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

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 478

Introduced by AKBAYAN Party-List Representatives
Hon. Kaka Bag-ao and Hon. Walden Bello

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EXPLANATORY NOTE

At the core of erratic climate change with worsening of disasters, the looming food and water crises, foreign land grabbing and conflicting claims calls a strong and immediate proper utilization and management of land resources as the key to national development in the 21st Century. On this, the country's capacity to meet the present and future needs of the people, which include among others the need for healthy environment, sustainable agricultural production and food security, decent and affordable housing, jobs and industry.

With the population steadily increasing and given the finite character of land, it is unfortunate that the country's land resources are fast becoming entangled into conflicting demands, abuses, and misuses from commercial pressures.

The State's intervention is thus necessary to rationalize land use. This is based on the premise that land is more than an economic object. It has a social function such that any exercise of ownership or access rights to entails social responsibility. Indiscriminate use of lands without regard to its adverse effect on society and the environment must be regulated in the interest of the general welfare of the present and future generations.

In this regard, we are endorsing the adoption of the proposed Zoning and Land Use Policy Act. This proposed Act seeks to harmonize the reasonable claims of all those who hold interest on land and safeguards and promotes the general welfare of both existing and future generations through the proper management of land resources. It provides guidelines and criteria for land use based on the assessment of the development needs of various sectors in a participatory bottom-up approach.

In particular, the bill provides for the:

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- (1) Mechanism to resolve conflicting claims over land;
 - (2) Establishment of crucial priorities for land use, especially for the Climate change adaptation and mitigation of communities;
 - (3) Protect areas devoted or to be developed for the production of food;
 - (4) Adoption of measures to promote land development, discourage land speculation and generate revenues;
 - (5) Delineate the forests and complete the Geohazard Mapping Program to effectively provide adequate and up to date information necessary for land use planning; and
 - (6) Adoption of a bottom-up approach to land use planning.

58 More importantly however, the bill seeks to integrate and institutionalise people's
59 participation and gender mainstreaming in defining the framework and guiding principles of
60 land allocation and utilization. It provides for the mandatory participation of stakeholders in key
61 decision making bodies on land use policy at all levels. The bill itself is the result of a
62 painstaking process of consultations and validation with and among different basic sectors.

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64 In view of the foregoing, the immediate passage of the bill is earnestly sought.
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69 **Hon. KAKA BAG-AO**

70 Representative, Akbayan Party-list



Hon. WALDEN BELLO

Representative, Akbayan Party-list

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88 AN ACT
89 INSTITUTING A ZONING AND LAND USE POLICY ACT, PROVIDING THE
90 IMPLEMENTING MECHANISMS THEREFOR, AND FOR OTHER PURPOSES
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94 CHAPTER I. INTRODUCTORY PROVISIONS
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96 SECTION 1. Title. This Act shall be known and cited as the "Zoning and Land Use Policy Act
97 (LUPA)".
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99 SECTION 2. Declaration of Policies and Principles. It is the policy of the State to
100 provide for a rational, holistic, and just allocation, utilization, management, and development of
101 the country's land resources to ensure their optimum use consistent with the principle of
102 sustainable development.
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104 Toward this end, the State shall adopt a land use and allocation pattern that promotes and
105 ensures:
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- 107 (a) Sustainable and just management and utilization of natural resources;
108 (b) Maintenance and preservation of environmental integrity and stability specifically the
109 preservation of forest lands and timber lands;
110 (c) Food security in basic food commodities with emphasis on self-sufficiency in rice and corn
111 production through efficient and sustainable use of land resources consistent with the
112 principles of sound agricultural development, natural resources development, and agrarian
113 reform;
114 (d) Protection of prime agricultural lands for food production activities and highest priority to
115 the completion of the Comprehensive Agrarian Reform Program (CARP);
116 (e) Sustainable development and management of water resources towards water security;
117 (f) Rational population distribution and settlements development;
118 (g) Equitable and sustainable economic growth and balanced and dispersed industrial and
119 tourism development guided by the principles of agrarian reform, urban land reform, and
120 rural development;
121 (h) Harmony between the rights and the varied interests of every Filipino within the framework
122 of people empowerment, decentralization, social justice, and equity;
123 (i) Respect for and protection of the sustainable traditional resource right of the Indigenous
124 Cultural Communities/Indigenous Peoples (ICCs/IPs) to their ancestral domains to ensure
125 their economic, social, and cultural well-being as well as recognition of the applicability of
126 customary laws and sustainable traditional resource use and management, knowledge, and
127 practices in ancestral domains;
128 (j) Protection of the right of basic sectors to equitable access to the country's land and other
129 resources through state regulation of land valuation to prevent uncontrolled land

- speculation resulting in tremendous increase in land pricing;
- (k) Attainment of energy security or energy self-sufficiency through sustainable and priority development of indigenous energy resources; and
- (l) An integrated approach to the utilization, allocation, development and management of water as a limited resource to complement and support sustainable land utilization.

It is also the policy of the State to institutionalize land use and physical planning as a mechanism for identifying, determining, and evaluating alternative land use patterns. This shall be supported by a national land use allocation system and a land use and resource information and management system.

Guided by the principle that the use of land bears a social function and that all economic agents shall contribute to the common good, landowners shall be held responsible for developing and conserving their lands thereby making their lands productive and supportive of environmental stability.

SECTION 3. Scope and Coverage. This Act shall apply to all lands whether public, private, government-owned, and/or in the possession of individuals, communities, indigenous peoples, or groups of people, to guide and govern the use, allocation, and management of land resources including such activities that bear impact on said resources.

SECTION 4. Interpretation of the Act. Doubts in the implementation and interpretation of provisions in this Act, including its implementing rules and regulations shall be resolved in favor of:

- a. The preservation and conservation of land and water resources;
- b. Fair access and use of land and other natural resources for sustainable livelihood;
- c. Authority of the government to regulate the allocation, utilization, development and management of land and water for social protection, conservation of the environment and protection of biodiversity;
- d. Recognition of the right to self-determination of indigenous peoples; and
- e. Equity, social justice and special preference for the poor and marginalized sectors.

SECTION 5. Definitions. As used in and for purposes of this Act, the following terms shall mean:

- (a) **Agricultural land** refers to lands devoted to or suitable for the cultivation of the soil, planting of crops, growing of fruit trees, raising of livestock, poultry, fish or aqua-culture production, including the harvesting of such farm products, and other farm activities and practices performed in conjunction with such farming operations done by persons whether natural or juridical;
- (b) **Agricultural land use conversion** refers to the undertaking of any development activity which modifies or alters the physical characteristics of agricultural lands to render them suitable for non-agricultural purposes with an approved order of conversion issued exclusively by the Department of Agrarian Reform (DAR);
- (c) **Alienable and disposable lands of the public domain** refers to lands of the public domain which have been delineated, classified, and certified as such and available for disposition under Commonwealth Act No.141, otherwise known as the "Public Land Act," as amended;
- (d) **Ancestral domains** refer to all areas generally belonging to Indigenous Cultural Communities/Indigenous Peoples as defined in Republic Act No. 8371, otherwise known as the "Indigenous Peoples Rights Act (IPRA) of 1998;"

- (e) **CLUP or Comprehensive land use plan** refers to a document embodying a set of policies accompanied by maps and similar illustrations. It represents the community-desired pattern of population distribution and proposes future allocation of land resources to various land-using activities. It identifies the allocation, character, and extent of the areas of land resources to be used for different purposes and includes the processes and the criteria employed in the determination of the land use. It incorporates the protected areas including the protected agricultural lands provided for in Section 30 hereof;
- (f) **Comprehensive land use planning** refers to the act of defining the allocation, utilization, development and management of all lands within a given territory or jurisdiction according to the inherent qualities of the land itself and in pursuit of sustainable economic, demographic, socio-cultural, and environmental objectives;
- (g) **Coastal Area/Zone** refers to a band of dry land and the adjacent ocean space (water and submerged land) in which terrestrial processes and uses directly affect oceanic processes and uses, and vice versa. Its geographic extent may include areas within a landmark limit of one (1) kilometer from the shoreline at high tide to include mangrove swamps, brackish water ponds, nipa swamps, estuarine rivers, sandy beaches and other areas within a seaward limit of 200 meters isobath to include coral reefs, algal flats, seagrass beds, and other soft-bottom areas. For purposes of initiating and implementing sustainable coastal resources protection and management, it shall include foreshore lands;
- (h) **Community based tourism** is tourism that takes environmental, social, and cultural sustainability into account. It is managed and owned by the community, for the community, with the purpose of enabling visitors to increase their awareness and learn about the community and local ways of life and the tourism income is set aside for projects which provide benefits to the community as a whole;
- (i) **Critical watershed** refers to a watershed supporting existing and proposed hydro-electric power and irrigation works needing immediate rehabilitation as it is being subjected to fast denudation causing accelerated erosion and destructive floods;
- (j) **Development plan** refers to a document that defines the activities or measures that the national government or local government units (LGU's) 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;
- (k) **Ecologically-fragile lands** refers 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 system;
- (l) **Energy resource lands** refer to lands where naturally occurring or indigenous energy resources exist;
- (m) **Energy resources** refer to surface or subsurface substances that serve as energy sources. These are traditionally mineral fuel deposits such as coal, petroleum, natural gas or resources from geothermal or hydro reservoirs, or non-conventional sources such as ocean waves, solar, wind, biomass, and other similar resources which serve the same purpose;
- (n) **Environmentally critical areas** 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; and (o) swamp forest and marshlands; and (p) foreshore lands. For purposes of this Act, this term also refers to 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 LGU's in consultation with the concerned sectors;
- (o) **Exhausted mineral resources** refer to a situation where the mineral resources in specific sites are no longer in sufficient quantity or quality to justify additional expenditure for extraction or utilization;
- (p) **Free and Prior Informed Consent** shall mean the consensus of all members of the ICCs/IPs to be determined in accordance with their respective customary laws and practices, free from any external manipulation, interference and coercion, and obtained after fully disclosing the intent and scope of the activity, in a language and process understandable to the community.
- (q) **Food security** refers to the policy objective of meeting the food availability, accessibility, and affordability requirements of the present and future generations of Filipinos in a sustainable manner, through local production or importation, only when there is shortage established based on a micro level situation, or both, based on the country's existing and potential resource endowments and related production advantages, and consistent with the overall national development objectives and policies;
- (r) **Food self-sufficiency** refers to the policy objective of meeting the food requirements through intensive local food production in a sustainable manner based on the country's existing and potential resource endowments and related production advantages;
- (s) **Forestlands** refer to lands of the public domain which have been classified or declared as such and all unclassified lands of the public domain;
- (t) **Foreshore land** refers to a string of land margining a body of water, the part of a seashore between the low-water line usually at the seaward margin of a low tide terrace and the upper limit of wave wash at high tide usually marked by a beach scarp or berm;
- (u) **Geo-hazards** refer to nature and man-induced geological processes that have potential to cause destruction and pose a threat or risk to man's life and property;
- (v) **Disaster-prone areas** refer to areas frequently visited and/or prone to experience weather/climatic, hydrologic, geologic, and other natural calamities;
- (w) **Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs)** refer to groups of people or homogenous societies identified by self – ascription and ascription by other, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed customs, tradition and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and cultures, became historically differentiated from the majority of Filipinos. ICCs/IPs shall likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of non-indigenous religions and cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains;
- (x) **Inland waters** refer to waters, which are not coastal and marine waters not subject to acquisitive prescription consistent with the provisions of Presidential Decree No. 1067, otherwise known as the "Water Code of the Philippines";
- (y) **Integrated watershed management** refers to a planning strategy or program for watershed areas that complement environmentally-sound soil and water management practices with mechanisms for ensuring greater responsibility, involvement, or participation of individuals, groups, communities and other stakeholders benefiting from these areas and water-related infrastructure;
- (z) **Land** refers to resources, both man-made and natural, found on the surface, below, and above the ground including inland waters and the air therein;
- (aa) **Land sub-classification** refers to the act of determining and assigning specific uses of classified lands of the public domain, such as forest or timber lands, alienable or disposable agricultural lands, national parks, and mineral lands in accordance with existing laws and this Act;
- (bb) **Land use** refers to the manner of utilization of land, including its allocation, development, and management;

- (cc) **Land use classification** refers to the act of delineating or allocating lands according to protection land use, production land use, settlements development, and infrastructure development as defined and provided for in this Act;
- (dd) **LUPC or Land Use Policy Council** refers to the administrative, policy-making, regulatory, and quasi-judicial body created under this Act;
- (ee) **Mandatory public hearings/consultations** refer to the mechanism to ensure the involvement of affected sectors in land use planning from the local to the national level. It involves giving notice of hearing/consultation to affected sectors through publication or posting in conspicuous places, conduct of a reasonable number of hearings, and solicitation of positions and the public presentation and validation of the planning results before the final adoption of the plans;
- (ff) **Mineral Exploration** refers to the systematic searching or prospecting for mineral resources including energy resources;
- (gg) **Mineral lands** refer to lands where mineral including energy resources are found excluding timber and forest land;
- (hh) **Multiple use of land resources** refer to the utilization or management strategy for any land, which allows any activity thereat, involving one or more of its resources, depending on the result of prior evaluation on its numerous beneficial uses, that will produce the optimum benefits to the development and progress of the country and the public welfare without impairment or with the least injury to its other resources;
- (ii) **Network of Protected Areas for Agriculture and Agro-industrial Development (NPAAAD)** refers to agricultural areas identified by the Department of Agriculture through the Bureau of Soils and Water Management (BSWM) in coordination with the National Mapping and Resource Information Authority (NAMRIA) in order to ensure the efficient utilization of land for agriculture and agro-industrial development and promote sustainable growth. The NPAAAD covers all irrigated areas; all irrigable lands already covered by irrigation projects with firm funding commitments; all alluvial plains; land highly suitable for agriculture whether irrigated or not; agro-industrial croplands or lands planted to industrial crops that support the validity of existing agricultural infrastructure and agro-based enterprises; highlands or areas located at an elevation of Five hundred (500) meters or above and have the potential for growing semi-temperate and high value crops; all agricultural lands that are ecologically fragile the conversion of which will result in serious environmental degradation; and all mangrove areas and fish sanctuaries;
- (jj) **Physical framework plans** refer to the regional or provincial indicative plans prepared by the regional and provincial land use committees, respectively, based on the Comprehensive Land Use Plans (CLUPs) of local government units (LGUs) and national policy guidelines relating to land use and environmental management to prevent or mitigate the adverse effects of inappropriate resource utilization on food security, the people's welfare, and their environment. A physical framework plan embodies both policies and strategies necessary to carry out development goals and objectives;
- (kk) **Premature or illegal conversion** refers to any activity that modifies or alters the physical characteristics of agricultural lands to render them suitable for non-agricultural purposes without an approved order of conversion from the Secretary of the Department of Agrarian Reform (DAR);
- (ll) **Prime agricultural lands** refer to lands that can be used for various or specific agricultural activities and can provide optimum and sustainable yield with a minimum of inputs and development costs;
- (mm) **Production land use** refers to the direct and indirect utilization of land to generate outputs resulting from the following activities: agricultural, fishfarming or aquaculture, timber or agro-forestry, grazing and pasture, mining, indigenous energy resource development, industry, and tourism;
- (nn) **Protected areas** refer to portions of land set aside by reason of their unique physical and biological significance, managed to enhance biological diversity, and protected against human exploitation. For purposes of this Act, it shall include agricultural lands identified and delineated under Section 31 hereof;
- (oo) **Protection land use** refers to the use of land primarily for rehabilitation, conservation, and protection purposes and the promotion of the country's ecological and life-support systems;

- 372 (pp) **Public domain** refers to lands that belong to the State which may be any of the
 373 following: agricultural, forest or timber, mineral, or national park as provided for in the
 374 Constitution;
- 375 (qq) **Public lands** refer to lands which have not been subject to private property rights or
 376 subject to sale or other modes of acquisition or concession under the general laws, and
 377 are devoted to public use;
- 378 (rr) **Reclassification of agricultural lands** refers to the act of specifying how agricultural
 379 lands shall be utilized for non-agricultural uses such as residential, industrial, or
 380 commercial through the local planning and zoning processes pursuant to Republic Act
 381 No. 7160 or the Local Government Code of 1991 and subject to the requirements and
 382 procedure for conversion. It is equivalent to land sub-classification as defined in this Act
 383 for classified lands of the public domain and also includes the reversion of non-
 384 agricultural lands to agricultural use;
- 385 (ss) **Resettlement sites** refer to areas identified by the appropriate national agency or by
 386 the local government unit, with respect to areas within its jurisdiction, which shall be
 387 used for the relocation of the underprivileged and homeless, as defined under Republic
 388 Act No. 7279 or the Urban Development and Housing Act (UDHA);
- 389 (tt) **Settlements** refer to communities or built-up environment areas where people prefer
 390 to live in;
- 391 (uu) **Settlements development** refers to any improvement on existing settlements or any
 392 proposed development of certain areas for settlement purposes. It also involves the
 393 spatial distribution of population, identification of the roles and functions of key urban
 394 centers, determination of relationships among settlement areas, and the provision of
 395 basic services and facilities of identified major settlement areas or growth centers;
- 396 (vv) **Shoreline** refers to a strip of land covering at least one (1) kilometer from the point
 397 where sea water reaches during the highest high tide;
- 398 (ww) **Socialized housing** refers to housing programs and projects undertaken by the
 399 government or the private sector for the underprivileged and homeless citizens which
 400 shall include sites and services development, long-term financing, liberalized terms on
 401 interest payments, and such other benefits in accordance with the UDHA;
- 402 (xx) **Socialized housing zones** refer to lands identified and designated by LGUs as sites
 403 for socialized housing pursuant to Article IV of the UDHA and its implementing
 404 guidelines;
- 405 (yy) **Strategic Agriculture and Fisheries Development Zones (SAFDZS)** refer to areas
 406 within the NPAAAD identified for production, agro-processing and marketing activities to
 407 help develop and modernize, with the support of government, the agriculture and
 408 fisheries sectors in an environmentally and socio-culturally sound manner;
- 409 (zz) **Sub-classification or reclassification of agricultural lands** refers to the process
 410 undertaken by the LGUs of allocating in their respective territorial jurisdictions the
 411 declared agricultural lands to specific uses such as residential, industrial or commercial
 412 purposes. It is only one of the bases for application for land conversion by the owners
 413 thereof and shall constitute the power of LGUs to reclassify lands under Section 20 of
 414 Republic Act No. 7160 or the "Local Government Code of 1991" consistent with the
 415 provisions of this Act;
- 416 (aaa) **Sustainable development** refers to the development objective of meeting the needs
 417 of the present generation without compromising the ability of future generations to
 418 meet their own needs consistent with the principles of social equity, efficiency, and
 419 environmental integrity;
- 420 (bbb) **Sustainable Traditional Resource Rights** refer to the rights of ICCs/IPs to
 421 sustainably use, manage, protect and conserve a) land, air, water, and minerals; b)
 422 plants, animals and other organisms; c) collecting, fishing and hunting grounds; d)
 423 sacred sites; and e) other areas of economic, ceremonial and aesthetic value in
 424 accordance with their indigenous knowledge, beliefs, systems and practices;
- 425 (ccc) **Tourism development areas** refer to specific sites for tourism development located in
 426 areas identified as priorities in the national and regional tourism master plans as well as
 427 those designated through legislative and executive issuances as tourist spots and tourist
 428 zones which can be developed into tourism estates or integrated resort, leisure, and
 429 recreation complexes, and other tourism related facilities;
- 430 (ddd) **Tourism estates** refer to large tracts of land with well-defined boundaries in any area

- identified in the Philippine tourism master plan and regional tourism master plan, by proclamation of the President and/or by Acts of Congress including local legislation. Such land shall be suitable for the development of an integrated tourism and resort complex including but not limited to accommodation facilities, food and beverage outlets, convention and meeting areas, sports, recreational and leisure centers and commercial outlets among others. It shall be provided with roads, water supply facilities, power and utilities like potable water, drainage sewerage disposal, solid waste disposal system and other necessary infrastructure. The estate shall under be one unified and continuous management;
- (eee) **Tourist spot** refers to a particular area/site/spot, man-made or natural, known for its unique tourist/visitor-drawing attributes and activities. It may be classified according to its social, cultural, natural, historical, scientific, religious, and recreational significance;
- (fff) **Tourist zone** refers to a geographic area with well-defined boundaries proclaimed as such by the President of the Philippines and/or by Acts of Congress. No development projects for any purpose shall be initiated and introduced within the zone prior to the formulation of a tourism master development plan which shall be undertaken in coordination with the Department of Tourism and the Philippine Tourism Authority. A tourist zone is established for the enhancement and/or the conservation of cultural and historical heritage and for the appreciation and enjoyment of the local population and its visitors;
- (ggg) **Urban areas** refer to all cities regardless of their population density and to municipalities with population density of at least Five hundred (500) persons per square kilometer;
- (hhh) **Urbanizable areas** refer to sites and lands which are not agricultural and considering present characteristics and prevailing conditions, display marked and great potential of becoming urban areas within a period of five (5) years;
- (iii) **Urban forestry or green space** refers to the establishment or setting-up of areas for mini-forest or small nature parks, lining roads and highways with trees, shrubs, or ornamental plants, and ground landscaping of schools, hospitals, and other government agencies in order to improve the environment in urban areas;
- (jjj) **Water security** refers to the sufficient access throughout the year to the minimum daily requirement of clean water to maintain a healthy life;
- (kkk) **Water use** refers to the appropriation of water for domestic, municipal, irrigation, power generation, inland fisheries, poultry and livestock, industrial and commercial, environmental, and recreational use;
- (lll) **Watershed** refers 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;
- (mmm) **Zoning** refers 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,
- (nnn) **ZO or zoning ordinance** refers to a local law passed by the sangguniang pambayan 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 protection use areas and the protected agricultural lands.

CHAPTER 2. PHYSICAL FRAMEWORK AND LAND USE PLANS

SECTION 6. National Framework for Physical Planning. The Land Use Policy Council (LUPC) created in Section 14 herein, in consultation with the concerned sectors through the mandatory conduct of public hearings, shall formulate the National Land Use Guidelines and Zoning Standards (NLUGZS). The NLUGZS shall serve as a framework through which the planning and management of land resources are guided at the national and sub-national levels.

The formulation of framework plans of regions and provinces and the land use plans of cities and municipalities shall proceed from the NLUGZS. Provided that the NLUGZS shall give due consideration to conflicting claims and areas being used, declared or set aside as agrarian reform areas, coastal resource management areas and/or ancestral domains.

SECTION 7. National Land Use Planning Process. The national land use planning process shall employ a bottom-up approach. The land use plans of cities / municipalities and provinces prepared pursuant to the National Land Use Guidelines and Zoning Standards (NLUGZS) shall be consolidated and harmonized to come up with the Regional Physical Framework Plans (RPFP). The RPFP shall then serve as the basis for the National Physical Framework Plan (NPFP) to be prepared by the LUPC. The NPFP provides the analytical parameters and guidelines, including land classification maps, for the planned allocation, use, and management of the country's land and other physical resources.

SECTION 8. City and Municipal Land Use Plans. The city and municipal development councils, in consultation with concerned sectors through mandatory conduct of public hearings, shall prepare their respective Comprehensive Land Use Plans (CLUPs) to determine the specific uses of land and other physical resources therein including the delineation of actual boundaries on the ground within the territorial jurisdiction of the city or municipality in accordance with existing laws and the NLUGZS as issued by the LUPC. The CLUPs shall be translated into zoning ordinances by the *Sanggunian* for implementation. Provided that, CLUP's within ancestral domain, shall be formulated in accordance with the provisions of R.A. 8371 and its implementing rules.

SECTION 9. Provincial Physical Framework Plans. The Provincial Development Council shall consolidate and harmonize the land use plans of component cities and municipalities within the territorial jurisdiction of the province into the Provincial Physical Framework Plan (PPFP). The PPFP shall be subject to mandatory public hearings and consultations led by the LUPC Executive Director with the concerned sectors prior to its adoption and submission to the regional land use committee.

SECTION 10. Regional Physical Framework Plans. The regional LUPC Secretariat shall consolidate and harmonize the provincial physical framework plans of provinces and independent cities within the territorial jurisdiction of the region into the RPFP, subject to consultation with the concerned sectors through the mandatory conduct of public hearings prior to its adoption and submission to the LUPC.

CHAPTER 3. FRAMEWORK FOR LAND USE PLANNING

SECTION 11. Priorities in Land Use Allocation and Planning. In projecting spatial allocation for different land uses, the LGUs shall first exclude areas under protection land use of Section 14(A) hereof and national parks and Strategic Agricultural Fisheries and Development zones (SAFDZs) to ensure ecological integrity and promote food security. Spatial allocation and planning shall then proceed in accordance with Sections 12 and 13 hereof with priorities given to socialized housing sites, fisherfolk settlement in coastal areas, waste disposal sites, and integrated watershed management areas.

SECTION 12. Adoption of Multiple Uses of Land Resources. The primary and alternative uses of a specific land resource shall be determined and evaluated prior to any decision for the assignment of its use. Areas feasible for sustainable land resource use may be considered multiple-use zones wherein settlements, tourism, agriculture, agro-forestry and extraction activities and other income-generating or livelihood activities may be allowed: *Provided*, That multiple uses of land resources shall be in accordance with priorities in land use allocation and planning and that no reclassification shall be allowed. Provided that, where there are vested rights, titles, and claims prior to the enactment of this act over the areas feasible for sustainable land resource use, the same shall be respected. Wherein such multiple uses is compatible with

the original land use.

SECTION 13. Basic Land Use Planning Considerations. In determining the various land uses as categorized in the preceding section, the resolution of conflicts in the various interrelationships of the physical characteristics of the land and other elements therein shall be considered, among others, the following:

- (a) Existing customary rights for the protection of indigenous peoples and vulnerable groups including women and urban poor;
- (b) Food security;
- (c) biodiversity conservation;
- (d) Geology, geomorphology, geologic hazard, climate, soil and slope;
- (e) Economic, environmental, social and related development activities;
- (f) Existing government policies on land and natural resources allocation, utilization, management and disposition;
- (g) Availability of natural resources including indigenous energy resources for energy security and self-sufficiency;
- (h) Traditional land uses of the ICC's and
- (i) Technological changes/advancement.

SECTION 14. Categories of Land Uses for Planning Purposes. In determining and defining the NFPP, RPPs, PFPs, and CLUPs, land uses shall be grouped into four major functional uses as follows:

- a. **Protection Land Use** - intends to achieve environmental stability and ecological integrity, ensure a balance between resource use and the preservation of some areas with environmental, aesthetic, educational, cultural and historical significance, and protect people and man-made structures from the ill-effects of natural hazards. Areas under this category are those under the coverage of Republic Act No. 7586 or the National Integrated Protected Areas System (NIPAS) law and other coastal and marine protected areas; Areas outside NIPAS, which include but not limited to:
 1. Protection Forests, which consist of:
 - i. All natural forests;
 - ii. All existing within forestland containing old growth closed canopy forests or virgin forests of whatever types of species;
 - iii. All areas within forestlands whether or not containing second growth forests of whatever types or species found with slopes greater than or equal to fifty percent (50%) or elevations equal to or greater than one thousand meters above sea level (1,000 masl) and above;
 - iv. All highland pine and mossy forests;
 - v. All mangrove forests;
 - vi. All easement areas as defined by PD 1067, otherwise known as the Water Code of the Philippines;
 - vii. All other areas that would be deemed appropriate for protection, as defined by the DENR, subject to the approval of the Land Use Council (LUC) described in Section 19 hereof.
 2. Rehabilitated and/or reforested degraded mining areas;
 3. Critical Ecosystems for protection, such as:
 - i. Coral Reefs
 - ii. Marshes and wetlands
 - iii. Lakes and Rivers
 - iv. Caves
 4. Disaster-prone areas that include areas subject to, or maybe subject to:
 - i. Recurrent flooding;
 - ii. Liquefaction;
 - iii. Tsunamis;
 - iv. Mass wasting;
 - v. Direct impact of seismic activity; and

- vi. Other areas that pose a high degree of hazard to human occupation and activity,
5. Critical watershed areas;
 6. All irrigated and irrigable agricultural lands;
 7. All agricultural lands that are ecologically fragile and whose conversion will result to serious environmental problems.
- b. **Production Land Use** - aims to determine the most efficient, sustainable, and equitable manner of utilizing, developing and managing land for productive purposes. Areas included in this category are agricultural lands, coastal and marine zones, production forest, mineral lands, energy resource lands, industrial, and tourism development areas where productive activities could be undertaken to meet the country's requirements for economic growth and development; Production land use shall comprise of but not limited to:
- i. Agricultural Lands, which consist of:
 1. Lands whose soils are suitable for agricultural development;
 2. All alluvial plain lands that are suitable for agricultural production and/or can be devoted to food production;
 3. All sustainable lands that are traditional sources of staple food;
 4. All crop lands required to attain a certain scale of production to sustain the economic viability of existing agro-based industries in the municipality, city or province; and
 5. All lands in areas not highly prone to natural hazards that are suitable for the production of tree crops and other cash crops.
 - ii. Coastal, Inland water and Marine Zones, such as Fishponds.
 - iii. Production Forests, such as:
 1. All areas within forestland categorized as forest reserves or established timberland whether or not containing residual or second growth natural forests or plantation forests of whatever types of species;
 2. All areas within forestlands considered as rangelands for grazing purposes;
 3. All areas within forestlands managed under the community based forest management and similar types of forest management.
 - iv. All areas for Upland agro-forestry.
 - v. Rangelands for grazing.
 - vi. Mineral Lands.
 - vii. Industrial Development Areas
 - viii. Tourism Development Areas, including potential small islands for similar purposes.
 - ix. Energy Production Areas
- c. **Settlements Development** - refers to any improvement on existing settlements in urban and rural areas or any proposed development of certain areas for settlement purposes involving the spatial distribution of population, identification of the roles and functions of key urban centers, determination of relationships among settlement areas, and the provision of basic services and facilities to such settlement. Settlements Development aims to ensure for the present and future generation the: i) effective integration of activities within and among settlements, allowing efficient movement of people and production of commodities through the provision of appropriate land, infrastructure, and facilities; and ii) access of the population to housing, education, health care, recreation, transportation and communication, sanitation, and basic utilities such as water, power, waste disposal, and other services;
- d. **Infrastructure Development** - seeks to provide basic services and foster economic and other forms of integration necessary for producing or obtaining the material

requirements of Filipinos, in an efficient, responsive, safe and ecologically friendly built environment. It covers these sub-sectors: transportation, communications, indigenous energy exploration and development, water resources, and social infrastructure.

Provided, that the determination of functional uses of lands within ancestral domains need not necessarily follow the land use categories provided for in this Act and separate land use categories for delineated ancestral domains may be formulated by the concerned ICCs/IPs themselves in accordance with their particular needs and traditional resource and management systems.

CHAPTER 4. IMPLEMENTING STRUCTURE AND MECHANISM

SECTION 15. Creation of the Land Use Policy Council (LUPC). The Land Use Policy Council (LUPC) is hereby created. It shall exercise the powers and responsibilities of the National Land Use Committee (NLUC) and the powers and functions vested by law to the Housing and Land Use Regulatory Board (HLURB) pertaining to land use and shall function as a standing committee under the National Economic and Development Authority (NEDA). The LUPC shall be the highest policy making body on land use and final arbitrator on land use conflicts between or among agencies, branches, or levels of the government. It shall integrate efforts, monitor developments relating to land use and the evolution of policies, and regulate and direct land use planning processes.

SECTION 16. LUPC Executive Board. The LUPC shall have an Executive Board, hereinafter referred to as the Board, whose main function is to direct the implementation of the provisions of this Act. The Board shall be composed of eighteen (18) members.

- (a) The Secretary of Socio-Economic Planning as Chairperson;
- (b) The Secretaries of Environment and Natural Resources and Agriculture as Vice-Chairpersons;
- (c) The Secretaries of Agrarian Reform; Tourism; and Interior and Local Government;
- (d) The Chairperson of the Philippine Climate Change Commission, National Commission on the Indigenous Peoples and the Housing and Urban Development Coordinating Council;
- (e) Two representatives each from four (4) basic sectors directly involved in land use, namely: urban poor, peasants, fisherfolk, and indigenous peoples who shall be appointed by the President based on the nomination and recommendation of the respective National Anti-Poverty Commission sectoral councils. Of the eight (8) sectoral representatives, four (4) shall be women;
- (f) The Executive Director of the LUPC, as ex-officio member, who shall likewise act as Secretary to the Board.

A consultative body shall likewise be convened every two months composed of representatives from the Leagues of Municipalities, Cities, and Provinces, other relevant government agencies (i.e. Laguna Lake Development Authority) not represented in the LUPC Board, and from non-government sectors such as the private sector, NGOs and POs, and the academic community.

SECTION 17. Powers and Functions of LUPC. The LUPC shall have the following powers and functions:

- (a) Advise the President and the NEDA Board on all matters concerning land use and physical planning;
- (b) Integrate and harmonize all laws and policies relevant to land use to come up with a rational, cohesive, and comprehensive national land use framework;
- (c) Establish and make known the mechanism for the equitable resolution of conflicting claims;
- (d) Formulate policies and promulgate, in consultation with all concerned sectors, national standards and guidelines on land use and zoning under Section 5 hereof, and issue the corresponding rules and regulations to enforce compliance therewith;
- (e) Prepare a NPFP and harmonize and consolidate the RPFPs based on land use plans at the

- local levels that shall serve as guide in formulating subsequent national development plan and pertinent sectoral plans consistent with the provisions of this Act;
- (f) Hear and decide case, in areas without local zoning administrators and/or local zoning board of appeals, involving:
- i. opposition to any land use or development project;
 - ii. petitions for recall or revocation of any zoning or locational clearance permit, both on the ground that the same is violative of land use planning laws and/or zoning ordinances;
- (g) Establish a National Land Resource Information and Management System that shall integrate and process information on land use and allocation generated by the various national government agencies; define information requirements at various levels; and standardize information inputs and outputs including scales and symbols used in territorial and sectoral maps;
- (h) Undertake the gathering of data, the conduct of studies pertaining to land use planning including studies on the management of identified land uses and such other studies not undertaken by other government agencies;
- (i) Recommend to the President of the Philippines the adoption, passage, or amendment of laws to ensure that sectoral programs, plans, projects, and activities, including local government initiatives affecting land use are consistent with national development objectives;
- (j) Coordinate with and assist other government agencies and LGUs in planning, developing, and implementing their land use classification programs, and provide, to the extent possible, technical assistance and guidance;
- (k) Monitor and coordinate the activities of concerned agencies and entities of the government, as well as LGUs, in the enforcement and implementation of policies and regulations relating to land use and resource management and development;
- (l) Call on any department, bureau, office, agency, or instrumentality of the government, and or private entities and organization for cooperation, support, and assistance in the performance of its functions;
- (m) Create its own secretariat services, adopt its own organizational plan and staffing pattern, and assist the LGUs in the formation of local land use committees;
- (n) Design and implement a long-term capability-building program for LGUs to enable them to undertake a participatory and effective land use planning;
- (o) Hear and resolve conflicts in land use planning, classification, and allocation that may arise between or among agencies of the national government, and/or between national and local, national and regional, and/or regional and local planning or development agencies, including the local governments;
- (p) Act as appellate body for decisions of provincial planning bodies on local land use plans and zoning ordinances, as well as decisions of local zoning board of appeals granting or denying applications for locational clearances or zoning certificates;
- (q) Adopt rules of procedures for the exercise of the regulatory and quasi-judicial powers as well as for the orderly and expeditious conduct of meetings and other business of the Council;
- (r) Establish mechanisms that will resolve existing conflicts between and among sectors over access to land and natural resources: and
- (s) Perform such other acts and functions and exercise such other powers as may be necessarily implied, inherent, incident, or related to the foregoing.

SECTION 18. Offices, Units and Staff Support. The LUPC Secretariat under the general supervision of the Executive Director shall be organized from existing offices and personnel of the NEDA and the HLURB subject to civil service rules and regulations.

The LUPC shall cause the creation of a technical working committee (LUPC-TWG) that shall formulate and update, whenever necessary, all planning guidelines and standards for the IAMMS mapping described in Section 26, NPPF, PPFP, CLUP and Zoning Ordinances after six (6) months from its establishment.

Guidelines and standards shall incorporate the National Planning Framework and Classifications of Land Uses set forth in this Act.

The technical working committee shall also prepare guidelines for the preparation of ecological profiles for the provincial, city and municipal levels. These guidelines shall be the bases for the requirements of the local planning units as described in Section 34 hereof.

SECTION 19. Powers and Functions of the LUPC Executive Director. The Executive Director shall have the following powers and functions:

- (a) Acts as the executive head of the LUPC and Secretary of the Board and perform the powers and function incident to said positions;
- (b) Be responsible for the implementation and overall execution of the policies, rules and regulations, and decisions adopted by the Board and as such, shall issue the corresponding implementing administrative issuances and promulgate opinions and interpretative circulars and rulings to ensure expeditious and effective implementation thereof; and
- (c) Perform such other powers and functions as may be inherent, incident, or related to the foregoing.

Decisions of the Executive Director may be appealed to the LUPC Board.

SECTION 20. Qualifications of the Executive Director. The Executive Director must have a background or significant training preferably in the field of environmental and/or physical planning, land resources management, or development planning and management for a period of at least five (5) years. The LUPC Executive Director shall be appointed by the President of the Philippines and shall have the rank of an Undersecretary.

SECTION 21. The Deputy Executive Director. The Executive Director shall be assisted by a Deputy Executive Director who shall be appointed by the President of the Philippines upon the Board's recommendation. The Deputy Executive Director shall have the same qualifications as the Executive Director and shall have the rank of an Assistant Secretary.

The Deputy Executive Director shall be the operational and administrative manager of the LUPC and shall assist the Executive Director in routine housekeeping functions.

SECTION 22. Central and Regional Offices.- The LUPC Chairperson shall organize a central office and a regional LUPC secretariat office in every administrative region from the personnel and resources of the NEDA and the HLURB subject to civil service rules and regulations. A regional LUPC office shall be headed by a Regional Director.

CHAPTER 5. LAND DEVELOPMENT COUNCILS AND LAND USE COMMITTEES

SECTION 23. Local Development Councils and Land Use Committees. The formulation of the CLUPs and PPFPs shall be the primary responsibility of the Local Development Councils (LDCs). Local government units without existing LDCs as mandated by the Local Government Code of 1991 shall organize their respective LDCs within six (6) months from the effectivity of this/her Act.

Local land use committees refer to the provincial, city, or municipal land use committees (PLUCs, C/MLUCs) formed by the LDCs. Existing and newly formed LDCs shall create within six (6) months from the effectivity of this Act or from their creation as the case may be, a local land use committee to assist them in performing such functions as are defined in this Act: *Provided*, That the membership therein must, among others, include representatives from concerned NGOs and POs such as but not limited to peasants, fisherfolk, urban poor, and indigenous cultural communities, and women. *Provided*, that the provisions of IPRA on mandatory representation are respected. Other concerned sectors shall also be invited during committee deliberations and public hearings. The C/MLUCs shall likewise solicit the positions/views/issues raised and articulated by concerned communities through their respective barangay representatives who shall participate during the public hearings.

Until such time that the LUPC shall have created its regional offices, the regional land use

committees under the Regional Development Councils shall act as the counterparts of the LUPC and shall perform such functions defined under this Act.

CHAPTER 6. ADOPTION, APPROVAL, AND REVIEW OF LAND USE PLANS

SECTION 24. Component Cities and Municipalities. Component cities and municipalities shall have the power and authority to adopt and approve their respective CLUPs and ZOs through their respective *sanggunians* subject to the power of review of their respective provinces only with respect to the consistency of the CLUPs and ZOs with Section 8 hereof in the preparation of the PFP.

SECTION 25. Provinces and Independent and Highly Urbanized Cities. Provinces and independent and highly urbanized cities shall have the power and authority to adopt and approve their respective CLUPs, ZOs, or PFP as the case may be, through their respective sanggunian but subject to the power of review of the LUPC through its regional LUPC secretariat office as provided in Section 22 herein and only with respect to the consistency of the CLUPs and ZOs with Section 8 hereof.

CHAPTER 7. MAPPING AND DATA MANAGEMENT FOR LAND USE PLANNING

SECTION 26. Inter-Agency Mapping Support System (IAMSS) – After six (6) months from the effectivity of this Act, an Inter-Agency Mapping Support System shall be created, with NAMRIA as the lead agency. The supporting agencies include the Bureau of Soils and Water Management (BSWM), the Forest Management Bureau (FMB), the Land Management Bureau (LMB), the Protected Areas And Wildlife Bureau (PAWB), the Mines and Geosciences Bureau (MGB), the Philippine Institute of Volcanology And Seismology (PHIVOLCS), the Department of Agrarian Reform (DAR), Department of Agriculture (DA), the National Commission on the Indigenous People (NCIP), the National Water Resources Board (NWRB), the Department of Energy (DOE), National Disaster and Coordinating Council. The system shall be responsible for creating a database for the production of base and decision maps for all planning levels of standard scales, and other indicators, as stipulated in the Planning Guidelines and Standards provided by the LUPC-TWG.

SECTION 27. Compiling of Datasets – All pertinent and updated data from supporting agencies of the system shall be submitted to NAMRIA for compilation and integration in its geographic information system whenever needed.

SECTION 28. Maps for Planning – After one (1) year after the LUPC Technical Working Committee has prepared the Guidelines and Standards for planning at all levels, the NAMRIA shall submit to the LUPC all maps required for national level planning and planning in all municipalities, cities and provinces. The LUPC after reviewing the maps shall forward the maps to its respective PLUCs, MLUCs and CLUCs.

Pertinent maps, among others, to be produced by the IAMMS shall include:

- a. Topographic Maps
- b. Geologic Maps
- c. Hydrologic Maps
- d. Climate Maps
- e. Soils Maps
- f. Slope Maps
- g. Mineral Resources Maps
- h. Existing Land Use Maps
- i. Land Suitability Maps for:
 1. settlements
 2. agriculture
 3. industrial areas
 4. others

- 907 j. Agricultural Maps
 - 908 1. Network of Protected Areas for Agricultural and Agro-industrial Development
 - 909 2. Commodity Specific Development Guide Maps
 - 910 3. Land Limitation Maps
 - 911 4. Land Suitability Maps
 - 912 5. Cropping System Zones Maps
 - 913 6. Hydro-ecological Conditions Map
 - 914 7. Irrigation Systems Maps
- 915 k. Land Classification Maps
- 916 l. Geo-Hazards Maps
 - 917 1. Flood Prone Areas
 - 918 2. Hazard Zonation Maps for Volcanoes
 - 919 3. Map of Fault Systems
 - 920 4. Tsunami Prone Areas
 - 921 5. Erosion Prone Areas
- 922 m. Tourism Maps
- 923 n. Transportation Maps
- 924 o. Traffic Flow
- 925 p. Areas Served by:
 - 926 1. Power
 - 927 2. Telecommunications
 - 928 3. Water
- 929 q. Facilities:
 - 930 1. Health
 - 931 2. Education
 - 932 3. Power
- 933 r. Domestic Water Supply
- 934 s. Industrial Areas
- 935 t. Population Distribution
- 936 u. Ancestral Domains
- 937 v. NIPAS Areas
- 938 w. Areas Suitable for Urban Expansion
- 939 x. Watershed Areas
- 940 y. Forest Lands
 - 941 1. Protection
 - 942 2. Production

944 **SECTION 29. Ground Delineation** – For effective planning to take place at the local level
 945 land uses must be identifiable both on the map and on the ground. The Zoning Ordinance of
 946 each and every municipality may therefore be easily enforced. A Joint Committee comprised of
 947 the LGU thru its M/CLUC in coordination with national government agency concerned with the
 948 assistance of the M/CTB, shall identify and delineate on the ground the land uses within their
 949 jurisdiction. The following shall be given priority:

- 951 a. Forest Lands
 - 952 1. Protection
 - 953 2. Production
- 954 b. NIPAS Areas
 - 955 1. Strict Protection Zone
 - 956 2. Multiple Use Zone
- 957 c. Watershed Areas
 - 958 1. Critical
 - 959 2. Multiple Use
- 960 d. Network of Protected Areas for Agricultural and Agro-industrial Development (NPAAAD)
- 961 e. Socialize Housing Sites and Settlement Expansion Areas
- 962 f. Extents of Environmentally Constrained Areas
- 963 g. Easement Areas
- 964 h. Critical coastal areas
 - 965 1. Mangroves
 - 966 2. Seagrasses

i. Ancestral Domains

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

All maps shall be updated seasonably as new important Information and data becomes available or as determined by urgent need but not more than every 10 years.

SECTION 30. Updating of Land Use References – After creation and/or updating of any plan, the PLUC, MLUC and CLUC concerned shall submit copies of their land use map/s to the RLUC where it will serve as reference/s for future planning. The RLUC in turn shall endorse the copies of said data to the LUC and IAMMS for updating its database.

SECTION 31. National Geo-hazard Mapping Program. Within thirty (30) days from the effectivity of this Act, a nationwide geo-hazard mapping program shall be initiated jointly thru the LUPC by the PHIVOLCS, the Philippine Atmospheric Geophysical and Astronomical Services Administration (PAGASA), the NAMRIA, the Mines and Geosciences Bureau (MGB), and the Department of Energy, in coordination with the National Disaster Coordinating Council (NDCC), the Regional Disaster Coordinating Councils, and other concerned government agencies. The program shall include the generation of indicative geo-hazard zoning maps that will outline areas in the Philippines which are prone to liquefaction, land slides, flooding, lahar, ground rupturing, tsunami, river erosion, coastal erosion, sinkhole collapse, earthquake, lava flow, pyroclastic flow, base surge, and other natural hazards.

For purposes of uniformity and standardization and in order to develop a safe-built environment, the LGUs shall subsequently incorporate and integrate the generated geo-hazard zoning maps in their respective CLUPs and ZOs. Said geo-hazard maps shall serve as guide for all the LGUs in the preparation of their own hazards-constrained development plans. The NPFP, pursuant to Section 7 hereof, shall incorporate these geo-hazard maps.

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

SECTION 32. Scope and Nature of Responsibilities of Other National Government Agencies. All concerned national government agencies/bodies shall periodically report to the LUPC on the various activities and accomplishments relative to land use. Likewise, they shall provide their respective sectoral/development plans and render technical and administrative support if called upon by the LUPC relative to the implementation of the provisions of this Act.

SECTION 33. Submission of Annual Report on the Implementation of CLUPs and ZOs. The LDCs shall submit an annual report on the implementation of their land use plans and zoning ordinances to the LUPC through the Sangguniang Panlalawigans or in the case of highly urbanized and independent cities through their respective Sanggunians.

CHAPTER 8. SPECIAL AREAS OF CONCERN

Agricultural Lands

SECTION 34. Priority Areas for Agricultural Development. Priority areas for agricultural development are the areas distributed under agrarian reform and the NPAAAD. The mapping of the NPAAAD under the AFMA shall be completed within one (1) year from the effectivity of this Act.

SECTION 35. Conversion of Agricultural Lands. Agricultural lands cannot be converted to non-agricultural uses unless DAR issues a conversion order. Prime agricultural lands and

specific types of lands to the extent necessary for attaining food self-sufficiency in rice and corn and food security in other basic commodities, as determined by the DA, subject to mandatory consultation with the LGUs, the private sector, the NGOs, and POs, shall be protected from conversion, which shall include but not limited to areas under the Network of Protected Areas for Agro-Industrial Development (NPAAAD): *Provided*, That all irrigated and irrigable lands, all lands developed or possessing the potential for development of high value crops, and all agricultural lands that are ecologically fragile and whose conversion will result in serious environmental problems shall be given full protection from conversion, the areas under which are subject to review every seven (7) years by the DA, with the mandatory public consultations: *Provided, further*, That consistent with the State policy on giving priority to the completion of the Comprehensive Agrarian Reform Program (CARP), all lands subject to CARP including those lands covered under the notice of compulsory acquisition/voluntary offer to sell, production or profit-sharing, or commercial farm deferment shall also be protected from conversion pending the distribution and installation of the farmer beneficiaries, but thereafter, Section 65 of Republic Act No. 6657 or the Comprehensive Agrarian Reform Law (CARL) shall apply: *Provided, finally*, That pending the completion of mapping activities of the specific areas under the NPAAAD and the Strategic Agricultural and Fisheries Development Zones (SAFDZs) under the AFMA, the revision thereof pursuant to the foregoing, and their incorporation in the NPFP, there shall be a moratorium of fifteen (15) years in all applications for conversion of agricultural lands into non-agricultural uses commencing from the effectivity of this Act. The application for conversion of these protected areas shall not be given due course by the DAR.

SECTION 36. Sub-classification or Re-classification of Agricultural Lands by LGUs.

Sub-classification or re-classification of agricultural lands to other uses under Section 20 of the Local Government Code of 1991 shall exclude the protected agricultural lands as stated in the preceding section. Moreover, such sub-classification/reclassification is not synonymous to conversion. The DA and DAR shall provide the LGUs with a complete list and maps of protected agricultural lands within their territorial jurisdictions.

SECTION 37. Land Use Conversion. Once the proper land use has been set and approved for every level of the Plans, the conversion of a part or the whole thereof shall not be allowed except through an act of Congress.

Ancestral Domain

SECTION 38. Priority Areas for Agricultural Development within Ancestral Domain .

Agricultural lands within Ancestral Domain shall be given in development in consonance with their ADSDPP.

SECTION 39. Plan Integration. For more effective planning and management of ancestral domains the Ancestral Domain Management Plan (ADMP) or Ancestral Domain Sustainable Development and Protection Plan (ADSDPP) shall be incorporated in the Comprehensive Land Use Plan and/or other plans that the LGU is mandated to produce. Extents of the ancestral domain shall be reflected in the land use plan, where it will be zoned as such in the ZO; and shall be co-managed by the LGU and IP community.

SECTION 40. Policy Adoption. Policies adopted for AD areas shall be integrated in the LGU's land use policy framework. However, in the event that the ADMP/ADSDPP is still in the formulation stage or remains to be formulated, the Municipality/City must be represented in the formulating body to take into consideration the land uses enforced.

SECTION 41. Implementation of Land Conversion, Resettlement Programs and Development Plans within Ancestral Domains.

The implementation of land conversion, resettlement programs and development plans within Ancestral Domains shall abide by the following principles:

- a.) Conversion or reclassification of lands within ancestral domains shall be subject to all the rules and regulations pertaining to FPIC and participation of the

ICC/IP community in decision making. Such conversion shall also be subject to assessment in terms of the ADS DPP of the ancestral domains concerned.

- b.) The implementation of development plans within ancestral domains shall likewise be subject to all rules and regulations pertaining to FPIC and mandatory representation. Such development plans shall be evaluated according to conformity with the ICC/IP community's ADS DPP.

Forest Lands and Reservation of Watershed

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

SECTION 43. Critical Watershed Areas. The DENR, in coordination with the DA, LGUs, and other government agencies, including government-owned and-controlled corporations, and with mandatory public consultations, shall identify and delineate critical watershed areas that need to be protected, rehabilitated, enhanced, and/or withdrawn from uses that contribute to their further degradation. With the assistance of the DENR and upon mandatory consultations with the concerned sectors, the LGUs through their local land use committees shall prepare their watershed management plans which shall be integrated with their respective CLUPs. The formulation and integration of the plan shall be guided, among others, by the principle that the management and development of inland water resources shall be at the watershed level.

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

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

Coastal Zones

SECTION 44. Criteria for the Allocation and Utilization of Lands within the Coastal Zones. The allocation and utilization of lands within the coastal zones shall be guided by the following:

- a.) Areas vegetated with mangrove species shall be preserved for mangrove production and shall not be converted to other uses;
- b.) Areas sub-classified as mangrove and still suitable for use as such, or due to environmental conditioned need to be preserved as mangrove, but is devoid of mangrove stands shall be converted to other uses. The DENR shall ensure that these lands shall be reforested within a given period of time;
- c.) Areas which are considered as traditional fishing grounds shall be used primarily for such purpose;
- d.) Areas accessible to the sea and identified for fisherfolk settlement and housing shall be allocated to fisherfolk who are inhabitants of the coastal communities and members of legitimate fisherfolk organizations and/or holders of stewardship lease contracts or titles to ancestral domains or any form of property right arrangements who participate in

coastal resource management initiatives, subject to the usual census procedures of the Housing and Urban Development Coordinating Council;

- e.) Areas that meet all accepted criteria on elevation, soil type, soil depth, topography, supply for successful fishpond development, and are not identified as mangrove protected areas, shall be utilized for extensive, traditional, and sustainable aquaculture purposes giving priority to small fisherfolk;
- f.) Areas for boats and gears of municipal fisherfolk;
- g.) Areas which have been allocated for small infrastructure needed by fisherfolk with preference to the small/municipal fisherfolk, shall be allowed; and
- h.) Areas that are neither sub-classified as mangrove, fisherfolk settlement nor fishpond may be devoted to recreational or tourism purposes: Provided, That such undertaking will not result in environmental degradation and displacement of small fishers;
- i.) Areas which form part of foreshore lands as defined in this Act including those that are under lease agreements or arrangements shall undergo zoning and evaluation to determine their boundaries and actual sizes and corresponding uses.

SECTION 45. Coastal Land Zone Sub-classification. All public lands in the coastal zones shall be subclassified into any of the following: fishponds, mangroves, protection from tidal surge, for preservation of biodiversity, habitats and sanctuaries for endangered wildlife, fisherfolk settlement, or recreational/tourism areas. No sub-classification of coastal zones to different uses shall be done without any of the following:

- (a) Conduct of a comprehensive resource and environmental assessment by the DENR and respective LGUs and accredited NGOs and POs within their jurisdiction; and the result of such assessment along with a list of all existing applications and expired Foreshore Lease Agreements shall be posted in the affected localities; and
- (b) Recommendation from the local Fisheries and Aquatic Resource Management Councils (FARMCs) formed under Republic Act No. 8550 or the Fisheries Code, local fisherfolk organizations and other affected sectors such as women and youth.

SECTION 46. Zoning of Foreshore Areas. Local government units, in coordination with the DENR, the FARMCS and local fisherfolk organizations and other affected sectors such as women and youth shall conduct the Coastal Zoning and Resource Management Plan (CZRMP) shall be incorporated in the Comprehensive Land Use Plan. Management zones defined in the CRMP should be reflected in the CLUP and subsequent ZO.

Mineral Lands

SECTION 47. Criteria for the Utilization and Allocation of Land for Mining Purposes. The allocation and utilization of lands for mining purposes shall be guided by the following:

- (a) The principles of sustainable development and responsible mining;
- (b) In case of small-scale mining, adequate and acceptable safeguards shall be instituted by the holders of mining rights or permits to prevent environmental degradation of the mining sites and adjacent areas;
- (c) Mineral reservations which have become non-operational for more than ten (10) years as determined by the Mines and Geosciences Bureau shall be placed under appropriate surface management by the DENR; and
- (d) Areas declared as protected areas in ancestral domains, by virtue of their ADSDPP and all watersheds shall be closed to mining.

SECTION 48. Reversion of Mineral Lands. All mineral lands with exhausted mineral resources, as determined by the Mines and Geo-sciences Bureau shall automatically revert to its

original land classification, that is, as forest land or agricultural land. In the case of forest lands, the DENR may classify such areas for other purposes in consultation with concerned LGU's, the Department of Tourism, and other national government agencies, the NCIP and the ICC/IP community in compliance with the provisions of IPRA.

Energy Resource Lands

SECTION 49. Guidelines for the Utilization and Allocation of Lands for Energy Resource Exploration, Development, Production, Utilization, and Distribution Purposes. To ensure that the objectives of maintaining ecological balance and maximizing the power potential from indigenous energy resources in the most economical and environmentally-acceptable means are realized, the allocation and utilization of lands for said purposes shall be guided by the following, consistent with existing regulations and laws on energy resources:

- a. Indigenous energy resource exploration and development for the purpose of a National Energy Resource Inventory and Data Base as well as Energy Resource Block Map shall be allowed subject to the implementation of complementary watershed and other land management plans;
- b. Indigenous energy resource exploration, development, production, utilization, and distribution shall be subject to the appropriate requirements and processes of the Philippine Environmental Impact Statement (EIS) system. Each project shall secure an Environmental Compliance Certificate (ECC) prior to project implementation to ensure adequate and appropriate environmental management measures and optimum methods for resource access and recovery are utilized; Provided further that a culturally sensitive environmental conservation and protection plan (ECP) shall also be required if the project is within ancestral domain;
- 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; and
- d. Renewable energy shall be developed over other energy resource.

SECTION 50. 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, unless the DENR shall classify such areas for other purposes. Exhausted energy resource lands shall refer to specific energy resource sites whose energy reserves of the desired type/s are no longer in sufficient quantity or quality to justify additional expenditure for their extraction and utilization.

Settlements Development

SECTION 51. 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.

SECTION 52. Settlements within Geo-hazard Areas. Settlements within geo-hazard areas shall not be allowed. In cases where there are existing settlements within geo-hazard areas, the concerned government agencies and LUPC shall provide assistance to concerned LGUs and settlers in instituting safety and corrective measures to address the potential danger or risk.

SECTION 53. Designation and Zoning of Socialized Housing Zones. Each city or municipality in urban or urbanizable and rural areas shall designate lands for socialized housing and resettlement areas for the immediate and future needs of the underprivileged and homeless in their territory, pursuant to existing laws and regulations.

The designated sites for socialized housing shall be located in residential zones, and shall be

zoned as socialized housing zones that are integrated in the city or municipality's zoning ordinance duly approved by the HLURB, pursuant to existing laws and regulations.

Fisherfolk settlements and housing in coastal municipalities shall be zoned near the sea for easy access to their livelihood as provided under.

SECTION 54. Urban Forest or Green Space. Each city or highly urbanizing municipality shall identify, designate, and allocate lands owned by the city or municipality as urban forest or green space based on the guidelines and standards to be issued by the DENR and approved by the LUPC.

Industrial Development Areas

SECTION 55. Criteria for Designating Industrial Development Areas. The identification and establishment of industrial development areas shall conform to the provisions of Republic Act No.7916, otherwise known as the Philippine Economic Zone Authority (PEZA) Law, the CARL, IPRA, UDHA, Fisheries Code and the AFMA, taking into consideration the following:

- (a) Identified network of areas for agricultural development and protected agricultural areas pursuant to the AFMA;
- (b) National policies on the regional dispersal of industries and agri-based industrial development;
- (c) Identified growth areas and corridors in the National Development Plan;
- (d) National Protected Areas System (NIPAS) and non-NIPAS areas that require protection;
- (e) National and Urban Development and Housing Framework;
- (f) Identified Socialized Housing Zones;
- (g) National Framework for Physical Planning and other existing national programs and policies.

The designated industrial development areas shall become an integral part of the land use plan and zoning ordinance of the city or municipality where these areas are located. The laws on CARPER, IPRA, UHDA, Fisheries Code, AFMA and Local Government Code shall apply to all Special Economic Zones and Freeports.

SECTION 56. Establishment Of Sanitary Waste Disposal Site. Each city or municipality shall identify, designate and allocate an area within their territorial jurisdiction to serve as waste disposal site within one (1) year from the effectivity of this Act in accordance with the provisions of RA 9003 of the Solid Waste Management Act. Waste disposal sites shall be identified in land use plans and shall be zoned as such in the CLUP. Likewise, as provided under Section 33 of the Local Government Code, cities and municipalities may, through appropriate ordinances, bind themselves towards the establishment of a common solid waste management program.

Tourism Development Areas

SECTION 57. Criteria for Designating Tourism Development Areas. The identification, selection, and development of tourism development areas and tourism estates shall be done in consultation and coordination with the concerned LGUs, national government agencies, the private sector, and the affected communities. Tourism development areas shall likewise include those covered by legislative and executive issuances as tourist spots, tourist zones and tourism ecozones which can be developed into tourism estates or integrated resort, leisure and recreation complexes and other tourism-related facilities as well as those identified in the national, regional tourism, and area specific tourism master plans and other sector plans such as ecotourism and agri-tourism sites. As much as practicable, community-based tourism shall be the principal mode of tourist spot operation. The laws on CARPER, IPRA, UHDA, Fisheries Code, AFMA and Local Government Code shall apply in all tourist zones and tourist development areas.

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

SECTION 58. Identification and Preservation of Cultural Heritage. The National Historical Institute (NHI) and/or the National Museum in coordination with other concerned agencies, local communities, and the private sector, shall identify declared areas and structures which shall be protected and/or preserved as part of the Philippine cultural heritage.

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

Infrastructure Development

SECTION 59. Allocation and Use of Land for Infrastructure Development. Land, whether public or private, shall be allocated and utilized for priority infrastructure projects that are supportive of national or local development objectives. The NEDA, in consultation with the concerned national government agencies, LGUs, and the private sector shall identify and periodically review, update and/or revise the list of priority infrastructure projects subject to Sections 5 and 29 hereof, and Section 47 of the AFMA and Section 16 and 17 of IPRA. In determining and evaluating the list of priority infrastructure projects, consideration shall be given to those that:

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

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

SECTION 60. Infrastructure Projects Within Geo-hazard Areas. Construction of priority infrastructure projects within hazard-prone, areas shall be allowed: *Provided,* That mitigating and/or preventive measures are adopted to address the potential adverse economic, socio-cultural, and environmental impacts that will emanate from these infrastructure projects, subject to the findings and recommendations of a feasibility study/environmental impact assessment in accordance with Presidential Decree No. 1586 and Republic Act No. 4846.

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

CHAPTER 9. TRAINING, EDUCATION, AND VALUE FORMATION

SECTION 61. Value Formation. In order to create a well informed, responsible and committed citizenry who values the protection, conservation and development of the country's limited land, and other physical resources, the State shall mandate the inclusion of sustainable land use education or any subject related thereto in the curricula of primary, secondary and tertiary education.

SECTION 62. Information and Education Campaign. The LUPC shall undertake a nationwide education information campaign in land use and physical planning to be implemented by local and national government agencies. The DILG and concerned agencies shall formulate and implement a land use management capability building program for national and local government officials, community leaders, NGOs, POs, religious sector, and the general public.

CHAPTER 10. INCENTIVES, SANCTIONS, AND PENALTIES

Incentives and Awards

SECTION 63. Formulation of a System of Incentives and Awards. The LUPC shall come out with a system of incentives and awards to LGUs that regularly update their CLUPs/ZO within the prescribed period, as follows:

- (a) Provinces, Highly Urbanized Cities, and Independent Component Cities once every eight (8) years; and
- (b) Component cities and municipalities once every eight (8) years.

SECTION 64. Priority in Giving Technical Assistance to LGUs. In providing technical assistance and other forms of support related to land use management and the implementation of development plans, national government agencies shall give priority to cities and municipalities with approved CLUPs and ZOs.

Sanctions and Penalties

SECTION 65. Failure to Formulate, Enforce, and/or Implement the CLUPs (CLUPs) and Zoning Ordinances (ZOs). Consistent with due process, the LUPC, in coordination with the DILG, shall investigate, review, and recommend the filing of charges against local chief executives and other local officials and employees responsible for the formulation, enforcement, and/or implementation of the CLUPs in case of any of the following:

- (a) Failure of the CLUPs/ZOs to conform to the prescribed national guidelines and standards as provided in this act and thereafter, with NPFP;
- (b) Failure to implement and enforce the CLUP/ZO due to negligence of duty;
- (c) Failure to provide appropriate budgetary allocation to effect its implementation; and,
- (d) Failure to complete the preparation of the CLUP despite the availability of funds, resources, and support by the Sanggunian concerned.

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

- (a) Six (6) to nine (9) months, in case of non-implementation of CLUP;
- (b) Three (3) to six (6) months, in case of noncompletion of the CLUP; or,
- (c) Three (3) to six (6) months, in case of non-conformity with the national guidelines pursuant this act.

SECTION 66. Failure to Comply with the Provisions of IPRA in the Formulation of CLUP. – Failure to comply with the provisions of IPRA in the formulation of CLUP shall be penalized according to Sec. 72 of IPRA.

SECTION 67. Person(s) Abetting Illegal Conversion. Any person initiating, causing, inducing, or abetting illegal conversion shall, upon conviction, be imprisoned from seven (7) to twelve (12) years and a fine of not less than one hundred thousand (100,000.00) pesos, or both at the discretion of the court: *Provided*, That if the offender is a public official or employee whether elected or appointed, the penalty shall, in addition thereto, include dismissal through permanent separation from the service and forfeiture of all benefits and entitlements accruing to the public position and perpetual disqualification to run or apply for any elective or appointive public office: *Provided, further*, That if the offender is a juridical person, the penalty of imprisonment shall be imposed on the president, chief executive officer, manager, the Chairperson and all the members of the board, and other responsible officers thereof, and the fine shall be equivalent to the zonal value of the land or forty percent (40%) of the shareholders equity, as determined at the time of judgment whichever is higher, plus forfeiture of the land in favor of the State for sale through public auction, the proceeds of which shall automatically accrue to the fund for the implementation of CARPER..

SECTION 68. Penalty for Reclassification of Protected Agricultural Lands and Exceeding the Limit of Areas Allowed for Reclassification. Any person initiating, causing, inducing, or abetting the reclassification of protected agricultural areas as defined in Section 29 hereof into non-agricultural uses and exceeding the limits set forth under Section 20 of the Local Government Code of 1991, shall be penalized with imprisonment of twelve (12) years and a fine of not less than One hundred thousand (100,000.00) pesos, or both at the discretion of the Court: *Provided*, That if the offender is a public official or employee, the penalty shall, in addition thereto, include dismissal through permanent separation from the service whether elected or appointed and forfeiture of entitlements accruing to the public position, and perpetual disqualification to run or apply for any elective or appointive public position: *Provided, further*, That if the offender is a juridical person, the penalty shall be imposed on the president, chief executive officer, manager, the Chairperson and all the members of the board, and other responsible officers thereof.

SECTION 69. Payment of Disturbance Compensation. Following the order of priority such as agricultural lessees and share tenants, regular farm workers, seasonal farm workers, other farm workers, actual tillers or occupants of public lands, collective, or cooperative of the above beneficiaries, and others directly working on the land affected by agricultural land use conversion shall be entitled to the payment of disturbance compensation equivalent to five (5) times the average of the gross harvests on the landholding during the last five (5) preceding calendar years or a certain percentage of the converted land, whichever is higher, as determined by the Department of Agrarian Reform.

Article 18. TRANSITORY AND FINAL PROVISIONS

SECTION 70. Convening of the LUPC. Within thirty (30) days from the effectivity of this Act, the Secretary of Socio-Economic Planning shall convene the LUPC. The Chief Executive Officer of the HLURB shall sit temporarily as Executive Director and *ex-officio* member of the LUPC Executive Board until such time that a regular Executive Director has been appointed by the President.

SECTION 71. Implementing Rules and Regulations. Within sixty (60) days from the effectivity of this Act, the LUPC shall promulgate the rules and regulations to implement the provisions of this act. Said rules and regulations shall be submitted to the Congressional Oversight Committee for approval.

SECTION 72. Congressional Oversight Committee on the Land Use Act. There is hereby created a Congressional Oversight Committee composed of seven (7) members from the Senate Committee on Environment and Natural Resources and seven (7) members from the House of Representatives Committees on Natural Resources and Housing and Urban Development. The members from the Senate shall be appointed by the Senate President based

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

The oversight committee, which shall function for a period not more than three (3) years, shall have the power to review the implementing rules issued by the LUPC within thirty (30) days from the promulgation of the said rules and oversee the implementation of this Act: *Provided*, That the secretariat of the Oversight Committee shall be drawn from the existing secretariat personnel of the committees comprising the oversight and the funding shall be taken from the appropriations of both the House of Representatives and the Senate.

SECTION 73. Effectivity of the Creation of the LUPC. Until such time that the LUPC has been organized and fully operational, the NLUC and HLURB shall continue exercising their powers and function pertaining to land use and their personnel shall receive the same salary, emoluments and, privileges. Hiring, separation, replacement, and appointment of personnel shall be in accordance with existing Civil Service rules and regulations.

SECTION 74. Transfer of Powers and Functions. Within six (6) months after the approval of this Act, the powers and functions of the HLURB on land use as provided for under Section 5a, 5b, 5c, 5d, 5e, 5f, and 5g of Executive Order No. 648, series of 1981, shall be transferred to the LUPC. The foregoing transfer shall include all applicable funds and appropriations, records, equipment, property and personnel.

SECTION 75. Transfer of Rights, Assets, and Liabilities. The LUPC shall, by virtue of this Act, be subrogated to such rights and assume such liabilities of the HLURB and such funds, records, property, assets, equipment and personnel, including unexpended appropriations and/or allocations of the HLURB for land use activities and land use adjudicatory and related support functions: *Provided*, That existing officers and employees of the HLURB assigned to land use planning and land use adjudication matters shall continue to assume their posts in a holdover capacity until their new appointments are issued.

SECTION 76. Structure and Staffing Pattern. Except for the position of Executive Director and Deputy Executive Director, there shall be no hiring of new personnel for the LUPC.

Within ninety (90) days from the effectivity of this Act, the LUPC Chairperson shall formulate and submit to the Congressional Oversight Committee for its review and approval the LUPC's proposed organizational structure and staffing pattern. After such review and approval, the proposed organizational structure and staffing pattern of the LUPC shall be submitted to the President for final approval through the DBM within ninety (90) days.

The authorized positions created therein shall be filled by regular appointment by the President or the LUPC Chairman, as the case may be: *Provided*, That in the filling of positions created, the Chairman shall ensure that the personnel of the NEDA and HLURB affected by this Act shall comply with the qualifications standards set by the Civil Service Commission (CSC) for the positions they shall be appointed to: *Provided, finally*, That if such individuals possess the same qualifications, seniority shall be given priority.

SECTION 77. Separation from the Service. No employee of the NEDA and HLURB shall be separated and/or phased-out from the service as a result of the implementation of this Act: *Provided, however*, That those who are qualified to retire shall be allowed to do so and be entitled to all benefits provided under any of the existing retirement laws.

SECTION 78. Appropriations. The appropriations for the National Land Use Committee under the National Economic and Development Authority, and the Housing and Land Use Regulatory Board pertaining to land use activities, plans, and programs and land use adjudicatory and related support functions under the current General Appropriations Act shall be used to carry out the initial operationalization of the Land Use Policy Council. Thereafter, such sums as may be necessary for its staggered implementation shall be included in the annual General Appropriations Act.

SECTION 79. Review of Existing Land Use Plans. Provinces, cities, municipalities and all other government agencies like the Laguna Lake Development Authority and the Protected Area Management Board with existing land use plans shall review, revise, reconcile, and harmonize the same with the guidelines and standards set forth under this Act within one (1) year from the effectivity of this Act.

SECTION 80. Access to Information. All agreements and deals involving large tracts of lands in the Philippines, as determined by the LUPC, shall be disclosed to the general public and shall be submitted to the LUPC for review and approval.

SECTION 81. Repealing Clause. Section 10 of the AFMA and Sections 447 (a2vii) and 458 (a2viii) of the Local Government Code and their related laws and administrative issuances are hereby modified by Section 30 hereof. The pertinent provisions of Executive Order No. 72, series of 1993, are also modified accordingly. Section 11 of the AFMA as to the penalty for agricultural inactivity and premature conversion is also modified by Section 60 hereof. Letter of Instruction No. 1350, series of 1983, and all other general and special laws, acts, decrees, executive orders, proclamations and administrative regulation, or any part thereof which are inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 82. Non-impairment Clause. Nothing in this Act shall be construed as to diminish, impair, or repeal rights recognized, granted, or available to marginalized or basic sectors under existing laws including but not limited to Republic Act Nos. 7279, 6657, 8371, 8550 and 9700.

SECTION 83. Separability Clause. If for any reason or reasons, any part or provision of this Act shall be declared or held to be unconstitutional or invalid other parts or provisions hereof, which are not affected thereby shall continue to be in full force and effect.

SECTION 84. Effectivity Clause. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) national newspapers of general circulation.

Approved.