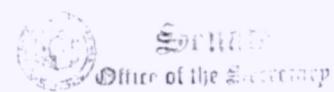


EIGHTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

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SENATE

19 JUL 11 P1:16

S. No. 358

RECEIVED BY [Signature]

INTRODUCED BY SENATOR RISA HONTIVEROS

AN ACT

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

EXPLANATORY NOTE

Land – its ownership, utilization and distribution – is a socio-political object. Beyond its economic benefits, it is also a driver of social change and social differentiation, and decision-making on land use inevitably have social, political, and ecological consequences. With the population rising and land resources dwindling, land and resource conflicts are the consequent realities. Almost always, the poor and the landless are at the losing end of these conflicts.

This is further exacerbated by the climate-related disasters that the Philippines. Climate change is impacting heavily on access to resources. Food, shelter, water needs are constantly under threat due to the onslaught of disasters hitting our archipelagic state. Again, climate change hits the poor the most.

Therefore, it is imperative to institutionalize the proper utilization and management of land resources in order to meet the present and future needs of the people, especially the poor and vulnerable, which include among others the need for healthy environment, sustainable agricultural production and food security, decent and affordable housing, jobs and industry. This can only be done through a regulatory framework that will ensure proper utilization of land with the express intent to meet the development needs of the population whilst ensuring that there is still enough for the generations yet to be born. Only a sound regulatory framework can protect our scarce resources from commercial pressures and development aggression.

In this regard, we are endorsing the adoption of the proposed National Land Use and Management Policy. It provides guidelines and criteria for land use based on the assessment of the development needs of various sectors in a participatory bottom-up top-bottom approach.

In particular, the bill provides for the:

1. Mechanism to harmonize conflicting land laws;
2. Adherence to the principle of sustainable development and just management, and utilization of natural resources;
3. Clear delineation of land use categories;
4. Protection of prime agricultural lands for food security and sufficiency;
5. Integration and institutionalizing people's participation in land use planning and applies the combined bottom-up top-bottom approach in land use planning;
6. National Physical Framework Plan which shall define the national strategy and objective of the country's urban, rural, and regional development;
7. Creation of the National Spatial Database Information and Mapping Inter-Agency Support System; and
8. Final determination and ground delineation of the country's permanent forest line and completion the Geohazard Mapping Program to effectively provide adequate and up to date information necessary for land use planning.

It is worthy of note that this bill is the result of a painstaking process of consultations and validation with and among different basic sectors such as farmers, fisherfolk, and the urban poor, and therefore is based on the felt needs and lived experiences of our fellow Filipinos whose lives are intertwined with land on which they live and work.

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


RISA HONTIVEROS

Senator

SENATE
S. No. 358

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INTRODUCED BY SENATOR RISA HONTIVEROS

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

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

**CHAPTER I
INTRODUCTORY PROVISIONS**

1 Section 1. *Title.* – This Act shall be known and cited as the "National Land Use
2 and Management Act of the Philippines."

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

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

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

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

19 d. Strengthen the capacity of the local government units (LGUs) to
20 manage and maintain ecological balance within their territorial

jurisdiction, in partnership with the national government in accordance with the Philippine Constitution and Republic Act No. 7160 or the Local Government Code of 1991.

Towards these ends, the State shall institutionalize land use and physical planning as a mechanism for identifying, determining, and evaluating appropriate land use and allocation patterns that promote and ensure:

- a) Maintenance and preservation of environmental integrity and stability;
- b) Sustainable and just management and utilization of natural resources;
- c) Disaster risk reduction and climate risk-based planning;
- d) Protection of prime agricultural lands for food security, with emphasis on self-sufficiency through efficient and sustainable use of land resources consistent with the principles of sound agricultural development, natural resources development, and agrarian reform;
- e) Protection and conservation of the country's natural heritage, permanent forestlands, natural forests, critical watersheds and key biodiversity areas to ensure adequate forest cover to maintain ecological processes in the country;
- f) Sustainable development and management of water resources;
- g) Settlements, transportation and other infrastructure development in support of inclusive growth and rural, urban and regional development;
- h) Improved access to affordable housing by increasing its supply through direct allocation, better access to unutilized lands, and multiple use and higher densities, where appropriate;
- i) Respect for and protection of the traditional resource right of the Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) to their ancestral domains; compliance with free and prior informed consent of ICCs/IPs; and recognition of customary laws and traditional resource use and management, knowledge, and practices in ancestral domains;
- j) Equitable access to land through State intervention that guarantees its affordability to the basic sectors;
- k) Energy security or energy self-sufficiency;
- l) Preservation and conservation of parks and protected areas to keep the scenery, the natural and historic objects, and the biodiversity

therein in their natural state and prevent them from being damaged for purposes of public recreational use and enjoyment; and

m) Meaningful participation of the basic sectors.

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

9 *Sec. 4. Definition of Terms.* – For the purposes of this Act, the following terms
10 shall be defined as follows:

- a) *Agricultural land* refers to the subclass of classified agricultural lands devoted to or suitable for the cultivation of the soil, planting of crops, growing of trees, raising of livestock, poultry, fish or aquaculture production, including the harvesting of such farm products and other farm activities and practices performed in conjunction with such farming operations, by persons whether natural or juridical, and not classified as residential land, commercial land or industrial land;
 - b) *Agricultural land use conversion* refers to the undertaking of any development activity which modifies or alters the physical characteristics of agricultural lands to render them suitable for nonagricultural purposes under an approved order of conversion issued by the appropriate government agency;
 - c) *Alienable and disposable lands of the public domain* refer to lands of the public domain which have been delineated, classified, and certified as such and available for disposition under Commonwealth Act No. 141, otherwise known as the Public Land Act, as amended;
 - d) *Ancestral domains* refer to all areas generally belonging to ICCs/IPs as defined in Republic Act No. 8371, otherwise known as the Indigenous Peoples Rights Act (IPRA) of 1997;
 - e) *Ancestral Domain Sustainable Development and Protection Plan (ADSDPP)* refers to a plan formulated and pursued in accordance with the rights of ICCs/IPs to manage and develop the land as well as natural and human resources within their ancestral domains based on their indigenous knowledge systems and practices on the principle of self-determination;

- 1 f) *Classified agricultural land* refers to one of the four (4) classifications of
2 land under the Constitution not classified by law as mineral land,
3 forestland or national park and the only land classification subject to
4 alienation;
- 5 g) *Coastal area/zone* refers to a band of dry land and the adjacent ocean
6 space (water and submerged land) in which terrestrial processes and
7 uses directly affect oceanic processes and uses, and vice versa. Its
8 geographic extent may include areas within a landward limit of one (1)
9 kilometer from the shoreline at high tide to include mangrove swamps,
10 brackish water ponds, nipa swamps, estuarine rivers, sandy beaches
11 and other areas within a seaward limit of two hundred (200) meters
12 isobath to include coral reefs, algal flats, seagrass beds, and other
13 soft-bottom areas;
- 14 h) *Comprehensive Land Use Plan (CLUP)* refers to a document embodying
15 a set of policies, accompanied by maps and similar illustrations that
16 serve as a policy guide for determining the future use of lands and
17 natural resources within the territorial jurisdiction of the LGUs. It
18 represents the community-desired pattern of population distribution
19 and proposes future allocation of land and resources to various
20 activities. It includes the processes and criteria employed in such
21 determination of allocation of land and resources. It is a plan for the
22 long-term management of the local territory covering a period of
23 minimum of ten (10) years, reviewable not earlier than every five (5)
24 years based on the four (4) categories of land use planning provided in
25 Section 6 of this Act;
- 26 i) *Comprehensive land use planning* refers to the act of defining the
27 allocation, utilization, development, and management of all lands
28 within a given territory or jurisdiction according to the inherent
29 characteristics of the land itself and supportive of sustainable,
30 economic, demographic, sociocultural and environmental objectives as
31 an aid to decision-making and legislation;
- 32 j) *Critical watershed* refers to watersheds or forestlands that have been
33 identified and evaluated to provide critical and vital natural, ecological,
34 environmental and physical beneficial services such as water,
35 biodiversity, energy, irrigation, social and cultural, among others, to a
36 specific area or community and whose existing biophysical condition

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

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

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

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

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

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

32 p) *Disaster risk reduction* refers to the concept and practice of reducing
33 disaster risks through systematic efforts to analyze and manage the
34 causal factors of disasters, including reduced exposure to hazards,
35 lessened vulnerability of people and property, wise management of

land and the environment, and improved preparedness for adverse events;

- q) *Ecologically-fragile lands* refer to lands within critical watersheds, brackish and freshwater wetlands, pasture lands, inland rivers and waterways, coastal and settlement areas, and croplands which require rehabilitation, protection and whose continued unsustainable use would result in physical risks and threats to life and property, public health and safety, as well as adversely affect the productivity of lowland agricultural areas and stability of the upland system;
- r) *Ecotourism* refers to a form of sustainable tourism within a natural and/or cultural heritage area where community participation, protection and management of natural resources, culture and indigenous knowledge and practices, environmental education and ethics, as well as economic benefits are fostered and pursued for the enrichment of host community and satisfaction of visitors;
- s) *Energy resources* refer to surface or subsurface substances that serve as energy sources. These are traditionally mineral fuel deposits such as coal, petroleum, natural gas or renewable resources from geothermal, hydro reservoirs, or nonconventional sources including ocean waves, solar, wind, biomass, and other similar resources which serve the same purpose;
- t) *Energy resource lands* refer to lands where naturally occurring or indigenous energy resources exist in sufficient quantity and/or quality as to be economically viable for exploration, development, production, utilization, and distribution purposes;
- u) *Environmentally-critical areas* refer to areas declared by law as (i) areas for natural parks, watershed reserves, wildlife preserves, and sanctuaries; (ii) areas set aside for aesthetic and visual value; (iii) areas that constitute the habitat for any endangered or threatened species of indigenous Philippine wildlife, both flora and fauna; (iv) areas of unique historic, archaeological, or scientific interests; (v) areas that are traditionally occupied by ICCs/IPs; (vi) areas with critical slopes; (vii) areas frequented and/or hard hit by natural calamities such as, but not limited to, geologic hazards, floods, typhoons and volcanic activities; (viii) recharge areas of aquifers; (ix) mangrove areas; (x) coral reefs; (xi) mossy and virgin forests; (xii) rivers and

1 riverbanks; (xiii) swamp forest and marshlands; (xiv) foreshore lands;
2 (xv) protected areas pursuant to Republic Act No. 7586 or the NIPAS
3 Act of 1992; and (xvi) areas set aside as aesthetic potential tourist
4 spots. This term shall also include other terrestrial, aquatic and marine
5 areas that need special protection and conservation measures because
6 they are ecologically fragile or they are needed for food security and
7 food self-sufficiency as determined by concerned agencies and LGUs in
8 consultation with the concerned stakeholders;

- 9 v) *Exhausted mineral resources* refer to a situation where the mineral
10 resources in specific sites are no longer in sufficient quantity or quality
11 to justify additional expenditure for extraction or utilization;
- 12 w) *Flood plain* refers to the portion of a river valley adjacent to a river
13 channel which is covered with water when the river overflows its banks
14 at flood stages, and which usually consists of silt deposited by the
15 stream;
- 16 x) *Flood-prone areas* refer to low lying areas usually adjacent to large or
17 active water bodies and which therefore experience regular or seasonal
18 inundation as a result of changes in the mean water level of these
19 bodies or because of land reclamation and other artificial interference
20 with the natural processes;
- 21 y) *Food security* refers to the policy objective of meeting the food
22 availability, accessibility, and affordability requirements of the present
23 and future generations of Filipinos in a sustainable manner, through
24 local production or importation in cases of shortage based on a micro
25 level situation, or both, and taking into account the country's existing
26 and potential resource endowments and related production
27 advantages, and consistent with the overall national development
28 objectives and policies;
- 29 z) *Food self-sufficiency* refers to the policy objective of meeting the food
30 requirements through intensive local food production in a sustainable
31 manner based on the country's existing and potential resources and
32 related production advantages;
- 33 aa) *Foreshore land* refers to a string of land margining a body of water,
34 the part of a seashore between the low-water line usually at the
35 seaward margin of a low tide terrace and the upper limit of wave wash
36 at high tide often marked by a beach scarp or berm;

- 1 bb) *Forest* refers to an ecosystem or an assemblage of ecosystems
2 dominated by trees and other woody vegetation; a community of
3 plants and animals interacting with one another and its physical
4 environment;
- 5 cc) *Forestlands* refer to one of the four (4) classifications of land under the
6 Constitution under the public domain classified and/or determined as
7 suitable for forest purposes not classified as mineral land, national park
8 and classified agricultural land. These include all permanent forest,
9 forest reserves, forest reservations, and all the remaining unclassified
10 lands of the public domain;
- 11 dd) *Forest Land Use Plan (FLUP)* refers to the allocation of forestlands into
12 their appropriate uses consistent with existing biophysical conditions
13 such as topography, soil type, land use, climate, water sources and
14 socioeconomic, cultural and political realities. Forestland use planning
15 should be able to delineate protection and production forests;
- 16 ee) *Forestland subclassification* refers to the process of determining the
17 most appropriate and sustainable use of forestlands primarily as
18 protection forest and production forest. They may be further
19 subclassified as grazing/pasture land, recreational areas and other
20 uses, taking into account ecological, social and economic
21 considerations;
- 22 ff) *Free, Prior and Informed Consent (FPIC)* means the consensus of all
23 members of the ICCs/IPs to be determined in accordance with their
24 respective customary laws and practices, free from any external
25 manipulation, interference and coercion, and obtained after fully
26 disclosing the intent and scope of the activity, in a language and
27 process understandable to the community;
- 28 gg) *Geo-hazards* refer to nature and human-induced geological processes
29 that have potential to cause destruction and which pose a threat or risk
30 to a person's life and property. These may include, but are not limited
31 to, ground, water and weather-related conditions, volcanic and
32 earthquake induced hazards such as ground shaking, ground rupture,
33 earthquake-induced landslides, liquefaction and *tsunami*;
- 34 hh) *Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs)* refer
35 to groups of people or homogenous societies identified by self-
36 ascription and ascription by others, who have continuously lived as

organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed and utilized such territories, sharing common bonds of language, customs, traditions and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, nonindigenous religions and cultures, became historically differentiated from the majority of Filipinos. ICCs/IPs shall likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of nonindigenous religions and cultures, or the establishment of present State boundaries, who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains;

- ii) *Inland waters* refer to waters, which are not coastal and marine waters, and not subject to acquisitive prescription consistent with the provisions of Presidential Decree No. 1067 or the Water Code of the Philippines;
- jj) *Integrated watershed management* refers to a planning strategy or program for watershed areas that complement environmentally-sound soil and water management practices with mechanisms for ensuring greater responsibility, involvement, or participation of individuals, groups, communities and other stakeholders benefiting from these areas and water-related infrastructure;
- kk) *Key Biodiversity Areas (KBAs)* represent the most important sites for biodiversity conservation worldwide. These are places of international importance for the conservation of biodiversity through protected areas and other governance mechanisms. They are identified nationally using simple, standard criteria, based on their importance in maintaining species populations;
- ll) *Land* refers to resources, both artificial and natural, found on the surface, below, and above the ground including inland waters and the air therein;
- mm) *Land subclassification* refers to the act of determining and assigning specific uses of classified lands such as forestlands, classified

1 agricultural lands, mineral lands and national parks in accordance with
2 existing laws and this Act;

3 nn) *Land use* refers to the manner of allocation, utilization, management
4 and development of land;

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

9 pp) *Mandatory public hearings/consultations* refer to the mechanism to
10 ensure the involvement of concerned stakeholders and communities in
11 land use planning, from the barangay to the national level, to ensure
12 the social acceptability of the plans. It should involve giving notice of
13 hearing/consultation to concerned stakeholders through publication or
14 posting in conspicuous places, conduct of a reasonable number of
15 hearings, solicitation of positions to arrive at a consensus. Public
16 presentation and validation of the planning results shall also be
17 undertaken before the final adoption of the plans;

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

25 rr) *Mineral exploration* refers to the systematic searching or prospecting
26 for mineral resources including energy resources;

27 ss) *Mineral lands* refer to lands of the public domain, excluding those in
28 permanent forestlands and protection lands, where mineral resources
29 are found in sufficient quantity and quality for extraction, development
30 and utilization;

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

- 1 uu) *Municipal waters* include not only streams, lakes, inland bodies of
2 water and tidal waters within the municipality which are not included
3 within the protected areas as defined under Republic Act No. 7586 of
4 the National Integrated Protected Areas System or the NIPAS Act of
5 1992, public forest, timberlands, forest reserves or fishery reserves,
6 but also marine waters included between two (2) lines drawn
7 perpendicular to the general coastline from points where the boundary
8 lines of the municipality touch the sea at low tide and a third line
9 parallel with the general coastline including offshore islands and fifteen
10 (15) kilometers from such coastline. Where the territory of a
11 municipality includes several islands, the outermost points of such
12 islands shall be used as base points and connected by archipelagic
13 baselines, irrespective of the lengths of such baselines from the main
14 coastlines. Where two (2) municipalities are situated on opposite
15 shores that there is less than thirty (30) kilometers of marine waters
16 between them, the third line shall be equally distant from opposite
17 shore of the respective municipalities;
- 18 vv) *National Integrated Protected Areas System (NIPAS)* refers to the
19 classification and administration of all designated protected areas to
20 maintain essential ecological processes and life-support systems, to
21 preserve genetic diversity, to ensure sustainable use of resources
22 found therein, and to maintain their natural conditions to the greatest
23 extent possible;
- 24 ww) *National Land Use Policy Council (NLUPC)* refers to the administrative,
25 policy-making, and regulatory body created under this Act;
- 26 xx) *National park* refers to forest reservation essentially of natural
27 wilderness character which has been withdrawn from settlement,
28 occupancy or any form of exploitation except in conformity with
29 approved management plan and set aside as such exclusively to
30 conserve the area or preserve the scenery, natural and historic objects,
31 wild animals and plants therein and to provide enjoyment of these
32 features in such areas. It shall also refer to lands and waters of the
33 public domain classified as such in the 1987 Constitution which include
34 all areas under the NIPAS pursuant to the NIPAS Act of 1992, primarily
35 designated for the conservation of native plants and animals and
36 associated habitats and cultural diversity;

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

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

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

29 bbb) *Physical framework plans* refer to the national, regional or provincial
30 indicative plans that outline the overall and macro-level physical
31 development objectives, priorities, directions and strategies in its
32 respective levels as prepared, reviewed, integrated and finalized by the
33 national, regional and provincial land use councils/boards, respectively,
34 based on the CLUPs of the LGUs and the national policy guidelines
35 relating to land use and environmental management to prevent or

1 mitigate the adverse effects of inappropriate resource utilization on
2 food security, the people's welfare, and their environment;

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

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

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

20 fff) *Production land use* refers to the direct and indirect utilization of land
21 to generate outputs resulting from the following activities: agricultural,
22 fish farming or aquaculture, timber or agro-forestry, grazing and
23 pasture, mining, indigenous energy resource development, industry,
24 and tourism;

25 ggg) *Protected areas* refer to portions of land and water set aside by
26 reason of their unique physical and biological significance, managed to
27 enhance biological diversity, and protected against human exploitation.
28 For purposes of this Act, these shall also include all natural forests and
29 agricultural lands identified and delineated under this Act;

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

- 1 iii) *Protection land use* refers to the use of land primarily reserved for
2 rehabilitation, conservation, and protection purposes and the
3 promotion of the country's ecological and life-support systems;
- 4 jjj) *Public domain* refers to lands belonging to the State which may be
5 classified as agricultural, forest or timber, mineral, or national park as
6 provided for in the Constitution;
- 7 kkk) *Reclassification of agricultural lands* refer to the act of specifying how
8 agricultural lands shall be utilized for nonagricultural uses such as for
9 residential, industrial, or commercial purposes, through the local
10 planning and zoning processes, pursuant to the Local Government
11 Code of 1991, and subject to the requirements and procedures for
12 conversion;
- 13 III) *Resettlement sites* refer to areas identified by the appropriate national
14 agency or by the LGU, with respect to areas within its jurisdiction,
15 which shall be used for the relocation of the underprivileged and
16 homeless, as defined under Republic Act No. 7279 or the Urban
17 Development and Housing Act (UDHA);
- 18 mmm) *Restoration* refers to returning forestland to its original forested
19 state in terms of species' composition, structure, function and
20 productivity;
- 21 nnn) *Restoration zones* refer to forest areas where activities are conducted
22 to restore its forested state;
- 23 ooo) *River basin* refers to the horizontal projection of area from which a
24 river and its tributaries receive surface water originating from
25 precipitation;
- 26 ppp) *Settlements* refer to communities or built-up environment areas
27 where people prefer to live in;
- 28 qqq) *Settlements development* refers to any improvement on existing
29 settlements or any proposed development of certain areas for
30 settlement purposes. It also involves the spatial distribution of
31 population, identification of the roles and functions of key urban
32 centers, determination of relationships among settlement areas, and
33 the provision of basic services and facilities of identified major
34 settlement areas or growth centers;
- 35 rrr) *Shoreline* refers to a strip of land covering at least one (1) kilometer
36 from the point where seawater reaches during the highest high tide;

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

10 ttt) *Socialized housing* refers to housing programs and projects covering
11 homelots, houses and lots, or low-rise to medium-rise buildings, or
12 high density housing projects undertaken by the government or the
13 private sector for the underprivileged and homeless citizens which shall
14 include sites and services development, long-term financing, direct
15 subsidy programs, liberalized terms on interest payments, and such
16 other benefits in accordance with the UDHA and Batas Pambansa Blg.
17 220;

18 uuu) *Socialized housing sites* refer to lands identified and designated by
19 LGUs as sites for socialized housing pursuant to Article IV of the UDHA
20 and its implementing guidelines;

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

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

31 xxx) *Sustainable development* refers to the development objective of
32 meeting the needs of the present generation without compromising the
33 ability of future generations to meet their own needs consistent with
34 the principles of social equity, efficiency, and environmental integrity;

35 yyy) *Sustainable traditional resource rights* refer to the rights of ICCs/IPs
36 to sustainably use, manage, protect and conserve: (1) land, air, water,

1 and minerals; (2) plants, animals and other organisms; (3) collecting,
2 fishing and hunting grounds; (4) sacred sites; and (5) other areas of
3 economic, ceremonial and aesthetic value in accordance with their
4 indigenous knowledge, beliefs, systems and practices;

5 zzz) *Tourism development areas* refer to specific sites for tourism
6 development located in areas identified as priorities in the national and
7 regional tourism master plans as well as those designated through
8 legislative and executive issuances as tourist spots and tourist zones
9 which can be developed into tourism estates or integrated resort,
10 leisure, recreation complexes, and other tourism-related facilities;

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

18 bbbb) *Tourism estates* refer to large tracts of land with well-defined
19 boundaries in any area, excluding those in protection lands, identified
20 in the Philippine tourism master plan and regional tourism master plan,
21 by proclamation of the President of the Philippines and/or by acts of
22 Congress and/or by local legislation and declared suited for the
23 development of an integrated tourism and resort complex with
24 prescribed carrying capacities and limits for its facilities and activities;

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

30 dddd) *Tourist zone* refers to a geographic area with well-defined
31 boundaries proclaimed as such by the President of the Philippines
32 and/or by acts of Congress. No development projects for any purpose
33 shall be initiated and introduced within the zone prior to the
34 formulation of a tourism master development plan which shall be
35 undertaken in coordination with the Department of Tourism (DOT) and
36 the Tourism Infrastructure and Enterprise Zone Authority (TIEZA). A

tourist zone is established for the enhancement and/or the conservation of cultural and historical heritage and for the appreciation and enjoyment of the local population and its visitors;

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

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

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

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

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

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

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

llll) *Zoning ordinance* refers to a local law passed by the sangguniang bayan or sangguniang panlungsod approving the development control/zoning plan in accordance with an approved or adopted CLUP of the city/municipality, providing for the regulations and other

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

5

6

7 **CHAPTER II**

8 **FRAMEWORK FOR LAND USE PLANNING**

9

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

- 14 a) Protection land use category as defined in Section 6 shall prevail over
15 existing production land use category. The State shall undertake the
16 necessary action in changing the classification of these production
17 areas;
- 18 b) Preservation, conservation, rehabilitation and protection to perpetuity
19 of permanent forestlands, critical watersheds, key biodiversity areas,
20 environmentally-critical and ecologically-fragile areas and prime
21 agricultural lands from any other land use, conversion, disposition,
22 intrusion, utilization and development aside from their determined use
23 and limits;
- 24 c) Protection of natural forests and natural resources ensures
25 environmental stability, conserve biological diversity, improve
26 ecosystem functions and provide long-term ecological and economic
27 benefits. Designated restoration areas are designed to revive the
28 ecosystem functions and services of forests as well as improve the
29 economic and ecological benefits of local communities;
- 30 d) Protection of forest and wetlands from infrastructure development to
31 preserve the ecological services they provide which are essential to
32 economic development. These activities include, but not limited to,
33 river channelization and dredging, large-scale irrigation and river
34 diversions which reduce riverine habitat and alter flood patterns and
35 natural flow regimes, reduce downstream water availability for
36 agriculture and contribute to salinization through saltwater intrusion in
37 coastal areas;

- 1 e) Resolution of land use conflicts which are life-threatening or
2 threatening to public safety, sustainability of key production resources
3 or employment activities and the delivery of basic services which are
4 harmful or destructive to protected areas, flora and fauna, and other
5 protected natural resources. Greater consideration shall be given to
6 the human and tenurial rights of vulnerable groups in resolving land
7 use conflicts;
- 8 f) Identification of geo-hazard prone areas and high risk/danger zones
9 and corresponding risk reduction measures to ensure the prioritization
10 of life and safety: *Provided*, That specifically identified and assessed as
11 extremely hazardous and high-risk/danger zones shall be similarly
12 protected and cleared from all forms of human-made obstacles,
13 obstructions and instructions to ensure and secure public health and
14 safety;
- 15 g) Respect for existing customary rights and traditional land uses of
16 ICCIs/IPs;
- 17 h) Identification of settlement areas to check the demand for land and
18 establish the location of employment-generating industries and basic
19 services; and
- 20 i) The availability of natural resources including indigenous energy
21 resources for energy security and self-sufficiency. However,
22 infrastructure energy projects such as dams with large reservoirs in
23 natural ecosystems shall not be allowed if it would interrupt the
24 connectivity of river systems, disrupt fish spawning and migration, and
25 alter seasonal flood regimes.

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

- 29 a) Protection Land Use refers to the use of land primarily for
30 rehabilitation, conservation, and protection purposes and the
31 promotion of the country's ecological and life-support systems.
32 Planning for protection land use intends to achieve environmental
33 stability and ecological integrity, ensure a balance between resource
34 use and the preservation of some areas with environmental, aesthetic,
35 educational, cultural and historical significance, aid and protect people
36 and human-made structures from the ill-effects of natural hazards.

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

- 4 a. Natural and restored forests, which consist of:
 - 5 i. All existing areas within forestland containing primary and
 - 6 secondary forests of whatever types of species;
 - 7 ii. All existing areas within forestland containing secondary
 - 8 growth or residual forests of whatever type or specie;
 - 9 iii. Areas identified as KBAs;
 - 10 iv. Restoration areas;
 - 11 v. All mangrove forests;
 - 12 vi. All easement areas as defined by Presidential Decree No.
 - 13 1067, otherwise known as the Water Code of the
 - 14 Philippines; and
 - 15 vii. All other areas that would be deemed appropriate for
 - 16 protection, as designated by the Department of
 - 17 Environment and Natural Resources (DENR), subject to
 - 18 the approval of the National Land Use Policy Council
 - 19 (NLUPC), created pursuant to Section 55 hereof;
- 20 b. Rehabilitated and/or reforested degraded mining areas;
- 21 c. Critical ecosystems for protection, such as:
 - 22 i. Coral reefs;
 - 23 ii. Marshes and wetlands;
 - 24 iii. Lakes and rivers;
 - 25 iv. Caves; and
 - 26 v. Waterfalls;
- 27 d. Disaster-prone areas that include areas subject to, or may be
- 28 subject to:
 - 29 i. Recurrent flooding;
 - 30 ii. Liquefaction;
 - 31 iii. *Tsunamis*;
 - 32 iv. Storm surges;
 - 33 v. Polar vortex;
 - 34 vi. Mass wasting;
 - 35 vii. Volcanic eruption;
 - 36 viii. Direct impact of seismic activity;

- ix. Other disasters caused by climatic conditions; and
- x. Other areas that pose a high degree of hazard to human occupation and activity;
- e. Critical watershed areas;
- f. Marine protected areas;
- g. All prime agricultural lands as defined under this Act;
- h. Ecologically-fragile and environmentally-critical areas whose conversion will result to serious environmental problems and threats to public health and safety;
- i. Natural and human-made areas/sites of cultural, historical and anthropological significance, which are declared as such by internationally-recognized institutions; and
- j. All other areas not included and declared as production areas shall become protection areas.

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

- a. Other agricultural lands not identified as prime agricultural lands. They shall consist of, but shall not be limited to:
 - i. Lands whose soils are suitable for agricultural development;
 - ii. All alluvial plain lands that are suitable for agricultural production and/or can be devoted to food production;
 - iii. All lands that are traditional sources of staple food;
 - iv. All croplands required to attain a certain scale of production to sustain the economic viability of existing agro-based industries in the municipality, city or province; and

- v. All lands in areas not highly prone to natural hazards that are suitable for the production of tree crops and other cash crops;
- b. Coastal, inland water and marine zones, such as fishponds;
- c. Production forests, such as:
- i. All areas within forestland not classified as protection forests under Section 6(a) and shall be devoted to the production of timber and/or non-forest products or the establishment of industrial tree plantations, tree farms, woodlots, agro-forestry, or as multiple-use forests;
 - ii. All areas within forestlands considered as rangelands for grazing purposes; and
 - iii. All areas within forestlands managed under the community-based forest management in areas not classified as protection forests;
- d. Rangelands for grazing;
- e. Industrial development areas; and
- f. Tourism development areas, including potential small islands for similar purposes.
- c) Settlements and Institutional Land Use refers to the use of urban and rural lands for settlements development purposes and/or improvement on existing settlements involving the spatial distribution of population, identification of the roles and functions of key urban centers, determination of relationships among settlement areas, and the provision of basic services and facilities to such settlements.
- It shall also include lands identified for institutional uses such as educational, administrative, government, law enforcement, health care and social services. Settlements and institutional land uses aim to ensure for the present and future generation the: (1) effective integration of activities within and among settlements, allowing efficient movement of people and production of commodities through the provision of appropriate land, infrastructure, and facilities; and (2) access of the population to housing, education, health care, recreation, transportation and communication, sanitation, and basic utilities such as water, power, waste disposal, and other services.

1 d) Infrastructure Land Use refers to the use of land dedicated to the
2 provision of basic services that foster economic and other forms of
3 integration necessary for producing or obtaining the material
4 requirements of Filipinos, in an efficient, responsive, safe and
5 ecologically friendly built environment. It includes, among others,
6 subsectors like: road networks, transportation and communication
7 facilities, social services, environmental service facilities, and
8 utilities.

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

14 Sec. 7. *Land Use Plans for Ancestral Domains*. – Land use plans for ancestral
15 domains shall be formulated by the ICCs/IPs themselves in accordance with their
16 particular needs and traditional resource and management systems with the assistance
17 of the National Commission on Indigenous Peoples (NCIP), the LGUs and civil society
18 organizations (CSOs) concerned. Such plans shall be recognized and adopted in the
19 barangay, city/municipal, provincial, regional and national physical framework plans.
20 Physical framework plans made prior to the delineation of ancestral domains included in
21 such plans or ordinances shall, without prejudice to the rights of the ICCs/IPs
22 concerned, adopt different land use categories in accordance with their particular needs
23 and traditional resource and management systems.
24 In cases where there are no ADSDPPs, the LGU and the ICCs/IPs shall jointly formulate
25 the land use plan within the ancestral domain until such time that the ICCs/IPs have
26 formulated their ADSDPPs.

27 Sec. 8. *Adoption of Multiple Uses of Land*. – The primary and alternative uses
28 of a specific land resource shall be determined and evaluated by the respective local
29 land use boards prior to any decision for the assignment of its use. Areas feasible for
30 sustainable land resource use may be considered multiple-use zones wherein
31 settlements, tourism, agriculture, agro-forestry and extraction activities and other
32 income-generating or livelihood activities may be allowed except areas under protection
33 land use: *Provided*, That multiple uses of land resources shall be in accordance with
34 priorities in land use allocation identified in the approved physical framework and land
35 use plans wherein such multiple uses are compatible with the original land use and
36 planning, and that no reclassification shall be allowed: *Provided, further*, That, where

- 1 there are vested rights, titles, and claims prior to the enactment of this Act over the
- 2 areas feasible for sustainable land resource use, the same shall be respected.

CHAPTER III

SPECIAL AREAS OF CONCERN

ARTICLE 1. LAND USE CLASSIFICATION

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

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

16 Sec. 10. *Consideration of Assessment Report.* – Upon validation and affirmation
17 by local land use boards, the land use classification assessment report submitted by the
18 LMB shall be taken into consideration by the NLUPC in the formulation of its planning
19 guidelines.

ARTICLE 2. NIPAS AREAS

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

ARTICLE 3. AGRICULTURAL LANDS

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

1 Sec. 13. *Conversion of Agricultural Lands.* – All lands considered and identified as
2 prime agricultural lands shall be maintained, managed and protected for agricultural use
3 and shall not be subjected to any form of conversion or reclassification.
4 All other agricultural lands not identified as prime agricultural lands can only be
5 converted to nonagricultural uses upon issuance of a DAR conversion order: *Provided,*
6 That such conversion shall not drastically change the nature of the overall land uses in
7 the surrounding and adjacent areas from its existing land use: *Provided, further,* That
8 consistent with the State policy on giving priority to the completion of the CARP, those
9 lands covered under compulsory acquisition/voluntary offer to sell, production or profit-
10 sharing subject to CARP shall also be protected from conversion pending the
11 distribution and/or installation of the farmer beneficiaries: *Provided, finally,* That
12 pending the completion of mapping activities of the specific areas under the NPAAAD
13 and the SAFDZs under the AFMA and their incorporation in the National Physical
14 Framework Plan (NPFP), the application for conversion of these areas shall not be given
15 due course by the appropriate government agency.
16

17 **ARTICLE 4. ANCESTRAL DOMAIN** 18

19 Sec. 14. *Priority Areas for Agricultural Development Within Ancestral
20 Domain.* – Agricultural lands within ancestral domain shall be developed in accordance
21 with their ADSDPP.

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

28 Sec. 16. *Ancestral Domain Policy Adoption.* – Ancestral domain policies shall
29 be adopted in the LGU's land use policy framework. However, in the event that the
30 ADMP/ADSDPP is still in the formulation stage or remains to be formulated, the right to
31 self-determination and traditional resource and management systems and processes
32 shall be upheld at all times as provided for by the IPRA of 1997.
33

34 **ARTICLE 5. FORESTLANDS AND RESERVATION OF WATERSHED** 35

36 Sec. 17. *Permanent Forestlands.* – All forestlands are classified as forest or
37 timberlands. Titles, settlements, permits, leases, and/or agreements within critical

1 habitats, critical watershed areas, protected areas and KBAs shall be reviewed, and
2 their legality affirmed. All erroneous titles, settlements, permits, leases, and/or
3 agreements within permanent forestlands shall be cancelled or revoked in due course.
4 Noncompliance with and violations of these instruments shall be grounds for their
5 cancellation or revocation: *Provided*, That the applicable provisions of the IPRA of 1997
6 shall be respected.

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

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

- 12 a) Isolated patches of forest, regardless of size and/or area, with rocky
13 terrain or which protect a spring/water source for communal use;
- 14 b) All mangroves and swamplands including twenty (20)-meter wide strips
15 facing oceans, lakes and other bodies of water not yet classified as
16 alienable and disposable lands;
- 17 c) Ridge tops and plateaus regardless of size found within or surrounded
18 wholly or partially by forestlands where headwaters emanate;
- 19 d) Twenty (20)-meter wide strips of land from the edge of the normal high
20 waterline of rivers and streams with channels of at least five (5) meters
21 width which are not yet classified as alienable and disposable;
- 22 e) Areas needed for public interest such as research or experimental
23 purposes; and
- 24 f) Areas considered as environmentally-critical because of their
25 vulnerability to damage from landslides, volcanic eruptions, and other
26 natural causes.

27 Sec. 19. *Reversion of Alienable and Disposable Lands to Forestlands.* – Upon the
28 recommendation of the DENR Secretary, duly reviewed and endorsed by the NLUPC,
29 and after due consultations with the concerned LGUs and the affected parties, Congress
30 may authorize the reversion of alienable and disposable lands of the public domain or
31 portion thereof to forestlands.

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

1 Sec. 21. *Formulation and Implementation of Integrated Watershed Management*

2 *Plans.* – With the assistance of the DENR and upon mandatory consultations with the
3 concerned sectors and communities, the LGUs, through their local land use boards,
4 shall prepare their watershed management plans which shall be integrated into their
5 respective CLUPs. The formulation and integration of the plan shall be guided, among
6 others, by the principle of the management and development of inland water resources
7 at the watershed level and shall be consistent with the National Forestry Master Plan
8 (NFMP).

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

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

20 Sec. 23. *Establishment of Restoration Zones.* – Restoration areas shall be
21 designated in the management plan as such. Designation of restoration zones is
22 compulsory in all forest management plans and for all LGUs.

23

24 **ARTICLE 6. COASTAL ZONES**

25

26 Sec. 24. *Criteria for the Allocation and Utilization of Lands Within the Coastal*
27 *Zones.* – The allocation and utilization of lands within the coastal zones shall be subject
28 to the following guidelines:

- 29 a) Areas vegetated with mangrove species shall be protected, preserved
30 and managed as mangrove forestland and shall not be converted to
31 other uses;
- 32 b) Areas that meet all accepted criteria on elevation, soil type, soil depth
33 topography, supply for successful fishpond development, and are not
34 identified as mangrove protected areas shall be utilized for aquaculture
35 purposes as long as a 4:1 ratio for mangroves and fishponds is
36 maintained to support ecological processes in mangrove ecosystems;

- 1 c) Areas subclassified as mangrove and still suitable for use as such, or
2 due to environmental conditions, need to be preserved as mangroves
3 but are devoid of mangrove stands, shall not be converted to other
4 uses. The DENR shall ensure that these lands shall be reforested within
5 a given period of time;
- 6 d) Areas accessible to the sea and identified for fisherfolk settlement and
7 housing but are not part of or are not within any protected land use
8 areas shall be allocated to traditional fisherfolk who are inhabitants of
9 the coastal communities and/or members of registered fisherfolk
10 organizations and/or holders of stewardship lease contracts or titles to
11 ancestral domains or any form of property right arrangements who
12 participate in coastal resource management initiatives, subject to the
13 usual census procedures of the Housing and Urban Development
14 Coordinating Council (HUDCC): *Provided*, That the government shall
15 issue marine tenurial rights to organizations concerned based on a
16 criteria to be established by the NLUPC;
- 17 e) Areas that are neither subclassified as mangrove, fisherfolk settlement
18 nor fishpond may be devoted to recreational or tourism purposes:
19 *Provided*, That such undertaking will not result in environmental
20 degradation and displacement of small fisherfolks;
- 21 f) Areas which are considered as traditional fishing grounds shall be used
22 primarily for such purpose;
- 23 g) Areas shall be allocated for small infrastructure needed by municipal
24 fisherfolk and for fishing gear, boats, and post-harvest facilities; and
- 25 h) Areas which form part of foreshore lands as defined in this Act,
26 including those under lease agreements or arrangements, shall
27 undergo zoning and evaluation so their boundaries, actual sizes and
28 corresponding uses can be determined while ensuring that mangrove
29 protection or restoration zones are considered to keep the required 4:1
30 ratio between mangroves and fishponds.

31 Sec. 25. *Coastal Land Zone Subclassification*. – All public lands in the coastal
32 zones shall be subclassified into any of the following: fishponds, mangroves, protection
33 from tidal surge for preservation of biodiversity, habitats and sanctuaries for
34 endangered wildlife, fisherfolk settlement, or recreational/tourism areas.
35 No subclassification of coastal zones to different uses shall be done without the
36 following:

- 1 a) Conduct of a comprehensive inventory and resource and environmental
2 assessment by the DENR with respective LGUs and accredited
3 nongovernment organizations/peoples organizations (NGOs/POs)
4 within their jurisdiction. The result of such assessment along with a list
5 of all existing applications and expired foreshore lease agreements
6 shall be posted in three (3) conspicuous places in the affected
7 localities; and
8 b) Prior consultation with local Fisheries and Aquatic Resource
9 Management Councils (FARMCs) formed pursuant to Republic Act No.
10 8550 or the Fisheries Code.

11 Sec. 26. *Zoning of Coastal Areas*. – LGUs, in coordination with the DENR, the
12 FARMCS, local fisherfolk organizations and other concerned stakeholders such as
13 women and youth, shall prepare the Coastal Zoning Resource Management Plan
14 (CZRMP) which shall be incorporated in the CLUP. Management zones defined in the
15 CZRMP should be reflected in the CLUP and the subsequent zoning ordinance (ZO).

16 Sec. 27. *Tourism and Recreation Zone*. – The designation of areas for tourism
17 and resorts near to or over fishery areas or ports thereof shall be with the consent of
18 the concerned LGUs and FARMCs, and subject to the policies and guidelines set forth in
19 this Act.

20 Sec. 28. *Protection of Waterways, Easements and Flood Plains*. – Structures of
21 any kind shall not be built in waterways and easements. Pursuant to Presidential Decree
22 No. 1067 or the Water Code of the Philippines, the banks of rivers and streams and the
23 shores of the seas and lakes throughout their entire length and within a zone of three
24 (3) meters in urban areas, twenty (20) meters in agricultural areas and forty (40)
25 meters in forest areas, along their margins, are subject to the easement of public use
26 only in the interest of recreation, navigation, floatage, fishing and salvage.
27 The protection of flood plains shall adopt a river basin management approach, in order
28 to come up with integrated flood mitigation interventions. Development within flood
29 plains and other flood-prone areas must be controlled or, if allowed, must be so sited,
30 constructed and serviced that life of occupants are not put at risk and that disruptions
31 during floods are minimized. The identification and characterization of flood-prone areas
32 and flood plains shall be an integral part of the CLUP preparation. Through the CLUPs
33 and ZOs, LGUs shall establish land use regulations to mitigate flood risks.
34 To promote the best interest and the coordinated protection of flood plains, the
35 Department of Public Works and Highways (DPWH), in coordination with the
36 Department of Science and Technology (DOST) and the DENR, shall declare flood

1 control areas, as necessary, and shall prohibit or control activities that could damage or
2 cause deterioration of lakes and dikes, obstruct the flow of water, change the natural
3 flow of rivers, increase flood losses or aggravate flood problems pursuant to the Water
4 Code of the Philippines.

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

15 Sec. 30. *Immediate Restoration of Converted Mangrove Areas.* – The DENR, in
16 coordination with the FARMCs and other concerned agencies, shall immediately take
17 steps in the restoration of all abandoned, undeveloped and underutilized fishponds to
18 their original state as mangrove forests.

19

20 **ARTICLE 7. MINERAL LANDS**

21

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

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

- 29 a) The principles of sustainable development;
30 b) In case of small-scale mining, adequate and acceptable safeguards shall
31 be instituted by the holders of mining rights or permits to prevent
32 environmental degradation of the mining sites and adjacent areas;
33 c) Mineral reservations which have become nonoperational for more than
34 ten (10) years, as determined by the Mines and Geosciences Bureau
35 (MGB), shall be placed under appropriate surface management by the
36 DENR; and

- 1 d) Ancestral domains declared as protected by virtue of their ADSDPP as
2 well as all watershed areas shall be closed to mining.

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

7

8 ARTICLE 8. ENERGY RESOURCES

9

10 Sec. 34. *Guidelines for the Utilization and Allocation of Lands for Energy
11 Resource Exploration, Development, Production, Utilization, and Distribution Purposes.*

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

- 17 a) Indigenous energy resource exploration and development for the
18 purpose of creating a National Energy Resource Inventory and
19 Database as well as an Energy Resource Block Map shall be allowed
20 subject to the implementation of complementary watershed and other
21 land management plans;
- 22 b) Indigenous energy resource exploration, development production,
23 utilization, and distribution shall be subject to the appropriate
24 requirements and processes of the Philippine Environmental Impact
25 Statement (EIS) system. Each project shall secure an Environmental
26 Compliance Certificate (ECC) prior to project implementation to ensure
27 that adequate and appropriate environmental management measures
28 and optimum methods for resource access and recovery are used;
- 29 c) Protected areas defined in Section 6 shall be closed to any kind of
30 energy resource development;
- 31 d) Energy reservations or portions thereof which have become or have
32 been established to be non-economically viable to operate or are no
33 longer used for energy purposes shall be reclassified to other land
34 uses, subject to existing laws covering energy reservations; and
- 35 e) Renewable energy shall be preferred over other energy resource.

36 Sec. 35. *Reversion of Energy Resource Lands.* – All exhausted indigenous
37 energy resource lands, as determined by the Department of Energy (DOE), which are

1 not covered by proclamations shall automatically revert to the category of forestlands or
2 agricultural lands open to disposition, whichever is appropriate, unless the DENR shall
3 classify such areas for other purposes. Exhausted energy resource lands shall refer to
4 specific energy resource sites whose energy reserves of the desired type/s are no
5 longer in sufficient quantity or quality to justify additional expenditure for their
6 extraction and utilization.

7

8 **ARTICLE 9. SETTLEMENTS DEVELOPMENT**

9

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

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

21 *Sec. 38. Designation of Waste and Environment Management Site.* – Each city or
22 municipality shall identify and designate an area to serve as waste and environment
23 management, waste disposal, and facilities within one (1) year from the effectivity of
24 this Act. The LGUs, in coordination with the DENR or any other competent authority,
25 shall identify sanitary landfill in order to fast-track the conduct of the Environment
26 Impact Assessment (EIA) study and to facilitate the processing of the ECC. The site or
27 area shall be identified in the city's or municipality's CLUP. For this purpose, cities and
28 municipalities shall establish their solid waste management program, pursuant to
29 Republic Act No. 9003, otherwise known as the "Ecological Solid Waste Management
30 Act of 2000". Likewise, as provided under Section 33 of the Local Government Code of
31 1991, cities and municipalities may, through appropriate ordinances, bind themselves
32 towards the establishment of a common solid waste management program.
33 Within ninety (90) days from the effectivity of this Act, the DENR, in coordination with
34 concerned agencies, shall promulgate the necessary guidelines and standards for the
35 formulation and establishment of solid waste management programs by cities and
36 municipalities, and shall submit the same to the NLUPC for review and approval.

37 *Sec. 39. Designation and Zoning of Socialized Housing Sites.* – Each city or

1 municipality in urban, urbanizable and rural areas shall designate through the CLUP
2 adequate lands for housing or residential purposes, including socialized housing and
3 resettlement areas, for the immediate and future needs of the local population as well
4 as the underprivileged and homeless in their territory, pursuant to existing laws and
5 regulations. In order to ensure adequate availability of land for the housing needs of
6 the local population, the CLUP may be revised at the minimum of ten (10) years, and
7 reviewable not earlier than every five (5) years.

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

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

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

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

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

35 Sec. 41. *Valuation of Lands for Socialized Housing.* – Equitable land valuation
36 guidelines for socialized housing shall be set by the Department of Finance (DOF) on

1 the basis of the market value reflected in the zonal valuation or, in its absence, on the
2 latest real property tax declaration. For sites already occupied by qualified beneficiaries
3 under the UDHA, and sites identified as socialized housing zones as defined in this Act,
4 the DOF shall factor into the valuation, the blighted status of the land as certified by the
5 LGU or the National Housing Authority (NHA).

6 Sec. 42. *Guidelines for Identification of Settlement Sites.* – In identifying
7 settlement areas, prospective sites should be:

- 8 a) Within alienable and disposable lands but not in environmentally-
9 critical, geo-hazard or other protection areas;
- 10 b) Along established urban growth directions;
- 11 c) With provisions for or can be provided with basic services and
12 utilities;
- 13 d) Within the 0-8% slope range; and
- 14 e) Accessible from existing built-up areas and other employment
15 centers through existing or proposed roads and other transportation
16 facilities.

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

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

27 28 **ARTICLE 10. INDUSTRIAL DEVELOPMENT AREAS/SITES**

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

- 34 a) Identified network of areas for agricultural development and protected
35 agricultural areas pursuant to the AFMA;
- 36 b) National policies on the regional dispersal of industries and agri-based

- 1 industrial development;
- 2 c) Identified growth areas and corridors in the National Development
- 3 Plan;
- 4 d) NIPAS and non-NIPAS areas such as, but not limited to, KBAs and
- 5 restored areas that require protection;
- 6 e) National and Urban Development and Housing Framework;
- 7 f) Identified socialized housing zones; and
- 8 g) National Framework for Physical Planning and other existing national
- 9 programs and policies.

10 The designated industrial development areas shall be located only in production land
11 use areas and shall become an integral part of the land use plan and ZO of the city or
12 municipality where these areas are located. The laws on CARP Extension with Reforms
13 (CARPER), the IPRA, the UDHA, the Fisheries Code, the AFMA and the Local
14 Government Code shall apply to all special economic zones and freeports.

ARTICLE 11. TOURISM DEVELOPMENT AREAS

17 Sec. 46. *Designating Tourism Development Areas.* – The identification, selection,
18 and development of tourism development areas, and Tourism Enterprise Zones (TEZs)
19 shall be done in consultation and coordination with the concerned LGUs, TIEZA, DOT,
20 and other concerned national government agencies, the private sector and the affected
21 communities, subject to the provisions of Republic Act No. 9593 or the Tourism Act of
22 2009. Tourism development areas shall likewise include those covered by legislative and
23 executive issuances such as tourist spots, tourist zones and tourism ecozones which can
24 be developed into tourism estates or integrated resort, leisure and recreation complexes
25 and other tourism-related facilities as well as those identified in the national, regional,
26 and area-specific tourism master plans and other sector plans, such as ecotourism and
27 agri-tourism sites: *Provided*, That such sites designated for tourism development are
28 outside of areas identified for protection land use. As much as practicable, community-
29 based tourism shall be the principal mode of tourist spot operation. The laws on
30 CARPER, IPRA, UDHA, the Fisheries Code, AFMA, the Local Government Code and
31 National Ecotourism Strategy shall likewise apply to all tourist zones and tourist
32 development areas.

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

36 Sec. 47. *Identification and Preservation of Cultural Heritage.* – In accordance
37 with Republic Act No. 10066 or the National Cultural Heritage Act of 2009, the National

1 Historical Commission of the Philippines (NHCP), the National Museum (NM), and the
2 National Commission for Culture and the Arts (NCCA), in coordination with other
3 concerned agencies, local communities, and the private sector, shall identify and
4 declare areas and structures which shall be protected and preserved as part of
5 Philippine cultural heritage.

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

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

13

14 **ARTICLE 12. INFRASTRUCTURE DEVELOPMENT**

15

16 Sec. 48. *Allocation and Use of Land for Infrastructure Development.* – Land,
17 whether public or private, shall be allocated and utilized for priority infrastructure
18 projects that are supportive of national or local development objectives. The National
19 Economic and Development Authority (NEDA), in consultation with the concerned
20 national government agencies, LGUs, and the private sector, shall identify and
21 periodically review, update and/or revise the list of priority infrastructure projects under
22 an overall national strategic infrastructure development plan subject to the provisions of
23 this Act, AFMA and IPRA: *Provided*, That such national strategic infrastructure
24 development plan shall be consistent and integrated in the objectives and directions of
25 the NPFP.

26 In determining and evaluating the list of priority infrastructure projects, consideration
27 shall be given to those that:

- 28 a) Respond to immediate and vital requirements of the national and
29 regional economy with priority to improving production-market
30 integration, inter-modal transport, conveyance and logistics linkages,
31 rural infrastructure and the development of the agriculture and
32 fisheries sectors;
- 33 b) Upgrade existing facilities to international public safety standards;
- 34 c) Address the need for sustainable settlements development; and
- 35 d) Mitigate the destructive effects of natural disaster-causing phenomena
36 or those that shall serve as alternatives to existing infrastructure found
37 in natural hazard-prone areas.

1 *Provided,* That the provision and implementation of infrastructure support shall be
2 made compatible with existing environmental conditions and the physical, whether
3 natural or human-made, and cultural character of the area. Mandatory public
4 consultations pursuant to existing laws and regulations shall be held prior to the
5 conduct of all infrastructure projects that will necessarily involve dislocation or
6 displacement of people in the area:

7 *Provided, further,* That the proponent of the infrastructure project shall follow the rules
8 on just and humane eviction or demolition under Section 28 of the UDHA as a last
9 resort, notwithstanding the provisions of Republic Act No. 8975, prohibiting lower courts
10 from issuing temporary restraining orders, preliminary injunctions, or preliminary
11 mandatory injunctions, and that the proponent shall follow provisions of the IPRA,
12 particularly those pertaining to the rights of ICCs/IPs in case of displacement:

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

15 Sec. 49. *Infrastructure Projects Within Geo-hazard Areas.* – Construction of
16 priority infrastructure projects within hazard-prone areas shall be allowed: *Provided,*
17 That mitigating and/or preventive measures are adopted and implemented to address
18 the potential adverse economic, sociocultural, and environmental impacts that will
19 emanate from these infrastructure projects, subject to the findings and
20 recommendations of a feasibility study/EIA in accordance with Presidential Decree No.
21 1586 (EIS System) and Republic Act No. 4846 or the Cultural Properties Preservation
22 and Protection Act.

23 Existing projects that were undertaken without the required EIA and which pose a
24 threat to the environment, or to the integrity of historic, archaeological, or scientifically
25 significant areas, or impinge on critical ecosystems, may be terminated immediately, or
26 gradually phased-out and relocated, or maintained up to their life span, subject,
27 however, to mitigating measures: *Provided,* That the rules on mandatory public
28 hearings/consultations and just and humane eviction or demolition shall also be
29 observed prior to the termination, gradual phase-out, or relocation of projects that will
30 necessarily involve dislocation or displacement of people in the area.

31

32 **CHAPTER IV**
33 **PHYSICAL FRAMEWORK AND LAND USE PLAN**
34

35 Sec. 50. *National Land Use Planning Process.* – The physical framework and land
36 use planning process shall be participatory, following a combined bottom-up and top-
37 down approach, with mandatory public hearings/consultations conducted at all levels,

1 and shall consider available and updated multidisciplinary scientific information of land
2 uses.

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

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

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

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

15 The RPPPs, the PPFPs and the CLUPs, which cover the physical development of their
16 respective territories, shall be consistent with the NPFP: *Provided*, That the integration
17 and harmonization of physical framework plans at all levels shall be iterative to ensure
18 that the concerns of both top and bottom levels of government are considered in the
19 NPFPs, RPPPs, PPFPs and CLUPs.

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

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

25 Sec. 51. *National Physical Framework Plan.* – The NPFP shall guide the planning
26 and management of the country's land and other physical resources at the national and
27 subnational levels, and indicate broad spatial directions and policy guidelines on
28 protection land use, production land use, settlement development and infrastructure
29 development. The NPFP shall be the basis for adopting the land use and physical
30 planning-related guidelines, including zoning and other land use control standards that
31 will guide the formulation of city/municipal ZOs.

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

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

4 Sec. 52. *Regional Physical Framework Plan.* – The RPFP shall provide broad
5 spatial directions and policy guidelines on protection land use, production land use,
6 settlement development, and infrastructure development at the regional level and guide
7 the formulation of the PPFPs. The RPFP shall consider the existing PPFPs and the CLUPs
8 of LGUs within the territorial jurisdiction of the region.

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

15 Sec. 53. *Provincial Physical Framework Plan.* – The PPFP shall determine the
16 physical development of the entire provincial territory, consolidate and harmonize the
17 comprehensive land use plans of component cities and municipalities, consistent with
18 the RPFP. It shall reflect the indicative land use management and physical development
19 direction of the province.

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

28 The PPFP shall serve as the basis for the preparation of the Provincial Development Plan
29 (PDP) and Provincial Development Investment Program (PDIP). The PPFP, PDP, PDIP
30 and/or Provincial Physical Framework and Development Plan (PPFDP) shall serve as the
31 basis for the formulation of sectoral action plans of national government agencies in the
32 province and all LGUs within its jurisdiction. The province may opt to prepare their PDP
33 alongside the preparation of the PPFP and consolidate them into a PPFDP: *Provided,*
34 That PPFDP shall remain consistent with the PPFP: *Provided, further,* That any review or
35 changes in the PPFP shall coincide with the overall review process of the NPFP.

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

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

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

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

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

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

4

5 **CHAPTER V**
6 **IMPLEMENTING STRUCTURE AND MECHANISM**
7

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

- 14 a) Formulate land use planning guidelines in the preparation of the CLUPs
15 and ZOs of LGUs to ensure compliance with the national policies,
16 objectives, priorities and directions set by the NLUPC;
17 b) Provide technical and other forms of planning assistance to, including
18 capacity building for, LGUs and zoning boards; and
19 c) Act as the appellate body on decisions of local zoning bodies on
20 locational clearance applications and/or oppositions thereto and other
21 zoning issues involving private rights.

22 The NLUPC shall act as the highest policy-making body on land use and shall resolve
23 land use policy conflicts between or among agencies, branches, or levels of the
24 government. It shall integrate efforts, monitor developments relating to land use and
25 the evolution of policies.

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

30 The members of the Council shall be the following:

- 31 a) The Secretary of the Department of Agrarian Reform (DAR);
32 b) The Secretary of the Department of Agriculture (DA);
33 c) The Secretary of the Department of Environment and Natural
34 Resources (DENR);
35 d) The Secretary of the Department of the Interior and Local
36 Government (DILG);

- e) The Chairperson of the National Commission on Indigenous Peoples (NCIP);
- f) The Chairperson of the Housing and Urban Development Coordinating Council (HUDCC);
- g) The Chief Executive Officer of the Housing and Land Use Regulatory Board (HLURB);
- h) The Administrator of the National Mapping and Resource Information Authority (NAMRIA);
- i) President of the League of Cities of the Philippines (LCP);
- j) President of the League of Municipalities of the Philippines (LMP);
- k) Two (2) representatives each from four (4) basic sectors directly involved in land use, namely: urban poor, peasants, fisherfolk, and indigenous peoples who shall be appointed by the respective National Anti-Poverty Commission (NAPC) sectoral councils. Of the eight (8) sectoral representatives, at least four (4) shall be women: *Provided*, That one of whom shall be from the Moro sector;
- l) Four (4) representatives from the developers' associations; the accredited associations of professionals dealing with land use such as, but not limited to, urban and regional planners, environmental planners, architects, geologists and geodetic engineers; the business or private sectors; and
- m) The Head of the NLUPC Secretariat shall be a nonvoting *ex officio* member.

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

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

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

- limits/target key land uses needed for protection, production, settlements and infrastructure for present and future needs;
- c) Ensure that policies, guidelines and standards on land use and physical planning, including zoning, shall be followed by the RLUPC, local land use boards and concerned national agencies, and that the RPFP, PPFP and CLUPs shall be consistent with the NPFP;
 - d) Ensure the consistency of other national development and sectoral plans and programs, including the medium-term Philippine Development Plan and Public Investment Program (PIP), with the NPFP;
 - e) Integrate and harmonize all laws and policies relevant to land use in order to come up with a rational, cohesive, and comprehensive national land use framework and, if warranted, recommend to Congress the adoption, passage or amendment of laws to ensure that sectoral plans, projects and activities, including local government initiatives affecting land use are consistent with national development objectives;
 - f) Resolve policy conflicts on land uses between or among agencies, branches, or levels of government and unresolved land use policy conflicts at the regional level;
 - g) Issue locational clearance for projects of national significance;
 - h) Call on any department, bureau, office, agency, or instrumentality of the government and or private entities and organization for cooperation, support, and assistance in the performance of its functions;
 - i) Review the NPFP every ten (10) years;
 - j) Advise the President of the Philippines and the NEDA Board on all matters concerning land use and physical planning;
 - k) Adopt rules of procedures for the orderly and expeditious conduct of meetings and other business of the Council; and
 - l) Perform such other acts and functions and exercise such other powers as may be necessarily implied, inherent, incident, or related to the foregoing.

SEC. 58. *The NLUPC Secretariat.* – The existing unit of the NEDA in charge of Land Use and Physical Planning Division shall act as the NLUPC Secretariat which shall perform functions such as, but not limited to, managing information, gathering of

1 data, coordinate the monitoring of government agencies and LGUs, ensuring multi-
2 stakeholder participation towards formation of local land use policy boards, sharing of
3 database and mapping systems, and reinforcing relevant assessment tools and
4 capability-building programs.

5

6 **CHAPTER VI**
7 **REGIONAL AND LOCAL LAND USE POLICY BODIES**
8

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

- 14 a) Formulate regional policies and guidelines which are consistent with the
15 national planning guidelines issued by the NLUPC in the preparation and
16 formulation of the respective provincial physical planning and
17 comprehensive land use plans of LGUs within its jurisdiction;
- 18 b) Prepare and periodically update the RPFP, taking into consideration
19 national policies and lower level plans;
- 20 c) Review, prior to adoption by the respective sanggunians, the PPFPs and
21 CLUPs of highly-urbanized and independent component cities to ensure
22 consistency with the RPFP and national policies set forth by the NLUPC;
- 23 d) Decide and resolve policy conflicts on land use planning, classification, and
24 allocation that may arise between or among regional line agencies,
25 provinces and cities/municipalities;
- 26 e) Monitor changes in land use and other physical resources in the region;
- 27 f) Coordinate and monitor the land use activities of regional line agencies
28 and LGUs;
- 29 g) Evaluate consistency of major programs and projects of regional agencies
30 and entities with the RPFP and their impact on land use and the
31 environment; and
- 32 h) Perform other related functions as may be directed by the NLUPC.

33 In forestland use management, where the watershed area/continuum covers several
34 municipalities across different provinces, an inter-LGU task force composed of
35 representatives from the RLUPC and the concerned municipal local government units
36 where the watershed area is located shall be formed. With the assistance of the DENR
37 and upon mandatory consultations with the concerned sectors, the inter-LGU task force

1 shall formulate the watershed management plan for the said watershed area.

2 *Sec. 60. The Provincial Land Use Planning and Management Board (PLUPMB).*

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

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

- 14 a) Formulate necessary provincial planning guidelines and/or
15 implementing policies for the preparation and formulation of the
16 respective CLUPs within its jurisdiction consistent with approved
17 national and regional planning policies and guidelines;
- 18 b) Submit to the PDC the draft CLUP for its transmission to the
19 sangguniang panlalawigan and for the PDC to use it as reference for
20 consistency and complementation with other development plans;
- 21 c) Review, monitor and assess the implementation and
22 operationalization of the approved CLUP and its consistency with
23 physical planning and land use management objectives and goals
24 identified in the CLUP;
- 25 d) After an appropriate period of time or upon instruction and advice by
26 the NLUPC, conduct and initiate a progress review of the PPFP and
27 the achievement of its stated objectives and goals, and update the
28 PPFP;
- 29 e) Decide and resolve policy conflicts on land use planning,
30 classification, and allocation that may arise between or among
31 cities/municipalities and facilitate the resolution of any unresolved
32 land use conflict, including political boundary conflicts, at the
33 city/municipality level;
- 34 f) Advise the sangguniang panlalawigan on all matters pertaining to
35 land use and physical planning;
- 36 g) Promote cooperation and sharing of resources between and among

1 component LGUs of the province or with neighboring LGUs to address
2 common land use and development issues including those related to
3 geo-physical hazards, watershed and river basin management,
4 coastal and marine waters, climate change impact and disaster risks;
5 and

- 6 h) Assist the sangguniang panlalawigan in reviewing the submitted
7 CLUPs of component cities/municipalities to ensure consistency with
8 the PPFP.

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

13 Sec. 62. *Composition of the PLUPMB.* – The PLUPMB shall be composed of
14 the following fifteen (15) members to be selected based on the rules to be formulated
15 by the NLUPC as provided in this Act:

- 16 a) Provincial Planning and Development Coordinator (PPDC);
17 b) Chairperson of the Sangguniang Panlalawigan Committee on
18 Environment and Natural Resources;
19 c) Provincial Chapter President-League of Municipalities and/or League
20 of Cities;
21 d) Provincial Agrarian Reform Officer (PARO);
22 e) Provincial Environment and Natural Resources Officer (PENRO);
23 f) Provincial Agricultural Officer (PAO);
24 g) NCIP Provincial Officer;
25 h) HLURB Regional Officer;
26 i) Three (3) representatives from the local business or private sector;
27 the developers' association and accredited associations of
28 professionals dealing with land use such as, but not limited to, urban
29 and regional planners, environmental planners, architects, geologists,
30 geodetic engineers; and chamber of commerce, who shall be
31 appointed from among the accredited organizations within their
32 respective development councils;
33 j) Four (4) representatives from the basic sector groups (urban poor,
34 fisherfolk, farmers and indigenous peoples): *Provided*, That at least
35 two (2) representatives shall be women: *Provided, further*, That the
36 representatives shall be appointed from among the accredited

1 organizations within their respective development councils: *Provided,*
2 *finally,* That, in predominantly Muslim areas, one of whom shall be
3 from the Moro sector; and

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

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

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

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

23 Sec. 63. *City/Municipal Land Use Planning and Management Board*
24 (*C/MLUPMB*). – A C/MLUPMB is hereby created under this Act in all municipalities and
25 cities, including highly-urbanized and component cities, to oversee the preparation,
26 integration, adoption and approval of their respective CLUPs. It shall issue a Certificate
27 of Compliance prior to the submission of the CLUP to the sanggunian to ensure the
28 consistency of such plans with approved national, regional and provincial planning
29 guidelines. The C/MLUPMB shall also be directly responsible for the effective
30 management and implementation of the approved CLUP and for ensuring that existing
31 and future local policies, including ZOs, development initiatives, programs and projects
32 introduced within its jurisdiction, are consistent with and supportive of the land use
33 resource management and physical planning objectives, directions and character
34 identified by the approved CLUP.

35 Sec. 64. *Powers and Responsibilities of the C/MLUPMB.* – The C/MLUPMB
36 shall exercise the following powers and functions:

- a) Ensure the inclusion of the input of the barangays within the jurisdiction of the respective city/municipality on sectoral, temporal and spatial dimensions of the plan and its consistency with approved national, regional and provincial planning guidelines;
- b) Review, monitor and assess the implementation and operationalization of the approved CLUP and its consistency with physical planning and land use management objectives and goals identified in the CLUP;
- c) Issue a Certificate of Compliance to the sanggunian as proof that the CLUP is compliant with national land use polices, guidelines and standards;
- d) Submit to the LDC the draft CLUP for its transmission to the sanggunian and for the LDC to use it as basis for consistency and complementation with other development plans;
- e) Decide and resolve policy conflicts on land use planning, classification, and allocation that may arise between or among barangays and facilitate the resolution of any unresolved land use conflict, including boundary conflicts, involving barangays;
- f) Based on the CLUP, review and endorse for approval/disapproval applications for locational clearances, building and zoning permits and/or other planning-related requirement for any project, both private and public, that is submitted to the LGU for issuance;
- g) Advise the sangguniang bayan on all matters pertaining to land use and physical planning; and
- h) Promote cooperation and sharing of resources between and among its barangays and neighboring LGUs to address common land use and development issues, including those related to geo-physical hazards, watershed and river basins, coastal and marine waters, climate change impact and disaster risks.

Sec. 65. *Composition of the C/MLUMPPB.* – The C/MLUMPPB shall be composed of the following thirteen (13) members and shall be headed by a Chairperson:

- a) City/Municipal Planning and Development Coordinator (C/MPDC);
- b) Chairperson, Sangguniang Bayan Committee on Environment and Natural Resources;
- c) President of the Association of Barangay Captains (ABC);
- d) Municipal Agrarian Reform Officer (MARO);

- 1 e) LGU Environment and Natural Resources Officer (City/Municipal
2 ENRO);
3 f) Municipal Agriculture Office (MAO);
4 g) Three (3) representatives from the local business/private sector; the
5 developers' associations; the accredited associations of professionals
6 dealing with land use such as, but not limited to, urban and regional
7 planners, environmental planners, architects, geologists and geodetic
8 engineers; and association/chamber of commerce, who shall be
9 appointed from among the accredited organizations within their
10 respective development councils;
11 h) Four (4) representatives from the basic sector groups (urban poor,
12 fisherfolk, farmers and indigenous peoples): *Provided*, That at least
13 two (2) representatives shall be women: *Provided, further*, That the
14 representatives shall be appointed from among the accredited
15 organizations within their respective development councils: *Provided,*
16 *finally*, That, in predominantly Muslim areas, one of whom shall be
17 from the Moro sector; and
18 i) Designated Board Chairperson, to be chosen among the members.

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

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

33 Annual appropriations for the operation and activities of the C/MLUPMB shall be
34 included in the annual budget proposal of the C/MPDO/C: *Provided*, That other funds
35 and resources, including grants, applicable service fees and charges collected,
36 contributions, donations, and other funds to support its operations and activities may be

1 accepted and received by the PLUPMB, subject to existing auditing and reporting
2 procedures.

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

6

7 **CHAPTER VII**
8 **ADOPTION, APPROVAL AND REVIEW OF LOCAL LAND USE**
9 **AND PHYSICAL FRAMEWORK PLANS**

10
11 Sec. 66. *Approval and Review of the PPFP and the CLUPs.* – The PPFP and the
12 CLUPs of the respective city/municipal LGUs, including highly urbanized cities and
13 independent component cities, shall be submitted by the local land use boards to the
14 LDCs for transmission to the local sanggunian for approval.

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

20

21 **CHAPTER VIII**
22 **MAPPING AND DATA MANAGEMENT FOR**
23 **LAND USE PLANNING**

24
25 Sec. 68. *National Mapping and Spatial Data Infrastructure Program (NMSDIP).* –
26 A national mapping program shall be implemented, coordinated and monitored through
27 the creation of the Inter-Agency Technical Committee (ITC) composed of the NAMRIA
28 as the lead agency, the Bureau of Soils and Water Management (BSWM), the Forest
29 Management Bureau (FMB), the LMB, the Land Registration Authority (LRA), the
30 Protected Areas and Wildlife Bureau (PAWB), the MGB, the Philippine Institute of
31 Volcanology and Seismology (PHIVOLCS), the DAR, the DA, the NCIP, the National
32 Water Resources Board (NWRB), the Department of Energy (DOE), the National
33 Disaster Risk Reduction and Management Council (NDRRMC), the NEDA, and other
34 concerned government agencies. The ITC shall be constituted, and the mapping and
35 spatial data infrastructure program shall be initiated within thirty (30) days from the
36 effectivity of this Act. The program shall be responsible for the production of base and
37 decision maps and associated spatial databases for all planning levels based on the
38 guidelines of the NLUPC.

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

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

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

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

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

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

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

- 27 a) Topographic maps;
- 28 b) Geologic maps;
- 29 c) Hydrologic maps;
- 30 d) Climate maps;
- 31 e) Soils maps;
- 32 f) Slope maps;
- 33 g) Mineral resource maps;
- 34 h) Existing land use maps;
- 35 i) Land suitability maps for:
 - 36 a. Settlements;

- 1 b. Agriculture;
- 2 c. Industrial areas; and
- 3 d. Others;
- 4 j) Agricultural maps:
 - 5 a. Network of NPAAAD;
 - 6 b. Commodity specific development guide maps;
 - 7 c. Land limitation maps;
 - 8 d. Cropping system zones maps;
 - 9 e. Hydro-ecological conditions maps; and
 - 10 f. Irrigation systems maps;
- 11 k) Land classification maps;
- 12 l) Municipal waters delineation maps and MPAs;
- 13 m) Geo-hazards maps:
 - 14 a. Flood-prone areas;
 - 15 b. Hazard zonation maps for volcanoes;
 - 16 c. Map of fault systems;
 - 17 d. *Tsunami*-prone areas; and
 - 18 e. Erosion-prone areas;
- 19 n) Tourism maps;
- 20 o) Transportation maps;
- 21 p) Traffic flow;
- 22 q) Maps designating areas served by:
 - 23 a. Power;
 - 24 b. Telecommunications; and
 - 25 c. Water;
- 26 r) Maps indicating the following facilities:
 - 27 a. Health;
 - 28 b. Education; and
 - 29 c. Power;
- 30 s) Domestic water supply;
- 31 t) Industrial areas;
- 32 u) Population distribution map;
- 33 v) Ancestral domain map;
- 34 w) NIPAS areas;
- 35 x) Areas suitable for urban expansion;
- 36 y) Watershed areas; and

- 1 z) Forestlands:
- 2 a. Protection areas;
- 3 b. Production areas; and
- 4 c. Restoration areas:
- 5 i. Key biodiversity areas; and
- 6 ii. Marine protected areas.

7 *Sec. 70. Ground Delineation of the Country's Permanent Forest Line.* –

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

16 *Sec. 71. Completion and Updating of Existing Cadastral Surveys.* – The

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

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

25 *Sec. 72. Ground Delineation of Land Use.* – For effective planning to take place

26 at the local level and for the easy enforcement of the ZO of each city/municipality, land
27 uses must be identifiable both on the map and on the ground. A joint committee
28 comprised of the LGU, as represented by its M/CLUPMB, and of the national
29 government agency concerned, to be assisted by the C/MPDC, shall identify and
30 delineate on the ground the land uses within their jurisdiction. The following shall be
31 given priority:

- 32 a) Forestlands:
- 33 a. Protection; and
- 34 b. Production;
- 35 b) Ancestral domains;
- 36 c) NIPAS areas:

- a. Strict protection zone; and
 - b. Multiple-use zone;
- d) Watershed areas:
 - a. Critical; and
 - b. Multiple use;
- e) Network of NPAAAD;
- f) Socialized housing sites and settlement expansion areas;
- g) Extents of environmentally-constrained areas;
- h) Easement areas; and
- i) Critical coastal areas:
 - a. Mangroves; and
 - b. Sea grass.

Critical marine resources should also be delineated both on the map and in the waters.

Perimeters of critical offshore areas, such as coral reefs, shall be marked in accordance with the coastal resource management plans concerned.

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

Sec. 73. *National Geo-hazard Mapping Program.* – Within thirty (30) days from the effectivity of this Act, a nationwide geo-hazard mapping program shall be initiated jointly through the NLUPC by the PHIVOLCS, the Philippine Atmospheric Geophysical and Astronomical Services Administration (PAGASA), the NAMRIA, the MGB, and the DOE, in coordination with the NDRRMC, the Regional Disaster Risk Reduction Management Councils, and other concerned government agencies. The program shall include the generation of indicative geo-hazard zoning maps that will outline areas in the Philippines which are prone to liquefaction, landslides, flooding, lahar, ground rupturing, *tsunami*, river erosion, coastal erosion, sinkhole collapse, earthquake, lava flow, pyroclastic flow, base surge, and other natural hazards.

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

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

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

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

12

13 **CHAPTER IX** 14 **TRAINING, EDUCATION AND VALUES FORMATION** 15

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

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

27

28 **CHAPTER X** 29 **INCENTIVES, SANCTIONS AND PENALTIES** 30

31 **ARTICLE 1. INCENTIVES AND AWARDS** 32

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

36 Sec. 79. *Priority in Giving Technical Assistance to LGUs.* – In providing technical
37 assistance and other forms of support related to land use management and
38 implementation of development plans, national government agencies shall give priority

1 to cities and municipalities with approved CLUPs and ZOs.

2

3 **ARTICLE 2. SANCTIONS AND PENALTIES**

4

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

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

- 15 a. Three percent (3%) for the first three (3) hectares;
16 b. Ten percent (10%) for the next three (3) hectares; and
17 c. Fifteen percent (15%) for the remaining area.

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

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

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

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

34 If the offender is a juridical person, the penalty of imprisonment shall be imposed on
35 the president, chief executive officer, manager, chairperson and all the members of the
36 board, and other responsible officers thereof. The imposable fine shall be equivalent to
37 the zonal value of the land or forty percent (40%) of the shareholders equity,

1 whichever is higher. Furthermore, the land shall be forfeited in favor of the State and
2 sold through public auction. The proceeds of the sale shall automatically accrue to the
3 Agrarian Reform Fund.

4 *Sec. 82. Penalty for Reclassification of Protected Agricultural Lands and*
5 *Exceeding the Limit of Areas Allowed for Reclassification.* – Any person initiating,
6 causing, inducing, or abetting the reclassification to nonagricultural uses of protected
7 agricultural areas as defined in Section 13 hereof shall be penalized with imprisonment
8 of twelve (12) years or a fine of not less than one hundred thousand pesos
9 (P100,000.00), or both, at the discretion of the court.

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

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

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

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

29 *Sec. 84. Authority to Impose Fines.* – The DAR shall have the authority to
30 impose the penalty provided under the preceding sections.

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

35 *Sec. 86. Utilization of Fines.* – The fines collected under Section 84 hereof shall
36 automatically accrue to the Agrarian Reform Fund consistent with the provision of the

1 CARL.

2 *Sec. 87. Failure to Formulate, Implement and/or Enforce the CLUPs and ZOs.* –

3 Consistent with due process, the NLUPC, in coordination with the DILG, shall evaluate,
4 review, and recommend the filing of charges against local chief executives and other
5 local officials and employees responsible for the formulation, implementation and/or
6 enforcement of the CLUPs in the following cases:

- 7 a) Failure of the CLUPs/ZOs to conform to the guidelines provided in the
8 NPFP;
- 9 b) Failure to complete the preparation of the CLUP despite the availability
10 of funds, resources, and support by the sanggunian concerned;
- 11 c) Failure to provide appropriate budgetary allocation to effect its
12 implementation; and
- 13 d) Failure to implement and enforce the CLUP/ZO due to negligence of
14 duty.

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

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

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

24 *Sec. 88. Illegal Conversion of City or Municipal Parks, Communal Forests, and*

25 *Tree Parks in Subdivisions.* – Penalties in the amount of one hundred thousand pesos
26 (P100,000.00) to five hundred thousand pesos (P500,000.00) or imprisonment of six (6)
27 years and one (1) day to twelve (12) years, or both, at the discretion of the court shall
28 be imposed for each of the following offenses:

- 29 a) Illegally converting or causing the conversion of a city/municipal park,
30 communal forests, or tree parks within subdivisions established pursuant
31 to Presidential Decree No. 953 requiring the planting of trees in certain
32 places into other uses, including the construction of permanent buildings;
- 33 b) Destroying or causing damage to the timberlands and other forest
34 products found in the abovementioned forest and parks;
- 35 c) Setting the abovementioned forests and parks on fire, or negligently
36 permitting a fire to be set therein; and

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

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

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

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

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

CHAPTER XI

TRANSITORY AND FINAL PROVISIONS

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

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

Sec. 90. Convening of the NLUPC. – Within thirty (30) days from the effectivity of this Act, the Chairperson shall convene the NLUPC. The Head of the NLUPC Secretariat shall immediately assume his/her position.

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

Sec. 92. Congressional Oversight Committee on the Land Use Act. – A Congressional Oversight Committee on the Land Use Act shall be created. It shall be composed of seven (7) members from the Senate and seven (7) members from the House of Representatives. The members from the Senate shall be appointed by the Senate President based on proportional representation of the parties or coalitions

1 therein, with at least two (2) Senators representing the minority. The members from
2 the House of Representatives shall be appointed by the Speaker of the House of
3 Representatives, also based on proportional representation of the parties or coalitions
4 therein, with at least two (2) members representing the minority.

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

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

16 *Sec. 94. Appropriations.* – The amount needed for the initial implementation
17 of this Act shall be charged against the current year's appropriations of the NB-NLUC.
18 Thereafter, such sums as may be necessary for the continued implementation of this
19 Act shall be included in the annual General Appropriations Act.

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

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

27 *Sec. 97. Repealing Clause.* – Section 10 of the AFMA and Sections 447 (a2vii)
28 and 458 (a2viii) of the Local Government Code and their related laws and administrative
29 issuances are hereby modified by Section 13 hereof. The pertinent provisions of
30 Executive Order No. 648, Executive Order No. 72, series of 1993 and Executive Order
31 No. 770, series of 2008, amending Letter of Instruction (LOI) No. 1350, are also
32 modified accordingly. Section 11 of the AFMA as to the penalty for agricultural inactivity
33 and premature conversion is also modified by Section 83 hereof. LOI No. 1350,
34 series of 1983; Presidential Proclamation No. 2282, series of 1983; and all other general
35 and special laws, acts, decrees, executive orders, proclamations and administrative
36 regulations or any part thereof which are inconsistent with this Act are hereby repealed

1 or modified accordingly.
2 All republic acts, executive orders, rules and regulations, and other issuances or parts
3 thereof that are inconsistent with the provisions of this Act are hereby repealed or
4 amended accordingly.

5 Sec. 98. *Non-impairment Clause.* – Nothing in this Act shall be construed as to
6 diminish or, impair rights recognized, granted, or available to marginalized or the basic
7 sectors under existing laws including, but not limited to, Republic Acts Numbered 7279;
8 6657, as amended by Republic Act No. 9700; 8371; 8550; and 7942.

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

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

Approved,