

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

SEVENTEENTH CONGRESS
FIRST REGULAR SESSION

HOUSE BILL NO. 461



Introduced by CIBAC Party List Representative
Sherwin Tugna

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

EXPLANATORY NOTE

The Philippines is an archipelagic country which often than not experiences strong monsoons, typhoons and water surge from the seas. These typhoons are in addition to other calamities and natural disasters we usually experience. As a result of these calamities and natural disasters, our country has lost billions of pesos arising from destroyed crops and killed livestock, totally ravaged houses, roads and other infrastructure projects, which resulted to severe loss in agricultural production, waste of public funds, inhibited growth of our country, and loss of human lives and property. These typhoons and natural disasters have become stronger and stronger over the years. Climate change worsens the economic situation and food security among others of the Philippine people. Hence, the worsening situation of our environment must be addressed as soon as possible. Aside from the urgent need to develop climate-smart technologies available, it is also necessary that we adopt a national land use law which will preserve our nation's agricultural land and critical watersheds.

This bill mandates the creation of a National Land Use Council (NLUC) which shall act as the highest policy-making body on land use and resolve land use policy conflicts between or among agencies, branches, or levels of the government. NLUC shall integrate efforts, monitor developments relating to land use and the evolution of policies. This bill also directs the formulation of a National Physical Framework Plan

(NPFP) which shall serve as the general long-term framework for the spatial development directions of the entire country and provide analytical parameters for the planned allocation, use and management of the country's land and other physical resources.

Under this proposed bill, land is classified according to four (4) uses: 1) Protection Land Use; 2) Production Land Use; 3) Settlements Development; and 4) Infrastructure Development. In order to encourage LGUs to update their Comprehensive Land Use Plans regularly, the bill gives awards and incentives. Penalties are imposed on violations of the provisions of the bill.

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



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CHAPTER I

INTRODUCTORY PROVISIONS

1 **SECTION 1. Title.** – This Act shall be known as the “National Land Use Act of the
2 Philippines of 2016”

3 **SECTION 2. Policies and Principles.** - All lands of the public domain, waters, minerals,
4 coal, petroleum, and other mineral oils, all forces of potential energy, fisheries,
5 forests or timber, wildlife, flora and fauna, and other natural resources are owned
6 by the state. With the exception of agricultural lands, all other natural resources shall
7 not be alienated.

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

12 The State shall recognize the need for rational, optimal and sustainable
13 development, consistent with the principles of environmental management and
14 equitable access to land and security.

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

- 18 a) Sustainable management and utilization of natural resources;
19 b) Maintenance and preservation of environmental integrity and stability specifically
20 the perpetual protection of permanent forests and watershed for the attainment
21 of food, water and energy sufficiency;

- c) Disaster risk-reduction and climate change resiliency;
- d) Protection of prime agricultural lands for food security in basic commodities with emphasis on self-sufficiency in rice and corn;
- e) Water security through sustainable development and management of water resources towards water security;
- f) Settlements, transportation and infrastructure development in support of urban, rural and regional development and inclusive growth;
- g) Harmony between the rights and the varied interests of every Filipino within the framework of people empowerment, decentralization, social justice, and equity;
- h) Respect for and protection of the sustainable traditional resource rights of the Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) to their ancestral domains to ensure their economic, social, and cultural well-being as well as recognition of the applicability of customary laws and sustainable traditional resource use and management, knowledge, and practices in ancestral domains in compliance with free and prior informed consent of ICC/IPs;
- i) Protection of the rights of basic sectors to equitable access to the country's land;
- j) Protection, preservation, and development of the Filipino historical, cultural and built cultural heritage and resources for the deeper understanding of our history and culture as a people;
- k) Attainment of energy security and self-sufficiency; and
- l) Market orientation where the interplay of market forces and fair trade within the framework of ecological development and equity consideration is encouraged and adopted as the basic parameter in achieving efficiency in land use and allocation;
- m) Market orientation where the interplay of market forces and fair trade within the framework of ecological development and equity consideration is encouraged and adopted as the basic parameter in achieving efficiency in land use and allocation.

It is also the policy of the State to ensure that local government units (LGUs) share with the national government the responsibility of managing and maintaining ecological balance within their territorial jurisdiction as stated in the 1987 Constitution and the 1991 Local Government Code (LGC) or Republic Act 7160.

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

SECTION 3. Scope. – This Act shall apply to all lands whether public, private, government-owned, and/or in the possession of individuals, communities, indigenous people, or groups of people, to provide for a rational, holistic, and just allocation, development and management of land including such activities that bear impact on said resources.

CHAPTER II

DEFINITIONS

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

a) "Agricultural land" shall refer to land of public domain which have been devoted to agricultural activity as defined in Republic Act No. 6657, as amended, and not further classified for residential, commercial or industrial use and such other uses as may be provided by law;

b) "Agricultural land use conversion" shall refer to the undertaking of any development activity which modifies or alters the physical characteristics of agricultural lands to render them suitable for non-agricultural purposes with an approved order of conversion issued exclusively by the Department of Agrarian Reform (DAR);

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

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

e) "Basic Sector" shall refer to a group of people not referring to any organized groups such as but not limited to women, youth, elderly, differently-abled, peasants and fisher folk;

f) "Basic Shelter" shall refer to any subdivision unit, housing unit or condominium satisfying the barest minimum shelter requirements under the minimum design standards of Batas Pambansa Blg. 220;

g) "Comprehensive Land Use Plan (CLUP)" shall refer to a document embodying a set of policies and guidelines, accompanied by official maps and similar illustrations, that serves as principal basis for determining the future land use of lands and natural resources for production and protection purpose within the territorial jurisdiction of the city or municipality. 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 has a long-term perspective, encompassing a minimum of ten (10) years

except if an earlier amendment or revision of the CLUP is authorized by the NLUC due to extraordinary causes.;

h) "Comprehensive land use planning" shall refer to the act of defining the allocation, utilization, development and management of all lands within a given territory or jurisdiction according to the inherent characteristic of the land itself and supportive of sustainable, economic, demographic, socio-cultural and environmental objectives as an aid to decision-making and legislation;

i) "Coastal area/zone" shall refer 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;

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

k) "Critical watershed" shall refer to a drainage area of a river system supporting existing and proposed hydro-electric power, domestic water consumption, irrigation works or existing water facilities needing immediate protection and rehabilitation to minimize erosion and improve water yield. It shall be closed for logging until it is fully rehabilitated;

l) "Cultural heritage" shall refer to the totality of cultural properties preserved and developed through time and passed on for posterity;

m) "Customary laws" shall refer to a body of written and/ or unwritten rules, usages, customs and practices traditionally and continually recognized, accepted, and observed by respective ICCs/IPs, consistent with the IPRA;

n) "Development plan" shall refer to a document that defines the activities or measures that the national government or local government units (LGUs) intend to implement in order to achieve a defined set of development goals. It integrates the socio-economic and sectoral plans of the national government or its instrumentality or a particular LGU with land use or physical framework plans. It may include an analysis of problems and resources, definition of goals and

objectives, policy guidelines, project and target achievements, and an implementation mechanism which defines the roles and contributions expected from the government and the private sector. Development plans include the national-level Medium-Term Philippine Development Plan (MTPDP) and its counterpart plans at the regional, provincial and local levels called the Medium-Term Regional Development Plan (MTRDP), the Provincial Physical Framework and Development Plan (PPFDP) and the Comprehensive Development Plan (CDP). These plans are translated into medium-term investment programs, also prepared at the national, regional and local levels, where programs, projects and activities derived from the development plans are ranked, prioritized, and matched with investment financing capacities;

o) "Ecologically-fragile lands" shall refer to lands within the critical watershed, brackish and freshwater wetlands, pasture lands, and croplands which require rehabilitation and whose continued unsustainable use would adversely affect the productivity of lowland agricultural areas and the stability of the upland ecosystem;

p) "Ecotourism" shall refer to sustainable tourism or travel to a given natural area with exotic or threatened ecosystems or a heritage area to observe wildlife or to help preserve nature, in the process providing for community participation, protection and management of natural resources, culture and indigenous knowledge systems and practices, environmental education and ethics, as well as economic benefits fostered and pursued for the enrichment of host communities and the satisfaction of visitors;

q) "Energy resource lands" shall refer to lands where naturally occurring or indigenous energy resources exist in sufficient quantity or quality as to be economically viable for exploration, development, production, utilization, and distribution process;

r) "Energy resources" shall refer to surface or subsurface substances that serve as energy sources. These are traditionally mineral fuel deposits such as coal, petroleum, natural gas or renewable resources from geothermal, hydro reservoirs, or non-conventional sources such as ocean waves, solar, wind, biomass, and other similar resources which serve the same purpose;

s) "Environmentally critical areas" shall refer to areas declared by law as: (i) protected areas pursuant to Republic Act No. 7586 or the NIPAS Act of 1992; (ii) areas for natural parks, watershed reserves, wildlife preserves, and sanctuaries; (iii) areas set aside as aesthetic potential tourist spots; (iv) areas which constitute the habitat of any endangered or threatened species or indigenous Philippine wildlife (flora and fauna); (v) areas of unique historic, archaeological, or scientific interests; (vi) areas which are traditionally occupied by ICCs/IPs; (vii) areas with critical slopes; (viii) areas exposed to geologic and hydro-meteorological hazards; (ix) prime agricultural lands; (x) recharge

1 areas of aquifers; (xi) water bodies; (xii) mangrove areas; (xiii) coral reefs;
2 (xiv) mossy and old-growth forests; (xv) rivers and river banks; (xvi)
3 swamp forest and marshlands; and (xvii) foreshore lands. This term shall also
4 include other terrestrial, aquatic and marine areas that need special protection
5 and conservation measures because they are ecologically fragile or they are
6 needed for food security and food self-sufficiency as determined by concerned
7 agencies and LGUs in consultation with the concerned sectors;

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

11 u) "Exhausted energy resource lands" shall refer to specific energy resource sites
12 whose energy reserves of the desired type(s) are no longer in sufficient quantity
13 or quality to justify additional expenditure for their extraction and utilization as
14 certified by the Department of Energy;

15 v) "Exhausted mineral lands" shall refer to specific sites whose mineral deposits
16 are no longer in sufficient quantity or quality to justify additional expenditure for
17 their extraction and utilization as may be determined by the latest technology
18 available;

19
20 w) "Exhausted mineral resources" shall refer to a situation where the mineral
21 resources in specific sites are no longer in sufficient quantity or quality to justify
22 additional expenditure for extraction or utilization as determined by the
23 Mines and Geosciences Bureau and approved by the DENR;

24
25 x) "Flood plain" shall refer to the portion of a river valley adjacent to a river
26 channel which is covered with water when river overflows its banks at flood
27 stages. The plain usually consists of silt deposited by the stream;

28 y) "Flood-prone areas" shall refer to low lying areas usually adjacent to large or
29 active water bodies and therefore experience regular or seasonal inundation as
30 a result of changes in the mean water level of these bodies or because of
31 land reclamation and other artificial interference with the natural processes;

32 z) "Food security" shall refer to the policy objective of meeting the food
33 availability, accessibility, quality and affordability requirements of the present
34 and future generations of Filipinos in a sustainable manner, through local
35 production or importation, only when there is shortage established based on a
36 micro level situation, or both, based on the country's existing and potential
37 resource endowments and related production advantages, and consistent with
38 the overall national development objectives and policies;

39 aa) "Food self-sufficiency" shall refer to the policy objective of meeting the food
40 requirements through intensive local food production in a sustainable manner

1 based on the country's existing and potential resource endowments and related
2 production advantages;

3 bb) "Forestlands" shall refer to lands of the public domain classified and/or
4 determined as needed. They include all permanent forests or forest reserves,
5 forest reservations and all remaining unclassified lands of the public domain;

6 cc) "Foreshore land" shall refer to the part of the shore which is alternately
7 covered and uncovered by the ebb and flow of the tide;

8 dd) "Free and Prior Informed Consent" shall refer to consensus of all members
9 of the ICCs/IPs to be determined in accordance with their respective customary
10 laws and practices, free from any external manipulation, interference and
11 coercion, and obtained after fully disclosing the intent and scope of the activity,
12 in a language and process understandable to the community;

13 ee) "Geo-hazards" shall refer to natural and human-induced geological
14 processes that have potential to cause destruction and pose a threat or risk
15 to human life and property;

16 ff) "Geo-hazard prone areas" shall refer to areas frequently visited and/or
17 vulnerable or prone to experience weather/climatic, hydrologic, geologic, and
18 other natural calamities;

19 gg) "Heritage Zones" shall refer to historical, anthropological, archaeological
20 and artistic geographical areas and settings that are culturally significant to the
21 country as declared by the National Museum and/or National Historical
22 Commission of the Philippines, pursuant to R.A. No. 10066 or the National
23 Cultural Heritage Act of 2009;

24 hh) "Illegal agricultural land conversion" shall refer to any activity that modifies
25 or alters the physical characteristics of agricultural lands to render them suitable
26 for non-agricultural purposes without an approved order of conversion from the
27 DAR Secretary;

28 ii) "Improvements" shall refer to all types of buildings and residential units, walls,
29 fences, structures or construction of all kinds of fixed character or are adhered
30 to the soil but shall not include trees, plants, growing fruits, and other
31 fixtures that are mere super impositions on the land, and the value of
32 improvements shall not be less than fifty percent (50%) of the assessed value of
33 the property;

34 jj) "Inclusive growth" shall refer to ensuring that the economic opportunities
35 created by growth are available to all, particularly the poor, to the maximum
36 possible extent;

1 kk) "Indigenous Cultural Communities/Indigenous Peoples (ICCs/JPs)" shall refer
2 to groups of people or homogenous societies identified under Republic Act No.
3 8371 or the "Indigenous People's Rights Act (IPRA)";

4 ll) "Indigenous energy resources" shall refer to energy resources, which originate
5 or occur naturally in the Philippines;

6 mm) "Inland waters" shall refer to waters, which are not coastal and marine
7 waters not subject to acquisitive prescription consistent with the provisions of
8 Presidential Decree No. 1067, otherwise known as the "Water Code of the
9 Philippines";

10 nn) "Inter-tidal sand flat" shall refer to a juvenile fish-feeding area and habitat for
11 crustaceans. The littoral gravel and sand biotopes are also used by important
12 wintering ground and roosting/feeding grounds of indigenous migratory birds;

13 oo) "Integrated watershed management" shall refer to a planning strategy or
14 program for watershed areas that complement environmentally-sound soil
15 and water management practices with mechanisms for ensuring greater
16 responsibility, involvement, or participation of individuals, groups, communities
17 and other stakeholders benefiting from these areas and water-related
18 infrastructure;

19 pp) "Key biodiversity areas" shall refer to sites that are nationally and globally
20 significant for biodiversity conservation primarily containing species that require
21 site-scale conservation to prevent extinction in the short-term and medium-
22 term. Such species may be nationally and globally threatened, restricted-range
23 and/or nationally and globally significant congregations of species;

24 qq) "Lagoon" shall refer to a semi-enclosed coastal basin with limited freshwater
25 input, high salinity and restricted circulation which often lies behind sand
26 dunes. It is often highly-productive and a habitat for variety of plants and
27 animal, serves as nurseries of prawns and shrimps and also site for harbor,
28 aquaculture, industry and recreation;

29 rr) "Land" shall refer to resources, both natural and man-made, found on the
30 surface, below, and above the ground including inland waters and the air
31 therein;

32 ss) "Land use" shall refer to the manner of utilization of land, including its
33 allocation, development, and management;

34 tt) "Land use classification" shall refer to the act of delineating or allocating lands
35 according to protection land use, production land use, settlements
36 development, and infrastructure development as defined and provided for in this
37 Act;

1 uu) "Land sub-classification" shall refer to the act of determining and assigning
2 specific uses of classified lands of the public domain, such as forest or
3 timber lands, alienable or disposable agricultural lands, national parks,
4 and mineral lands in accordance with existing laws and this Act;

5 vv) "Mandatory public hearings/consultations" shall refer to the mechanism to
6 ensure the active participation of concerned sectors in all affected areas in
7 land use planning from the local to the national level. It involves giving
8 effective notice of hearing/consultation to concerned sectors within an
9 affected area through direct written invitations, using regular mail or
10 electronic means, and publication/posting in conspicuous places, conduct of a
11 reasonable number of hearings in or proximate to the specific area affected,
12 and solicitation of positions and the public presentation and public
13 confirmation of the planning results in the specific area affected before the
14 final adoption of the plans;

15 ww) "Minerals" shall refer to all naturally occurring inorganic substance in solid,
16 gas, liquid or intermediate state excluding energy materials such as coal,
17 petroleum, natural gas, radioactive materials and geothermal energy;

18 xx) "Mineral exploration" shall refer to the systematic searching or prospecting or
19 mineral resources;

20 yy) "Mineral lands" shall refer to lands where mineral resources are found;

21 zz) "Mineral resources" shall refer to any concentration of minerals/rocks with
22 potential economic value;

23 aaa) "Mudflat" shall refer to a wetland type that is usually an unvegetated area,
24 dominated by muddy substrate which provides rich feeding grounds for
25 vertebrates such as fish and water birds and also important in preventing soil
26 erosion;

27 bbb) "National Integrated Protected Areas System (NIPAS)" shall refer to the
28 classification and administration of all designated protected areas to maintain
29 essential ecological processes and life-support systems, to preserve genetic
30 diversity, to ensure sustainable use of resources found therein, and to
31 maintain their natural conditions to the greatest extent possible;

32 ccc) "National Land Use Commission (NLUC)" shall refer to the highest land
33 use policy making body created under Section 14 of this Act;

34 ddd) "National Parks" shall refer to a forest reservation essentially of natural
35 wilderness character which has been withdrawn from settlement, occupancy
36 or any form of exploitation except in conformity with approved management
37 plan and set aside as such exclusively to conserve the area or preserve the

scenery, the natural and historic objects, wild animals and plants therein and to provide enjoyment of these features in such areas;

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

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

ggg) "Non-agricultural land use conversion" shall refer to the act of changing the current use of a piece of non-agricultural land into some other uses;

hhh) "Non-government organization" shall refer to a private and non-profit voluntary organization which is committed to the task of political, socio-economic, physical, cultural and environmental development and established primarily to provide service to marginalized sectors in these areas;

iii) "Patrimonial properties" refer to all the properties belonging to the State that are not intended for public use or for public service for the development of national wealth;

jjj) "People's organization" shall refer to a private, non-profit, voluntary and community-based organization with membership constituency established primarily to provide service to its members and the community in general;

kkk) "Physical framework plans" shall refer to indicative plans based on comprehensive land use plans (CLUPs) and national policies whether national,

1 regional, or provincial which provide policy guidelines for all decisions relating
2 to land use and environmental management to prevent or mitigate the adverse
3 effects of inappropriate resource utilization on food security, the people's
4 welfare and their environment. It embodies both policies and strategies
5 necessary to carry out development goals and objectives;

6 jii) "Premature or illegal conversion of agricultural lands" shall refer to any
7 activity that modifies or alters the physical characteristics of agricultural lands
8 to render them suitable for non-agricultural purposes without an approved
9 order of conversion from the DAR Secretary;

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

20 nnn) "Production land use" shall refer to the direct and indirect utilization of
21 land to generate outputs resulting from the following activities, but not limited
22 to: agricultural, fish, farming or aquaculture, timber production, agro-forestry,
23 grazing and pasture, mining, indigenous energy resource development, industry,
24 and tourism;

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

30 ppp) "Protection land use" shall refer to the utilization of land primarily for food,
31 water and energy security, rehabilitation, conservation, and protection purposes
32 for the promotion of the country's ecological and life-support systems;

33 qqq) "Public domain" shall refer to lands that belong to the State which may be
34 any of the following: agricultural, forest or timber, mineral, or national park as
35 provided for in the Constitution;

36 rrr) "Public lands" shall refer to lands which have not been subject to private
37 property rights or subject to sale or other modes of acquisition or concession
38 under the general laws, and are devoted to public use;

1 sss) "Reclassification of agricultural lands" shall refer to the act of specifying
2 how agricultural lands shall be utilized for non-agricultural uses such as
3 residential, industrial, or commercial purposes through the local planning and
4 zoning processes pursuant to Republic Act No. 7160 or the Local Government
5 Code of 1991 and subject to the requirements and procedure for conversion. It
6 is equivalent to land sub-classification, as defined in this Act for classified lands
7 of the public domain and also includes the reversion of non-agricultural lands to
8 agricultural use;

9 tt) "Resettlement sites" shall refer to areas identified by the appropriate national
10 agency or by the local government unit, with respect to areas within its
11 jurisdiction which shall be used for the relocation of the underprivileged and
12 homeless, as defined under Republic Act No. 7279 or the "Urban Development
13 and Housing Act (UDHA)";

14 uuu) "River basin" shall refer to the portion of land drained by a river and its
15 tributaries. It encompasses the entire land surface dissected and drained by
16 many streams and creeks that flow downhill into one another, and eventually into
17 one river. The final destination is an estuary or an ocean;

18 vvv) "Settlements" shall refer to formal and informal communities or built-up
19 residential areas where people prefer to live in land areas classified, zoned, or
20 converted for current or future residential or housing development purposes,
21 including socialized housing zones for the homeless and underprivileged citizens;

22 www) "Settlements development" shall refer to any improvement on existing
23 formal or informal residential or housing settlements or any proposed
24 development of certain areas for residential or mass housing settlement
25 purposes. It also involves the spatial distribution of population, identification of
26 the roles and functions of key urban centers, determination of relationships
27 among settlement areas, and the provision of basic services and facilities
28 of identified major residential or housing settlement areas or growth centers. It
29 is also concerned with the interrelationship of settlements as they develop and
30 establish functional linkages based on their respective resource endowments and
31 comparative advantages;

32 xxx) "Shoreline" shall refer to the line where shore and water meet;

33 yyy) "Significant caves" shall refer to caves which contain materials or possess
34 features that have archaeological, cultural, ecological, historical or scientific value
35 as determined by the Department of Environment and Natural Resources
36 (DENR) in coordination with the scientific community and the academe;

37 zzz) "Socialized housing" shall refer to housing programs and projects
38 undertaken by the government or the private sector for the underprivileged
39 and homeless citizens which shall include sites and services development,

1 long-term financing, liberalized terms on interest payments, and such other
2 benefits in accordance with the UDHA;

3 aaaa) "Socialized housing zones" shall refer to lands identified and designated
4 by local government units as sites for socialized housing, pursuant to Article IV
5 of Republic Act No. 7279 or the UDHA, and its implementing guidelines. It
6 shall include areas that are presently occupied by the urban poor, as well
7 as those identified as resettlement areas as defined herein;

8 bbbb) "Sustainable development" shall refer to the development objective of
9 meeting the needs of the present generation without compromising the ability of
10 future generations to meet their own needs consistent with the principles of
11 social equity, generations to meet their own needs consistent with the principles
12 of social equity, efficiency, and environmental integrity;

13 cccc) "Stakeholder" shall refer to an individual, social group or organization that
14 has a direct or indirect interest in an activity, project, resources, or decision;

15 dddd) "Tourism development areas" shall refer to specific sites for
16 tourism development located in areas identified as priorities in the national,
17 regional, and inter-regional area specific tourism master plans and other
18 sector plans such as eco-tourism and agri-tourism sites, including those
19 designated through legislative and executive issuances such as tourist
20 spots, tourist zones and tourism ecozones which can be developed into
21 tourism estates or integrated resort, leisure, and recreation complexes, and
22 other tourism related facilities;

23 eeee) "Tourism Enterprise Zone" shall refer to an area designated as
24 tourism enterprise zone by the Tourism Infrastructure and Enterprise Zone
25 Authority (TIEZA) pursuant to the provisions of RA 9593 otherwise known as
26 the Tourism Act of 2009;

27 ffff) "Tourism estates" shall refer to large tracts of land with well-defined
28 boundaries in any area identified in the Philippine tourism master plan and
29 regional tourism master plan, by proclamation of the President and/ or by an
30 act of Congress including local legislation. Such land shall be suitable for the
31 development of an integrated tourism and resort complex including but not
32 limited to accommodation facilities, food and beverage outlets, convention and
33 meeting areas, sports, recreational and leisure centers and commercial outlets
34 among others. It shall be provided with roads, water supply facilities, power and
35 utilities like potable water, drainage sewerage disposal, solid waste disposal
36 system and other necessary infrastructure. The estate shall be under one unified
37 and continuous management;

38 gggg) "Tourist spot" shall refer to a particular area/site/spot, human-made or
39 natural, known for its unique tourist/visitor-drawing attributes and activities.

1 It may be classified according to its social, cultural, natural, historical, scientific,
2 religious, and recreational significance;

3 hhhh) "Tourist zone" shall refer to a geographic area with well-defined
4 boundaries proclaimed as such by the President of the Philippines and/or by
5 acts of Congress. No development projects for any purpose shall be initiated
6 and introduced within the zone prior to the formulation of a tourism master
7 development plan which shall be undertaken in coordination with the
8 Department of Tourism (DOT) and TIEZA. A tourist zone is established for the
9 enhancement and/or the conservation of cultural and historical heritage and
10 for the appreciation and enjoyment of the local population and its visitors;

11 iii) "Urban areas" shall refer to all cities regardless of their population density and
12 to municipalities with population density of at least Five hundred (500)
13 persons per square kilometer;

14 jjjj) "Urbanizable areas" shall refer to sites and lands which, considering present
15 characteristics and prevailing conditions, display marked and great potential of
16 becoming urban areas within a period of five (5) years;

17 kkkk) "Urban forestry" or "Green Space" shall refer to the establishment and
18 management of forest in urban environment for the physiological and
19 psychological well-being of the people;

20 llll) "Water security" shall refer to the sufficient access throughout the year to the
21 minimum daily requirement of clean water to maintain a healthy life;

22 mmmm) "Water use" shall refer to the appropriation of water for domestic,
23 municipal, irrigation, power generation, inland fisheries, poultry and livestock
24 raising, industrial and commercial, environmental, and recreational use and
25 other purposes;

26 nnnn) "Watershed" shall refer to a land area drained by a stream or fixed body
27 of water and its tributaries having a common outlet for surface runoff;

28 oooo) "Zoning" shall refer to the process of delineating the specific uses of
29 lands in accordance with the approved Comprehensive Land Use Plan
30 (CLUP) within the territorial jurisdiction of a city/municipality and specifying
31 the conditions for their regulation; subject to the limitations imposed by law and
32 competent authority; and,

33 pppp) "Zoning ordinance" or "ZO" shall refer to a local law passed by
34 the Sangguniang Bayan or Panglunsod approving the development
35 control/zoning plan in accordance with an approved or adopted CLUP for the
36 city/municipality, and providing for the regulations and other conditions on the
37 uses of land including the limitation on the infrastructure that may be placed

1 thereon within the territorial jurisdiction of a city or municipality. It incorporates
2 the protected areas under Section 13(a) and the protected agricultural lands
3 under Section 29 of this Act.

4 CHAPTER III

5 PHYSICAL FRAMEWORK AND LAND USE PLANS

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

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

31 NLUC shall issue procedural guidelines which shall guide the formulation and
32 integration/harmonization process: *Provided,* That the National Economic and
33 Development Authority (NEDA), the Housing and Land Use Regulatory Board
34 (HLURB), the Department of the Interior and Local Government (DILG) and other
35 agencies will continue to issue guidelines on the content of the plans consistent with
36 their respective agency mandates.

37 **SECTION 6.** *City and Municipal Land Use Plans.* - The City/Municipal Planning and
38 Development Office (C/MPDO), in consultation with concerned sectors through conduct
39 of mandatory public hearings/consultations, shall prepare the CLUP to determine the
40 specific uses of land and other physical resources therein including areas co-managed

1 with the national government and, as appropriate, the ancestral domain areas. The
2 CLUP shall be consistent with the PPFDP and shall define the city/municipal
3 development vision, appropriate economic, environmental and social development
4 policies, densities and transportation system.

5 The CLUP may be formulated as a component of a Comprehensive Land Use and
6 Development Plan (CLUDP), which merges the traditionally separate CLUP and
7 comprehensive development plan to address the disconnect between spatial and
8 sectoral factors and to ensure the complementation between the medium- and
9 long-term concerns.

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

13 **SECTION 7. *Provincial Physical Framework and Development Plans (PPFDP).*** - In
14 consultation with concerned sectors, the Provincial Planning and Development Office
15 (PPDO) shall prepare a Provincial Physical Framework and Development Plan (PPFDP)
16 which shall define the province's development vision, economic and social development
17 policies, general land uses, and inter-city/municipal transportation system. The PPFDP
18 shall harmonize the land use plans of component cities and municipalities, taking into
19 consideration shared resources and planning concerns, and define the uses of land and
20 other resources within the province consistent with the policies in the regional physical
21 framework plan. The programs, projects and activities prescribed in the PPFDP shall be
22 integrated into the provincial development investment program. The PPDO shall submit
23 the PPFDP to the Provincial Land Use Policy Council (PLUPC), created under Section
24 21 of this Act, for review and endorsement to Sangguniang Panlalawigan, which shall
25 adopt the same pursuant to Section 468(2)(vii) of RA7160 or the Local Government
26 Code.

27 **SECTION 8. *Regional Physical Framework Plans.*** - In consultation with concerned
28 sectors, the Regional Land Use Policy Council (RLUPC) shall define the desired spatial
29 arrangement of land-using activities in the entire region, consolidating and harmonizing
30 the provincial physical framework plans of provinces and independent cities within the
31 territorial jurisdiction of the region. The regional physical framework plan, which depicts
32 an end-state scenario toward which efforts and activities are directed, shall consist of
33 spatially-based and area-focused policies, consistent with those in the national
34 framework for physical planning, to guide detailed physical, socio-economic, sectoral
35 and investment planning.

36 **SECTION 9. *National Physical Framework Plan.*** - The National Land Use Commission
37 (NLUC) created in Section 14 herein, in consultation with the concerned sectors through
38 the conduct of mandatory public hearings/consultations, shall formulate, periodically
39 update and ensure the implementation of a national physical framework plan that shall
40 prescribe and influence the country's land use and physical development. The NPFP
41 shall operationalize the policies provided in this Act and will be the basis for adopting

land use and physical planning-related guidelines and standards, including zoning and other land use control standards that will guide the formulation of city/municipal zoning ordinances.

The policies prescribed in the NPFP shall be integrated into the MTPDP and Medium-Term Philippine Investment Program.

CHAPTER IV

FRAMEWORK FOR LAND USE PLANNING

SECTION 10. *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 13(a) hereof, national parks, energy resource lands, and prime agricultural lands to ensure ecological integrity, energy supply, and promote food security. Areas with prior rights and those with site-specific resources for basic services, such as but not limited to, water and indigenous energy resources, shall also be excluded. Spatial allocation and planning shall then proceed in accordance with Sections 12 and 13 hereof with priorities given to integrated watershed management areas, socialized housing sites, fisherfolk settlement in coastal areas, and waste disposal sites.

SECTION 11. *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, forestry, agro-forestry and extraction activities and other income-generating or livelihood activities may be allowed: *Provided*, That multiple uses of land resources shall be excluded in areas identified as protection land use: *Provided, further*, That such land resources shall be in accordance with priorities in land use allocation and planning and that no reclassification shall be allowed.

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

- (a) Availability of natural resources including indigenous energy resources for energy security and self-sufficiency;
- (b) Geology, geomorphology, geologic hazard, climate, soil, vegetative cover, demography and slope;
- (c) Economic, environmental, cultural, social and related development activities;

(d) Existing government policies on land and natural resources allocation, utilization, management and disposition;

(e) Technological changes/advancement;

(f) Existing customary rights for the protection of indigenous peoples and vulnerable groups including women and urban poor; and

(g) Inventory of prior and existing rights, to harmonize determination of land use.

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

(a) Protection Land Use shall refer to the use of land primarily for food, water and energy security, rehabilitation, conservation, and protection purposes for the promotion of the country's ecological and life-support systems. Planning for protection land use intends to achieve food self-sufficiency in rice and corn, water and energy security, environmental stability and ecological integrity, ensure a balance between resource use and the preservation of some areas with environmental, aesthetic, educational, cultural, heritage and historical significance, and protect people and human-made structures from the ill-effects of natural hazards. All lands, either public or private, under protection land use shall be permanently conserved, preserved, rehabilitated and protected from all other land uses, disposition, intrusion, utilization and development that is not consistent from its existing uses. Areas under this category also include those covered by Republic Act No. 7586 or the NIPAS Law and other coastal and marine protected areas, those areas outside NIPAS but nonetheless require protection because of their outstanding physical and aesthetic features, anthropological significance, and biological diversity, and those areas prone to natural hazards. Areas outside the coverage of the NIPAS law include, but are not limited to the following:

a.1. Old-growth forests and mossy;

a.2. Areas with more than 50% in slope gradient;

a.3. Mangrove and fish sanctuaries, pursuant to Republic Act No. 8435 or the "Agriculture and Fisheries Modernization Act of 1997" and Republic Act No. 8550 or "The Philippine Fisheries Code of 1998";

a.4. Buffer zones or strips/easements, pursuant to Presidential Decree No. 705, amending Presidential Decree No. 389, otherwise known as the "Forestry Reform Code of the Philippines" and Presidential Decree No. 1067 or the "Water Code of the Philippines";

a.5. Salvage zones along foreshore areas, freshwater swamps and marshes, plazas and heritage/historic sites, pursuant to Presidential Decree No. 2146;

a.6. Watersheds supporting domestic water supply;

a.7. Utility easement like transmission lines of power companies, oil and gas facilities, cell sites, and domestic water lines;

1 a.8. Amenity areas or those with high aesthetic values, pursuant to Presidential
2 Decree No. 2146;

3 a.9. Natural and human-made areas/sites of cultural, historical and
4 anthropological significance, which are declared as such by internationally
5 recognized organizations and concerned national agencies;

6 a.10. Critical habitats as provided in Republic Act No. 9147 or the "Wildlife
7 Resources Conservation and Protection Act";

8 a.11. Significant caves under Republic Act 9072 or the "National Caves and
9 Cave Resources Management and Protection Act"; or

10 a.12. Key biodiversity areas under Executive Order 578, Series of 2006, or
11 the "National Biodiversity Policy".

12 (b) Production Land Use shall refer to the direct and indirect utilization of land
13 resources for crop, fishery, livestock and poultry production, forestry, agro-forestry,
14 mining, industry, energy development, indigenous energy exploration and development,
15 and tourism. Planning for production land shall determine the most efficient,
16 sustainable, and equitable manner of utilizing, developing and managing land for
17 productive purposes. Areas included in this category are agricultural lands, fishing
18 grounds, coastal and marine zones, production forest which comprise lands 18%
19 to 50% in slope gradient such as: residual dipterocarps, rangelands for grazing
20 purposes, industrial tree plantation/Integrated Forest Management Agreement
21 (IFMA), community based forest management areas and other reforestation projects,
22 mineral lands or mining areas and reservations, energy resource lands, industrial
23 development areas, and tourism development areas where productive activities could
24 be undertaken to meet the country's requirements for food security, economic growth
25 and development;

26 (c) Settlements Development shall refer to any improvement on existing settlements
27 in urban and rural areas or any proposed development of certain areas for settlement
28 purposes involving the spatial distribution of population, identification of the roles
29 and functions of key urban centers, determination of relationships among settlement
30 areas, and the provision of basic services and facilities to such settlement. The
31 settlements development plan ensures for the present and future generation the
32 following: (i) effective integration of activities within and among settlements,
33 allowing efficient movement of people and production of commodities through the
34 provision of appropriate land, infrastructure, and facilities; and (ii) access of the
35 population to housing, education, health care, recreation, transportation and
36 communication, sanitation, and basic utilities such as water, power, waste disposal,
37 and other services.

38 (d) Infrastructure Development shall refer to the availability or supply of basic services
39 and fostering of economic and other forms of integration necessary for producing or
40 obtaining the material requirements of Filipinos, in an efficient, responsive, safe and
41 ecologically friendly built environment. It covers sub-sectors of transportation,
42 communications, water resources, and social infrastructure: *Provided*, That the
43 determination of functional uses of lands within ancestral domains shall consider

1 traditional resource and management systems that do not endanger the lives of the
2 people and property of the local community and neighboring areas or increase the
3 vulnerability of the natural environment to the effects of natural and human- induced
4 geological processes.

5 CHAPTERV

6 IMPLEMENTING STRUCTURE AND MECHANISMS

7 Article I

8 NATIONAL LAND USE COMMISSION

9 **SECTION 14.** *Creation of the National Land Use Commission (NLUC).* - The National
10 Land Use Commission, hereinafter referred to as NLUC, is hereby created as a
11 Commission under the Office of the President. It shall exercise the powers and
12 responsibilities of the current NEDA Board-National Land Use Committee which is
13 hereby abolished. The NLUC shall act as the highest policy-making body on land use
14 and resolve land use policy conflicts between or among agencies, branches, or levels of
15 the government. It shall integrate efforts, monitor developments relating to land
16 use and the evolution of policies. It may also establish Regional Offices. .

17 **SECTION 15.** *Composition of the NLUC.* - The NLUC shall be composed of the
18 following:

- 19 a) The President of the Republic of the Philippines as Chairperson;
20 b) The Director-General of the National Economic and Development Authority
21 (NEDA) and Secretary of the Department of Environment and Natural
22 Resources (DENR) as Vice-Chairpersons;

23 The President may designate from among the two Vice-Chairpersons a Chief
24 Executive Officer who shall supervise the day-to-day affairs of the NLUC.

25 The members shall be:

- 26 c) The Chairperson of the Housing and Urban Development Coordinating Council
27 (HUDCC), the Secretaries of the Department of Agriculture (DA), the
28 Department of Agrarian Reform (DAR), the Department of Trade and
29 Industry (DTI), the Department of Public Works and Highways (DPWH), the
30 Department of Transportation and Communications (DOTC), the Department
31 of Tourism (DOT), the Department of Interior and Local Government (DILG),
32 the Department of Justice (DOJ), the Department of Science and
33 Technology (DOST), the Department of Finance (DOF), the Department of
34 Energy (DOE) and the Chairperson of the National Commission on
35 Indigenous Peoples (NCIP);

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

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

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

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

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

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

SECTION 16. Powers and Functions. - The NLUC shall have the following powers and functions:

- a) Advise the President of the Philippines and the NEDA Board on all matters concerning land use and physical planning;
- b) Integrate and harmonize all laws, guidelines and policies relevant to land use and physical planning to come up with a rational, cohesive, and comprehensive national land use framework;
- c) Formulate policies and endorse land use and physical planning-related policies that may be formulated by the Regional Land Use Policy Council (RLUPC), created under Section 22 of this Act, and concerned agencies as well as promulgate zoning and other land use control standards and guidelines which shall guide the formulation of land use plans and zoning ordinances by local governments;
- d) Prepare, periodically review and if necessary, update the national framework for physical planning to provide the general framework for the spatial development directions for the entire country and sub-national levels;

- e) Review and endorse all land use and physical planning related guidelines;
- f) Monitor and coordinate 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;
- g) 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;
- h) 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;
- i) 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;
- j) Monitor and coordinate activities in the establishment of a national land resource information and management system of concerned agencies 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;
- k) Be the repository of all RFPs, PPFDs and CLUPs and all data and information pertaining to land and land use;
- l) Call on any department, bureau, office, agency, or instrumentality of the government, and or private entities and organization for cooperation, support, and assistance in the performance of its functions;
- m) Decide and resolve policy conflicts and territorial jurisdiction on land use between or among agencies, branches, or levels of the government and act on unresolved land use policy conflicts at the regional level elevated by the Regional Land Use Policy Council (RLUPC);
- n) Adopt rules of procedures for the orderly and expeditious conduct of meetings and other business of the Council; and
- o) Perform such other acts and functions and exercise such other powers as may be necessarily implied, inherent, incident, or related to the foregoing.

SECTION 17. *NLUC Technical Secretariat (NLUC-TS).* - A Technical Secretariat shall be created to provide technical support to the NLUC. It shall be headed by an Executive Director and composed of:

- a. Representatives of the member agencies/institutions of the NLUC, who shall have a rank not lower than Director level; and
- b. The representatives of NLUC members as enumerated in Section 16(d), (e) and (g) of this Act.

SECTION 18. *The NLUC Technical Secretariat Executive Director.* - The Executive Director shall supervise the operations of the NLUC Technical Secretariat and assist the NLUC Chairperson or his/her designated Chief Executive Officer (CEO).

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

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

4 **SECTION 19. *Offices, Units and Staff Support.*** - The Policy and Planning Unit of the
5 HLURB shall be the core secretariat of the NLUC. The staff in the HLURB Policy
6 and Planning Unit and NEDA Regional Development Office who opted to transfer
7 to the NLUC shall be given priority without diminution in rank and remuneration. The
8 staffing pattern shall be drafted by the NLUC in coordination with the DBM and
9 Civil Service Commission. Other government agencies may also be called upon for
10 staff support.

11 Article 2

12 LOCAL DEVELOPMENT COUNCILS AS LOCAL LAND USE POLICY COUNCILS

13
14 **SECTION 20. *City/Municipal Land Use Policy Council (C/MLUPC).*** - The City/Municipal
15 Development Council (C/MDC), created under Section 106 of the Local Government
16 Code, shall act as the City/Municipal Land Use Policy Council (C/MLUPC) that will
17 tackle land use concerns whenever necessary. A duly authorized representative from
18 the DAR, the DENR and the DA shall be included in the composition of the C/MLUPC.

19 In addition to the functions enumerated in Section 109 of the LGC, the C/MLUP shall:

20 a. Advise the Sangguniang Bayan or Sangguniang Panlungsod on all matters
21 pertaining to land use and physical planning;

22 b. Review and endorse to the Sangguniang Bayan or Sangguniang Panlungsod
23 for adoption, the CLUP prepared and periodically updated by the City/Municipal
24 Planning and Development Office and other land use and physical planning-related
25 policies;

26 c. Decide and resolve policy conflicts on land use planning, classification,
27 and allocation that may arise between and among barangays and any unresolved
28 land use conflict at the barangay level regarding the violation of zoning ordinances
29 including opposition to applications for locational clearances, permits or certificates; and

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

34 For purposes of this Act, the City/Municipal Planning and Development Coordinator
35 (C/MPDC) shall:

1 (a) act on all applications for locational clearances for all projects except
2 those of vital and national economic or environmental significance;

3 (b) automate, modernize and integrate all spatial and non-spatial data
4 related to land within the LGU for a more effective and efficient use of land information
5 for land use and physical planning and such other public and private uses;

6 (c) monitor on-going/existing projects within their respective jurisdictions and
7 issue notices of violation to owners, developers, or managers of projects that are
8 violative of zoning ordinances; and

9 d) convene a Technical Working Group composed of City/Municipal
10 Agriculturist, City/Municipal Environment and Natural Resources Officer, City/Municipal
11 Engineer, City/Municipal Assessor and such other LGU officials with land related
12 functions in the preparation of the CLUP. The TWG may request any field officials of
13 National Government Agencies with land administration function to assist for the same
14 purpose;

15 Local government units without operational C/MDC as mandated by the 1991 LGC
16 shall activate their respective Councils within six (6) months from the effectivity of
17 this Act.

18 **SECTION 21.** *Provincial Land Use Policy Council (PLUPC).* - The
19 Provincial Development Council (PDC), created under Section 106 of the LGC,
20 shall act as the Provincial Land Use Policy Council that will tackle land use
21 concerns whenever necessary. A duly authorized representative from the DENR,
22 DAR and the DA shall be included in the composition of the PLUPC. In addition to the
23 functions enumerated in Section 109 of the LGC, the PLUPC shall:

24 a. Advise the Sangguniang Panlalawigan on all matters pertaining to land use
25 and physical planning;

26 b. Review and endorse to the Sangguniang Panlalawigan for adoption,
27 the provincial physical framework plans, prepared and periodically
28 updated by the Provincial Planning and Development Office and other land
29 use and physical planning- related policies;

30 c. Assist the Sangguniang Panlalawigan in reviewing the CLUPs of component
31 cities/municipalities to ensure consistency with the provincial physical
32 framework plans and compliance with the limits prescribed under the 1991
33 LGC for reclassifying agricultural lands; and

34 d. Decide and resolve policy conflicts on land use planning, classification, and,
35 allocation that may arise between or among cities/municipalities and any
36 unresolved land use conflicts at the city /municipal level.

37 The PLUPC may call upon any local official concerned such as Provincial Planning and
38 Development Coordinator, Provincial Agriculturist, Provincial Environment and Natural
39 Resources Officer, Provincial Engineer, Provincial Assessor, or any official of national
40 agencies and other relevant agencies during discussions on land use and
41 physical planning concerns.

1 **SECTION 22.** *Regional Land Use Policy Council (RLUPC).* - At the regional level, the
2 Regional Land Use Policy Council (RLUPC) shall be institutionalized, replicating
3 the NLUC structure and composition which shall include a duly authorized
4 representative from the NEDA, the DENR, the DA and the DAR. The RLUPC shall
5 have the following:

- 6 a. Formulate and adopt regional policies on land use and physical planning;
- 7 b. Prepare and periodically update a regional physical framework plan, taking
8 into consideration national policies and lower level plans;
- 9 c. Assist the provinces in preparing and periodically updating its physical
10 framework plans to ensure consistency with the regional and national
11 plans and policies and to facilitate its integration to the regional plans;
- 12 d. Review, prior to adoption by respective sanggunians, the provincial physical
13 framework plan and CLUPs of highly urbanized and independent component
14 cities to ensure consistency with the regional physical framework plan and
15 national policies set forth by LUPC and compliance with limits
16 prescribed under the 1991 LGC for reclassifying agricultural lands;
- 17 e. Decide and resolve policy conflicts on land use planning, classification, and
18 allocation that may arise between or among regional line agencies,
19 provinces and cities/municipalities;
- 20 f. Monitor changes in land use and other physical resources in the region;
- 21 g. Evaluate consistency of major programs and projects with the regional
22 physical framework plans and their impact on land use and the environment;
- 23 h. Undertake the gathering of regional data for the Land Resource Information
24 and Management System; and
- 25 i. Perform other related functions as may be directed by the LUPC.

26 Article 3

27 ADOPTION, APPROVAL AND REVIEW OF LAND USE PLANS

28 **SECTION 23.** *Component Cities and Municipalities.* - Component cities and
29 municipalities shall have the power and authority to adopt and approve their respective
30 CLUPs and ZOs through their respective sanggunians subject to the power of review of
31 their respective provinces only with respect to the consistency of the CLUPs and ZOs
32 with Section 8 hereof on the preparation of the provincial physical framework plan. Upon
33 adoption and approval of the CLUP and ZO by the Sanggunian, all land areas zoned
34 for residential purposes or for settlements development shall cease to be covered by
35 the CARP and therefore, shall not be required to secure further order of land conversion
36 or exemption certificates from the DAR, except for the payment of disturbance
37 compensation if applicable, as well as the requirements pertaining to the issuance of
38 environmental compliance certificate (ECC) by the DENR.

39 **SECTION 24.** *Provinces and Independent and Highly Urbanized Cities.* - Provinces
40 and independent and highly urbanized cities shall have the power and authority
41 to adopt and approve their respective CLUPs, ZOs or provincial physical framework

1 plan, as the case may be, through their respective sanggunian but subject to the
2 review of the RLUPC as provided in Section 22 of this Act.

3 Article 4

4 RESPONSIBILITIES OF THE NATIONAL GOVERNMENT AGENCIES AND LGUS

5 **SECTION 25. *National Base Mapping Program.*** - A national mapping program shall be
6 implemented, coordinated, and monitored through the creation of an Inter-agency
7 Technical Committee (ITC) composed of the NAMRIA, as the lead agency, the Bureau
8 of Soils and Water Management (BSWM), the Forest Management Bureau (FMB), the
9 Land Management Bureau (LMB), the Land Registration Authority (LRA), the Protected
10 Areas and Wildlife Bureau (PAWB), the Mines and Geosciences Bureau (MGB), the
11 Philippine Institute of Volcanology and Seismology (PHIVOLCS), DAR, the National
12 Water Resources Board (NWRB), DOE, NEDA and other concerned government
13 agencies/bureaus. The ITC shall be constituted, and the mapping program shall be
14 initiated, within thirty (30) days from the effectivity of this Act. The agencies mentioned
15 in this Section shall endeavor to finish their base mapping program within two (2) years
16 upon the effectivity of this Act.

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

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

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

38 For purposes of uniformity and standardization and in order to develop a safe- built
39 environment, the LGUs shall subsequently incorporate and integrate the generated geo-
40 hazard zoning maps in their respective CLUPs. Said geo-hazard maps shall serve as

1 guide for all the LGUs in the preparation of their own hazards-constrained development
2 plans. The national physical framework planning, pursuant to Section 5 hereof, shall
3 incorporate these geo-hazard maps.

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

8 **SECTION 27.** *Scope and Nature of Responsibilities of Other National Government*
9 *Agencies.* - All concerned national government agencies/bodies shall periodically report
10 to the NLUC on the various activities and accomplishments relative to land use.

11
12 Likewise, they shall provide their respective sectoral/development plans and render
13 technical and administrative support if called upon by the NLUC relative to the
14 implementation of the provisions of this Act.

15 **SECTION 28.** *Submission of Annual Report on the Implementation of CLUPs.* - The
16 C/MLUPC shall submit an annual report on the implementation of their land use plans to
17 the PLUPC, which shall integrate the same for submission to the RLUPC, which shall in
18 turn integrate the provincial reports for submission to the NLUC.

19 CHAPTER VI

20 SPECIAL AREAS OF CONCERN

21 Article I 22 AGRICULTURAL LANDS

23 **SECTION 29.** *Priority Areas for Agricultural Development.* - Priority areas for
24 agricultural development shall be those agricultural areas covered under Republic Act
25 No. 6657 or the CARP, as amended, and those covered under Network of
26 Protected Areas for Agricultural and Agro-Industrial Development (NPAAAD), defined in
27 Section 4 of this Act and in R.A. No. 8435 or the "Agriculture and Fisheries
28 Modernization Act".

29 **SECTION 30.** *Conversion of Agricultural Lands.* - Agricultural lands are deemed
30 converted to non-agricultural uses upon approval by the DAR of the application
31 for conversion. Prime agricultural lands and specific types of lands to the extent
32 necessary for attaining food self-sufficiency in rice and corn and food security in
33 other basic commodities, as determined by the DA, subject to mandatory public
34 hearings/consultations with the LGUs, the private sector, the NGOs, and POs, shall
35 be protected from conversion, which shall include but not limited to areas under the
36 NPAAAD: *Provided, That* all irrigated and irrigable lands, all lands developed or
37 possessing the potential for development of high value crops, and all agricultural lands
38 that are ecologically fragile and whose conversion will result in serious environmental

1 problems shall be given full protection from conversion, the areas under which are
2 subject to review every seven (7) years by the DA, with the mandatory public
3 hearings/consultations: *Provided, further*, That consistent with the State policy on giving
4 priority to the completion of the CARP, all lands subject to CARP including those lands
5 covered under the notice of compulsory acquisition/voluntary offer to sell, production or
6 profit-sharing, or commercial farm deferment shall also be protected from conversion
7 pending the distribution and installation of the farmer beneficiaries, but thereafter,
8 Section 22 of R.A. No. 9700 or CARP Extension law shall apply subject to the
9 applicable provisions of this Act, specifically on the exclusive approval by the DAR of
10 the application for conversion: *Provided, furthermore*, That the conversion of
11 agricultural lands for use of priority government projects for basic services such as,
12 but not limited to, irrigation and power shall be allowed only upon the recommendation
13 of the Secretaries of the DA and the DAR: *Provided, finally*, That the mapping of the
14 NPAAAD under the AFMA shall be completed within two (2) years from the effectivity of
15 this Act.

16 Lands defined under Section 10 of RA No. 6657 shall remain exempted and excluded
17 from the coverage of CARP.

18 **SECTION 31.** *Sub-classification or Re-classification of Agricultural Lands by LGUs.* -
19 Sub-classification or re-classification of agricultural lands to other uses under Section
20 20 of the LGC of 1991 shall exclude the protected agricultural lands as stated in
21 the preceding section. Moreover, such sub-classification/reclassification is not
22 synonymous to conversion. The DA and DAR shall provide the LGUs with complete list
23 and maps of protected agricultural lands within their territorial jurisdictions.

24 Article 2

25 FOREST LANDS AND WATERSHED MANAGEMENT

26 **SECTION 32.** *Reversion of Alienable and Disposable Lands to Forestlands.* - Upon the
27 recommendation of the Secretary of the DENR, duly reviewed and endorsed by
28 the NLUC, and after due consultations with the concerned LGUs and affected
29 parties, Congress may authorize the reversion of alienable and disposable lands of
30 the public domain or portion thereof to forestlands. Thereafter, said lands shall be
31 included in the preparation of land use plans within forestlands.

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

37 **SECTION 34.** *Formulation and Implementation of Integrated Watershed Management*
38 *Plans.* - In the absence of a law on the protection and sustainable management of our
39 forests, the LGUs through their local land use committees and upon mandatory public
40 hearings/consultations with the concerned sectors, and with the assistance of DENR,

1 shall prepare their watershed management plans which shall be integrated with their
2 respective CLUPs. The formulation and integration of the plan shall be guided,
3 among others, by the principle that the management and development of inland
4 water resources shall be at the watershed level. A nationwide mapping of watersheds
5 in the country shall be implemented.

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

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

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

17 Article 3 18 COASTAL ZONE

19 **SECTION 35.** *Criteria on the Allocation and Utilization of Lands within the Coastal*
20 *Zones.* - The allocation and utilization of lands within the coastal zones shall be guided
21 by the following:

- 22 a) Areas vegetated with mangrove species shall be preserved for mangrove
23 production and shall not be converted to other uses;
- 24 b) Areas which meet all accepted criteria on elevation, soil type, soil
25 depth, topography, supply for successful fishpond development, and
26 are not identified as mangrove protected areas, shall be utilized for
27 aquaculture purposes;
- 28 c) Areas sub-classified as mangrove and still suitable for use as such, or due
29 to environmental conditions need to be preserved as mangrove, but is devoid
30 of mangrove stands shall not be converted to other uses. The DENR
31 shall ensure that these lands shall be reforested within a given period of time;
- 32 d) Areas accessible to the sea and identified for fisherfolk settlement
33 and housing shall be allocated to traditional fisherfolk who are inhabitants
34 of the coastal communities and members of legitimate fisherfolk
35 organizations and/or holders of , stewardship lease contracts or titles to
36 ancestral domains or any form of property right arrangements who participate
37 in coastal resource management initiatives, subject to the usual census
38 procedures of the HUDCC;
- 39 e) Areas which are neither sub-classified as mangrove, fisherfolk settlement nor
40 fishpond may be devoted to recreational or tourism purposes: Provided,

- 1 That such undertaking will not result in environmental degradation and
2 displacement of small fishers;
3 f) Areas which are considered as traditional fishing grounds shall be used
4 primarily for such purpose;
5 g) Areas which have been allocated for small infrastructure needed
6 by fisherfolk shall be allowed; and
7 h) Areas which form part of foreshore lands as defined in this Act including
8 those which are under lease agreements or arrangements shall undergo
9 zoning and evaluation to determine their boundaries and actual sizes and
10 corresponding uses.

11 **SECTION 36. Coastal Land Zone Sub-classification.** - All public lands in the coastal
12 zones shall be sub-classified into any of the following: estuaries, lagoons, inter-tidal
13 flats, mudflats, fishponds, mangroves, protection from tidal surge, for preservation of
14 biodiversity, habitats and sanctuaries for endangered wildlife, fisherfolk settlement, or
15 recreational/tourism areas. No sub-classification of coastal zones to different uses shall
16 be done without the following:

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

23 **SECTION 37. Zoning of Foreshore Areas.** - Local government units, in coordination
24 with the DENR, shall conduct zoning of their respective foreshore areas to assist
25 government and community fishers identify priority areas for conservation and
26 development, and to enable them to set targets for mangrove reforestation and
27 rehabilitation.

28 **SECTION 38. Protection of Waterways Easements and Flood Plains.** - Structures of any
29 kind shall not be built in waterways easements. Pursuant to PD 1067 or the Water
30 Code, the banks of rivers and streams and the shores of the seas and lakes throughout
31 their entire length and within a zone of three (3) meters in urban areas, twenty (20)
32 meters in agricultural areas and forty (40) meters in forest areas, along their margins,
33 are subject to the easement of public use only in the interest of recreation, navigation,
34 floatage, fishing and salvage.

35 The protection of flood plains shall adopt a river basin management approach in order
36 to come up with integrated flood mitigation interventions. Development within flood
37 plains and other flood-prone areas must be controlled or, if allowed, must be so
38 sited, constructed and serviced that life of occupants are not put at risk and that
39 disruptions during floods are minimal. The identification and characterization of flood-
40 prone areas and flood plains shall be an integral part of CLUP preparation. Through the

1 CLUPs and zoning ordinances, LGUs shall establish land use regulations to
2 mitigate flood risks .

3 The DPWH, in coordination with DOST and DENR, shall declare flood control
4 areas, as necessary, and prohibit or control activities that could damage or cause
5 deterioration of lakes and dikes, obstruct the flow of water, change the natural flow of
6 rivers, increase flood losses or aggravate flood problems pursuant to PD 1067.

7 Article 4
8 MINERAL LANDS

9 **SECTION 39.** *Criteria for the Utilization and Allocation of Land for Mining Purposes.* -
10 Consistent with Section 6 of this Act and the provisions of Republic Act No. 7942 or the
11 Mining Act of 1995, and to ensure that the objectives of maintaining ecological balance
12 and maximizing economic returns to mining operations are realized, the allocation and
13 utilization of lands for mining purposes shall be guided by the following:

14 a) The principles of sustainable development and responsible mining;

15 b) In case of small-scale mining, adequate and acceptable safeguards shall be
16 instituted by the holders of mining rights or permits to prevent
17 environmental degradation of the mining sites and adjacent areas;

18 c) Mineral reservations which have become non-operational for more than five
19 (5) years as determined by the MGB shall be placed under appropriate
20 surface management by the DENR;

21 d) Consistent with the Mining Act of 1995, areas closed to mining
22 operations shall be periodically reviewed through mineral exploration to be
23 undertaken by the DENR for the purpose of determining whether or not
24 their continued closure is consistent with the national interest and, if
25 warranted, recommend their reclassification as mineral lands

26 e) Protection forestlands and agricultural lands shall be exempt from mining
27 activities to minimize the effect of natural calamities and to protect food
28 security respectively. The small to large scale mining operations shall yield
29 from and recognize the tenurial instrument given by the government such as
30 Original Certificate of Title (OCT), Transfer Certificate of Title (TCT), Certificate
31 of Ancestral Domain Title (CADT), Emancipation Patent - Certificate of Land
32 Ownership Award (EP-CLOA) and other instruments. If these be present, no
33 mining activity shall be conducted.

34 **SECTION 40.** *Reversion of Mineral Lands.* - All mineral lands with exhausted mineral
35 resources, as determined by the MGB upon the recommendation of the DENR,
36 shall revert to its original land classification, that is, as forestland or agricultural land.
37 In the case of forestlands, the DENR may classify such areas for other purposes in

1 consultation with concerned LGU's, the Department of Tourism (DOT), and other
2 national government agencies.

3 Article 5
4 ENERGY RESOURCE LANDS

5 **SECTION 41.** *Guidelines for the Utilization and Allocation of Lands for Energy*
6 *Resource Exploration, Development, Production, Utilization, and Distribution Purposes.*

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

12 a) Indigenous energy resource exploration and development for the purpose of a
13 National Energy Resource Inventory and Data Base as well as Energy Resource
14 Block Map shall be allowed subject to the implementation of complementary
15 watershed and other land management plans;

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

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

26 **SECTION 42.** *Reversion of Energy Resource Lands.* - All exhausted indigenous
27 energy resource lands not covered by proclamations shall automatically revert to the
28 category of forestlands or agricultural lands open to disposition, whichever is
29 appropriate. Exhausted energy resource lands shall refer to specific energy
30 resource sites whose energy reserves of the desired type/s are no longer in sufficient
31 quantity or quality to justify additional expenditure for their extraction and utilization.

32 CHAPTER VII

33 SETTLEMENTS DEVELOPMENT

34 **SECTION 43.** *Town, City, and Settlements Development.* - The development of town,
35 city, and settlements through the zoning ordinances of cities and municipalities shall
36 be guided by CLUPs and urban zoning standards designed to maximize existing

1 urban spaces. Socialized housing and settlement areas shall be established only on
2 alienable and disposable lands in order to avoid further degradation of forestlands.

3 **SECTION 44.** *Settlements Within Geo-hazard Areas.* - Settlements, in particular
4 housing or residential developments, within geo-hazard areas may be allowed
5 provided that mitigating and/or protective measures are adopted to address the
6 potential danger or risk to lives and property within such settlements. In
7 coordination with the concerned agencies of the government, the LUPC shall provide
8 assistance to concerned LGUs and settlers in instituting safety and corrective
9 measures to address the potential danger or risk.

10 Residential zones as designated in the CLUP shall be considered as outside the geo-
11 hazard areas. For this purpose, housing projects within such areas shall be
12 exempted from the ECC as well as the Engineering Geological and Geo-hazard
13 Assessment Report (EGGAR) and maybe implemented without the need for any further
14 certificate of exemption from the DENR or any other government regulatory agency.

15 **SECTION 45.** *Designation of Sanitary Landfill.* - Each city or municipality shall
16 identify, designate and allocate an area within their territorial jurisdiction to serve as
17 sanitary landfill within one (1) year from the effectivity of this Act. The LGUs, in
18 coordination with the DENR or any other competent authority, shall identify sanitary
19 landfill in order to fast-track the conduct of environmental impact assessment
20 study and to facilitate processing of the environmental compliance certificate. The
21 site or area shall be identified in the city or municipality's CLUP. For this purpose,
22 cities and municipalities shall establish their solid waste management program,
23 pursuant to R.A. No. 9003, otherwise known as the "Ecological Solid Waste
24 Management Act of 2000". Likewise, as provided under Section 33 of the LGC,
25 cities and municipalities may, through appropriate ordinances, bind themselves
26 towards the establishment of a common solid waste management program.

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

31 **SECTION 46.** *Designation and Zoning of Socialized Housing Zones.* - Each city or
32 municipality in urban, urbanizable and rural areas shall designate through the
33 CLUP adequate lands for housing or residential purposes, including socialized
34 housing and resettlement areas for the immediate and future needs of the local
35 population as well as the underprivileged and homeless in their territory, pursuant
36 to existing laws and regulations. In order to ensure adequate availability of land for
37 the housing needs of the local population, the CLUP shall be updated, at maximum,
38 every ten (10) years for provinces, cities and municipalities, except if an earlier
39 amendment or revision of the CLUP is authorized by the NLUC due to 11 extraordinary
40 causes.

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

4 Fisherfolk settlements and housing in coastal municipalities shall be zoned near the sea
5 for easy access to their livelihood as provided under Section 36 (b) of this Act.

6 The housing or residential lands designated in the CLUPS and ZOs of cities and
7 municipalities shall, on one hand, not be subject to further land reclassification by
8 the LGU or land conversion procedure under DAR. On the other hand, agricultural
9 lands as designated in the CLUP which are no longer economically feasible for
10 agricultural use may be subject to land reclassification or conversion to
11 housing/residential purposes and such conversion, as the case may be, shall be
12 exempt from the coverage of any moratorium on land conversion.

13
14 **SECTION 47. *Urban Forest or Green Space.*** - Each city or highly urbanizing
15 municipality shall identify, designate, and allocate lands owned by the city
16 or municipality as urban forest or green space based on the guidelines and standards
17 to be issued by the DENR and approved by the NLUC.

18 19 CHAPTER VIII

20 21 INDUSTRIAL DEVELOPMENT AREAS

22
23 **SECTION 48. *Criteria for Designating Industrial Development Areas.*** -
24 The identification and establishment of industrial development areas shall conform with
25 the provisions of R. A No. 7916, or the Philippine Economic Zone Authority (PEZA) Act,
26 RA No. 6657 or the Comprehensive Agrarian Reform Program, (CARP) Act, as
27 amended by R.A. No. 9700 or the Comprehensive Agrarian Reform Program with
28 Extension and Reforms Act (CARPER), R.A. 8371 or the Rights Act Indigenous
29 Peoples (IPRA), RA. No.7279 or the Urban Development Housing Act (UDHA), and RA
30 No. 8435 or the Agriculture and Fisheries Modernization Act (AFMA), taking into
31 consideration the following:

32 a) Identified network of areas for agricultural development and protected agricultural
33 areas pursuant to the AFMA;

34 b) National policies on the regional dispersal of industries and agri-based industrial
35 development;

36 c) Identified growth areas and corridors in the National Development Plan;

37 d) National Protected Areas System (NIPAS) and non-NIPAS areas that require
38 protection;

39 e) National and Urban Development and Housing Framework;

1 f) Identified Socialized Housing Zones; and

2 g) National framework for physical planning and other existing national programs and
3 policies.

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

7 CHAPTER IX

8 TOURISM DEVELOPMENT AND HERITAGE AREAS

9 **SECTION 49. *Designating Tourism Development Areas.*** - The identification, selection,
10 and development of tourism development areas, tourism estates and tourism
11 enterprise zones (TEZs) shall be done in consultation and coordination with
12 the concerned LGUs, the TIEZA and concerned national government agencies, the
13 private sector, and the affected communities, subject to the provisions of R.A. No.
14 9593 or Tourism Act of 2009. Tourism development areas shall likewise include
15 those covered by legislative and executive issuances as tourist spots, tourist
16 zones and tourism ecozones which can be developed into tourism estates or
17 integrated resort, leisure and recreation complexes and other tourism-related facilities
18 as well as those identified in the national, regional and inter-regional tourism, and area
19 specific tourism master plans and other sector plans such as ecotourism and agri-
20 tourism sites.

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

23 Lands identified as part of a TEZ shall qualify for exemption from the coverage of
24 Republic Acts 7279 and 6657 subject to rules and regulations to be crafted by
25 the TIEZA, HUDCC, DAR and DA: Provided, That a certificate shall be obtained
26 from DA that said lands are no longer economically feasible and sound for agricultural
27 purposes, consistent with Section 30 of this Act.

28 **SECTION 50. *Identification and Declaration of Areas for Protection, Conservation and***
29 ***Preservation of Cultural Heritage.*** - Pursuant to R.A. No. 10066, the National
30 Historical Commission of the Philippines (NHCP) and/or the National Museum in
31 coordination with National Commission for Culture and the Arts (NCCA), HLURB and
32 other concerned agencies, local communities, and the private sector, shall identify
33 declared areas and structures which shall be protected and/or preserved as
34 part of the Philippine cultural heritage.

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

4 CHAPTERX

5 INFRASTRUCTURE DEVELOPMENT

6 **SECTION 51.** *Allocation and Use of Land for Infrastructure Development.* - Land,
7 whether public or private, shall be allocated and utilized for priority infrastructure
8 projects that are supportive of national or local development objectives. The NEDA, in
9 consultation with the concerned national government agencies, LGUs, and the
10 private sector shall identify and periodically review, update and/or revise the list of
11 priority infrastructure projects subject to Sections 6 and 30 of this Act, and Section
12 47 of R.A. No. 8435 or AFMA. In determining and evaluating the list of priority
13 infrastructure projects, consideration shall be given to those that:

14 (a) Respond to immediate and vital requirements of the national economy with priority
15 on improving rural infrastructure and the development of the agriculture and fisheries
16 sectors;

17 (b) Upgrade existing facilities to international standards;

18 (c) Address the need for sustainable settlements development; and

19 (d) Help mitigate the destructive effects of natural disaster-causing phenomena or
20 those that shall serve as alternatives to existing infrastructures found in natural
21 hazard-prone areas: *Provided*, That the provision and implementation of infrastructure
22 support shall be made compatible with existing environmental conditions and the
23 physical, whether natural or human-made, and cultural character of the area.
24 Mandatory public hearings/consultations pursuant to existing laws and regulations
25 shall be held prior to the conduct of all infrastructure projects that will necessarily
26 involve dislocation or displacement of people in the area: *Provided, further*, That
27 the proponent of the infrastructure project shall follow the rules on just and humane
28 eviction or demolition under Section 28 of R.A. No. 7279 or the Urban Development
29 Housing Act (UDHA), notwithstanding the provisions of Republic Act No. 8975,
30 prohibiting lower courts from issuing temporary restraining orders, preliminary
31 injunctions, or preliminary mandatory injunctions, and proponent shall follow IPRA:
32 *Provided, finally*, That national government infrastructure projects shall allocate budget
33 for the adequate relocation of displaced communities.

34 **SECTION 52.** *Infrastructure Projects Within Geo-hazard Areas.* - Construction of
35 priority infrastructure projects within hazard-prone areas shall be allowed: *Provided*,
36 That mitigating and/or preventive measures are adopted to address the potential
37 adverse economic, socio-cultural, and environmental impacts that will emanate
38 from these infrastructure projects, subject to the findings and recommendations

1 of a feasibility study/environmental impact assessment in accordance with
2 Presidential Decree No. 1586, Establishing An Environmental Impact Statement
3 System, Including Other Environmental Management Related Measures, and
4 R.A. No. 4846 or the Cultural Properties Preservation and Protection Act, as
5 amended by Presidential Decree No. 374.

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

16 CHAPTER XI

17 TRAINING, EDUCATION, AND VALUE FORMATION

18 **SECTION 53. *Value Formation.*** - In order to create a well-informed, responsible
19 and committed citizenry who values the protection, conservation and development
20 of the country's limited land, and other physical resources, the State shall
21 mandate the inclusion of sustainable land use education or any subject
22 related thereto in the curricula of primary, secondary and tertiary education.

23 **SECTION 54. *Information and Education Campaign.*** - The NLUC shall undertake a
24 nationwide education information campaign in land use and physical planning to
25 be implemented by local and national government agencies. The DILG and
26 concerned agencies shall formulate and implement a land use management
27 capability-building program for national and local government officials, community
28 leaders, NGOs, POs, religious sector, and the general public: Provided, That it shall
29 be mandatory for local government officials involved in the preparation of CLUPS
30 and PPFDP, including the municipal, city and provincial development officer to attend
31 the Land Use Management Capability-Building Program.

32 CHAPTER XII

33 INCENTIVES, SANCTIONS, AND PENALTIES

34 Article 1 35 INCENTIVES AND AWARDS

1 **SECTION 55.** *Formulation of a System of Incentives and Awards.* - The NLUC shall
2 come out with a system of incentives and awards to LGUs that regularly update
3 their CLUPs within the prescribed period, as follows:

- 4 (a) Provinces, Highly Urbanized Cities, and Independent Component Cities
5 once every nine (9) years; and
6 (b) Component cities and municipalities once every nine (9) years.

7 **SECTION 56.** *Priority in Giving Technical Assistance to LGUs.* - In providing technical
8 assistance and other forms of support related to land use management and the
9 implementation of development plans, the national government agencies shall
10 give priority to cities and municipalities with approved CLUPs.

11 Article 2
12 **SANCTIONS AND PENALTIES**

13 **SECTION 57.** *Fine for Non-Completion and Non-Commencement of Development of*
14 *Agricultural Lands with Approved Order of Conversion.* - A landowner and his/her
15 designated developer or duly authorized representative who fails to commence and/or
16 complete the development of agricultural lands with approved order of conversion shall
17 be penalized, jointly or severally, with any of the following fines based on the
18 zonal value of the land at the time the fine is imposed:

19 a. On failure to commence within one year from the date of conversion order:

- 20 (1) Six percent (6%) of the zonal value of the subject land for the first three (3) hectares
21 (2) Fifteen percent (15%) of the zonal value of the subject land for the next three (3)
22 hectares, and
23 (3) Thirty percent (30%) of the zonal value of the subject land for the remaining area:
24 *Provided,* That the order of conversion shall be deemed revoked automatically and
25 the land shall revert to its original agricultural use and covered by the DAR
26 through compulsory acquisition for distribution to qualified beneficiaries.

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

32 **SECTION 58.** *Authority to Impose Fine.* - DAR shall impose the penalty provided for
33 under the preceding section.

34 **SECTION 59.** *Withdrawal of Local Development Permits or Licenses.* - Upon receipt of
35 notice from the DAR, the concerned agencies and the city or municipality shall withdraw
36 or revoke any development permit and other licenses that may be necessary to
37 develop the agricultural land subject of conversion.

1 **SECTION 60. *Utilization of Fines.*** - The fines collected under Sections 57, 62 and
2 63 hereof shall automatically accrue to the Agrarian Reform Fund consistent with
3 the provisions of the CARP, as amended.

4 **SECTION 61. *Failure to Formulate, Enforce, and/or Implement the CLUPs.*** - Consistent
5 with due process, the DILG shall investigate, review, and impose appropriate
6 action, regarding local chief executives and other local officials and employees
7 responsible for the formulation, enforcement, and/or implementation of the CLUPs in
8 case of any of the following:

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

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

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

21 **SECTION 62. *Person(s) Abetting Illegal Conversion.*** - Any person initiating, causing,
22 inducing, or abetting illegal conversion shall, upon conviction, be imprisoned
23 from seven (7) to twelve (12) years and imposed a fine of not less than One
24 hundred thousand (P100,000.00) pesos, or both at the discretion of the court:
25 *Provided*, That if the offender is a public official or employee, whether elected or
26 appointed, the penalty shall, in addition thereto, include dismissal through
27 permanent separation from the service and forfeiture of all benefits and
28 entitlements accruing to the public position and perpetual disqualification to run or
29 apply for any elective or appointive public office: *Provided*, further, That if the
30 offender is a juridical person, the penalty of imprisonment shall be imposed on
31 the president, chief executive officer, manager, chairperson and all the members
32 of the board, and other responsible officers thereof. and the fine shall be equivalent to
33 the zonal value of the land or forty percent (40%) of the shareholders equity, as
34 determined at the time of judgment whichever is higher, plus forfeiture of the land in
35 favor of the State for sale through public auction, the proceeds of which shall
36 automatically accrue to the Agrarian Reform Fund as provided for in Section 60 of
37 this Act.

38 **SECTION 63. *Penalty for Reclassification of Protected Agricultural Lands and***
39 ***Exceeding the Limit of Areas Allowed for Reclassification.*** - Any person initiating,

1 causing, inducing, or abetting the reclassification of protected agricultural areas into
2 non- agricultural uses and exceeding the limits set forth under Section 20 of the LGC
3 of 1991, shall be penalized with imprisonment of twelve (12) years and a fine of not
4 less than One hundred thousand (P100,000.00) pesos, or both at the discretion of
5 the court: *Provided*, That if the offender is a public official or employee, the
6 penalty shall, in addition thereto, include dismissal through permanent separation
7 from the service, whether elected or appointed, and forfeiture of entitlements
8 accruing to the public position, and perpetual disqualification to run or apply for any
9 elective or appointive public position: *Provided, further*, That if the offender is a
10 juridical person, the penalty shall be imposed on the president, chief executive officer,
11 manager, chairperson and all the members of the board, and other responsible officers
12 thereof.

13 **SECTION 64.** *Payment of Disturbance Compensation.* - Following the order of priority
14 as enumerated in Section 22 of the CARP, as amended, qualified beneficiaries such
15 as agricultural lessees and share tenants, regular farm workers, seasonal farm
16 workers, other farm workers, actual tillers or occupants of public lands, collective, or
17 cooperative of the above-mentioned beneficiaries, and others directly working on the
18 land affected by agricultural land use conversion shall be entitled to the payment
19 of disturbance compensation equivalent to five (5) times the average of the gross
20 harvests on the landholding during the last five (5) preceding calendar years or a
21 certain percentage of the converted land, whichever is higher, as determined by the
22 DAR.

23 CHAPTER XIII

24 TRANSITORY AND FINAL PROVISIONS

25 **SECTION 65.** *Convening of the NLUC.* - Within thirty (30) days from the effectivity of
26 this Act, the President shall convene the NLUC.

27 **SECTION 66.** *DAR Conversion of Agricultural Lands.* - The authority of DAR to
28 convert agricultural land for non-agricultural uses shall be in existence until June
29 30, 2014 or the expiration of Republic Act No. 9700, otherwise known
30 as the "Comprehensive Agrarian Reform Program with Extension and Reforms Act
31 (CARPER)". In which case, such authority shall be automatically transferred to the
32 DA by virtue of this Act.

33 **SECTION 67.** *Implementing Rules and Regulations.* - Within six (6) months from the
34 effectivity of this Act, the NLUC shall promulgate the rules and regulations to implement
35 the provisions of this Act. Said rules and regulations shall be submitted to the
36 Congressional Oversight Committee for approval.

37 **SECTION 68.** *Congressional Oversight Committee on the Land Use Act.* - There is
38 hereby created a Congressional Oversight Committee which shall monitor
39 the implementation of this Act. It shall be composed of seven (7) members from the

Senate and seven (7) members from the House of Representatives. The Chairpersons of the Senate Committee on Environment and Natural Resources and the House of Representatives Committee on Natural Resources shall be the Chair and Co-Chair of the Congressional Oversight Committee, respectively. The other members from the Senate shall be appointed by the Senate President based on proportional representation of the parties or coalitions therein with at least one (1) senator representing the minority. The other 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 one (1) member representing the minority.

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 Senate and the House of Representatives.

SECTION 69. Appropriations. - The appropriations for the National Land Use Commission shall be taken from the budget of the Office of the President in the General Appropriations Act in the year following the effectivity of this Act shall be used to carry out the initial operations of the National Land Use Commission. Thereafter, additional sums as may be necessary for the full implementation of NLUC's functions shall be included in the annual General Appropriations Act.

SECTION 70. Review of Existing Land Use Plans. - Provinces, cities, and municipalities with existing land use plans shall review, revise, reconcile, and harmonize the same with the guidelines and standards set forth under this Act within three (3) years from the effectivity of this Act.

SECTION 71. Repealing Clause. - All republic acts, executive orders, rules and regulations, and other issuances, or parts thereof, that are inconsistent with the provisions of this Republic Act are hereby repealed or modified accordingly.

SECTION 72. 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, and 8550.

SECTION 73. 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 74. 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,