



# POLICY MATRIX



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## Land Use: Policy, Planning, and Administration

Comparison matrix of land use policies/provisions from various existing national laws and issuances

Land is a fundamental material resource and the primary platform for economic and other social activities. The way land is used and how it is intended to be used are integral components of human development.<sup>1</sup>

A national land use policy is a policy that provides for the rational allocation, utilization, development and management of the country's land to ensure that its use is consistent with the principle of sustainable development. There are, however, various land use policies in the Philippines. They are contained in separate national laws, passed at different points in the country's history. While new laws and amendments are passed by Congress, sections of old laws are not repealed and are merely superseded, replaced, or amended in part by the new laws. This system allows the old laws to retain their *residual* validity and results in a complex system of legal jurisprudence that would often require the services of lawyers to properly navigate or court rulings to extensively justify.<sup>2</sup>

The individual coverage of these sector-specific laws, naturally, is limited to specific sectors, such as agriculture, agrarian reform, local government development, housing, industrialization, and environmental protection, among others. These sectors oftentimes have conflicting interests, that is, they compete for a limited supply of land, or even contest for the same land, among other resources. Thus, private sector representatives or advocates, and even government sectoral agencies tend to have clashing views on promoting and implementing current land use policies at a particular point in time. The government, in particular, finds itself in a "policy bind". Government, for example, supports sectors that prefer agricultural use over urban use; and in other times, favor those sectors that need land for housing, business, and other non-agricultural uses.<sup>3</sup>

<sup>1</sup> Corpuz, Arturo G. (2013): Land Use Policy Impacts on Human Development in the Philippines. Human Development Network, United Nations Development Programme.

<sup>2</sup> Quizon, Antonio B. and Jose Ignatious Pagsanghan (n.d.): Review of Selected Land Laws and Governance of Tenure in the Philippines, Abridged Version. Land Watch Asia ISSN: 2 244-1360, page 9. Asian NGO Coalition, GIZ, ILC.

<sup>3</sup> Llanto, Gilberto and Marife Ballesteros (2003): Land Issues in Poverty Reduction Strategies and the Development Agenda: Philippines. Discussion Paper Series No. 2003-03, page 6. Philippine Institute for Development Studies.

Conflicting policies and jurisdictional issues are often addressed by government through (1) executive and administrative action (e.g., joint administrative orders, inter-agency technical working groups), (2) national programs (e.g., national convergence initiative), and by (3) judicial courts. While these measures seek to address disputes, they do not necessarily lead to the synchronization of policies. Sector-specific laws, therefore, fail to address cross-cutting land use issues that usually crop up during various aspects or stages of land use policy implementation.

This paper will briefly discuss selected land use policy issuances and provisions that affect or dictate different aspects or stages of land use policy implementation, which includes (1) land use planning and its subsets, i.e., land use classification and reclassification; (2) land use plan implementation, i.e., land use conversion, and land acquisition and development; and (3) land administration, e.g., land titling and registration.<sup>4</sup>

## **1. Land Use Planning**

Land use and physical planning is a mechanism for identifying and evaluating alternative land use patterns that promote and ensure the various development policies and objectives of the State. Simplistically, land use planning is an activity where the most sustainable, appropriate, and beneficial use of land is determined. Though mostly associated with the devolved function of local government units (LGUs), a great portion of land use planning functions is practically retained by the national government. This is partly because land use planning is essentially inherent to national development planning and program implementation; that is, it requires spatial or geographic delineation that would identify specific areas or locations of land where sectoral programs and project should occur.

Table 1 shows one of the various sections in Republic Act No. 7160 or the Local Government Code of 1991 (LGC) that provides the land use planning function of different levels of LGUs. It also shows that sector-specific laws such as RA 7279 or the Urban Development and Housing Act (UDHA) of 1992, and RA 8435 or the Agriculture and Fisheries Modernization Act (AFMA) of 1997, reinforces such roles of the LGUs. In contrast, RA 7586 or the National Integrated Protected Areas System (NIPAS) Act of 1992, and RA 8371 or the Indigenous Peoples' Rights Act (IPRA) of 1997 uphold the prime role of the national government in the conservation and/or development of protected areas and ancestral domain, respectively. Thus, although LGUs have been empowered to co-manage their entire territorial jurisdiction, in reality their authority applies to only a limited portion of their territory. The practice of planning and management for NIPAS protected areas, for example, is done completely apart from that of the LGU that has territorial jurisdiction over the site. Such sites are administered by officers designated by the Department of Environment and Natural Resources (DENR) as though these were separate territories. Once it becomes part of the NIPAS, that portion of an LGU's territorial jurisdiction is withdrawn from the effective control of the host LGU.<sup>5</sup>

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<sup>4</sup> This functional approach of discussing land use policy issues also aims to complement the sectoral analysis provided in the SEPO Policy Brief on "Breaking New Ground: Enacting a National Land Use Policy" (January 2013), and the SEPO Policy Brief on "National Land Use Policy: Protecting Prime Agricultural Lands" (December 2014).

<sup>5</sup> Serote, Ernesto M (2004): Property, Patrimony and Territory: Foundations of Land Use Planning in the Philippines, page 231. University of the Philippines School of Urban and Regional Planning.

**Table 1: Selected Issuances and Provisions on Land Use Planning, and/or Management**

LGC (1991)	UDHA (1992)	NIPAS (1992)	IPRA (1997)	AFMA (1997)
<p><b>Section 447. Powers, Duties, Functions and Compensation.</b> (of municipalities)</p> <p>(vii) Adopt a comprehensive land use plan for the municipality: Provided, That the formulation, adoption, or modification of said plan shall be in coordination with the approved provincial comprehensive land use plan;</p> <p>(viii) Reclassify land within the jurisdiction of the municipality, subject to the pertinent provisions of this Code;</p> <p>(ix) Enact integrated zoning ordinances in consonance with the approved comprehensive land use plan, subject to existing laws, rules and regulations; established fire limits or zones, particularly in populous centers; and regulate the construction, repair or modification of</p>	<p><b>Section 39. Role of Local Government Units.</b> — The local government units shall be charged with the implementation of this Act in their respective localities, in coordination with the Housing and Urban Development Coordinating Council, the national housing agencies, the Presidential Commission for the Urban Poor, the private sector and other non-government organizations. They shall prepare a comprehensive land use plan for their respective localities in accordance with the provisions of this Act.</p> <p><b>Section 40. Role of Government Housing Agencies.</b> — In addition to their respective existing powers and functions, and those provided for in this Act, the hereunder mentioned housing agencies shall perform the following:</p> <p>(a) The Housing and Urban Development Coordinating Council shall, through the key housing agencies, provide local government units with necessary support such as:</p> <p>(1) Formulation of standards and guidelines as well as providing technical support in the preparation of town and land use</p>	<p><b>Section 10. Administration and Management of the System.</b> — The National Integrated Protected Areas System is hereby <b>placed under the control and administration of the Department of Environment and Natural Resources.</b> For this purpose, there is hereby created a division in the regional offices of the Department to be called the Protected Areas and Wildlife Division in regions where protected areas have been established, which shall be under the supervision of a Regional Technical Director, and shall include subordinate officers, clerks, and employees as may be proposed by the Secretary, duly approved by the Department of Budget and Management, and appropriated by the Congress. The Service thus established shall manage protected areas and promote the permanent preservation, to the greatest extent possible of their natural conditions.</p> <p>[...] the DENR is empowered to perform any and all of the following acts:</p> <p>a. To conduct studies on various characteristic features and conditions of the different protected areas, using commonalities in their characteristics, classify and define them into categories and prescribe permissible or prohibited human activities in each category in the System;</p> <p>b. To adopt and enforce a land use scheme and</p>	<p><b>Section 7. Rights to Ancestral Domains.</b> — The rights of ownership and possession of ICCs/IPs to their ancestral domains shall be recognized and protected. Such rights shall include:</p> <p>b. <b>Right to Develop Lands and Natural Resources.</b> - Subject to Section 56 hereof, the right to develop, control and use lands and territories traditionally occupied, owned, or used; to manage and conserve natural resources within the territories and uphold the responsibilities for future generations; to benefit and share the profits from allocation and utilization of the natural resources found therein; the right to negotiate the terms and conditions for the exploration of natural resources in the areas for the purpose of ensuring</p>	<p><b>Section 10. Preparation of Land Use and Zoning Ordinance.</b> — Within one (1) year from the finalization of the Strategic Agriculture and Fisheries Development Zone (SAFDZ), in every city and municipality, all cities and municipalities shall have prepared their respective land use and zoning ordinance incorporating the SAFDZ, where applicable. Thereafter, all land use plans and zoning ordinances shall be updated every four (4) years or as often as may be deemed necessary upon the recommendation of the Housing and Land Use Regulatory Board and must be completed within the first year of the term of office of the mayor. If the cities/municipalities fail to comply with the preparation of zoning and land use plans, the DILG shall impose</p>

LGC (1991)	UDHA (1992)	NIPAS (1992)	IPRA (1997)	AFMA (1997)
<p>buildings within said fire limits or zones in accordance with the provisions of this Code;</p> <p>(x) Subject to national law, process and approve subdivision plans for residential, commercial, or industrial purposes and other development purposes, and collect processing fees and other charges the proceeds of which shall accrue entirely to the municipality: Provided, however, That, where approval by a national agency or office is required, said approval shall not be withheld for more than thirty (30) days from receipt of the application. Failure to act on the application within the period stated above shall be deemed as approval thereof;</p>	<p>plans;</p> <p>(2) In coordination with the National Economic and Development Authority and the National Statistics Office, provide data and information for forward-planning by the local government units in their areas, particularly on projections as to the population and development trends in their localities and the corresponding investment programs needed to provide appropriate types and levels of infrastructure, utilities, services and land use patterns; and</p> <p>(3) Assistance in obtaining funds and other resources needed in the urban development and housing programs in their areas or responsibility.</p> <p>(b) The National Housing Authority, upon request of local government units, shall provide technical and other forms of assistance in the implementation of their respective urban development and housing programs with the objective of augmenting and enhancing local government capabilities in the provision of housing benefits to their constituents; [...]</p>	<p>zoning plan in adjoining areas for the preservation and control of activities that may threaten the ecological balance in the protected areas;</p> <p>c. To cause the preparation of and exercise the power to review all plans and proposals for the management of protected areas;</p> <p>d. To promulgate rules and regulations necessary to carry out the provisions of this Act;</p> <p>e. To deputize field officers and delegate any of his powers under this Act and other laws to expedite its implementation and enforcement;</p> <p>f. To fix and prescribe reasonable NIPAS fees to be collected from government agencies or any person, firm or corporation deriving benefits from the protected areas;</p> <p>g. To exact administrative fees and fines as authorized in Section 21 for violation of guidelines, rules and regulations of this Act as would endanger the viability of protected areas;</p> <p>h. To enter into contracts and/or agreements with private entities or public agencies as may be necessary to carry out the purposes of this Act;</p> <p>i. To accept in the name of the Philippine Government and in behalf of NIPAS funds, gifts or bequests of money for immediate disbursements or other property in the interest of the NIPAS, its activities or its services;</p> <p>j. To call on any agency or instrumentality of the Government as well as [...]"</p>	<p>ecological, environmental protection and the conservation measures, pursuant to national and customary laws; the right to an informed and intelligent participation in the formulation and implementation of any project, government or private, that will affect or impact upon the ancestral domains and to receive just and fair compensation for any damages which they sustain as a result of the project; and the right to effective measures by the government to prevent any interfere with, alienation and encroachment upon these rights;</p>	<p>the penalty as provided for under Republic Act No.7160 <b>Section 13. Agriculture and Fisheries Modernization Plan (AFMP).</b> — The Department, in consultation with the farmers and fisher folk, the private sector, NGOs, people's organizations and the appropriate government agencies and offices, shall formulate and implement a medium- and long-term comprehensive Agriculture and Fisheries Modernization Plan.</p> <p>The Agriculture and Fisheries Modernization Plan shall focus on five (5) major concerns:</p> <p>a. Food security;</p> <p>b. Poverty alleviation and social equity;</p> <p>c. Income enhancement and profitability, especially for farmers and fisher folk;</p> <p>d. Global competitiveness; and</p> <p>e. Sustainability.</p>

## 1.1. Land Use Classification

Land use classification is an essential step in land use planning. It is a system of logically arranging different categories and sub-categories of land. The term “land use classification” refers to both the process and the product of the process.<sup>6</sup> Under the 1987 Constitution, all lands are divided into lands of the public domain and private lands (which includes ancestral lands).<sup>7</sup> Private lands are either in private ownership or held by the State in its capacity as a private individual. Privately-owned lands are subject to eminent domain; that is, they can be taken back by the State provided that the taking is for public purposes and the requirements of due process and just compensation are satisfied. Lands in the public domain, on the other hand, are further subdivided into: (1) non-disposable lands and therefore not available for alienation (i.e., natural parks, mineral lands, and forest lands); and (2) disposable lands and hence available for alienation (i.e., agricultural lands).

**Table 2: Selected Issuances and Provisions on Land Use Classification**

Commonwealth Act No. 141-Public Lands Act (1936)	Presidential Decree No. 705-Revised Forestry Code (1975)	1987 Constitution
<p><b>Section 6.</b> The President, upon the recommendation of the Secretary of Agriculture and Commerce, shall from time to time classify the lands of the public domain into —</p> <p>(a) Alienable or disposable;</p> <p>(b) Timber, and</p> <p>(c) Mineral lands,</p> <p>and may at any time and in a like manner transfer such lands from one class to another, for the purposes of their administration and disposition.</p> <p><b>Section 7.</b> For the purposes of the administration and disposition of alienable or disposable public lands, the President, upon recommendation by the Secretary of Agriculture and Commerce, shall from time to time declare</p>	<p><b>Section 13. System of Land Classification.</b> — The Department Head shall study, devise, determine and prescribe the criteria, guidelines and methods for the proper and accurate classification and survey of all lands of the public domain into agricultural, industrial or commercial, residential, resettlement, mineral, timber or forest, and grazing lands, and into such other classes as now or may hereafter be provided by law, rules and regulations.</p> <p>In the meantime, the Department Head shall simplify through inter-bureau action the present system of determining which of the unclassified lands of the public domain are needed for forest purposes and declare them as permanent forest to form part of the forest reserves. He shall decree those classified and determined not to be needed for forest purposes as alienable and disposable lands, the administrative jurisdiction and management of which shall be transferred to the Bureau of Lands: Provided, That mangrove</p>	<p><b>Article 12. National Economy and Patrimony</b></p> <p><b>Section 3.</b> Lands of the public domain are classified into agricultural, forest or timber, mineral lands and national parks. Agricultural lands of the public domain may be further classified by law according to the uses to which they may be devoted. Alienable lands of the public domain shall be limited to agricultural lands. Private corporations or associations may not hold such alienable lands of the public domain except by lease, for a period not exceeding twenty-five years, renewable for not more than twenty-five</p>

<sup>6</sup> Serote, Ernesto M (2004): Property, Patrimony and Territory: Foundations of Land Use Planning in the Philippines, page 22. University of the Philippines School of Urban and Regional Planning.

<sup>7</sup> In Cruz vs DENR G.R. No. 135385, December 6, 2000, Justice Puno explains that “[...] **ancestral lands and ancestral domains are not part of the lands of the public domain. They are private and belong to the ICCs/IPs.** Section 3 of Article XII on National Economy and Patrimony of the 1987 Constitution classifies lands of the public domain into four categories: (a) agricultural, (b) forest or timber, (c) mineral lands, and (d) national parks. Section 5 of the same Article XII mentions ancestral lands and ancestral domains but it does not classify them under any of the said four categories. **To classify them as public lands under any one of the four classes will render the entire IPRA law a nullity.** The spirit of the IPRA lies in the distinct concept of ancestral domains and ancestral lands. The IPRA addresses the major problem of the ICCs/IPs which is loss of land. Land and space are of vital concern in terms of sheer survival of the ICCs/IPs.”

Commonwealth Act No. 141-Public Lands Act (1936)	Presidential Decree No. 705-Revised Forestry Code (1975)	1987 Constitution
<p>what lands are open to disposition or concession under this Act.</p> <p><b>Section 8.</b> Only those lands shall be declared open to disposition or concession which have been officially delimited and classified and, when practicable, surveyed, and which have not been reserved for public or quasi-public uses, nor appropriated by the Government, nor in any manner become private property, nor those on which a private right authorized and recognized by this Act or any other valid law may be claimed, or which, having been reserved or appropriated, have ceased to be so However, the President may, for reasons of public interest, declare lands of the public domain open to disposition before the same have had their boundaries established or been surveyed, or may, for the same reason, suspend their concession or disposition until they are again declared open to concession or disposition by proclamation duly published or by Act of the National Assembly.</p> <p><b>Section 9.</b> For the purpose of their administration and disposition, the lands of the public domain alienable or open to disposition shall be classified, according to the use or purposes to which such lands are destined, as follows:</p> <ul style="list-style-type: none"> <li>(a) Agricultural</li> <li>(b) Residential commercial industrial or for similar productive purposes</li> <li>(c) Educational, charitable, or other similar purposes</li> <li>(d) Reservations for town sites and for public and quasi-public uses.</li> </ul> <p>The President, upon recommendation by the Secretary of Agriculture and Commerce, shall from time to time make the classifications provided for in this section, and may, at any</p>	<p>and other swamps not needed for shore protection and suitable for fishpond purposes shall be released to, and be placed under the administrative jurisdiction and management of, the Bureau of Fisheries and Aquatic Resources. Those still to be classified under the Present system shall continue to remain as part of the public forest.</p> <p><b>Section 14. Existing Pasture Leases and Permits in Forest Lands.</b> Forest lands which have been the subject of pasture leases and permits shall remain classified as forest lands until classified as grazing lands under the criteria, guidelines and methods of classification to be prescribed by the Department Head: Provided, That the administration, management and disposition of grazing lands shall remain under the Bureau.</p> <p><b>Section 15. Topography.</b> — No land of the public domain eighteen per cent (18%) in slope or over shall be classified as alienable and disposable, nor any forest land fifty per cent (50%) in slope or over, as grazing land. Lands eighteen per cent (18%) in slope or over which have already been declared as alienable and disposable shall be reverted to the classification of forest lands by the Department Head, to form part of the forest reserves, unless they are already covered by existing titles or approved public land application, or actually occupied openly, continuously, adversely and publicly for a period of not less than thirty (30) years as of the effectivity of this Code, where the occupant is qualified for a free patent under the Public Land Act: Provided, That said lands, which are not yet part of a well-established communities, shall be kept in a vegetative condition sufficient to prevent erosion and adverse effects on the lowlands and streams: Provided, further, That when public interest so requires, steps shall be taken to expropriate, cancel defective titles, reject public land application, or eject occupants thereof.</p> <p><b>Section 16. Areas needed for forest purposes.</b> The following lands, even if they are below eighteen per cent (18%) in slope, are needed for forest purposes, and may not, therefore, be classified as alienable and disposable land, to wit:</p>	<p>years, and not to exceed one thousand hectares in area. Citizens of the Philippines may lease not more than five hundred hectares, or acquire not more than twelve hectares thereof, by purchase, homestead, or grant.</p> <p><b>Section 5.</b> The State, subject to the provisions of this Constitution and national development policies and programs, shall protect the rights of indigenous cultural communities to their ancestral lands to ensure their economic, social, and cultural well-being.</p> <p>The Congress may provide for the applicability of customary laws governing property rights or relations in determining the ownership and extent of ancestral domain.</p>

Commonwealth Act No. 141-Public Lands Act (1936)	Presidential Decree No. 705-Revised Forestry Code (1975)	1987 Constitution
<p>time and in a similar manner, transfer lands from one class to another.</p> <p><b>Section 10.</b> The words "alienation, "disposition, or "concession" as used in this Act, shall mean any of the methods authorized by this Act for the acquisition, lease, use, or benefit of the lands of the public domain other than timber or mineral lands.</p>	<ol style="list-style-type: none"> <li>1. Areas less than 250 hectares which are far from, or are not contiguous with, any certified alienable and disposable land;</li> <li>2. Isolated patches of forest of at least five (5) hectares with rocky terrain, or which protect a spring for communal use;</li> <li>3. Areas which have already been reforested;</li> <li>4. Areas within forest concessions which are timbered or have good residual stocking to support an existing, or approved to be established, wood processing plant;</li> <li>5. Ridge tops and plateaus regardless of size found within, or surrounded wholly or partly by, forest lands where headwaters emanate;</li> <li>6. Appropriately located road-rights-or-way;</li> <li>7. Twenty-meter strips of land along the edge of the normal high waterline of rivers and streams with channels of at least five (5) meters wide;</li> <li>8. Strips of mangrove or swamplands at least twenty (20) meters wide, along shorelines facing oceans, lakes, and other bodies of water, and strips of land at least twenty (20) meters wide facing lakes;</li> <li>9. Areas needed for other purposes, such as national parks, national historical sites, game refuges and wildlife sanctuaries, forest station sites, and others of public interest; and</li> <li>10. Areas previously proclaimed by the President as forest reserves, national parks, game refuge, bird sanctuaries, national shrines, national historic sites [...]</li> </ol>	

## 1.2. Land Use Reclassification

Section 3 of the 1987 Constitution (Table 2) states that agricultural lands of the public domain may be further classified by law according to the uses to which they may be devoted. Therefore, lands must first be reclassified before land conversion from agricultural to other uses can take place. Recommendations to integrate the process of land reclassification and conversion was already discredited and reiterated by the Supreme Court when it issued a ruling in 2005 clarifying that reclassification and conversion are separate and different processes.<sup>8</sup>

In 1991, the LGC, specifically Section 20, authorized LGUs to reclassify agricultural lands into non-agricultural uses using a set of criteria similar to those provided in RA 6657 or the Comprehensive Agrarian Reform Law (CARL) of 1988 (Section 65, Table 4). On the other hand, the NIPAS Act in 1992 reaffirmed that national parks, similar to forest lands, are non-alienable and non-disposable, and therefore cannot be subjected to reclassification. Similarly, the IPRA in 1997 provided a high degree of protection to ancestral lands, that is, it required the free and prior consent of the indigenous peoples before land use reclassification and conversion can take place.

In 1993, Memorandum Circular (MC) No. 54 prescribed the guidelines governing Section 20 of the LGC. It covers, among others, (1) the scope and limitations for agricultural land reclassification, (2) requirements and procedures, and (3) monitoring and evaluation of the LGUs' reclassification of agricultural lands. In 1997, Presidential Administrative Order (PAO) No. 363 reiterated and further elaborated such conditions for agricultural land reclassification. Among the government agencies/units mandated to perform the tasks indicated in these issuances are the NEDA, HLURB, DA, DAR and DENR.

**Table 3. Selected Issuances and Provisions Relevant to Land Use Reclassification**

LGC (1991)	NIPAS (1992)	MC 54 (1993)	IPRA (1997)	PAO 363 (1997)
<b>Section 20. Reclassification of Lands. -</b> (a) A city or municipality may, through an ordinance passed by the sanggunian after conducting public hearings for the purpose, authorize	<b>Section 5. Establishment and Extent of the System. —</b> The establishment and operationalization of the System shall involve the following: [...]	<b>Section 1. Scope and Limitations. —</b> (a) Cities and municipalities with comprehensive land use plans reviewed and approved in accordance with EO 72 (1993), may authorize the	<b>Section 53. Identification, Delineation and Certification of Ancestral Lands. —</b> a. <b>The allocation of lands within any ancestral domain to individual or</b>	<b>5. No application for reclassification by LGUs shall be given due course by HLURB without the approved</b>

<sup>8</sup> G.R. No. 183409 CREBA vs DAR 18 June 2010: "This Court held in *Alarcon v. Court of Appeals* that reclassification of lands does not suffice. Conversion and reclassification differ from each other. **Conversion** is the act of changing the current use of a piece of agricultural land into some other use **as approved by the DAR** while **reclassification** is the act of specifying how agricultural lands shall be utilized for non-agricultural uses such as residential, industrial, and commercial, as embodied in the land use plan, subject to the requirements and procedures for land use conversion. In view thereof, a mere reclassification of an agricultural land does not automatically allow a landowner to change its use. He has to undergo the process of conversion before he is permitted to use the agricultural land for other purposes."

LGC (1991)	NIPAS (1992)	MC 54 (1993)	IPRA (1997)	PAO 363 (1997)
<p>the reclassification of agricultural lands and provide for the manner of their utilization or disposition in the following cases: (1) when the land ceases to be economically feasible and sound for agricultural purposes as determined by the Department of Agriculture or (2) where the land shall have substantially greater economic value for residential, commercial, or industrial purposes, as determined by the sanggunian concerned: Provided, That such reclassification shall be limited to the following percentage of the total agricultural land area at the time of the passage of the ordinance:</p> <p>(1) For highly urbanized and independent component cities, fifteen percent (15%);</p> <p>(2) For component cities and first to the third class municipalities, ten percent (10%); and</p> <p>(3) For fourth to sixth class municipalities, five percent (5%):</p> <p>Provided, further, That agricultural lands distributed to agrarian reform beneficiaries pursuant to Republic Act Numbered Sixty-six hundred fifty-seven (R.A. No. 6657), otherwise known as "The Comprehensive Agrarian Reform Law", shall not be</p>	<p>The DENR shall:</p> <p>a. Notify the public of proposed action through publication in a newspaper of general circulation, and such other means as the System deems necessary in the area or areas in the vicinity of the affected land thirty (30) days prior to the public hearing; [...]</p> <p>b. Upon receipt of the recommendations of the DENR, the President shall issue a presidential proclamation designating the recommended areas as protected areas and providing for measures for their protection until such time when Congress shall have enacted a law finally declaring such recommended areas as part of the integrated protected area systems; and thereafter, <b>the President shall send to the Senate and the House of Representatives his recommendations with respect to the designations as protected areas or reclassification of each area on which review has been completed</b>, together with maps</p>	<p>reclassification of agricultural lands into non-agricultural uses and provide for the manner of their utilization or disposition, subject to the limitations and other conditions prescribed in this Order.</p> <p>(b) Agricultural lands may be reclassified in the following cases:</p> <p>(1) when the land ceases to be economically feasible and sound for agricultural purposes as determined by the Department of Agriculture (DA), in accordance with the standards and guidelines prescribed for the purpose; or</p> <p>(2) where the land shall have substantially greater economic value for residential, commercial, or industrial purposes as determined by the sanggunian concerned, the city/municipality concerned should notify the DA, HLRB, DTI, DOT and other concerned agencies on the proposed reclassification of agricultural lands [...]</p> <p>(c) However, such reclassification shall be limited to a maximum of the percentage of the total agricultural land of a city or municipality at the time of the passage of the ordinance as follows: [...]</p> <p><b>(d) In addition, the following types of agricultural lands shall not be covered</b></p>	<p><b>indigenous corporate (family or clan) claimants shall be left to the ICCs/IPs concerned to decide in accordance with customs and traditions;</b></p> <p>b. Individual and indigenous corporate claimants of ancestral lands which are not within ancestral domains, may have their claims officially established by filing applications for the identification and delineation of their claims with the Ancestral Domains Office. An individual or recognized head of a family or clan may file such application in his behalf or in behalf of his family or clan, respectively;</p> <p>c. Proofs of such claims shall accompany the application form which shall include the testimony under oath of elders of the community and other documents directly or indirectly attesting to the possession or occupation of the areas since time immemorial by the individual or corporate claimants in the concept of owners which shall be any of the authentic documents enumerated under Sec. 52 (d) of this act, including tax</p>	<p><b>Comprehensive Land Use Plan</b> approved by the HLURB for provinces, highly urbanized cities, independent component cities and the cities and municipalities of Metropolitan Manila, or the Sangguniang Panlalawigan for component cities and municipalities, after 1 January 1989.</p> <p><b>The following requirements or certifications from various agencies shall also be required:</b></p> <p>a. Certification from the local HLURB specifying the total area of zoned agricultural lands in the local government concerned based on the approved Comprehensive Land Use Plan or Zoning Ordinance prior to the application for conversion;</p> <p><b>b. Certification from the</b></p>

LGC (1991)	NIPAS (1992)	MC 54 (1993)	IPRA (1997)	PAO 363 (1997)
<p>affected by the said reclassification and the conversion of such lands into other purposes shall be governed by Section 65 of said Act.</p> <p>(b) The President may, when public interest so requires and upon recommendation of the National Economic and Development Authority, authorize a city or municipality to reclassify lands in excess of the limits set in the next preceding paragraph.</p> <p>(c) The local government units shall, in conformity with existing laws, continue to prepare their respective comprehensive land use plans enacted through zoning ordinances which shall be the primary and dominant bases for the future use of land resources: Provided. That the requirements for food production, human settlements, and industrial expansion shall be taken into consideration in the preparation of such plans.</p> <p>(d) Where approval by a national agency is required for reclassification, such approval shall not be unreasonably withheld. Failure to act on a proper and complete application for reclassification within three (3) months from receipt of the same shall be deemed as approval thereof. [...]</p>	<p>and legal description of boundaries. <b>The President, in his recommendation, may propose the alteration of existing boundaries of any or all proclaimed protected areas,</b> addition of any contiguous area of public land of predominant physical and biological value. Nothing contained herein shall limit the President to propose, as part of his recommendation to Congress, additional areas which have not been designated, proclaimed or set aside by law, presidential decree, proclamation or executive orders as protected area/s.</p>	<p><b>by the said reclassification:</b></p> <p>(1) Agricultural lands distributed to agrarian reform beneficiaries subject to Section 65 of RA 6557;</p> <p>(2) Agricultural lands already issued a notice of coverage or voluntarily offered for coverage under CARP.</p> <p>(3) Agricultural lands identified under AO 20, s. of 1992, as non-negotiable for conversion as follows:</p> <p>(i) All irrigated lands where water is available to support rice and other crop production;</p> <p>(ii) All irrigated lands where water is not available for rice and other crop production but within areas programmed for irrigation facility rehabilitation by DA and National Irrigation Administration (NIA); and</p> <p>(iii) All irrigable lands already covered by irrigation projects with form funding commitments at the time of the application for land conversion or reclassification.</p> <p>(e) The President may, when public interest so requires and upon recommendation of the National Economic Development Authority (NEDA), authorize a city or municipality to reclassify lands in excess of the limits set in paragraph (d) hereof.</p>	<p>declarations and proofs of payment of taxes;</p> <p>d. The Ancestral Domains Office may require from each ancestral claimant the submission of such other documents, Sworn Statements and the like, which in its opinion, may shed light on the veracity of the contents of the application/claim;</p> <p>e. Upon receipt of the applications for delineation and recognition of ancestral land claims, the Ancestral Domains Office shall cause the publication of the application and a copy of each document submitted including a translation in the native language of the ICCs/IPs concerned in a prominent place therein for at least fifteen (15) days. A copy of the document shall also be posted at the local, provincial, and regional offices of the NCIP and shall be published in a newspaper of general circulation once a week for two (2) consecutive weeks to allow other claimants to file opposition thereto within fifteen (15) days from the date of such publication: [...]</p>	<p><b>NIA that the area to be reclassified is not covered under Presidential A.O. 20, s. 1992; (See Table 4)</b></p> <p>c. Certification from the DAR indicating that such lands are not distributed or covered by a Notice of Valuation under CARP; and</p> <p>d. Certification from DENR that the area applied for reclassification has been classified as alienable and disposable, and is not needed for forestry purposes in case the area applied for falls within public lands.</p>

LGC (1991)	NIPAS (1992)	MC 54 (1993)	IPRA (1997)	PAO 363 (1997)
		<p>For this purpose, NEDA is hereby directed to issue the implementing guidelines governing the authority of cities and municipalities to reclassify lands in excess of the limits prescribed herein.</p>	<p>f. Fifteen (15) days after such publication, the Ancestral Domains Office shall investigate and inspect each application, and if found to be meritorious, shall cause a parcellary survey of the area being claimed. [...] In case of conflicting claims among individual or indigenous corporate claimants, the Ancestral domains Office shall cause the contending parties to meet and assist them in coming up with a preliminary resolution of the conflict, without prejudice to its full adjudication according to Sec. 62 of this Act. In all proceedings for the identification or delineation of the ancestral domains as herein provided, the Director of Lands shall represent the interest of the Republic of the Philippines; and [...]</p>	

## 2. Land Use Plan Implementation

### 2.1. Land Use Conversion

Land use plans are primarily implemented through local zoning ordinances. The latter serve as the primary basis for the development activity that would convert the lands that have been identified and reclassified in the land use plan. Land use conversion specifically refers to the undertaking of any development activity which modifies or alters the physical characteristics of lands to render them suitable for other land uses. It mostly pertains to converting the original use of land, i.e., agricultural use to non-agricultural uses, e.g., residential, commercial, industrial, among others, in lieu of Section 3 of the 1987 Constitution (see Table 2).

Executive Order No. 129-A and the CARL gave the DAR the power to authorize the reclassification and conversion of all agricultural lands (not just those awarded to Comprehensive Agrarian Reform Program or CARP beneficiaries).<sup>9</sup> To promote food security and rice self-sufficiency, and protect public investments in irrigation development, executive issuances such as Presidential Administrative Order Nos. 20 and 363 were issued in 1992 and 1997, respectively. The objective is to exclude irrigated and irrigable lands, among others, from those that may be reclassified by LGUs in lieu of Section 20 of the LGC in 1991 (Table 3). Provisions in these executive issuances were later adopted in the enactment of the AFMA of 1997. With RA 9700 or the Comprehensive Agrarian Reform Program Extension with Reform (CARPER) Law of 2009, the importance of irrigated and irrigable lands in achieving food security and self-sufficiency was once more recognized by excluding such lands from land use conversion.

**Table 4. Selected Issuances and Provisions on Agricultural Land Use Conversion**

EO 129-A (1987)	CARL (1988)	PAO 20 (1992)	PAO 363 (1997)	AFMA (1997)	DAR AO 01-02 (2002)	CARPER (2009)
<b>Section 4. Mandate.</b> — The Department shall be responsible for implementing the Comprehensive Agrarian Reform Program and, for such	<b>Section 65. Conversion of Lands.</b> — After the lapse of five (5) years from its award, when the land ceases to be	1. All agricultural lands classified hereunder shall not be subject to and non-negotiable for conversion: (a) All irrigated	1. <b>The following areas shall not be subject to or non-negotiable for conversion:</b> a. Protected areas designated under the National Integrated Protected Areas (NIPAS), including watershed and recharge areas of	<b>Section 9. Delineation of Strategic Agriculture and Fisheries Development Zones.</b> — The Department, in consultation with the Department of Agrarian Reform, the Department of	<b>Section 4. Areas Non-Negotiable for Conversion.</b> — An application involving areas non-negotiable for conversion shall not be given due course even when	<b>Section 22.</b> Section 65 of Republic Act No. 6657, as amended, is hereby further amended to read as follows: "SEC. 65. <i>Conversion</i>

<sup>9</sup> G.R. No. 183409 CREBA vs DAR 18 June 2010: "Under DAR AO No. 01-02, as amended, "lands **not reclassified** as residential, commercial, industrial or other non-agricultural uses **before 15 June 1988**" have been included in the definition of agricultural lands. In so doing, the Secretary of Agrarian Reform merely acted within the scope of his authority stated in the aforesaid sections of Executive Order No. 129-A, which is to promulgate rules and regulations for agrarian reform implementation and that includes the authority to define agricultural lands for purposes of land use conversion. Further, the definition of agricultural lands under DAR AO No. 01-02, as amended, merely refers to the category of agricultural lands that may be the subject for conversion to non-agricultural uses and is not in any way confined to agricultural lands in the context of land redistribution as provided for under Republic Act No. 6657."

EO 129-A (1987)	CARL (1988)	PAO 20 (1992)	PAO 363 (1997)	AFMA (1997)	DAR AO 01-02 (2002)	CARPER (2009)
<p>purpose, it is authorized to:</p> <p>k) <b>Approve or disapprove the conversion, restructuring or readjustment of agricultural lands into non-agricultural uses;</b></p> <p><b>Section 5. Powers and Functions.</b> — Pursuant to the mandate the Department, and in order to ensure the successful implementation of the Comprehensive Agrarian Reform Program, the department is hereby authorized to: [...]</p> <p>c) Establish and promulgate operational policies, rules and regulations and priorities for agrarian reform implementation; [...]</p>	<p>economically feasible and sound for agricultural purposes, or the locality has become urbanized and the land will have a greater economic value for residential, commercial or industrial purposes, the DAR, upon application of the beneficiary or the landowner, with due notice to the affected parties, and subject to existing laws, may authorize the reclassification or conversion of the land and its disposition: provided, that the beneficiary shall have fully paid his obligation.</p>	<p>lands where water is available to support rice and other crop production, and all irrigated lands where water is not available for rice and other crop production but are within areas programmed irrigation facility rehabilitation by the Department of Agriculture (DA) and National Irrigation Administration (NIA), and</p> <p>(b) All irrigable lands already covered by irrigation projects with firm funding commitments at the time of the application for land use conversion.</p>	<p>aquifers, as determined by the Department of Environment and Natural Resources (DENR), pursuant to RA 7586 (1992);</p> <p>b. All irrigated lands, as delineated by the Department of Agriculture (DA) and/or the National Irrigation Administration (NIA) and approved by the President, where water is available to support rice and other crop production, and all irrigated lands where water is not available for rice and other crop production but are within areas programmed for irrigation facility rehabilitation by the DA and the NIA, pursuant to Presidential Administrative Order 20 (1992); and</p> <p>c. All irrigable lands already covered by irrigation projects with firm funding commitments, as delineated by the DA and/or NIA and approved by the President.</p> <p>For this purpose, the Network of Protected Areas for Agriculture (as of 1991), as determined by the DA and/or NIA shall serve as guide in determining non-negotiable areas. The Network may only be revised upon the approval of the President,</p>	<p>Trade and Industry, the Department of Environment and Natural Resources, Department of Science and Technology, the concerned LGU's, the organized farmers and fisher folk groups, the private sector and communities shall, without prejudice to the development of identified economic zones and free ports, establish and delineate based on sound resource accounting, the SAFDZ within one (1) year from the effectivity of this Act.</p> <p><b>All irrigated lands, irrigable lands already covered by irrigation projects with firm funding commitments, and lands with existing or having the potential for growing high-value crops so delineated and included within the SAFDZ shall not be converted for a period of five (5) years front the</b></p>	<p>some portions thereof are eligible for conversion. The following areas shall not be subject to conversion:</p> <p>4.1. Lands within protected areas designated under the NIPAS, including mossy and virgin forests, riverbanks, and swamp forests or marshlands, as determined by the DENR;</p> <p>4.2. All irrigated lands, as delineated by the DA and/or the National Irrigation Administration (NIA), where water is available to support rice and other crop production, and all irrigated lands where water is not available for rice and other crop production but are within areas programmed for irrigation facility rehabilitation by the government;</p> <p>4.3. All irrigable lands already covered by irrigation projects with firm funding</p>	<p><i>of Lands.</i>After the lapse of five (5) years from its award, when the land ceases to be economically feasible and sound for agricultural purposes, or the locality has become urbanized and the land will have a greater economic value for residential, commercial or industrial purposes, the DAR, upon application of the beneficiary or the landowner with respect only to his/her retained area which is tenanted, with due notice to the affected parties, and subject to existing laws, may authorize the reclassification or conversion of the land and its disposition: <i>Provided,</i> That if the applicant is a beneficiary under</p>

EO 129-A (1987)	CARL (1988)	PAO 20 (1992)	PAO 363 (1997)	AFMA (1997)	DAR AO 01-02 (2002)	CARPER (2009)
<p>l) <b>Have exclusive authority to approve or disapprove conversion of agricultural lands for residential, commercial, industrial, and other land uses as may be provided for by law;</b></p>		<p>2. All agricultural lands other than those referred hereunder as non-negotiable for conversion may be converted only upon strict compliance with existing laws, rules and regulations.</p>	<p>upon favorable recommendation by the Cabinet Cluster on Agro-Industrial Development. In all cases, applications for conversion involving lands protected from and non-negotiable for conversion shall not be given due course by the DAR. <b>2. The following areas shall be highly restricted from conversion:</b> a. Lands classified as ‘Highly Restricted from Conversion’ in the Network of Protected Areas for Agriculture as delineated by the DA, as follows: a.1 Irrigable lands not covered by irrigation projects with firm funding commitments; a.2 Agro-industrial croplands, or lands presently planted to industrial crops that support the economic viability of existing agricultural infrastructure and agro-based enterprises; and a.3 Highlands, or areas located in elevations of 500 meters or above and have the potential for growing semi-temperate and usually high value crops. b. Lands issued a Notice of</p>	<p><b>effectivity for this Act: Provided, however, That not more than five percent (5%) of the said lands located within the SAFDZ may be converted upon compliance with existing laws, rules, regulations, executive order and issuances, and administrative orders relating to land use conversion:</b> <i>Provided, further, That thereafter:</i> 1) a review of the SAFDZ, specifically of the productivity of the areas, improvement of the quality of life of farmers and fisher folk, and efficiency and defectiveness of the support services shall be conducted by the Department and the Department of Agrarian Reform, in coordination with the Congressional Oversight Committee on Agricultural Committee</p>	<p>commitments, as delineated by the DA and/or NIA; and 4.4. All agricultural lands with irrigation facilities. <b>Section 5. Areas Highly Restricted from Conversion.</b> — The following areas/projects are classified as highly restricted from conversion: 5.1. Irrigable lands not covered by irrigation projects with firm funding commitment; 5.2. Agro-industrial croplands, or lands presently planted to industrial crops that support the economic viability of existing agricultural infrastructure and agro-based enterprises; 5.3. Highlands or areas located in elevations of five hundred (500) meters or above and which have the potential for growing semi-temperate or high value crops;</p>	<p>agrarian laws and the land sought to be converted is the land awarded to him/her or any portion thereof, the applicant, after the conversion is granted, shall invest at least ten percent (10%) of the proceeds coming from the conversion in government securities: <i>Provided, further,</i> That the applicant upon conversion shall fully pay the price of the land: <b>Provided, furthermore, That irrigated and irrigable lands, shall not be subject to conversion:</b> <i>Provided, finally,</i> That the National Irrigation Administration shall submit a consolidated data on the location nationwide of all</p>

EO 129-A (1987)	CARL (1988)	PAO 20 (1992)	PAO 363 (1997)	AFMA (1997)	DAR AO 01-02 (2002)	CARPER (2009)
			<p>Acquisition/ Valuation under the agrarian reform program or subject of a perfected agreement between the landowner and the beneficiaries under Voluntary Land Transfer (VLT) or Direct Payment Scheme (DPS) under CARP, as determined by the DAR; and</p> <p>c. Areas identified as environmentally critical as determined by the DENR, pursuant to PD 1586 (1978) and its implementing rules and regulations;</p> <p>Lands classified as highly restricted from conversion may be converted only upon compliance with existing laws, rules and regulations. An additional requirement of the social benefit cost analysis approved by the DA shall also be required before these lands may be approved for conversion.</p> <p>Applications for conversion covering areas under 2 (c) above shall be subject to the Environmental Impact Assessment (EIA) and/or Environmental Compliance Certificate (ECC) of the DENR.</p>	<p>and Fisheries Modernization;</p> <p><b>2) conversion may be allowed, if at all, on a case-to-case basis subject to existing laws, rules, regulations, executive orders and issuances, and administrative orders governing land use conversion;</b></p> <p>3) in case of conversion, the land owners will pay the Department the amount equivalent to the government's investment cost including inflation.</p>	<p>5.4. Lands issued with notice of land valuation and acquisition, or subject of a perfected agreement between the landowner and the beneficiaries under the Voluntary Land Transfer (VLT)/Direct Payment Scheme (DPS) under the CARP; and</p> <p>5.5. Lands within an Environmentally Critical Area (ECA) or those involving the establishment of an Environmentally Critical Project (ECP). Applications for conversion under this sub-section shall require, apart from the standard, requirements, an Environmental Compliance Certificate (ECC) which the applicant must secure from the DENR prior to application (for ordinary applications) or prior to commencement of actual land development (for applications involving housing projects).</p>	<p>irrigable lands within one (1) year from the effectivity of this Act. "Failure to implement the conversion plan within five (5) years from the approval of such conversion plan or any violation of the conditions of the conversion order due to the fault of the applicant shall cause the land to automatically be covered by CARP.</p>

## 2.2. Land Acquisition and Development

Land use plans are not just implemented through land use regulations. Government actively participates in land use retention and/or land use conversion through direct land acquisition and development. The DAR, for example, acquired agricultural lands and imposed agricultural land use retention for at least five years upon land distribution under the CARP. Also, the DA, under the AFMA, develops national irrigation systems that, incidentally, also protect these agricultural lands from land use conversion (See Table 4).

On the other hand, housing development agencies such as the National Housing Authority (NHA) implements the urban development and housing program under the UDHA, which provides for the acquisition and development of urban or urbanizable land (i.e., including agricultural lands that may be converted for urban use). Similarly, RA 7916 or the Special Economic Zone Act (SEZA) of 1995 and similar laws (e.g., RA 9490 or the Aurora Special Economic Zone Authority or APECO of 2007) provided for the establishment of industrial estates or economic zones through the acquisition and/or development of land, most of which were originally agricultural or ancestral lands.

**Table 5. Selected Issuances and Provisions on Land Acquisition and Development**

CARL (1988)	UDHA (1992)	SEZA (1995)	IPRA (1997)	AFMA (1997)
<p><b>Section 7. Priorities.</b> — The Department of Agrarian Reform (DAR) in coordination with the Presidential Agrarian Reform Council (PARC) shall plan and program the acquisition and distribution of all agricultural lands through a period of ten (10) years from the effectivity of this Act. Lands shall be acquired and distributed as follows:</p> <p>Phase One: Rice and corn lands under Presidential Decree No. 27; all idle or abandoned lands; all private lands voluntarily offered by the owners for agrarian reform; all lands foreclosed by the government financial institutions; all lands acquired by the Presidential Commission on Good Government (PCGG); and all other</p>	<p><b>Section 4. Coverage.</b> — The Program shall cover all lands in urban and urbanizable areas, including existing areas for priority development, zonal improvement sites, slum improvement and resettlement sites, and in other areas that may be identified by the local government units as suitable for socialized housing.</p> <p><b>Section 5. Exemptions.</b> — The following lands shall be exempt from the coverage of this Act:</p> <p>a) Those included in the coverage of Republic Act No. 6657, otherwise known as the Comprehensive Agrarian Reform Law;</p> <p>b) Those actually used for national defense and security of the State;</p>	<p><b>Section 5. Establishment of ECOZONES.</b> — To ensure the viability and geographic dispersal of ECOZONES through a system of prioritization, the following areas are initially identified as ECOZONES, subject to the criteria specified in Section 6:</p> <p>a) So much as may be necessary of that portion of Morong, Hermosa, Dinalupihan, Orani, Samal, and Abucay in the Province of Bataan;</p> <p>b) So much as may be necessary of that portion of the municipalities of Ibaan, Rosario, Taysan, San Jose, San Juan, and cities of Lipa and Batangas;</p>	<p><b>Section 7. Rights to Ancestral Domains.</b> — The rights of ownership and possession of ICCs/IPs to their ancestral domains shall be recognized and protected. Such rights shall include:</p> <p><b>c. Right to Stay in the Territories.</b></p> <p>— The right to stay in the territory and not be removed therefrom. No ICCs/IPs will be relocated without their free and prior informed consent, nor through any means other than eminent domain. Where relocation is considered necessary as an exceptional measure, such relocation shall take place only with the free and</p>	<p><b>Section 26. Declaration of Policy.</b> — It is the policy of the State to use its natural resources rationally and equitably. The state shall prevent the further destruction of watersheds, <b>rehabilitate existing irrigation systems and promote the development of irrigation systems</b> that are effective, affordable, appropriate, and efficient.</p> <p>In the choice of location-specific irrigation projects, the economic principle of comparative advantage shall always be adhered to.</p>

CARL (1988)	UDHA (1992)	SEZA (1995)	IPRA (1997)	AFMA (1997)
<p>lands owned by the government devoted to or suitable for agriculture, which shall be acquired and distributed immediately upon the effectivity of this Act, with the implementation to be completed within a period of not more than four (4) years;</p> <p>Phase Two: All alienable and disposable public agricultural lands; all arable public agricultural lands under agro-forest, pasture and agricultural leases already cultivated and planted to crops in accordance with Section 6, Article XIII of the Constitution; all public agricultural lands which are to be opened for new development and resettlement; and all private agricultural lands in excess of fifty (50) hectares, insofar as the excess hectareage is concerned, to implement principally the rights of farmers and regular farmworkers, who are the landless, to own directly or collectively the lands they till, which shall be distributed immediately upon the effectivity of this Act, with the implementation to be completed within a period of not more than four (4) years.</p>	<p>c) Those used, reserved or otherwise set aside for government offices, facilities and other installations, whether owned by the National Government, its agencies and instrumentalities, including government-owned or controlled corporations, or by the local government units: Provided, however, That the lands herein mentioned, or portions thereof, which have not been used for the purpose for which they have been reserved or set aside for the past ten (10) years from the effectivity of this Act, shall be covered by this Act;</p> <p>d) Those used or set aside for parks, reserves for flora and fauna, forests and watersheds, and other areas necessary to maintain ecological balance or environmental protection, as determined and certified to by the proper government agency; and</p> <p>e) Those actually and primarily used for religious, charitable, or educational purposes, cultural and historical sites, hospitals and health centers, and cemeteries or memorial parks.</p> <p>The exemptions herein provided shall not apply when the use or purpose of the abovementioned lands has ceased to exist.</p>	<p>c) So much as may be necessary of that portion of the City of Cagayan de Oro in the Province of Misamis Oriental;</p> <p>d) So much as may be necessary of that portion of the City of Iligan in the Province of Lanao del Norte;</p> <p>e) So much as may be necessary of that portion of the Province of Sarangani;</p> <p>f) So much as may be necessary of that portion of the City of Laoag in the Province of Ilocos Norte;</p> <p>g) So much as may be necessary of that portion of Davao City and Samal Island in the Province of Ilocos Norte;</p> <p>h) So much as may be necessary of that portion of Oroquieta City in the Province of Misamis Occidental;</p> <p>i) So much as may be necessary of that portion of Tubalan Cove, Malita in the Province of Davao del Sur; [...]</p> <p>ll) All existing export processing zones and government-owned industrial estates; and</p> <p>mm) Any private industrial estate which shall voluntarily apply for conversion into an ECOZONE.</p>	<p>prior informed consent of the ICCs/IPs concerned and whenever possible, they shall be guaranteed the right to return to their ancestral domains, as soon as the grounds for relocation cease to exist. When such return is not possible, as determined by agreement or through appropriate procedures, ICCs/IPs shall be provided in all possible cases with lands of quality and legal status at least equal to that of the land previously occupied by them, suitable to provide for their present needs and future development. Persons thus relocated shall likewise be fully compensated for any resulting loss or injury;</p>	<p><b>Section 28. Criteria for Selection of Irrigation Development Scheme.</b> — The Selection of appropriate scheme of irrigation development shall be location-specific and based on the following criteria:</p> <ol style="list-style-type: none"> <li>a. Technical feasibility;</li> <li>b. Cost-effectiveness;</li> <li>c. Affordability, low investment cost per unit area;</li> <li>d. Sustainability and simplicity of operation;</li> <li>e. Recovery of operation and maintenance cost;</li> <li>f. Efficiency in water use;</li> <li>g. Length of gestation period; and</li> <li>h. Potential for increasing unit area productivity.</li> </ol> <p>All irrigation projects shall, in addition to the criteria enumerated above, be subjected to a social cost-benefit analysis.</p>

CARL (1988)	UDHA (1992)	SEZA (1995)	IPRA (1997)	AFMA (1997)
<p>Phase Three: All other private agricultural lands commencing with large landholdings and proceeding to medium and small landholdings under the following schedule:</p> <p>(a) Landholdings above twenty-four (24) hectares up to fifty (50) hectares, to begin on the fourth (4th) year from the effectivity of this Act and to be completed within three (3) years; and</p> <p>(b) Landholdings from the retention limit up to twenty-four (24) hectares, to begin on the sixth (6th) year from the effectivity of this Act and to be completed within four (4) years; to implement principally the right of farmers and regular farmworkers who are landless, to own directly or collectively the lands they till.</p> <p>The schedule of acquisition and redistribution of all agricultural lands covered by this program shall be made in accordance with the above order of priority, which shall be provided in the implementing rules to be prepared. [...]</p>	<p><b>Section 9. Priorities in the Acquisition of Land. — Lands for socialized housing shall be acquired in the following order:</b></p> <p>a) Those owned by the Government or any of its subdivisions, instrumentalities, or agencies, including government-owned or controlled corporations and their subsidiaries;</p> <p>b) Alienable lands of the public domain;</p> <p>c) Unregistered or abandoned and idle lands;</p> <p>d) Those within the declared Areas for Priority Development, Zonal Improvement Program sites, and Slum Improvement and Resettlement Program sites which have not yet been acquired;</p> <p>e) Bagong Lipunan Improvement of Sites and Services or BLISS sites which have not yet been acquired; and</p> <p>f) Privately-owned lands.</p> <p>Where on-site development is found more practicable and advantageous to the beneficiaries, the priorities mentioned in this section shall not apply. [...]</p>	<p>This areas shall be developed through any of the following schemes:</p> <p>(i) Private initiative;</p> <p>(ii) Local government initiative with the assistance of the national government; and</p> <p>(iii) National government initiative.</p> <p>These metes and bounds of each ECOZONE are to be delineated and more particularly described in a proclamation to be issued by the President of the Philippines, upon the recommendation of Philippine Economic Zone Authority (PEZA), which shall be established under this Act, in coordination with the municipal and/or city council, National Land Use Coordinating Committee and/or the Regional Land Use Committee.</p>		

### 3. Land Administration: Land Titling and Registration

Land administration is a system implemented by the State to administer land rights, which typically includes but is not limited to the following processes: (1) to record and register private rights on state lands; (2) to record, register, and publicize the grants or transfer of those land right through sale, gift, encumbrance, subdivision, secured transactions, etc.; and (3) to manage the fiscal aspects related to land rights including land tax, valuation for a range of purposes including the assessment of fees and taxes, and compensation for state acquisition of private rights in land.

Land registration is a judicial or administrative proceeding whereby a person’s claim of ownership over a particular land is determined and confirmed or recognized so that such land and the ownership thereof may be recorded in a public registry (Sevidal, 2010). This is distinguished from a land title where the latter only serves as the best evidence of the right of the owner or the extent of his interest, including his right to exclusive possession and enjoyment, in relation to his real property.<sup>10</sup> One of the important components of land administration in the Philippines, land titling and registration became a form of land reform in which private individuals and families are given formal property rights for land which they have previously occupied informally or used on the basis of customary land tenure such under RA 10023 which authorized the issuance of free patents to residential lands in 2010.

**Table 6. Selected Issuances and Provisions on Land Titling and Registration**

CA 141-Public Lands Act (1936)	PD 1529 (1978)	CARL (1988)	IPRA (1997)	RA 10023 (2010)	JAO 01 (2012)
<p><b>Section 11.</b> Public lands suitable for agricultural purposes can be disposed of only as follows, and not otherwise:</p> <p>(1) For homestead settlement</p> <p>(2) By sale</p> <p>(3) By lease</p> <p>(4) By confirmation of imperfect or incomplete titles:</p> <p>(a) By judicial legalization</p> <p>(b) By administrative legalization (free patent).</p>	<p><b>Section 4. Land Registration Commission.</b> [...] there is created a commission to be known as the Land Registration Commission under the executive supervision of the Department of Justice.</p> <p><b>Section 6. General Functions.</b></p> <p>(1) The Commissioner of Land Registration shall have the following</p>	<p><b>Section 24. Award to Beneficiaries.</b> — The rights and responsibilities of the beneficiary shall commence from the time the DAR makes an award of the land to him, which award shall be completed within one hundred eighty (180) days from the time the DAR takes actual possession of the land.</p> <p><b>Ownership of the beneficiary shall be evidenced by a Certificate of Land</b></p>	<p><b>Section 11. Recognition of Ancestral Domain Rights.</b> — The rights of ICCs/IPs to their ancestral domains by virtue of Native Title shall be recognized and respected. <b>Formal recognition, when solicited by ICCs/IPs concerned, shall be embodied in a Certificate of Ancestral Domain Title (CADT),</b> which shall recognize the title of the concerned ICCs/IPs over the territories identified and delineated.</p> <p><b>Section 12. Option to Secure Certificate of Title under</b></p>	<p><b>Section 2. Coverage.</b> — This Act shall cover all lands that are zoned as residential areas, including townsites as defined under the Public Land Act; <i>Provided,</i> That none of the provisions of Presidential Decree No. 705 shall be violated. [...]</p> <p><b>Section 3. Application.</b> — The application on the land applied for shall be supported by a map based</p>	<p><b>By: DAR-DENR-LRA-NCIP</b></p> <p><b>Subject : Clarifying, Restating and Interfacing the Respective Jurisdictions, Policies, Programs and Projects of the DAR, DENR, LRA and the NCIP in Order to Address Jurisdictional and Operational Issues Between and Among the Agencies</b></p> <p><b>Section 1. Prefatory Statement.</b> —</p>

<sup>10</sup> In *Cheng vs. Genato* (GR No. 129760, December 29, 1998), the Supreme Court held that the “entry made in the registry [...] records solemnly and permanently the right of ownership and other real rights.”

CA 141-Public Lands Act (1936)	PD 1529 (1978)	CARL (1988)	IPRA (1997)	RA 10023 (2010)	JAO 01 (2012)
<p><b>Section 47.</b> The persons specified in the next following section are hereby granted time, not to extend beyond December 31, 1987 within which to take advantage of the benefit of this chapter: Provided, That this extension shall apply only where the area applied for does not exceed 144 hectares. Provided, further, That the several periods of time designated by the President in accordance with section forty-five of this Act shall apply also to the lands comprised in the provisions of this chapter, but this section shall not be construed as prohibiting any of said persons from acting under this chapter at any time prior to the period fixed by the President.</p> <p><b>Section 48.</b> The following-described citizens of the Philippines, occupying lands of the public domain or claiming to own any such lands or an interest therein, but whose titles have not been perfected or completed, may apply to the</p>	<p>functions: (a) Issue decrees of registration pursuant to final judgments of the courts in land registration proceedings and <b>cause the issuance by the Registers of Deeds of the corresponding certificates of title;</b> [...]</p> <p><b>Section 10. General functions of Registers of Deeds.</b> — The office of the Register of Deeds constitutes a public repository of records of instruments affecting registered or unregistered lands and chattel mortgages in the province or city wherein such office is situated. It shall be the duty of the Register of Deeds to immediately register an instrument presented for registration dealing with real or</p>	<p><b>Ownership Award,</b> which shall contain the restrictions and conditions provided for in this Act, and shall be recorded in the Register of Deeds concerned and annotated on the Certificate of Title.</p> <p><b>Section 25. Award Ceilings for Beneficiaries.</b> — Beneficiaries shall be awarded an area not exceeding three (3) hectares which may cover a contiguous tract of land or several parcels of land cumulated up to the prescribed award limits. For purposes of this Act, a landless beneficiary is one who owns less than three (3) hectares of agricultural land. The beneficiaries may opt for collective ownership, such as co-ownership or farmers cooperative or some other form of collective organization: provided, that the total area that may be awarded shall not exceed the total number of co-owners or</p>	<p><b>Commonwealth Act 141, as amended, or the Land Registration Act 496.</b> — Individual members of cultural communities, with respect to individually-owned ancestral lands who [...] have been in continuous possession and occupation of the same in the concept of owner since the immemorial or for a period of not less than thirty (30) years immediately preceding the approval of this Act and uncontested by the members of the same ICCs/IPs shall have the option to secure title to their ancestral lands under the provisions of Commonwealth Act 141, as amended, or the Land Registration Act 496. For this purpose, said individually-owned ancestral lands, which are agricultural in character and actually used for agricultural, residential, pasture, and tree farming purposes, including those with a slope of eighteen percent (18%) or more, are hereby classified as alienable and disposable agricultural lands. The option granted under this Section shall be exercised within twenty (20) years from the approval of this Act.</p> <p><b>Section 44. Powers and Functions.</b> — To accomplish its mandate, <b>the NCIP</b></p>	<p>on an actual survey conducted by a licensed geodetic engineer and approved by the Department of Environment and Natural Resources (DENR) and a technical description of the land applied for together with supporting affidavit of two (2) disinterested persons who are residing in the barangay of the city or municipality where the land is located, [...]</p> <p><b>Section 4. Special Patents.</b> — Notwithstanding any provision of law to the contrary and subject to private rights, if any, public land actually occupied and used for public schools, municipal halls, public plazas or parks and other government institutions for public use or purpose may be issued special patents under the name of the national agency or LGU concerned: <i>Provided,</i> That</p>	<p>[...] In the course of their implementation, <b>these laws have, however, created not only issues of overlapping jurisdiction between the DAR, DENR and NCIP but also operational issues and conflicting claims in the implementation of their respective programs,</b> which must be seriously addressed. Accordingly, <b>this guideline is issued to address said issues of overlapping jurisdiction, operational issues and conflicting claims by and among the aforementioned agencies.</b> [...]</p> <p><b>Section 4. Jurisdiction of DENR.</b> — The DENR has jurisdiction over all lands of the public domain [...] except those placed by law and/or other issuances under the operational jurisdiction of other government agencies.</p>

CA 141-Public Lands Act (1936)	PD 1529 (1978)	CARL (1988)	IPRA (1997)	RA 10023 (2010)	JAO 01 (2012)
<p>Court of First Instance of the province where the land is located for confirmation of their claims and the issuance of a certificate of title therefor, under the Land Registration Act, to wit: [...]</p> <p>(b) Those who by themselves or through their predecessors in interest have been in open, continuous, exclusive, and notorious possession and occupation of agricultural lands of the public domain, under a bona fide claim of acquisition or ownership, for at least thirty years immediately preceding the filing of the application for confirmation of title except when prevented by war or force majeure. [...]</p>	<p>personal property which complies with all the requisites for registration. [...]</p> <p><b>Section 14.</b> Who may apply. The following persons may file in the proper Court of First Instance an application for registration of title to land, [...]:</p> <p>(1) Those who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of alienable and disposable lands of the public domain [...]</p>	<p>member of the cooperative or collective organization multiplied by the award limit above prescribed, except in meritorious cases as determined by the PARC.</p> <p>Title to the property shall be issued in the name of the co-owners or the cooperative or collective organization as the case may be.</p> <p><b>Section 67. Free Registration of Patents and Titles.</b> — All Registers of Deeds are hereby directed to register, free from payment of all fees and other charges, patents, titles and documents required for the implementation of the CARP.</p>	<p><b>shall have the following powers, jurisdiction and function: [...]</b></p> <p><b>e) To issue certificate of ancestral land/domain title;</b></p> <p><b>Section 52. Delineation Process.</b> — The identification and delineation of ancestral domains shall be done in accordance with the following procedures: [...]</p> <p>j. <b>Issuance of CADT.</b> — ICCs/IPs whose ancestral domains have been officially delineated and determined by the NCIP shall be issued a CADT in the name of the community concerned, containing a list of all those identified in the census; and</p> <p>k. <b>Registration of CADTs.</b> — The NCIP shall register issued certificates of ancestral domain titles and certificates of ancestral lands titles before the Register of Deeds in the place where the property is situated.</p>	<p>all lands titled under this section shall not be disposed of unless sanctioned by Congress if owned by the national agency or sanctioned by the sanggunian concerned through an approved ordinance if owned by the LGU.</p> <p><b>Section 6. Period for Application.</b> — All applications shall be filed immediately after the effectivity of this Act before the Community Environment and Natural Resources Office (CENRO) of the DENR. [...]</p>	<p><b>Section 5. Jurisdiction of DAR.</b> — Pursuant to Section 4 of Republic Act 6657 [...] the following lands are under the jurisdiction of DAR:</p> <p><b>Section 6. Jurisdiction of NCIP.</b> — The following types of lands shall be under the responsibility and jurisdiction of NCIP: [...]</p>



The SEPO Policy Matrix, a publication of the Senate Economic Planning Office, provides useful information and discussion on important socio-economic issues through a comparative matrix form for the reference of the Senators and Senate Officials. The SEPO Policy Matrix is also available at [www.senate.gov.ph](http://www.senate.gov.ph).

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