

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

SENATE

S. No. 886



19 AUG 13 A9:18

Introduced by SENATOR RAMON BONG REVILLA, JR.

A handwritten signature in black ink, appearing to read "R. B. Revilla, Jr."

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

EXPLANATORY NOTE

The 1976 United Nations Conference on Human Settlement recognizes land to have a unique nature and critical role in the society which cannot be treated as an ordinary asset. Land is considered to be a valuable tool in achieving social justice and holistic development, particularly food production, the provision of decent dwellings, human mobility and the health of people.

The Philippines has a total land area of thirty (30) million hectares. The lack of a comprehensive and unified national land use plan in the country is such as long and overdue socio-political and economic policy issue posing great challenges and constraints to our country's sustainable growth and development.

At present, there are approximately more than thirty (30) environmental and ecological protection laws and policies pertaining to land and water utilization and management in the Philippines. Such numerous and decentralized issuances resulted in overlapping of functions among the sectors concerned and conflict among different sectors due to competing demands of land for economic and commercial uses, food production, shelter, environment preservation and indigenous people's preservation.

There is, therefore, an urgent need to legislate a comprehensive national land use framework in our country. This was emphasized by no less than the President during his recent State of the Nation Address (SONA).

This proposed measure seeks to provide for a rational, holistic and just allocation, utilization, management and development of the country's land to ensure their optimum use, consistent with the principle of sustainable development. This bill also provides for the integration and harmonization of all laws, guidelines, and policies relevant to land use and physical planning to come up with comprehensive national land use framework and to ensure social justice in the equitable sharing and distribution of wealth and resources among the citizenry and the sustainable management and development of the land resources of our country.

The bill further seeks to create the National Land Use Commission. The Regional Land Use Council replicates the National Land Use Commission. It strengthens the responsibilities of the national government agencies and LGUs through the national base and geo-hazard mapping programs. It promotes sustainable management and utilization of national resources, disaster risk-reduction and climate change resiliency, water security, respect for and protection of the sustainable traditional resource rights of the indigenous cultural communities/indigenous peoples (ICCs/IPs), among other important concerns.

This measure was originally filed by Senator Gregorio B. Honasan II in the previous Congresses but was not enacted into law.

The immediate passage of this bill is highly recommended.



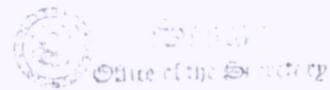
RAMON BONG REVILLA, JR.

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RECEIVED 08/19/2013 [Signature]

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

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

1 **CHAPTER I**

2 **INTRODUCTORY PROVISIONS**

3 Section 1. *Short Title.* - This Act shall be known and cited as the "National Land
4 Use Policy Act (NALUPA) of 2019".

5 Sec. 2. *Declaration of Policies and Principles.* – It is hereby declared the policy
6 of the State to instill in our people, in the hearts and minds of all Filipinos, a thirty-
7 year vision and land use plan for our country we can all aim for, work for, and achieve
8 as one Filipino nation. All lands of the public domain, waters, minerals, coal,
9 petroleum, and other mineral oils, all forces of potential energy, fisheries, forests or
10 timber, wildlife, flora and fauna, and other natural resources are owned by the state.
11 With the exception of agricultural lands, all other natural resources shall not be
12 alienated.

13 Pursuant to the constitutional provision or mandate, it is the policy of the State
14 to provide for a rational, holistic, and just allocation, utilization, management, and
15 development of the country's land to ensure their optimum use, consistent with the
16 principle of sustainable development.

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

4 The State shall treat group of islands, including parts of islands, interconnecting
5 waters and other natural features which are so closely interrelated, as forming an
6 intrinsic geographical, economic and political entity, or which historically have been
7 regarded as such entity.

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

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

- (i) Equitable access to land through State intervention that guarantees its affordability to the basic and marginalized sectors;
 - (j) Protection, preservation, and development of the Filipino historical, cultural and built cultural heritage and resources for the deeper understanding of our history and culture as a people;
 - (k) Attainment of energy security and self-sufficiency; and,
 - (l) Market orientation where the interplay of market forces and fair trade within the framework of ecological development and equity consideration is encouraged and adopted as the basic parameter in achieving efficiency in land use and allocation.

It is also the policy of the State to ensure that local government units (LGUs) share with the national government the responsibility of managing and maintaining ecological balance through co-management, partnership and convergence arrangements within their territorial jurisdiction as stated in the 1987 Constitution and the 1991 Local Government Code (LGC) or Republic Act No. 7160.

Guided by the principle that the use of land bears a social function and that all economic agents shall contribute to the common good, landowners, land tenure holders, in the case of forestlands, be it an individual, communal, corporate or group shall be held responsible for developing and conserving their lands thereby making their land productive and supportive of environmental stability.

Sec. 3. *Scope.* – This Act shall apply to all lands whether public, private, government-owned, and/or in the possession of individuals, communities, indigenous people, or groups of people, including areas declared/designated as special economic zones and/or freeports, proclamations and reservations to provide for a rational, holistic, and just allocation, development and management of land and water resources including such activities that bear impact on said resources.

CHAPTER II

DEFINITIONS

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

- (a) "Agricultural land" shall refer to land of public domain and private land which have been devoted to agricultural activity as defined in

Republic Act No. 6657, as amended and not further classified for residential, commercial or industrial use and such other uses as may be provided by law;

- (b) "*Agricultural Land Use Conversion*" shall refer to the undertaking of any development activity which modifies or alters the physical characteristics of agricultural lands to render them suitable for non-agricultural purposes with an approved order of conversion issued exclusively by the Department of Agrarian Reform (DAR);
 - (c) "*Alienable and Disposable (A&D) Lands*" shall refer to lands of the public domain which have been delineated, classified, and certified as open and available for disposition under the provisions of Commonwealth Act No. 141, otherwise known as the "Public Land Act," as amended;
 - (d) "*Ancestral Domains*" shall refer to all areas generally belonging to ICCs/IPs as defined in Republic Act No. 8371, otherwise known as the "Indigenous Peoples Rights Act (IPRA) of 1998";
 - (e) "*Ancestral Domain Sustainable Development and Protection Plan (ADSDPP)*" refers to the consolidation of the plans of ICCs/IPs within an ancestral domain for the sustainable management and development of their land and natural resources as well as the development of human and cultural resources based on their indigenous knowledge, systems and practices;
 - (f) "*Basic and Marginalized Sectors*" shall refer to a group of people such as but not limited to the farmers, fisherfolks, urban poor and indigenous people;
 - (g) "*Basic Shelter*" shall refer to any subdivision unit, housing unit or condominium satisfying the barest minimum shelter requirements under the minimum design standards of Batas Pambansa Blg. 220;
 - (h) "*Comprehensive Land Use Plan (CLUP)*" shall refer to a document embodying a set of policies and guidelines, accompanied by official maps and similar illustrations, that serves as a principal basis for determining the future land use of lands and natural resources for

1 production and protection purpose within the territorial jurisdiction
2 of the city or municipality. It represents the community-desired
3 pattern of population distribution and proposes future allocation of
4 land resources to various land-using activities. It identifies the
5 allocation, character, and extent of the areas of land resources to
6 be used for different purposes and includes the processes and the
7 criteria employed in the determination of the land use. It has a
8 long-term perspective, encompassing a minimum of ten (10) years;
9 (i) "*Comprehensive Land Use Planning*" shall refer to the act of
10 defining the strategic allocation, utilization, development and
11 management of all lands within a given territory or jurisdiction
12 according to the inherent characteristic of the land itself and
13 supportive of sustainable, economic, demographic, socio-cultural
14 and environmental objectives as an aid to decision-making and
15 legislation;
16 (j) "*Coastal Area/Zone*" shall refer to a band of dry land and the
17 adjacent ocean space (water and submerged land) in which
18 terrestrial processes and uses directly affect oceanic processes and
19 uses, and vice versa. Its geographic extent may include areas
20 within a landmark limit of one (1) kilometre from the shoreline at
21 high tide to include mangrove swamps, brackish water ponds, *nipa*
22 swamps, estuarine rivers, sandy beaches and other areas within a
23 seaward limit of 200 meters isobaths to include coral reefs, algal
24 flats, seagrass beds, and other soft-bottom areas. For purposes of
25 initiating and implementing sustainable coastal resources
26 protection and management, it shall include foreshore lands;
27 (k) "*Critical Habitats*" shall refer to areas outside protected areas as
28 defined in Republic Act No. 7586, otherwise known as the "National
29 Integrated Protected Areas System Act of 1992", that are known
30 habitats of threatened species and designated as such based on
31 scientific data taking into consideration species endemicity and/or

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

- (l) "*Critical Watershed*" shall refer to drainage area of a river system supporting existing and proposed hydro-electric power, domestic water consumption, irrigation works or existing water facilities needing immediate protection and rehabilitation to minimize erosion and improve water yield. It shall be closed for logging until it is fully rehabilitated;
- (m) "*Cultural Heritage*" shall refer to the totality of cultural properties preserved and developed through time and passed on for posterity;
- (n) "*Customary Laws*" shall refer to a body of written and/or unwritten rules, usages, customs and practices traditionally and continually recognized, accepted, and observed by respective ICCs/IPs consistent with the IPRA;
- (o) "*Development Plan*" shall refer to a document that defies the activities or measures that the national government or local government units (LGUs) intend to implement in order to achieve a defined set of development goals. It integrates the socio-economic and sectoral plans of the national government or its instrumentality or a particular LGU with the approved land use or physical framework plans. It may include an analysis of problems and resources, definition of goals and objectives, policy guidelines, project and target achievements, and an implementation mechanism which defines the roles and contributions expected from the government and the private sector. Development plans include the national-level Medium-Term Philippine Development Plan (MTPDP) and its counterpart plans at the regional, provincial and local levels called the Medium-Term Regional Development Plan (MTRDP), the Provincial Physical Framework and Development Plan (PPFDP) and the Comprehensive Development Plan (CDP). These plans are translated into medium-term investment programs, also prepared at the national, regional and local levels, where

- programs, projects and activities derived from the development plans are ranked, prioritized, and matched with investment financing capacities;
- (p) "*Ecologically-Fragile Lands*" shall refer to lands within the critical watershed, brackish and freshwater wetlands, pasture lands, and croplands which require rehabilitation and whose continued unsustainable use would adversely affect the productivity of lowland agricultural areas and the stability of the upland ecosystem;
- (q) "*Ecotourism*" shall refer to sustainable tourism and travel to a given natural area with exotic or threatened ecosystems or a heritage area to observe wildlife or to help preserve nature, in the process providing for community participation, protection and management of natural resources, culture and indigenous knowledge systems and practices, environmental education and ethics, as well as economic benefits fostered and pursued for the enrichment of host communities and the satisfaction of visitors;
- (r) "*Energy Resource Lands*" shall refer to lands where naturally occurring or indigenous energy resources exist in sufficient quantity or quality as to be economically viable for exploration, development, production, utilization, and distribution process;
- (s) "*Energy Resources*" shall refer to surface or subsurface substances that serve as energy sources. These are traditionally mineral fuel deposits such as coal, petroleum, natural gas or renewable resources from geothermal, hydro reservoirs, or non-conventional sources such as ocean waves, solar, wind, biomass, and other similar resources which serve the same purpose;
- (t) "*Environmentally Critical Areas*" shall refer to areas declared by law as: (a) protected areas pursuant to Republic Act No. 7586 or the NIPAS Act of 1992; (b) areas for natural parks, watershed reserves, wildlife preserves, and sanctuaries; (c) areas set aside as aesthetic potential tourist spots; (d) areas which constitute the habitat of any

endangered or threatened species or indigenous Philippine wildlife (flora and fauna); (e) areas of unique historic, archaeological, or scientific interests; (f) areas which are traditionally occupied by ICCs/IPs; (g) areas with critical slopes; (h) areas frequented and/or hard hit by natural calamities such as but not limited to geologic hazards, floods, typhoons and volcanic activities; (i) areas exposed to geologic and hydro-meteorologic hazards; (j) prime agricultural lands; (k) recharge areas of aquifers; (l) water bodies; (m) mangrove areas; (n) coral reefs; (o) mossy and old-growth forests; (p) rivers and river banks; (q) swamp forest and marshlands; and (r) foreshore lands. This term shall also include other terrestrial, aquatic and marine areas that need special protection and conservation measures because they are ecologically fragile or they are needed for food security and food self-sufficiency as determined by concerned agencies and LGUs in consultation with the concerned sectors;

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

(v) "*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 as certified by the Department of Energy;

(w) "*Exhausted Mineral Lands*" shall refer to a specific sites whose mineral deposits are no longer in sufficient quantity or quality to justify additional expenditure for their extraction and utilization as may be determined by the latest technology available;

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

utilization as determined by the Mines and Geosciences Bureau (MGB) and approved by the Department of Environment and Natural Resources (DENR);

- (y) "*Flood plain*" shall refer to the portion of a river valley adjacent to a river channel which is covered with water when river overflows its banks at flood stages. The plain usually consists of silt deposited by the stream;
- (z) "*Flood-Prone Areas*" shall refer to low lying areas usually adjacent to large or active water bodies and 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;
- (aa) "*Food Security*" shall refer to the policy objective of meeting the food availability, accessibility, quality and affordability requirements of the present and future generations of Filipinos in a sustainable manner, through local production or importation, only when there is shortage established based on a micro level situation, or both, based on the country's existing and potential resource endowments and related production advantages, and consistent with the overall national development objectives and policies;
- (bb) "*Forest*" refers to an ecosystem or an assemblage of ecosystems dominated by trees and other woody vegetation; a community of plants and animals interacting with one another and its physical environment;
- (cc) "*Food Self-Sufficiency*" shall refer to the policy objective of meeting the food requirements through intensive local food production in a sustainable manner based on the country's existing and potential resource endowments and related production advantages;
- (dd) "*Forestlands*" shall refer to lands of the public domain classified and/or determined as needed. They include all permanent forests or forest reserves, forest reservations and all remaining unclassified lands of the public domain;

- (ee) "*Foreshore Land*" shall refer to the part of the shore which is alternately covered and uncovered by the ebb and flow of the tide;
 - (ff) "*Free and Prior Informed Consent*" shall refer to consensus of all members of the ICCs/IPs to be determined in accordance with their respective customary laws and practices, free from any external manipulation, interference and coercion, and obtained after fully disclosing the intent and scope of the activity, in a language and process understandable to the community;
 - (gg) "*Geo-Hazards*" shall refer to natural and human-induced geological processes that have potential to cause destruction and pose a threat or risk to human life and property;
 - (hh) "*Geo-Hazard Prone Areas*" shall refer to areas frequently visited and/or vulnerable or prone to experience weather/climatic, hydrologic, geologic, and other natural calamities;
 - (ii) "*Heritage Zones*" shall refer to historical, anthropological, archaeological and artistic geographical areas and settings that are culturally significant to the country as declared by the National Museum and/or National Historical Commission of the Philippines, pursuant to Republic Act No. 10066 or the "National Cultural Heritage Act of 2009";
 - (jj) "*Indigenous Cultural Communities / Indigenous Peoples (ICCs/IPs)*" shall refer to groups of people or homogenous societies identified under Republic Act No. 8371 or the "Indigenous People's Rights Act (IPRA)";
 - (kk) "*Inland Waters*" shall refer to waters, which are not coastal and marine waters not subject to acquisitive prescription consistent with the provisions of Presidential Decree No. 1067, otherwise known as the "Water Code of the Philippines";
 - (ll) "*Inter-Tidal Sand Flat*" shall refer to a juvenile fish-feeding area and habitat for crustaceans. The littoral gravel and sand biotopes are also used by important wintering ground and roosting/feeding grounds of indigenous migratory birds;

- 1 (mm) “*Integrated Ecosystems Watershed Management*” shall refer to an
2 integrated planning and management framework that covers the
3 ridge-to-reef landscape of a watershed or sub-watershed from its
4 upland, lowland and coastal ecosystems and the interaction,
5 interdependencies and linkages of its bio-physical, human and
6 physical resources and development;
- 7 (nn) “*Key Biodiversity Areas*” shall refer to sites that are nationally and
8 globally significant for biodiversity conservation primarily
9 containing species that require site-scale conservation to prevent
10 extinction in the short-term and medium-term. Such species may
11 be nationally and globally threatened, restricted-range and/or
12 nationally and globally significant congregations of species;
- 13 (oo) “*Lagoon*” shall refer to a semi-enclosed coastal basin with limited
14 freshwater input, high salinity and restricted circulation which often
15 lies behind sand dunes. It is often highly productive and habitat
16 for variety of plants and animals, serves as nurseries of prawns and
17 shrimps and also site for harbor, aquaculture, industry and
18 recreation;
- 19 (pp) “*Land*” shall refer to resources, both natural and artificial, found on
20 the surface, below and above the ground including inland and
21 coastal waters;
- 22 (qq) “*Land Use*” shall refer to the manner of allocation, utilization,
23 management and development of land;
- 24 (rr) “*Land Use Classification*” shall refer to the act of delineating or
25 allocating lands according to protection land use, production land
26 use, settlements development, and infrastructure development as
27 defined and provided for in this Act;
- 28 (ss) “*Land Sub-Classification*” shall refer to the act of determining and
29 assigning specific uses of classified lands of the public domain, such
30 as forest or timber lands, alienable or disposable agricultural lands,
31 national parks, and mineral lands in accordance with existing laws
32 and this Act;

- (tt) "*Mandatory Public Hearings/Consultations*" shall refer to the mechanism to ensure the active participation of concerned sectors in all affected areas in land use planning from the local to the national level. It involved giving effective notice of hearing/consultation to concerned sectors within an affected area through direct written invitations, using regular mail or electronic means, and publication/posting in conspicuous places, conduct of reasonable number of hearings in or proximate to the specific area affected, and solicitation of positions and the public presentation and public confirmation of the planning results in the specific area affected before the final adoption of the plans;
 - (uu) "*Minerals*" shall refer to all naturally occurring inorganic substance in solid, gas, liquid or intermediate state excluding energy materials such as coal, petroleum, natural gas, radioactive materials and geothermal energy;
 - (vv) "*Mineral Exploration*" shall refer to the systematic searching or prospecting for mineral resources;
 - (ww) "*Mineral Lands*" shall refer to lands of the public domain, excluding those in permanent forestlands, protection lands and privately-owned lands where minerals resources are found in sufficient quantity and quality for extraction, development and utilization;
 - (xx) "*Mineral Resources*" shall refer to any concentration of minerals/rocks with potential economic value;
 - (yy) "*Mudflat*" shall refer to a wetland type that is usually an unvegetated area, dominated by muddy substrate which provides rich feeding grounds for vertebrates such as fish and water birds and also important in preventing soil erosion;
 - (zz) "*Multiple Use of Land Resources*" shall refer to the utilization or management strategy for any land, within production land use areas, which allows any activity, involving one or more of its resources, depending on the result of prior evaluation on its numerous beneficial use that will produce the optimum benefits to

the development and progress of the country and the public welfare without impairment or with the least injury to its resources;

- (aaa) "*Municipal Waters*" shall include not only streams, lakes, inland bodies of water and tidal waters within the municipality which are not included within the protected areas as defined under Republic Act No. 7586 (the NIPAS Law), public forest, timber lands, forest reserves or fishery reserves, but also marine waters included between two (2) lines drawn perpendicular to the general coastline from points where the boundary lines of the municipality touch the sea at low tide and a third line parallel with the general coastline including offshore islands and fifteen (15) kilometres from such coastline. Where two (2) municipalities are so situated on opposite shores that there is less than thirty (30) kilometers of marine waters between them, the third line shall be equally distant from opposite shore of the respective municipalities
 - (bbb) "*National Integrated Protected Areas System (NIPAS)*" shall refer to the classification and administration of all designated protected areas to maintain essential ecological processes and life-support systems, to preserve genetics diversity, to ensure sustainable use of resources found therein, and to maintain their natural conditions to the greatest extent possible;
 - (ccc) "*Land*" shall refer to resources, both natural and artificial, found on the surface, below and above the ground including inland and coastal waters;
 - (ddd) "*National Parks*" shall refer to a forest reservation essentially of natural wilderness character which has been withdrawn from settlement, occupancy or any form of exploitation except in conformity with approved management plan and set aside as such exclusively to conserve the area or preserve the scenery, the natural and historic objects, wild animals and plants therein and to provide enjoyment of these features in such areas;

- (eee) "Natural Physical Framework Plan" also referred to as the "National Land Use Plan", shall refer to a strategic plan containing the policy areas determining the most appropriate and rational use of land and other physical resources such as but not limited to protection, production, settlement and infrastructure land use. It provides policy guidelines for all decisions relating to land use and environmental management, to prevent and mitigate the adverse effects of inappropriate resource utilization on the country's food security and food self-sufficiency on rice and corn, the people's welfare and their environment. It embodies both policies and strategies necessary to carry out goals and objectives of this Act;

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

(ggg) "Patrimonial Properties" shall refer to all the properties belonging to the State that are not intended for public use or for public service for the development of national wealth:

- (hhh) "*People's Organization*" shall refer to a private, non-profit, voluntary and community-based organization with membership constituency established primarily to provide service to its members and the community in general;
 - (iii) "*Permanent Forest*" shall refer to lands of the public domain, that includes forest reserves, which has 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;
 - (jjj) "*Permanent Forestlands*" shall refer to forestlands, within public or private 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;
 - (kkk) "*Physical Framework Plans*" shall refer to strategic plans based on comprehensive land use plans (CLUPs) and national policies whether national, regional, or provincial which provide policy guidelines for all decisions 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. It embodies both policies and strategies necessary to carry out development goals and objectives;
 - (III) "*Premature or Illegal Conversion of Agricultural Lands*" shall refer to any activity that modifies or alters the physical characteristics of agricultural lands to render them suitable for non-agricultural purposes without an approved order of conversion from the Department of Agrarian Reform (DAR) Secretary;
 - (mmm) "*Prime Agricultural Lands*" shall refer to all irrigated areas; all irrigable lands; all rain-fed areas planted to rice and corn; all lands

- classified by the Bureau of Soils and Water Management under its land capability classification system as Class A, Class B, and Class C lands; all agricultural lands that are ecologically fragile, the conversion of which will result in serious environmental degradation, and mangrove areas and fish sanctuaries;
- (nnn) "*Production Land Use*" shall refer to the direct and indirect utilization of land to generate outputs resulting from the following activities, but not limited to: agricultural, fish, farming or aquaculture, timber production, agro-forestry, grazing and pasture, mining, indigenous energy resource development, industry, and tourism;
- (ooo) "*Protected Areas*" shall 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 destructive human exploitation. For purposes of this Act, it shall include agricultural lands identified and delineated under Section 32 hereof;
- (ppp) "*Protection Land Use*" shall refer to the utilization of land primarily for food, water and energy security, rehabilitation, conservation, and protection purposes for the promotion of the country's ecological and life-support systems;
- (qqq) "*Public Domain*" shall refer to lands that belong to the State which may be any of the following: agricultural, forest or timber, mineral, or national park as provided for in the Constitution;
- (rrr) "*Public Lands*" shall refer to lands which have not been subject to private property rights or subject to sale or other modes of acquisition or concession under the general laws, and are devoted to public use;
- (sss) "*Reclassification of Agricultural Lands*" shall refer to the act of specifying how agricultural lands shall be utilized for non-agricultural uses such as residential, industrial, or commercial purposes through the local planning and zoning processes pursuant

1 to Republic Act No. 7160 or the Local Government Code of 1991
2 and subject to the requirements and procedure for conversion. It
3 is equivalent to land sub-classification, as defined in this Act for
4 classified lands of the public domain and also includes the reversion
5 of non-agricultural lands to agricultural use;

- 6 (ttt) "*Resettlement Sites*" shall refer to areas identified by the
7 appropriate national agency or by the LGU, with respect to areas
8 within its jurisdiction which shall be used for the relocation of the
9 underprivileged and homeless, as defined under Republic Act No.
10 7279 or the "Urban Development and Housing Act (UDHA)";
11 (uuu) "*River Basin*" shall refer to the portion of land drained by a river
12 and its tributaries. It encompasses the entire land surface
13 dissected and drained by many streams and creeks that flow
14 downhill into one another, and eventually into one river. The final
15 destination is an estuary or an ocean;
16 (vvv) "*Settlements*" shall refer to formal and informal communities or
17 built-up residential areas where people prefer to live in land areas
18 classified, zoned, or converted for current or future residential or
19 housing development purposes, including socialized housing zones
20 for the homeless and underprivileged citizens;
21 (www) "*Settlements Development*" shall refer to any improvement on
22 existing formal or informal residential or housing settlements or any
23 proposed development of certain areas for residential or mass
24 housing settlement purposes. It also involves the spatial
25 distribution of population, identification of the roles and functions
26 of key urban centers, determination of relationships among
27 settlement areas, and the provision of basic services and facilities
28 of identified major residential or housing settlement areas or
29 growth centers. It is also concerned with the interrelationship of
30 settlements as they develop and establish functional linkages based
31 on their respective resource endowments and comparative
32 advantages;

- 1 (yyy) “*Significant Caves*” shall refer to caves which contain materials or
2 possess features that have archaeological, cultural, ecological,
3 historical or scientific value as determined by the DENR in
4 coordination with the scientific community and the academe;
- 5 (zzz) “*Socialized Housing*” shall refer to housing programs and projects
6 undertaken by the government or the private sector for the
7 underprivileged and homeless citizens which shall include sites and
8 services development, long-term financing, liberalized terms on
9 interest payments, and such other benefits in accordance with the
10 UDHA;
- 11 (aaaa) “*Socialized Housing Zones*” shall refer to lands identified and
12 designated by local government units as sites for socialized
13 housing, pursuant to Article IV of Republic Act No. 7279 or the
14 UDHA, and its implementing guidelines;
- 15 (bbbb) “*Sustainable Development*” shall refer to the development objective
16 of meeting the needs of the present generation without
17 compromising the ability of future generations to meet their own
18 needs consistent with the principles of social equity, efficiency, and
19 environmental integrity;
- 20 (cccc) “*Tourism Development Areas*” shall refer to specific sites for
21 tourism development located in areas identified as priorities in the
22 national, regional, and inter-regional area specific tourism master
23 plans and other sector plans such as eco-tourism and agri-tourism
24 sites, including those designated through legislative and executive
25 issuances such as tourist spots, tourist zones and tourism ecozones
26 which can be developed into tourism estates or integrated resort,
27 leisure, and recreation complexes, and other tourism related
28 facilities subject to restrictions imposed by its protection status and
29 land use category;
- 30 (dddd) “*Tourism Enterprise Zone*” shall refer to an area designated as
31 tourism enterprise zone by the Tourism Infrastructure and

Enterprise Zone Authority (TIEZA) pursuant to the provisions of Republic Act No. 9593 otherwise known as the "Tourism Act of 2009";

- (eeee) "*Tourism Estates*" shall refer to large tracts of land with well-defined boundaries in any area identified in the Philippine tourism master plan and regional tourism master plan, by proclamation of the President and/or by an act of Congress or local legislation. Such land shall be suitable for the development of an integrated tourism and resort complex including but not limited to accommodation facilities, food and beverage outlets, convention and meeting areas, sports, recreational and leisure centers and commercial outlets among others. It shall be provided with roads, water supply facilities, power and utilities like potable water, drainage sewerage disposal, solid waste disposal system and other necessary infrastructure. The estate shall be under one unified and continuous management;
 - (ffff) "*Tourist Spot*" shall refer to a particular area/site/spot, human-made or natural, known for its unique tourist/visitor-drawing attributes and activities. It may be classified according to its social, cultural, natural, historical, scientific, religious, and recreational significance;
 - (gggg) "*Tourist Zone*" shall refer to a geographic area not designated under protection land use, with well-defined boundaries proclaimed as such by the President of the Philippines and/or by acts of Congress. No development projects for any purpose shall be initiated and introduced within the zone prior to the formulation of a tourism master development plan which shall be undertaken in coordination with the Department of Tourism (DOT) and Tourism Infrastructure and Enterprise Zone Authority (TIEZA). A tourist zone is established for the enhancement and/or the conservation of cultural and historical heritage and for the appreciation and enjoyment of the local population and its visitors;

- 1 (hhhh) “*Urban Areas*” shall refer to all cities regardless of their population
2 density and to municipalities with population density of at least Five
3 hundred (500) persons per square kilometer;
- 4 (ivii) “*Urbanizable Areas*” shall refer to sites and lands which, considering
5 present characteristics and prevailing conditions, display marked
6 and great potential of becoming urban areas within a period of five
7 (5) years;
- 8 (vviii) “*Urban Forestry or Green Space*” shall refer to the establishment
9 and management of forest in urban environment for the
10 physiological and psychological well-being of the people;
- 11 (vviii) “*Water Security*” shall refer to the sufficient access throughout the
12 year to the minimum daily requirement of clean water to maintain
13 a healthy life;
- 14 (vviii) “*Water Use*” shall refer to the appropriation of water for domestic,
15 municipal, irrigation, power generation, inland fisheries, poultry
16 and livestock raising, industrial and commercial, environmental,
17 and recreational use and other purposes;
- 18 (vviii) “*Watershed*” shall refer to a land area drained by a stream or
19 fixed body of water and its tributaries having a common outlet for
20 surface runoff;
- 21 (vviii) “*Zoning*” shall refer to the process of delineating the specific uses
22 of lands in accordance with the approved Comprehensive Land Use
23 Plan (CLUP) within the territorial jurisdiction of a city/municipality
24 and specifying the conditions for their regulation, subject to the
25 limitations imposed by law and competent authority; and,
- 26 (vviii) “*Zoning Ordinance or ZO*” shall refer to a local law passed by the
27 *Sangguniang Bayan* or *Panlungsod* approving the development
28 control/zoning plan in accordance with an approved or adopted
29 CLUP for the city/municipality, and providing for the regulations and
30 other conditions on the uses of land including the limitation of the
31 infrastructure that may be placed thereon within the territorial
32 jurisdiction of a city or municipality. It incorporates the protected

areas under Section 13(a) and the protected agricultural lands under Section 32 of this Act.

CHAPTER III

PHYSICAL FRAMEWORK AND LAND USE PLANS

5 Sec. 5. *National Land Use Planning Process.* – The land use and physical
6 planning process shall be formulated following a combined bottom-up and top-down
7 approach. The National Land Use Commission (NLUC) shall draft the National Physical
8 Framework Plan (NPFP)/National Land Use Plan (NLUP) which shall have a timeframe
9 of thirty (30) years, with regular review and updating every ten (10) years: *Provided,*
10 *however,* That nothing herein shall prevent the NLUC from reviewing and updating at
11 anytime the NPFP/NLUP where public interest so requires. The NPFP, which guides
12 the planning and management of the country's land and other physical resources at
13 the national and sub-national levels, shall indicate broad spatial directions and policy
14 guidelines on settlements development, production land use, protection land use, and
15 infrastructure such as but not limited to social services, and utilities, transportation
16 and communication. The Regional Physical Framework Plans (RPFPs), Provincial
17 Physical Framework and Development Plans (PPFDPs), and Comprehensive Land Use
18 Plans (CLUPs), which shall also have a 30-year timeframe and cover the physical
19 development of their respective territories, shall be consistent with the national
20 physical framework development of their respective territories, shall be consistent with
21 the national physical framework plan: *Provided,* That the integration and
22 harmonization of the physical framework plans at all levels shall be iterative to ensure
23 that the concerns of both top and bottom levels of government are considered. The
24 physical and land use plans prepared at all levels shall have internal consistency
25 specifically on, but not limited to, the development, management and conservation of
26 forestlands found within a given territory and the linkages of the major land use
27 categories to ensure their complementation in the utilization, development and
28 management of resources.

29 All regional, provincial, city and municipal land use plans and zoning ordinances
30 shall only be amended or revised at the earliest after every ten (10) years except if
31 an earlier amendment or revision of the CLUP or ZO is authorized by the NLUC due to
32 extraordinary causes.

1 The NLUC shall issue procedural guidelines which shall guide the formulation
2 and integration/harmonization process: *Provided*, That the National Economic and
3 Development Authority (NEDA), the Human Settlements Adjudication Commission
4 (HSAC) created under Republic Act No. 11201, the Department of the Interior and
5 Local Government (DILG) and other agencies will continue to issue guidelines on the
6 content of the plans consistent with their respective agency mandates.

7 Sec. 6. *City and Municipal Land Use Plans.* – All barangays shall provide their
8 sectoral, temporal and spatial data for the CLUP which shall serve as the foundation
9 for the formulation of the city/municipal CLUPs. The data shall be provided by the
10 *Sangguniang Pambarangay* through stakeholder consultations. The CLUP shall
11 determine the specific use of land and other physical and natural resources, both
12 private and public, within their territorial jurisdiction including areas co-managed with
13 the national government and, as appropriate, management plans for ancestral
14 domains, critical watersheds, river basins, and protected areas.

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

22 The CLUP may be formulated as a component of a Comprehensive Land Use
23 and Development Plan (CLUDP), which merges the traditionally separate CLUP and
24 Comprehensive Development Plan to address the disconnect between the spatial and
25 sectoral factors and to ensure the complementation between the medium- and long-
26 term concerns: *Provided*, That the CLUDP shall remain consistent with the CLUP.

27 Consistent with the national standards and guidelines prescribed in Section 5,
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 Board
30 (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

1 C/MLUPB, the City/Municipal Planning and Development Coordinator/Office
2 (C/MPDC/PDO) shall provide technical, secretariat and administrative support in the
3 preparation, consultation, and integration and formulation process of the respective
4 CLUPs of each city or municipality.

5 The CLUPs shall be submitted by the city/municipal Local Development Councils
6 (LDC) for adoption and approval of the *Sangguniang Bayan* (SB). The approved CLUPs
7 shall be submitted to the province for integration into the PPFP.

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

11 Sec. 7. *Provincial Physical Framework Plan (PPFP)*. – The PPFP shall determine
12 the physical development of the entire provincial territory, consolidate and harmonize
13 the comprehensive land use plans of component cities and municipalities, consistent
14 with the RPFP. It shall reflect the indicative land use management and physical
15 development direction of the province.

16 Further, the PPFP shall serve as basis for other sectoral and development plans
17 related to land, natural resources, and infrastructure facilities, including the
18 development plan of the province; reconciliation and rationalization of land use
19 proposals among component cities and municipalities and with the higher level
20 framework plan; guiding development agencies and private developers, particularly
21 those that undertake large-scale projects; and providing a basis for resolving conflicts
22 arising from the implementation of land use plans and development projects involving
23 two or more municipalities.

24 The PPFP shall serve as the basis for the preparation of the Provincial
25 Development Plan (PDP) and Provincial Development Investment Program (PDIP).
26 The PPFP, PDP, PDIP and/or Provincial Physical Framework and Development Plan
27 (PPFDP) shall serve as the basis for the formulation of sectoral action plans of national
28 government agencies in the province and all LGUs within its jurisdiction. The province
29 may opt to prepare their PDP alongside the preparation of PPFP and consolidate them
30 into a PPFDP; *Provided*, That PPFDP shall remain consistent with the PPFP: *Provided*,
31 *further*, That any review or changes in the PPFP shall coincide with the over-all review
32 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/RLUPB. 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 RLUPB for consolidation and integration into
7 the RPFP.

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

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

21 Sec. 9. *The National Physical Framework Plan / National Land Use Plan.* – The
22 National Land Use Commission (NLUC) created in Section 14 herein, in consultation
23 with the concerned sectors through the conduct of mandatory public
24 hearings/consultations, shall formulate, periodically update and ensure the
25 implementation of a national physical framework plan that shall prescribe and
26 influence the country's land use and physical development. The NPFP shall
27 operationalize the policies provided in this Act and will be the basis for adopting land
28 use and physical planning-related guidelines and standards, including zoning and other
29 land use control standards that will guide the formulation of city/municipal zoning
30 ordinances.

1 The NPFP strategic objectives and directions shall be the basis for the
2 preparation, formulation and prioritization of the MTPDP and Medium-Term Philippine
3 Investment Program (MTPIP).

CHAPTER IV

FRAMEWORK FOR LAND USE PLANNING

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

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

25 Sec. 12. *Land Use Plans for Ancestral Domains.* – Land use plans of ancestral
26 domains shall be formulated by the ICCS/IP themselves in accordance with their
27 particular needs and traditional resource and management systems with the
28 assistance of the NCIP, the LGUs and civil society organizations (CSOs) concerned.
29 Such plans shall be recognized and adopted in the barangay, city/municipal, provincial
30 and national physical framework plans.

Physical framework plans made prior to the delineation of ancestral domains included in such plans or ordinances shall, without prejudice to the rights of the

1 ICCS/IP concerned, adopt different land use categories in accordance with their
2 particular needs and traditional resource and management systems.

3 In cases where there are no ADSDPPS, the LGU and the ICCS/IP shall jointly
4 formulate the land use plan within the ancestral domain until such time that the
5 ICCS/IPs have formulated their ADSDPPS.

6 Sec. 13. *Basic Land Use Considerations.* – Various land uses as categorized in
7 the succeeding section shall be determined in a manner that promotes the policies
8 and principles defined in Section 2 of this Act and shall consider the following elements
9 therein, among others:

- 10 (a) Protection land use category as defined in Section 14 shall prevail over
11 existing production land use category. The State shall undertake the
12 necessary action in changing the classification of these production areas;
- 13 (b) Preservation, conservation, rehabilitation and protection to perpetuity of
14 permanent forestlands, critical watersheds, key biodiversity areas,
15 environmentally-critical and ecologically-fragile areas and prime
16 agricultural lands from any other land use, conversion, disposition,
17 intrusion, utilization and development aside from its determined use and
18 limits;
- 19 (c) Protection of natural forests and natural resources ensures
20 environmental stability, conserve biological diversity, improve ecosystem
21 functions and provide long-term ecological and economic benefits.
22 Designated restoration areas are designed to revive the ecosystem
23 functions and services of forests as well as improve the economic and
24 ecological benefits of local communities;
- 25 (d) Protection of forest and wetlands from infrastructure development to
26 preserve the ecological services they provide which are essential to
27 economic development. These activities include, but not limited to river
28 channelization and dredging, large scale irrigation and river diversions
29 which reduce riverine habitat and alters flood patterns and natural flow
30 regimes, reduce downstream water availability for agriculture and
31 contribute to salinization through saltwater intrusion in coastal areas;

- (e) Resolution of land use conflicts which are life-threatening to public safety, sustainability of key production resources or employment activities and the delivery of basic services and are harmful or destructive to protected areas, flora, fauna and other protected natural resources. Greater consideration shall be given to the human and tenurial rights of vulnerable groups in resolving land use conflicts;
 - (f) Identification of geo-hazard prone areas and high risk/danger zones and corresponding risk reduction measures to ensure the prioritization of life and safety: *Provided*, That specifically identified and assessed extremely hazardous and high-risk/danger zones shall be similarly protected and cleared from all forms of human-made obstacles, obstructions and infrastructures to ensure and secure public health and 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.

Sec. 14. Categories of Land Uses for Planning Purposes. — In determining and defining the national, regional and provincial framework plans, and CLUPs, land uses shall be grouped into four major functional uses as follows:

(a) *Protection Land Use* shall refer to the use of land primarily for food, water and energy security, rehabilitation, conservation, and protection purposes for the promotion of the country's ecological and life-support systems. Planning for protection land use intends to achieve food self-sufficiency in rice and corn, water and energy security, environmental stability and ecological integrity, ensure a balance between resources

use and the preservation of some areas with environmental, aesthetic, educational, cultural, heritage and historical significance, and protect people and human-made structures from the ill-effects of natural hazards. All lands, either public or private, under protection land use shall be permanently conserved, preserved, rehabilitated and protected from all other land uses, disposition, intrusion, utilization and development that is not consistent from its existing uses. Areas under this category also include those covered by Republic Act No. 7586 or the NIPAS Law and other coastal and marine protected areas, those areas outside NIPAS but nonetheless require protection because of their outstanding physical and aesthetic features, anthropological significance, and biological diversity, and those areas prone to natural hazards. Areas outside the coverage of the NIPAS law include, but are not limited to the following:

- (1) Old-growth forest and mossy;
- (2) Areas with more than 50% in slope gradient;
- (3) Mangrove and fish sanctuaries, pursuant to Republic Act No. 8435 or the "Agriculture and Fisheries Modernization Act of 1997" and Republic Act No. 8550 or "The Philippine Fisheries Code of 1998";
- (4) Buffer zone or strips/easements, pursuant to Presidential Decree No. 705, amending Presidential Decree No. 389, otherwise known as the "Forestry Reform Code of the Philippines" and Presidential Decree No. 1067 or the "Water Code of the Philippines";
- (5) Salvage zones along foreshore areas, freshwater swamps and marshes, plazas and heritage/historic sites, pursuant to Presidential Decree No. 2146;
- (6) Watersheds;
- (7) Utility easement like transmission lines of power companies, oil and gas facilities, cell sites, and domestic water lines;
- (8) Amenity areas or those with high aesthetic values, pursuant to Presidential Decree No. 2146;

- (9) Natural and human-made areas/sites of cultural, historical and anthropological significance, which are declared as such by internationally-recognized organizations and concerned national agencies;
 - (10) Critical habitats as provided in Republic Act No. 9147 or the "Wildlife Resources Conservation and Protection Act";
 - (11) Significant caves under Republic Act No. 9072 or the "National Caves and Cave Resources Management and Protection Act";
 - (12) Key biodiversity areas under Executive Order 578, Series of 2006, or the "National Biodiversity Policy";
 - (13) Prime agricultural lands as defined under this Act; or,
 - (14) Areas within ancestral domains excluded by the IPs/ICCs from any activities, except for the exclusive purposes for which they are identified, such as sacred grounds and burial sites of ICCs; identified international and local cultural and heritage sites; critical areas identified or reserved by the ICCs/IPs for special purposes; and other areas specifically identified by IPs/ICCs in their ADSDPP.

(b) *Production Land Use* shall refer to the direct and indirect utilization of land resources for crop, fishery, livestock and poultry production, forestry, agro-forestry, mining, industry, energy development, indigenous energy exploration and development, and tourism. Planning for production land shall determine the most efficient, sustainable, and equitable manner of utilizing, developing and managing land for productive purposes. Areas included in this category area agricultural lands, fishing grounds, coastal and marine zones, production forest which comprise lands 18% to 50% in slope gradient such as: residual dipterocarps, rangelands for grazing purposes, industrial tree plantation/Integrated Forest Management Agreement (IFMA), community based forest management areas and other reforestation projects, mineral lands or mining areas and reservations, energy resource lands, industrial development areas, and tourism development

1 areas where productive activities could be undertaken to meet the
2 country's requirements for food security, economic growth and
3 development.

4 (c) *Settlements Development* shall refer to any improvement on existing
5 settlements in urban and rural areas or any proposed development of
6 certain areas for settlement purposes involving the spatial distribution of
7 population, identification of the roles and functions of key urban centers,
8 determination of relationships among settlement areas, and the
9 provision of basic services and facilities to such settlement. The
10 settlements development plan ensures for the present and future
11 generation the following: (i) effective integration of activities within and
12 among settlements, allowing efficient movement of people and
13 production of commodities through the provision of appropriate land,
14 infrastructure, and facilities; and (ii) access of the population to housing,
15 education, health care, recreation, transportation and communication,
16 sanitation, and basic utilities such as water, power, waste disposal, and
17 other services.

18 (d) *Infrastructure Development* shall refer to the availability or supply of
19 basic services and fostering of economic and other forms of integration
20 necessary for producing or obtaining the material requirements of
21 Filipinos, in an efficient, responsive, safe and ecologically friendly built
22 environment. It covers sub-sectors of transportation, communication,
23 water resources, and social infrastructure: *Provided*, That the
24 determination of functional uses of lands within ancestral domains shall
25 consider traditional resource and management systems that do not
26 endanger the lives of the people and property of the local community
27 and neighboring areas or increase the vulnerability of the natural
28 environment to the effects of natural and human-induced geological
29 processes.

30 **CHAPTER V**

31 **IMPLEMENTING STRUCTURE AND MECHANISMS**

32 **ARTICLE I**

NATIONAL

2 Sec. 15. *Creation of the National Land Use Commission (NLUC).* – The National
3 Land Use Commission, hereinafter referred to as NLUC, is hereby created as a
4 Commission under the Office of the President. It shall exercise the powers and
5 responsibilities of the current NEDA Board-National Land Use Committee which is
6 hereby abolished and the powers and functions pertaining to land use planning vested
7 by law to the Human Settlements Adjudication Commission (HSAC). The NLUC shall
8 act as the highest policy making body on land use and resolve land use policy conflicts
9 between or among agencies, branches, or levels of the government. It shall integrate
10 efforts, monitor developments relating to land use and the evolution of policies. It
11 shall also establish Regional Offices.

12 Sec. 16. *Composition of the NLUC.* – The NLUC shall be composed of the
13 following:

- 14 (a) Chairperson to be appointed by the President for a term of six (6) years,
15 with a rank of Cabinet Secretary;

16 (b) The Director-General of the National Economic and Development
17 Authority (NEDA) and Secretary of the Department of Environment and
18 Natural Resources (DENR) as Vice-Chairpersons;
19 The President may designate from among the two Vice-Chairpersons a
20 Chief Executive Officer who shall supervise the day-to-day affairs of the
21 NLUC.

22 The members shall be:

- 23 (c) The Secretaries of the Department of Human Settlements and Urban
24 Development (DHSUD), the Department of Agriculture (DA), the
25 Department of Agrarian Reform (DAR), the Department of Trade and
26 Industry (DTI), the Department of Public Works and Highways (DPWH),
27 the Department of Transportation (DOTr), the Department of
28 Information and Communications Technology (DICT), the Department
29 of Tourism (DOT), the Department of Interior and Local Government
30 (DILG), the Department of Justice (DOJ), the Department of Science and
31 Technology (DOST), the Department of Finance (DOF), the Department

1 of Energy (DOE), and the Chairperson of the National Commission on
2 Indigenous Peoples (NCIP);

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

7 (d) A representative each from the Leagues of Provinces, Cities and
8 Municipalities;

9 (e) A representative each from four (4) basic and marginalized sectors
10 directly involved in land use, namely: urban poor, farmer-peasants,
11 fisherfolk, and indigenous peoples who shall be appointed by the
12 President of the Philippines based on the nomination and
13 recommendation of the respective sectoral councils of the National Anti-
14 Poverty Commission (NAPC). At least two (2) sectoral representatives
15 shall be women;

16 (f) Two (2) representatives from private subdivisions, and housing
17 developers; and,

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

22 Sec. 17. *Powers and Functions.* – The NLUC shall have the following powers
23 and functions:

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

26 (b) Integrate and harmonize all laws, guidelines and policies relevant to land
27 use and physical planning to come up with a national, cohesive, and
28 comprehensive national land use framework;

29 (c) Formulate policies and approve land use and physical planning-related
30 policies that may be formulated by the Regional Land Use Policy Board
31 (RLUPB), created under Section 25 of this Act, and concerned agencies
32 as well as promulgate zoning and other land use control standards and

1 guidelines which shall guide the formulation of land use plans and zoning
2 ordinances by local governments;

- 3 (d) Prepare, periodically review and if necessary, update the national
4 framework for physical planning to provide the general framework for
5 the spatial development directions for the entire country and sub-
6 national levels;
- 7 (e) Review and approve all land use physical planning related guidelines;
- 8 (f) Monitor and coordinate the gathering of data, the conduct of studies
9 pertaining to land use planning including studies on the management of
10 identified land uses and such other studies not undertaken by other
11 government agencies;
- 12 (g) Report and recommend to the President of the Philippines and to
13 Congress the adoption, passage, or amendment of laws to ensure that
14 sectoral programs, plans, projects and activities including local
15 government initiatives affecting land use are consistent with national
16 development objectives;
- 17 (h) Coordinate with and assist other government agencies and LGUs in
18 planning, developing, and implementing their land use classification
19 programs, and provide, to the extent possible, technical assistance and
20 guidance;
- 21 (i) Monitor and coordinate the activities of concerned agencies and entities
22 of the government, as well as LGUs, in the enforcement and
23 implementation of policies and regulations relating to land use and
24 resource management and development;
- 25 (j) Monitor and coordinate activities in the establishment of a national land
26 resource information and management system of concerned agencies
27 that shall integrate and process information on land use and allocation
28 generated by the various national government agencies, define
29 information requirements at various levels; and standardize information
30 inputs and outputs including scales and symbols used in territorial and
31 sectoral maps;

- (k) Be the repository of all RPFPs, PPFDPs and CLUPs and all data and information pertaining to land and land use;
 - (l) 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;
 - (m) Decide and resolve policy conflicts and territorial jurisdiction on land use between or among agencies, branches, or levels of the government and act on unresolved land use policy conflicts at the regional level elevated by the Regional Land Use Policy Board (RLUPB);
 - (n) Adopt rules of procedures for the orderly and expeditious conduct of meetings and other business of the Council;
 - (o) Perform such other acts and functions and exercise such other powers as may be necessarily implied, inherent, incident, or related to the foregoing; and,
 - (p) Review and recommend fiscal policies and taxation on different land uses and classification to achieve national goals.

Sec. 18. *NLUC Technical Secretariat (NLUC-TS).* – A Technical Secretariat shall be created to provide technical support to the NLUC. It shall be headed by an Executive Director with a rank of Undersecretary. He shall be a qualified professional in any of the fields of land use, physical planning, environmental management, engineering, public governance or law.

Sec. 19. The NLUC Technical Secretariat Executive Director. – The Executive Director shall supervise the operations of the NLUC Technical Secretariat and assist the NLUC Chairperson or his/her designated Chief Executive Officer (CEO).

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

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

Sec. 20. Offices, Units and Staff Support. – The appropriate office in the Human Settlements Adjudication Commission (HSAC) created under Republic Act No. 11201 or the “Department of Human Settlements and Urban Development Act” shall be the core secretariat of the NLUC. The staff in the HSAC and NEDA Regional Development

1 Office who opted to transfer to the NLUC shall be given priority without diminution in
2 rank and remuneration. The staffing pattern shall be drafted by the NLUC in
3 coordination with the DBM and Civil Service Commission. Other government agencies
4 may also be called upon for staff support.

5 The NLUC technical secretariat shall be divided into the following service units
6 – Planning and Policy Services, Technical Advisory and Assistance Service, and
7 Administrative and Financial Services. Each service unit shall be headed by a Director
8 with a minimum rank of Director I (Salary Grade 22) and shall possess professional
9 qualifications that relate to land use, physical planning, management, engineering,
10 governance and law.

11 (a) Planning and Policy Services – shall provide planning and policy support
12 services to the NLUC. It shall be responsible for preparation, formulation
13 and issuance of national land use planning guidelines, standards and
14 policies that would be approved by the NLUC. It shall also be responsible
15 for assisting the NLUC in monitoring the implementation and compliance
16 of national and local agencies on the national land use policies,
17 directives, and guidelines. It shall also maintain and update an open
18 and publicly accessible national land use plan inventory, information and
19 database monitoring system that shall collate, integrate and consolidate
20 the general status of the country's land uses at all LGU levels. It shall
21 also provide legal and legislative support to the NLUC and other policy-
22 making bodies on land use policies and land use related issues and
23 concerns.

24 (b) Technical Advisory and Assistance Service – shall provide technical
25 advisory services to the NLUC and other policy making bodies related to
26 land use management and implementation. It shall also provide
27 technical assistance to local and national agencies in the preparation and
28 formulation of their local land use plans, development and sectoral plans,
29 and other land use-related concerns that may be raised by these bodies.
30 It shall maintain a national network of technical capable and qualified
31 representatives under its supervision and administration that shall
32 provide technical advisory and secretariat support to local land use

1 planning bodies at the LGU levels. The technical advisory and assistance
2 service shall develop and provide training and capacity building
3 programmes on land use planning, land management, zoning, mapping
4 and other related skills for local government units to enhance and
5 strengthen their capacity to effectively perform the functions of LGUs
6 under this Act.

7 (c) Administrative and financial services – shall provide day-to-day
8 administrative, human resources, budgeting, logistical support and
9 financial services to the NLUC and its technical secretariat. It shall also
10 perform other administrative and support services necessary for the
11 effective and efficient operation of the NLUC and NLUC secretariat.

12 **ARTICLE II**

13 **REGIONAL AND LOCAL LAND USE PLANNING BOARDS**

14 Sec. 21. *City/Municipal Land Use Planning and Management Board*
15 (*C/MLUPMB*). – The C/MLUPMB is hereby created under this Act in all municipalities
16 and cities, including highly urbanized and component cities, to oversee the
17 preparation, integration, adoption and approval of their respective Comprehensive
18 Land Use Plans (CLUPs) and shall ensure the consistency of such plans with approved
19 national, regional and provincial planning guidelines. The C/MLUPMB shall also be
20 directly responsible for the effective management and implementation of the approved
21 CLUP and for ensuring that any existing and future local policies, including zoning
22 ordinances, development initiatives, programs and projects introduced within its
23 jurisdiction are consistent with and supportive of land use resource management and
24 physical planning objectives, directions and character identified by the approved CLUP.

25 Sec. 22. *Powers and Responsibilities of the City/Municipal Land Use Planning*
26 *and Management Board*. – The following are the powers and responsibilities of the
27 C/MLUPMB:

28 (a) In coordination with the city/municipal planning and development
29 office/coordinator, review and issue the necessary local planning
30 guidelines and/or implementing policies for the preparation and
31 formulation of the CLUPs within its jurisdiction as provided for by

1 approved national, regional and provincial planning policies and
2 guidelines;

- 3 (b) Review and endorse to the *Sangguniang Bayan* or *Sangguniang*
4 *Panlungsod* the draft CLUP for adoption;
- 5 (c) Ensure the input of the barangays within the jurisdiction of the
6 respective city/municipal on sectoral, temporal and spatial dimensions
7 of the plan and its consistency with approved national, regional and
8 provincial planning guidelines;
- 9 (d) Review, monitor and assess the implementation and operationalization
10 of the approved CLUP;
- 11 (e) Decide and resolve land use policy and zoning conflicts that may arise
12 between or among barangays within the LGUs;
- 13 (f) Resolve and decide any complaints regarding the issuance of
14 applications for locational clearances, building and zoning permits and/or
15 other planning-related requirement for any project, both private and
16 public, by the LGU to ensure consistency and conformity with the
17 approved CLUP and zoning ordinances;
- 18 (g) Advise the local chief executive and *Sangguniang Bayan* on all matters
19 pertaining to land use and physical planning;
- 20 (h) Promote cooperation and sharing of resources between and among its
21 barangays and neighboring LGUs to address common land use and
22 development issues including those related to geo-physical hazards,
23 watershed and river basins, coastal and marine waters, climate change
24 impact and disaster risks; and,
- 25 (i) Convene a technical working group composed of city/municipal
26 agriculturist, city/municipal environment and natural resources officer,
27 city/municipal engineer, city/municipal assessor and such other LGU
28 officials with land related functions in the preparation of the CLUP. The
29 TWG may request any field officials of national government agencies
30 with land administration function to assist for the same purposes.

31 Sec. 23. *Composition of the C/MLUPMB.* – The C/MLUPMB shall be composed
32 of five (5) members and shall be headed by a Chairperson:

- (a) City/municipal planning and development coordinator (C/MPDC);
 - (b) Chairperson of the *Sangguniang Bayan* Committee on Environment and Natural Resources who shall serve as the chairperson of the C/MLUPMB;
 - (c) One (1) representative from the local business/private sector association/chamber of commerce, who shall be appointed from among the accredited organizations within their respective development councils;
 - (d) One (1) representative from the basic sector and marginalized groups (urban poor, fisherfolk, farmers and indigenous peoples) who shall be appointed from among the accredited organizations within their respective development councils; and,
 - (e) NLUC representative who shall serve as ex-officio member.

Except for ex-officio members, the members of the C/MLUPMB shall be appointed for a term of three (3) years, subject however to the elected office held, government employment and/or official designation in the LGU, national agency and/or local business/private sector association or basic and marginalized sector group representation in the Board. The City/Municipal Planning and Development Coordinator/Office (C/MPDC/O) shall provide technical secretariat and administrative support and resources for the effective operation of the C/MLUPMB.

Aside from the C/MPDO/C, the C/MLUPMB may call upon other local and national government offices and agencies such as the local engineer, the assessor and the local field representatives of the DA, the DPWH, the DOTC, the DOT, the DENR, the DAR, the DepEd and other concerned national agencies to assist the C/MLUPMB in the performance of its roles and mandates.

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

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

4 Sec. 24. *Provincial Land Use Planning and Management Board (PLUPMB).* –
5 The PLUPMB is hereby created in all provinces under this Act to oversee the
6 preparation, integration, adoption and approval of the Provincial Physical Framework
7 Plan (PPFP) and shall ensure its consistency with approved national and regional
8 planning guidelines. The PLUPMB shall also be directly responsible for the effective
9 management and implementation of the approved PPFP and ensure that any existing
10 and future development initiatives, programs and projects introduced within its
11 jurisdiction are consistent with and support of the land use resource management and
12 physical planning objectives, direction and character identified in the approved PPFP.

13 In addition to the functions enumerated in Section 109 of the Local Government
14 Code (LGC), the PLUPMB shall:

- 15 (a) Advise the *Sangguniang Panlalawigan* on all matters pertaining to land
16 use and physical planning;
- 17 (b) Review and endorse to the *Sangguniang Panlalawigan* for adoption, the
18 provincial physical framework plans, prepared and periodically updated
19 by the Provincial Planning and Development Office and other land use
20 and physical planning-related policies;
- 21 (c) Assist the *Sangguniang Panlalawigan* in reviewing the CLUPs of
22 component cities/municipalities to ensure consistency with the provincial
23 framework plans and compliance with the limits prescribed under the
24 1991 LGC for reclassifying agricultural lands; and,
- 25 (d) Decide and resolve policy conflicts on land use planning, classification,
26 and allocation that may arise between or among cities/municipalities and
27 any unresolved land use conflicts at the city/municipal level.

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

1 Sec. 25. *Composition of the PLUPMB.* – The PLUPMB shall be composed of the
2 following fourteen (14) members to be selected based on the rules to be formulated
3 by the NLUPC as provided in this Act:

- 4 (a) Provincial Planning and Development Coordinator (PPDC);
- 5 (b) Chairperson of SP Committee on Environment and Natural Resources;
- 6 (c) Provincial Chapter President – League of Municipalities and/or League of
7 Cities;
- 8 (d) Provincial Agrarian Reform Officer (PARO);
- 9 (e) Provincial Environment and Natural Resources Officer (PENRO);
- 10 (f) Provincial Agricultural Officer (PAO);
- 11 (g) NCIP Provincial Officer;
- 12 (h) NLUC Technical Representative;
- 13 (i) One (1) representative from the local business/private sector
14 association/chamber of commerce, who shall be appointed from among
15 the accredited organizations within their respective development
16 councils;
- 17 (j) Four (4) representatives from the basic and marginalized sector groups
18 (urban poor, fisherfolk, farmers, indigenous peoples): *Provided*, That at
19 least two (2) representatives shall be women: *Provided, further*, That
20 the representatives shall be appointed from among the accredited
21 organizations within their respective development councils; and,
- 22 (k) Designated board chairperson to be chosen among the members.

23 Except for ex-officio members, the members of the PLUPMB shall be appointed
24 for a term of three (3) years, subject however to the elected office held, government
25 employment and/or official designation of the local government unit, national agency
26 and/or local business/private sector association or basic and marginalized sector group
27 representation in the Board. The NLUPC, within ninety (90) days from its
28 establishment, shall formulate the rules for the selection of the chairperson and the
29 members of the PLUPMB. The Provincial Planning and Development
30 Coordinator/Office (PPDC/O) shall provide technical secretariat and administrative
31 support and resources for the effective operation of the PLUPMB.

1 Aside from the PPDO, the PLUPMB may call upon other local and national
2 government offices and agencies such as the local engineer, assessor, and local field
3 representatives of the DA, DPWH, DOTC, DOT, DENR, DAR, DECS, NCIP and other
4 concerned national agencies to assist the PLUPMB in the performance of its roles and
5 mandates.

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

12 Sec. 26. *Regional Land Use Policy Board.* – At the regional level, the Regional
13 Land Use Policy Board (RLUPB) shall be institutionalized, replicating the NLUC
14 structure and composition which shall include a duly authorized representative from
15 the NEDA, the DENR, the DA, and the DAR. The RLUPB shall have the following
16 functions:

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

- (g) Evaluate consistency of major programs and projects with the regional physical framework plans and their impact on land use and the environment;
 - (h) Undertake the gathering of regional data for the Land Resource Information and Management System; and
 - (i) Perform other related functions as may be directed by the LUPC.

ARTICLE III

ADOPTION, APPROVAL AND REVIEW OF LAND USE PLANS

9 Sec. 27. *Component Cities and Municipalities.* — Component cities and
10 municipalities shall have the power and authority to adopt and approve their
11 respective CLUPs and ZOs through their respective *Sanggunians* subject to the power
12 of review of their respective provinces only with respect to the consistency of the
13 CLUPs and ZOs with Section 7 hereof on the preparation of the provincial physical
14 framework plan.

15 Sec. 28. *Provinces and Independent and Highly Urbanized Cities.* – Provinces
16 and independent and highly urbanized cities shall have the power and authority to
17 adopt and approve their respective CLUPs, ZOs or provincial physical framework plan,
18 as the case may be, through their respective *Sanggunian* but subject to the review of
19 the RLUPB as provided in Section 25 of this Act.

ARTICLE IV

RESPONSIBILITIES OF THE NATIONAL GOVERNMENT AGENCIES AND LGUs

Sec. 29. *National Base Mapping Program.* – A national mapping program shall be implemented, coordinated, and monitored through the creation of an Inter-agency Technical Committee (ITC) composed of the NAMRIA, as the lead agency, the Bureau of Soils and Water Management (BSWM), the Forest Management Bureau (FMB), the Land Management Bureau (LMB), the Land Registration Authority (LRA), the Protected Areas and Wildlife Bureau (PAWB), the Mines and Geosciences Bureau (MGB), the Philippine Institute of Volcanology and Seismology (PHILVOLCS), the DAR, the National Water Resources Board (NWRB), the DOE, the NEDA and other concerned government agencies/bureaus. The ITC shall be constituted, and the mapping program shall be initiated, within thirty (30) days from the effectivity of this Act. The

1 agencies mentioned in this Section shall endeavour to finish their base mapping
2 program within two (2) years upon the effectivity of this Act.

3 To facilitate land use planning and as a part of the National Base Mapping
4 Program, the Interagency Technical Committee (ITC) shall establish a nationally
5 consistent Alphanumeric Grid Reference System based on universally-defined
6 coordinate and grid systems for accurate and consistent identification and
7 communication.

8 The spatial and non-spatial data generated by these activities shall be
9 downloaded to the LGU as soon as practicable. On the other hand, existing land
10 information data available to the national government agencies as of the effectivity of
11 this Act shall be immediately downloaded to the LGU.

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

17 Sec. 30. *National Geo-Hazard Mapping Program.* – Within thirty (30) days from
18 the effectivity of this Act, a nationwide geo-hazard mapping program shall be initiated
19 jointly thru the NLUC by the PHILVOLCS, the Philippine Atmospheric Geophysical and
20 Astronomical Services Administration (PAGASA), the NAMRIA, the MGB, the BSWM,
21 and the DOE, in coordination with the National Disaster Risk Reduction and
22 Management Council (NDRRMC), the Regional Disaster Risk Reduction and
23 Management Council (RDRRMC), and other concerned government agencies. The
24 program shall include the generation of indicative geo-hazard zoning maps that will
25 outline areas in the Philippines which are prone to liquefaction, landslides, severe
26 flooding, lahar, ground rupturing, tsunami, river erosion, coastal erosion, sinkhole
27 collapse, earthquake, lava flow, pyroclastic flow, base surge, and other natural
28 hazards.

29 For purposes of uniformity and standardization and in order to develop an safe-
30 built environment, the LGUs shall subsequently incorporate and integrate the
31 generated geo-hazard zoning maps in their respective CLUPs. Said geo-hazard maps
32 shall serve as guide for all the LGUs in the preparation of their own hazards-

1 constrained development plans. The national physical framework planning, pursuant
2 to Section 5 hereof, shall incorporate these geo-hazard maps.

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

7 Sec. 31. *Scope and Nature of Responsibilities of Other National Government
Agencies.* – All concerned national government agencies/bodies shall periodically
9 report to the NLUC on the various activities and accomplishments relative to land use.
10 Likewise, they shall provide their respective sectoral/development plans and render
11 technical and administrative support if called upon by the NLUC relative to the
12 implementation of the provisions of this Act.

13 Sec. 32. *Submission of Annual Report for Agricultural Development.* – Priority
14 areas for agricultural development for purposes of agricultural production shall be
15 those agricultural areas under protection land use covered under Republic Act No.
16 6657 or the CARP, as amended, and those covered under Network of Protected Areas
17 for Agricultural and Agro-Industrial Development (NPAAAD), defined in Section 4 of
18 this Act and in R.A. No. 8435 or the “Agriculture and Fisheries Modernization Act”.

19 CHAPTER VI

20 SPECIAL AREAS OF CONCERN

21 ARTICLE I

22 AGRICULTURAL LANDS

23 Sec. 33. *Priority Areas for Agricultural Development.* – Priority areas for
24 agricultural development for purposes of agricultural production shall be those
25 agricultural areas under protection land use covered under Republic Act No. 6657 or
26 the CARP, as amended, and those covered under Network of Protected Areas for
27 Agricultural and Agro-Industrial Development (NPAAAD), defined in Section 4 of this
28 Act and in Republic Act No. 8435 or the “Agriculture and Fisheries Modernization Act.”

29 Sec. 34. *Conversion of Agricultural Lands.* – Prime agricultural lands and
30 specific types of lands to the extent necessary for attaining food self-sufficiency in rice
31 and corn and food security in other basic commodities, as determined by the DA,
32 subject to mandatory public hearings/consultations with the LGUs, the private sector,

1 the NGOs, and POs, shall be protected from conversion, which shall include but not
2 limited to areas under the NPAAAD: *Provided*, That all irrigated and irrigable lands, all
3 lands developed or possessing the potential for development of high value crops, and
4 all agricultural lands that are ecologically fragile and whose conversion will result in
5 serious environmental problems cannot be converted, the areas under which are
6 subject to review every ten (10) years by the DAR, with the mandatory public
7 hearings/consultations.

8 Sec. 35. *Sub-classification or Re-classification of Agricultural Lands by LGUs.* –
9 Sub-classification or re-classification of agricultural lands to other uses under Section
10 20 of the LGC of 1991 shall exclude the protected agricultural lands as stated in the
11 preceding section. Moreover, such sub-classification/re-classification is not
12 synonymous to conversion. The DA and DAR shall provide the LGUs with complete
13 list and maps of protected agricultural lands within their territorial jurisdictions.

ARTICLE II

ANCESTRAL DOMAIN

16 Sec. 36. *Priority Areas for Agricultural Development within Ancestral Domain.*
17 – Agricultural lands within ancestral domain shall be developed in accordance with
18 their Ancestral Domain Sustainable Development Protection Plan (ADSDPP).

19 *Sec. 37. Respect for Ancestral Domains.* – The Ancestral Domain Management
20 Plan (ADMP) or ADSDDP shall be adopted in the CLUP and/or other plans that the LGU
21 is mandated to produce. The extent of the ancestral domains shall be reflected in the
22 land use plan, where it will be zoned as such in the zoning ordinance and shall be co-
23 managed by the LGU and IP community. Additionally, the ADSDPP shall be included
24 in the investment plans of the LGU.

25 Sec. 38. *Ancestral Domain Policy Adoption.* – Ancestral domain policies shall
26 be adopted in the LGU’s land use policy framework. However, in the event that the
27 ADMP/ADSDPP is still in the formulation stage or remains to be formulated, the right
28 to self-determination and traditional resource and management systems and
29 processes shall be upheld at all times as provided for by the IPRA of 1997.

ARTICLE III

FOREST LANDS AND WATERSHED MANAGEMENT

1 Sec. 39. *Forestland Boundary Delineation.* – Pursuant to Section 4, Article 12
2 of the 1987 Constitution which mandates Congress to determine by law the specific
3 limits of forestlands and national parks, the Secretary of the DENR shall submit to
4 Congress the final forestland boundaries delineated by province and the Congress shall
5 consider the same for adoption.

6 Sec. 40. *Reversion of Alienable and Disposable Lands to Forestlands.* – Upon
7 the recommendation of the Secretary of the DENR, duly reviewed and endorsed by
8 the NLUC, and after due consultations with the concerned LGUs and affected parties,
9 Congress may authorize the reversion of alienable and disposable lands of the public
10 domain or portion thereof to forestlands. Thereafter, said lands shall be included in
11 the preparation of land use plans within forestlands.

12 Sec. 41. *Critical Watershed Areas.* – The DENR, in coordination with the DA,
13 LGUs, and other government agencies, including government-owned and –controlled
14 corporations, and with mandatory public hearings/consultations, shall review, identify
15 and delineate critical watershed areas that need to be protected, rehabilitated,
16 enhanced, and/or withdrawn from uses that contribute to their further degradation.

17 Sec. 42. *Formulation and Implementation of Integrated Watershed
Management Plans.* – In the absence of a law on the protection and sustainable
19 management of our forests, the LGUs through their local land use committees and
20 upon mandatory public hearings/consultations with the concerned sectors, and with
21 the assistance of DENR, shall prepare their watershed management plans which shall
22 be integrated with their respective CLUPs. The formulation and integration of the
23 plans shall be guided, among others, by the principle that the management and
24 development of inland water resources shall be at the watershed level. A nationwide
25 mapping of watersheds in the country shall be implemented.

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

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

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

ARTICLE IV

8 Sec. 43. *Criteria on the Allocation and Utilization of Lands within the Coastal*
9 *Zones.* – The allocation and utilization of lands within the coastal zone shall be guided
10 by the following:

- (a) Areas vegetated with mangrove species shall be preserved for mangrove production and shall not be converted to other uses;

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

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

(d) Areas accessible to the sea and identified for fisherfolk settlement and housing shall be allocated to traditional fisherfolk who are inhabitants of the coastal communities and members of legitimate fisherfolk organizations and/or holders of stewardship lease contracts or titles to ancestral domains or any form of property right arrangements who participate in coastal resource management initiatives, subject to the usual census procedures of the Department of Human Settlements and Urban Development.

(e) Areas which are neither sub-classified as mangrove, fisherfolk settlement nor fishpond may be devoted to recreational or tourism

purposes: *Provided*, That such undertaking will not result in environmental degradation and displacement of small fishers;

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

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

(h) Areas which form part of foreshore lands as defined in this Act including those which are under lease agreements or arrangements shall undergo zoning and evaluation to determine their boundaries and actual sizes and corresponding uses, taking into consideration the protection of mangroves or restoration zones and the compliance with the required 4:1 ratio between mangroves and fishponds.

Sec. 44. *Coastal Land Zone Sub-classification.* – All public lands in the coastal zones shall be sub-classified into any of the following: estuaries, lagoons, inter-tidal flats, mudflats, fishponds, mangroves, protection from tidal surge, for preservation of biodiversity, habitats and sanctuaries for endangered wildlife, fisherfolk settlement, or recreational/tourism areas. No sub-classification of coastal zone to different uses shall be done without the following:

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

Sec. 45. *Zoning of Foreshore Areas.* – Local government units, in coordination with the DENR, shall conduct zoning of their respective foreshore areas to assist government and community fishers identify priority areas for conservation and development, and to enable them to set targets for mangrove reforestation and rehabilitation.

Sec. 46. *Protection of Waterways Easements and Flood Plains.* – Structures of any kind shall not be built in waterways easements. Pursuant to PD 1067 or the Water Code, the banks of rivers and streams and the shores of the seas and lakes throughout

1 their entire length and within a zone of three (3) meters in urban areas, twenty (20)
2 meters in agricultural areas and forty (40) meters in forest areas, along their margins,
3 are subject to the easement of public use only in the interest of recreation, navigation,
4 floatage, fishing and salvage.

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

13 The DPWH, in coordination with DOST and DENR, shall declare flood control
14 areas, as necessary, and prohibit or control activities that could damage or cause
15 deterioration of lakes and dikes, obstruct the flow of water, change the natural flow
16 of rivers, increase flood losses or aggravate flood problems pursuant to Presidential
17 Decree 1067.

ARTICLE V

MINERAL LANDS

20 Sec. 47. *Criteria for the Utilization and Allocation of Land for Mining Purposes.*

21 – To ensure that ecological balance and sustainable use of mineral resources will
22 promote economic growth and uphold human rights of indigenous peoples and/or
23 local communities in areas with mining operations, the allocation and utilization of
24 lands for mining purposes shall be guided by the following:

- 25 (a) The principle/s of sustainable development;
- 26 (b) In case of small-scale mining, adequate and acceptable safeguards shall
27 be instituted by the holders of mining rights or permits to prevent
28 environmental degradation of the mining sites and adjacent areas;
- 29 (c) Mineral reservations which have become non-operational for more than
30 five (5) years as determined by the MGB shall be placed under
31 appropriate surface management by the DENR;

- (d) Consistent with the Mining Act of 1995, areas closed to mining operations shall be periodically reviewed through mineral exploration to be undertaken by the DENR for the purpose of determining whether or not their continued closure is consistent with the national interest and, if warranted, recommend their re-classification as mineral lands;
 - (e) Land under protection land use shall be exempted from mining activities to minimize the effect of natural calamities and to protect food security, respectively.
 - (f) The small to large scale mining operations shall recognize the tenurial instrument given by the government such as Original Certificate of Title (OCT), Transfer Certificate of Title (TCT), Certificate of Ancestral Domain Title (CADT), Emancipation Patent – Certificate of Land Ownership Award (EP-CLOA) and other instruments.

Sec. 48. Reversion of Mineral Lands. – All mineral lands with exhausted mineral resources, as determined by the MGB upon the recommendation of the DENR, shall revert to its original land classification, either as forestland or agricultural land. The full cost of rehabilitation shall be borne by the company or entity which undertook the mining activity in the area. In the case of forestlands, the DENR may classify such areas for other purposes in consultation with concerned LGUs, the Department of Tourism (DOT), and other national government agencies.

ARTICLE VI

ENERGY RESOURCE LANDS

Sec. 49. Guidelines for the Utilization and Allocation of Lands for Energy Resource Exploration, Development, Production, Utilization, and Distribution Purposes.

– To ensure that the objectives of maintaining ecological balance and maximizing the power potential from indigenous energy resources in the most economical and environmentally-acceptable means are realized, the allocation and utilization of lands for said purposes shall be guided by the following, consistent with existing regulations and laws on energy resources:

(a) Indigenous energy resource exploration and development for the purpose of a National Energy Resource Inventory and Data Base as well as Energy

Resource Block Map shall be allowed subject to the implementation of complementary watershed and other land management plans;

(b) Indigenous energy resource exploration, development, production, utilization, and distribution shall be subject to the appropriate requirements and processes of the Philippine Environmental Impact Statement (EIS) System. Each project shall secure an Environmental Compliance Certificate (ECC) prior to project implementation to ensure adequate and appropriate environmental management measures and optimum methods for resource access and recovery are utilized; and,

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

Sec. 50. *Reversion of Energy Resource Lands.* – All exhausted indigenous energy resource lands not covered by proclamations shall automatically revert to the Secretary of Forestlands or agricultural lands open to disposition, whichever is appropriate. Exhausted energy resource lands shall refer to specific energy resource lands whose energy reserves of the desired type/s are no longer in sufficient quantity and quality to justify additional expenditure for their extraction and utilization.

CHAPTER VII

SETTLEMENTS DEVELOPMENT

Sec. 51. Town, City, and Settlements Development. – The development of city and settlements through the zoning ordinances of cities and municipalities be guided by the CLUPs and urban zoning standards designed to maximize urban spaces. Socialized housing and settlement areas shall be established on alienable and disposable lands and which are expressly declared by an act of Congress or Presidential Proclamation that the same are no longer intended for public use or development of the national wealth or otherwise been converted to non-territorial property in order to avoid further degradation of forestlands.

Sec. 52. *Settlements Within Geo-Hazard Areas.* – Settlements, in particular
or residential developments, within geo-hazard areas may be allowed

1 provided that mitigating and/or protective measures are adopted to address the
2 potential danger or risk to lives and property within such settlements.

3 Sec. 53. *Designation of Sanitary Landfill.* – Each city or municipality shall
4 identify, designate and allocate an area preferably within their territorial jurisdiction
5 to serve as sanitary landfill within one (1) year from the effectivity of this Act. The
6 LGUs, in coordination with the DENR or any other competent authority, shall identify
7 sanitary landfill in order to expedite the conduct of environmental impact assessment
8 study and to facilitate processing of the environmental compliance certificate. The
9 site or area shall be identified in the city or municipality's CLUP. For this purpose,
10 cities and municipalities shall establish their solid waste management program,
11 pursuant to R.A. No. 9003, otherwise known as the "Ecological Solid Waste
12 Management Act of 2000". Likewise, as provided under Section 33 of the LGC, cities
13 and municipalities may, through appropriate ordinances, bind themselves towards the
14 establishment of a common solid waste management program.

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

20 Sec. 54. *Designation and Zoning of Socialized Housing Zones.* – Each city or
21 municipality in urban, urbanizable and rural areas shall designate through the CLUP
22 adequate lands for housing or residential purposes, including socialized housing and
23 resettlement areas for the immediate and future needs of the local population as well
24 as the underprivileged and homeless in their territory, pursuant to existing laws and
25 regulations. In order to ensure adequate availability of land for the housing needs of
26 the local population, the CLUP shall be updated, at the earliest after every ten (10)
27 years for provinces, cities and municipalities.

28 The designated sites for socialized housing shall be located in residential zones,
29 and shall be zones as socialized housing zones that are integrated in the city or
30 municipality's zoning ordinance, pursuant to existing laws and regulations. Preference
31 shall be given to lands proximate to public transportation facilities which may include
32 inter alia railways and public terminals.

1 Fisherfolk settlements and housing in coastal municipalities shall be zones near
2 the sea for easy access to their livelihood pursuant to Section 42 of this Act.

3 Sec. 55. *Urban Forest or Green Space.* – Each city or highly urbanizing
4 municipality shall identify, designate, and allocate lands owned by the city or
5 municipality as urban forest or green space based on the guidelines and standards to
6 be issued by the DENR and approved by the NLUC.

7

CHAPTER VIII

INDUSTRIAL DEVELOPMENT AREAS

8

9 Sec. 56. *Criteria for Designating Industrial Development Areas.* – The
10 identification and establishment of industrial development areas including Special
11 Economic Zones and/or freeports shall conform with the provisions of R.A. No. 7916,
12 or the Philippine Economic Zone Authority (PEZA) Act, R.A. No. 6657 or the
13 Comprehensive Agrarian Reform Program (CARP) Act, as amended by R.A. No. 9700
14 or the Comprehensive Agrarian Reform Program with Extension and Reforms Act
15 (CARPER), R.A. No. 8371 or the Indigenous Peoples Rights Act (IPRA), R.A. No. 7279
16 or the Urban Development Housing Act (UDHA), and R.A. No. 8435 or the Agriculture
17 and Fisheries Modernization Act (AFMA), taking into consideration the following:

- 18
- (a) Identified network of areas for agricultural development and protected
19 agricultural areas pursuant to the AFMA;
 - (b) National policies on the regional dispersal of industries and agri-based
21 industrial development;
 - (c) Identified growth areas and corridors in the National Development Plan;
 - (d) National Protected Areas System (NIPAS) and non-NIPAS areas that
24 require protection;
 - (e) National and Urban Development and Housing Framework;
 - (f) Identified Socialized Housing Zones;
 - (g) National framework for physical planning and other existing national
27 programs and policies;
 - (h) Local Government Unit (LGU) consent through a resolution from the
30 affected LGU's respective *Sanggunians*;
 - (i) Environmental Compliance Certificate (ECC) and Environmental Impact
32 Statement (EIS);

- (j) Certificate of no overlap from the DENR, DAR and the NCIP; and,
 - (k) NEDA approval.

3 The land use plans of all Special Economic Zones (SEZs) and/or freeports
4 whether created by special laws, through Republic Act No. 7916 (PEZA Law) or
5 executive proclamations shall conform to the approved Comprehensive Land Use Plans
6 pursuant to this Act. The NLUC shall order all Special Economic Zones and freeports
7 to submit revised land use plans, for review and approval by their respective city or
8 municipal councils where these areas are located.

9 Any ambiguity in the conflict or overlap in land use shall be resolved in favour
10 of the preferential rights of the basic and marginalized sectors protected by the
11 Constitution.

12 NEDA shall review and evaluate the viability in terms of the volume of
13 investments against the cost of environment, labor, tax incentive, and maintenance of
14 peace and order of Special Economic Zones and freeports.

15 The designated industrial development areas shall become an integral part of
16 the land use plan and zoning ordinance of the city or municipality where these areas
17 are located.

CHAPTER IX

TOURISM DEVELOPMENT AND HERITAGE AREAS

20 Sec. 57. *Designating Tourism Development Areas.* – The identification,
21 selection, and development of tourism development areas, tourism estates and
22 tourism enterprise zones (TEZs) shall be done in consultation and coordination with
23 the concerned LGUs, the TIEZA and concerned national government agencies, the
24 private sector, and affected communities, subject to the provisions of R.A. No. 9593
25 or Tourism Act of 2009. Tourism development areas shall likewise include those
26 covered by legislative and executive issuances as tourist spots, tourist zones and
27 tourism ecozones which can be developed into tourism estates or integrated resort,
28 leisure and recreation complexes and other tourism-related facilities as well as those
29 identified in the national, regional and inter-regional tourism, and area specific tourism
30 master plans and other sector plans such as ecotourism and agri-tourism sites.

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

1 Lands identified as part of a TEZ shall qualify for exemption from the coverage
2 of Republic Act Nos. 7279 and 6657 subject to rules and regulations to be crafted by
3 the TIEZA, DHSUD, DAR and DA: *Provided*, That a certificate shall be obtained from
4 the DA that said lands are no longer economically feasible and sound for agricultural
5 purposes, consistent with Section 33 of this Act.

6 Sec. 58. *Identification and Declaration of Areas for Protection, Conservation*
7 *and Preservation of Cultural Heritage.* – Pursuant to Republic Act No. 10066, the
8 National Historical Commission of the Philippines (NHCP) and/or the National Museum
9 in coordination with National Commission for Culture and the Arts (NCCA), DHSUD
10 and other concerned agencies, local communities, and the private sector, shall identify
11 declared areas and structures which shall be protected and/or preserved as part of
12 the Philippine cultural heritage subject to the IPRA.

13 The LGUs in coordination with the NHCP, the NCCA and the Cultural Center of
14 the Philippines (CCP) shall designate historical zones to protect the historical integrity
15 of said geographical areas and cultural space of intangible cultural properties.

CHAPTER X

INFRASTRUCTURE DEVELOPMENT

Sec. 59. *Allocation and Use of Land for Infrastructure Development.* – Land, whether public or private, shall be allocated and utilized for priority infrastructure projects that are supportive of national or local development objectives. The NEDA, in consultation with the concerned national government agencies, LGUs, and the private sector shall identify and periodically review, update and/or revise the list of priority infrastructure projects subject to Sections 5 and 33 of this Act, and Section 47 of Republic Act No. 8435 or AFMA. In determining and evaluating the list of priority infrastructure projects, consideration shall be given to those that:

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

infrastructures found in natural hazard-prone areas: *Provided*, That the provision and implementation of infrastructure support shall be made compatible with existing environmental conditions and the physical, whether natural or human-made, and cultural character of the area. Mandatory public hearings/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 or R.A. No. 7279 or the Urban Development Housing Act (UDHA), notwithstanding the provisions of R.A. 8975, prohibiting lower courts from issuing temporary restraining orders, preliminary injunctions, or preliminary mandatory injunctions, and proponent shall follow IPRA: *Provided, finally*, That national government infrastructure projects shall allocate budget for the adequate relocation of displaced communities.

Sec. 60. *Infrastructure Projects Within Geo-Hazard Areas.* – Construction of priority infrastructure projects within hazard-prone areas shall be allowed: *Provided*, That mitigating and/or preventive measures are adopted to address the potential adverse economic, socio-cultural, and environmental impacts that will emanate from these infrastructure projects, subject to the findings and recommendations of a feasibility study/environmental impact assessment in accordance with Presidential Decree No. 1586 entitled, "Establishing an Environmental Impact Statement System, Including Other Environmental Management Related Measures", and Republic Act No. 4846 or the "Cultural Properties Preservation and Protection Act", as amended by Presidential Decree No. 374.

Existing projects that did not go through the process of an environmental impact assessment and pose threats to the environment, integrity of historic, archeological, or scientifically significant areas; or are impinging on critical ecosystems, shall either be, as determined by the concerned agencies: (a) terminated immediately, (b) required to implement an Environmental Management Plan; (c) gradually phased-out and relocated; or, (d) maintained up to their life span, subject,

1 however, to mitigating measures: *Provided*, That the rules on mandatory public
2 hearings/consultations and just and humane eviction or demolition shall also be
3 observed prior to the termination, gradual phase-out, or relocation of projects that will
4 necessarily involve dislocation or displacement of people in the area.

5 **CHAPTER XI**

6 **TRAINING, EDUCATION, AND VALUE FORMATION**

7 Sec. 61. *Value Formation*. – In order to create a well-informed, responsible
8 and committed citizenry who values the protection, conservation and development of
9 the country's limited land, and other physical resources, the State shall mandate the
10 inclusion of sustainable land use education or any subject related thereto into the
11 curricula of primary, secondary and tertiary education.

12 Sec. 62. *Information and Education Campaign*. – The NLUC shall undertake a
13 nationwide education information campaign in land use and physical planning to be
14 implemented by local and national government agencies. The DILG and concerned
15 agencies shall formulate and implement a land use management capability-program
16 for national and local government officials, community leaders, NGOs, POs, religious
17 sector, and the general public: *Provided*, That it shall be mandatory for local
18 government officials involved in the preparation of CLUPs and PPFDP, including the
19 municipal, city and provincial development officer to attend the Land Use Management
20 Capability-Building Program.

21 **CHAPTER XII**

22 **INCENTIVES, SANCTIONS, AND PENALTIES**

23 **ARTICLE I**

24 **INCENTIVES AND AWARDS**

25 Sec. 63. *Formulation of a System of Incentives and Awards*. – The NLUC shall
26 come out with a system of incentives and awards to LGUs that regularly update their
27 CLUPs/ZOs within the prescribed period, as follows:

- 28 (a) Provinces, Highly Urbanized Cities, and Independent Component Cities
29 once every ten (10) years; and,
30 (b) Component cities and municipalities once every ten (10) years.

31 Sec. 64. *Priority in Giving Technical Assistance to LGUs*. – In providing technical
32 assistance and other forms of support related to land use management and the

implementation of development plans, the national government agencies shall give priority to cities and municipalities with approved CLUPs/ZOs.

ARTICLE II

SANCTIONS AND PENALTIES

Sec. 65. Fine for Non-Completion and Non-Commencement of Development of Agricultural Lands with Approved Order of Conversion. — A landowner and his/her designated developer or duly authorized representative who fails to commence and/or complete the development of agricultural lands with approved order of conversion shall be penalized, jointly or severally, with any of the following fines based on the zonal value of the land at the time the fine is imposed:

(a) On failure to commence within one (1) year from the date of conversion order:

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

(2) Fifteen percent (15%) of the zonal value of the subject land for the next three (3) hectares; and,

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

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

28 Sec. 66. *Authority to Impose Fine.*— The DAR shall impose the penalty provided
29 for under the preceding section.

30 Sec. 67. *Withdrawal of Local Development Permits or Licenses.* – Upon receipt
31 of notice from the DAR, the concerned agencies and the city or municipality shall

1 withdraw or revoke any development permits and other licenses that may be
2 necessary to develop the agricultural land subject of conversion.

3 Sec. 68. *Utilization of Fines.* – The fines collected under Sections 64, 69 and
4 70 hereof shall automatically accrue to the Agrarian Reform Fund consistent with the
5 provisions of the CARP, as amended.

6 Sec. 69. *Failure to Formulate, Enforce, and/or Implement the CLUPs.* –
7 Consistent with due process, the DILG shall investigate, review, and impose
8 appropriate action regarding local chief executives and other local officials and
9 employees responsible for the formulation, enforcement, and/or implementation of
10 the CLUPs in case of any of the following:

- 11 (a) Failure to implement and enforce the CLUP due to negligence of duty;
- 12 (b) Failure to provide appropriate budgetary allocation to effect its
13 implementation; and,
- 14 (c) Failure to complete the preparation of the CLUP despite the availability
15 of funds, resources, and support by the *Sanggunian* concerned.

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

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

25 Sec. 70. *Person/s Abetting Illegal Conversion.* – Any person initiating, causing,
26 inducing, or abetting illegal conversion shall, upon conviction, be imprisoned from
27 seven (7) to twelve (12) years and imposed a fine of not less than One hundred
28 thousand pesos (P100,000.00), or both at the discretion of the Court: *Provided*, That
29 if the offender is a public official or employee, whether elected or appointed, the
30 penalty shall, in addition thereto, include dismissal, through permanent separation
31 from the service and forfeiture of all benefits and entitlements accruing to the public
32 position and perpetual disqualification to run or apply for any elective or appointive

1 public office: *Provided, further,* That if the offender is a juridical person, the penalty
2 of imprisonment shall be imposed on the president, chief executive officer, manager,
3 chairperson and all the members of the board, and other responsible officers thereof,
4 and the fine shall be equivalent to the zonal value of the land or forty percent (40%)
5 of the shareholders equity, as determined at the time of judgment whichever is higher,
6 plus forfeiture of the land in favour of the State for sale through public auction, the
7 proceeds of which shall automatically accrue to the Agrarian Reform Fund as provided
8 for in Section 67 of this Act.

9 Sec. 71. *Penalty for Reclassification of Protected Agricultural Lands and*
10 *Exceeding the Limit Areas Allowed for Re-classification.* — Any person initiating,
11 causing, inducing, or abetting the re-classification of protected agricultural areas into
12 non-agricultural uses and exceeding the limits set forth under Section 20 of the LGC
13 of 1991, shall be penalized with imprisonment of twelve (12) years and a fine of not
14 less than One hundred thousand pesos (P100,000.00), or both at the discretion of the
15 court: *Provided*, That if the offender is a public official or employee, the penalty shall,
16 in addition thereto, include dismissal through permanent separation from the service,
17 whether elected or appointed, and forfeiture of entitlements accruing to the public
18 position, and perpetual disqualification to run or apply for any elective or appointive
19 public position: *Provided, further*, That if the offender is a juridical person, the penalty
20 shall be imposed on the president, chief executive officer, manager, chairperson and
21 all the members of the board, and other responsible officers thereof.

Sec. 72. *Payment of Disturbance Compensation.* – Following the order of priority as enumerated in Section 22 of the CARP, as amended, qualified beneficiaries such as agricultural lessees and share tenants, regular farm workers, seasonal farm workers, other farm workers, actual tillers or occupants of public lands, collective, or cooperative of the above-mentioned beneficiaries, and others directly working on the land affected by agricultural land use conversion shall be entitled to the payment of disturbance compensation equivalent to five (5) times the average of the gross harvests on the landholding during the last five (5) preceding calendar years, as determined by the DAR.

CHAPTER XIII

1 Sec. 73. *Convening of the NLUC.* – Within thirty (30) days from the effectivity
2 of this Act, the President shall convene the NLUC.

3 Sec. 74. *Implementing Rules and Regulations.* – Within six (6) months from
4 the effectivity of this Act, the NLUC shall promulgate the rules and regulations to
5 implement the provisions of this Act.

6 Sec. 75. *Congressional Oversight Committee on the Land Use Act.* – There is
7 hereby created a Congressional Oversight Committee which shall monitor the
8 implementation of this Act. It shall be composed of seven (7) members from the
9 Senate and seven (7) members from the House of Representatives. The Chairpersons
10 of the Senate Committee on Environment and Natural Resources and the House of
11 Representatives Committee on Natural Resources shall be the Chair and Co-Chair of
12 the Congressional Oversight Committee, respectively. The other members from the
13 Senate shall be appointed by the Senate President based on proportional
14 representation of the parties or coalitions therein with at least one (1) senator
15 representing the minority. The other members from the House of Representatives
16 shall be appointed by the Speaker also based on proportional representation of the
17 parties or coalitions therein with at least one (1) member representing the minority.

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

22 Sec. 76. *Appropriations.* – The appropriations of the National Land Use
23 Commission shall be taken from the budget office of the President in the General
24 Appropriations Act in the year following the effectivity of this Act. It shall be used to
25 carry out the initial operations of the National Land Use Commission. Thereafter,
26 additional sums as may be necessary for the full implementation of NLUC's functions
27 shall be included in the annual General Appropriations Act.

28 Sec. 77. *Review of Existing Land Use Plans.* – Provinces, cities, and
29 municipalities especially managed/administered areas by government, all Special
30 Economic Zones and/or freeports with existing land use plans shall review, revise,
31 reconcile, and harmonize the same with the guidelines and standards set forth under
32 this Act within three (3) years from the effectivity of this Act. Actual use shall be

1 preferred over future or reserve use: *Provided*, That all existing locational clearances
2 and zoning permits issued by the LGUs, prior to the effectivity of this Act, shall remain
3 valid pending review of the existing CLUPs and zoning ordinances and they shall not
4 be invalidated because of the sole reason that the new and approved CLUPs and ZOs
5 have determined that they should be properly located in a different land use zoning
6 area: *Provided, further*, That appropriate measures shall be adopted by the local
7 government unit concerned, the landowner and the developer should any existing
8 structure and facilities are found to be properly covered by a different land use zoning
9 category in areas where they are currently located: *Provided, finally*, That existing
10 structures and facilities within extremely hazardous and high-risk/danger zone which
11 cannot be addressed by any mitigating and/or protective measures shall be required
12 to relocate.

13 Sec. 78. *Repealing Clause.* – All republic acts, executive orders, rules and
14 regulations, and other issuances, or parts thereof, that are inconsistent with the
15 provisions of this Act are hereby repealed or modified accordingly.

16 Sec. 79. *Non-impairment Clause.* – Nothing in this Act shall be construed as to
17 diminish, impair, or repeal rights recognized, granted, or available to marginalized or
18 basic sectors under existing laws including but not limited to Republic Act Nos. 7279,
19 6657, 8371, and 8550.

20 Sec. 80. *Separability Clause.* – If for any reason or reasons, any part or
21 provision of this Act shall be declared or held to be unconstitutional or invalid, other
22 parts or provisions hereof, which are not affected thereby shall continue to be in full
23 force and effect.

24 Sec. 81. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after
25 its publication in the Official Gazette or in at least two (2) national newspapers of
26 general circulation.

27 *Approved,*