

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

S. No. 510
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SENATE

S. No. 510

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Introduced By Senator **PIA S. CAYETANO**

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

EXPLANATORY NOTE

The proposed National Land Use Act (NLUA) seeks to bring to fruition the full implementation and strict compliance of the country's national land use policy. It aims to institutionalize land use and physical planning for the promotion of responsible allocation and proper administration of land resources and our environment, in general.

There are already many existing laws and statutes with regard to the proper use of land including the utilization of natural resources. However, there are still many violations committed by many people due to the lack of strict national policy of land use resulting in the devastation of our environment and natural resources.

Many disastrous accidents and tragedies happened in the last few years which cost many lives. Most of these were brought about by the improper use of our environment and natural resources. It should be noted that if we will continue to do this, our children and the succeeding generations will be affected, or worse, become the unwitting victims.

With this measure, national and local Comprehensive Land Use plans will be formulated following a combined bottom-up and top-down approach. A Land Use Policy (LUPC) will be created as a committee under the National Economic Development Authority (NEDA) Board. The committee is responsible, among others, to prepare, periodically review, and update the national framework for physical planning to provide the general framework for the spatial development directions and policy guidelines on settlement development, production land use, protection land use and infrastructure development for the entire country and sub-national levels.

A national land use policy is needed to harmonize the reasonable claims of all those who hold interest on land, and to safeguard and promote the general welfare of both present and future generations through the proper management of land resources.

In view of the foregoing, the passage of this measure is earnestly urged.



PIA S. CAYETANO

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

1 **CHAPTER I**

2 **INTRODUCTORY PROVISIONS**

3 Sec. 1. *Short Title.* – This Act shall be known and cited as the "National Land
4 Use Act of the Philippines."

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

9 The State recognizes the need for rational, optimal, and sustainable settlements
10 development and shall allocate lands for urban uses and new town development,
11 consistent with the principles of environmental management and equitable access to
12 land and security.

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

- 16 a) Sustainable and just management and utilization of natural resources;
- 17 b) Maintenance and preservation of environmental integrity and stability;
- 18 c) Food and energy security in basic food commodities with emphasis on self-
19 sufficiency in rice and corn production through efficient and sustainable use
20 of land resources consistent with the principles of sound agricultural

- 1 development, natural resources development, and agrarian reform;
- 2 d) Protection of prime agricultural lands for food production activities and
3 highest priority to the completion of the Comprehensive Agrarian Reform
4 Program (CARP);
- 5 e) Sustainable development and management of water resources towards water
6 security;
- 7 f) Rational population distribution and settlements development that will ensure
8 adequate land allocation for government mass housing programs;
- 9 g) Spatial integration that links consumption and production areas to achieve
10 physical and economic integration through appropriate infrastructure
11 systems;
- 12 h) Equitable and sustainable economic growth and balanced and dispersed
13 industrial and tourism development guided by the principles of agrarian
14 reform, urban land reform, and rural development;
- 15 i) Private-public partnership where government provides the appropriate policy,
16 legal and institutional framework to guide the private sector's management of
17 resources;
- 18 j) Harmony between the rights and the varied interests of every Filipino within
19 the framework of people empowerment, decentralization, social justice, and
20 equity;
- 21 k) Respect for and protection of the sustainable traditional resource rights of the
22 Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) to their
23 ancestral domains to ensure their economic, social, and cultural well-being as
24 well as recognition of the applicability of customary laws and sustainable
25 traditional resource use and management, knowledge, and practices in
26 ancestral domains;
- 27 l) Protection of the rights of basic sectors to equitable access to the country's
28 land and other resources through State regulation of land valuation to
29 prevent uncontrolled land speculation resulting in tremendous increase in
30 land pricing;
- 31 m) Protection, conservation, and preservation of the Filipino historical, cultural,
32 and built heritage and resources for the deeper understanding of our history

- 1 and culture as a people;
- 2 n) Attainment of energy security or energy self-sufficiency through sustainable
- 3 and priority development of indigenous energy resources;
- 4 o) Market orientation where the interplay of market forces within the framework
- 5 of ecological and intergenerational factors is encouraged and adopted as the
- 6 basic parameter in achieving efficiency in land use and allocation.

7 It is also the policy of the State to ensure that local government units (LGUs)

8 share with the national government the responsibility of managing and maintaining

9 ecological balance within their territorial jurisdiction as stated in the 1987 Philippine

10 Constitution and the 1991 Local Government Code or Republic Act No. 7160.

11 Guided by the principle that the use of land bears a social function and that all

12 economic agents shall contribute to the common good, landowners and land tenure

13 holders, in the case of forestlands, be it an individual, communal, corporate or group

14 shall be held responsible for developing and conserving their lands thereby making their

15 lands productive and supportive of environmental stability.

16 Sec. 3. *Scope.* – This Act shall apply to all lands whether public, private,

17 government-owned, and/or in the possession of individuals, corporations, communities,

18 indigenous peoples, or groups of people, to guide and govern the use, allocation,

19 development and management of land resources including such activities that bear

20 impact on said resources.

21 **CHAPTER II**

22 **DEFINITIONS**

23 Sec. 4. *Definition of Terms.* – As used in and for purposes of this Act, the

24 following terms shall mean:

- 25 a) *Agricultural Land* shall refer to lands devoted to or suitable for the
- 26 cultivation of the soil, planting of crops, growing of fruit trees, raising of
- 27 livestock, poultry, fish or aqua-culture production, including the
- 28 harvesting of such farm products, and other farm activities and practices
- 29 performed in conjunction with such farming operations done by persons
- 30 whether natural or juridical and not classified by law as mineral land,
- 31 forest land, residential land, commercial land, or industrial land;
- 32 b) *Agricultural Land Use Conversion* shall refer to the undertaking of any
- 33 development activity which modifies or alters the physical characteristics

1 of agricultural lands to render them suitable for non-agricultural purposes
2 with an approved order of conversion issued exclusively by the
3 Department of Agrarian Reform (DAR);

4 c) *Alienable and Disposable (A&D) lands* shall refer to lands of the public
5 domain which have been delineated, classified, and certified as open and
6 available for disposition under the provisions of Commonwealth Act No.
7 141, otherwise known as the "Public Land Act," as amended;

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

11 e) *Coastal Area/Zone* shall refer to a band of dry land and the adjacent
12 ocean space (water and submerged land) in which terrestrial processes
13 and uses directly affect oceanic processes and uses, and vice versa. Its
14 geographic extent may include areas within a landmark limit of one (1)
15 kilometer from the shoreline at high tide to include mangrove swamps,
16 brackish water ponds, *nipa* swamps, estuarine rivers, sandy beaches and
17 other areas within a seaward limit of two hundred (200) meters isobath
18 to include coral reefs, algal flats, seagrass beds, and other soft-bottom
19 areas. For purposes of initiating and implementing sustainable coastal
20 resources protection and management, it shall include foreshore lands;

21 f) *Comprehensive Land Use Plan or CLUP* shall refer to a document
22 embodying a set of policies, accompanied by maps and similar
23 illustrations that serves as principal basis for determining the future land
24 use of lands and natural resources for production and protection
25 purposes within the territorial jurisdiction of the city or municipality. It
26 represents the community-desired pattern of population distribution and
27 proposes future allocation of land resources to various land-using
28 activities. It identifies the allocation, character, and extent of the areas of
29 land resources to be used for different purposes and includes the
30 processes and the criteria employed in the determination of the land use.
31 It has a long-term perspective, encompassing a minimum of three (3)
32 terms of local elective officials.

33 g) *Critical Habitats* shall refer to areas outside protected areas under the

National Integrated Protected Areas System (NIPAS) Act of 1992 or Republic Act No. 7586 that are known habitats of threatened species and designated as such based on scientific data taking into consideration species endemism and/or richness, presence of human-made pressures/threats to the survival of wildlife living in the area, among others;

- h) *Critical Watershed* shall refer to a drainage area of a river system supporting existing and proposed hydro-electric power, irrigation works or existing water facilities needing immediate protection and rehabilitation as it is being subjected to fast denudation causing accelerated erosion, destructive floods and polluted water;
- i) *Cultural Heritage* shall refer to the totality of cultural properties preserved and developed through time and passed on for posterity;
- j) *Customary Laws* shall refer to a body of written and/or unwritten rules, usages, customs and practices traditionally and continually recognized, accepted, and observed by respective ICCs/IPs consistent with the IPRA;
- k) *Development Plan* shall refer to a document that defines the activities or measures that the national government or local government units (LGUs) intend to implement in order to achieve a defined set of development goals. It integrates the socio-economic and sectoral plans of the national government or its instrumentality or a particular LGU with spatial plans such as land use or physical framework plans. It may include an analysis of problems and resources, definition of goals and objectives, policy guidelines, project and target achievements, and an implementation mechanism which defines the roles and contributions expected from the government and the private sector;
- l) *Ecologically-fragile Lands* shall refer to lands within the critical watershed, brackish and freshwater wetlands, pasture lands, and croplands which require rehabilitation and whose continued unsustainable use would adversely affect the productivity of lowland agricultural areas and the stability of the upland ecosystem;
- m) *Ecotourism* shall refer to sustainable tourism or travel to a given natural area with exotic or threatened ecosystems or a heritage area to observe

wildlife or to help preserve nature, in the process providing for community participation; protection and management of natural resources, culture and indigenous knowledge systems and practices; environmental education and ethics; as well as economic benefits fostered and pursued for the enrichment of host communities and the satisfaction of visitors;

- n) *Energy Resource Lands* shall refer to lands where naturally occurring or indigenous energy resources exist in sufficient quantity or quality as to be economically viable for exploration, development, production, utilization, and distribution process;
- o) *Energy Resources* shall refer to surface or subsurface substances that serve as energy sources. These are traditionally mineral fuel deposits such as coal, petroleum, natural gas or renewable resources from geothermal, hydro reservoirs, or non-conventional sources such as ocean waves, solar, wind, biomass, and other similar resources which serve the same purpose;
- p) *Environmentally Critical Areas* shall refer to areas declared by law as: (a) areas for natural parks, watershed reserves, wildlife preserves, and sanctuaries; (b) areas set aside as aesthetic potential tourist spots; (c) areas which constitute the habitat of any endangered or threatened species or indigenous Philippine wildlife (flora and fauna); (d) areas of unique historic, archaeological, or scientific interests; (e) areas which are traditionally occupied by ICCs/IPs; (f) areas with critical slopes; (g) areas frequently visited and/or hard hit by natural calamities (geologic hazards, floods, typhoons and volcanic activities); (h) prime agricultural lands; (i) recharge areas of aquifers; (j) water bodies; (k) mangrove areas; (l) coral reefs; (m) mossy and virgin forests; (n) rivers and river banks; (o) swamp forest and marshlands; and (p) foreshore lands. This term shall also include other terrestrial, aquatic and marine areas that need special protection and conservation measures because they are ecologically fragile or they are needed for food security and food self sufficiency as determined by concerned agencies and LGUs in consultation with the concerned sectors;

- 1 q) *Estuary* shall refer to a wetland type where the river mouth widens into a
2 marine ecosystem, the salinity of which is intermediate between salt and
3 freshwater and where tidal action is an important biophysical regulator;
- 4 r) *Exhausted Mineral Resources* shall refer to a situation where the mineral
5 resources in specific sites are no longer in sufficient quantity or quality to
6 justify additional expenditure for extraction or utilization;
- 7 s) *Food Security* shall refer to the policy objective of meeting the food
8 availability, accessibility, quality and affordability requirements of the
9 present and future generations of Filipinos in a sustainable manner,
10 through local production or importation, only when there is a shortage
11 established based on a micro level situation, or both, based on the
12 country's existing and potential resource endowments and related
13 production advantages, and consistent with the overall national
14 development objectives and policies;
- 15 t) *Food Self-sufficiency* shall refer to the policy objective of meeting food
16 requirements through intensive local food production in a sustainable
17 manner based on the country's existing and potential resource
18 endowments and related production advantages;
- 19 u) *Forestlands* shall refer to lands of the public domain which have been
20 classified or declared as such and all unclassified lands of the public
21 domain. They include public forest, permanent forest or forest reserves,
22 and forest reservations;
- 23 v) *Foreshore Land* shall refer to a string of land margining a body of water,
24 the part of a seashore between the low-water line usually at the seaward
25 margin of a low tide terrace and the upper limit of wave wash at high
26 tide usually marked by a beach scarp or berm;
- 27 w) *Framework for Physical Planning* shall refer to an indicative plan
28 promoting the most appropriate and rational use of land and other
29 physical resources. It provides policy guidelines for all decisions relating
30 to land use and environmental management to prevent or mitigate the
31 adverse effects of inappropriate resource utilization on food security, the
32 people's welfare and their environment. It embodies both policies and
33 strategies necessary to carry out goals and objectives;

- 1 x) *Geo-hazards* shall refer to natural and human-induced geological
2 processes that have potential to cause destruction and pose a threat or
3 risk to human's life and property;
- 4 y) *Geo-hazard Areas* shall refer to areas frequently visited and/or vulnerable
5 or prone to experience weather/climatic, hydrologic, geologic, and other
6 natural calamities;
- 7 z) *Illegal Conversion* shall refer to any activity that modifies or alters the
8 physical characteristics of agricultural lands to render them suitable for
9 non-agricultural purposes without an approved order of conversion from
10 the DAR Secretary;
- 11 aa) *Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs)* shall
12 refer to groups of people or homogenous societies identified under the
13 Indigenous Peoples Rights Act or Republic Act No. 8371;
- 14 bb) *Indigenous Energy Resources* shall refer to energy resources which
15 originate or occur naturally in the Philippines;
- 16 cc) *Inland Waters* shall refer to waters which are not coastal and marine
17 waters and not subject to acquisitive prescription consistent with the
18 provisions of Presidential Decree No. 1067, otherwise known as the
19 "Water Code of the Philippines";
- 20 dd) *Inter-tidal Sandflat* shall refer to a juvenile fish-feeding area and habitat
21 for crustaceans. The littoral gravel and sand biotopes are also used by
22 important wintering ground and roosting/feeding grounds of indigenous
23 migratory birds.
- 24 ee) *Integrated Watershed Management* shall refer to a planning strategy or
25 program for watershed areas that complement environmentally-sound
26 soil and water management practices with mechanisms for ensuring
27 greater responsibility, involvement, or participation of individuals, groups,
28 communities and other stakeholders benefiting from these areas and
29 water-related infrastructure;
- 30 ff) *Key Biodiversity Areas* shall refer to sites that are globally significant for
31 biodiversity conservation primarily containing species that require site-
32 scale conservation to prevent extinction in the short-term and medium-
33 term. Such species may be globally threatened, restricted-range and/or

- 1 globally significant congregations of species;
- 2 gg) *Lagoon* shall refer to a semi-enclosed coastal basin with limited freshwater
3 input, high salinity and restricted circulation which often lies behind sand
4 dunes. It is often highly productive, being a habitat for a variety of plants
5 and animals, serving as nurseries of prawns and shrimps and also a site
6 for harbor, aquaculture, industry and recreation;
- 7 hh) *Land* shall refer to resources, both human-made and natural, found on
8 the surface, below, and above the ground including inland waters and
9 the air therein. In its broadest sense, it shall include all uses,
10 improvements and developments of such resources and may be viewed
11 as a resource, as space, as location, as property and as factor or
12 production or capital;
- 13 ii) *Land Use* shall refer to the manner of utilization of land, including its
14 allocation, development, and management;
- 15 jj) *Land Use Classification* shall refer to the act of delineating or allocating
16 lands according to protection land use, production land use, settlements
17 development, and infrastructure development as defined and provided
18 for in this Act;
- 19 kk) *Land Use Sub-classification* shall refer to the act of determining and
20 assigning specific uses of classified lands of the public domain;
- 21 ll) *Land Use Plan* shall refer to a document embodying a set of policies
22 accompanied by maps and similar illustrations which represent the
23 community-desired pattern of population distribution and a proposal for
24 the future allocation of land to the various land using activities. It
25 identifies the allocation, character and extent of the areas of land
26 resources to be used for different purposes and includes the process and
27 the criteria employed in the determination of the land use;
- 28 mm) *Land Use Planning* shall refer to the act of defining the allocation,
29 utilization, development, and management of all land within a given
30 territory or jurisdiction according to the inherent qualities of the land
31 itself and supportive of sustainable economic, demographic, socio-
32 cultural and environmental objectives as an aid to decision-making and
33 legislation;

- 1 nn) *Land Use Policy Council* shall refer to the highest land use policy-making
2 body created under this Act;
- 3 oo) *Mandatory Public Consultations* shall refer to the mechanism to ensure the
4 involvement of affected sectors in land use planning from the local to the
5 national level. It involves giving notice of hearing/consultation to affected
6 sectors through publication or posting in conspicuous places, conduct of
7 a reasonable number of hearings, and solicitation of positions and the
8 public presentation and validation of the planning results before the final
9 adoption of the plans;
- 10 pp) *Mass Housing* shall refer to residential subdivision and condominium
11 projects covered by development permits and licenses to sell, catering to
12 the homeless population to include socialized, economic/low-cost and
13 medium-cost housing beneficiaries with affordabilities as defined from
14 time to time by the Housing and Urban Development Coordinating
15 Council (HUDCC);
- 16 qq) *Minerals* shall refer to all naturally occurring inorganic substance in solid,
17 gas, liquid or intermediate state excluding energy materials such as coal,
18 petroleum, natural gas, radioactive materials and geothermal energy;
- 19 rr) *Mineral Exploration* shall refer to the systematic searching or prospecting
20 for mineral resources;
- 21 ss) *Mineral Lands* shall refer to lands in which minerals exist in sufficient
22 quantity or quality to justify the investment necessary for their extraction
23 and/or development;
- 24 tt) *Mudflat* shall refer to a wetland type that is usually an unvegetated area,
25 dominated by muddy substrate which provides rich feeding grounds for
26 vertebrates such as fish and water birds and also important in preventing
27 soil erosion;
- 28 uu) *Multiple Use of Land Resources* shall refer to the utilization or
29 management strategy for public lands, which allows any activity thereat,
30 involving one or more of its resources, depending on the result of prior
31 evaluation on its numerous beneficial uses, that will produce the
32 optimum benefits to the development and progress of the country and
33 the public welfare without impairment or with the least injury to its other

1 resources;

2 vv) *National Integrated Protected Areas System or "NIPAS"* shall refer to the
3 classification and administration of all designated protected areas to
4 maintain essential ecological processes and life-support systems, to
5 preserve genetic diversity, to ensure sustainable use of resources found
6 therein, and to maintain their natural conditions to the greatest extent
7 possible;

8 ww) *National Parks* shall refer to land of the public domain classified as such in
9 the 1987 Philippine Constitution which include all areas under the
10 National Integrated Protected Areas System pursuant to Republic Act no.
11 7586 or the NIPAS Act of 1992;

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

29 yy) *Non-Government Organization* shall refer to a private, nonprofit voluntary
30 organization that is committed to the task of political, socio-economic,
31 physical, cultural and environmental development and established
32 primarily to provide service to marginalized sectors in these areas;

33 zz) *People's Organization* shall refer to a private, non-profit, voluntary and

1 community-based organization established primarily to provide service to
2 its members and the community in general;

3 aaa) *Physical Framework Plans* shall refer to the national, regional or provincial
4 indicative plans embodying both policies and strategies that are prepared
5 by the national, regional and provincial land use policy councils,
6 respectively, to guide the desired direction and growth and to promote
7 and advance appropriate resource utilization as a way of sustaining food
8 security, promoting people's welfare and protection of the environment;

9 bbb) *Prime Agricultural Land* shall refer to all irrigated areas, all irrigable lands
10 already covered by irrigation projects with firm funding commitments; all
11 alluvial plain land highly suitable for agriculture whether irrigated or not;
12 agro-industrial croplands or lands presently planted to industrial crops
13 that support the viability of existing agricultural infrastructure and agro-
14 based enterprises, highlands, or areas located at elevation of five
15 hundred (500) meters or above and have the potential for growing semi-
16 temperature and high value crops; all agricultural lands that are
17 ecologically fragile, the conversion of which will result in serious
18 environmental degradation; and mangrove areas and fish sanctuaries;

19 ccc) *Production Land Use* shall refer to the direct and indirect utilization of land
20 to generate outputs resulting from the following activities: agricultural,
21 fish farming or aquaculture, timber or agro-forestry, grazing and pasture,
22 mining, indigenous energy resource development, industry, and tourism;

23 ddd) *Protected Areas* shall refer to portions of land set aside by reason of their
24 unique physical and biological significance, managed to enhance
25 biological diversity, and protected against destructive human exploitation.
26 For purposes of this Act, it shall include agricultural lands identified and
27 delineated under Section 29 hereof;

28 eee) *Protection Land Use* shall refer to the use of land
29 primarily for rehabilitation, conservation, and protection purposes and
30 the promotion of the country's ecological and life-support systems;

31 fff) *Public Domain* shall refer to lands that belong to the State which may be
32 any of the following: agricultural, forest or timber, mineral, or national
33 park as provided for in the 1987 Philippine Constitution;

- 1 ggg) *Public Lands* shall refer to lands which have not been subject to private
2 property rights or subject to sale or other modes of acquisition or
3 concession under the general laws, and are devoted to public use;
- 4 hhh) *Reclassification/Sub-classification of Agricultural Lands* shall refer to the
5 act of specifying how agricultural lands shall be utilized for non-
6 agricultural uses such as residential, industrial, or commercial purposes
7 through the local planning and zoning processes pursuant to Republic Act
8 No. 7160 or the Local Government Code (LGC) of 1991 and subject to
9 the requirements and procedure for conversion;
- 10 iii) *Resettlement Sites* shall refer to areas identified by the appropriate
11 national agency or by the local government unit, with respect to areas
12 within its jurisdiction, which shall be used for the relocation of the
13 underprivileged and homeless, as defined under Republic Act No. 7279 or
14 the Urban Development and Housing Act (UDHA);
- 15 jjj) *Settlements* shall refer to formal and informal communities or built-up
16 residential areas where people prefer to live in and land areas classified,
17 zoned, or converted for current or future residential or housing
18 development purposes, including socialized housing zones for the
19 homeless and underprivileged;
- 20 kkk) *Settlements Development* shall refer to any improvement on existing
21 formal or informal residential or housing settlements or any proposed
22 development of certain areas for residential or mass housing settlement
23 purposes. It also involves the spatial distribution of population,
24 identification of the roles and functions of key urban centers,
25 determination of relationships among settlement areas, and the provision
26 of basic services and facilities of identified major residential or housing
27 settlement areas or growth centers;
- 28 III) *Shoreline* shall refer to a strip of land covering at least one (1) kilometer
29 from the point where sea water reaches during the highest high tide;
- 30 mmm) *Significant Caves* shall refer to caves which contain materials or
31 possess features that have archaeological, cultural, ecological, historical
32 or scientific value as determined by the Department of Natural Resources
33 (DENR) in coordination with the scientific community and the academe;

- 1 nnn) *Socialized Housing* shall refer to housing programs and projects
2 undertaken by the government or the private sector for the
3 underprivileged and homeless citizens which shall include sites and
4 services development, long-term financing, liberalized terms on interest
5 payments, and such other benefits in accordance with the UDHA;
- 6 ooo) *Socialized Housing Zones* shall refer to lands identified and designated by
7 local government units as sites for socialized housing pursuant to Article
8 IV of Republic Act No. 7279 and its implementing guidelines; these lands
9 to be identified and designated shall include areas that are presently
10 occupied by the urban poor, as well as those identified as resettlement
11 areas as defined herein;
- 12 ppp) *Sustainable Development* shall refer to the development objective of
13 meeting the needs of the present generation without compromising the
14 ability of future generations to meet their own needs consistent with the
15 principles of social equity, efficiency, and environmental integrity;
- 16 qqq) *Stakeholder* shall refer to an individual, social group or institution that
17 has a direct or indirect interest in activity, project, resources, or decision;
- 18 rrr) *Tourism Development Areas* shall refer to specific sites for tourism
19 development located in areas identified as priorities in the national,
20 regional and inter-regional area specific tourism master plans and other
21 sector plans such as eco-tourism and agri-tourism sites, including those
22 designated through legislative and executive issuances i.e., tourist spots,
23 tourist zones and tourism ecozones which can be developed into tourism
24 estates or integrated resort, leisure, and recreation complexes, and other
25 tourism related facilities;
- 26 sss) *Tourism Estates* shall refer to large tracts of land with well-defined
27 boundaries in any area identified in the Philippine tourism master plan
28 and regional tourism master plan, by proclamation of the President
29 and/or by an act of Congress including local legislation. Such land shall
30 be suitable for the development of an integrated tourism and resort
31 complex including but not limited to accommodation facilities, food and
32 beverage outlets, convention and meeting areas, sports, recreational and
33 leisure centers and commercial outlets among others. It shall be provided

1 with roads, water supply facilities, power and utilities like potable water,
2 drainage sewerage disposal, solid waste disposal system and other
3 necessary infrastructure. The estate shall be under one unified and
4 continuous management;

5 ttt) *Tourism Ecozone* shall refer to tourism development areas which have
6 been granted Special Economic Zone status, through Philippine Economic
7 Zone Authority (PEZA) registration and issuance of the required
8 Presidential Proclamation, with its metes and bounds delineated by said
9 Proclamation, pursuant to the Special Economic Zone Act of 1995 or
10 Republic Act No. 7916, as amended;

11 uuu) *Tourist Spot* shall refer to a particular area/site/spot, human-made or
12 natural, known for its unique tourist/visitor-drawing attributes and
13 activities. It may be classified according to its social, cultural, natural,
14 historical, scientific, religious, and recreational significance;

15 vvv) *Tourist Zone* shall refer to a geographic area with well-defined
16 boundaries proclaimed as such by the President of the Philippines and/or
17 by acts of Congress. No development projects for any purpose shall be
18 initiated and introduced within the zone prior to the formulation of a
19 tourism master development plan which shall be undertaken in
20 coordination with the Department of Tourism and the Philippine Tourism
21 Authority. A tourist zone is established for the enhancement and/or the
22 conservation of cultural and historical heritage and for the appreciation
23 and enjoyment of the local population and its visitors;

24 www) *Urban Areas* shall refer to all cities regardless of their population
25 density and to municipalities with population density of at least five
26 hundred (500) persons per square kilometer;

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

30 yyy) *Urban Forestry or Green Space* shall refer to the establishment or setting-
31 up of areas for mini-forest or small nature parks, lining roads and
32 highways with trees, shrubs, or ornamental plants, and ground
33 landscaping of schools, hospitals, and other government agencies in

order to improve the environment in urban areas;

zzz) *Water Security* shall refer to the sufficient access throughout the year to the minimum daily requirement of clean water to maintain a healthy life;

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

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

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

dddd) *Zoning ordinance or "ZO"* shall refer to a local law passed by the *Sangguniang Panday* or *Panglunsod* approving the development control/zoning plan in accordance with an approved or adopted CLUP for the city/municipality, and providing for the regulations and other conditions on the uses of land including the limitation on the infrastructure that may be placed thereon within the territorial jurisdiction of a city or municipality. It incorporates the protected areas under Section 13(a) and the protected agricultural lands under Section 29 hereof.

CHAPTER III

PHYSICAL FRAMEWORK AND LAND USE PLANS

Sec. 5. *National Land Use Planning Process.* – The land use and physical planning process shall be formulated following a combined bottom-up and top-down approach. The national framework for physical planning, which guides the planning and management of the country's land and other physical resources at the national and sub-national levels, shall indicate broad spatial directions and policy guidelines on settlement development, production land use, protection land use and infrastructure development.

1 The regional and provincial framework plans and Comprehensive Land Use Plans
2 (CLUPs), which cover the physical development of their respective territories, shall be
3 consistent with the national framework for physical planning: *Provided*, That the
4 integration and harmonization of physical framework plans at all levels shall be
5 imperative to ensure that the concerns of both top and bottom levels of government are
6 considered in the national, regional and physical framework plans and CLUPs. The
7 physical and land use plans prepared at all levels shall have internal consistency
8 specifically on, but not limited to, the development, management and conservation of
9 forestlands found within a given territory and the linkages of the major land use
10 categories to ensure that they complement in the utilization, development and
11 management of resources.

12 *Sec. 6. National Framework for Physical Planning.* – The Land Use Policy Council
13 (LUPC) created in Section 14 herein, in consultation with the concerned sectors through
14 the mandatory conduct of public hearings, shall formulate, periodically update and
15 ensure the implementation of a national framework for physical planning that shall serve
16 as the general long-term framework for the spatial development directions of the entire
17 country. A national framework for physical planning shall be the basis for adopting land
18 use and physical planning-related guidelines and standards, including zoning and other
19 land use control standards that will guide the formulation of city/municipal zoning
20 ordinances.

21 *Sec. 7. Regional Physical Framework Plans.* – In consultation with concerned
22 sectors, the Regional Land Use Policy Council (RLUPC) shall define the desired spatial
23 arrangement of land-using activities in the entire region, consolidating and harmonizing
24 the provincial physical framework plans of provinces and independent cities within the
25 territorial jurisdiction of the region. The regional physical framework plan, which depicts
26 an end-state scenario toward which efforts and activities are directed, shall consist of
27 spatially-based and area-focused policies, consistent with those in the national
28 framework for physical planning, to guide detailed physical, socio-economic, sectoral
29 and investment planning.

30 *Sec. 8. Provincial Physical Framework Plans.* – In consultation with concerned
31 sectors, the Provincial Planning and Development Office shall prepare a provincial
32 physical framework plan to determine the physical development of the entire provincial
33 territory, consolidating and harmonizing the land use plans of component cities and

1 municipalities, and defining the uses of land and other resources within the province
2 consistent with the policies in the regional physical framework plan. It shall submit the
3 provincial physical framework plan to the Provincial Land Use Policy Council (PLUPC),
4 created under Section 20 of this Act, for review and endorsement to the *Sangguniang*
5 *Panlalawigan*, which shall adopt the same pursuant to Section 468(2) (vii) of the LGC.

6 *Sec. 9. City/Municipal Land Use Plans.* – The City/Municipal Planning and
7 Development Office, in consultation with concerned sectors through mandatory conduct
8 of public hearings, shall prepare the CLUP to determine the specific uses of land and
9 other physical resources therein including areas co-managed with the national
10 government and, as appropriate, the ancestral domain areas. Guided by a provincial
11 physical framework plan, the CLUP shall embody the desired land use patterns and
12 mixes of the city or municipal territory and provide appropriate policies for each of the
13 four land use planning categories that shall guide and serve as framework for more
14 detailed development and sectoral planning.

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

18 **CHAPTER IV**

19 **FRAMEWORK FOR LAND USE PLANNING**

20 *Sec. 10. Priorities in Land Use Allocation and Planning.* – In projecting spatial
21 allocation for different land uses, the LGUs shall first exclude areas under protection
22 land use of Section 13(A) hereof, national parks, energy resource lands, and prime
23 agricultural lands to ensure ecological integrity, energy supply, and promote food
24 security. Areas with prior rights and those with site-specific resources for basic services,
25 such as but not limited to, water and indigenous energy resources, shall also be
26 excluded. Spatial allocation and planning shall then proceed in accordance with Sections
27 12 and 13 hereof with priorities given to integrated watershed management areas,
28 socialized housing sites, fisherfolk settlement in coastal areas, and waste disposal sites.

29 *Sec. 11. Adoption of Multiple Uses of Land Resources.* – The primary and
30 alternative uses of a specific land resource shall be determined and evaluated prior to
31 any decision for the assignment of its use. Areas feasible for sustainable land resource
32 use may be considered multiple-use zones wherein settlements, tourism, agriculture,
33 agro-forestry and extraction activities and other income-generating or livelihood

1 activities may be allowed: *Provided*, That multiple uses of land resources shall be in
2 accordance with priorities in land use allocation and planning and that no reclassification
3 shall be allowed.

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

- 9 (a) Availability of natural resources including indigenous energy resources for
10 energy security and self-sufficiency;
- 11 (b) Geology, geomorphology, geologic hazard, climate, soil, vegetative cover,
12 demography and slope;
- 13 (c) Economic, environmental, social and related development activities;
- 14 (d) Existing government policies on land and natural resources allocation,
15 utilization, management and disposition;
- 16 (e) Technological changes/advancement;
- 17 (f) Existing customary rights for the protection of indigenous peoples and
18 vulnerable groups including women and urban poor;
- 19 (g) Inventory of prior and existing rights, to harmonize determination of land
20 use.

21 *Sec. 13. Categories of Land Uses for Planning Purposes.* – In determining and
22 defining the national, regional and provincial framework plans, and CLUPs, land uses
23 shall be grouped into four major functional uses as follows:

- 24 (a) *Protection Land Use* - Planning for protection land use intends to achieve
25 environmental stability and ecological integrity, ensure a balance between
26 resource use and the preservation of some areas with environmental,
27 aesthetic, educational, cultural and historical significance, and protect
28 people and human-made structures from the ill-effects of natural hazards.
29 Areas under this category are those under the coverage of the NIPAS Law
30 and other coastal and marine protected areas; those areas outside NIPAS
31 but nonetheless require protection because of their outstanding physical
32 and aesthetic features, anthropological significance, and biological diversity;

1 and those areas prone to natural hazards. Areas outside the coverage of
2 the NIPAS Law include, but are not limited to the following:

- 3 a.1. Reserved old-growth forests above 1,000 meters in elevation and
4 those 50% in slope gradient;
- 5 a.2. Mangrove and fish sanctuaries, pursuant to the Agriculture and
6 Fisheries Modernization Act of 1997 or RA 8435 and the Philippine
7 Fisheries Code of 1998 or RA 8550;
- 8 a.3. Buffer zones or strips/easements, pursuant to the Revised Forestry
9 Code of the Philippines or P.D. No. 705 and the Water Code of the
10 Philippines or P.D. No. 1067;
- 11 a.4. Salvage zones along foreshore areas, freshwater swamps and
12 marshes, plazas and heritage/historic sites, pursuant to P.D. No.
13 2146;
- 14 a.5. Watersheds supporting domestic water supply;
- 15 a.6. Utility easement like transmission lines of power companies, oil and
16 gas facilities, cell sites, and domestic water lines;
- 17 a.7. Amenity areas or those with high aesthetic values, pursuant to P.D.
18 No. 2146;
- 19 a.8 Natural and human-made areas/sites of cultural, historical and
20 anthropological significance, which are declared as such by
21 internationally recognized organizations and concerned national
22 agencies;
- 23 a.9 Critical habitats as provided in the Wildlife Resources Conservation
24 and Protection Act or Republic Act No. 9147;
- 25 a.10 Significant Caves under the National Caves and Cave Resources
26 Management and Protection Act or Republic Act No. 9072; and
- 27 a.11 Key Biodiversity Areas under Executive Order 578 (National
28 Biodiversity Policy).

- 29 (b) *Production Land Use* - Planning for production land use shall determine the
30 most efficient, sustainable, and equitable manner of utilizing, developing
31 and managing land for productive purposes. Areas included in this
32 category are agricultural lands, fishing grounds, coastal and marine zones,

1 production forest which comprise lands 18% to 50% in slope gradient
2 such as: residual dipterocarps, rangelands for grazing purposes, industrial
3 tree plantation, community-based forest management areas and other
4 reforestation projects; mineral lands or mining areas and reservations,
5 energy resource lands, industrial development areas, and tourism
6 development areas where productive activities could be undertaken to
7 meet the country's requirements for food security, economic growth and
8 development.

- 9 (c) *Settlements Development* - The settlement development plan ensures for
10 the present and future generation the following: i) effective integration of
11 activities within and among settlements, allowing efficient movement of
12 people and production of commodities through the provision of
13 appropriate land, infrastructure, and facilities; and ii) access of the
14 population to housing, education, health care, recreation, transportation
15 and communication, sanitation, and basic utilities such as water, power,
16 waste disposal, and other services.
- 17 (d) *Infrastructure Development* – Infrastructure development seeks to provide
18 basic services and foster economic and other forms of integration
19 necessary for producing or obtaining the material requirements of
20 Filipinos, in an efficient, responsive, safe and ecologically friendly built
21 environment. It covers these sub-sectors: transportation, communications,
22 indigenous energy exploration and development, water resources, and
23 social infrastructure: *Provided*, That the determination of functional uses
24 of lands within ancestral domains shall consider traditional resource and
25 management systems that do not endanger the lives and property of the
26 local community and neighboring areas or increase the vulnerability of the
27 natural environment to the effects of natural and human-induced
28 geological processes.

29 **CHAPTER V**

30 **IMPLEMENTING STRUCTURE AND MECHANISM**

31 **Article 1**

32 **Land Use Policy Council**

1 Sec. 14. *Creation of the Land Use Policy Council (LUPC).* – The LUPC is hereby
2 created as a committee under the National Economic and Development Authority
3 (NEDA) Board. It shall exercise the powers and responsibilities of the National Land Use
4 Committee (NLUC). The LUPC shall act as the highest policy-making body on land use
5 and resolve land use policy conflicts between or among agencies, branches, or levels of
6 the government. It shall integrate efforts, monitor developments relating to land use
7 and the evolution of policies.

8 Sec. 15. *Composition of the LUPC.* – The LUPC shall be composed of twenty (20)
9 members.

- 10 a) The Secretary of Socio-Economic Planning as Chairperson;
- 11 b) The Secretaries of Environment and Natural Resources and Agriculture and
12 the Chairperson of the Housing and Urban Development Coordinating
13 Council (HUDCC) as Vice-Chairpersons;
- 14 c) The Secretaries of Agrarian Reform, Trade and Industry, Public Works and
15 Highways, Transportation and Communications, Tourism, Interior and Local
16 Government, Justice, Science and Technology, Finance and Energy;
- 17 d) A representative each from four (4) basic sectors directly involved in land
18 use, namely: urban poor, peasants, fisherfolk, and indigenous peoples who
19 shall be appointed by the President of the Philippines based on the
20 nomination and recommendation of the respective sectoral councils of the
21 National Anti-Poverty Commission (NAPC). At least two sectoral
22 representatives shall be women.
- 23 e) Two representatives from private subdivision and housing developers.

24 A consultative body shall likewise be convened by the LUPC at least once a year
25 or as often as may be necessary. It shall be composed of representatives from the
26 Leagues of Municipalities, Cities, and Provinces, other government agencies not
27 represented in the LUPC, and from non-government sectors such as the private sector,
28 non-government organizations (NGOs) and people's organizations (POs), and the
29 academic community.

30 Sec. 16. *Powers and Functions.* – The LUPC shall have the following powers and
31 functions:

- 32 a) Advise the President of the Philippines and the NEDA Board on all matters
33 concerning land use and physical planning;

- 1 b) Formulate policies and endorse land use and physical planning-related policies
2 that may be formulated by the RLUPC and concerned agencies as well as
3 promulgate zoning and other land use control standards and guidelines which
4 shall guide the formulation of land use plans and zoning ordinances by local
5 governments;
- 6 c) Harmonize laws, guidelines and policies relevant to land use and physical
7 planning to come up with a rational, cohesive, and comprehensive national
8 land use framework;
- 9 d) Prepare, periodically review and if necessary, update the national framework
10 for physical planning to provide the general framework for the spatial
11 development directions for the entire country and sub-national levels;
- 12 e) Monitor and coordinate undertaking the gathering of data, the conduct of
13 studies pertaining to land use planning including studies on the management of
14 identified land uses and such other studies not undertaken by other
15 government agencies;
- 16 f) Coordinate with and assist other government agencies and LGUs in planning,
17 developing, and implementing their land use classification programs, and
18 provide, to the extent possible, technical assistance and guidance;
- 19 g) Monitor and coordinate the activities of concerned agencies and entities of the
20 government, as well as LGUs, in the enforcement and implementation of
21 policies and regulations relating to land use and resource management and
22 development;
- 23 h) Monitor and coordinate activities in the establishment of a national land
24 resource information and management system of concerned agencies that shall
25 integrate and process information on land use and allocation generated by the
26 various national government agencies; define information requirements at
27 various levels; and standardize information inputs and outputs including scales
28 and symbols used in territorial and sectoral maps;
- 29 i) Call on any department, bureau, office, agency, or instrumentality of the
30 government, and or private entities and organization for cooperation, support,
31 and assistance in the performance of its functions;
- 32 j) Decide and resolve policy conflicts on land use between or among national
33 government agencies and act on unresolved land use policy conflicts at the

- 1 regional level;
- 2 k) Adopt rules of procedures for the orderly and expeditious conduct of meetings
- 3 and other business of the Council; and
- 4 l) Perform such other acts and functions and exercise such other powers as may
- 5 be necessarily implied, inherent, incident, or related to the foregoing.

6 Sec. 17. *LUPC Technical Board (LUPC-TB)*. – A Technical Board shall be created
7 to provide technical support to the LUPC. It shall be composed of:

- 8 a. NEDA Deputy Director-General for Regional Development as Chairperson;
- 9 b. Representatives of the member agencies/institutions of the LUPC, who
- 10 shall have a rank not lower than Director level; and
- 11 c. The representatives of the four (4) basic sectors as enumerated in Section
- 12 15 (d) of this Act.

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

16 Article 2

17 **Local Development Councils as Local Land Use Policy Councils**

18 Sec. 19. *Regional Land Use Policy Council (RLUPC)*. – At the regional level, the
19 RLUPC will be institutionalized, replicating the LUPC structure and composition. A
20 representative from the Department of Agriculture (DA), DAR and DENR shall be
21 included in the composition of the RLUPC. The RLUPC shall have the following functions:

- 22 a. Formulate and adopt regional policies on land use and physical planning;
- 23 b. Prepare and periodically update a regional physical framework plan, taking
24 into consideration national policies and lower level plans;
- 25 c. Assist the provinces in preparing and periodically updating its physical
26 framework plans to ensure consistency with the regional and national
27 plans and policies and to facilitate its integration to the regional plans;
- 28 d. Review, prior to adoption by respective *Sanggunian* bodies, the provincial
29 physical framework plan and CLUPs of highly urbanized and independent
30 component cities to ensure consistency with the regional physical
31 framework plan and national policies set forth by LUPC and compliance
32 with limits prescribed under the 1991 LGC for reclassifying agricultural
33 lands;

- 1 e. Resolve and recommend policy conflicts on land use planning,
2 classification, and allocation that may arise between or among regional
3 line agencies;
- 4 f. Monitor changes in land use and other physical resources in the region;
- 5 g. Evaluate consistency of major programs and projects with the regional
6 physical framework plans and their impact on land use and the
7 environment;
- 8 h. Undertake the gathering of regional data for the Land Resource
9 Information and Management System; and
- 10 i. Perform other related functions as may be directed by the LUPC.

11

12 Sec. 20. *Provincial Land Use Policy Council (PLUPC)*. – The Provincial
13 Development Council (PDC), created under Section 106 of the LGC, shall act as the
14 PLUPC that will tackle land use concerns whenever necessary. A representative from the
15 DAR and DENR shall be included in the composition of the PLUPC.

16 In addition to the functions enumerated in Section 109 of the LGC, the PLUPC
17 shall:

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

32 The PLUPC may call upon any local official concerned such as Provincial Planning
33 and Development Coordinator, Provincial Agriculturist, Provincial Environment and

1 Natural Resources Officer, Provincial Engineer, Provincial Assessor, or any official of
2 national agencies and other relevant agencies during discussions on land use and
3 physical planning concerns.

4 Sec. 21. *City/Municipal Land Use Policy Council (C/MLUPC)*. – The City/Municipal
5 Development Council (C/MDC), created under Section 106 of the LGC, shall act as the
6 C/MLUPC that will tackle land use concerns whenever necessary. A representative from
7 the DAR and DENR shall be included in the composition of the C/MLUPC.

8 In addition to the functions enumerated in Section 109 of the LGC, the C/MLUPC
9 shall:

- 10 a. Advise the *Sangguniang Bayan* or *Sangguniang Panlungsod* on all matters
11 pertaining to land use and physical planning;
- 12 b. Review and endorse to the *Sangguniang Bayan* or *Sangguniang*
13 *Panlungsod* for adoption, the CLUP prepared and periodically updated by
14 the City/Municipal Planning and Development Office and other land use
15 and physical planning-related policies; and
- 16 c. Resolve and recommend policy conflicts on land use planning and
17 allocation that may arise between and among *barangays* and any
18 unresolved land use conflicts at the *barangay* level regarding the violation
19 of zoning ordinances including opposition to applications for locational
20 clearances, permits or certificates.

21 For purposes of this Act, the City/Municipal Planning and Development
22 Coordinator (C/MPDC) shall (a) act on all applications for locational clearances for all
23 projects except those of vital and national economic or environmental significance, and
24 (b) monitor on-going/existing projects within their respective jurisdictions and issue
25 notices of violation to owners, developers, or managers of projects that are violative of
26 zoning ordinances.

27 The C/MLUPC may call upon any local official concerned such as C/MPDC,
28 City/Municipal Agriculturist, City/Municipal Environment and Natural Resources Officer,
29 City/Municipal Engineer, City/Municipal Assessor, or any official of national agencies
30 during discussions on land use and physical planning concerns.

31 Local government units without operational C/MDCs as mandated by the 1991
32 LGC shall activate their respective Councils within six (6) months from the effectiveness of
33 this Act.

1 **Article 3**

2 **Adoption, Approval and Review of Land Use Plans**

3 Sec. 22. *Component Cities and Municipalities.* — Component cities and
4 municipalities shall have the power and authority to adopt and approve their respective
5 CLUPs and ZOs through their respective *Sanggunian* bodies subject to the power of
6 review of their respective provinces only with respect to the consistency of the CLUPs
7 and ZOs with Section 9 hereof on the preparation of the provincial physical framework
8 plan.

9 Sec. 23. *Provinces and Independent and Highly Urbanized Cities.* — Provinces
10 independent and highly urbanized cities shall have the power and authority to adopt
11 and approve their respective CLUPs, ZOs or provincial physical framework plan, as the
12 case may be, through their respective *Sanggunian* but subject to the review of the
13 RLUPC as provided in Section 19 hereof.

14 **Article 4**

15 **Responsibilities of the National Government Agencies and LGUs**

16 Sec. 24. *National Base Mapping Program.* — A national mapping program shall be
17 implemented, coordinated, and monitored through the creation of an Inter-agency
18 Technical Committee (ITC) composed of the NAMRIA as the lead agency, the BSWM,
19 the Forest Management Bureau (FMB), the Land Management Bureau (LMB), the
20 Protected Areas and Wildlife Bureau (PAWB), the Mines and Geosciences Bureau (MGB),
21 the Philippine Institute of Volcanology And Seismology (PHIVOLCS), DAR, the National
22 Water Resources Board (NWRB), the Department of Energy (DOE), NEDA and other
23 concerned government agencies/bureaus. The ITC shall be constituted, and the
24 mapping program initiated, within thirty (30) days from the effectivity of this Act.

25 For purposes of uniformity and standardization, the LGUs, to be assisted by the
26 appropriate agencies of the national government, shall likewise prepare their respective
27 territorial maps using scales, symbols, and other indicators to be prescribed in
28 accordance with this Act. The completed maps shall be integrated in the national
29 framework for physical planning pursuant to Section 6 hereof.

30 Sec. 25. *National Geo-hazard Mapping Program.* — Within thirty (30) days from
31 the effectivity of this Act, a nationwide geo-hazard mapping program shall be initiated
32 jointly thru the LUPC by the PHIVOLCS, the Philippine Atmospheric Geophysical and
33 Astronomical Services Administration (PAGASA), the NAMRIA, MGB, BSWM, and DOE, in

1 coordination with the National Disaster Coordinating Council (NDCC), the Regional
2 Disaster Coordinating Councils, and other concerned government agencies. The
3 program shall include the generation of indicative geo-hazard zoning maps that will
4 outline areas in the Philippines which are prone to liquefaction, land slides, severe flash
5 flooding, lahar, ground rupturing, tsunami, river erosion, coastal erosion, sinkhole
6 collapse, earthquake, hazardous volcanic products, and other disastrous natural
7 hazards.

8 For purposes of uniformity and standardization and in order to develop a safe-
9 built environment, the LGUs shall subsequently incorporate and integrate the generated
10 geo-hazard zoning maps in their respective CLUPs. Said geo-hazard maps shall serve as
11 guide for all the LGUs in the preparation of their own hazards-constrained development
12 plans. The national framework for physical planning, pursuant to Section 6 hereof, shall
13 incorporate these geo-hazard maps.

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

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

24 Sec. 27. *Submission of Annual Report on the Implementation of CLUPs.* – The
25 C/MLUPC shall submit an annual report on the implementation of their land use plans to
26 the PLUPC, which shall integrate the same for submission to the RLUPC, which shall in
27 turn integrate the provincial reports for submission to the LUPC.

CHAPTER VI

SPECIAL AREAS OF CONCERN

Article 1

Agricultural Lands

32 Sec. 28. *Priority Areas for Agricultural Development.* – Priority areas for

1 agricultural development are the CARP, CARPable areas, and the NPAAAD.

2 Sec 29. *Conversion of Agricultural Lands.* – Agricultural lands are deemed
3 converted to non-agricultural uses upon the recommendation of appropriate
4 government agencies and the approval by the DAR of the application for conversion.
5 Prime agricultural lands and specific types of lands to the extent necessary for attaining
6 food self-sufficiency in rice and corn and food security in other basic commodities, as
7 determined by the DA, subject to mandatory consultation with the LGUs, the private
8 sector, the NGOs, and POs, shall be protected from conversion, which shall include but
9 not limited to areas under the NPAAAD: *Provided*, That all irrigated and irrigable lands,
10 all lands developed or possessing the potential for development of high value crops,
11 and all agricultural lands that are ecologically fragile and whose conversion will result in
12 serious environmental problems shall be given full protection from conversion, the areas
13 under which are subject to review every six (6) years by the DA, DAR and DENR, with
14 the mandatory public consultations: *Provided, further*, That consistent with the State
15 policy on giving priority to the completion of CARP, all lands subject to CARP including
16 those lands covered under the notice of compulsory acquisition/voluntary offer to sell,
17 production or profit-sharing, or commercial farm deferment shall also be protected from
18 conversion pending the distribution and installation of the farmer beneficiaries, but
19 thereafter, Section 65 of Republic Act No. 6657 or the Comprehensive Agrarian Reform
20 Law (CARL) shall apply.

21 Lands defined under Section 10 of CARL shall remain exempted and excluded
22 from the coverage of CARP.

23 Sec. 30. *Re-classification/Sub-classification of Agricultural Lands by LGUs.* – Sub-
24 classification or re-classification of agricultural lands to other uses under Section 20 of
25 the LGC of 1991 shall exclude the prime agricultural lands as stated in the preceding
26 section. Moreover, such sub-classification/reclassification is not synonymous to
27 conversion. The DA and DAR shall provide the LGUs with a complete list and maps of
28 prime agricultural lands within their territorial jurisdictions.

29 Article 2

30 Forestlands and Watershed Management

31 Sec. 31. *Reversion of Alienable and Disposable Lands to Forestlands.* – Upon the
32 recommendation of the Secretary of the DENR, duly reviewed and endorsed by the
33 LUPC, and after due consultations with the concerned LGUs and affected parties,

1 Congress may authorize the reversion of alienable and disposable lands of the public
2 domain or portion thereof to forestlands. Thereafter, said lands shall be included in the
3 preparation of land use plans within forestlands.

4 Sec. 32. *Critical Watershed Areas.* – The DENR, in coordination with the DA,
5 LGUs, and other government agencies, including government-owned and-controlled
6 corporations, and with mandatory public consultations, shall identify and delineate
7 critical watershed areas that need to be protected, rehabilitated, enhanced, and/or
8 withdrawn from uses that contribute to their further degradation.

9 Sec. 33. *Formulation and Implementation of Integrated Watershed Management*
10 *Plans.* – With the assistance of the DENR and upon mandatory consultations with the
11 concerned sectors, the LGUs through their local land use committees shall prepare their
12 watershed management plans which shall be integrated with their respective CLUPs.
13 The formulation and integration of the plan shall be guided, among others, by the
14 principle that the management and development of inland water resources shall be at
15 the watershed level. A nationwide mapping of watersheds in the country shall be
16 implemented.

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

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

26 The preparation of Forest Land Use Plans shall make use of the watershed as the
27 basic planning unit.

28 Article 3

29 Coastal Zones

30 Sec. 34. *Criteria on the Allocation and Utilization of Lands within the Coastal*
31 *Zones.* – The allocation and utilization of lands within the coastal zones shall be guided
32 by the following:

33 a) Areas vegetated with mangrove species shall be preserved for mangrove

- 1 production and shall not be converted to other uses;
- 2 b) Areas that meet all accepted criteria on elevation, soil type, soil depth,
- 3 topography, supply for successful fishpond development, and are not
- 4 identified as mangrove protected areas, shall be utilized for aquaculture
- 5 purposes;
- 6 c) Areas sub-classified as mangrove and still suitable for use as such, or due
- 7 to environmental conditions need to be preserved as mangrove, but is
- 8 devoid of mangrove stands shall not be converted to other uses. The DENR
- 9 shall ensure that these lands shall be reforested within a given period of
- 10 time;
- 11 d) Areas accessible to the sea and identified for fisherfolk settlement and
- 12 housing shall be allocated to traditional fisherfolk who are inhabitants of the
- 13 coastal communities and members of legitimate fisherfolk organizations
- 14 and/or holders of stewardship lease contracts or titles to ancestral domains
- 15 or any form of property right arrangements who participate in coastal
- 16 resource management initiatives, subject to the usual census procedures of
- 17 the HUDCC.
- 18 e) Areas that are neither sub-classified as mangrove, fisherfolk settlement nor
- 19 fishpond may be devoted to recreational or tourism purposes: *Provided*,
- 20 That such undertaking will not result in environmental degradation and
- 21 displacement of small fishers; *Provided further*, That any fees or charges to
- 22 be imposed on the use of such areas used for recreational or tourism
- 23 purposes shall be used for their maintenance and preservation, and shall
- 24 benefit nearby local communities;
- 25 f) Areas which are considered as traditional fishing grounds shall be used
- 26 primarily for such purpose;
- 27 g) Areas which have been allocated for small infrastructure needed by
- 28 fisherfolk shall be allowed; and
- 29 h) Areas which form part of foreshore lands as defined in this Act including
- 30 those that are under lease agreements or arrangements shall undergo
- 31 zoning and evaluation to determine their boundaries and actual sizes and
- 32 corresponding uses.

33 Sec. 35. *Coastal Land Zone Sub-classification.* – All public lands in the coastal

1 zones shall be subclassified into any of the following: estuaries, lagoons, inter-tidal flats,
2 mudflats, fishponds, mangroves, protection from tidal surge, for preservation of
3 biodiversity, habitats and sanctuaries for endangered wildlife, fisherfolk settlement, or
4 recreational/tourism areas. No sub-classification of coastal zones to different uses shall
5 be done without the following:

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

12 Sec. 36. *Zoning of Foreshore Areas.* – LGUs, in coordination with the DENR,
13 shall conduct zoning of their respective foreshore areas to assist government and
14 community fishers identify priority areas for conservation and development, and to
15 enable them to set targets for mangrove reforestation and rehabilitation.

16 **Article 4**

17 **Mineral Lands**

18 Sec. 37. *Criteria for the Utilization and Allocation of Land for Mining Purposes.* –
19 Consistent with Section 5 of this Act and the provisions of Republic Act No. 7942 or the
20 Mining Act of 1995, and to ensure that the objectives of maintaining ecological balance
21 and maximizing economic returns to mining operations are realized, the allocation and
22 utilization of lands for mining purposes shall be guided by the following:

- 23 a) The principles of sustainable development and responsible mining, which shall
24 include respecting the rights and customs of ICCs/IPs over their ancestral
25 domains pursuant to the provisions of IPRA;
- 26 b) In case of small-scale mining, adequate and acceptable safeguards shall be
27 instituted by the holders of mining rights or permits to prevent environmental
28 degradation of the mining sites and adjacent areas;
- 29 c) Mineral reservations which have become non-operational for more than ten
30 (10) years as determined by the MGB shall be placed under appropriate
31 surface management by the DENR;
- 32 d) Consistent with the Mining Act of 1995, existing mineral reservations shall be
33 periodically reviewed by the DENR for the purpose of determining whether

their continued existence is consistent with the national interest and, if warranted, recommend the alteration or modification of its boundaries or revert the same to public domain without prejudice to prior existing rights; and

e) Protection forest lands and agricultural lands shall be exempt from mining activities to minimize the effect of natural calamities and to protect food security, respectively. Small to large scale mining operations should yield and recognize the tenurial instrument given by the government such as Original Certificate of Title, Transfer Certificate of Title, Certificate of Ancestral Domain Title, Emancipation Patent/Certificate of Land Ownership Award, and other instruments. If these be present, no mining activity should be conducted.

Sec. 38. *Reversion of Mineral Lands.* – All mineral lands with exhausted mineral resources, as determined by the MGB upon the recommendation of the DENR, shall revert to its original land classification, that is, as forest land or agricultural land. In the case of forestlands, the DENR may classify such areas for other purposes in consultation with concerned LGUs, the DOT, and other national government agencies. Exhausted mineral lands shall refer to specific sites whose mineral deposits are no longer in sufficient quantity or quality to justify additional expenditure for their extraction and utilization.

Article 5

Energy Resource Lands

Sec. 39. *Guidelines for the Utilization and Allocation of Lands for Energy Resource Exploration, Development, Production, Utilization, and Distribution Purposes.* – To ensure that the objectives of maintaining ecological balance and maximizing the power potential from indigenous energy resources in the most economical and environmentally-acceptable means are realized, the allocation and utilization of lands for said purposes shall be guided by the following, consistent with existing regulations and laws on energy resources:

- a) Indigenous energy resource exploration and development for the purpose of a National Energy Resource Inventory and Data Base as well as Energy Resource Block Map shall be allowed subject to the implementation of complementary watershed and other land management plans;
- b) Indigenous energy resource exploration, development, production, utilization, and distribution shall be subject to the appropriate requirements and

processes of the Philippine Environmental Impact Statement (EIS) system. Each project shall secure an ECC prior to project implementation to ensure adequate and appropriate environmental management measures and optimum methods for resource access and recovery are utilized; and

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

Sec. 40. *Reversion of Energy Resource Lands.* – All exhausted indigenous energy resource lands not covered by proclamations shall automatically revert to the category of forestlands or agricultural lands open to disposition, whichever is appropriate. Exhausted energy resource lands shall refer to specific energy resource sites whose energy reserves of the desired type/s are no longer in sufficient quantity or quality to justify additional expenditure for their extraction and utilization.

CHAPTER VII

SETTLEMENTS DEVELOPMENT

Sec. 41. *Town, City, and Settlements Development.* – The development of town, city, and settlements through the zoning ordinances of cities and municipalities shall be guided by urban zoning standards designed to maximize existing urban spaces. Socialized housing and settlement areas should be established only on alienable and disposable lands in order to avoid further degradation of forestlands.

Sec. 42. *Settlements within Geo-hazard Areas.* – Settlements, in particular housing or residential developments, within geo-hazard areas may be allowed provided that mitigating and/or protective measures are adopted to address the potential danger or risk to lives and property within such settlements. In coordination with the concerned agencies of the government, the LUPC shall provide assistance to concerned LGUs and settlers in instituting safety and corrective measures to address the potential danger or risk.

Residential zones as designated in the CLUP shall be considered as outside the geo-hazard areas. For this purpose, housing projects within such areas shall be exempt from the ECC as well as the EGGAR and maybe implemented without the need for any further certificate of exemption from the DENR or any other government regulatory agency.

1 Sec. 43. *Designation of Sanitary Landfill.* – Each city or municipality shall
2 identify, designate and allocate an area within their territorial jurisdiction to serve as
3 sanitary landfill within one (1) year from the effectivity of this Act. The LGUs, in
4 coordination with the DENR or any other competent authority, shall identify sanitary
5 landfill sites in order to fast-track the conduct of environmental impact assessment
6 study and to facilitate processing of the ECC. The site or area shall be identified in the
7 city or municipality's CLUP. For this purpose, cities and municipalities shall establish their
8 solid waste management program pursuant to the Ecological Solid Waste Management
9 Act or Republic Act No. 9003. Likewise, as provided under Section 33 of the LGC, cities
10 and municipalities may, through appropriate ordinances, bind themselves towards the
11 establishment of a common solid waste management program.

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

16 Sec. 44. *Designation and Zoning of Socialized Housing Zones.* – Each city or
17 municipality in urban, urbanizable and rural areas shall designate through the CLUP
18 adequate lands for housing or residential purposes, including socialized housing and
19 resettlement areas for the immediate and future needs of the local population as well as
20 the underprivileged and homeless in their territory, pursuant to existing laws and
21 regulations. In order to ensure adequate availability of land for the housing needs of the
22 local population, the CLUP shall be updated, at maximum, every nine (9) years for
23 provinces, cities and municipalities.

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

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

29 The housing or residential lands designated in the CLUPs and ZOs of cities and
30 municipalities shall, on one hand, not be subject to further land reclassification by the
31 LGU or land conversion procedure under DAR. On the other hand, agricultural lands as
32 designated in the CLUP which are no longer economically feasible for agricultural use
33 may be subject to land reclassification or conversion to housing/residential purposes and

1 such conversion, as the case may be, shall be exempt from the coverage of any
2 moratorium on land conversion.

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

7 **CHAPTER VIII**

8 **INDUSTRIAL DEVELOPMENT AREAS**

9 **SEC. 46. Criteria for Designating Industrial Development Areas.** – The
10 identification and establishment of industrial development areas shall conform to the
11 provisions of Republic Act No. 7916, otherwise known as the Philippine Economic Zone
12 Authority (PEZA) Law; the CARL, IPRA, UDHA, and the AFMA, taking into consideration
13 the following:

- 14 a) Identified network of areas for agricultural development and protected
15 agricultural areas pursuant to the AFMA;
- 16 b) National policies on the regional dispersal of industries and agri-based industrial
17 development;
- 18 c) Identified growth areas and corridors in the National Development Plan;
- 19 d) NIPAS and non-NIPAS areas that require protection;
- 20 e) National and Urban Development and Housing Framework;
- 21 f) Identified Socialized Housing Zones;
- 22 g) National framework for physical planning and other existing national programs
23 and policies.

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

27 **CHAPTER IX**

28 **Tourism Development Areas**

29 **Sec. 47. Criteria for Designating Tourism Development Areas.** – The
30 identification, selection, and development of tourism development areas and tourism
31 estates shall be done in consultation and coordination with the concerned LGUs,
32 national government agencies, the private sector, and the affected communities.
33 Tourism development areas shall likewise include those covered by legislative and

1 executive issuances as tourist spots, tourist zones and tourism ecozones which can be
2 developed into tourism estates or integrated resort, leisure and recreation complexes
3 and other tourism-related facilities as well as those identified in the national, regional
4 and inter-regional tourism, and area specific tourism master plans and other sector
5 plans such as ecotourism and agri-tourism sites.

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

8 Sec. 48. *Identification and Declaration of Areas for Protection, Conservation and*
9 *Preservation of Cultural Heritage.* – The National Historical Institute (NHI) and/or the
10 National Museum in coordination with other concerned agencies, local communities, and
11 the private sector, shall identify declared areas and structures which shall be protected
12 and/or preserved as part of the Philippine cultural heritage.

13 The LGUs in coordination with the NHI, the National Commission for Culture and
14 Arts (NCCA) and the Cultural Center of the Philippines (CCP) shall designate historical
15 zones to protect the historical integrity of said geographical areas and cultural space of
16 intangible cultural properties, which are significant to a city/ municipality and the
17 community.

18 **CHAPTER X**

19 **INFRASTRUCTURE DEVELOPMENT**

20 Sec. 49. *Allocation and Use of Land for Infrastructure Development.* – Land,
21 whether public or private, shall be allocated and utilized for priority infrastructure
22 projects that are supportive of national or local development objectives. The NEDA, in
23 consultation with the concerned national government agencies, LGUs, and the private
24 sector shall identify and periodically review, update and/or revise the list of priority
25 infrastructure projects subject to Sections 5 and 29 hereof, and Section 47 of the AFMA.
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 economy with
29 priority on improving rural infrastructure and the development of the
30 agriculture and fisheries sectors;
- 31 (b) Upgrade existing facilities to international standards;
- 32 (c) Address the need for sustainable settlements development; and,
- 33 (d) Help mitigate the destructive effects of natural disaster-causing phenomena

1 or those that shall serve as alternatives to existing infrastructures found in
2 natural hazard-prone areas:

3 *Provided*, That the provision and implementation of infrastructure support shall
4 be made compatible with existing environmental conditions and the physical, whether
5 natural or human-made, and cultural character of the area. Mandatory public
6 consultations pursuant to existing laws and regulations shall be held prior to the
7 conduct of all infrastructure projects that will necessarily involve dislocation or
8 displacement of people in the area: *Provided, further*, That the proponent of the
9 infrastructure project shall follow the rules on just and humane eviction or demolition
10 under Section 28 of the UDHA, notwithstanding the provisions of Republic Act No.
11 8975, prohibiting lower courts from issuing temporary restraining orders, preliminary
12 injunctions, or preliminary mandatory injunctions, and proponent shall follow IPRA:
13 *Provided finally*, That national government infrastructure projects shall allocate budget
14 for the adequate relocation of displaced communities.

15 Sec. 50. *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 to address the potential
18 adverse economic, socio-cultural, and environmental impacts that will emanate from
19 these infrastructure projects, subject to the findings and recommendations of a
20 feasibility study/environmental impact assessment in accordance with Presidential
21 Decree No. 1586 and Republic Act No. 4846.

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

1 **CHAPTER XI**

2 **TRAINING, EDUCATION, AND VALUE FORMATION**

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

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

14 **CHAPTER XII**

15 **INCENTIVES, SANCTIONS, AND PENALTIES**

16 **Article 1**

17 **Incentives and Awards**

18 Sec. 53. *Formulation of a System of Incentives and Awards.* – The LUPC shall
19 come out with a system of incentives and awards to LGUs that regularly update their
20 CLUPs within the prescribed period, as follows:

- 21 (a) Provinces, Highly Urbanized Cities, and Independent Component Cities -
22 once every nine (9) years; and
- 23 (b) Component cities and municipalities once every nine (9) years.

24 Sec. 54. *Priority in Giving Technical Assistance to LGUs.* – In providing technical
25 assistance and other forms of support related to land use management and the
26 implementation of development plans, national government agencies shall give priority
27 to cities and municipalities with approved CLUPs.

28 **Article 2**

29 **Sanctions and Penalties**

30 Sec. 55. *Fine for Non-Completion and Non-Commencement of Development of
31 Agricultural Lands with Approved Order of Conversion.* – A landowner and his/her
32 designated developer or duly authorized representative who fails to commence and/or
33 complete the development of agricultural lands with approved order of conversion shall

1 be penalized, jointly or severally, with any of the following fines based on the zonal
2 value of the land at the time the fine is imposed:

- 3 a. On failure to commence within one year from the date of conversion
4 order:
 - 5 (1) Six percent (6%) of the zonal value of the subject land for the first
6 three (3) hectares,
 - 7 (2) Fifteen percent (15%) of the zonal value of the subject land for the
8 next three hectares, and
 - 9 (3) Thirty percent (30%) of the zonal value of the subject land for the
10 remaining area.

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

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

21 Sec. 56. *Authority to Impose Fine.* – The DAR shall impose the penalty provided
22 for under the preceding section.

23 Sec. 57. *Withdrawal of Local Development Permits or Licenses.* – Upon receipt
24 of notice from the DAR, the concerned agencies and the city or municipality shall
25 withdraw or revoke any development permit and other licenses that may be necessary
26 to develop the agricultural land subject of conversion.

27 Sec. 58. *Utilization of Fines.* – The fines collected under Sections 55, 60, 61, and
28 62 hereof shall automatically accrue to the Agrarian Reform Fund consistent with the
29 provisions of the CARL, as amended.

30 Sec. 59. *Failure to Formulate, Enforce, and/or Implement the CLUPs.* –
31 Consistent with due process, the DILG shall investigate, review, and impose appropriate
32 action regarding local chief executives and other local officials and employees
33 responsible for the formulation, enforcement, and/or implementation of the CLUPs in

1 case of any of the following:

- 2 (a) Failure to implement and enforce the CLUP due to negligence of duty;
- 3 (b) Failure to provide appropriate budgetary allocation to effect its
- 4 implementation; and
- 5 (c) Failure to complete the preparation of the CLUP despite the availability of
- 6 funds, resources, and support by the *Sanggunian* concerned.

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

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

14 Sec. 60. *Person(s) Abetting Illegal Conversion.* — Any person initiating, causing,
15 inducing, or abetting illegal conversion shall, upon conviction, be imprisoned from seven
16 (7) to twelve (12) years and imposed a fine of not less than one hundred thousand
17 (Php100,000.00) pesos, or both at the discretion of the court: *Provided*, That if the
18 offender is a public official or employee, whether elected or appointed, the penalty shall,
19 in addition thereto, include dismissal through permanent separation from the service
20 and forfeiture of all benefits and entitlements accruing to the public position and
21 perpetual disqualification to run or apply for any elective or appointive public office:
22 *Provided, further*, That if the offender is a juridical person, the penalty of imprisonment
23 shall be imposed on the president, chief executive officer, manager, the Chairperson
24 and all the members of the board, and other responsible officers thereof, and the fine
25 shall be equivalent to the zonal value of the land or forty percent (40%) of the
26 shareholders equity, as determined at the time of judgment whichever is higher, plus
27 forfeiture of the land in favor of the State for sale though public auction, the proceeds
28 of which shall automatically accrue to the Agrarian Reform Fund as provided for in
29 Section 58 of this Act.

30 Sec. 61. *Penalty for Reclassification of Protected Agricultural Lands and*
31 *Exceeding the Limit of Areas Allowed for Reclassification.* — Any person initiating,
32 causing, inducing, or abetting the reclassification of protected agricultural areas into
33 non-agricultural uses and exceeding the limits set forth under Section 20 of the LGC of

1 1991, shall be penalized with imprisonment of twelve (12) years and a fine of not less
2 than One hundred thousand (Php100,000.00) pesos, or both at the discretion of the
3 Court: *Provided*, That if the offender is a public official or employee, the penalty shall, in
4 addition thereto, include dismissal through permanent separation from the service
5 whether elected or appointed and forfeiture of entitlements accruing to the public
6 position, and perpetual disqualification to run or apply for any elective or appointive
7 public position: *Provided, further*, That if the offender is a juridical person, the penalty
8 shall be imposed on the president, chief executive officer, manager, the Chairperson
9 and all the members of the board, and other responsible officers thereof.

10 Sec. 62. *Payment of Disturbance Compensation.* — Following the order of priority
11 such as agricultural lessees and share tenants, regular farm workers, seasonal farm
12 workers, other farm workers, actual tillers or occupants of public lands, collective, or
13 cooperative of the above beneficiaries, and others directly working on the land affected
14 by agricultural land use conversion shall be entitled to the payment of disturbance
15 compensation equivalent to five (5) times the average of the gross harvests on the
16 landholding during the last five (5) preceding calendar years or a certain percentage of
17 the converted land, whichever is higher, as determined by the DAR.

18 **CHAPTER XIII**

19 **TRANSITORY AND FINAL PROVISIONS**

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

22 Sec. 64. *Implementing Rules and Regulations.* — Within sixty (60) days from the
23 effectivity of this Act, the LUPC shall promulgate the rules and regulations to implement
24 the provisions of this Act. Said rules and regulations shall be submitted to the
25 Congressional Oversight Committee for approval.

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

1 representation of the parties or coalitions therein with at least two (2) members
2 representing the minority.

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

6 Sec. 66. *Appropriations.* – The appropriations for the National Land Use
7 Committee under the National Economic and Development Authority under the current
8 General Appropriations Act shall be used to carry out the initial operations of the Land
9 Use Policy Council. Thereafter, additional sums as may be necessary for the full
10 implementation of LUPC's functions shall be included in the annual General
11 Appropriations Act.

12 Sec. 67. *Review of Existing Land Use Plans.* – Provinces, cities, and
13 municipalities with existing land use plans shall review, revise, reconcile, and harmonize
14 the same with the guidelines and standards set forth under this Act within one (1) year
15 from the effectivity of this Act.

16 Sec. 68. *Repealing Clause.* – All republic acts, executive orders, rules and
17 regulations, and other issuances, or parts thereof, that are inconsistent with the
18 provisions of this Republic Act are hereby repealed or modified accordingly.

19 Sec. 69. *Non-impairment Clause.* – Nothing in this Act shall be construed as to
20 diminish, impair, or repeal rights recognized, granted, or available to marginalized or
21 basic sectors under existing laws including but not limited to Republic Act Nos. 7279,
22 6657, 8371, and 8550.

23 Sec. 70. *Separability Clause.* – If for any reason or reasons, any part or
24 provision of this Act shall be declared or held to be unconstitutional or invalid other
25 parts or provisions hereof, which are not affected thereby shall continue to be in full
26 force and effect.

27 Sec. 71. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
28 publication in the Official Gazette or in at least two (2) national newspapers of general
29 circulation.

Approved,