

Headline: So near, yet so far

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Consider the following issues that persistently hound us and get in the way of our ability to move toward more inclusive growth and development:

One: Conflicting or inconsistent provisions of national laws pertaining to land use constantly lead to confusion and tension, often turning violent, regarding how specific land areas should be utilized and whose prior claims or mandates should prevail in deciding such. These clashing laws include the Agriculture and Fisheries Modernization Act, National Integrated Protected Areas System, Comprehensive Agrarian Reform Law, Indigenous Peoples Rights Act, Urban Development and Housing Act, Fisheries Code, Mining Act and Local Government Code (LGC). Each being sectoral in approach, these laws cannot provide any basis for resolving conflicting sectoral demands for land.

Two: Even as most local government units (LGUs) now undertake some semblance of land use planning and zoning in compliance with the LGC, the resulting plans tend to be limited in scope and usually do not cover the entire territory of an LGU. Existing land use plans are largely outdated, and zoning ordinances tend to be poorly implemented.

Three: Multiple claimants to the same areas of land, hence unclear ownership and tenure, have been a traditional impediment to both domestic and foreign investments, especially for enterprises where land is a key resource such as in agribusiness. In turn, our economy's ability to generate adequate jobs for our rapidly growing labor force is significantly compromised, and our unemployment rate is among the highest in Asia.

Four: Huge unmet demands for low- to medium-cost housing lead to a persistently huge public housing backlog worse than in some of the poorest nations in Asia, and resulting in large informal settler (aka squatter) communities, many of them in hazardous areas.

Five: Climate change and rising sea levels have rendered traditional land use allocations outdated and inappropriate, especially in and near coastal and other environmentally sensitive areas. Partly as a result of this, natural disasters have become more severe and destructive to human lives and livelihoods, and to the environment.

In countless forums I have been in where such issues are tackled, the discussion invariably leads to our lack of a comprehensive and coherent national land use policy as a fundamental impediment.

It was still under my watch as head of the National Economic and Development Authority

(Neda) in the early 1990s when we first began to push for legislation of a national land use policy. As chair of the interagency National Land Use Committee (NLUC), it fell on Neda to champion the cause. Chito Sobrepeña, then my deputy for regional development, actively shepherded Neda's efforts to assist lawmakers toward the crafting of a proposed National Land Use Act, which was filed in the 9th Congress in 1994. Little did we expect then that this measure would languish in the legislature for two decades, all the way to these last few days of the 15th Congress. On hindsight, hardly anyone need be surprised, given that many landed interests who would rather have unhampered disposition over areas they control are leaders or members of Congress, or if not,

wield strong influence therein. Under such realities, it seemed to be—just like the long-missing enabling law on the constitutionally mandated ban on political dynasties—a legislative measure inherently doomed to fail.

What is the measure all about? The proposed National Land Use and Management Act (NLUMA) would institutionalize land use and physical planning as a mechanism for identifying, determining and evaluating appropriate land use and allocation patterns in the country. It is premised on the need for a rational, holistic and just allocation, utilization, management and development of our country's land and resources therein. The bill provides for the crafting of a National Physical Framework Plan defining the national strategy and objectives of the country's urban, rural and regional development. This plan shall provide broad spatial directions and policy guidelines on the four broad uses of land, namely: protection land use, production land use, settlements development and infrastructure development. The mandated process would employ an effective combination of bottom-up and top-down approaches.

To carry this out, a National Land Use and Policy Council (NLUPC) will be created to combine the functions of the NLUC (now a full Neda Board committee) and the Housing and Land Use Regulatory Board. Similar mechanisms at the regional, provincial, city and municipal levels shall also be created. NLUMA would also institutionalize people's participation in defining the framework of land utilization and management, mandating participation of the various key stakeholders in the above multilevel mechanisms for land use policy. Understandably, certain landed interests would feel uncomfortable about all this, and are at work to resist the passage of NLUMA, as they have been over the last 20 years.

In this 15th Congress, it has already passed the House of Representatives as House Bill No. 6545. Its counterpart bill in the Senate (Senate Bill No. 3091) awaits approval on second reading; with 22 senators having authored it, I see no reason it cannot fly through. It is one extremely important measure now being hostaged by the ongoing Senate squabble over what the Scriptures describe as the root of all evil. We are so near, after waiting 20 long years ... and yet seemingly so far. With a few legislative days left, will evil step aside for good in the Senate this time?

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