


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

7 JUN 30 P1:26

SENATE
S.B. No. 76

RECEIVED BY: 

Introduced by Senator Loren Legarda

EXPLANATORY NOTE

This bill seeks to institutionalize a national land use policy to ensure a rational, holistic, and just allocation, utilization, management and development of the country's land resources.

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

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

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

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

- 1.) **Protection land use** which shall refer to the use of land primarily for rehabilitation, conservation, and protection purposes and the promotion of the country's ecological and life-support systems. Areas under this

category are those under the coverage of Republic Act No. 7586 or the National Integrated Protected Areas System (NIPAS) law and other coastal and marine protected areas; those areas outside NIPAS but nonetheless require protection because of their outstanding physical and aesthetic features, anthropological significance, and biological diversity; and those areas prone to natural hazards;

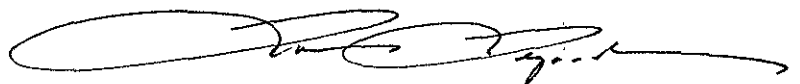
2.) *Production land use* which shall refer to the direct and indirect utilization of land resources for crop, fishery, livestock and poultry production,, agroforestry, mining, industry, energy development, and tourism. Areas included in this category are agricultural lands, fishing grounds, fishponds,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

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

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

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

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

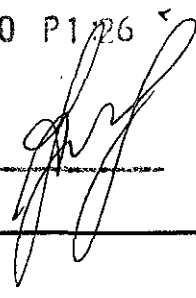


LOREN LEGARDA
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AN ACT
INSTITUTING A NATIONAL LAND USE POLICY, PROVIDING THE
IMPLEMENTING MECHANISMS THEREFOR, AND FOR OTHER PURPOSES

*Be it enacted by the Senate and 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 the Philippines."

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

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

- a) Sustainable and just management and utilization of natural resources;
- b) Maintenance and preservation of environmental integrity and stability;
- c) Food security in basic food commodities with emphasis on self-sufficiency in rice and corn production through efficient and sustainable use of land resources consistent with the principles of sound agricultural development, natural resources development, and agrarian reform;
- d) Protection of prime agricultural lands for food production activities and highest priority to the completion of the Comprehensive Agrarian Reform Program (CARP);
- e) Sustainable development and management of water resources towards water security;
- f) Rational population distribution and settlements development;
- g) Spatial integration that links consumption and production areas to achieve

physical and economic integration through appropriate infrastructure systems;

- h) Equitable and sustainable economic growth and balanced and dispersed industrial and tourism development guided by the principles of agrarian reform, urban land reform, and rural development;
- i) Private-public partnership where government provides the appropriate policy, legal and institutional framework to guide the private sector's management of resources
- j) Harmony between the rights and the varied interests of every Filipino within the framework of people empowerment, decentralization, social justice, and equity;
- k) Respect for and protection of the sustainable traditional resource right of the Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) to their ancestral domains to ensure their economic, social, and cultural well-being as well as recognition of the applicability of customary laws and sustainable traditional resource use and management, knowledge, and practices in ancestral domains;
- l) Protection of the right of basic sectors to equitable access to the country's land and other resources through State regulation of land valuation to prevent uncontrolled land speculation resulting in tremendous increase in land pricing;
- m) Protection, conservation and preservation of the Filipino historical and cultural heritage and resources for the deeper understanding of our history and culture as a people;
- n) Attainment of energy security or energy self-sufficiency through sustainable and priority development of indigenous energy resources;
- o) An integrated approach to the utilization, allocation, development and management of water as a limited resource to complement and support sustainable land utilization; and
- p) Market orientation where the interplay of market forces within the framework of ecological and intergenerational factors is encouraged and adopted as the basic parameter in achieving efficiency in land use and allocation.

It is also the policy of the State to ensure that local government units (LGUs) share with the national government the responsibility of managing and maintaining ecological balance within their territorial jurisdiction as stated in the Constitution and the 1991 Local Government Code (RA 7160).

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

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

CHAPTER II

DEFINITIONS

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

a) "*Agricultural land*" shall refer to lands devoted to or suitable for the cultivation of the soil, planting of crops, growing of fruit trees, raising of livestock, poultry, fish or aqua-culture production, including the harvesting of such farm products, and other farm activities and practices performed in conjunction with such farming operations done by persons whether natural or juridical and not classified by law as mineral land, forest land, residential land, commercial land, or industrial land;

b) "*Agricultural land use conversion*" shall refer to the undertaking of any development activity which modifies or alters the physical characteristics of agricultural lands to render them suitable for non-agricultural purposes with an approved order of conversion issued exclusively by the Department of Land Reform (DLR);

c) "*Alienable and Disposable (A&D) lands*" shall refer to lands of the public domain which have been delineated, classified, and certified to by law or pursuant to the Land Classification Program of the Department of Environment and Natural Resources (DENR) as agricultural lands open to disposition under the provisions of Commonwealth Act No.141, otherwise known as the "Public Land Act," as amended;

d) "*Ancestral domains*" shall refer to all areas generally belonging to ICCs/IPs as defined in Republic Act No. 8371, otherwise known as the "Indigenous Peoples Rights Act (IPRA) of 1998;"

e) "*Comprehensive land use plan (CLUP)*" shall refer to a document embodying a set of policies, accompanied by maps and similar illustrations, that serves as principal basis for determining the future land use of lands and natural resources within 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 three (3) terms of local elective officials.

f) "*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;

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

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

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

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

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

l) "*Energy resource lands*" shall refer to lands where naturally occurring or indigenous energy resources exist;

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

n) "*Environmentally critical areas*" shall refer to areas declared by law as: (a) areas for natural parks, watershed reserves, wildlife preserves, and sanctuaries; (b) areas set aside as aesthetic potential tourist spots; (c) areas which constitute the habitat of any endangered or threatened species or indigenous Philippine wildlife (flora and fauna); (d) areas of unique historic, archaeological, or scientific interests; (e) areas which are traditionally occupied by ICCs/IPs; (f) areas with critical slopes; (g) areas frequently visited and/or hard hit by natural calamities (geologic hazards, floods, typhoons and volcanic activities); (h) prime agricultural lands; (i) recharge areas of aquifers; (j) water bodies; (k) mangrove areas; (l) coral reefs; (m) mossy and virgin forests; (n) rivers and river banks; and (o) swamp forest and marshlands; and (p) foreshore lands. This term shall also include other terrestrial, aquatic and marine areas that need special protection and conservation measures because they are ecologically fragile or they are needed for

food security and food self sufficiency as determined by concerned agencies and LGU's in consultation with the concerned sectors;

o) "*Exhausted mineral resources*" shall refer to a situation where the mineral resources in specific sites are no longer in sufficient quantity or quality to justify additional expenditure for extraction or utilization;

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

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

r) "*Forestlands*" shall refer to lands of the public domain which have been classified or declared as such and all unclassified lands of the public domain;

s) "*Foreshore land*" shall refer to a string of land margining a body of water, the part of a seashore between the low-water line usually at the seaward margin of a low tide terrace and the upper limit of wave wash at high tide usually marked by a beach scarp or berm;

t) "*Geo-hazards*" shall refer to natural and man-induced geological processes that have potential to cause destruction and pose a threat or risk to man's life and property;

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

v) "*Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs)*" shall refer to groups of people or homogenous societies identified under the IPRA;

w) "*Inland waters*" shall refer to waters, which are not coastal and marine waters not subject to acquisitive prescription consistent with the provisions of Presidential Decree No. 1067, otherwise known as the "Water Code of the Philippines";

x) "*Integrated watershed management*" shall refer to a planning strategy or program for watershed areas that complement environmentally-sound soil and water management practices with mechanisms for ensuring greater responsibility, involvement, or participation of individuals, groups, communities and other stakeholders benefiting from these areas and water-related infrastructure;

y) "*Land*" shall refer to resources, both man-made and natural, found on the surface, below, and above the ground including inland waters and the air therein;

z) "*Land sub-classification*" shall refer to the act of determining and assigning specific uses of classified lands of the public domain, such as forest or timber lands,

alienable or disposable agricultural lands, national parks, and mineral lands in accordance with existing laws and this Act;

- aa) *“Land use”* shall refer to the manner of utilization of land, including its allocation, development, and management;
- bb) *“Land use classification”* shall refer to the act of delineating or allocating lands according to protection land use, production land use, settlements development, and infrastructure development as defined and provided for in this Act;
- cc) *“Land Use Policy Council”* shall refer to the administrative, policy-making, regulatory, and quasi-judicial body created under Section 14 this Act;
- dd) *“Mandatory public hearings/consultations”* shall refer to the mechanism to ensure the involvement of affected sectors in land use planning from the local to the national level. It involves giving notice of hearing/consultation to affected sectors through publication or posting in conspicuous places, conduct of a reasonable number of hearings, and solicitation of positions and the public presentation and validation of the planning results before the final adoption of the plans;
- ee) *“Mineral exploration”* shall refer to the systematic searching or prospecting for mineral resources including energy resources;
- ff) *“Mineral lands”* shall refer to lands where mineral resources are found;
- gg) *“Multiple use of land resources”* shall refer to the utilization or management strategy for forest lands, which allows any activity thereat, involving one or more of its resources, depending on the result of prior evaluation on its numerous beneficial uses, that will produce the optimum benefits to the development and progress of the country and the public welfare without impairment or with the least injury to its other resources;
- hh) *“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;

- ii) *“Physical framework plans”* shall refer to the national, regional or provincial indicative plans embodying both policies and strategies that are prepared by the national, regional and provincial land use policy councils, respectively, to guide the desired direction and growth and to promote and advance appropriate resource utilization as a way of sustaining food security, promoting people’s welfare, protection of environment;
- jj) *“Premature or illegal 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 DLR Secretary;
- kk) *“Prime agricultural land”* shall refer to all irrigated areas, all irrigable lands already covered by irrigation projects with firm funding commitments; all alluvial plain land highly suitable for agriculture whether irrigated or not; agro-industrial croplands or lands presently planted to industrial crops that support the viability of existing agricultural infrastructure and agro-based enterprises, highlands, or areas located at elevation of 500 meters or above and have the potential for growing semi-temperature and high value crops; all agricultural lands that are ecologically fragile, the conversion of which will result in serious environmental degradation; and mangrove areas and fish sanctuaries;
- ll) *“Production land use”* shall refer to the direct and indirect utilization of land to generate outputs resulting from the following activities: agricultural, fish farming or aquaculture, timber or agro-forestry, grazing and pasture, mining, indigenous energy resource development, industry, and tourism;
- mm) *“Protected areas”* shall refer to portions of land set aside by reason of their unique physical and biological significance, managed to enhance biological diversity, and protected against destructive human exploitation. For purposes of this Act, it shall include agricultural lands identified and delineated under Section 29 hereof;
- nn) *“Protection land use”* shall refer to the use of land primarily for rehabilitation, conservation, and protection purposes and the promotion of the country's ecological and life-support systems;
- oo) *“Public domain”* shall refer to lands that belong to the State which may be any of the following: agricultural, forest or timber, mineral, or national park as provided for in the Constitution;
- pp) *“Public lands”* shall refer to lands which have not been subject to private property rights or subject to sale or other modes of

acquisition or concession under the general laws, and are devoted to public use;

- qq) *“Reclassification of agricultural lands”* shall refer to the act of specifying how agricultural lands shall be utilized for non-agricultural uses such as residential, industrial, or commercial purposes through the local planning and zoning processes pursuant to Republic Act No. 7160 or the Local Government Code of 1991 and subject to the requirements and procedure for conversion. It is equivalent to land sub-classification for classified lands of the public domain and also includes the reversion of non-agricultural lands to agricultural use;
- rr) *“Resettlement sites”* shall refer to areas identified by the appropriate national agency or by the local government unit, with respect to areas within its jurisdiction, which shall be used for the relocation of the underprivileged and homeless, as defined under Republic Act No. 7279 or the Urban Development and Housing Act (UDHA);
- ss) *“Settlements”* shall refer to communities or built-up environment areas where people prefer to live in;
- tt) *“Settlements development”* shall refer to any improvement on existing settlements or any proposed development of certain areas for settlement purposes. It also involves the spatial distribution of population, identification of the roles and functions of key urban centers, determination of relationships among settlement areas, and the provision of basic services and facilities of identified major settlement areas or growth centers;
- uu) *“Shoreline”* shall refer to a strip of land covering at least one (1) kilometer from the point where sea water reaches during the highest high tide;
- vv) *“Socialized housing”* shall refer to housing programs and projects undertaken by the government or the private sector for the underprivileged and homeless citizens which shall include sites and services development, long-term financing, liberalized terms on interest payments, and such other benefits in accordance with the UDHA;
- ww) *“Socialized housing zones”* shall refer to lands identified and designated by LGUs as sites for socialized housing pursuant to Article IV of the UDHA and its implementing guidelines;
- xx) *“Sustainable development”* shall refer to the development objective of meeting the needs of the present generation without compromising the ability of future generations to meet their own needs consistent with the principles of social equity, efficiency, and environmental integrity;
- yy) *“Tourism development areas”* shall refer to specific sites for

tourism development located in areas identified as priorities in the national and regional, area specific tourism master plans and other sector plans such as eco-tourism and agri-tourism sites, including those designated through legislative and executive issuances i.e., tourist spots, tourist zones and tourism ecozones which can be developed into tourism estates or integrated resort, leisure, and recreation complexes, and other tourism related facilities;

- zz) *“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;
- aaa) *“Tourism ecozone”* shall refer to tourism development areas which have been granted Special Economic Zone status, through PEZA registration and issuance of the required Presidential Proclamation, with its metes and bounds delineated by said Proclamation, pursuant to RA 7916, as amended;
- bbb) *“Tourist spot”* shall refer to a particular area/site/spot, man-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;
- ccc) *“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 and the Philippine Tourism Authority. 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;
- ddd) *“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;
- eee) *“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;

- fff) *“Urban forestry or green space”* shall refer to the establishment or setting-up of areas for mini-forest or small nature parks, lining roads and highways with trees, shrubs, or ornamental plants, and ground landscaping of schools, hospitals, and other government agencies in order to improve the environment in urban areas;
- ggg) *“Water security”* shall refer to the sufficient access throughout the year to the minimum daily requirement of clean water to maintain a healthy life;
- hhh) *“Water use”* shall refer to the appropriation of water for domestic, municipal, irrigation, power generation, inland fisheries, poultry and livestock, industrial and commercial, environmental, and recreational use;
- iii) *“Watershed”* shall refer to a topographically delineated area of land from which rainwater can drain as surface run-off *vis-a-vis* a specific stream or river system to a common outlet point which may be a dam, irrigation system or urban water supply take-off point, or where the stream discharges into a river, lake, or the sea;
- jjj) *“Zoning”* shall refer to the regulatory tool for delineating the specific uses of lands in accordance with the approved 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,
- kkk) *“ZO or zoning ordinance”* shall refer to a local law passed by the *sangguniang pambayan* or *panglunsod* approving the development control/zoning plan in accordance with an approved or adopted CLUP for the city/municipality, and providing for the regulations and other conditions on the uses of land including the limitation on the infrastructure that may be placed thereon within the territorial jurisdiction of a city or municipality. It incorporates the protected areas under Section 12(b) and the protected agricultural lands under Section 29 hereof.

CHAPTER III PHYSICAL FRAMEWORK AND LAND USE PLANS

SEC. 5. National Framework for Physical Planning.- The Land Use Policy Council (LUPC) 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 the National Framework for Physical Planning (NFPP) that shall serve as the general long-term framework for the spatial development

directions of the entire country and provide the analytical parameters for the planned allocation, use and management of the country's land and other physical resources. The NFPP shall 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.

SEC. 6. National Land Use Planning Process.- The land use and physical planning process shall be formulated following a combined bottom-up and top-down approach. The NFPP, which guides the planning and management of the country's land and other physical resources at the national and sub-national levels, shall indicate broad spatial directions and policy guidelines on settlement development, production land use, protection land use and infrastructure development. The Regional Physical Framework Plans (RPFs) and, consequently, the Provincial Physical Framework Plans (PPFPs) and Comprehensive Land Use Plans (CLUPs), which cover the physical development of their respective territories, shall be consistent with the NFPP; provided that the integration and harmonization of physical framework plans at all levels shall be iterative to ensure that the concerns of both top and bottom levels of government are considered in the NFPP, RPFs, PPFPs and CLUPs. The physical and land use plans prepared at all levels shall have internal consistency specifically on the linkages of the major land use categories to ensure their complementation in the utilization, development and management of resources.

SEC. 7. City and Municipal Land Use Plans.- The City/Municipal Planning and Development Office, in consultation with concerned sectors through mandatory conduct of public hearings, shall prepare the CLUP to determine the specific uses of land and other physical resources therein including areas co-managed with the national government and, as appropriate, the ancestral domain areas. Guided by the PPFP, the CLUP shall embody the desired land use patterns and mixes of the city or municipal territory and provide appropriate policies for each of the four land use planning categories that shall guide and serve as framework for more detailed development and sectoral planning: *Provided, That,* jointly with the DENR and the Department of Agriculture (DA), barangays located within public forestlands shall prepare a comprehensive barangay land use plan (BLUP), which shall guide the local residents on the uses, management, development, and accountability over areas determined in the plan as multiple-use zones for settlements development, low impact agriculture, and agroforestry purposes, including those areas that need community management and protection as production forestlands or protection forests: *Provided, however,* That the preparation of management plans for protected areas shall be in accordance with the provisions of R.A. No. 7586 or the NIPAS Act or other laws establishing or declaring a specific area as a permanent component of the NIPAS. The BLUPs for areas within public forestlands shall be integrated in the CLUP, subject to consultation with the concerned City/Municipal Land Use Planning Office.

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

SEC. 8. Provincial Physical Framework Plans.- In consultation with concerned sectors, the Provincial Planning and Development Office shall prepare the PPFP to determine the physical development of the entire provincial territory, consolidating and harmonizing the land use plans of component cities and municipalities, and defining the uses of land and other resources within the province consistent with the policies in the RPF. It shall submit the PPFP to the Provincial Land Use Policy Council, created

under Section 20 of this Act, for review and endorsement to the *Sangguniang Panlalawigan*, which shall adopt the same pursuant to Section 468 (2) (vii) of the LGC.

SEC. 9. 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 RFPF, 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 NFPP, to guide detailed physical, socio-economic, sectoral and investment planning.

CHAPTER IV FRAMEWORK FOR LAND USE PLANNING

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

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

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

- (a) Availability of natural resources including indigenous energy resources for energy security and self-sufficiency;
- (b) Geology, geomorphology, geologic hazard, climate, soil and slope;
- (c) Economic, environmental, social and related development activities;
- (d) Existing government policies on land and natural resources allocation, utilization, management and disposition;
- (e) Technological changes/advancement;

- (f) Existing customary rights for the protection of indigenous peoples and vulnerable groups including women and urban poor;
- (g) Inventory of prior and existing rights, to harmonize determination of land use.

SEC. 13. Categories of Land Uses for Planning Purposes. In determining and defining the NFPP, RPPFs, PPFs, and CLUPs, land uses shall be grouped into four major functional uses as follows:

- (a) ***Protection Land Use*** shall refer to the use of land primarily for rehabilitation, conservation, and protection purposes and the promotion of the country's ecological and life-support systems. Planning for protection land use intends to achieve environmental stability and ecological integrity, ensure a balance between resource use and the preservation of some areas with environmental, aesthetic, educational, cultural and historical significance, and protect people and man-made structures from the ill-effects of natural hazards. Areas under this category are those under the coverage of Republic Act No. 7586 or the National Integrated Protected Areas System (NIPAS) law and other coastal and marine protected areas; those areas outside NIPAS but nonetheless require protection because of their outstanding physical and aesthetic features, anthropological significance, and biological diversity; and those areas prone to natural hazards. Areas outside the coverage of the NIPAS law include, but are not limited to the following:
 - a.1. Reserved second growth forests above 1,000 meters in elevation and those 50% in slope gradient;
 - a.2. Mangrove and fish sanctuaries, pursuant to Republic Act No. 8435 and Republic Act No. 8550;
 - a.3. Buffer zones or strips/easements, pursuant to P.D. No. 705 and P.D. No. 1067;
 - a.4. Salvage zones along foreshore areas, freshwater swamps and marshes, plazas and heritage/historic sites, pursuant to P.D. No. 2146;
 - a.5. Watersheds or sources of domestic supply;
 - a.6. Utility easement like transmission lines of power companies, oil and gas facilities, cell sites, and domestic water lines; or
 - a.7. Amenity areas or those with high aesthetic values, pursuant to P.D. No. 2146.
 - a.8. Natural and man-made areas/sites of cultural, historical and anthropological significance, which are declared as such by internationally recognized organizations and concerned national agencies.
- (b) ***Production Land Use*** shall refer to the direct and indirect utilization of land resources for crop, fishery, livestock and poultry production,, agroforestry, mining, industry, energy development, and tourism. Planning for production land shall determine the most efficient,

sustainable, and equitable manner of utilizing, developing and managing land for productive purposes. Areas included in this category are agricultural lands, fishing grounds, fishponds, and fish cages, coastal and marine zones, production forest which comprise lands 18% to 50% in slope gradient such as: residual dipterocarps, rangelands for grazing purposes, industrial tree plantation/IFMA, community based agro-forestry areas and other reforestation projects; mineral lands or mining areas and reservations, energy resource lands, industrial development areas, and tourism development areas where productive activities could be undertaken to meet the country's requirements for food security, economic growth and development.

- (c) *Settlements Development* shall refer to any improvement on existing settlements in urban and rural areas or any proposed development of certain areas for settlement purposes involving the spatial distribution of population, identification of the roles and functions of key urban centers, determination of relationships among settlement areas, and the provision of basic services and facilities to such settlement. The settlement development plan ensure for the present and future generation the following: i) effective integration of activities within and among settlements, allowing efficient movement of people and production of commodities through the provision of appropriate land, infrastructure, and facilities; and ii) access of the population to housing, education, health care, recreation, transportation and communication, sanitation, and basic utilities such as water, power, waste disposal, and other services.
- (d) *Infrastructure Development* seeks to provide basic services and foster economic and other forms of integration necessary for producing or obtaining the material requirements of Filipinos, in an efficient, responsive, safe and ecologically friendly built environment. It covers these sub-sectors: transportation, communications, indigenous energy exploration and development, water resources, and social infrastructure.

Provided, That the determination of functional uses of lands within ancestral domains shall consider traditional resource and management systems that do not endanger the lives and property of the local community and neighboring areas or increase the vulnerability of the natural environment to the effects of natural and man-induced geological processes.

CHAPTER V
IMPLEMENTING STRUCTURE AND MECHANISM
Article 1
Land Use Policy Council

SEC. 14. Creation of the Land Use Policy Council (LUPC).- The LUPC is hereby created. It shall exercise the powers and responsibilities of the National Land Use Committee (NLUC) and the powers and functions vested by law to the Housing and Land Use Regulatory Board (HLURB) pertaining to land use planning. The LUPC shall act as the highest policy making body on land use and resolve land use policy conflicts between or among agencies, branches, or levels of the government. It shall integrate efforts, monitor developments relating to land use and the evolution of policies, and regulate and direct land use planning processes.

SEC. 15. Composition of the LUPC.- The LUPC shall be composed of sixteen (16) members.

- a) The Secretary of Socio-Economic Planning as Chairperson;
- b) The Secretaries of Environment and Natural Resources and Agriculture as Vice-Chairpersons;
- c) The Secretaries of Land Reform, Trade and Industry, Public Works and Highways, Transportation and Communications, Tourism, Interior and Local Government, Justice, Transportation and Communication and Energy;
- d) The Chairperson of the Housing and Urban Development Coordinating Council; and
- e) A representative each from four (4) basic sectors directly involved in land use, namely: urban poor, peasants, fisherfolk, and indigenous peoples who shall be appointed by the President of the Philippines based on the nomination and recommendation of the respective sectoral councils of the National Anti-Poverty Commission (NAPC). Two sectoral representatives shall be women.

A consultative body shall likewise be convened at least once a year or as often as may be necessary. It shall be composed of representatives from the Leagues of Municipalities, Cities, and Provinces, other government agencies not represented in the LUPC, and from non-government sectors such as the private sector, NGOs and POs, and the academic community.

SEC. 16. Powers and Functions. The LUPC shall have the following powers and functions:

- a) Advise the President of the Philippines and the NEDA Board on all matters concerning land use and physical planning;
- b) Integrate and harmonize all laws and policies relevant to land use to come up with a rational, cohesive, and comprehensive national land use framework;
- c) Formulate policies and endorse land use and physical planning-related policies that may be formulated by the RLUPC and concerned agencies as well as promulgate zoning and other land use control standards and guidelines which shall guide the formulation of land use plans and zoning ordinances by local governments;
- d) Prepare, periodically review and if necessary, update the NFPP and RPPF to provide the general framework for the spatial development directions for the entire country and sub-national levels;
- e) Establish a National Land Resource Information and Management System 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;
- f) Undertake 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) Call on any department, bureau, office, agency, or instrumentality of the government, and or private entities and organization for cooperation, support, and assistance in the performance of its functions;
- k) Assist the LGUs in the formation of local land use policy councils at the local levels;
- l) Design and implement, in coordination with the DILG, a long-term capability-building program for LGUs to enable them to undertake a participatory and effective land use planning;
- m) To prescribe, in consultation with the DILG and other concerned agencies, as applicable, the land valuation of the specific land use categories listed in Section 13 hereof, to ensure the equitable access of the land to all sectors, taking into consideration that to keep basic services affordable to the public, land valuation where these services are located shall be kept to the minimum;
- n) Decide and resolve policy conflicts on land use between or among agencies, branches, or levels of the government and unresolved land use policy conflicts at the regional level;
- o) Adopt rules of procedures for the orderly and expeditious conduct of meetings and other business of the Council; and
- p) Perform such other acts and functions and exercise such other powers as may be necessarily implied, inherent, incident, or related to the foregoing.

SEC. 17. LUPC Technical Board (LUPC-TB). A Technical Board shall be created to provide technical support to the LUPC. It shall be composed of:

- a. NEDA Deputy Director-General for Regional Development as Chairperson;
- b. Representatives of the member agencies/institutions of the LUPC, who shall have a rank not lower than Director level; and
- c. The representatives of the four (4) basic sectors as enumerated in Section 15 (e) of this Act.

SEC. 18. Offices, Units and Staff Support. The NEDA Regional Development Office shall continue to provide core secretariat services to LUPC, its Technical Board and RLUPC. Other government agencies may also be called upon for staff support.

Article 2

Local Development Councils as Local Land Use Policy Councils

SEC. 19. City/Municipal Development Councils. The City/Municipal Development Councils (C/MDCs), created under Section 106 of the LGC, shall act as the City/Municipal Land Use Policy Council that will tackle land use concerns whenever necessary.

In addition to the functions enumerated in Section 109 of the LGC, the C/MDC 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 conflicts 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 on-going/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/MDC 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/MDCs as mandated by the 1991 LGC shall activate their respective Councils within six (6) months from the effectivity of this Act.

SEC. 20. 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.

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 PFP 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 PFP and compliance with the limits prescribed under the 1991 LGC for reclassifying agricultural lands; and
- d. Decide and resolve policy conflicts on land use planning, classification, and, allocation that may arise between or among cities/municipalities and any unresolved land use conflicts at the city/municipal level.

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

SEC. 21. Regional Land Use Policy Council (RLUPC). At the regional level, the RLUPC will be institutionalized, replicating the LUPC structure and composition. The RLUPC shall have the following functions:

- a. Adopt regional policies on land use and physical planning;
- b. Prepare and periodically update the RFP, taking into consideration national policies and lower level plans;
- c. Review, prior to adoption by respective Sanggunians, the PFPs and CLUPs of highly urbanized and independent component cities to ensure consistency with the RFP and national policies set forth by LUPC and compliance with limits prescribed under the 1991 LGC for reclassifying agricultural lands;
- d. Decide and resolve policy conflicts on land use planning, classification, and allocation that may arise between or among regional line agencies, provinces and cities/municipalities;
- e. Monitor changes in land use and other physical resources in the region;
- f. Coordinate and monitor the land use activities of regional line agencies and LGUs;
- g. Evaluate consistency of major programs and projects with the RFP and their impact on land use and the environment;
- h. Undertake the gathering of regional data for the Land Resource Information and Management System, and;
- i. Perform other related functions as may be directed by the LUPC.

Article 3
Adoption, Approval and Review of Land Use Plans

SEC. 22. Component Cities and Municipalities.- Component cities and municipalities shall have the power and authority to adopt and approve their respective CLUPs and ZOs through their respective *sanggunians* subject to the power of review of their respective provinces only with respect to the consistency of the CLUPs and ZOs with Section 6 hereof on the preparation of the PFP.

SEC. 23. Provinces and Independent and Highly Urbanized Cities.- Provinces and independent and highly urbanized cities shall have the power and authority to adopt and approve their respective CLUPs, ZOs or PFP, as the case may be, through their respective *sanggunian* but subject to the review of the RLUPC as provided in Section 21 hereof.

Article 4
Responsibilities of the National Government Agencies and LGUs

SEC. 24. National Base Mapping Program.- A national mapping program shall be implemented, coordinated, and monitored through the creation of an Inter-agency Technical Committee (ITC) composed of the National Mapping and Resource Information Authority (NAMRIA), as the lead agency, the Bureau of Soils and Water Management (BSWM), the Forest Management Bureau (FMB), the Land Management Bureau (LMB), the Protected Areas and Wildlife Bureau (PAWB), the Mines and Geosciences Bureau (MGB), the Philippine Institute of Volcanology And Seismology (PHIVOLCS), DLR, the National Water Resources Board (NSWRB), DOE, NEDA and other concerned government agencies/bureaus. The ITC shall be constituted, and the mapping program initiated, within thirty (30) days from the effectivity of this Act.

For purposes of uniformity and standardization, the LGUs, to be assisted by the appropriate agencies of the national government, shall likewise prepare their respective territorial maps using scales, symbols, and other indicators to be prescribed in accordance with this Act. The completed maps shall be integrated in the NFPF pursuant to Section 9 hereof.

SEC. 25. National Geo-hazard Mapping Program.- Within thirty (30) days from the effectivity of this Act, a nationwide geo-hazard mapping program shall be initiated jointly thru the LUPC by the PHIVOLCS, the Philippine Atmospheric Geophysical and Astronomical Services Administration (PAGASA), the NAMRIA, the Mines and Geosciences Bureau (MGB), BSWM, and DOE, in coordination with the National Disaster Coordinating Council (NDCC), the Regional Disaster Coordinating Councils, and other concerned government agencies. The program shall include the generation of indicative geo-hazard zoning maps that will outline areas in the Philippines which are prone to liquefaction, land slides, flooding, lahar, ground rupturing, tsunami, river erosion, coastal erosion, sinkhole collapse, earthquake, lava flow, pyroclastic flow, base surge, and other natural hazards.

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

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

SEC. 26. Scope and Nature of Responsibilities of Other National Government Agencies.- All concerned national government agencies/bodies shall periodically report to the LUPC on the various activities and accomplishments relative to land use. Likewise, they shall provide their respective sectoral/development plans and render technical and administrative support if called upon by the LUPC relative to the implementation of the provisions of this Act.

SEC. 27. Submission of Annual Report on the Implementation of CLUPs.- The C/MDCs shall submit an annual report on the implementation of their land use plans to the PLUPC, which shall integrate the same for submission to the RLUPC, which shall in turn integrate the provincial reports for submission to the LUPC.

CHAPTER VI
SPECIAL AREAS OF CONCERN
Article 1
Agricultural Lands

SEC. 28. Priority Areas for Agricultural Development.- Priority areas for agricultural development are the CARP, CARPable areas, and the NPAAAD.

SEC 29. Conversion of Agricultural Lands.- Agricultural lands are deemed converted to non-agricultural uses upon approval by the DLR of the application for conversion. Prime agricultural lands and specific types of lands to the extent necessary for attaining food self-sufficiency in rice and corn and food security in other basic commodities, as determined by the DA, subject to mandatory consultation with the LGUs, the private sector, the NGOs, and POs, shall be protected from conversion, which shall include but not limited to areas under the NPAAAD: *Provided*, That all irrigated and irrigable lands, all lands developed or possessing the potential for development of high value crops, and all agricultural lands that are ecologically fragile and whose conversion will result in serious environmental problems shall be given full protection from conversion, the areas under which are subject to review every seven (7) years by the DA, with the mandatory public consultations: *Provided, further*, That consistent with the State policy on giving priority to the completion of the Comprehensive Agrarian Reform Program (CARP), all lands subject to CARP including those lands covered under the notice of compulsory acquisition/voluntary offer to sell, production or profit-sharing, or commercial farm deferment shall also be protected from conversion pending the distribution and installation of the farmer beneficiaries, but thereafter, Section 65 of Republic Act No. 6657 or the Comprehensive Agrarian Reform Law (CARL) shall apply: *Provided, finally*, That the conversion of agricultural lands for use of priority government projects for basic services such as, but not limited to, irrigation and power shall be allowed only upon the recommendation of the Secretaries of the DA and DLR.

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

SEC. 30. 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 LGC 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 DLR shall provide the LGUs with a complete list and maps of protected agricultural lands within their territorial jurisdictions.

Article 2

Forest Lands and Watershed Reservation

SEC. 31. *Reversion of Alienable and Disposable Lands to Forestlands.*- Upon the recommendation of the Secretary of the DENR, duly reviewed and endorsed by the LUPC, 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.

SEC. 32. *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. 33. *Formulation and Implementation of Integrated Watershed Management Plans.*- With the assistance of the DENR and upon mandatory consultations with the concerned sectors, the LGUs through their local land use committees 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 others, by the principle that the management and development of inland water resources shall be at the watershed level.

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

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

Article 3

Coastal Zones

SEC. 34. *Criteria on the Allocation and Utilization of Lands within the Coastal Zones.*- The allocation and utilization of lands within the coastal zones shall be guided by the following:

- a) Areas vegetated with mangrove species shall be preserved for mangrove production and shall not be converted to other uses;
- b) Areas that meet all accepted criteria on elevation, soil type, soil depth, topography, supply for successful fishpond development, and are not identified as mangrove protected areas, shall be utilized for aquaculture purposes;

- c) Areas sub-classified as mangrove and still suitable for use as such, or due to environmental conditions need to be preserved as mangrove, but is devoid of mangrove stands shall not be converted to other uses. The DENR shall ensure that these lands shall be reforested within a given period of time;
- d) Areas accessible to the sea and identified for fisherfolk settlement and housing shall be allocated to traditional fisherfolk who are inhabitants of the coastal communities and members of legitimate fisherfolk organizations and/or holders of stewardship lease contracts or titles to ancestral domains or any form of property right arrangements who participate in coastal resource management initiatives, subject to the usual census procedures of the HUDCC.
- e) Areas that 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 that are under lease agreements or arrangements shall undergo zoning and evaluation to determine their boundaries and actual sizes and corresponding uses.

SEC. 35. Coastal Land Zone Sub-classification.- All public lands in the coastal zones shall be subclassified into any of the following: fishponds, mangroves, protection from tidal surge, for preservation of biodiversity, habitats and sanctuaries for endangered wildlife, fisherfolk settlement, or recreational/tourism areas. No sub-classification of coastal zones to different uses shall be done without the following:

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

SEC. 36. 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.

Article 4 Mineral Lands

SEC. 37. Criteria for the Utilization and Allocation of Land for Mining

Purposes.- Consistent with Section 5 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 ten (10) years as determined by the 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.

SEC. 38. 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 forest land or agricultural land. In the case of forestlands, the DENR may classify such areas for other purposes in consultation with concerned LGU's, the DOT, and other national government agencies.

Article 5 Energy Resource Lands

SEC. 39. 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. 40. 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. 41. Town, City, and Settlements Development.- The development of town, city, and settlements through the zoning ordinances of cities and municipalities shall be guided by urban zoning standards designed to maximize existing urban spaces.

SEC. 42. Settlements within Geo-hazard Areas.- Settlements within geo-hazard areas may be allowed provided that mitigating and/or protective measures are adopted to address the potential danger or risk to lives and property within such settlements. 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.

SEC. 43. Designation of Waste Disposal Site.- Each city or municipality shall identify, designate and allocate an area within their territorial jurisdiction to serve as waste disposal site within one (1) year from the effectivity of this Act. The LGUs, in coordination with the DENR or any other competent authority, shall identify solid waste disposal sites in order to fast-track the conduct of environmental impact assessment study and to facilitate processing of the environmental compliance certificate. The site or area shall be identified in the city or municipality's CLUP. For this purpose, cities and municipalities shall establish their solid waste management program. Likewise, as provided under Section 33 of the LGC, cities and municipalities may, through appropriate ordinances, bind themselves towards the establishment of a common solid waste management program.

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

SEC. 44. Designation and Zoning of Socialized Housing Zones.- Each city or municipality in urban, urbanizable and rural areas shall designate lands for socialized housing and resettlement areas for the immediate and future needs of the underprivileged and homeless in their territory, pursuant to existing laws and regulations.

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

Fisherfolk settlements and housing in coastal municipalities shall be zoned near the sea for easy access to their livelihood as provided under Section 35 (d) of this Act.

SEC. 45. Urban Forest or Green Space.- Each city or highly urbanizing municipality shall identify, designate, and allocate lands owned by the city or municipality as urban forest or green space based on the guidelines and standards to be issued by the DENR and approved by the LUPC.

CHAPTER VIII INDUSTRIAL DEVELOPMENT AREAS

SEC. 46. Criteria for Designating Industrial Development Areas.- The identification and establishment of industrial development areas shall conform to the provisions of Republic Act No.7916, otherwise known as the Philippine Economic Zone Authority (PEZA) Law; the CARL, IPRA, UDHA, and the 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 System (NIPAS) and non-NIPAS areas that require protection;
- e) National and Urban Development and Housing Framework;
- f) Identified Socialized Housing Zones;
- g) NFPP 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 AREAS

SEC. 47. Criteria for Designating Tourism Development Areas.- The identification, selection, and development of tourism development areas and tourism estates shall be done in consultation and coordination with the concerned LGUs, national government agencies, the private sector, and the affected communities. 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 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.

SEC. 48. Identification and Declaration of Areas for Protection, Conservation and Preservation of Cultural Heritage.- The National Historical Institute (NHI) and/or the National Museum in coordination with 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 NHI, 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, which are significant to a city/ municipality and the community.

CHAPTER X INFRASTRUCTURE DEVELOPMENT

SEC. 49. Allocation and Use of Land for Infrastructure Development.- Land, whether public or private, shall be allocated and utilized for priority infrastructure projects that are supportive of national or local development objectives. The NEDA, in consultation with the concerned national government agencies, LGUs, and the private sector shall identify and periodically review, update and/or revise the list of priority infrastructure projects subject to Sections 5 and 29 hereof, and Section 47 of the AFMA. In determining and evaluating the list of priority infrastructure projects, consideration shall be given to those that:

- (a) Respond to immediate and vital requirements of the national economy with priority on improving rural infrastructure and the development of the agriculture and fisheries sectors;
- (b) Upgrade existing facilities to international standards;
- (c) Address the need for sustainable settlements development; and,
- (d) Help mitigate the destructive effects of natural disaster-causing phenomena or those that shall serve as alternatives to existing infrastructures found in natural hazard-prone areas:

Provided, That the provision and implementation of infrastructure support shall be made compatible with existing environmental conditions and the physical, whether natural or man-made, and cultural character of the area. Mandatory public consultations pursuant to existing laws and regulations shall be held prior to the conduct of all infrastructure projects that will necessarily involve dislocation or displacement of people in the area: *Provided, further,* That the proponent of the infrastructure project shall follow the rules on just and humane eviction or demolition under Section 28 of the UDHA, notwithstanding the provisions of Republic Act No. 8975, prohibiting lower courts from issuing temporary restraining orders, preliminary injunctions, or preliminary mandatory injunctions, and proponent shall follow IPRA; *Provided finally,* that national government infrastructure projects shall allocate budget for the adequate relocation of displaced communities.

SEC. 50. Infrastructure Projects Within Geo-hazard Areas.- Construction of priority infrastructure projects within hazard-prone areas shall be allowed: *Provided,*

That mitigating and/or preventive measures are adopted to address the potential adverse economic, socio-cultural, and environmental impacts that will emanate from these infrastructure projects, subject to the findings and recommendations of a feasibility study/environmental impact assessment in accordance with Presidential Decree No. 1586 and Republic Act No. 4846.

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

CHAPTER XI

TRAINING, EDUCATION, AND VALUE FORMATION

SEC. 51. Value Formation.- In order to create a well informed, responsible and committed citizenry who values the protection, conservation and development of the country's limited land, and other physical resources, the State shall mandate the inclusion of sustainable land use education or any subject related thereto in the curricula of primary, secondary and tertiary education.

SEC. 52. Information and Education Campaign.- The LUPC shall undertake a nationwide education information campaign in land use and physical planning to be implemented by local and national government agencies. The DILG and concerned agencies shall formulate and implement a land use management capability-building program for national and local government officials, community leaders, NGOs, POs, religious sector, and the general public.

CHAPTER XII

INCENTIVES, SANCTIONS, AND PENALTIES

Article 1

Incentives and Awards

SEC. 53. Formulation of a System of Incentives and Awards.- The LUPC 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. 54. 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, national government agencies shall give priority to cities and municipalities with approved CLUPs.

Article 2
Sanctions and Penalties

SEC. 55. 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 year from the date of conversion order:
 - (1) Six percent (6%) of the zonal value of the subject land for the first three (3) hectares,
 - (2) Fifteen percent (15%) of the zonal value of the subject land for the next three hectares, and
 - (3) Thirty percent (30%) of the zonal value of the subject land for the remaining area.

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

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

SEC. 56. Authority to Impose Fine.- The DLR shall impose the penalty provided for under the preceding section.

SEC. 57. Withdrawal of Local Development Permits or Licenses.- Upon receipt of notice from the DLR, the concerned agencies and the city or municipality shall withdraw or revoke any development permit and other licenses that may be necessary to develop the agricultural land subject of conversion.

SEC. 58. Utilization of Fines.- The fines collected under Sections 55, 60, 61, and 62 hereof shall automatically accrue to the Agrarian Reform Fund consistent with the provisions of the CARL, as amended.

SEC. 59. Failure to Formulate, Enforce, and/or Implement the CLUPs.- Consistent with due process, the DILG shall investigate, review, and recommend appropriate action regarding local chief executives and other local officials and employees responsible for the formulation, enforcement, and/or implementation of the CLUPs in case of any of the following:

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

- (b) Failure to provide appropriate budgetary allocation to effect its implementation; and,
- (c) Failure to complete the preparation of the CLUP despite the availability of funds, resources, and support by the *Sanggunian* concerned.

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

1. Six (6) to nine (9) months, in case of non-implementation of CLUP; or
2. Three (3) to six (6) months, in case of non-completion of the CLUP.

SEC. 60. Person(s) Abetting Illegal Conversion.- Any person initiating, causing, inducing, or abetting illegal conversion shall, upon conviction, be imprisoned from seven (7) to twelve (12) years and imposed a fine of not less than one hundred thousand (100,000.00) pesos, or both at the discretion of the court: *Provided*, That if the offender is a public official or employee, whether elected or appointed, the penalty shall, in addition thereto, include dismissal through permanent separation from the service and forfeiture of all benefits and entitlements accruing to the public position and perpetual disqualification to run or apply for any elective or appointive public office: *Provided, further*, That if the offender is a juridical person, the penalty of imprisonment shall be imposed on the president, chief executive officer, manager, the Chairperson and all the members of the board, and other responsible officers thereof, and the fine shall be equivalent to the zonal value of the land or forty percent (40%) of the shareholders equity, as determined at the time of 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. 61. Penalty for Reclassification of Protected Agricultural Lands and Exceeding the Limit of Areas Allowed for Reclassification.- Any person initiating, causing, inducing, 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 (P100,000.00) pesos, or both at the discretion of the Court: *Provided*, That if the offender is a public official or employee, the penalty shall, in addition thereto, include dismissal through permanent separation from the service whether elected or appointed and forfeiture of entitlements accruing to the public position, and perpetual disqualification to run or apply for any elective or appointive public position: *Provided, further*, That if the offender is a juridical person, the penalty shall be imposed on the president, chief executive officer, manager, the Chairperson and all the members of the board, and other responsible officers thereof.

SEC. 62. Payment of Disturbance Compensation.- Following the order of priority such as agricultural lessees and share tenants, regular farm workers, seasonal farm workers, other farm workers, actual tillers or occupants of public lands, collective, or cooperative of the above 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 DLR.

CHAPTER XIII

TRANSITORY AND FINAL PROVISIONS

SEC. 63. Convening of the LUPC.- Within thirty (30) days from the effectivity of this Act, the Secretary of Socio-Economic Planning shall convene the LUPC.

SEC. 64. Implementing Rules and Regulations.- Within sixty (60) days from the effectivity of this Act, the LUPC shall promulgate the rules and regulations to implement the provisions of this Act. Said rules and regulations shall be submitted to the Congressional Oversight Committee for approval.

SEC. 65. Congressional Oversight Committee on the Land Use Act.- There is hereby created a Congressional Oversight Committee composed of seven (7) members from the Senate Committee on Environment and Natural Resources and seven (7) members from the House of Representatives Committees on Natural Resources and Housing and Urban Development. The members from the Senate shall be appointed by the Senate President based on proportional representation of the parties or coalitions therein with at least two (2) senators representing the minority. The members from the House of Representatives shall be appointed by the Speaker also based on proportional representation of the parties or coalitions therein with at least two (2) members representing the minority.

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

SEC. 66. Transfer of Powers and Functions.- The functions of the HLURB on land use planning as provided for under Section 5a, 5b, 5c, 5d, 5e, and 5f of Executive Order No. 648 and EO No. 72, series of 1991, shall be transferred to the LUPC and its appropriate sub-national/LGU structures. The NLUC shall also transfer all its powers and functions to the LUPC and shall cease to exercise such functions.

SEC. 67. Retirement/Separation from the Service and Reemployment.- Employees of the HLURB whose positions are declared redundant as a result of the implementation of this Act shall be entitled to separation pay and other benefits provided for under Sections 10.1 to 10.3 and 13 of Executive Order No. 366 dated October 4, 2004.

- a. Any provision of law to the contrary notwithstanding, government personnel who are separated as a result of the implementation of this Act shall immediately qualify for reemployment to other agencies or branches of the government including Government-Owned and/or -Controlled Corporations (GOCCs), Government Financial Institutions (GFIs), or local government units.

SEC. 68. Appropriations.- The appropriations for the National Land Use Committee under the National Economic and Development Authority under the current General Appropriations Act shall be used to carry out the initial operations of the Land Use Policy Council. Thereafter, additional sums as may be necessary for the full implementation of LUPC's functions shall be included in the annual General Appropriations Act.

SEC. 69. Review of Existing Land Use Plans.- Provinces, cities, and municipalities with existing land use plans shall review, revise, reconcile, and harmonize the same with the guidelines and standards set forth under this Act within one (1) year from the effectivity of this Act.

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

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

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

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

Approved,