" shall refer to a planning strategy or program
15 for watershed areas that complement environmentally-sound soil and water
16 management practices with mechanisms for ensuring greater responsibility,
17 involvement, or participation of individuals, groups, communities and other
18 stakeholders benefiting from these areas and water-related infrastructure;
- 19 pp) "*Key biodiversity areas*" shall refer to sites that are nationally and globally
20 significant for biodiversity conservation primarily containing species that
21 require site-scale conservation to prevent extinction in the short-term and
22 medium-term. Such species may be nationally and globally threatened,
23 restricted-range and/or nationally and globally significant congregations of
24 species;
- 25 qq) "*Lagoon*" shall refer to a semi-enclosed coastal basin with limited freshwater
26 input, high salinity and restricted circulation which often lies behind sand
27 dunes. It is often highly productive and habitat for variety of plants and

- 1 animal, serves as nurseries of prawns and shrimps and also site for harbor,
2 aquaculture, industry and recreation;
- 3 rr) "*Land*" shall refer to resources, both natural and man-made, found on the
4 surface, below, and above the ground including inland waters and the air
5 therein;
- 6 ss) "*Land use*" shall refer to the manner of utilization of land, including its
7 allocation, development, and management;
- 8 tt) "*Land use classification*" shall refer to the act of delineating or allocating lands
9 according to protection land use, production land use, settlements
10 development, and infrastructure development as defined and provided for in
11 this Act;
- 12 uu) "*Land sub-classification*" shall refer to the act of determining and assigning
13 specific uses of classified lands of the public domain, such as forest or timber
14 lands, alienable or disposable agricultural lands, national parks, and mineral
15 lands in accordance with existing laws and this Act;
- 16 vv) "*Mandatory public hearings/ consultations*" shall refer to the mechanism to
17 ensure the active participation of concerned sectors in all affected areas in land
18 use planning from the local to the national level. It involves giving effective
19 notice of hearing/ consultation to concerned sectors within an affected area
20 through direct written invitations, using regular mail or electronic means, and
21 publication/ posting in conspicuous places, conduct of a reasonable number
22 of hearings in or proximate to the specific area affected, and solicitation of
23 positions and the public presentation and public confirmation of the planning
24 results in the specific area affected before the final adoption of the plans;
- 25 ww) "*Minerals*" shall refer to all naturally occurring inorganic substance in solid,
26 gas, liquid or intermediate state excluding energy materials such as coal,
27 petroleum, natural gas, radioactive materials and geothermal energy;

- xx) "*Mineral exploration*" shall refer to the systematic searching or prospecting for mineral resources;
- yy) "*Mineral lands*" shall refer to lands where mineral resources are found;
- zz) "*Mineral resources*" shall refer to any concentration of minerals/ rocks with potential economic value;
- aaa) "*Mudflat*" shall refer to a wetland type that is usually an unvegetated area, dominated by muddy substrate which provides rich feeding grounds for vertebrates such as fish and water birds and also important in preventing soil erosion;
- bbb) "*National Integrated Protected Areas System (NIPAS)*" shall refer to the classification and administration of all designated protected areas to maintain essential ecological processes and life-support systems, to preserve genetics diversity, to ensure sustainable use of resources found therein, and to maintain their natural conditions to the greatest extent possible;
- ccc) "*National Land Use Commission (NLUC)*" shall refer to the highest land use policy making body created under Section 14 of this Act;
- ddd) "*National Parks*" shall refer to a forest reservation essentially of natural wilderness character which has been withdrawn from settlement, occupancy or any form of exploitation except in conformity with approved management plan and set aside as such exclusively to conserve the area or preserve the scenery, the natural and historic objects, wild animals and plants therein and to provide enjoyment of these features in such areas;
- eee) "*National physical framework plan*" shall refer to an indicative plan containing the policy areas promoting the most appropriate and rational use of land and other physical resources such as but not limited to protection, production, settlement and infrastructure land use. It provides policy guidelines for all decisions relating to land use and environmental management, to prevent and

mitigate the adverse effects of inappropriate resource utilization on the country's food security and food self-sufficiency on rice and corn, the people's welfare and their environment. It embodies both policies and strategies necessary to carry out goals and objectives of this Act;

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

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

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

- 1 iii) "*Patrimonial properties*" refer to all the properties belonging to the State that are
2 not intended for public use or for public service for the development of
3 national wealth;
- 4 jji) "*People's organization*" shall refer to a private, non-profit, voluntary and
5 community-based organization with membership constituency established
6 primarily to provide service to its members and the community in general;
- 7 kkk) "*Physical framework plans*" shall refer to indicative plans based on
8 comprehensive land use plans (CLUPs) and national policies whether
9 national, regional, or provincial which provide policy guidelines for all
10 decisions relating to land use and environmental management to prevent or
11 mitigate the adverse effects of inappropriate resource utilization on food
12 security, the people's welfare and their environment, it embodies both policies
13 and strategies necessary to carry out development goals and objectives;
- 14 III) "*Premature or illegal conversion of agricultural lands*" shall refer to any activity
15 that modifies or alters the physical characteristics of agricultural lands to
16 render them suitable for non-agricultural purposes without an approved order
17 of conversion from the DAR Secretary;
- 18 mmm) "*Prime agricultural lands*" shall refer to all irrigated areas; all irrigable lands
19 already covered by irrigation projects with firm funding commitments; all
20 rainfed areas planted to rice and other crops; all alluvial plain lands highly
21 suitable for agriculture whether irrigated or not, agro-industrial croplands or
22 lands presently planted to industrial crops that support the viability of existing
23 agricultural infrastructure and agro-based enterprises, highlands, or areas
24 located at elevation of 500 meters or above and have the potential for growing
25 semi-temperate and high value crops; all agricultural lands that are
26 ecologically fragile, the conversion of which will result in serious
27 environmental degradation, and mangrove areas and fish sanctuaries;

- 1 nnn) "*Production land use*" shall refer to the direct and indirect utilization of land to
2 generate outputs resulting from the following activities, but not limited to:
3 agricultural, fish, farming or aquaculture, timber production, agro-forestry,
4 grazing and pasture, mining, indigenous energy resource development,
5 industry, and tourism;
- 6 ooo) "*Protected areas*" shall refer to portions of land set aside by reason of their
7 unique physical and biological significance, managed to enhance biological
8 diversity, and protected against destructive human exploitation. For purposes
9 of this Act, it shall include agricultural lands identified and delineated under
10 Section 29 hereof;
- 11 ppp) "*Protection land use*" shall refer to the utilization of land primarily for food,
12 water and energy security, rehabilitation, conservation, and protection
13 purposes for the promotion of the country's ecological and life-support
14 systems;
- 15 qqq) "*Public domain*" shall refer to lands that belong to the State which may be any
16 of the following: agricultural, forest or timber, mineral, or national park as
17 provided for in the Constitution;
- 18 rrr) "*Public lands*" shall refer to lands which have not been subject to private
19 property rights or subject to sale or other modes of acquisition or concession
20 under the general laws, and are devoted to public use;
- 21 sss) "*Reclassification of agricultural lands*" shall refer to the act of specifying how
22 agricultural lands shall be utilized for non-agricultural uses such as
23 residential, industrial, or commercial purposes through the local planning and
24 zoning processes pursuant to Republic Act No. 7160 or the Local Government
25 Code of 1991 and subject to the requirements and procedure for conversion. It
26 is equivalent to land sub-classification, as defined in this Act for classified

1 lands of the public domain and also includes the reversion of non-agricultural
2 lands to agricultural use;

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

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

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

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

27 xxx) "*Shoreline*" shall refer to the line where shore and water meet;

1 yyy) "*Significant caves*" shall refer to caves which contain materials or possess
2 features that have archaeological, cultural, ecological, historical or scientific
3 value as determined by the Department of Environment and Natural
4 Resources (DENR) in coordination with the scientific community and the
5 academe;

6 zzz) "*Socialized housing*" shall refer to housing programs and projects undertaken
7 by the government or the private sector for the underprivileged and homeless
8 citizens which shall include sites and services development, long-term
9 financing, liberalized terms on interest payments, and such other benefits in
10 accordance with the UDHA;

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

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

20 cccc) "*Stakeholder*" shall refer to an individual, social group or organization that has
21 a direct or indirect interest in an activity, project, resources, or decision;

22 dddd) "*Tourism development areas*" shall refer to specific sites for tourism
23 development located in areas identified as priorities in the national, regional,
24 and inter-regional area specific tourism master plans and other sector plans
25 such as eco-tourism and agri-tourism sites, including those designated
26 through legislative and executive issuances such as tourist spots, tourist zones
27 and tourism ecozones which can be developed into tourism estates or

integrated resort, leisure, and recreation complexes, and other tourism related facilities;

eeee) "*Tourism Enterprise Zone*" refers to an area designated as tourism enterprise zone by the Tourism Infrastructure and Enterprise Zone Authority pursuant to the provisions of RA 9593 otherwise known as the Tourism Act of 2009;

ffff) "*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;

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

hhhh) "*Tourist zone*" shall refer to a geographic area with well-defined boundaries proclaimed as such by the President of the Philippines and/or by acts of Congress. No development projects for any purpose shall be initiated and introduced within the zone prior to the formulation of a tourism master development plan which shall be undertaken in coordination with the Department of Tourism (DOT) and the Tourism Infrastructure and Enterprise Zone Authority (TIEZA). A tourist zone is established for the enhancement

- and/or the conservation of cultural and historical heritage and for the appreciation and enjoyment of the local population and its visitors;
- iiii) "*Urban areas*" shall refer to all cities regardless of their population density and to municipalities with population density of at least Five hundred (500) persons per square kilometer;
- jjjj) "*Urbanizable areas*" shall refer to sites and lands which, considering present characteristics and prevailing conditions, display marked and great potential of becoming urban areas within a period of five (5) years;
- kkkk) "*Urban forestry or Green Space*" shall refer to the establishment and management of forest in urban environment for the physiological and psychological well-being of the people;
- llll) "*Water security*" shall refer to the sufficient access throughout the year to the minimum daily requirement of clean water to maintain a healthy life;
- mmmm) "*Water use*" shall refer to the appropriation of water for domestic, municipal, irrigation, power generation, inland fisheries, poultry and livestock raising, industrial and commercial, environmental, and recreational use and other purposes;
- nnnn) "*Watershed*" shall refer to a land area drained by a stream or fixed body of water and its tributaries having a common outlet for surface runoff;
- oooo) "*Zoning*" shall refer to the process of delineating the specific uses of lands in accordance with the approved Comprehensive Land Use Plan (CLUP) within the territorial jurisdiction of a city/ municipality and specifying the conditions for their regulation; subject to the limitations imposed by law and competent authority; and,
- pppp) "*Zoning ordinance or ZO*" shall refer to a local law passed by the *Sangguniang Bayan or Panglunsod* approving the development control/ zoning plan in accordance with an approved or adopted CLUP for the city/ municipality, and

1 providing for the regulations and other conditions on the uses of land
2 including the limitation on the infrastructure that may be placed thereon
3 within the territorial jurisdiction of a city or municipality. It incorporates the
4 protected areas under Section 13(a) and the protected agricultural lands under
5 Section 29 of this Act.

6 CHAPTER III

7 PHYSICAL FRAMEWORK AND LAND USE PLANS

8 **SEC. 5. *National Land Use Planning Process.*** – The land use and physical planning
9 process shall be formulated following a combined bottom-up and top-down approach.
10 The National Land Use Commission (NLUC) shall draft the National Physical
11 Framework Plan (NPFP) which shall have a timeframe of thirty (30) years, with regular
12 review and updating every ten (10) years. The NPFP, which guides the planning and
13 management of the country's land and other physical resources at the national and sub-
14 national levels, shall indicate broad spatial directions and policy guidelines on
15 settlements development, production land use, protection land use, social services and
16 utilities, and transportation and communication. The Regional Physical Framework Plans
17 (RPFs), Provincial Physical Framework and Development Plans (PPFDs), and
18 Comprehensive Land Use Plans (CLUPs), which shall also have a 30-year timeframe and
19 cover the physical development of their respective territories, shall be consistent with the
20 national physical framework plan: *Provided, That* the integration and harmonization of
21 the physical framework plans at all levels shall be iterative to ensure that the concerns of
22 both top and bottom levels of government are considered. The physical and land use
23 plans prepared at all levels shall have internal consistency specifically on, but not limited
24 to, the development, management and conservation of forestlands found within a given
25 territory and the linkages of the major land use categories to ensure their
26 complementation in the utilization, development and management of resources.

1 The NLUC shall issue procedural guidelines which shall guide the formulation and
2 integration/ harmonization process: *Provided*, That NEDA, HLURB, DILG and other
3 agencies will continue to issue guidelines on the content of the plans consistent with their
4 respective agency mandates.

5 **SEC. 6. *City and Municipal Land Use Plans.*** – The City/ Municipal Planning and
6 Development Office (C/MPDO), in consultation with concerned sectors through
7 mandatory conduct of public hearings, shall prepare the CLUP to determine the specific
8 uses of land and other physical resources therein including areas co-managed with the
9 national government and, as appropriate, the ancestral domain areas. The CLUP shall be
10 consistent with the PPFDP and shall define the city/ municipal development vision,
11 appropriate economic, environmental and social development policies, densities and
12 transportation system.

13 The CLUP may be formulated as a component of a Comprehensive Land Use and
14 Development Plan (CLUDP), which merges the traditionally separate CLUP and
15 comprehensive development plan to address the disconnect between spatial and sectoral
16 factors and to ensure the complementation between the medium-and long-term concerns.

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

20 **SEC. 7. *Provincial Physical Framework and Development Plans (PPFDP).*** – In
21 consultation with concerned sectors, the Provincial Planning and Development Office
22 (PPDO) shall prepare a Provincial Physical Framework and Development Plan (PPFDP)
23 which shall define the province's development vision, economic and social development
24 policies, general land uses, and inter-city/ municipal transportation system. The PPFDP
25 shall harmonize the land use plans of component cities and municipalities, taking into
26 consideration shared resources and planning concerns, and define the uses of land and
27 other resources within the province consistent with the policies in the regional physical

framework plan. The programs, projects and activities prescribed in the PPFDP shall be integrated into the provincial development investment program. The PPDO shall submit the PPFDP to the Provincial Land Use Policy Council (PLUPC), created under Section 20 of this Act, for review and endorsement to *Sangguniang Panlalawigan*, which shall adopt the same pursuant to Section 468 (2) (vii) of RA 7160 or the Local Government Code.

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

SEC. 9. *National Physical Framework Plan.* – The National Land Use Commission (NLUC) created in Section 14 herein, in consultation with the concerned sectors through the mandatory conduct of public hearings, shall formulate, periodically update and ensure the implementation of a national physical framework plan that shall prescribe and influence the country's land use and physical 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 policies prescribed in the NPFP shall be integrated into the MTPDP and Medium-Term Philippine Investment Program.

CHAPTER IV

FRAMEWORK FOR LAND USE PLANNING

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

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

19 **SEC. 12. *Basic Land Use Planning Considerations.*** – In determining the various
20 land uses, the people and their productive activities and the need for functional open
21 spaces and preservation areas as well as the various interrelationships of the physical
22 characteristics of the land and other elements therein shall be considered, among others,
23 the following:

- 24 a) Availability of natural resources including indigenous energy resources for
25 energy security and self-sufficiency;
- 26 b) Geology, geomorphology, geologic hazard, climate, soil, vegetative cover,
27 demography and slope;

- 1 c) Economic, environmental, cultural, social and related development activities;
- 2 d) Existing government policies on land and natural resources allocation,
- 3 utilization, management and disposition;
- 4 e) Technological changes/ advancement;
- 5 f) Existing customary rights for the protection of indigenous peoples and
- 6 vulnerable groups including women and urban poor; and
- 7 g) Inventory of prior and existing rights, to harmonize determination of land use.

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

- 11 a) *Protection Land Use* shall refer to the use of land primarily for food, water and
- 12 energy security, rehabilitation, conservation, and protection purposes for the
- 13 promotion of the country's ecological and life-support systems. Planning for
- 14 protection land use intends to achieve food self-sufficiency in rice and corn,
- 15 water and energy security, environmental stability and ecological integrity,
- 16 ensure a balance between resource use and the preservation of some areas with
- 17 environmental, aesthetic, educational, cultural, heritage and historical
- 18 significance, and protect people and human-made structures from the ill-
- 19 effects of natural hazards. All lands, either public or private, under protection
- 20 land use shall be permanently conserved, preserved, rehabilitated and
- 21 protected from all other land uses, disposition, intrusion, utilization and
- 22 development that is not consistent from its existing uses. Areas under this
- 23 category also include those covered by Republic Act No. 7586 or the NIPAS
- 24 Law and other coastal and marine protected areas, those areas outside NIPAS
- 25 but nonetheless require protection because of their outstanding physical and
- 26 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 supporting domestic water supply;
- 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 9072 or the "National Caves and Cave Resources Management and Protection Act"; or

1 a.12. Key biodiversity areas under Executive Order 578 Series of 2006 or the
2 "National Biodiversity Policy".

3 b) *Production Land Use* shall refer to the direct and indirect utilization of land
4 resources for crop, fishery, livestock and poultry production, forestry,
5 agroforestry, mining, industry, energy development, indigenous energy
6 exploration and development, and tourism. Planning for production land shall
7 determine the most efficient, sustainable, and equitable manner of utilizing,
8 developing and managing land for productive purposes. Areas included in
9 this category are agricultural lands, fishing grounds, coastal and marine zones,
10 production forest which comprise lands 18% to 50% in slope gradient such as:
11 residual dipterocarps, rangelands for grazing purposes, industrial tree
12 plantation/ integrated Forest Management Agreement (IFMA), community
13 based forest management areas and other reforestation projects, mineral lands
14 or mining areas and reservations, energy resource lands, industrial
15 development areas, and tourism development areas where productive
16 activities could be undertaken to meet the country's requirements for food
17 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
20 settlement purposes involving the spatial distribution of population,
21 identification of the roles and functions of key urban centers, determination of
22 relationships among settlement areas, and the provision of basic services and
23 facilities to such settlement. The settlements development plan ensures for the
24 present and future generation the following: i) effective integration of
25 activities within and among settlements, allowing efficient movement of
26 people and production of commodities through the provision of appropriate
27 land, infrastructure, and facilities; and ii) access of the population to housing,

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

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

15 CHAPTER V

16 IMPLEMENTING STRUCTURE AND MECHANISMS

17 Article I

18 *National Land Use Commission*

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

1 **SEC. 15. *Composition of the NLUC.*** – The NLUC shall be composed of the
2 following.

- 3 a) The President of the Republic of the Philippines as Chairperson;
4 b) The Director-General of the National Economic and Development Authority
5 (NEDA) and Secretary of the Department of Environment and Natural
6 Resources as Vice-Chairpersons;

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

10 The members shall be:

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

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

- 24 d) A representative each from the Leagues of Provinces, Cities and
25 Municipalities;
26 e) A representative each from four (4) basic sectors directly involved in land use,
27 namely: urban poor, farmer-peasants, fisherfolk, and indigenous peoples who

1 shall be appointed by the President of the Philippines based on the nomination
2 and recommendation of the respective sectoral councils of the National Anti-
3 Poverty Commission (NAPC). At least two (2) sectoral representatives shall be
4 women;

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

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

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

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

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

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

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

- d) Prepare, periodically review and if necessary, update the national framework for physical planning to provide the general framework for the spatial development directions for the entire country and sub-national levels;
- e) Review and endorse 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) Recommend to the President of the Philippines 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 RFPs, PPFDs and CLUPs and all data and information pertaining to land and land use;

- 1 l) Call on any department, bureau, office, agency, or instrumentality of the
- 2 government, and or private entities and organization for cooperation, support,
- 3 and assistance in the performance of its functions;
- 4 m) Decide and resolve policy conflicts and territorial jurisdiction on land use
- 5 between or among agencies, branches, or levels of the government and act on
- 6 unresolved land use policy conflicts at the regional level elevated by the
- 7 Regional Land Use Policy Council (RLUPC);
- 8 n) Adopt rules of procedures for the orderly and expeditious conduct of meetings
- 9 and other business of the Council; and
- 10 o) Perform such other acts and functions and exercise such other powers as may
- 11 be necessarily implied, inherent, incident, or related to the foregoing.

12 **SEC. 17. *NLUC Technical Secretariat (NLUC-TS).*** – A Technical Secretariat shall be
13 created to provide technical support to the NLUC. It shall be headed by an Executive
14 Director and composed of:

- 15 a) Representatives of the member agencies/ institutions of the NLUC, who shall
- 16 have a rank not lower than Director level; and
- 17 b) The representatives of NLUC members as enumerated in Section 16 (d), (e) and
- 18 (g) of this Act.

19 **SEC. 18. *The NLUC Technical Secretariat Executive Director.*** – The Executive
20 Director shall supervise the operations of the NLUC Technical Secretariat and assist the
21 NLUC Chairperson or his/her designated CEO.

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

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

25 **SEC. 19. *Offices, Units and Staff Support.*** – The Policy and Planning Unit of the
26 HLURB shall be the core secretariat of the NLUC. The Staff in the HLURB Policy and
27 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.

Article 2

Local Development Councils as Local Land Use Policy Councils

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

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

- a) Advise the *Sangguniang Bayan* or *Sangguniang Panlungsod* on all matters pertaining to land use and physical planning;
- b) Review and endorse to the *Sangguniang Bayan* or *Sangguniang Panlungsod* for adoption, the CLUP prepared and periodically updated by the City/ Municipal Planning and Development Office and other land use and physical planning-related policies; and
- c) Decide and resolve policy conflicts on land use planning, classification, and allocation that may arise between and among barangays and any unresolved land use conflict at the barangay level regarding the violation of zoning ordinances including opposition to applications for locational clearances, permits or certificates.

For purposes of this Act, the City/ Municipal Planning and Development Coordinator (C/MPDC) shall: (a) act on all applications for locational clearances for all projects except those of vital and national economic or environmental significance; and

(b) monitor ongoing/ existing projects within their respective jurisdictions and issue notices of violation to owners, developers, or managers of projects that are violative of zoning ordinances.

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

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

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

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

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

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

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

9 **SEC. 22. *Regional Land Use Policy Council (RLUPC).*** – At the regional level, the
10 Regional Land Use Policy Council (RLUPC) shall be institutionalized, replicating the
11 NLUC structure and composition which shall include a duly authorized representative
12 from the NEDA, the DENR, DA and the DAR. The RLUPC shall have the following
13 functions:

- 14 a) Formulate and adopt regional policies on land use and physical planning;
15 b) Prepare and periodically update a regional physical framework plan, taking
16 into consideration national policies and lower level plans;
17 c) Assist the provinces in preparing and periodically updating its physical
18 framework plans to ensure consistency with the regional and national plans
19 and policies and to facilitate its integration to the regional plans;
20 d) Review, prior to adoption by respective *Sanggunians*, the provincial physical
21 framework plan and CLUPs of highly urbanized and independent component
22 cities to ensure consistency with the regional physical framework plan and
23 national policies set forth by LUPC and compliance with limits prescribed
24 under the 1991 LGC for reclassifying agricultural lands;
25 e) Decide and resolve policy conflicts on land use planning, classification, and
26 allocation that may arise between or among regional line agencies, provinces
27 and cities/ municipalities;

- 1 f) Monitor changes in land use and other physical resources in the region;
- 2 g) Evaluate consistency of major programs and projects with the regional
- 3 physical framework plans and their impact on land use and the environment;
- 4 h) Undertake the gathering of regional data for the Land Resource Information
- 5 and Management System; and
- 6 i) Perform other related functions as may be directed by the LUPC.

7 **Article 3**

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

9 **SEC. 23. *Component Cities and Municipalities.*** – Component cities and

10 municipalities shall have the power and authority to adopt and approve their respective

11 CLUPs and ZOs through their respective *Sanggunians* subject to the power of review of

12 their respective provinces only with respect to the consistency of the CLUPs and ZOs

13 with Section 8 hereof on the preparation of the provincial physical framework plan. Upon

14 adoption and approval of the CLUP and ZO by the *Sanggunian*, all land areas zoned for

15 residential purposes or for settlements development shall cease to be covered by the

16 CARP and therefore, shall not be required to secure further order of land conversion or

17 exemption certificates from the DAR, except for the payment of disturbance

18 compensation if applicable, as well as the requirements pertaining to the issuance of

19 environmental compliance certificate (ECC) by the DENR.

20 **SEC. 24. *Provinces and Independent and Highly Urbanized Cities.*** – Provinces and

21 independent and highly urbanized cities shall have the power and authority to adopt and

22 approve their respective CLUPs, ZOs or provincial physical framework plan, as the case

23 may be, through their respective *Sanggunian* but subject to the review of the RLUPC as

24 provided in Section 22 of this Act.

25 **Article 4**

26 *Responsibilities of the National Government Agencies and LGUs*

1 **SEC. 25. *National Base Mapping Program.*** – A national mapping program shall be
2 implemented, coordinated, and monitored through the creation of an Inter-agency
3 Technical Committee (ITC) composed of the National Mapping and Resource
4 Information Authority (NAMRIA), as the lead agency, the Bureau of Soils and Water
5 Management (BSWM), the Forest Management Bureau (FMB), the Land Management
6 Bureau (LMB), the Protected Areas and Wildlife Bureau (PAWB), the Mines and
7 Geosciences Bureau (MGB), the Philippine Institute of Volcanology and Seismology
8 (PHIVOLCS), DAR, the National Water Resources Board (NWRB), DOE, NEDA and
9 other concerned government agencies/ bureaus. The ITC shall be constituted, and the
10 mapping program shall be initiated, within thirty (30) days from the effectivity of this
11 Act. The agencies mentioned in this Section shall endeavor to finish their base mapping
12 program within two (2) years upon the effectivity of this Act.

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

18 **SEC. 26. *National Geo-hazard Mapping Program.*** – Within thirty (30) days from
19 the effectivity of this Act, a nationwide geo-hazard mapping program shall be initiated
20 jointly thru the NLUC by the PHIVOLCS, the Philippine Atmospheric Geophysical and
21 Astronomical Services Administration (PAGASA), the NAMRIA, the Mines and
22 Geosciences Bureau (MGB), BSWM, and DOE, in coordination with the National Disaster
23 Risk Reduction and Management Council (NDRRMC), the Regional Disaster Risk
24 Reduction and Management Council (RDRRMC), and other concerned government
25 agencies. The program shall include the generation of indicative geo-hazard zoning maps
26 that will outline areas in the Philippines which are prone to liquefaction, landslides,

1 severe flooding, lahar, ground rupturing, tsunami, river erosion, coastal erosion, sinkhole
2 collapse, earthquake, lava flow, pyroclastic flow, base surge, and other natural hazards.

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

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

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

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

23 CHAPTER VI

24 SPECIAL AREAS OF CONCERN

25 Article 1

26 *Agricultural Lands*

1 **SEC. 29. *Priority Areas for Agricultural Development.*** – Priority areas for
2 agricultural development shall be those agricultural areas covered under Republic Act
3 No. 6657 or the CARP, as amended, and those covered under Network of Protected Areas
4 for Agricultural and Agro-Industrial Development (NPAAD), defined in Section 4 of this
5 Act and in R.A. No. 8435 or the “Agriculture and Fisheries Modernization Act.”

6 **SEC. 30. *Conversion of Agricultural Lands.*** – Agricultural lands are deemed
7 converted to non-agricultural uses upon approval by the DAR of the application for
8 conversion. Prime agricultural lands and specific types of lands to the extent necessary
9 for attaining food self-sufficiency in rice and corn and food security on other basic
10 commodities, as determined by the DA, subject to mandatory consultation with the
11 LGUs, the private sector, the NGOs, and the POs, shall be protected from conversion,
12 which shall include but not limited to areas under the NPAAD: *Provided,* That all
13 irrigated and irrigable lands, all lands developed or possessing the potential for
14 development of high value crops, and all agricultural lands that are ecologically fragile
15 and whose conversion will result in serious environmental problems shall be given full
16 protection from conversion, the areas under which are subject to review every seven (7)
17 years by the DA, with the mandatory public consultations: *Provided, further,* That
18 consistent with the State policy on giving priority to the completion of the CARP, all lands
19 subject to CARP including those lands covered under the notice of compulsory
20 acquisition/voluntary offer to sell, production or profit-sharing, or commercial farm
21 deferment shall also be protected from conversion pending the distribution and
22 installation of the farmer beneficiaries, but thereafter, Section 22 of R.A. No. 9700 or CARP
23 extension shall apply; *Provided, furthermore,* That the conversion of agricultural lands for
24 use of priority government projects for basic services such as, but not limited to, irrigation
25 and power shall be allowed only upon the recommendation of the Secretaries of the DA
26 and the DAR: *Provided, finally,* That the mapping of the NPAAD under the AFMA shall
27 be completed within two (2) years from the effectivity of this Act.

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

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

Article 2

Forest Lands and Watershed Management

SEC. 32. *Reversion of Alienable and Disposable Lands to Forestlands.* – Upon the recommendation of the Secretary of the DENR, duly reviewed and endorsed by the 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 thereof to forestlands. Thereafter, said lands shall be included in the preparation of land use plans within forestlands.

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

SEC. 34. *Formulation and Implementation of Integrated Watershed Management Plans.* – In the absence of a law on the protection and sustainable management of our forests, the LGUs through their local and land use committees and upon mandatory consultations with the concerned sectors, and with the assistance of the DENR, shall prepare their watershed management plans which shall be integrated with their respective CLUPs. The formulation and integration of the plan shall be guided, among

1 others, by the principle that the management and development of inland water resources
2 shall be at the watershed level. A nationwide mapping of watersheds in the country shall
3 be implemented.

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

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

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

15 **Article 3**

16 *Coastal Zone*

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

- 20 a) Areas vegetated with mangrove species shall be preserved for mangrove
21 production and shall not be converted to other uses;
- 22 b) Areas which meet all accepted criteria on elevation, soil type, soil depth,
23 topography, supply for successful fishpond development, are not identified as
24 mangrove protected areas, shall be utilized for aquaculture purposes;
- 25 c) Areas sub-classified as mangrove and still suitable for use as such, or due to
26 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 titled to ancestral domains or any form of property right arrangements who participate in coastal resource management initiatives, subject to the usual census procedure of the HUDCC.

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

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

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

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

SEC. 36. Coastal Land Zone Sub-classification. – All public lands in the coastal zones shall be sub-classified into any of the following: estuaries, lagoons, 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 cones to different uses shall be done without the following:

- a) Conduct of a comprehensive resource and environmental assessment by the DENR and respective LGUs and accredited NGOs and POs within their jurisdiction; and
- b) Prior consultation with the Local Fisheries and Aquatic Resource Management Councils (FARMCs) formed under Republic Act No. 8550 or the Philippine Fisheries Code.

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

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

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

The DPWH, in coordination with DOST and DENR, shall declare flood control areas, as necessary, and prohibit or control activities that could damage or cause

deterioration of lakes and dikes, obstruct the flow of water, change the natural flow of rivers, increase flood losses or aggravate flood problems pursuant to PD 1067.

Article 4

Mineral Lands

SEC. 39. *Criteria for the Utilization and Allocation of Land for Mining Purposes.* –

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

- a) The principles of sustainable development and responsible mining;
- b) In case of small-scale mining, adequate and acceptable safeguards shall be instituted by the holders of mining rights or permits to prevent environmental degradation of the mining sites and adjacent areas;
- c) Mineral reservations which have become non-operational for more than five (5) years as determined by the Mines and Geosciences Bureau (MGB) shall be placed under appropriate surface management by the DENR; and
- d) Consistent with the Mining Act of 1995, areas closed to mining operations shall be periodically reviewed through mineral exploration to be undertaken by the DENR for the purpose of determining whether or not their continued closure is consistent with the national interest and, if warranted, recommend their reclassification as mineral lands.
- e) Protection forestlands and agricultural lands shall be exempt from mining activities to minimize the effect of natural calamities and to protect food security respectively. The small to large scale mining operations shall yield from and recognize the tenorial instrument given by the government such as original certificate of title (TCT), certificate of ancestral domain title (CADT),

emancipation patent-certificate of land ownership award (EP-CLOA) and other instruments. If these be present, no mining activity shall be conducted.

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

Article 5

Energy Resource Lands

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

- a) Indigenous energy resource exploration and development for the purpose of a National Energy Resource Inventory and Data Base as well as Energy Resource Block Map shall be allowed subject to the implementation of complementary watershed and other land management plans;
- b) Indigenous energy resource exploration, development, production, utilization, and distribution shall be subject to the appropriate requirements and processes of the Philippine Environmental Impact Statement (EIS) system. Each project shall secure an Environmental Compliance Certificate (ECC) prior to project implementation to ensure adequate and appropriate

environmental management measures and optimum methods for resource access and recovery are utilized; and

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

SEC. 42. *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. 43. *Town, City, and Settlements Development.* – The development of town, city, and settlements through the zoning ordinances of cities and municipalities shall be guided by the 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. 44. *Settlements within Geo-hazard Areas.* – Settlements, in particular housing or residential developments, within geo-hazed 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. In coordination with the concerned agencies of the government, the LUPC shall provide assistance to concerned LGUs and settlers in instituting safety and corrective measures to address the potential danger or risk.

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

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

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

22 **SEC. 46. *Designation and Zoning of Socialized Housing Zones.*** – Each city or
23 municipality in urban, urbanizable and rural areas shall designate through the CLUP
24 adequate lands for housing or residential purposes, including socialized housing and
25 resettlement areas for the immediate and future needs of the local population as well as
26 the underprivileged and homeless in their territory, pursuant to existing laws and
27 regulations. In order to ensure adequate availability of land for the housing needs of the

1 local population, the CLUP shall be updated, at maximum, every ten (10) years for
2 provinces, cities and municipalities.

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

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

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

15 **SEC. 47. *Urban Forest or Green Space.*** – Each city or highly urbanized municipality
16 shall identify, designate and allocate lands owned by the city or municipality as urban
17 forest or green space based on the guidelines and standards to be issued by the DENR
18 and approved by the NLUC.

19 CHAPTER VIII

20 INDUSTRIAL DEVELOPMENT AREAS

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

Agriculture and Fisheries Modernization Act (AFMA), taking into consideration the following:

- a) Identified network of areas for agricultural development and protected agricultural areas pursuant to the AFMA;
- b) National policies on the regional dispersal of industries and agri-based industrial development;
- c) Identified growth areas and corridors in the National Development Plan;
- d) National Protected Areas Systems (NIPAS) and non-NIPAS areas that require protection;
- e) National and Urban Development and Housing Framework;
- f) Identified Socialized Housing Zones; and
- g) National Framework for physical planning and other existing national programs and policies.

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. 49. *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 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 RAs 7279 and 6657 subject to rules and regulations to be crafter by the TIEZA, HUDCC and DAR: *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 46(c) of this Act.

SEC. 50. *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 the National Commission for Culture and the Arts, 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.

The LGUs in coordination with the NHCP, the National Commission for Culture and Arts (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. 51. *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, Gus, and the private sector shall identify and periodically review, update and/or revise the list of priority

1 infrastructure projects subject to Sections 6 and 30 of this Act, and Section 47 of R.A. No.
2 8435 or AFMA. In determining and evaluating the list of priority infrastructure projects,
3 consideration shall be given to those that:

- 4 a) Respond to immediate and vital requirements of the national economy with
5 priority on improving rural infrastructure and the development of the
6 agriculture and fisheries sectors;
- 7 b) Upgrade existing facilities to international standards;
- 8 c) Address the need for sustainable settlements development; and,
- 9 d) Help mitigate the destructive effects of natural disaster-causing phenomena or
10 those that shall serve as alternatives to existing infrastructures found in natural
11 hazard-prone areas: *Provided, That* the provision and implementation of
12 infrastructure support shall be made compatible with existing environmental
13 conditions and the physical, whether natural or human-made, and cultural
14 character of the area. Mandatory public consultations pursuant to existing
15 laws and regulations shall be held prior to the conduct of all infrastructure
16 projects that will necessarily involve dislocation or displacement of people in
17 the area: *Provided, further, That* the proponent of the infrastructure project shall
18 follow the rules on just and humane eviction or demolition under Section 28
19 of R.A. No. 7279 or the Urban Development Housing Act (UDHA)
20 notwithstanding the provisions of Republic Act No. 8975, prohibiting lower
21 courts from issuing temporary restraining orders, preliminary injunctions, or
22 preliminary mandatory injunctions, and proponent shall follow IPRA:
23 *Provided, finally, That* national government infrastructure projects shall allocate
24 budget for the adequate relocation of displaced communities.

25 **SEC. 52. Infrastructure Projects within Geo-hazard Areas.** – Construction of
26 priority infrastructure projects within hazard-prone areas shall be allowed: *Provided, That*
27 mitigating and/or preventive measures are adopted to address the potential adverse

1 economic, socio-cultural, and environmental impacts that will emanate from these
2 infrastructure projects, subject to the findings and recommendations of a feasibility
3 study/environmental impact assessment in accordance with Presidential Decree No.
4 1586, Establishing An Environment Impact Statement System, Including Other
5 Environmental Management Related Measures, and R.A. No. 4846 or the Cultural
6 Properties Preservation and Protection Act, as amended by Presidential Decree No. 374.

7 Existing projects that did not go through the process of an environmental impact
8 assessment and pose threats to the environment, integrity of historic, archeological, or
9 scientifically significant areas; or are impinging on critical ecosystems, may be: (a)
10 terminated immediately, (b) required to implement an Environmental Management Plan;
11 (c) gradually phased-out and relocated, or (d) maintained up to their lifespan, subject,
12 however, to mitigating measures: *Provided*, That the rules on mandatory public
13 consultations and just and humane eviction or demolition shall also be observed prior to
14 the termination, gradual phase-out, or relocation of projects that will necessarily involve
15 dislocation or displacement of people in the area.

16 CHAPTER XI

17 TRAINING, EDUCATION, AND VALUE FORMATION

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

23 **SEC. 54. *Information and Education Campaign.*** – The NLUC shall undertake a
24 nationwide education information campaign in and use and physical planning to be
25 implemented by local and national government officials, community leaders, NGOs,
26 POs, religious sector, and the general public: *Provided*, That it shall be mandatory for local
27 government officials involved in the preparation of CLUPS and PPFDP, including the

municipal, city and provincial development officer to attend the Land Use Management Capability-Building Program.

CHAPTER XII

INCENTIVES, SANCTIONS AND PENALTIES

Article 1

Incentives and Awards

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

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

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

Article 2

Sanctions and Penalties

SEC. 57. *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 the conversion order:

1 a.1 Six percent (6%) of the zonal value of the subject land for the first three
2 (3) hectares;

3 b.1 Fifteen percent (15%) of the zonal value of the subject land for the next
4 three (3) hectares; and

5 c.1 Thirty percent (30%) of the zonal value of the subject land for the
6 remaining area: *Provided*, That the order of conversion shall be deemed
7 revoked automatically and the land shall revert to its original
8 agricultural use and covered by the DAR through compulsory
9 acquisition for distribution to qualified beneficiaries.

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

16 **SEC. 58. Authority to Impose Fine.** – The DAR shall impose the penalty provided
17 for under the preceding section.

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

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

25 **SEC. 61. Failure to Formulate, Enforce, and/or Implement the CLUPs.** – Consistent
26 with due process, the DILG shall investigate, review, and impose appropriate action
27 regarding local chief executives and other local officials and employees responsible for

1 the formulation, enforcement, and/or implementation of the CLUPs in case of any of the
2 following:

- 3 a) Failure to implement and enforce the CLUP due to negligence of duty;
- 4 b) Failure to provide appropriate budgetary allocation to effect its
5 implementation; and
- 6 c) Failure to complete the preparation of the CLUP despite the availability of
7 funds, resources, and support by the *Sanggunian* concerned.

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

- 13 a) Six (6) to nine (9) months, in case of non-implementation of CLUP; or
- 14 b) Three (3) to Six (6) months, in case of non-completion of the CLUP.

15 **SEC. 62. *Person(s) Abetting Illegal Conversion.*** – Any person initiating, causing,
16 inducing, or abetting illegal conversion shall, upon conviction, be imprisoned from seven
17 (7) to twelve (12) years and imposed a fine of not less than One Hundred Thousand Pesos
18 (P100,000.00) or both at the discretion of the court: *Provided*, That if the offender is a public
19 official or employee, whether elected or appointed, the penalty shall, in addition thereto,
20 include dismissal through permanent separation from the service and forfeiture of all
21 benefits and entitlements accruing to the public position and perpetual disqualification
22 to run or apply for any elective or appointive public office: *Provided, further*, That if the
23 offender is a juridical person, the penalty of imprisonment shall be imposed on the
24 president, chief executive officer, manager, chairperson and all the members of the board,
25 and other responsible officer thereof, and the fine shall be equivalent to the zonal value
26 of the land or forty percent (40%) of the shareholders equity, as determined at the time of
27 judgment, whichever is higher, plus forfeiture of the land in favor of the State for sale

through public auction, the proceeds of which shall automatically accrue to the Agrarian Reform Fund as provided for in Section 58 of this Act.

SEC. 63. *Penalty for Reclassification of Protected Agricultural Lands and Exceeding the Limit of Areas Allowed for Reclassification.* - Any person initiating, causing, inducting, or abetting the reclassification of protected agricultural areas into non-agricultural uses and exceeding the limits set forth under Section 20 of the LGC of 1991, shall be penalized with imprisonment of twelve (12) years and a fine of not less than One hundred thousand 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: *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. 64. *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 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. 65. *Convening of the NLUC.* – Within thirty (30) days from the effectivity of this Act, the President shall convene the NLUC.

1 **SEC. 66. *Implementing Rules and Regulations.*** – Within six (6) months from the
2 effectivity of this Act, the NLUC shall promulgate rules and regulations to implement the
3 provisions of this Act. Said rules and regulations shall be submitted to the Congressional
4 Oversight Committee for approval.

5 **SEC. 67. *Congressional Oversight Committee on the Land Use Act.*** – There is
6 hereby created a Congressional Oversight Committee which shall monitor the
7 implementation of this Act. It shall be composed of seven (7) members from the Senate
8 Committee on Environment and Natural Resources and seven (7) members from the
9 House of Representatives Committee on Natural Resources. The Chairpersons of the
10 Senate Committee on Environment and Natural Resources and the House of
11 Representatives Committee on Natural Resources shall be the Chair and Co-Chair of the
12 Congressional Oversight Committee, respectively. The other members of the Senate shall
13 be appointed by the Senate President bases on proportional representation of the parties
14 or coalitions therein with at least one (1) member representing the minority.

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

18 **SEC. 68. *Appropriations.*** – The appropriations for the National Land Use
19 Commission shall be taken from the budget of the Office of the President in the General
20 Appropriations Act in the year following the effectivity of this Act and shall be used to
21 carry out the initial operations of the National Land Use Commission. Thereafter,
22 additional sums as may be necessary for the full implementation of the NLUC's functions
23 shall be included in the General Appropriations Act.

24 **SEC. 69. *Review of Existing Land Use Plans.*** – Provinces, cities, and municipalities
25 with existing land use plans shall review, revise, reconcile, and harmonize the same with
26 the guidelines set forth under this Act within three (3) years from the effectivity of this
27 Act.

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

4 **SEC. 71. *Non-Impairment Clause.*** – Nothing in this Act shall be construed as to
5 diminish, impair, or repeal rights recognized, granted, or available to marginalized or
6 basic sectors under existing laws, including but not limited to Republic Act Nos. 7279,
7 6657, 8371, and 8550.

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

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

Approved,