

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
1st Regular Session

House Bill No. 4398



Introduced by Hon. Francis Gerald Aguinaldo Abaya

EXPLANATORY NOTE

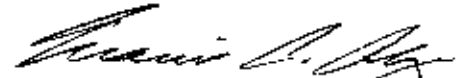
In view of the drastic effects of climate change, the problem of limited food and water supply, foreign land grabbing and other conflicting claims, it is high time that the legislative branch of this government pass a law on national land use. A comprehensive program on proper utilization and management of land resources is essential in the country's pursuit of being a developed nation. The concrete results of such program will determine the country's capability to meet the present and future demands of the citizens and therefore we should bear in mind the long-term impact of this proposed bill.

While we have limited land resources, our population is steadily increasing and most of the people are concentrated in urban areas. It becomes difficult to provide for the needs of each and every Filipino and to ensure the sustainability of our present land resources. There are also negative externalities such as misuse of resources due to commercial activities as well as the threat of foreign occupation that make the situation worse. There is also a need to determine the country's permanent forest line so that we can effectively protect and preserve these areas. This proposed bill considered these issues in addressing the problem on land use. We are not only aiming for proper utilization and management of land resources to achieve economic growth but also to guarantee that our resources can still be used by the future generations.

This proposed measure seeks to harmonize the reasonable land interests of stakeholders to promote long-term development and sustainability through effective land use planning and allocation and people's participation. It provides guidelines and criteria for land use based on the assessment of the developmental needs of various sectors and integration of a consultative approach in determining such needs.

Further, it is also significant that this bill lays down land use categories and requirements that are clearly delineated to avoid overlapping of interests. Lastly, a mechanism for the harmonization of conflicting land laws as well as protection of prime agricultural lands for food security and sufficiency are included in this proposed measure.

For the foregoing reasons, the approval of this bill is earnestly sought.



FRANCIS GERALD AGUINALDO ABAYA
Representative, First District Cavite

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

Be it enacted by the Senate and 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 and Management Act of the Philippines”.

SECTION 2. *Declaration of Policies and Principles.* – It is the policy of the
State to:

(a) Provide for a rational, holistic and just allocation, utilization,
management, and development of the country's land and water resources so that their
use is consistent with the principles of equity, social justice, environmental integrity
and sustainable development for the common good;

(b) Hold owners and users of land responsible for developing and
conserving their lands, thereby making these productive and supportive of sustainable
development and environmental stability in accordance with the principle that the use
of land bears a social function and that all economic agents shall contribute to the
common good;

(c) Treat groups of islands, including parts of islands, interconnecting
waters and other natural features which are so closely interrelated, as forming an
intrinsic geographical, economic and political entity, or which historically have been
regarded as such entity; and

(d) Strengthen the capacity of the local government units (LGUs) to manage
and maintain ecological balance within their territorial jurisdiction, in partnership with
the national government in accordance with the Philippine Constitution and Republic
Act No. 7160 or the Local Government Code of 1991.

Towards these ends, the State shall institutionalize land use and physical

1 planning as a mechanism for identifying, determining, and evaluating appropriate land
2 use and allocation patterns that promote and ensure:

- 3 (1) Maintenance and preservation of environmental integrity and stability;
- 4 (2) Sustainable and just management and utilization of natural resources;
- 5 (3) Disaster risk reduction and climate risk-based planning;
- 6 (4) Protection of prime agricultural lands for food security, with emphasis on
7 self-sufficiency through efficient and sustainable use of land resources consistent with
8 the principles of sound agricultural development, natural resources development, and
9 agrarian reform;
- 10 (5) Protection and conservation of the country's natural heritage, permanent
11 forestlands, natural forests, critical watersheds and key biodiversity areas to ensure
12 adequate forest cover to maintain ecological processes in the country;
- 13 (6) Sustainable development and management of water resources;
- 14 (7) Settlements, transportation and other infrastructure development in
15 support of inclusive growth and rural, urban and regional development;
- 16 (8) Improved access to affordable housing by increasing its supply through
17 direct allocation, better access to unutilized lands, and multiple use and higher
18 densities, where appropriate;
- 19 (9) Respect for and protection of the traditional resource right of the
20 Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) to their ancestral
21 domains; compliance with free and prior informed consent of ICCs/IPs; and recognition
22 of customary laws and traditional resource use and management, knowledge, and
23 practices in ancestral domains;
- 24 (10) Equitable access to land through State intervention that guarantees its
25 affordability to the basic sectors;
- 26 (11) Energy security or energy self-sufficiency;
- 27 (12) Preservation and conservation of parks and protected areas to keep the
28 scenery, the natural and historic objects, and the biodiversity therein in their natural
29 state and prevent them from being damaged for purposes of public recreational use
30 and enjoyment; and
- 31 (13) Meaningful participation of the basic sectors.

32 **SECTION 3. Scope.** – This Act shall apply to all lands and all resources
33 therein, whether public, private, government-owned and/or in the possession of any
34 person, whether natural or juridical, and shall guide the rational, holistic and just
35 allocation, utilization, development and management of the country's land and water
36 resources including such activities that bear impact on said resources.

37 **SECTION 4. Definition of Terms.** –

- 38 (a) *Agricultural land* refers to the subclass of classified agricultural lands
39 devoted to or suitable for the cultivation of the soil, planting of crops, growing of trees,
40 raising of livestock, poultry, fish or aquaculture production, including the harvesting of
41 such farm products and other farm activities and practices performed in conjunction
42 with such farming operations, by persons whether natural or juridical, and not
43 classified as residential land, commercial land or industrial land;
- 44 (b) *Agricultural land use conversion* refers to the undertaking of any

development activity which modifies or alters the physical characteristics of agricultural lands to render them suitable for nonagricultural purposes under an approved order of conversion issued by the appropriate government agency;

(c) *Alienable and disposable lands of the public domain* refer to lands of the public domain which have been delineated, classified, and certified as such and available for disposition under Commonwealth Act No. 141, otherwise known as the Public Land Act, as amended;

(d) *Ancestral domains* 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 1997;

(e) *Ancestral Domain Sustainable Development and Protection Plan (ADSDPP)* refers to a plan formulated and pursued in accordance with the rights of ICCs/IPs to manage and develop the land as well as natural and human resources within their ancestral domains based on their indigenous knowledge systems and practices on the principle of self-determination;

(f) *Classified agricultural land* refers to one of the four (4) classifications of land under the Constitution not classified by law as mineral land, forestland or national park and the only land classification subject to alienation;

(g) *Coastal area/zone* refers 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 landward 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 two hundred (200) meters isobath to include coral reefs, algal flats, seagrass beds, and other soft-bottom areas;

(h) *Comprehensive Land Use Plan (CLUP)* refers to a document embodying a set of policies, accompanied by maps and similar illustrations that serve as a policy guide for determining the future use of lands and natural resources within the territorial jurisdiction of the LGUs. It represents the community-desired pattern of population distribution and proposes future allocation of land and resources to various activities. It includes the processes and criteria employed in such determination of allocation of land and resources. It is a plan for the long-term management of the local territory covering a period of minimum of ten (10) years, reviewable not earlier than every five (5) years based on the four (4) categories of land use planning provided in Section 6 of this Act;

(i) *Comprehensive land use planning* refers to the act of defining the allocation, utilization, development, and management of all lands within a given territory or jurisdiction according to the inherent characteristics of the land itself and supportive of sustainable, economic, demographic, sociocultural and environmental objectives as an aid to decision-making and legislation;

(j) *Critical watershed* refers to watersheds or forestlands that have been identified and evaluated to provide critical and vital natural, ecological, environmental and physical beneficial services such as water, biodiversity, energy, irrigation, social and cultural, among others, to a specific area or community and whose existing

1 biophysical condition demands immediate rehabilitation, protection and management
2 to prevent its further denudation, deterioration and exploitation;

3 (k) *Cultural heritage* refers to the totality of cultural properties, whether
4 natural or human-made, preserved and developed through time, and passed on for
5 posterity;

6 (l) *Customary laws* refer to a body of written and/or unwritten rules, usages,
7 customs and practices traditionally and continually recognized, accepted, and
8 observed by respective ICCs/IPs consistent with the IPRA;

9 (m) *Danger zones* refer to areas with high level of threat to the lives and well-
10 being of people that cannot be addressed through scientific, physical and engineering
11 methods, and are therefore not suitable for settlement and permanent structures.
12 Areas can only be declared as danger zones after conducting proper technical studies
13 and public consultations with affected families;

14 (n) *Development plan* refers to a document that defines the activities and
15 measures that the national government or LGUs intend to implement over a specified
16 period of time in order to achieve the defined set of development goals identified in the
17 national or local physical framework plans. It integrates socioeconomic, financial,
18 fiscal, legal and legislative, institutional and sectoral plans of the national government
19 or any of its instrumentality or a particular LGU, consistent with the objectives identified
20 in spatial plans such as land use plans or physical framework plans. It may include an
21 analysis of problems and resources, definition of goals and objectives, policy
22 guidelines, project and target achievements, and an implementation mechanism which
23 defines the roles and contributions expected from the government and the private
24 sector;

25 (o) *Disaster-prone areas* or *geo-hazard areas* refer to areas frequented by
26 and/or vulnerable to experience weather, climatic, hydrologic, geologic, and other
27 natural disturbances or calamities;

28 (p) *Disaster risk reduction* refers to the concept and practice of reducing
29 disaster risks through systematic efforts to analyze and manage the causal factors of
30 disasters, including reduced exposure to hazards, lessened vulnerability of people and
31 property, wise management of land and the environment, and improved preparedness
32 for adverse events;

33 (q) *Ecologically-fragile lands* refer to lands within critical watersheds,
34 brackish and freshwater wetlands, pasture lands, inland rivers and waterways, coastal
35 and settlement areas, and croplands which require rehabilitation, protection and
36 whose continued unsustainable use would result in physical risks and threats to life
37 and property, public health and safety, as well as adversely affect the productivity of
38 lowland agricultural areas and stability of the upland system;

39 (r) *Ecotourism* refers to a form of sustainable tourism within a natural and/or
40 cultural heritage area where community participation, protection and management of
41 natural resources, culture and indigenous knowledge and practices, environmental
42 education and ethics, as well as economic benefits are fostered and pursued for the
43 enrichment of host community and satisfaction of visitors;

44 (s) *Energy resources* 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 nonconventional sources including ocean waves, solar, wind, biomass, and other similar resources which serve the same purpose;

(t) *Energy resource lands* refer to lands where naturally occurring or indigenous energy resources exist in sufficient quantity and/or quality as to be economically viable for exploration, development, production, utilization, and distribution purposes;

(u) *Environmentally-critical areas* refer to areas declared by law as (i) areas for natural parks, watershed reserves, wildlife preserves, and sanctuaries; (ii) areas set aside for aesthetic and visual value; (iii) areas that constitute the habitat for any endangered or threatened species of indigenous Philippine wildlife, both flora and fauna; (iv) areas of unique historic, archaeological, or scientific interests; (v) areas that are traditionally occupied by ICCs/IPs; (vi) areas with critical slopes; (vii) areas frequented and/or hard hit by natural calamities such as, but not limited to, geologic hazards, floods, typhoons and volcanic activities; (viii) recharge areas of aquifers; (ix) mangrove areas; (x) coral reefs; (xi) mossy and virgin forests; (xii) rivers and riverbanks; (xiii) swamp forest and marshlands; (xiv) foreshore lands; (xv) protected areas pursuant to Republic Act No. 7586 or the NIPAS Act of 1992; and (xvi) areas set aside as aesthetic potential tourist spots. This term shall also include other terrestrial, aquatic and marine areas that need special protection and conservation measures because they are ecologically fragile or they are needed for food security and food self-sufficiency as determined by concerned agencies and LGUs in consultation with the concerned stakeholders;

(v) *Exhausted mineral resources* 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;

(w) *Flood plain* refers to the portion of a river valley adjacent to a river channel which is covered with water when the river overflows its banks at flood stages, and which usually consists of silt deposited by the stream;

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

(y) *Food security* refers 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 in cases of shortage based on a micro level situation, or both, and taking into account the country's existing and potential resource endowments and related production advantages, and consistent with the overall national development objectives and policies;

(z) *Food self-sufficiency* refers 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 resources and related production advantages;

1 (aa) *Foreshore land* refers to a string of land margining a body of water, the
2 part of a seashore between the low-water line usually at the seaward margin of a low
3 tide terrace and the upper limit of wave wash at high tide often marked by a beach
4 scarp or berm;

5 (bb) *Forest* refers to an ecosystem or an assemblage of ecosystems
6 dominated by trees and other woody vegetation; a community of plants and animals
7 interacting with one another and its physical environment;

8 (cc) *Forestlands* refer to one of the four (4) classifications of land under the
9 Constitution under the public domain classified and/or determined as suitable for forest
10 purposes not classified as mineral land, national park and classified agricultural land.
11 These include all permanent forest, forest reserves, forest reservations, and all the
12 remaining unclassified lands of the public domain;

13 (dd) *Forest Land Use Plan (FLUP)* refers to the allocation of forestlands into
14 their appropriate uses consistent with existing biophysical conditions such as
15 topography, soil type, land use, climate, water sources and socioeconomic, cultural
16 and political realities. Forestland use planning should be able to delineate protection
17 and production forests;

18 (ee) *Forestland subclassification* refers to the process of determining the
19 most appropriate and sustainable use of forestlands primarily as protection forest and
20 production forest. They may be further subclassified as grazing/pasture land,
21 recreational areas and other uses, taking into account ecological, social and economic
22 considerations;

23 (ff) *Free, Prior and Informed Consent (FPIC)* means the consensus of all
24 members of the ICCs/IPs to be determined in accordance with their respective
25 customary laws and practices, free from any external manipulation, interference and
26 coercion, and obtained after fully disclosing the intent and scope of the activity, in a
27 language and process understandable to the community;

28 (gg) *Geo-hazards* refer to nature and human-induced geological processes
29 that have potential to cause destruction and which pose a threat or risk to a person's
30 life and property. These may include, but are not limited to, ground, water and weather-
31 related conditions, volcanic and earthquake induced hazards such as ground shaking,
32 ground rupture, earthquake-induced landslides, liquefaction and *tsunami*;

33 (hh) *Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs)* refer
34 to groups of people or homogenous societies identified by self-ascription and
35 ascription by others, who have continuously lived as organized community on
36 communally bounded and defined territory, and who have, under claims of ownership
37 since time immemorial, occupied, possessed and utilized such territories, sharing
38 common bonds of language, customs, traditions and other distinctive cultural traits, or
39 who have, through resistance to political, social and cultural inroads of colonization,
40 nonindigenous religions and cultures, became historically differentiated from the
41 majority of Filipinos. ICCs/IPs shall likewise include peoples who are regarded as
42 indigenous on account of their descent from the populations which inhabited the
43 country, at the time of conquest or colonization, or at the time of inroads of
44 nonindigenous religions and cultures, or the establishment of present State

1 boundaries, who retain some or all of their own social, economic, cultural and political
2 institutions, but who may have been displaced from their traditional domains or who
3 may have resettled outside their ancestral domains;

4 (ii) *Inland waters* refer to waters, which are not coastal and marine waters,
5 and not subject to acquisitive prescription consistent with the provisions of Presidential
6 Decree No. 1067 or the Water Code of the Philippines;

7 (jj) *Integrated watershed management* refers to a planning strategy or
8 program for watershed areas that complement environmentally-sound soil and water
9 management practices with mechanisms for ensuring greater responsibility,
10 involvement, or participation of individuals, groups, communities and other
11 stakeholders benefiting from these areas and water-related infrastructure;

12 (kk) *Key Biodiversity Areas (KBAs)* represent the most important sites for
13 biodiversity conservation worldwide. These are places of international importance for
14 the conservation of biodiversity through protected areas and other governance
15 mechanisms. They are identified nationally using simple, standard criteria, based on
16 their importance in maintaining species populations;

17 (ll) *Land* refers to resources, both artificial and natural, found on the surface,
18 below, and above the ground including inland waters and the air therein;

19 (mm) *Land subclassification* refers to the act of determining and assigning
20 specific uses of classified lands such as forestlands, classified agricultural lands,
21 mineral lands and national parks in accordance with existing laws and this Act;

22 (nn) *Land use* refers to the manner of allocation, utilization, management and
23 development of land;

24 (oo) *Land use classification* refers to the act of delineating or allocating lands
25 according to protection land use, production land use, settlements development and
26 infrastructure development as defined and provided for in this Act;

27 (pp) *Mandatory public hearings/consultations* refer to the mechanism to
28 ensure the involvement of concerned stakeholders and communities in land use
29 planning, from the barangay to the national level, to ensure the social acceptability of
30 the plans. It should involve giving notice of hearing/consultation to concerned
31 stakeholders through publication or posting in conspicuous places, conduct of a
32 reasonable number of hearings, solicitation of positions to arrive at a consensus.
33 Public presentation and validation of the planning results shall also be undertaken
34 before the final adoption of the plans;

35 (qq) *Marine Protected Area (MPA)* refers to a defined area of the sea
36 established and set aside by law, administrative regulation or any other effective
37 means in order to conserve and protect a part of or the entire enclosed environment,
38 through the establishment of management guidelines. It includes all declared areas
39 governed by specific rules or guidelines in order to protect and manage activities within
40 the enclosed area;

41 (rr) *Mineral exploration* refers to the systematic searching or prospecting for
42 mineral resources including energy resources;

43 (ss) *Mineral lands* refer to lands of the public domain, excluding those in
44 permanent forestlands and protection lands, where mineral resources are found in

1 sufficient quantity and quality for extraction, development and utilization;

2 (tt) *Multiple use of land resources* refers to the utilization or management
3 strategy for any land which allows any activity involving one or more of its resources,
4 depending on the result of prior evaluation on its numerous beneficial use, that will
5 produce the optimum benefits to the development and progress of the country and the
6 public welfare without impairment or with the least injury to its other resources;

7 (uu) *Municipal waters* include not only streams, lakes, inland bodies of water
8 and tidal waters within the municipality which are not included within the protected
9 areas as defined under Republic Act No. 7586 of the National Integrated Protected
10 Areas System or the NIPAS Act of 1992, public forest, timberlands, forest reserves or
11 fishery reserves, but also marine waters included between two (2) lines drawn
12 perpendicular to the general coastline from points where the boundary lines of the
13 municipality touch the sea at low tide and a third line parallel with the general coastline
14 including offshore islands and fifteen (15) kilometers from such coastline. Where the
15 territory of a municipality includes several islands, the outermost points of such islands
16 shall be used as base points and connected by archipelagic baselines, irrespective of
17 the lengths of such baselines from the main coastlines. Where two (2) municipalities
18 are situated on opposite shores that there is less than thirty (30) kilometers of marine
19 waters between them, the third line shall be equally distant from opposite shore of the
20 respective municipalities;

21 (vv) *National Integrated Protected Areas System (NIPAS)* refers to the
22 classification and administration of all designated protected areas to maintain essential
23 ecological processes and life-support systems, to preserve genetic diversity, to ensure
24 sustainable use of resources found therein, and to maintain their natural conditions to
25 the greatest extent possible;

26 (ww) *National Land Use Policy Council (NLUPC)* refers to the administrative,
27 policy-making, and regulatory body created under this Act;

28 (xx) *National park* refers to forest reservation essentially of natural wilderness
29 character which has been withdrawn from settlement, occupancy or any form of
30 exploitation except in conformity with approved management plan and set aside as
31 such exclusively to conserve the area or preserve the scenery, natural and historic
32 objects, wild animals and plants therein and to provide enjoyment of these features in
33 such areas. It shall also refer to lands and waters of the public domain classified as
34 such in the 1987 Constitution which include all areas under the NIPAS pursuant to the
35 NIPAS Act of 1992, primarily designated for the conservation of native plants and
36 animals and associated habitats and cultural diversity;

37 (yy) *Network of Protected Areas for Agriculture and Agro-industrial*
38 *Development (NPAAAD)* refers to agricultural areas identified by the Department of
39 Agriculture (DA) through the Bureau of Soils and Water Management (BSWM), in
40 coordination with the National Mapping and Resource Information Authority
41 (NAMRIA), in order to ensure the efficient utilization of land for agriculture and agro-
42 industrial development and promote sustainable growth. The NPAAAD covers all
43 irrigated areas; all irrigable lands already covered by irrigation projects; all alluvial
44 plains; lands 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;

(zz) *Permanent forests or forest reserves* refer to lands of the private or public domain which have been identified and determined to be needed for protection, conservation, preservation and management as forests and shall be reserved, conserved and protected into perpetuity for such purpose;

(aaa) *Permanent forestlands* refer to forestlands, within public lands, that have been identified, determined and demarcated on the ground by the State to serve such purpose and shall be protected, conserved, preserved, maintained and managed as forestlands free from any form of utilization, exploitation or development, and reserved permanently as such for the benefit and use of future generations;

(bbb) *Physical framework plans* refer to the national, regional or provincial indicative plans that outline the overall and macro-level physical development objectives, priorities, directions and strategies in its respective levels as prepared, reviewed, integrated and finalized by the national, regional and provincial land use councils/boards, respectively, based on the CLUPs of the LGUs and the national policy guidelines relating to land use and environmental management to prevent or mitigate the adverse effects of inappropriate resource utilization on food security, the people's welfare, and their environment;

(ccc) *Premature or illegal conversion* refers to any activity that modifies or alters the physical characteristics of agricultural lands to render them suitable for nonagricultural purposes without an approved order of conversion from the Department of Agrarian Reform (DAR) Secretary;

(ddd) *Prime agricultural lands* refer to all contiguous irrigated areas and irrigable lands already covered by irrigation projects; all alluvial plain lands highly suitable for agriculture, whether irrigated or not, that have been identified to satisfy the country's needs for food self-sufficiency and security; agro-industrial croplands or lands presently planted and suitable to industrial and high value crops; highlands, or areas located at elevation of five hundred (500) meters or above and have the potential for growing semi-temperature and high value crops outside of declared permanent forestlands and protection forests and not located in ecologically-fragile and environmentally-critical areas;

(eee) *Production forest* refers to forestland located in production lands managed primarily for the production of timber and other tree products;

(fff) *Production land use* refers 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;

(ggg) *Protected areas* refer to portions of land and water set aside by reason of their unique physical and biological significance, managed to enhance biological

diversity, and protected against human exploitation. For purposes of this Act, these shall also include all natural forests and agricultural lands identified and delineated under this Act;

(hhh) *Protection forests* refer to forests and forestlands, in both public and private lands, that have been identified and determined by the State for the beneficial use of present and future generations and shall be preserved, conserved, protected and maintained as such free from any form of utilization, exploitation or development;

(iii) *Protection land use* refers to the use of land primarily reserved for rehabilitation, conservation, and protection purposes and the promotion of the country's ecological and life-support systems;

(jjj) *Public domain* refers to lands belonging to the State which may be classified as agricultural, forest or timber, mineral, or national park as provided for in the Constitution;

(kkk) *Reclassification of agricultural lands* refer to the act of specifying how agricultural lands shall be utilized for nonagricultural uses such as for residential, industrial, or commercial purposes, through the local planning and zoning processes, pursuant to the Local Government Code of 1991, and subject to the requirements and procedures for conversion;

(lll) *Resettlement sites* refer to areas identified by the appropriate national agency or by the LGU, 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);

(mmm) *Restoration* refers to returning forestland to its original forested state in terms of species' composition, structure, function and productivity;

(nnn) *Restoration zones* refer to forest areas where activities are conducted to restore its forested state;

(ooo) *River basin* refers to the horizontal projection of area from which a river and its tributaries receive surface water originating from precipitation;

(ppp) *Settlements* refer to communities or built-up environment areas where people prefer to live in;

(qqq) *Settlements development* refers 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;

(rrr) *Shoreline* refers to a strip of land covering at least one (1) kilometer from the point where seawater reaches during the highest high tide;

(sss) *Spatial data infrastructure* refers to a system consisting of spatial data, technology, policies, practices, relationships, people and resources necessary to acquire, process, store and distribute spatial information to improve sharing and use throughout all levels of the government and private sector, among others, which shall be operationalized through electronic system that provides access to a network of spatial data sources and users and shall serve as the official linkage of the government

1 to international and regional spatial data infrastructure;

2 (ttt) *Socialized housing* refers to housing programs and projects covering
3 homelots, houses and lots, or low-rise to medium-rise buildings, or high density
4 housing projects undertaken by the government or the private sector for the
5 underprivileged and homeless citizens which shall include sites and services
6 development, long-term financing, direct subsidy programs, liberalized terms on
7 interest payments, and such other benefits in accordance with the UDHA and Batas
8 Pambansa Blg. 220;

9 (uuu) *Socialized housing sites* refer to lands identified and designated by
10 LGUs as sites for socialized housing pursuant to Article IV of the UDHA and its
11 implementing guidelines;

12 (vvv) *Strategic Agriculture and Fisheries Development Zones (SAFDZs)* refer
13 to areas within the NPAAAD identified for production, agro-processing and
14 marketing activities to help develop and modernize, with the support of government,
15 the agriculture and fisheries sectors in an environmentally and socioculturally sound
16 manner;

17 (www) *Subclassification or reclassification of agricultural lands* refers to the
18 process undertaken by the LGUs of allocating declared agricultural lands in their
19 respective territorial jurisdictions to specific uses such as residential, industrial or
20 commercial purposes and may be used as a basis for application for land conversion
21 by the owners thereof;

22 (xxx) *Sustainable development* refers to the development objective of meeting
23 the needs of the present generation without compromising the ability of future
24 generations to meet their own needs consistent with the principles of social equity,
25 efficiency, and environmental integrity;

26 (yyy) *Sustainable traditional resource rights* refer to the rights of ICCs/IPs to
27 sustainably use, manage, protect and conserve: (1) land, air, water, and minerals; (2)
28 plants, animals and other organisms; (3) collecting, fishing and hunting grounds; (4)
29 sacred sites; and (5) other areas of economic, ceremonial and aesthetic value in
30 accordance with their indigenous knowledge, beliefs, systems and practices;

31 (zzz) *Tourism development areas* refer to specific sites for tourism
32 development located in areas identified as priorities in the national and regional
33 tourism master plans as well as those designated through legislative and executive
34 issuances as tourist spots and tourist zones which can be developed into tourism
35 estates or integrated resort, leisure, recreation complexes, and other tourism-related
36 facilities;

37 (aaaa) *Tourism ecozone* refers to tourism development areas, outside
38 protection lands, which have been granted Special Economic Zone status, through the
39 Philippine Export Zone Authority (PEZA) registration and issuance of the required
40 Presidential Proclamation, with its metes and bounds delineated by said Proclamation,
41 pursuant to Republic Act No. 7916 or the Special Economic Zone Act of 1995 (SEZA),
42 as amended;

43 (bbbb) *Tourism estates* refer to large tracts of land with well-defined boundaries
44 in any area, excluding those in protection lands, identified in the Philippine tourism

1 master plan and regional tourism master plan, by proclamation of the President of the
2 Philippines and/or by acts of Congress and/or by local legislation and declared suited
3 for the development of an integrated tourism and resort complex with prescribed
4 carrying capacities and limits for its facilities and activities;

5 (cccc) *Tourist spot* refers to a particular area/site/spot, man-made or natural,
6 known for its unique tourist/visitor-drawing attributes and activities and which may be
7 classified according to its social, cultural, natural, historical, aesthetic, visual, scientific,
8 religious, and recreational significance;

9 (dddd) *Tourist zone* refers to a geographic area with well-defined boundaries
10 proclaimed as such by the President of the Philippines and/or by acts of Congress. No
11 development projects for any purpose shall be initiated and introduced within the zone
12 prior to the formulation of a tourism master development plan which shall be
13 undertaken in coordination with the Department of Tourism (DOT) and the Tourism
14 Infrastructure and Enterprise Zone Authority (TIEZA). A tourist zone is established for
15 the enhancement and/or the conservation of cultural and historical heritage and for the
16 appreciation and enjoyment of the local population and its visitors;

17 (eeee) *Urban areas* refer to all cities regardless of their population density and
18 to municipalities with a population density of at least five hundred (500) persons per
19 square kilometer;

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

23 (gggg) *Urban forestry or green space* refers to the establishment or setting-up
24 of areas for mini-forests, ecoparks or small nature parks, in both public and private
25 lands: wetlands, man-made lagoons and lakes systems, riverbanks and shores,
26 grasslands, roof and rock gardens: lining roads and highways with trees, shrubs, or
27 ornamental plants, and ground landscaping of schools, hospitals, and other
28 government agencies in order to improve the environment in urban areas;

29 (hhhh) *Water security* refers to the sufficient access throughout the year to the
30 minimum daily requirement of clean water to maintain a healthy life;

31 (iii) *Water use* refers to the appropriation of water for domestic, municipal,
32 irrigation, power generation, inland fisheries, poultry and livestock, industrial and
33 commercial, environmental, and recreational use;

34 (jjjj) *Watershed* refers to a topographically delineated area of land from which
35 rainwater can drain as surface runoff vis-a-vis a specific stream or river system to a
36 common outlet point which may be a dam, irrigation system or urban water supply
37 take-off point, or where the stream discharges into a river, lake, or the sea;

38 (kkkk) *Zoning* refers to the regulatory tool for delineating the specific land uses
39 in accordance with the approved CLUP within the territorial jurisdiction of a
40 city/municipality and specifying the conditions for their regulation, subject to the
41 limitations imposed by law and competent authority; and

42 (lll) *Zoning ordinance* refers to a local law passed by the sangguniang bayan
43 or sangguniang panlungsod approving the development control/zoning plan in
44 accordance with an approved or adopted CLUP of the city/municipality, providing for

1 the regulations and other conditions on the land uses including the limitation on the
2 infrastructure that may be placed within the city's/municipality's territorial jurisdiction.
3 it incorporates the protected areas, protected agricultural lands and ancestral lands as
4 provided for in this Act.

5 6 CHAPTER II 7 FRAMEWORK FOR LAND USE PLANNING 8

9 **SECTION 5. *Basic Land Use Considerations.*** – Various land uses as
10 categorized in the succeeding section shall be determined in a manner that promotes
11 the policies and principles defined in Section 2 of this Act and shall consider the
12 following elements of the framework therefor, among others:

13 (a) Protection land use category as defined in Section 6 shall prevail over
14 existing production land use category. The State shall undertake the necessary action
15 in changing the classification of these production areas;

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

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

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

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

38 (f) Identification of geo-hazard prone areas and high risk/danger zones and
39 corresponding risk reduction measures to ensure the prioritization of life and safety:
40 *Provided, That* specifically identified and assessed as extremely hazardous and high-
41 risk/danger zones shall be similarly protected and cleared from all forms of human-
42 made obstacles, obstructions and instructions to ensure and secure public health and
43 safety;

(g) Respect for existing customary rights and traditional land uses of ICCs/IPs;

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

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

SECTION 6. Categories of Land Uses for Planning Purpose. – In determining and defining the national, regional and provincial framework plans, and CLUPs, land uses shall be grouped into four (4) major functional uses as follows:

(a) Protection Land Use refers 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, aid and protect people and human-made structures from the ill-effects of natural hazards.

Areas under this category are those covered by the NIPAS Act of 1992 and other coastal and marine protected areas; areas outside NIPAS, which include, but are not limited to:

(1) Natural and restored forests, which consist of:

- i. All existing areas within forestland containing primary and secondary forests of whatever types of species;
- ii. All existing areas within forestland containing secondary growth or residual forests of whatever type or specie;
- iii. Areas identified as KBAs;
- iv. Restoration areas;
- v. All mangrove forests;
- vi. All easement areas as defined by Presidential Decree No. 1067, otherwise known as the Water Code of the Philippines; and
- vii. All other areas that would be deemed appropriate for protection, as designated by the Department of Environment and Natural Resources (DENR), subject to the approval of the National Land Use Policy Council (NLUPC), created pursuant to Section 55 hereof;

(2) Rehabilitated and/or reforested degraded mining areas;

(3) Critical ecosystems for protection, such as:

- i. Coral reefs;
- ii. Marshes and wetlands;
- iii. Lakes and rivers;
- iv. Caves; and

- v. Waterfalls;
- (4) Disaster-prone areas that include areas subject to, or may be subject to:
- i. Recurrent flooding;
 - ii. Liquefaction;
 - iii. Tsunamis;
 - iv. Storm surges;
 - v. Polar vortex;
 - vi. Mass wasting;
 - vii. Volcanic eruption;
 - viii. Direct impact of seismic activity;
 - ix. Other disasters caused by climatic conditions; and
 - x. Other areas that pose a high degree of hazard to human occupation and activity;

(5) Critical watershed areas;

(6) Marine protected areas;

(7) All prime agricultural lands as defined under this Act;

(8) Ecologically-fragile and environmentally-critical areas whose conversion will result to serious environmental problems and threats to public health and safety;

(9) Natural and human-made areas/sites of cultural, historical and anthropological significance, which are declared as such by internationally-recognized institutions; and

(10) All other areas not included and declared as production areas shall become protection areas.

(b) Production Land Use refers to the most efficient, sustainable, and equitable utilization, development and management of land for productive purposes which are not classified for protection land use as defined in this section. Areas included in this category are agricultural lands, coastal and marine zones, production forests, mineral lands, energy resource lands, industrial and tourism development areas where productive activities could be undertaken to meet the country's requirements for economic growth and development. Production land use shall comprise of, but shall not be limited to:

(1) Other agricultural lands not identified as prime agricultural lands. They shall consist of, but shall not be limited to:

- i. Lands whose soils are suitable for agricultural development;
- ii. All alluvial plain lands that are suitable for agricultural production and/or can be devoted to food production;
- iii. All lands that are traditional sources of staple food;
- iv. All croplands required to attain a certain scale of production to sustain the economic viability of existing agro-based industries in the municipality, city or province; and
- v. All lands in areas not highly prone to natural hazards that are suitable for the production of tree crops and other cash crops;

(2) Coastal, inland water and marine zones, such as fishponds;

(3) Production forests, such as:

i. All areas within forestland not classified as protection forests under Section 6(a) and shall be devoted to the production of timber and/or non-forest products or the establishment of industrial tree plantations, tree farms, woodlots, agro-forestry, or as multiple-use forests;

ii. All areas within forestlands considered as rangelands for grazing purposes; and

iii. All areas within forestlands managed under the community-based forest management in areas not classified as protection forests;

(4) Rangelands for grazing;

(5) Industrial development areas; and

(6) Tourism development areas, including potential small islands for similar purposes.

(c) Settlements and Institutional Land Use refers to the use of urban and rural lands for settlements development purposes and/or improvement on existing settlements 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 settlements.

It shall also include lands identified for institutional uses such as educational, administrative, government, law enforcement, health care and social services. Settlements and institutional land uses aim to ensure for the present and future generation the: (1) 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 (2) 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 Land Use refers to the use of land dedicated to the provision of basic services that 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 includes, among others, subsectors like: road networks, transportation and communication facilities, social services, environmental service facilities, and utilities.

Provided, That the determination of the functional uses of lands within ancestral domains should be consistent with the land use categories provided for in this Act: *Provided, further*, That other subcategories of land uses in delineated ancestral domains may be formulated by the concerned ICCs/IPs themselves in accordance with their particular needs and traditional resource and management systems.

SECTION 7. Land Use Plans for Ancestral Domains. – Land use plans for ancestral domains shall be formulated by the ICCs/IPs themselves in accordance with

1 their particular needs and traditional resource and management systems with the
2 assistance of the National Commission on Indigenous Peoples (NCIP), the LGUs and
3 civil society organizations (CSOs) concerned. Such plans shall be recognized and
4 adopted in the barangay, city/municipal, provincial, regional and national physical
5 framework plans.

6 Physical framework plans made prior to the delineation of ancestral domains
7 included in such plans or ordinances shall, without prejudice to the rights of the
8 ICCs/IPs concerned, adopt different land use categories in accordance with their
9 particular needs and traditional resource and management systems.

10 In cases where there are no ADSDPPs, the LGU and the ICCs/IPs shall jointly
11 formulate the land use plan within the ancestral domain until such time that the
12 ICCs/IPs have formulated their ADSDPPs.

13 **SECTION 8. *Adoption of Multiple Uses of Land.*** – The primary and
14 alternative uses of a specific land resource shall be determined and evaluated by the
15 respective local land use boards prior to any decision for the assignment of its use.
16 Areas feasible for sustainable land resource use may be considered multiple-use
17 zones wherein settlements, tourism, agriculture, agro-forestry and extraction activities
18 and other income-generating or livelihood activities may be allowed except areas
19 under protection land use: *Provided*, That multiple uses of land resources shall be in
20 accordance with priorities in land use allocation identified in the approved physical
21 framework and land use plans wherein such multiple uses are compatible with the
22 original land use and planning, and that no reclassification shall be allowed: *Provided*,
23 *further*, That, where there are vested rights, titles, and claims prior to the enactment
24 of this Act over the areas feasible for sustainable land resource use, the same shall
25 be respected.

26
27 **CHAPTER III**
28 **SPECIAL AREAS OF CONCERN**
29 **ARTICLE 1**
30 **LAND USE CLASSIFICATION**
31

32 **SECTION 9. *Review of Land Use Classification.*** – The NLUPC shall review
33 and assess the current land use classification system and definitions used in the
34 country to ensure that it reflects the actual use of lands in the country.

35 The Land Management Bureau (LMB) shall provide the necessary technical
36 information and conduct the needed assessment of the status of the existing land use
37 classification and shall submit an assessment report to the NLUPC not later than
38 ninety (90) days from the establishment of the latter.

39 **SECTION 10. *Consideration of Assessment Report.*** – Upon validation and
40 affirmation by local land use boards, the land use classification assessment report
41 submitted by the LMB shall be taken into consideration by the NLUPC in the
42 formulation of its planning guidelines.

43
44 **ARTICLE 2**

NIPAS AREAS

SECTION 11. *Integrated Management Strategy.* – For more effective planning, management, and protection of protected areas at the provincial and municipal/city levels, the Protected Area Management Plan (PAMP) referred to in the NIPAS Law shall be incorporated in the Provincial Physical Framework Plan (PPFP) and CLUPs, if applicable, wherein protected area zoning shall be reflected.

ARTICLE 3 AGRICULTURAL LANDS

SECTION 12. *Priority Areas for Agricultural Development.* – Priority areas for agricultural development are the areas distributed under agrarian reform, areas that can be covered by the Comprehensive Agrarian Reform Program (CARP), and the NPAAAD. The mapping of the NPAAAD under the Agriculture and Fisheries Modernization Act (AFMA) shall be completed not later than one (1) year from the effectivity of this Act.

SECTION 13. *Conversion of Agricultural Lands.* – All lands considered and identified as prime agricultural lands shall be maintained, managed and protected for agricultural use and shall not be subjected to any form of conversion or reclassification.

All other agricultural lands not identified as prime agricultural lands can only be converted to nonagricultural uses upon issuance of a DAR conversion order: *Provided*, That such conversion shall not drastically change the nature of the overall land uses in the surrounding and adjacent areas from its existing land use: *Provided, further*, That consistent with the State policy on giving priority to the completion of the CARP, those lands covered under compulsory acquisition/voluntary offer to sell, production or profit-sharing subject to CARP shall also be protected from conversion pending the distribution and/or installation of the farmer beneficiaries: *Provided, finally*, That pending the completion of mapping activities of the specific areas under the NPAAAD and the SAFDZs under the AFMA and their incorporation in the National Physical Framework Plan (NPFP), the application for conversion of these areas shall not be given due course by the appropriate government agency.

ARTICLE 4 ANCESTRAL DOMAIN

SECTION 14. *Priority Areas for Agricultural Development within Ancestral Domain.* – Agricultural lands within ancestral domain shall be developed in accordance with their ADSDPP.

SECTION 15. *Respect for Ancestral Domains.* – The Ancestral Domain Management Plan (ADMP) or ADSDPP shall be adopted in the CLUP and/or other plans that the LGU is mandated to produce. The extent of the ancestral domains shall be reflected in the land use plan, and shall be zoned as such in the zoning ordinance. It shall be co-managed by the LGU and IP community. Additionally, the ADSDPP shall

1 be included in the investment plans of the LGU.

2 **SECTION 16. *Ancestral Domain Policy Adoption.*** – Ancestral domain
3 policies shall be adopted in the LGU's land use policy framework. However, in the
4 event that the ADMP/ADSDPP is still in the formulation stage or remains to be
5 formulated, the right to self-determination and traditional resource and management
6 systems and processes shall be upheld at all times as provided for by the IPRA of
7 1997.

8 9 **ARTICLE 5**

10 **FORESTLANDS AND RESERVATION OF WATERSHED**

11
12 **SECTION 17. *Permanent Forestlands.*** – All forestlands are classified as forest
13 or timberlands. Titles, settlements, permits, leases, and/or agreements within critical
14 habitats, critical watershed areas, protected areas and KBAs shall be reviewed, and
15 their legality affirmed. All erroneous titles, settlements, permits, leases, and/or
16 agreements within permanent forestlands shall be cancelled or revoked in due course.
17 Noncompliance with and violations of these instruments shall be grounds for their
18 cancellation or revocation: *Provided*, That the applicable provisions of the IPRA of
19 1997 shall be respected.

20 Upon recommendation by the LGU, or the Forest Board, the DENR Secretary
21 shall revoke the abovementioned instruments.

22 **SECTION 18. *Additional Areas to be Included as Permanent Forestlands.*** –
23 The following lands are needed for environmental protection and forestry purposes
24 and shall not be reclassified as agricultural lands or for any other land use:

25 (a) Isolated patches of forest, regardless of size and/or area, with rocky terrain
26 or which protect a spring/water source for communal use;

27 (b) All mangroves and swamplands including twenty (20)-meter wide strips
28 facing oceans, lakes and other bodies of water not yet classified as alienable and
29 disposable lands;

30 (c) Ridge tops and plateaus regardless of size found within or surrounded wholly
31 or partially by forestlands where headwaters emanate;

32 (d) Twenty (20)-meter wide strips of land from the edge of the normal high
33 waterline of rivers and streams with channels of at least five (5) meters width which
34 are not yet classified as alienable and disposable;

35 (e) Areas needed for public interest such as research or experimental purposes;
36 and

37 (f) Areas considered as environmentally-critical because of their vulnerability to
38 damage from landslides, volcanic eruptions, and other natural causes.

39 **SECTION 19. *Reversion of Alienable and Disposable Lands to***
40 ***Forestlands.*** – Upon the recommendation of the DENR Secretary, duly reviewed and
41 endorsed by the NLUPC, and after due consultations with the concerned LGUs and
42 the affected parties, Congress may authorize the reversion of alienable and disposable
43 lands of the public domain or portion thereof to forestlands.

1 **SECTION 20. Critical Watershed Areas.** – The DENR, in coordination with the
2 DA, the LGUs concerned, and other government agencies, including government-
3 owned and -controlled corporations, and after mandatory public
4 hearings/consultations, shall identify and delineate critical watershed areas that need
5 to be protected, rehabilitated, enhanced, and/or withdrawn from uses that contribute
6 to their further degradation.

7 **SECTION 21. Formulation and Implementation of Integrated Watershed**
8 **Management Plans.** – With the assistance of the DENR and upon mandatory
9 consultations with the concerned sectors and communities, the LGUs, through their
10 local land use boards, shall prepare their watershed management plans which shall
11 be integrated into their respective CLUPs. The formulation and integration of the plan
12 shall be guided, among others, by the principle of the management and development
13 of inland water resources at the watershed level and shall be consistent with the
14 National Forestry Master Plan (NFMP).

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

18 **SECTION 22. Establishment and Management of National Parks.** – All areas
19 proclaimed by the President of the Philippines and Congress to be under the NIPAS,
20 unless disestablished, including those identified initial components of the NIPAS as
21 KBAs shall comprise the national parks classification of the public domain. The DENR
22 and the LGUs concerned shall ensure that such areas are integrated in the CLUP and
23 physical framework plans: *Provided, however,* That the preparation of management
24 plans of protected areas/national parks shall be in accordance with the provisions of
25 the NIPAS Act and other laws establishing or declaring specific areas as protection
26 areas.

27 **SECTION 23. Establishment of Restoration Zones.** – Restoration areas shall
28 be designated in the management plan as such. Designation of restoration zones is
29 compulsory in all forest management plans and for all LGUs.

31 **ARTICLE 6** 32 **COASTAL ZONES**

33
34 **SECTION 24. Criteria for the Allocation and Utilization of Lands within the**
35 **Coastal Zones.** – The allocation and utilization of lands within the coastal zones shall
36 be subject to the following guidelines:

37 (a) Areas vegetated with mangrove species shall be protected, preserved and
38 managed as mangrove forestland and shall not be converted to other uses;

39 (b) Areas that meet all accepted criteria on elevation, soil type, soil depth
40 topography, supply for successful fishpond development, and are not identified as
41 mangrove protected areas shall be utilized for aquaculture purposes as long as a 4:1
42 ratio for mangroves and fishponds is maintained to support ecological processes in
43 mangrove ecosystems;

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

5 (d) Areas accessible to the sea and identified for fisherfolk settlement and
6 housing but are not part of or are not within any protected land use areas shall be
7 allocated to traditional fisherfolk who are inhabitants of the coastal communities and/or
8 members of registered fisherfolk organizations and/or holders of stewardship lease
9 contracts or titles to ancestral domains or any form of property right arrangements who
10 participate in coastal resource management initiatives, subject to the usual census
11 procedures of the Housing and Urban Development Coordinating Council (HUDCC);
12 *Provided*, That the government shall issue marine tenurial rights to organizations
13 concerned based on a criteria to be established by the NLUPC;

14 (e) Areas that are neither subclassified as mangrove, fisherfolk settlement nor
15 fishpond may be devoted to recreational or tourism purposes: *Provided*, That such
16 undertaking will not result in environmental degradation and displacement of small
17 fisherfolks;

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

20 (g) Areas shall be allocated for small infrastructure needed by municipal
21 fisherfolk and for fishing gear, boats, and post-harvest facilities; and

22 (h) Areas which form part of foreshore lands as defined in this Act, including
23 those under lease agreements or arrangements, shall undergo zoning and evaluation
24 so their boundaries, actual sizes and corresponding uses can be determined while
25 ensuring that mangrove protection or restoration zones are considered to keep the
26 required 4:1 ratio between mangroves and fishponds.

27 **SECTION 25. Coastal Land Zone Subclassification.** – All public lands in the
28 coastal zones shall be subclassified into any of the following: fishponds, mangroves,
29 protection from tidal surge for preservation of biodiversity, habitats and sanctuaries for
30 endangered wildlife, fisherfolk settlement, or recreational/tourism areas.

31 No subclassification of coastal zones to different uses shall be done without the
32 following:

33 (a) Conduct of a comprehensive inventory and resource and environmental
34 assessment by the DENR with respective LGUs and accredited nongovernment
35 organizations/peoples organizations (NGOs/POs) within their jurisdiction. The result
36 of such assessment along with a list of all existing applications and expired foreshore
37 lease agreements shall be posted in three (3) conspicuous places in the affected
38 localities; and

39 (b) Prior consultation with local Fisheries and Aquatic Resource Management
40 Councils (FARMCS) formed pursuant to Republic Act No. 8550 or the Fisheries Code.

41 **SECTION 26. Zoning of Coastal Areas.** – LGUs, in coordination with the
42 DENR, the FARMCS, local fisherfolk organizations and other concerned stakeholders
43 such as women and youth, shall prepare the Coastal Zoning Resource Management
44 Plan (CZRMP) which shall be incorporated in the CLUP. Management zones defined

1 in the CZRMP should be reflected in the CLUP and the subsequent zoning ordinance
2 (ZO).

3 **SECTION 27. *Tourism and Recreation Zone.*** – The designation of areas for
4 tourism and resorts near to or over fishery areas or ports thereof shall be with the
5 consent of the concerned LGUs and FARMCs, and subject to the policies and
6 guidelines set forth in this Act.

7 **SECTION 28. *Protection of Waterways, Easements and Flood Plains.*** –
8 Structures of any kind shall not be built in waterways and easements. Pursuant to
9 Presidential Decree No. 1067 or the Water Code of the Philippines, the banks of rivers
10 and streams and the shores of the seas and lakes throughout their entire length and
11 within a zone of three (3) meters in urban areas, twenty (20) meters in agricultural
12 areas and forty (40) meters in forest areas, along their margins, are subject to the
13 easement of public use only in the interest of recreation, navigation, floatage, fishing
14 and salvage.

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

23 To promote the best interest and the coordinated protection of flood plains, the
24 Department of Public Works and Highways (DPWH), in coordination with the
25 Department of Science and Technology (DOST) and the DENR, shall declare flood
26 control areas, as necessary, and shall prohibit or control activities that could damage
27 or cause deterioration of lakes and dikes, obstruct the flow of water, change the natural
28 flow of rivers, increase flood losses or aggravate flood problems pursuant to the Water
29 Code of the Philippines.

30 **SECTION 29. *Disposition of Public Lands for Fishponds.*** – Upon the
31 effectivity of this Act, but subject to existing rights and the preceding section, no
32 Fishpond Lease Agreement (FLA) shall be issued for tidal swamps, mangroves and
33 oilier swamps, marshes, ponds, foreshore lands, and coastal areas within public lands,
34 including those presently declared available for fishpond development. The Land Use
35 Policy Council (LUPC), in coordination with the DENR, the DA, the FARMCs and the
36 LGUs, shall set aside a portion of available public lands for fish propagation, fish
37 sanctuary, conservation, ecological purposes and fisherfolk settlement areas.
38 Fishponds covered by existing FLAs, but are abandoned or are not operating
39 efficiently and are found suitable for mangroves, shall be reforested with mangroves.

40 **SECTION 30. *Immediate Restoration of Converted Mangrove Areas.*** – The
41 DENR, in coordination with the FARMCs and other concerned agencies, shall
42 immediately take steps in the restoration of all abandoned, undeveloped and
43 underutilized fishponds to their original state as mangrove forests.
44

**ARTICLE 7
MINERAL LANDS**

SECTION 31. *Policies on Mineral Lands.* – Land use policies for mineral lands shall be geared towards the rational, ecologically sound, and sustainable use of mineral resources which shall promote economic growth for the local economy and uphold the human rights of IPs and local communities in the affected areas.

SECTION 32. *Criteria for the Utilization and Allocation of Land for Mining Purposes.* – The allocation and utilization of lands for mining purposes shall be guided by the following:

- (a) The principles of sustainable development;
- (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 nonoperational for more than ten (10) years, as determined by the Mines and Geosciences Bureau (MGB), shall be placed under appropriate surface management by the DENR; and
- (d) Ancestral domains declared as protected by virtue of their ADSDPP as well as all watershed areas shall be closed to mining.

SECTION 33. *Reversion of Mineral Lands.* – All mineral lands with exhausted mineral resources, as determined by the MGB, shall automatically revert to their original land classification, that is, as forestland or agricultural land. The concerned mining companies shall bear the full cost of rehabilitation of these areas.

**ARTICLE 8
ENERGY RESOURCES**

SECTION 34. *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 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 creating a National Energy Resource Inventory and Database as well as an 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 that adequate and appropriate environmental management measures and optimum methods for resource access and recovery are used;

(c) Protected areas defined in Section 6 shall be closed to any kind of energy resource development;

(d) 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 reclassified to other land uses, subject to existing laws covering energy reservations; and

(e) Renewable energy shall be preferred over other energy resource.

SECTION 35. Reversion of Energy Resource Lands. – All exhausted indigenous energy resource lands, as determined by the Department of Energy (DOE), which are not covered by proclamations shall automatically revert to the category of forestlands or agricultural lands open to disposition, whichever is appropriate, unless the DENR shall classify such areas for other purposes. 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.

ARTICLE 9 SETTLEMENTS DEVELOPMENT

SECTION 36. Municipalities, Cities, and Settlements Development. – The development of municipalities, cities, and settlements through the CLUP and implemented by the ZOs of cities and municipalities shall be guided by urban zoning standards designed to maximize existing urban spaces, taking into account studies of pertinent government agencies on climate change.

SECTION 37. Settlements within Geo-hazard Areas and/or High Risk/Danger Zones. – Settlements within geo-hazard areas and/or high risk/danger zones shall not be allowed. In cases where there are existing settlements within geo-hazard areas and/or high risk/danger zones, the concerned government agencies shall provide assistance to concerned LGUs and settlers in instituting safety and corrective measures to address the potential danger or risk.

SECTION 38. Designation of Waste and Environment Management Site. – Each city or municipality shall identify and designate an area to serve as waste and environment management, waste disposal, and facilities within one (1) year from the effectivity of this Act. The LGUs, in coordination with the DENR or any other competent authority, shall identify sanitary landfill in order to fast-track the conduct of the Environment Impact Assessment (EIA) study and to facilitate the processing of the ECC. The site or area shall be identified in the city's or municipality's CLUP. For this purpose, cities and municipalities shall establish their solid waste management program, pursuant to Republic Act No. 9003, otherwise known as the "Ecological Solid Waste Management Act of 2000". Likewise, as provided under Section 33 of the Local Government Code of 1991, cities and municipalities may, through appropriate ordinances, bind themselves towards the establishment of a common solid waste management program.

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

5 **SECTION 39. Designation and Zoning of Socialized Housing Sites.** – Each
6 city or municipality in urban, urbanizable and rural areas shall designate through the
7 CLUP adequate lands for housing or residential purposes, including socialized
8 housing and resettlement areas, for the immediate and future needs of the local
9 population as well as the underprivileged and homeless in their territory, pursuant to
10 existing laws and regulations. In order to ensure adequate availability of land for the
11 housing needs of the local population, the CLUP may be revised at the minimum of
12 ten (10) years, and reviewable not earlier than every five (5) years.

13 The designated sites for socialized housing shall be located in residential zones,
14 and shall be zoned as socialized housing zones that are integrated in the city's or
15 municipality's ZO, duly approved by the NLUPC, pursuant to existing laws and
16 regulations. Preference shall be given to lands proximate to public transportation
17 facilities which may include *inter alia* railways and public terminals.

18 The location of resettlement areas may either be on-site or off-site and may be
19 within the city or municipality: *Provided*, That designated settlement and socialized
20 housing areas shall consider the proximity and accessibility of the affected community
21 to employment, economic activities and social services.

22 Within ninety (90) days from the effectivity of this Act, the NLUPC, in coordination
23 with concerned agencies, pursuant to *HUDCC Resolution No. 521, series of 1992*;
24 *Executive Order No. 124, series of 1993*; and other pertinent guidelines on the matter,
25 shall promulgate the necessary guidelines for the identification and designation of
26 socialized housing sites. All cities and municipalities in urban and urbanizing areas
27 shall identify and designate their socialized housing sites within one (1) year from the
28 effectivity of this Act and must submit the list of these sites and their respective areas
29 to the HUDCC. These sites shall be used exclusively for socialized housing as defined
30 in the UDHA.

31 **SECTION 40. Zoning of Identified Sites for Socialized Housing.** – The
32 identified sites for socialized housing shall be located in residential zones identified by
33 the city's or municipality's CLUP and ZO duly approved by the NLUPC. However, for
34 cities and municipalities where the identified sites are not within the said residential
35 zones, the location shall be within the priority sites and conform with the suitability
36 criteria as defined in Sections 6.3 and 6.4 of the Guidelines in *HUDCC Resolution No.*
37 *521, series of 1992, or as may be defined in subsequent issuances.* The identified
38 sites shall be zoned as socialized housing zones as defined herein.

39 The current ZO of LGUs shall be reviewed and revised such that the socialized
40 housing component shall be integrated thereto.

41 **SECTION 41. Valuation of Lands for Socialized Housing.** – Equitable land
42 valuation guidelines for socialized housing shall be set by the Department of Finance
43 (DOF) on the basis of the market value reflected in the zonal valuation or, in its
44 absence, on the latest real property tax declaration. For sites already occupied by

1 qualified beneficiaries under the UDHA, and sites identified as socialized housing
2 zones as defined in this Act, the DOF shall factor into the valuation, the blighted status
3 of the land as certified by the LGU or the National Housing Authority (NHA).

4 **SECTION 42. Guidelines for Identification of Settlement Sites.** – In
5 identifying settlement areas, prospective sites should be:

6 (a) Within alienable and disposable lands but not in environmentally-critical,
7 geo-hazard or other protection areas;

8 (b) Along established urban growth directions;

9 (c) With provisions for or can be provided with basic services and utilities;

10 (d) Within the 0-8% slope range; and

11 (e) Accessible from existing built-up areas and other employment centers
12 through existing or proposed roads and other transportation facilities.

13 **SECTION 43. Urban Forest or Green Space.** – Each city or highly-urbanizing
14 municipality shall identify, designate, and allocate lands owned by the city or
15 municipality as urban forest or green space, based on the guidelines and standards to
16 be issued by the DENR and approved by the NLUPC.

17 **SECTION 44. Protection of Ecological Harmony.** – To ensure the ecological
18 harmony of towns, cities and settlements, certain projects that can alter the present
19 use of a zoned area shall not be issued a building permit, business permit, and/or
20 development permit. The identification of these projects shall be done in coordination
21 with the LGU concerned. All LGUs shall be required to designate restoration areas in
22 their forestland use plans.

23 24 **ARTICLE 10**

25 **INDUSTRIAL DEVELOPMENT AREAS/SITES**

26
27 **SECTION 45. Criteria for Designating Industrial Development Areas.** – The
28 identification and establishment of industrial development areas shall conform to the
29 provisions of the SEZA, the Comprehensive Agrarian Reform Law (CARL), the IPRA,
30 the UDHA, the Fisheries Code and the AFMA, taking into consideration the following:

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

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

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

36 (d) NIPAS and non-NIPAS areas such as, but not limited to, KBAs and
37 restored areas that require protection;

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

39 (f) Identified socialized housing zones; and

40 (g) National Framework for Physical Planning and other existing national
41 programs and policies.

42 The designated industrial development areas shall be located only in production
43 land use areas and shall become an integral part of the land use plan and ZO of the
44 city or municipality where these areas are located. The laws on CARP Extension with

Reforms (CARPER), the IPRA, the UDHA, the Fisheries Code, the AFMA and the Local Government Code shall apply to all special economic zones and freeports.

ARTICLE 11

TOURISM DEVELOPMENT AREAS

SECTION 46. *Designating Tourism Development Areas.* – The identification, selection, and development of tourism development areas, and Tourism Enterprise Zones (TEZs) shall be done in consultation and coordination with the concerned LGUs, TIEZA, DOT, and other concerned national government agencies, the private sector and the affected communities, subject to the provisions of Republic Act No. 9593 or the Tourism Act of 2009. Tourism development areas shall likewise include those covered by legislative and executive issuances such as tourist spots, tourist zones and tourism ecozones which can be developed into tourism estates or integrated resort, leisure and recreation complexes and other tourism-related facilities as well as those identified in the national, regional, and area-specific tourism master plans and other sector plans, such as ecotourism and agri-tourism sites: *Provided,* That such sites designated for tourism development are outside of areas identified for protection land use. As much as practicable, community-based tourism shall be the principal mode of tourist spot operation. The laws on CARPER, IPRA, UDHA, the Fisheries Code, AFMA, the Local Government Code and National Ecotourism Strategy shall likewise apply to all tourist zones and tourist development areas.

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

SECTION 47. *Identification and Preservation of Cultural Heritage.* – In accordance with Republic Act No. 10066 or the National Cultural Heritage Act of 2009, the National Historical Commission of the Philippines (NHCP), the National Museum (NM), and the National Commission for Culture and the Arts (NCCA), in coordination with other concerned agencies, local communities, and the private sector, shall identify and declare areas and structures which shall be protected and preserved as part of Philippine cultural heritage.

The NHCP and the NM, in consultation with the NCCA and the Housing and Land Use Regulatory Board (HLURB), shall designate heritage zones to protect the historical and cultural integrity of a geographical area that is significant to national history.

The LGUs, in consultation with the NHCP, the NM, and the NCCA, shall designate heritage zones to protect the historical and cultural integrity of geographical areas and cultural spaces of intangible cultural properties, which are significant to a city or municipality and the community.

ARTICLE 12

INFRASTRUCTURE DEVELOPMENT

SECTION 48. 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 National Economic and Development Authority (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 under an overall national strategic infrastructure development plan subject to the provisions of this Act, AFMA and IPRA: *Provided*, That such national strategic infrastructure development plan shall be consistent and integrated in the objectives and directions of the NPFP.

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 and regional economy with priority to improving production-market integration, inter-modal transport, conveyance and logistics linkages, rural infrastructure and the development of the agriculture and fisheries sectors;

(b) Upgrade existing facilities to international public safety standards;

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

(d) Mitigate the destructive effects of natural disaster-causing phenomena or those that shall serve as alternatives to existing infrastructure found in natural hazard-prone areas.

Provided, That the provision and implementation of infrastructure support shall be made compatible with existing environmental conditions and the physical, whether natural or human-made, and cultural character of the area. Mandatory public 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 as a last resort, notwithstanding the provisions of Republic Act No. 8975, prohibiting lower courts from issuing temporary restraining orders, preliminary injunctions, or preliminary mandatory injunctions, and that the proponent shall follow provisions of the IPRA, particularly those pertaining to the rights of ICCs/IPs in case of displacement:

Provided, finally, That national government infrastructure projects shall provide budgetary allocations for the adequate relocation of displaced communities.

SECTION 49. 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 and implemented to address the potential adverse economic, sociocultural, and environmental impacts that will emanate from these infrastructure projects, subject to the findings and recommendations of a feasibility study/EIA in accordance with Presidential Decree No. 1586 (EIS System) and Republic Act No. 4846 or the Cultural Properties Preservation and Protection Act.

Existing projects that were undertaken without the required EIA and which pose a threat to the environment, or to the integrity of historic, archaeological, or scientifically significant areas, or impinge on critical ecosystems, may be terminated immediately, or gradually phased-out and relocated, or maintained up to their life span, subject, however, to mitigating measures: *Provided*, That the rules on mandatory public hearings/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 IV PHYSICAL FRAMEWORK AND LAND USE PLAN

SECTION 50. *National Land Use Planning Process.* – The physical framework and land use planning process shall be participatory, following a combined bottom-up and top-down approach, with mandatory public hearings/consultations conducted at all levels, and shall consider available and updated multidisciplinary scientific information of land uses.

A set of national policy guidelines and standards for physical planning shall be formulated by the NLUPC. These shall guide the preparation and formulation of the national, regional and provincial physical framework plans.

These standards shall give due consideration to conflicting uses and areas being used, declared or designated for agrarian reform, protected areas, coastal resource management and/or ancestral domains.

The NPFP shall define the national strategy and objectives of the country's urban, rural and regional development. It shall guide the rational distribution of population, access to economic opportunities and social services, sustainable utilization of resources, and maintenance of environmental integrity.

Furthermore, it shall consider the existing regional physical framework plans (RPFPs) and PPFPs.

The RPFPs, the PPFPs and the CLUPs, which cover the physical development of their respective territories, shall be consistent with the NPFP: *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 NPFPs, RPFPs, PPFPs and CLUPs.

The physical framework and land use plans prepared at all levels shall be consistent with each other, specifically on the linkages of the major land use categories to ensure their complementation in the utilization, development and management of resources.

The period of coverage of the national, regional and provincial framework plans shall be thirty (30) years with regular review and updating every ten (10) years.

SECTION 51. *National Physical Framework Plan.* – The NPFP shall guide the planning and management of the country's land and other physical resources at the national and subnational levels, and indicate broad spatial directions and policy guidelines on protection land use, production land use, settlement development and

1 infrastructure development. The NPFP shall be the basis for adopting the land use
2 and physical planning-related guidelines, including zoning and other land use control
3 standards that will guide the formulation of city/municipal ZOs.

4 The NLUPC, in consultation with concerned sectors and communities, shall
5 update the NPFP after such period that objectives and goals set by the NPFP have
6 been substantially achieved. It shall also formulate and issue the appropriate planning
7 guidelines and standards through which all physical planning, land use and
8 management of resources shall be reviewed, prepared, formulated and monitored.

9 The resulting land use plan/physical framework shall be the basis for the
10 identification, formulation and development of national and local development plans,
11 programs, projects and activities of the government at all levels.

12 **SECTION 52. *Regional Physical Framework Plan.*** – The RPFP shall provide
13 broad spatial directions and policy guidelines on protection land use, production land
14 use, settlement development, and infrastructure development at the regional level and
15 guide the formulation of the PPFPs. The RPFP shall consider the existing PPFPs and
16 the CLUPs of LGUs within the territorial jurisdiction of the region.

17 The Regional Land Use Policy Council (RLUPC), created under Section 59 of
18 this Act, shall formulate and periodically update the RPFP based on the guidelines
19 issued by the NLUPC, in a manner consistent with and following the objectives of the
20 NPFP. Likewise, the Medium-Term Regional Development Plan (MTRDP) and the
21 Medium-Term Regional Development Investment Program (MTRDIP) shall be guided
22 by and made consistent with the objectives identified in the RPFP.

23 **SECTION 53. *Provincial Physical Framework Plan.*** – The PPFP shall
24 determine the physical development of the entire provincial territory, consolidate and
25 harmonize the comprehensive land use plans of component cities and municipalities,
26 consistent with the RPFP. It shall reflect the indicative land use management and
27 physical development direction of the province.

28 Further, the PPFP shall serve as basis for other sectoral and development plans
29 related to land, natural resources, and infrastructure facilities, including the
30 development plan of the province; reconciliation and rationalization of land use
31 proposals among component cities and municipalities and with the higher level
32 framework plan; guiding development agencies and private developers, particularly
33 those that undertake large-scale projects; and providing a basis for resolving conflicts
34 arising from the implementation of land use plans and development projects involving
35 two (2) or more municipalities.

36 The PPFP shall serve as the basis for the preparation of the Provincial
37 Development Plan (PDP) and Provincial Development Investment Program (PDIP).
38 The PPFP, PDP, PDIP and/or Provincial Physical Framework and Development Plan
39 (PPFDP) shall serve as the basis for the formulation of sectoral action plans of national
40 government agencies in the province and all LGUs within its jurisdiction. The province
41 may opt to prepare their PDP alongside the preparation of the PPFP and consolidate
42 them into a PPFDP: *Provided, That* PPFDP shall remain consistent with the PPFP;
43 *Provided, further, That* any review or changes in the PPFP shall coincide with the
44 overall review process of the NPFP.

1 The Provincial Land Use Planning and Management Board (PLUPMB), created
2 under this Act, shall ensure that the PPFP is consistent with the national and regional
3 planning framework and guidelines issued by the NLUPC/RLUPC. The PPFP shall be
4 presented to the Provincial Development Council (PDC) for endorsement to the
5 sangguniang panlalawigan, who shall formally adopt and approve the PPFP. The
6 approved PPFP shall be submitted to the RLUPC for consolidation and integration into
7 the RPFP.

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

12 **SECTION. 54. City and Municipal Land Use Plans.** – All barangays shall
13 provide their sectoral, temporal and spatial data for the CLUP which shall serve as the
14 foundation for the formulation of the city/municipal CLUPs. The data shall be provided
15 by the sangguniang pambarangay through stakeholder consultations. The CLUP shall
16 determine the specific uses of land and other physical and natural resources, both
17 private and public, within their territorial jurisdiction including areas co-managed with
18 the national government and, as appropriate, management plans for ancestral
19 domains, critical watersheds, river basins, and protected areas.

20 The CLUP shall delineate actual boundaries on the ground within the territorial
21 jurisdiction, embody the desired land use patterns of the barangay, city or municipality,
22 translate and integrate sectoral plans, and provide appropriate policies for each of the
23 four (4) land use planning categories. The spatial directions prescribed in the CLUP
24 shall serve as the basis for the preparation and formulation of the Comprehensive
25 Development Plan (CDP) and the Local Development Investment Programs (LDIP) of
26 the LGUs.

27 Consistent with the national standards and guidelines prescribed in Section 50,
28 the cities and municipalities shall, in consultation with the concerned sectors, prepare
29 their respective CLUPs. The City/Municipal Land Use Planning and Management
30 Board (C/MLUPB), created under this Act, shall be responsible for the preparation and
31 formulation of the CLUP and ensure its consistency with national and regional physical
32 planning guidelines and standards. Under the general supervision of the respective
33 C/MLUPB, the City/Municipal Planning and Development Office/Coordinator
34 (C/MPDO/PDC) shall provide technical, secretariat and administrative support in the
35 preparation, consultation, integration and formulation process of the respective CLUPs
36 of each city or municipality.

37 The CLUPs shall be submitted by the city/municipal local development councils
38 (LDC) for adoption and approval of the sangguniang bayan. The approved CLUPs
39 shall be submitted to the province for integration into the PPFP.

40 **CHAPTER V**

42 **IMPLEMENTING STRUCTURE AND MECHANISM**

SECTION 55. *Creation of the NLUPC.* – The National Land Use Committee (NLUC) under the NEDA Board (NB) is hereby abolished and, in its stead, the NLUPC shall be created. It shall exercise the powers and responsibilities identified under this Act and assume the functions of the NEDA Board-National Land Use Committee (NB-NLUC). It shall further exercise the powers and functions pertaining to land use planning vested by law to the HLURB, except the following:

(a) Formulate land use planning guidelines in the preparation of the CLUPs and ZOs of LGUs to ensure compliance with the national policies, objectives, priorities and directions set by the NLUPC;

(b) Provide technical and other forms of planning assistance to, including capacity building for, LGUs and zoning boards; and

(c) Act as the appellate body on decisions of local zoning bodies on locational clearance applications and/or oppositions thereto and other zoning issues involving private rights.

The NLUPC shall act as the highest policy-making body on land use and shall 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.

SECTION 56. *Composition of the NLUPC.* – The NLUPC shall be headed by the Secretary of the NEDA as Chairperson. It shall choose a Vice Chairperson from among the members of the Council, who shall assume the functions of the Chairperson in case of absence. The NLUPC shall meet at least once every quarter.

The members of the Council shall be the following:

(a) The Secretary of the Department of Agrarian Reform (DAR);

(b) The Secretary of the Department of Agriculture (DA);

(c) The Secretary of the Department of Environment and Natural Resources (DENR);

(d) The Secretary of the Department of the Interior and Local Government (DILG);

(e) The Chairperson of the National Commission on Indigenous Peoples (NCIP);

(f) The Chairperson of the Housing and Urban Development Coordinating Council (HUDCC);

(g) The Chief Executive Officer of the Housing and Land Use Regulatory Board (HLURB);

(h) The Administrator of the National Mapping and Resource Information Authority (NAMRIA);

(i) President of the League of Cities of the Philippines (LCP);

(j) President of the League of Municipalities of the Philippines (LMP);

(k) Two (2) representatives 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 respective National Anti-Poverty Commission (NAPC) sectoral councils. Of the eight (8) sectoral representatives, at least four (4) shall be women: *Provided, That* one of whom shall be from the Moro sector;

(l) Four (4) representatives from the developers' associations; the accredited associations of professionals dealing with land use such as, but not limited to, urban and regional planners, environmental planners, architects, geologists and geodetic engineers; the business or private sectors; and

(m) The Head of the NLUPC Secretariat shall be a nonvoting *ex officio* member.

Cabinet Secretaries who are members of the Council may designate their duly authorized and permanent representatives whose ranks shall in no case be lower than Undersecretary.

SECTION 57. Powers and Functions of the NLUPC. – The NLUPC shall have the following powers and functions:

(a) Guide the determination and identification of the country's strategic land use development and physical planning objectives, priorities and direction, as well as recommend the adoption, passage, or amendment of laws to ensure that plans, programs, projects, and activities, including local government initiatives affecting land use are consistent with national development objectives;

(b) Formulate the necessary national policy guidelines in the preparation of the country's physical framework plans, including the setting of limits/target key land uses needed for protection, production, settlements and infrastructure for present and future needs;

(c) Ensure that policies, guidelines and standards on land use and physical planning, including zoning, shall be followed by the RLUPC, local land use boards and concerned national agencies, and that the RPFP, PPFP and CLUPs shall be consistent with the NPFP;

(d) Ensure the consistency of other national development and sectoral plans and programs, including the medium-term Philippine Development Plan and Public Investment Program (PIP), with the NPFP;

(e) Integrate and harmonize all laws and policies relevant to land use in order to come up with a rational, cohesive, and comprehensive national land use framework and, if warranted, recommend to Congress the adoption, passage or amendment of laws to ensure that sectoral plans, projects and activities, including local government initiatives affecting land use are consistent with national development objectives;

(f) Resolve policy conflicts on land uses between or among agencies, branches, or levels of government and unresolved land use policy conflicts at the regional level;

(g) Issue locational clearance for projects of national significance;

(h) 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;

(i) Review the NPFP every ten (10) years;

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

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

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

SECTION 58. *The NLUPC Secretariat.* – The existing unit of the NEDA in charge of Land Use and Physical Planning Division shall act as the NLUPC Secretariat which shall perform functions such as, but not limited to, managing information, gathering of data, coordinate the monitoring of government agencies and LGUs, ensuring multi-stakeholder participation towards formation of local land use policy boards, sharing of data base and mapping systems, and reinforcing relevant assessment tools and capability-building programs.

CHAPTER VI REGIONAL AND LOCAL LAND USE POLICY BODIES

SECTION 59. *The Regional Land Use Policy Council (RLUPC).* – At the regional level, the Regional Land Use Committee (RLUC) is hereby abolished and, in its stead, the RLUPC shall be created. The RLUPC shall be institutionalized, replicating the NLUPC structure and composition. It shall be chaired by the NEDA Regional Director and shall exercise the following functions:

(a) Formulate regional policies and guidelines which are consistent with the national planning guidelines issued by the NLUPC in the preparation and formulation of the respective provincial physical planning and comprehensive land use plans of LGUs within its jurisdiction;

(b) Prepare and periodically update the RPFP, taking into consideration national policies and lower level plans;

(c) Review, prior to adoption by the respective sanggunians, the PPFPs and CLUPs of highly-urbanized and independent component cities to ensure consistency with the RPFP and national policies set forth by the NLUPC;

(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 of regional agencies and entities with the RPFP and their impact on land use and the environment; and

(h) Perform other related functions as may be directed by the NLUPC.

In forestland use management, where the watershed area/continuum covers several municipalities across different provinces, an inter-LGU task force composed of representatives from the RLUPC and the concerned municipal local government units 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 task force shall formulate the watershed management plan for the said watershed area.

1 **SECTION 60. *The Provincial Land Use Planning and Management Board***
2 ***(PLUPMB).*** – The Provincial Land Use Committee (PLUC) is hereby abolished. The
3 PLUPMB is created in all provinces under this Act to oversee the preparation,
4 integration, adoption and approval of the PPFP and shall ensure its consistency with
5 approved national and regional planning guidelines. The PLUPMB shall also be
6 directly responsible for the effective management and implementation of the approved
7 PPFP and ensure that any existing and future development initiatives, programs and
8 projects introduced within its jurisdiction are consistent with and supportive of the land
9 use resource management and physical planning objectives, directions and character
10 identified in the approved PPFP.

11 **SECTION 61. *Powers and Responsibilities of the PLUPMB.*** – The following
12 are the powers and responsibilities of the PLUPMB:

13 (a) Formulate necessary provincial planning guidelines and/or implementing
14 policies for the preparation and formulation of the respective CLUPs within its
15 jurisdiction consistent with approved national and regional planning policies and
16 guidelines;

17 (b) Submit to the PDC the draft CLUP for its transmission to the sangguniang
18 panlalawigan and for the PDC to use it as reference for consistency and
19 complementation with other development plans;

20 (c) Review, monitor and assess the implementation and operationalization
21 of the approved CLUP and its consistency with physical planning and land use
22 management objectives and goals identified in the CLUP;

23 (d) After an appropriate period of time or upon instruction and advice by the
24 NLUPC, conduct and initiate a progress review of the PPFP and the achievement of
25 its stated objectives and goals, and update the PPFP;

26 (e) Decide and resolve policy conflicts on land use planning, classification,
27 and allocation that may arise between or among cities/municipalities and facilitate the
28 resolution of any unresolved land use conflict, including political boundary conflicts, at
29 the city/municipality level;

30 (f) Advise the sangguniang panlalawigan on all matters pertaining to land
31 use and physical planning;

32 (g) Promote cooperation and sharing of resources between and among
33 component LGUs of the province or with neighboring LGUs to address common land
34 use and development issues including those related to geo-physical hazards,
35 watershed and river basin management, coastal and marine waters, climate change
36 impact and disaster risks; and

37 (h) Assist the sangguniang panlalawigan in reviewing the submitted CLUPs
38 of component cities/municipalities to ensure consistency with the PPFP.

39 In cases where the watershed areas transcend the boundaries of a particular
40 municipality, an inter-LGU task force composed of representatives from the PLUPMB
41 of the municipal local government units where the watershed area is located shall be
42 formed.

43 **SECTION 62. *Composition of the PLUPMB.*** – The PLUPMB shall be
44 composed of the following fifteen (15) members to be selected based on the rules to

1 be formulated by the NLUPC as provided in this Act:

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

3 (b) Chairperson of the Sangguniang Panlalawigan Committee on
4 Environment and Natural Resources;

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

7 (d) Provincial Agrarian Reform Officer (PARO);

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

9 (f) Provincial Agricultural Officer (PAO);

10 (g) NCIP Provincial Officer;

11 (h) HLURB Regional Officer;

12 (i) Three (3) representatives from the local business or private sector; the
13 developers' association and accredited associations of professionals dealing with land
14 use such as, but not limited to, urban and regional planners, environmental planners,
15 architects, geologists, geodetic engineers; and chamber of commerce, who shall be
16 appointed from among the accredited organizations within their respective
17 development councils;

18 (j) Four (4) representatives from the basic sector groups (urban poor,
19 fisherfolk, farmers and indigenous peoples): *Provided*, That at least two (2)
20 representatives shall be women: *Provided, further*, That the representatives shall be
21 appointed from among the accredited organizations within their respective
22 development councils: *Provided, finally*, That, in predominantly Muslim areas, one of
23 whom shall be from the Moro sector; and

24 (k) Designated Board Chairperson, to be chosen among the members.

25 Except for *ex officio* members, the members of the PLUPMB shall be appointed
26 for a term of three (3) years, subject, however, to the elected office held, government
27 employment and/or official designation of the LGU, national agency and/or local
28 business/private sector association or basic sector group representation in the board.
29 The NLUPC, within ninety (90) days from its establishment, shall formulate the rules
30 for the selection of the Chairperson and the members in the PLUPMB. The
31 PPDO/PPDC shall provide technical secretariat and administrative support and
32 resources for the effective operation of the PLUPMB.

33 Aside from the PPDO, the PLUPMB may call upon other local and national
34 government offices and agencies such as the local Engineer, Assessor, and local field
35 representatives of the DA, DPWH, the Department of Transportation and
36 Communications (DOTC), DOT, DENR, DAR, the Department of Education (DepED),
37 NCIP and other concerned national agencies to assist the PLUPMB in the
38 performance of its roles and mandates.

39 Appropriations for the regular operation and activities of the PLUPMB shall be
40 included in the annual budget proposal of the PPDO: *Provided*, That other funds and
41 resources, including grants, applicable service fees and charges collected,
42 contributions, donations, and other funds to support its operations and activities may
43 be accepted and received by the PLUPMB, subject to existing auditing and reporting
44 procedures.

1 **SECTION 63. City/Municipal Land Use Planning and Management Board**
2 **(C/MLUPMB).** – A C/MLUPMB is hereby created under this Act in all municipalities
3 and cities, including highly-urbanized and component cities, to oversee the
4 preparation, integration, adoption and approval of their respective CLUPs. It shall
5 issue a Certificate of Compliance prior to the submission of the CLUP to the
6 sanggunian to ensure the consistency of such plans with approved national, regional
7 and provincial planning guidelines. The C/MLUPMB shall also be directly responsible
8 for the effective management and implementation of the approved CLUP and for
9 ensuring that existing and future local policies, including ZOs, development initiatives,
10 programs and projects introduced within its jurisdiction, are consistent with and
11 supportive of the land use resource management and physical planning objectives,
12 directions and character identified by the approved CLUP.

13 **SECTION 64. Powers and Responsibilities of the C/MLUPMB.** – The
14 C/MLUPMB shall exercise the following powers and functions:

15 (a) Ensure the inclusion of the input of the barangays within the jurisdiction
16 of the respective city/municipality on sectoral, temporal and spatial dimensions of the
17 plan and its consistency with approved national, regional and provincial planning
18 guidelines;

19 (b) Review, monitor and assess the implementation and operationalization
20 of the approved CLUP and its consistency with physical planning and land use
21 management objectives and goals identified in the CLUP;

22 (c) Issue a Certificate of Compliance to the sanggunian as proof that the
23 CLUP is compliant with national land use policies, guidelines and standards;

24 (d) Submit to the LDC the draft CLUP for its transmission to the sanggunian
25 and for the LDC to use it as basis for consistency and complementation with other
26 development plans;

27 (e) Decide and resolve policy conflicts on land use planning, classification,
28 and allocation that may arise between or among barangays and facilitate the resolution
29 of any unresolved land use conflict, including boundary conflicts, involving barangays;

30 (f) Based on the CLUP, review and endorse for approval/disapproval
31 applications for locational clearances, building and zoning permits and/or other
32 planning-related requirement for any project, both private and public, that is submitted
33 to the LGU for issuance;

34 (g) Advise the sangguniang bayan on all matters pertaining to land use and
35 physical planning; and

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

40 **SECTION 65. Composition of the C/MLUPMB.** – The C/MLUPMB shall be
41 composed of the following thirteen (13) members and shall be headed by a
42 Chairperson:

43 (a) City/Municipal Planning and Development Coordinator (C/MPDC);

44 (b) Chairperson, Sangguniang Bayan Committee on Environment and

1 Natural Resources;

2 (c) President of the Association of Barangay Captains (ABC);

3 (d) Municipal Agrarian Reform Officer (MARO);

4 (e) LGU Environment and Natural Resources Officer (City/Municipal ENRO);

5 (f) Municipal Agriculture Office (MAO);

6 (g) Three (3) representatives from the local business/private sector; the
7 developers' associations; the accredited associations of professionals dealing with
8 land use such as, but not limited to, urban and regional planners, environmental
9 planners, architects, geologists and geodetic engineers; and association/chamber of
10 commerce, who shall be appointed from among the accredited organizations within
11 their respective development councils;

12 (h) Four (4) representatives from the basic sector groups (urban poor,
13 fisherfolk, farmers and indigenous peoples): *Provided*, That at least two (2)
14 representatives shall be women: *Provided, further*, That the representatives shall be
15 appointed from among the accredited organizations within their respective
16 development councils: *Provided, finally*, That, in predominantly Muslim areas, one of
17 whom shall be from the Moro sector; and

18 (i) Designated Board Chairperson, to be chosen among the members.

19 Except for *ex officio* members, the members of the C/MLUPMB shall be
20 appointed for a term of three (3) years, subject, however, to the elected office held,
21 government employment and/or official designation in the LGU, national agency
22 and/or local business/private sector association or basic sector group representation
23 in the board. The NLUPC, within ninety (90) days from its establishment, shall
24 formulate the rules for the selection of the Chairperson and members of the
25 C/MLUPMB. The City/Municipal Planning and Development Office/Coordinator
26 (C/MPDO/C) shall provide technical secretariat and administrative support and
27 resources for the effective operation of the C/MLUPMB.

28 Aside from the C/MPDO/C, the C/MLUPMB may call upon other local and
29 national government offices and agencies, such as the local Engineer, Assessor, and
30 local field representatives of the DA, DPWH, DOTC, DOT, DENR, DAR, DepED and
31 other concerned national agencies, to assist the C/MLUPMB in the performance of its
32 roles and mandates.

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

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

42
43 **CHAPTER VII**

44 **ADOPTION, APPROVAL AND REVIEW OF LOCAL LAND USE**

AND PHYSICAL FRAMEWORK PLANS

SECTION 66. *Approval and Review of the PPFP and the CLUPs.* – The PPFP and the CLUPs of the respective city/municipal LGUs, including highly urbanized cities and independent component cities, shall be submitted by the local land use boards to the LDCs for transmission to the local sanggunian for approval.

SECTION 67. *Approval of the RPFP and the NPFP.* – The RPFP and the NPFP shall be submitted for review and approval of the RLUPC and the NLUPC, respectively, upon the conduct of appropriate stakeholder and agency consultations: *Provided, That such processes and guidelines shall be prepared and issued by the NLUPC within six (6) months from effectivity of this Act.*

CHAPTER VIII MAPPING AND DATA MANAGEMENT FOR LAND USE PLANNING

SECTION 68. *National Mapping and Spatial Data Infrastructure Program (NMSDIP).* – A national mapping program shall be implemented, coordinated and monitored through the creation of the Inter-Agency Technical Committee (ITC) composed of the NAMRIA as the lead agency, the Bureau of Soils and Water Management (BSWM), the Forest Management Bureau (FMB), the LMB, the Land Registration Authority (LRA), the Protected Areas and Wildlife Bureau (PAWB), the MGB, the Philippine Institute of Volcanology and Seismology (PHIVOLCS), the DAR, the DA, the NCIP, the National Water Resources Board (NWRB), the Department of Energy (DOE), the National Disaster Risk Reduction and Management Council (NDRRMC), the NEDA, and other concerned government agencies. The ITC shall be constituted, and the mapping and spatial data infrastructure program shall be initiated within thirty (30) days from the effectivity of this Act. The program shall be responsible for the production of base and decision maps and associated spatial databases for all planning levels based on the guidelines of the NLUPC.

Under the program, all government stakeholders concerned in the production of maps of various themes shall collaboratively formulate the government's spatial data infrastructure master plan and respective government agency/stakeholders' spatial data infrastructure plans which shall be the basis for subsequent funding and eventual project implementation and/or operation.

All pertinent and updated thematic maps/data from supporting agencies of the program shall be submitted to the NAMRIA for compilation and integration into a national geospatial database established under the program.

The NAMRIA shall finish its base mapping program within two (2) years upon the effectivity of this Act and provide updates thereof to support the implementation of the spatial data infrastructure program.

The spatial and non-spatial data generated by these activities shall be transmitted to the LGU as soon as practicable. Existing land information data available to the national government agencies as of the effectivity of this Act shall be

1 immediately transmitted to the LGUs.

2 For purposes of uniformity and standardization, the LGUs, assisted by the
3 appropriate agencies of the national government, shall likewise prepare their
4 respective maps using scales, symbols, and other indicators to be prescribed in
5 accordance with this Act. The completed maps shall be integrated in the NPFP,
6 pursuant to Section 51 of this Act.

7 **SECTION 69. Maps for Planning.** – Within one (1) year after the NLUPC's
8 approval of the Guidelines and Standards for planning at all levels, available NAMRIA
9 maps and all maps made available to the NAMRIA by supporting agencies shall be
10 submitted to the NLUPC for national, provincial, cities and municipalities planning. The
11 NLUPC shall forward these maps to the respective PLUPMBs and C/MLUPMBs after
12 it has reviewed and approved them.

13 Pertinent maps to be produced through the NMSDIP shall include, among others:

14 (a) Topographic maps;

15 (b) Geologic maps;

16 (c) Hydrologic maps;

17 (d) Climate maps;

18 (e) Soils maps;

19 (f) Slope maps;

20 (g) Mineral resource maps;

21 (h) Existing land use maps;

22 (i) Land suitability maps for:

23 (1) Settlements;

24 (2) Agriculture;

25 (3) Industrial areas; and

26 (4) Others;

27
28 (j) Agricultural maps:

29 (1) Network of NPAAAD;

30 (2) Commodity specific development guide maps;

31 (3) Land limitation maps;

32 (4) Cropping system zones maps;

33 (5) Hydro-ecological conditions maps; and

34 (6) Irrigation systems maps;

35 (k) Land classification maps;

36 (l) Municipal waters delineation maps and MPAs;

37 (m) Geo-hazards maps:

38 (1) Flood-prone areas;

39 (2) Hazard zonation maps for volcanoes;

40 (3) Map of fault systems;

41 (4) *Tsunami*-prone areas; and

42 (5) Erosion-prone areas;

43
44 (n) Tourism maps;

- (o) Transportation maps;
- (p) Traffic flow;
- (q) Maps designating areas served by:
 - (1) Power;
 - (2) Telecommunications; and
 - (3) Water;
- (r) Maps indicating the following facilities:
 - (1) Health;
 - (2) Education; and
 - (3) Power;
- (s) Domestic water supply;
- (t) Industrial areas;
- (u) Population distribution map;
- (v) Ancestral domain map;
- (w) NIPAS areas;
- (x) Areas suitable for urban expansion;
- (y) Watershed areas; and
- (z) Forestlands:
 - (1) Protection areas;
 - (2) Production areas; and
 - (3) Restoration areas:
 - (i) Key biodiversity areas; and
 - (ii) Marine protected areas.

SECTION 70. *Ground Delineation of the Country's Permanent Forest Line.*

– Pursuant to the Constitution and hereby provided for under this Act, the final determination and ground delineation of the country's permanent forest line shall be completed within one (1) year from the effectivity of this Act: *Provided, That* appropriations for the fulfillment of this provision shall be included in the annual appropriations of the DENR: *Provided, further, That* the complete report of the delineation of the country's permanent forest line shall be submitted to the NLUPC for appropriate integration in the country's strategic land use development plan and policies.

SECTION 71. *Completion and Updating of Existing Cadastral Surveys.* –

The completion of incomplete cadastral surveys of LGUs and the updating of existing surveys shall be given priority consideration and allocation of resources in the implementation of this Act. The DENR shall include in its annual appropriations the completion and updating of all incomplete and existing cadastral surveys of all LGUs in the country: *Provided, That* such surveys and maps shall be integrated into the national spatial database information and mapping system.

In cases of ancestral domains, self-delineation by ICCs/IPs of their ancestral lands shall be employed to determine boundaries as provided for under the IPRA.

SECTION 72. *Ground Delineation of Land Use.* – For effective planning to take place at the local level and for the easy enforcement of the ZO of each

city/municipality, land uses must be identifiable both on the map and on the ground. A joint committee comprised of the LGU, as represented by its M/CLUPMB, and of the national government agency concerned, to be assisted by the C/MPDC, shall identify and delineate on the ground the land uses within their jurisdiction. The following shall be given priority:

- (a) Forestlands:
 - (1) Protection; and
 - (2) Production;
- (b) Ancestral domains;
- (c) NIPAS areas:
 - (1) Strict protection zone; and
 - (2) Multiple-use zone;
- (d) Watershed areas:
 - (1) Critical; and
 - (2) Multiple use;
- (e) Network of NPAAAD;
- (f) Socialized housing sites and settlement expansion areas;
- (g) Extents of environmentally-constrained areas;
- (h) Easement areas; and
- (i) Critical coastal areas:
 - (1) Mangroves; and
 - (2) Sea grass.

Critical marine resources should also be delineated both on the map and in the waters. Perimeters of critical offshore areas, such as coral reefs, shall be marked in accordance with the coastal resource management plans concerned.

All maps shall be updated as new important information and data become available or as determined by urgent need. Updating of maps shall be undertaken not more often than every ten (10) years.

SECTION 73. 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 through the NLUPC by the PHIVOLCS, the Philippine Atmospheric Geophysical and Astronomical Services Administration (PAGASA), the NAMRIA, the MGB, and the DOE, in coordination with the NDRRMC, the Regional Disaster Risk Reduction Management 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, landslides, 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 into their respective CLUPs and ZOs. Said geo-hazard maps shall serve as guide for all the LGUs in the preparation of their own hazards-constrained development plans. The NPFP shall incorporate these geo-hazard maps.

1 All entities conducting infrastructure activities, including real estate and
2 subdivision projects and the development of tourist spots requiring an ECC, shall
3 submit an Engineering Geological and Geo-hazard Assessment Report (EGGAR).

4 **SECTION 74. *Scope and Nature of Responsibilities of Other National***
5 ***Government Agencies.*** – All concerned national government agencies/bodies shall
6 periodically report to the NLUPC on the various activities and accomplishments on
7 land use. Likewise, they shall provide their respective sectoral/development plans and
8 provide technical and administrative support if called upon by the NLUPC for the
9 implementation of the provisions of this Act.

10 **SECTION. 75. *Submission of Annual Report on the Implementation of***
11 ***CLUPs and ZOs.*** – The local land use boards shall submit their annual report on the
12 implementation of their land use plans to their respective sanggunian which shall
13 submit the same to the RLUPCs for consolidation. The RLUPC shall thereafter
14 transmit the consolidated reports to the NLUPC for monitoring and evaluation.

15 16 **CHAPTER IX** 17 **TRAINING, EDUCATION AND VALUES FORMATION** 18

19 **SECTION 76. *Values Formation.*** – In order to develop a well-informed,
20 responsible and committed citizenry who value the protection, conservation and
21 development of the country's limited land, and other physical resources, the State shall
22 mandate the inclusion of sustainable land use education or any subject related thereto
23 in the curricula of primary, secondary and tertiary education.

24 **SECTION 77. *Information/Education Campaign and Capacity Building.*** –
25 The NLUPC shall undertake a nationwide information/education campaign on land use
26 and physical planning to be implemented by local and national government agencies.
27 The DILG and concerned agencies shall formulate and implement a land use
28 management capability building program for national and local government officials,
29 community leaders, representatives of NGOs, POs, the religious sector, and the
30 general public.

31 32 **CHAPTER X** 33 **INCENTIVES, SANCTIONS AND PENALTIES** 34

35 **ARTICLE 1** 36 **INCENTIVES AND AWARDS** 37

38 **SECTION 78. *Formulation of a System of Incentives and Awards.*** – The
39 NLUPC shall come up with a system of incentives and awards to LGUs that regularly
40 update their CLUPs/ZOs once every eight (8) years.

41 **SECTION. 79. *Priority in Giving Technical Assistance to LGUs.*** – In providing
42 technical assistance and other forms of support related to land use management and
43 implementation of development plans, national government agencies shall give priority
44 to cities and municipalities with approved CLUPs and ZOs.

ARTICLE 2
SANCTIONS AND PENALTIES

SECTION 80. *Fine for Failure to Commence or Complete the Development of Agricultural Lands with Approved Conversion Order.* – For agricultural lands with approved conversion orders, the provisions of Republic Act No. 6657 (CARL), as amended by Republic Act No. 9700, shall apply. A landowner and/or the designated developer or duly authorized representative who fail to commence and/or complete the development plan defined in the conversion order shall be jointly and severally penalized. The following fines based on the zonal value or the fair market value, whichever is higher of the land at the time the fine shall be imposed:

(a) Failure to commence within three (3) years from the date of the conversion order:

- (1) Three percent (3%) for the first three (3) hectares;
- (2) Ten percent (10%) for the next three (3) hectares; and
- (3) Fifteen percent (15%) for the remaining area.

In such case, the order of conversion shall be revoked by operation of law. The land shall revert to its original use as agricultural land and may be covered by the DAR through compulsory acquisition for distribution to qualified beneficiaries.

(b) Failure to complete sixty percent (60%) of the approved conversion plan within a specified time frame shall result to the automatic revocation by the DAR of the conversion plan on the undeveloped portion. The land shall be reverted to its original use as agricultural land and may be covered under the CARP for land distribution.

SECTION 81. *Persons Abetting Illegal Conversion.* – Any person initiating, causing, inducing, or abetting illegal conversion with intent shall be punished with imprisonment or a fine in accordance with Act No. 3815 or Republic Act No. 3019, or both, at the discretion of the court.

If the offender is a public official or employee, whether elected or appointed, the penalty shall also include dismissal from service, 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.

If the offender is a juridical person, the penalty of imprisonment shall be imposed on the president, chief executive officer, manager, chairperson and all the members of the board, and other responsible officers thereof. The imposable fine shall be equivalent to the zonal value of the land or forty percent (40%) of the shareholders equity, whichever is higher. Furthermore, the land shall be forfeited in favor of the State and sold through public auction. The proceeds of the sale shall automatically accrue to the Agrarian Reform Fund.

SECTION 82. *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 to nonagricultural uses of protected agricultural areas as defined in Section 13 hereof shall be penalized with imprisonment of twelve (12) years or a fine of not less than one hundred thousand pesos (P100,000.00), or both, at the discretion of the court.

1 If the offender is a public official or employee, whether elected or appointed, the
2 penalty shall also include dismissal from service, forfeiture of all benefits and
3 entitlements accruing to the public position, and perpetual disqualification to run or
4 apply for any elective or appointive public office.

5 If the offender is a juridical person, the penalty shall be imposed on the president,
6 chief executive officer, manager, chairperson and all the members of the board, and
7 other responsible officers thereof.

8 The same penalty shall be applicable to persons who will be responsible for
9 exceeding the limits set forth under Section 20 of the Local Government Code
10 pertaining to reclassification of lands.

11 **SECTION 83. *Payment of Disturbance Compensation.*** – Following the order
12 of priority stated in Section 22 of Republic Act No. 6657, as amended by Republic Act
13 No. 9700, agricultural lessees and share tenants, regular farm workers, seasonal farm
14 workers, other farm workers, actual tillers or occupants of public lands, collective, or
15 cooperative of the above beneficiaries, and others directly working on the land affected
16 by agricultural land use conversion, shall be entitled to the payment of disturbance
17 compensation equivalent to five (5) times the average of the gross harvests on the
18 landholding during the preceding five (5) calendar years or a certain percentage of the
19 converted land, whichever is higher, as determined by the DAR.

20 **SECTION 84. *Authority to Impose Fines.*** – The DAR shall have the authority
21 to impose the penalty provided under the preceding sections.

22 **SECTION 85. *Withdrawal of Local Development Permits and/or Licenses.***
23 – Upon receipt of notice from the DAR, the concerned agencies, city or municipality
24 shall withdraw and/or revoke any development permit and/or other licenses that may
25 be necessary to develop the agricultural land subject of conversion.

26 **SECTION 86. *Utilization of Fines.*** – The fines collected under Section 84
27 hereof shall automatically accrue to the Agrarian Reform Fund consistent with the
28 provision of the CARL.

29 **SECTION 87. *Failure to Formulate, Implement and/or Enforce the CLUPs***
30 ***and ZOs.*** – Consistent with due process, the NLUPC, in coordination with the DILG,
31 shall evaluate, review, and recommend the filing of charges against local chief
32 executives and other local officials and employees responsible for the formulation,
33 implementation and/or enforcement of the CLUPs in the following cases:

34 (a) Failure of the CLUPs/ZOs to conform to the guidelines provided in the
35 NPPF;

36 (b) Failure to complete the preparation of the CLUP despite the availability
37 of funds, resources, and support by the sanggunian concerned;

38 (c) Failure to provide appropriate budgetary allocation to effect its
39 implementation; and

40 (d) Failure to implement and enforce the CLUP/ZO due to negligence of duty.

41 Any public official or employee, whether elected, appointed or holding
42 office/employment in a casual, temporary, holdover, permanent, or regular capacity,
43 found to be responsible for any of the foregoing acts, shall be punished with forfeiture
44 of salaries and allowances, and suspension from:

- (a) Three (3) to six (6) months, in case of noncompletion of the CLUP; or
(b) Three (3) to six (6) months, in case of nonconformity with the NPFP; or
(c) Six (6) to nine (9) months, in case of nonimplementation of the CLUP.

Failure to comply with the provisions of the IPRA on the formulation of the CLUP shall be penalized according to Section 72 of the IPRA.

SECTION 88. *Illegal Conversion of City or Municipal Parks, Communal Forests, and Tree Parks in Subdivisions.* – Penalties in the amount of one hundred thousand pesos (P100,000.00) to five hundred thousand pesos (P500,000.00) or imprisonment of six (6) years and one (1) day to twelve (12) years, or both, at the discretion of the court shall be imposed for each of the following offenses:

(a) Illegally converting or causing the conversion of a city/municipal park, communal forests, or tree parks within subdivisions established pursuant to Presidential Decree No. 953 requiring the planting of trees in certain places into other uses, including the construction of permanent buildings;

(b) Destroying or causing damage to the timberlands and other forest products found in the abovementioned forest and parks;

(c) Setting the abovementioned forests and parks on fire, or negligently permitting a fire to be set therein; and

(d) Assisting, aiding or abetting another person to commit the offenses stated in this section.

The offender shall likewise be imposed a fine equivalent to eight (8) times the commercial value of the forest products destroyed without prejudice to payment of the full cost of rehabilitation of the areas, as determined by the DENR.

The maximum penalty prescribed shall be imposed upon the offender who repeats the same offense, and double the maximum penalty upon the offender who commits the same offense for the third time or more.

All improvements made therein, as well as all vehicles, domestic animals, and equipment of any kind used in the commission of the offense shall be forfeited in favor of the government.

If not suitable for use by the DENR, said improvements, vehicles, domestic animals and equipment shall be sold at public auction and the proceeds from which shall accrue to the Forest Conservation and Development Fund (FCDF).

CHAPTER XI TRANSITORY AND FINAL PROVISIONS

SECTION 89. *Mandatory Review Every Ten (10) Years.* – The Congress shall undertake a mandatory review of this Act at least once every ten (10) years from its effectivity or as often as it may be deemed necessary to ensure that land use policies and guidelines remain responsive to changing circumstances.

For this purpose, the Congress may call on to the NLUPC to undertake the necessary researches and consultations.

SECTION 90. *Convening of the NLUPC.* – Within thirty (30) days from the effectivity of this Act, the Chairperson shall convene the NLUPC. The Head of the

1 NLUPC Secretariat shall immediately assume his/her position.

2 **SECTION 91. *Implementing Rules and Regulations.*** – Within ninety (90) days
3 from the effectivity of this Act, the NLUPC shall promulgate its implementing rules and
4 regulations (IRR) including the rules on the selection of the members of the
5 C/MLUPMB and the PLUPMB. It shall take effect fifteen (15) days after its complete
6 publication in the *Official Gazette* or in at least two (2) newspapers of national
7 circulation.

8 **SECTION 92. *Congressional Oversight Committee on the Land Use Act.*** –
9 A Congressional Oversight Committee on the Land Use Act shall be created. It shall
10 be composed of seven (7) members from the Senate and seven (7) members from the
11 House of Representatives. The members from the Senate shall be appointed by the
12 Senate President based on proportional representation of the parties or coalitions
13 therein, with at least two (2) Senators representing the minority. The members from
14 the House of Representatives shall be appointed by the Speaker of the House of
15 Representatives, also based on proportional representation of the parties or coalitions
16 therein, with at least two (2) members representing the minority.

17 The Oversight Committee shall function for a period of not more than three (3)
18 years to oversee the implementation of this Act. The secretariat of the Oversight
19 Committee shall be drawn from the existing secretariat personnel of the committees
20 comprising the oversight.

21 **SECTION 93. *Transfer of Powers and Functions.*** – The functions of the
22 HLURB on land use planning as provided for under Sections 5(a), 5(b), 5(c), 5(d), 5(e),
23 and 5(f) of Executive Order No. 648, series of 1991 and Executive Order No. 72, series
24 of 1993, shall be immediately transferred to the NLUPC and its appropriate
25 subnational LGU structures, except as provided in Section 55 hereof. Nothing in this
26 Act shall be construed to transfer or limit the functions embraced within the said
27 provisions that pertain to or relate to HLURB non-planning functions.

28 **SECTION 94. *Appropriations.*** – The amount needed for the initial
29 implementation of this Act shall be charged against the current year's appropriations
30 of the NB-NLUC. Thereafter, such sums as may be necessary for the continued
31 implementation of this Act shall be included in the annual General Appropriations Act.

32 **SECTION 95. *Review of Existing Land Use Plans.*** – Provinces, cities, and
33 municipalities with existing land use plans shall review, revise, reconcile, and
34 harmonize the same with the guidelines and standards issued by the NLUPC within
35 one (1) year from the effectivity of this Act.

36 **SECTION 96. *Access to Information.*** – Access to records and documents
37 pertaining to official acts, transactions, or decisions as well as to data used as basis
38 for policy development by the NLUPC shall be made available to the public.

39 **SECTION 97. *Repealing Clause.*** – Section 10 of the AFMA and Sections 447
40 (a2vii) and 458 (a2viii) of the Local Government Code and their related laws and
41 administrative issuances are hereby modified by Section 13 hereof. The pertinent
42 provisions of Executive Order No. 648, Executive Order No. 72, series of 1993 and
43 Executive Order No. 770, series of 2008, amending Letter of Instruction (LOI) No.
44 1350, are also modified accordingly. Section 11 of the AFMA as to the penalty for

1 agricultural inactivity and premature conversion is also modified by Section 83
2 hereof. LOI No. 1350, series of 1983; Presidential Proclamation No. 2282, series of
3 1983; and all other general and special laws, acts, decrees, executive orders,
4 proclamations and administrative regulations or any part thereof which are
5 inconsistent with this Act are hereby repealed or modified accordingly.

6 All republic acts, executive orders, rules and regulations, and other issuances or
7 parts thereof that are inconsistent with the provisions of this Act are hereby repealed
8 or amended accordingly.

9 **SECTION 98. *Non-impairment Clause.*** – Nothing in this Act shall be construed
10 as to diminish or, impair rights recognized, granted, or available to marginalized or the
11 basic sectors under existing laws including, but not limited to, Republic Acts Numbered
12 7279, 6657, as amended by Republic Act No. 9700; 8371; 8550; and 7942.

13 **SECTION 99. *Separability Clause.*** – If, for any reason, any section or provision
14 of this Act is declared unconstitutional or invalid, the other sections or provisions not
15 affected thereby shall remain in full force and effect.

16 **SECTION 100. *Effectivity.*** – This Act shall take effect fifteen (15) days after its
17 publication in the *Official Gazette* or in at least two (2) national newspapers of general
18 circulation.

19
20 Approved,