

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Nineteenth Congress
First Regular Session

HOUSE BILL NO. 420



Introduced by Representative JOEY SARTE SALCEDA

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

EXPLANATORY NOTE

Most of the issues pertinent to land use, land registration, agrarian reform, ancestral domain, agricultural modernization, mining, taxation, urban development, housing and local governance are already part of the existing laws in the country. These laws are implemented to ensure that genuine sustainable development is achieved considering the country's limited land, natural, physical and other resources.

But, through the years, these laws covering conflicting uses of land are needed to be raised again to discourse in order to provide the needs of the present to pave the way of the development of the country's lands and maximizing its use. Interconnecting concerns on constant population growth, food production, human settlements, among others, compete over the use of our limited resources, making it a need to come up with a wider system of land use.

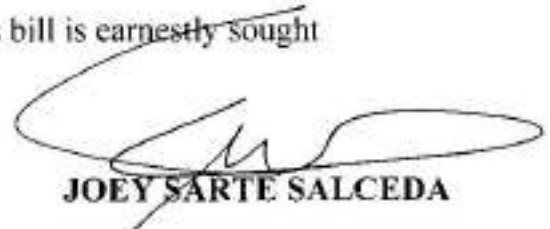
Therefore, it is vital to continually integrate and harmonize existing laws, policies and guidelines in relation to land use and planning to craft a comprehensive land use framework which would define land use plans and its accomplishment.

This bill proposes to provide the overall framework for the rational allocation, disposition, sustainable use, and management of land resources for a variety of ecological and economic uses. It also aims to prevent premature conversion of agricultural lands for other uses.

This measure also proposes to develop a Physical Framework Plan and to define the indicative uses of land and other physical resources from the national down to the cities and municipalities to serve as the guiding principle of the local government units (LGUs) in planning for their projects.

The need to effectively lay down this proposal to achieve genuine development, as the government believes that there should be an orderly allocation of land for agricultural use, residential use, commercial use, industrial use and other purposes it may serve, must not be further delayed.

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



JOEY SARTE SALCEDA

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Nineteenth Congress
First Regular Session

HOUSE BILL NO. 420

Introduced by **Representative JOEY SARTE SALCEDA**

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

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

**CHAPTER I
INTRODUCTORY PROVISIONS**

SEC. 1. Title. - This Act shall be known as the "National Land Use Act of the Philippines."

SEC. 2. Declaration of Policies and Principles. - It is the policy of the State to protect and advance the right of the Filipino people to a balanced and healthful ecology through the rational allocation, utilization, development and management of the country's land and resources therein that is consistent with the principles of sustainable development and inclusive growth.

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

- a) Settlements, transportation and other infrastructure development in support of global urban competitiveness and inclusive growth;
- b) Improved access to affordable, livable and resilient housing through various means such as by increasing land supply through direct land allocation and land banking, better access to unutilized lands, including unutilized government-owned lands, and promotion of multiple uses and higher densities, where appropriate;
- c) Energy security and energy resiliency;

d) Protection of prime agricultural lands, i.e., Strategic Agricultural and Fisheries Development Zones (SAFDZ), for food security in rice and corn and other basic food commodities;

e) Protection of water resources, including critical watersheds and watershed reservations, in support of water and food security;

f) Protection and proper utilization and management of the country's natural resources;

g) Protection and conservation of the country's natural heritage and biodiversity;

h) Protection and preservation of Filipino historical and cultural heritage;

i) Integration of Disaster Risk Reduction (DRR) and Climate Change Adaptation (CCA) in land use and physical planning;

j) Market orientation within the framework of intergenerational factors in achieving efficiency in land use allocation;

k) Public-Private Partnership where government provides the appropriate policy, legal and institutional framework to guide the private sector's use of land;

l) Equitable access of basic sectors to the country's land by regulating land valuation to prevent land pricing speculation;

m) Respect for and recognition and protection of the rights of the Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) to their ancestral domains, compliance with Free, Prior and Informed Consent (FPIC) of ICCs/IPs as well as recognition of customary laws and sustainable traditional resource use and management, indigenous knowledge systems, and practices in ancestral domains; and

n) Community participation in the management and protection of land resources.

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 Constitution and Republic Act (RA) 7160 or the 1991 Local Government Code (LGC).

Further, it is the policy of the State to encourage landowners to develop and conserve their lands and make them productive and supportive of sustainable development and environmental stability guided by the principle that the use of land bears a social function and that all economic agents shall contribute to the common good.

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

CHAPTER II DEFINITIONS

SEC. 4. Definitions. - As used in and for purposes of this Act, the following terms shall mean:

a) **"Adaptation"** refers to the adjustment in natural or human systems in response to actual or expected climatic stimuli or their effects, which moderates harm or exploits beneficial opportunities;

b) ***"Agricultural land"*** refers to lands devoted to or suitable for the cultivation of the soil, planting of crops, growing of fruit trees, raising of livestock, poultry, fish or aquaculture production, including the harvesting of such farm products, and other farm activities and practices performed in conjunction with such farming operations done by persons whether natural or juridical and not classified by law as national parks, mineral land, forest land, residential land, commercial land, or industrial land;

c) ***"Agricultural land use conversion"*** refers to the undertaking of any development activity which modifies or alters the physical characteristics of agricultural lands to render them suitable for specific non-agricultural use as indicated in the approved order of conversion issued exclusively by the Department of Agrarian Reform (DAR);

d) ***"Agricultural land reclassification"*** refers to the act of specifying how agricultural lands shall be utilized for non-agricultural uses such as residential, industrial, commercial, as embodied in the land use plan, subject to the requirements and procedure for land use conversion, undertaken by the Local Government Unit (LGU) in accordance with Section 20 of RA No. 7160;

e) ***"Alienable and disposable lands"*** refer to lands of the public domain which have been delineated, classified, and certified as such and are available for disposition under Commonwealth Act No.141, otherwise known as the "Public Land Act," as amended. No land of the public domain eighteen percent (18%) in slope or over shall be classified as alienable and disposable lands, subject to the provisions of Presidential Decree No. 705, otherwise known as the Revised Forestry Code of the Philippines;

f) ***"Ancestral domains"*** refer to all areas generally belonging to ICCs/IPs as defined in RA 8371, otherwise known as the Indigenous Peoples Rights Act (IPRA) of 1997;

g) ***"Ancestral Domain Sustainable Development and Protection Plan (ADSDPP)"*** refers to a plan formulated and pursued in accordance with the rights of ICCs/IPs to manage and develop the land as well as natural and human resources within their ancestral domains based on their indigenous knowledge systems and practices on the principle of self-determination and self-governance;

h) ***"Biodiversity"*** refers to the variability among living organisms from all sources including terrestrial, marine, and other aquatic ecosystems and the ecological complexes of which they are part. This includes diversity within species and of ecosystems;

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

j) ***"Comprehensive Land Use Plan" (CLUP)*** refers to the document formulated by the local government in consultation with its stakeholders, that defines or provides guidelines on the allocation, utilization, development and management of all lands.

within a given territory or jurisdiction, including municipal waters, according to the inherent qualities of the land itself and supportive economic, demographic, socio-cultural and environmental objectives;

k) ***“Climate Change”*** refers to a change in climate that can be identified by changes in the mean and/or variability of its properties and that persists for an extended period typically decades or longer, whether due to natural variability or as a result of human activity;

l) ***“Climate change adaptation”*** refers to the adjustment in natural or human systems in response to actual or expected climatic stimuli or their effects, which moderates harm or exploits beneficial opportunities;

m) ***“Critical watershed”*** refers to a drainage area of a river system supporting existing and proposed hydroelectric power, domestic water consumption, and irrigation works needing immediate rehabilitation as it is being subjected to fast denudation causing accelerated erosion and destructive floods;

n) ***“Cultural heritage”*** refers to the totality of cultural properties preserved and developed through time and passed on for posterity;

o) ***“Development plan”*** refers to a document that defines the activities or measures that the national government or LGUs intend to implement in order to achieve a defined set of development goals. It integrates the socioeconomic and sectoral plans of the national government or its instrumentality or a particular LGU with spatial plans such as land use or physical framework plans. It may include an analysis of problems and resources, definition of goals and objectives, policy guidelines, project and target achievements, and an implementation mechanism which defines the roles and contributions expected from the government and the private sector. Development plans include the national-level Philippine Development Plan (PDP) and its counterpart plans at the regional, provincial and local levels called the Regional Development Plan (RDP), the Provincial Development and Physical Framework Plan (PDPFP) 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;

p) ***“Disaster risk reduction”*** refers to the concept and practice of reducing disaster risks through systematic efforts to analyze and manage the causal factors of disasters, including through reduced exposure to hazards, lessened vulnerability of people and property, wise management of land and the environment, and improved preparedness for adverse events;

q) ***“Ecologically-fragile lands”*** refer to lands within the critical watershed, brackish and freshwater wetlands, pasture lands, and croplands which require rehabilitation and whose continued unsustainable use would lead to land degradation and adversely affect the productivity of lowland agricultural areas and the stability of the upland system;

r) ***“Energy resource lands”*** refer to lands where naturally occurring or indigenous energy resources exist;

s) ***“Energy resources”*** refer to surface or subsurface substances that serve as energy sources. These are traditionally mineral fuel deposits such as coal, petroleum, natural

gas or renewable energy resources such as biomass, geothermal, solar, hydro, ocean, wind and other similar resources which serve the same purpose;

t) ***“Environmentally-critical areas”*** refer to areas that are exposed to hazards, perform vital environmental service functions, historically and archaeologically important, ecologically unique, socio-culturally important, habitat of endangered or threatened species where such areas need to be protected, conserved and monitored;

u) ***“Exhausted mineral resources”*** refer to a situation where the mineral resources in specific sites are no longer in sufficient quantity to justify additional expenditure for extraction or utilization;

v) ***“Food security”*** refers to the policy objective of meeting the food availability, accessibility, and affordability requirements of the present and future generations of Filipinos in a sustainable manner, through local production or importation, only when there is shortage established based on a micro level situation, or both, based on the country's existing and potential resource endowments and related production advantages, and consistent with the overall national development objectives and policies;

w) ***“Flood plain”*** refers to portion of river valley adjacent to river channel which is covered with water when river overflows its banks at flood stages; the plain usually consists of silt deposited by the stream;

x) ***“Flood-prone areas”*** refer to low lying areas usually adjacent to large or active water bodies and therefore experience regular or seasonal inundation as a result of changes in the mean water level of these bodies or because of artificial interference with the natural processes;

y) ***“Forest lands”*** refer to lands of the public domain which have been classified and declared as such and all unclassified lands of the public domain;

z) ***“Foreshore land”*** refers to a string of land margining a body of water; the part of a seashore between the low-water line usually at the seaward margin of a low tide terrace and the upper limit of wave wash at high tide usually marked by a beach scarp or berm;

aa) ***“Free, Prior and Informed Consent”*** refers to consensus of all members of the ICCs/IPs to be determined in accordance with their respective customary laws and practices, free from any external manipulation, interference and coercion, and obtained after fully disclosing the intent and scope of the activity, in a language and process understandable to the community;

bb) ***“Geo-hazards”*** refer to geological processes/phenomenon that may cause loss of life, injury or other health impacts, property damage, loss of livelihoods and services, social and economic disruption or environmental damage. This includes internal earth processes such as earthquakes and volcanic activities, and geophysical processes like mass movements, landslides, surface collapses, debris, and mud flow;

cc) ***“Hazard-prone areas”*** refer to areas frequently visited and/or vulnerable or prone to experience weather/climatic, hydrologic, geologic, and other natural calamities;

dd) ***“Heritage Zones”*** refer to historical, anthropological, archaeological and artistic geographical areas and settings that are culturally significant to the country as declared by the National Museum and/or National Historical Institute, pursuant to RA 10066 or the National Cultural Heritage Act of 2009;

ee) ***“Human Settlements”*** comprise of (i) physical components of shelter and infrastructure; and (ii) services to which the physical elements provide support, such as community services which include education, health, culture, welfare, recreation and nutrition;

ff) ***“Idle or Abandoned Land”*** refers to any agricultural land not cultivated, tilled or developed to produce any crop nor devoted to any specific economic purpose continuously for a period of three (3) years immediately prior to the receipt of notice of acquisition by the government as provided under RA 6657 or Comprehensive Agrarian Reform Program (CARP) as amended by RA 9700, but does not include land that has become permanently or regularly devoted to non-agricultural purposes. It does not include land which has become unproductive by reason of force majeure or any other fortuitous event, provided that prior to such event, such land was previously used for agricultural or other economic purpose;

gg) ***“Illegal conversion”*** refers to conversion of agricultural land by its landowner, or persons acting on the landowner’s behalf, into any non-agricultural use without filing an application for reclassification and conversion with the DAR;

hh) ***“Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs)”*** refers to groups of people or homogenous societies identified under RA 8371 or the IPRA;

ii) ***“Inclusive growth”*** refers to ensuring that the economic opportunities created by growth are available to all, particularly the poor, to the maximum possible extent;

jj) ***“Integrated watershed management”*** refers to a planning strategy or program for watershed areas that complement environmentally-sound soil and water and other natural resources management practices with mechanisms for ensuring greater responsibility, involvement, or participation of individuals, groups, communities and other stakeholders benefiting from these areas and water-related infrastructure;

kk) ***“Land”*** refers to a solid surface of the earth that is not permanently covered by water. The vast majority of human activity throughout history has occurred in land areas that support agriculture, habitat and various natural resources;

ll) ***“Land banking”*** refers to the acquisition of land at values based on existing use in advance of actual need to promote planned development and socialized housing programs;

mm) ***“Land degradation”*** refers to the reduction or loss of the biological or economic productivity and complexity of rain-fed cropland, irrigated cropland, or range, pasture, forest and woodlands resulting from land uses or from a process or combination of processes, including processes arising from human activities and habitation pattern;

nn) ***“Land use”*** refers to the manner of utilization of land, including its allocation, development, and management;

oo) ***“Mandatory consultations”*** refer to the mechanism to ensure the involvement of affected sectors and other stakeholders in land use planning from the local to the national level. It involves giving notice of hearing/consultation to affected sectors and other stakeholders through publication or posting in conspicuous places, conduct of a reasonable number of hearings, and solicitation of positions and the public presentation and validation of the planning results before the final adoption of the plans;

pp) ***“Mangroves”*** refer to a community of intertidal plants including all species of trees, shrubs, vines and herbs found on coasts, swamps, or border of swamps;

qq) ***“Marine Protected Area”*** refers to a defined area of the sea established and set aside by law, administrative regulation, or any other effective means, in order to conserve and protect a part of or the entire enclosed environment, through the establishment of management guidelines. It is a generic term that includes all declared areas governed by specific rules or guidelines in order to protect and manage activities within the enclosed area;

rr) ***“Mineral exploration”*** refers to the systematic searching or prospecting for mineral resources, excluding energy resources;

ss) ***“Mineral lands”*** refer to lands where mineral, excluding energy resources, are found in sufficient quantity and quality that would allow economically viable exploitation and utilization;

tt) ***“Multiple use of land”*** refers to the utilization or management strategy for specific lands which allows any activity thereat, depending on the result of prior evaluation on its numerous beneficial uses and in accordance with priorities in land use allocation and planning, that will produce the optimum benefits to the development and progress of the area and to the public welfare without impairment or with the least injury to its other resources;

uu) ***“National Integrated Protected Areas System (NIPAS)”*** refers to the classification and administration of all designated protected areas to maintain essential ecological processes and life-support systems, to preserve genetic diversity, to ensure sustainable use of resources found therein, and to maintain their natural conditions to the greatest extent possible;

vv) ***“National Park”*** refers to a land and water reservation essentially of natural wilderness character which has been withdrawn from settlement, occupancy or any form of exploitation except in conformity with approved management plan and set aside as such exclusively to conserve the area or preserve the scenery, natural and historic objects, wild animals and plants therein and to provide enjoyment of these features in such areas. It also refers to lands of public domain classified as such in the 1987 Constitution which include all areas under the NIPAS pursuant to RA 7586 or the National Integrated Protected Areas System Act of 1992 as amended by RA 11038 or the Expanded National Integrated Protected Areas System Act of 2018, primarily designated for the conservation of native plants and animals and associated habitats and cultural diversity;

ww) ***“Network of Protected Areas for Agriculture and Agro-industrial Development (NPAAAD)”*** refers to agricultural areas identified by the Department of Agriculture (DA) 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 plain land highly suitable for agriculture whether irrigated or not; agro-industrial croplands or lands presently planted to industrial crops that support the viability of existing agricultural infrastructure and agro-based enterprises, highlands, or areas located at an elevation of 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 mangrove areas and fish sanctuaries;

xx) ***“On-site development”*** refers to the process of upgrading and rehabilitation of bighted and slum urban areas with a view of minimizing displacement of dwellers in said areas, and with provisions for basic services as provided for in RA 7279 or the Urban Development and Housing Act (UDHA);

yy) ***“Patrimonial properties”***-refer to all other property of the State, which is not of the character described as property of public dominion; when no longer intended for public use or for public service; all other property possessed by a province, city, or municipality not classified as property for public use;

zz) ***“Prime agricultural land”*** refers to areas that are covered by the Strategic Agriculture and Fisheries Development Zones or SAFDZs defined in this Act;

aaa) ***“Premature conversion”*** refers to the conversion of agricultural land by its landowner, or persons acting on the landowner’s behalf, into any non-agricultural use without the approval by the DAR of the landowner’s application for reclassification and conversion;

bbb) ***“Protected areas”*** refer to portions of land set aside by reason of their unique physical and biological significance, managed to enhance biological diversity, and protected against destructive human exploitation. For purposes of this Act, it shall include agricultural lands identified and delineated under Section 45 of this Act;

ccc) ***“Public domain”*** refers to lands that belong to the State which may be any of the following: agricultural, forest or timber, mineral, or national park, as provided for in the 1987 Constitution;

ddd) ***“Public lands”*** refer to lands which have not been subject to private property rights or subject to sale or other modes of acquisition or concession under the general laws, and are devoted to public use;

eee) ***“Resettlement areas”*** refer to areas identified by the appropriate national agency or by the LGUs with respect to areas within its jurisdiction that shall be used for the relocation of the underprivileged and homeless, as defined under RA 7279 or UDHA;

fff) ***“River basin”*** refers to the horizontal projection of area from which a river and its tributaries receive surface water originating from precipitation;

ggg) ***“Salvage zone”*** refers to lands measuring 20 meters measured landward from the interior limit of the shoreline for easement purposes.

hhh) ***“Settlements development”*** refers to any improvement on existing formal or informal residential or housing settlements or any proposed development of certain areas for residential or housing settlement purposes. It also involves the spatial distribution of population, identification of the roles and functions of key urban centers, determination of relationships among settlement areas, and the provision of basic services and facilities of identified major residential or housing settlement areas or growth centers;

iii) ***“Socialized housing”*** refers to housing programs and projects covering houses and lots or homelots only, or residential condominium units undertaken by the government or the private sector for the underprivileged and homeless citizens which shall include sites and services development, long-term financing, liberalized terms on interest payments, and such other benefits in accordance with the UDHA;

jjj) ***“Socialized housing zones”*** refer to lands identified and designed by LGUs as sites for socialized housing pursuant to Article IV of the UDHA and its implementing guidelines;

kkk) ***“Subclassification of lands”*** refers to the act of determining and assigning more specific uses of lands already classified in accordance with the 1987 Constitution and existing laws;

lll) ***“Strategic Agriculture and Fisheries Development Zones (SAFDZ)”*** - refers to the areas within the NPAAAD identified for production, agro-processing and marketing activities to help develop and modernize, with the support of government, the agriculture and fisheries sectors in an environmentally and socio-culturally sound manner; also referred to as Prime Agricultural Lands;

mmm) ***“Strict Protection Zone”*** - pertains to the management zones of protected areas consisting of natural areas with high biodiversity value closed to all human activities except for scientific studies and/or ceremonial or religious use by the ICCs/IPs. It may include habitats of threatened species, or degraded areas that have been designated for restoration and subsequent protection, even if these areas are still in various stages of regeneration;

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

ooo) ***“Tourism Enterprise Zone”*** refers to an area designated as tourism enterprise zone by the Tourism Infrastructure and Enterprise Zone Authority pursuant to the provisions of RA 9593 otherwise known as the Tourism Act of 2009;

ppp) ***“Tourist spot”*** refers to a particular area/site/spot, man-made or natural, known for its unique tourist/visitor-drawing attributes and activities. It may be classified according to its social, cultural, natural, historical, scientific, religious, and recreational significance;

qqq) ***“Urban area”*** refers to a barangay which has a population size of 5,000 or at least one establishment with a minimum of 100 employees, or 5 or more establishments with

10 to 99 employees, or five or more facilities within the two-kilometer radius from the barangay hall;

rrr) ***“Urban Development”*** refers to the process of occupation and use of land or space for activities such as residential, industrial, and commercial and the like or their combinations, necessary to carry out the functions of urban living. It entails the building or rebuilding of more or less permanent structure over land that is often withdrawn or converted from its original use, resulting in the creation of a built environment;

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

ttt) ***“Urban green space”*** refers to the establishment or setting-up of areas for mini-forest or small nature parks, lining roads and highways with trees, shrubs, or ornamental plants, and ground landscaping of schools, hospitals, and other government agencies in order to improve the environment in urban areas;

uuu) ***“Vulnerable areas”*** refer to areas exposed to natural and anthropogenic hazards of soil, geology, vegetation, flora, fauna, human and coastal;

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

www) ***“Watershed”*** refers to a land area drained by a stream or fixed body of water and its tributaries having a common outlet for surface run-off;

xxx) ***“Watershed and Ecosystem Management”*** refers to the holistic, collaborative, multiple uses and sustainable management of all the resources within a planning unit known as watershed.

yyy) ***“Watershed reservation”*** refers to a forest land reservation established to protect or improve the conditions of the water yield thereof to reduce sedimentation;

zzz) ***“Zoning”*** refers to the division of a community into districts (e.g., commercial, residential, industrial, institutional, etc.) in order to maximize, regulate and direct their use and development according to the Comprehensive Land Use Plan. It is also concerned primarily with the use of land and through imposition of building heights, bulk, open space and density in a given area; and

aaa) ***“Zoning ordinance or ZO”*** refers to a locally enacted ordinance which embodies, among others, regulations affecting uses allowed or disallowed in each zone or district, conditions for allowing them, and deviations legally allowed, from the requirements of the ordinance.

CHAPTER III

PHYSICAL FRAMEWORK AND LAND USE PLANS

SEC. 5. National Physical Framework Plan. - The National Land Use Council

(NLUC), created in Section 14 herein, shall formulate and periodically update a National Physical Framework Plan (NPFP) that defines the urban, rural and regional development in the country. The framework plan shall promote the following objectives: (a) global competitiveness of the national urban system that is fully integrated with the rural areas; (b) employment and inclusive growth; (c) sustainable use of land and water resources; (d) protection of environmentally-critical areas and prime agricultural lands; (e) sustainable communities; (f) effective social service delivery; (g) safe food production and distribution efficiency; (h) historic and heritage preservation and recognition of ancestral domains; and (i) DRR and CCA. The NPFP shall have a timeframe of 30 years, to be reviewed and updated every 10 years. The policies prescribed in the NPFP shall be integrated into the PDP and the Public Investment Program.

SEC. 6. Regional Physical Development Framework. - The Regional Land Use Policy Committee (RLUPC), created under Section 18 of this Act, shall formulate and periodically update the regional physical development framework in a manner consistent with and following the objectives of the NPFP, as applicable to the region. The regional physical development framework shall guide the preparation of and harmonize the PDPFPs and Comprehensive Land Use Plans (CLUPs) of highly urbanized cities (HUCs) and independent component cities (ICCs) within the territorial jurisdiction of the region. It shall have a timeframe of 30 years, to be reviewed and updated every 10 years. The regional physical development framework shall serve as a spatial input in the formulation of the RDP and the Regional Development Investment Program.

SEC. 7. Provincial Development and Physical Framework Plans. - The Provincial Development Council (PDC), through the Provincial Planning and Development Office (PPDO), shall formulate and periodically update the PDPFP which shall define the province's development vision, economic and social development policies, general land uses, inter-city/municipal transportation system, and DRR and CCA strategies. The PDPFP shall prescribe a framework consistent with the regional physical development framework and define the physical development of the province in a manner that promotes the objectives of the NPFP defined in Section 5 of this Act. The PDPFP shall harmonize the CLUPs of component cities and municipalities, taking into consideration shared resources and planning concerns, thus making it a key vertical influence in linking local development objectives with regional and national policies and priorities. The PDPFP shall have a planning period of 10 years, to be updated every three (3) years. It shall serve as basis in the formulation of the Provincial Development Investment Program.

The PDPFP shall be submitted to the Provincial Land Use Policy Committee, created under Section 19 of this Act, for review and endorsement to the *Sangguniang Panlalawigan*, which shall adopt the same pursuant to Section 468 (2) (vii) of RA 7160 or the LGC.

SEC. 8. City and Municipal Land Use Plans. - The City/Municipal Development Council, through the City/Municipal Planning and Development Office (C/MPDO), shall formulate and periodically update the CLUP in accordance with national policies, standards, and guidelines issued by the Department of Human Settlements and Urban Development (DHSUD). The CLUP shall define the city/municipality's development vision, environmental protection, economic and social development policies, land uses, densities, and transportation system. The C/MPDO shall incorporate in the CLUP the updated SAFDZ maps prepared by the DA through BSWM pursuant to RA 8435 or the Agriculture and Fisheries Modernization Act (AFMA). The CLUP shall be consistent with the PDPFP; it shall define the physical

development of the city/municipality in a manner that promotes the objectives of the NPFP defined in Section 5 of this Act.

The spatial directions prescribed in the CLUP shall be the basis for the CDP and local development investment program. The CLUP shall be enacted into a Zoning Ordinance (ZO) by the *Sanggunian* to regulate the uses of land, including limitations on height, density and bulk of buildings, and other infrastructure that may be placed thereon.

SEC. 9. Physical Framework and Land Use Planning Process. - The physical framework and land use planning process shall be iterative following a combined bottom-up and top-down approach, with mandatory consultations conducted in all levels, and shall consider available and updated multidisciplinary scientific information of land uses. The NPFP shall guide planning at the national and subnational levels. The regional physical development framework and, consequently, the PDPFPs and CLUPs shall be consistent with the NPFP; Provided that the integration and harmonization of physical and land use plans at all levels shall be iterative to ensure that the concerns of both top and bottom levels of government are considered in the NPFP, regional development physical frameworks, PDPFPs and CLUPs. The physical and land use plans prepared at all levels shall have internal consistency to ensure complementation in the utilization, development and management of land.

SEC. 10. Revision of Existing Planning Guidelines. - The existing planning guidelines on the NPFP, regional development physical framework and PDPFP shall be reviewed and revised pursuant to Sections 5, 6, 7, and 9 of this Act.

CHAPTER IV FRAMEWORK FOR LAND USE/PHYSICAL PLANNING

SEC. 11. Basic Objective of Land Use/Physical Framework Planning. - The primary objective of a physical framework plan is to describe existing land uses and to identify an integrating physical framework—including an overall vision, policies on social and economic development and environmental protection and supporting transportation and other infrastructure facilities—that will define future development. Its output includes the identification of programs, projects and activities needed to achieve the desired development, and which will serve as inputs to the investment program. In the case of the CLUP, it is also intended to provide specific development and building guidelines and parameters that will be implemented through a ZO.

SEC. 12. Approach to Land Use/Physical Framework Planning. - In general, the land use/physical framework planning process shall include a description of existing land uses and land use trends, as well as the physical, demographic, economic, social and environmental conditions that have shaped and are likely to shape future land use and physical developments. It shall then derive a land use plan/physical framework by matching, reconciling or integrating the demand for land (the need for land given future projections and requirements) with the supply of land (the land available for specific uses). The resulting land use plan/physical framework shall be the basis for identifying necessary policies, programs, projects and activities, and development controls to guide future development. The land use plan/physical framework must be holistic in nature and not emanate from specific individual or corporation which, in essence, constitutes as spot zoning.

SEC. 13. Basic Land Use/Physical Planning Considerations. - The following are some basic land use planning considerations:

a) Priority shall be given to life and safety, and thus to identifying hazard prone areas and corresponding risk reduction measures as part of the DRR and CCA objective. Areas identified to be available for other land uses shall then be planned accordingly;

b) Multiple uses of land is possible and even desirable in order to promote sustainability and efficiency. The CLUPs should identify the dominant uses for specific areas, however, utmost consideration to environmental protection should be a primordial concern;

c) Environmentally-critical areas, SAFDZ as prime agricultural lands, IP culturally significant lands and strict protection zones shall be protected from land use conversion or reclassification. Should land use conversion of IP culturally significant lands be inevitable for public interest, consultation with and rituals of the IPs should be done;

d) The identification of network of settlements and settlement and non-settlement areas is key in determining the demand for land because this establishes the location of employment-generating industries and services as well as housing. Once identified, other support uses such, as transportation and other infrastructure facilities as well as social services can be determined;

e) In general, economic growth and poverty reduction are enhanced by land uses which promote a globally competitive national urban system that is fully integrated with the rural areas. The specific roles of individual cities and municipalities in this system will vary depending on their demographic trends, the competitiveness of existing and potential economic activities, physical environment and resource endowments, quality of external linkages and internal integration, infrastructure and technological capacities;

f) Ancestral domain and native titles shall be recognized and respected and protected, with the ADSDPP in harmony with physical/land use and development plans at the regional and local levels. The right of the IPs/ICCs provided under IPRA on the use of their land shall be inviolable.

g) Sustainable development should be integrated into protection as well as in other urban and rural land uses;

h) Physical characteristics such as soil, land cover, slope, topography, elevation, geology, geography, climate, and resulting vulnerability to land degradation and, hazard prone areas are basic considerations in identifying allowable or preferred land uses, transportation systems and other support infrastructure facilities;

i) Land use conflicts are inevitable, unavoidable, and are likely to increase and intensify as population increases. Greater consideration should be given to those that are life-threatening or are direct threats to public safety; harmful or destructive to protected areas, flora, fauna, and other protected natural resources and ecosystems; and

j) All levels of physical and land use plans shall be directly linked and aligned with

each other and consistent with the objectives of the Philippine Development Plan and other government policies, plans and frameworks.

CHAPTER V

IMPLEMENTING STRUCTURE AND MECHANISM

Article 1

National Land Use Council

SEC. 14. Creation of the National Land Use Council (NLUC). - The National Land Use Council, hereinafter referred to as NLUC, is hereby created. It shall exercise the powers and responsibilities of the current NEDA Board – National Land Use Committee which is hereby abolished. The NLUC 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. It shall integrate efforts, monitor developments relating to land use, and the evolution of policies.

SEC. 15. Composition of the NLUC. - The NLUC shall be composed of 23 members.

- a) The Secretary of the National Economic and Development Authority (NEDA) as Chairperson;
- b) The Secretary of the Department of Environment and Natural Resources (DENR) as Vice-Chairperson;
- c) The Secretaries of the Department of Finance, Justice, Agriculture, Public Works and Highways, National Defense, Trade and Industry, Agrarian Reform, Interior and Local Government, Tourism, Transportation, Science and Technology, Energy, Information and Communications Technology, and Human Settlements and Urban Development;
- d) The Chairperson of the National Commission on Indigenous Peoples;
- e) The Presidents of the Leagues of Municipalities, Cities and Provinces; and
- f) Two land use planning experts from the Private Sector.

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

- a) Formulate policies, and harmonize all laws and policies relevant to land use and physical planning;
- b) Decide and resolve policy conflicts on land use between or among national government agencies and act on unresolved similar land use policy conflicts elevated by Regional Land Use Policy Committee (RLUPC);
- c) Advise the President of the Philippines on all matters concerning land use and physical planning as well as recommend the adoption, passage, or amendment of laws to ensure that plans, programs, projects, and activities, including local government initiatives affecting land use are consistent with national development objectives;
- d) Prepare and periodically update the NPPF;
- e) Coordinate the establishment and maintenance of a national land resource

information and management system that shall integrate, process and share 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;

f) Monitor and coordinate 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) Monitor and coordinate the activities of concerned agencies and entities of the government in the enforcement and implementation of policies and regulations relating to land use and resource management and development;

h) Declare projects of national significance;

i) 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;

j) Adopt rules of procedures for the orderly and expeditious conduct of meetings and other business of the Council; and

k) Perform such other acts and functions and exercise such other powers as may be necessarily implied, inherent, incident, or related to the foregoing.

SEC. 17. National Land Use Office (NLUO). - The National Land Use Office is hereby created as an agency attached to NEDA which will serve as technical secretariat to the NLUC. The NEDA Regional Development Office personnel who serve as secretariat to the NEDA Board – National Land Use Committee who opted to transfer to the NLUO shall be given priority without diminution in rank and remuneration. The staffing pattern shall be drafted by the NEDA in coordination with DBM and Civil Service Commission.

The NLUO shall be headed by an Executive Director with a rank of Undersecretary who shall supervise the operations of the NLUO. He/She shall be a qualified professional in any of the fields of land use, physical planning, environmental management, engineering, public governance or law. The NLUO will establish regional offices which will provide technical secretariat support to the Regional Land Use Policy Committee created under Sec. 18 of this Act.

SEC. 18. Regional Land Use Policy Committee (RLUPC). - At the regional level, the RLUPC under the Regional Development Council (RDC) will be institutionalized. The RLUPC will replicate the NLUC structure and composition, and replace the RDC's Regional Land Use Committee, which is hereby abolished. The RLUPC shall have the following functions:

a) Formulate regional policies on land use and physical planning consistent with national policies and issuances on land use;

b) Decide and resolve policy conflicts on land use planning, classification, and allocation that may arise between or among regional line agencies;

c) Prepare and periodically update the regional development physical framework

to consider national policies and programs and to provide policy directions to provinces, cities, and municipalities in the preparation of their respective physical plans;

d) Guide the provinces, in preparing and periodically updating their PDPFPs to ensure consistency with regional and national plans and policies and to facilitate its integration to the regional plans following a combined bottom-up and top-down approach;

e) Review the PDPFPs of provinces, and CLUPs of highly urbanized cities (HUCs) and independent component cities (ICCs);

f) Promote cooperation and sharing of resources between and among provinces and with their component LGUs to address physical framework planning and development issues including those related to hazards and risks;

g) Undertake the gathering of regional data for the land resource information and management system;

h) Recommend to the NLUC appropriate policies that will resolve land use issues and expedite the resolution.

i) Perform other related functions as may be directed by the NLUC.

Article 2

Local Land Use Committees

SEC. 19. Provincial Land Use Policy Committee (PLUPC). - The Provincial Land Use Committee created under Executive Order No. 72 s. 1993 is hereby abolished, and the Provincial Land Use Policy Committee is hereby created in all provinces to tackle land use concerns whenever necessary.

The PLUPC shall:

a) Advise the *Sangguniang Panlalawigan* on all matters pertaining to land use and physical planning;

b) Decide and resolve policy conflicts or concerns on land use planning, land classification, and allocation that may arise at the provincial level and those between or among cities/municipalities and any unresolved land use conflicts at the city/municipality level;

c) Promote cooperation and sharing of resources between and among component LGUs of the province to address land use and development issues including those related to hazards and risks;

d) Review and endorse to the *Sangguniang Panlalawigan* for adoption, the PDPFP prepared and periodically updated by the PPDO and other land use and physical planning-related policies; and

e) Assist the *Sangguniang Panlalawigan* in reviewing the CLUPs of component cities/municipalities to ensure consistency with the PDPFP and compliance with the limits prescribed under the 1991 LGC for reclassifying agricultural lands.

The PLUPC shall be composed of the following: Provincial Planning and Development Coordinator as chairman, Provincial Agriculturist, Provincial Environment and Natural Resources Officer, Provincial Fisheries Officer, Provincial Tourism Officer, Provincial Engineer, Provincial Assessor, Provincial Agrarian Reform Officer, representative of the DA Regional Field Unit, DILG Provincial Director, representative from DHSUD Regional Office, a representative from CSO and the private sector. The PLUPC may call upon any official of national and regional agencies and other relevant agencies during discussions on land use and

physical planning concerns.

Provinces shall activate their respective PLUPCs within six (6) months from the effectivity of this Act.

SEC. 20. City/Municipal Land Use Committee (C/MLUC). - A City/Municipal Land Use Committee (C/MLUC) is hereby created in all cities and municipalities, including highly urbanized and independent component cities, to tackle land use concerns whenever necessary.

The C/MLUC shall:

- a) Advise the *Sangguniang Bayan* or *Sangguniang Panlungsod* on all matters pertaining to land use and physical planning;
- b) Endorse to the *Sangguniang Bayan* or *Sangguniang Panlungsod*, after its review, for adoption, the CLUP prepared and periodically updated by the City/Municipal Planning and Development Office and other land use and physical planning-related policies; and
- c) Decide and resolve policy conflicts on land use planning, land classification and allocation that may arise at the city or municipal level and any unresolved land use conflicts between and among barangays.

For purposes of this Act, the City/Municipal Planning and Development Coordinator (C/MPDC) shall (a) act on all applications for locational clearances for all new projects except those of vital and national economic or environmental significance which, upon NEDA's declaration of national significance, will be acted upon by DHSUD, and (b) monitor ongoing/existing projects within their respective jurisdictions and issue notices of violation to owners, developers, or managers of projects that are violative of ZOs.

The C/MLUC shall replicate the PLUPC structure and composition. The C/MLUC may call upon any official of national, regional, and provincial agencies/offices and other relevant agencies during discussions on land use and physical planning concerns.

LGUs shall activate their respective C/MLUCs within six (6) months from the effectivity of this Act.

Article 3

Adoption, Approval and Review of Land Use Plans

SEC. 21. Component Cities and Municipalities. - As prescribed in existing laws and issuances, the component cities and municipalities, through their respective *Sanggunian*, shall adopt their respective CLUPs and ZOs, subject to the power of review and approval of the the *Sangguniang Panlalawigan* of their respective provinces with respect to the consistency of the CLUPs and ZOs with Section 8 hereof on the preparation of the PDPFP and with regional and national policies.

SEC. 22. Provinces, Highly Urbanized Cities and Independent Component Cities. - Provinces, HUCs and ICCs shall have the power and authority to adopt and approve their respective PDPFP, CLUPs, and ZOs, as the case may be, through their respective *Sanggunian*. The PDPFP and CLUP shall be reviewed by the RLUPC prior to the adoption by the respective *Sanggunian*. For the cities and municipality of Metro Manila, the Metropolitan Manila

Development Authority, together with the DHSUD, shall review their CLUPs; the DHSUD shall also ratify their CLUPs.

Article 4 **Responsibilities of the National Government Agencies and LGUs**

SEC. 23. Forest Land Boundary Delineation. - Within two (2) years after the effectivity of this Act, the DENR shall complete the delineation on the ground of forest lands and national parks, and submit the same to Congress for enactment into law pursuant to Section 4 Article XII of the 1987 Constitution. The result of forest boundary delineation shall be made available to the public.

As a result of forest boundary delineation and assessment, alienable and disposable lands with slopes of eighteen percent (18%) and above which have not yet been enacted by Congress may be reclassified as forest lands which shall have restricted use for public interest in consideration of environmental and hazard risk mitigation. In the event that said alienable and disposable lands are titled prior to the approval of this Act, a new title shall be issued by the DENR to incorporate provisions, to be defined by DENR, relating to the application of disaster/hazard mitigation measures, such as soil and water conservation measures, effective vegetation cover, and other related measures.

SEC. 24. National Geospatial Information Program. - Within two (2) years upon the effectivity of this Act, the NAMRIA, in coordination with BSWM, Forest Management Bureau (FMB), Land Management Bureau, Biodiversity Management Bureau, Mines and Geosciences Bureau (MGB), Philippine Institute of Volcanology and Seismology (PHIVOLCS), DAR, the National Water Resources Board, National Commission on Indigenous Peoples (NCIP), Department of Energy (DOE), NEDA and other concerned government agencies/bureaus shall complete the updating of base maps. These base maps and corresponding geospatial data shall be shared and disseminated to all agencies and LGUs to serve as reference in plan preparation and other planning activities.

SEC. 25. Delineation and Mapping of Hazard-prone and Vulnerable Areas. - Within two (2) years upon the effectivity of this Act, the BSWM, MGB, FMB, DENR-Ecosystems Research and Development Bureau, PHIVOLCS, PAGASA, DOE, and NAMRIA, in coordination with the National Disaster Risk Reduction and Management Council, the Regional Disaster Risk Reduction and Management Councils, the Climate Change Commission, and other concerned government agencies shall delineate and continuously update the geo-hazard, vulnerable area, hydrometeorological hazard maps and the corresponding geospatial data.

These maps shall be shared and disseminated to LGUs which shall subsequently guide them in the preparation of their own hazards-constrained development and physical framework and land use plans.

SEC. 26. Basic and Applied Research for Science and Technology Development. - Within one (1) year from the effectivity of this Act, the Department of Science and Technology, in coordination with concerned agencies, shall formulate a research agenda that will support physical framework and land use planning

SEC. 27. Scope and Nature of Responsibilities of Other National Government

Agencies. - All concerned national government agencies/bodies shall periodically report to the NLUC on the various activities and accomplishments relative to land use. Likewise, they shall provide their respective sectoral/development plans and other relevant up-to-date data and maps and render technical and administrative support if called upon by the NLUC relative to the implementation of the provisions of this Act.

SEC. 28. Monitoring of CLUP Implementation. - The DHSUD shall design and install an information system for monitoring the actual use of land resources, the reclassification of agricultural lands authorized by cities and municipalities, and the implementation of CLUPs of LGUs with a view to ensuring the compliance with national policies, standards and guidelines; Provided, that the system shall be developed in coordination with DA, DAR, DILG, NEDA, League of Provinces, League of Cities, League of Municipalities and other concerned national government agencies.

SEC. 29. Submission of Annual Report on the Implementation of CLUPs. - The C/MLUCs shall submit an annual report on the implementation of their land use plans to the PLUPC, which shall in turn integrate the provincial reports for submission to the DHSUD regional office. The analysis and related reports on the implementation of CLUPs shall then be submitted by the DSHUD to the NLUC.

CHAPTER VI

SPECIAL AREAS OF CONCERN

Article 1

Forest Lands, Watershed Reservations and National Parks

SEC. 30. Reversion of Alienable and Disposable Lands to Forestlands. - Upon the recommendation of the Secretary of the DENR, duly reviewed and endorsed by the NLUC, and after due consultations with the concerned LGUs and affected parties, Congress may authorize the reversion of alienable and disposable lands of the public domain or portion thereof to forest lands. Geohazard conditions shall be considered prior to LGU issuances of permits and clearances in forestlands. Regardless of any government agency issuing a land title, the DENR together with NAMRIA shall review those designated forestlands with non-conforming uses and recommend measures on how to address these.

SEC. 31. Critical Watershed and Sub-Watershed Areas. - The DENR, in coordination with the DA, NIA, LGUs, and other government agencies, including government-owned and-controlled corporations, shall update information on location and condition of existing and proclaimed watersheds. The DENR shall further identify potential watershed areas and delineate critical watershed and sub-watershed areas that need to be protected, rehabilitated, enhanced, and/or withdrawn from inappropriate and unsustainable uses that contribute to their further degradation.

SEC. 32. Formulation and Implementation of Integrated Watershed Management Plans. - The Watershed Management Planning Team or Watershed Management Council, composed of the DENR, the LGUs and other NGAs and stakeholders concerned shall prepare their integrated watershed management plans (IWMP), which shall be the basis for the formulation of LGUs' CLUPs, DRR/CCA plans, and ADSDPPs. The formulation of the IWMP shall be guided, among others, by the principles of sustainable

management and watershed and ecosystem management.

In cases where a particular watershed straddles two or more regions, the region which covers the largest portion shall lead in the preparation of the IWMP.

The DENR, LGUs, NGAs and major stakeholders concerned shall jointly implement the integrated watershed management plan subject to regular consultations with and involvement of the local communities and other stakeholders.

SEC. 33. Establishment and Management of National Parks. – All areas proclaimed by the President and Congress under the NIPAS pursuant to RA 7586 as amended by RA 11038 including those identified initial component of the NIPAS, shall comprise the National Parks classification of the public domain. The DENR and concerned LGUs shall ensure that such areas are integrated in the CLUP and physical framework plans; Provided however, that the preparation of management plans of protected areas/national parks shall be in accordance with the provisions of RA 7586 as amended by RA 11038 and other laws establishing or declaring a specific area as permanent component of the NIPAS.

Article 2

Coastal Zones, Marine Resources and Waterways Easements

SEC. 34. Criteria on the Allocation and Utilization of Lands within the Coastal Zones. - The allocation and utilization of lands within the coastal zones shall be guided by the following:

a) Areas vegetated with mangrove species shall be preserved for mangrove production and shall not be converted to other uses. Violation of this provision shall be subject to the penalties imposed under Sec. 99 of RA 10654 amending RA 8550 otherwise known as the Philippine Fisheries Code of 1998;

b) Subject to clearance from the DENR, areas that meet all accepted criteria on elevation, soil type, soil depth, topography, supply for successful fishpond development, except mangrove protected areas, shall be utilized for aquaculture purposes;

c) Areas subclassified as mangrove and still suitable for use as such, or due to environmental conditions need to be preserved as mangrove, but is devoid of mangrove stands shall not be converted to other uses and must be rehabilitated/reforested; intrusion to such areas shall be a ground for eviction and imposition of appropriate penalties to be prescribed by the DENR. Violation of this provision shall be subject to the penalties imposed under Sec. 99 of RA 10654 amending RA 8550;

d) Subject to DENR guidelines, areas accessible to the sea and identified for fisherfolk settlement and housing shall be allocated to traditional fisherfolks who are inhabitants of the coastal communities and members of legitimate fisherfolk organizations and/or holders of stewardship lease contracts or titles to ancestral domains or any form of property right arrangements who participate in coastal resource management initiatives, subject to the provisions under Article 51 of PD 1067;

e) Consistent with the DENR guidelines, areas that are neither subclassified as mangrove, fisherfolk settlement nor fishpond may be devoted to recreational or tourism purposes: *Provided*, that such undertaking will not result in environmental degradation and displacement of small fishers;

f) Areas which are considered as traditional fishing grounds shall be used primarily for such purpose, provided, that such practice will not defeat the purpose of

establishing marine protected areas;

g) In compliance to the DENR guidelines, foreshore areas which have been allocated for small infrastructure needed by fisherfolks shall be allowed: *Provided*, that such undertaking will not result in environmental degradation; and

h) With primary environmental consideration, areas which form part of foreshore lands as defined in this Act including those that are under lease agreements or arrangements shall be zoned according to its designated use and evaluated to determine their boundaries and actual sizes.

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

a) Conduct of a comprehensive resource and environmental assessment by the DENR and respective LGUs and accredited non-government organizations (NGOs) and private organizations (POs) within their jurisdiction; and

b) Prior consultation with local Fisheries and Aquatic Resource Management Councils formed under RA 8550.

SEC. 36. Zoning of Foreshore Areas. - LGUs, with the technical assistance from the DENR, shall conduct zoning of their respective foreshore areas to assist government and community fishers identify priority areas for conservation and development, and to enable them to set targets for mangrove reforestation and rehabilitation. Zoning of foreshore areas shall take into consideration ancestral domains that include ancestral waters.

SEC. 37. Marine Resources. The exploration, development and use of marine resources in Philippine waters shall be reserved exclusively to Filipinos. Management of these resources shall be in accordance with existing relevant laws including, but not limited to the PD 1067, RA 8550 as amended by RA 10654, and RA 7586 as amended by RA 11038, and RA 8435. To promote harmony in management of land, coastal and marine resources, CLUPs of coastal LGUs will incorporate Integrated Coastal Management of their municipal waters.

SEC. 38. Protection of Waterways Easements and Flood Plains. Structures of any kind shall not be built in waterways easements. The banks of rivers and streams and the shores of the seas and lakes throughout their entire length and within a zone of 10 meters in urban areas, 20 meters in agricultural areas and 40 meters in forest areas, along their margins, are subject to the easement of public use only in the interest of recreation, navigation, floatage, fishing and salvage.

The protection of floodplains shall adopt a river basin management approach in order to come up with integrated flood mitigation interventions. Development within flood plains and other flood-prone areas must be controlled or, if allowed, must be so sited, constructed and serviced that life of occupants are not put at risk and that disruptions during floods are minimal. The identification and characterization of flood-prone areas and flood plains shall be an integral part of CLUP preparation. Through the CLUPs and ZOs, LGUs shall establish land use regulations including the implementation of RA 9003 or the Ecological Solid Waste Management Act of 2000 to mitigate flood risks.

To promote the best interest and the coordinated protection of flood plains, the DPWH, in coordination with DOST and DENR, shall declare flood control areas, as necessary, and prohibit or control activities that could damage or cause deterioration of lakes and dikes, obstruct the flow of water, change the natural flow of rivers, increase flood losses or aggravate flood problems pursuant to PD 1067. As such, any plan, intervention or utilization specified in this Section should be cleared and issued appropriate permits by the concerned LGU provided herein, including imposition of penalties against identified violators.

Article 3

Settlements Development

SEC. 39. Town, City, and Settlements Development. - Guided by the framework for land use planning in Chapter IV of this Act and the National Urban Development and Housing Framework, the CLUPs and ZOs shall direct the physical development of settlement areas towards the overall goal of economic development and inclusive growth while maintaining environmental integrity.

SEC. 40. Network of Settlements. - The framework and policies for the development of network of settlements shall be provided by the National Physical Framework Plan formulated by the NLUC. Individual settlements shall be planned as part of a national network of settlements. The network shall be based on existing and potential settlements; production activities, particularly those that involve highly competitive industries and services and generate local employment; environmental constraints and sustainability considerations. Individual cities and municipalities shall be integrated through transportation and other infrastructure support facilities.

SEC. 41. Criteria for Settlement Sites. - The following shall be the criteria for identifying settlement areas:

- a) Within A&D lands but not in environmentally-critical, hazard-prone or other protection areas;
- b) Along established urban growth directions;
- c) Are already or can be provided with basic services and utilities;
- d) Ideally within the 0-8% slope range, but with mitigating measures from slope 9-17%;
- e) Reasonably accessible from existing built up areas and other employment centers through existing or proposed roads and other transportation facilities.
- f) Identified ICCs/IPs settlement areas shall be located within ancestral domains based on the ADSDPP.

Hazard-prone (or high-risk) areas shall be defined, delineated and mapped by the DENR and other the mandated government agencies. As such, new settlements within high-risk areas shall not be allowed. In cases where there are existing settlements within geo-hazard areas and/or high risk areas, mitigating and/or protective measures shall be adopted to address the potential danger or risk to lives and property within such settlements. In coordination with the concerned agencies of the government, the NLUC, through the RLUPC and PLUPC, shall provide assistance to concerned LGUs and settlers in instituting safety and corrective measures to address the potential danger or risk. New developments within geo-hazard areas shall be required to submit an Environmental Compliance Certificate (ECC) and Engineering Geological and Geo-hazard Assessment Report (EGGAR) consistent with the Revised

Procedural Manual for DENR Administrative Order (DAO) No. 2003-30 or the Implementing Rules and Regulations of PD 1586 establishing an Environmental Impact Statement System and DAO No. 2000-28 or the "Implementing Guidelines on Engineering Geological and Geohazard Assessment as Additional Requirement for ECC Applications covering Subdivision, Housing and other Land Development and Infrastructure Projects."

SEC. 42. Sustainable Communities. - Each city/municipality or cluster of cities/municipalities, as appropriate, shall seek to follow the basic features of sustainable communities, as guided by the National Urban Development and Housing Framework: transit-oriented, pedestrian-biased, and multiple use, with systems and practices that promote water use efficiency (including water harvesting and recycling), energy efficiency, waste segregation, recycling, and adequate community facilities. Cities and municipalities or clusters thereof shall identify, designate and allocate areas within their territorial jurisdiction to serve as waste disposal site following the provisions of RA 9003 or the Ecological Solid Waste Management Act of 2000.

SEC. 43. Socialized Housing Zones. - In accordance with the UDHA, each city/municipality shall designate and delineate adequate land for housing or residential purposes, including socialized housing and resettlement areas, for the immediate and future needs of the local population as well as those identified as settlers on high-risk areas, underprivileged and homeless within their jurisdiction. The designated and delineated sites for socialized housing, which may include patrimonial properties, shall be zoned as socialized housing areas in the city's or municipality's ZO, pursuant to existing laws and regulations. The State shall encourage on-site development and shall consider accessibility of affected community to employment, economic activities and social services. Socialized housing and resettlement areas identified and delineated by the city or municipality shall be registered with the DHSUD.

SEC. 44. Urban Forest or Green Space. - Each city or highly urbanizing municipality shall identify, designate, and allocate lands owned by the barangay, city or municipality as urban forest or green space based on guidelines and standards to be formulated by DHSUD and adopted by the NLUC.

Article 4 **Agricultural Lands**

SEC. 45. Priority Areas for Agricultural Development. - Priority areas for agricultural development are those covered by the Comprehensive Agrarian Reform Program (CARP) and the SAFDZ as defined in the in Section 4 of this Act

SEC. 46. Conversion of Agricultural Lands. Agricultural lands are deemed converted to non-agricultural uses upon approval by the DAR of the application for conversion or the issuance of an Exemption Clearance, if the land is reclassified as commercial, industrial or residential prior to June 15, 1988. Prime agricultural lands or SAFDZs which are necessary for attaining food security in rice and corn and other basic commodities, as determined by the DA, subject to mandatory public hearings/consultations with the LGUs and endorsement by PLUPCs, the private sector, the NGOs and POs, shall be protected from conversion. Provided, that all irrigated and irrigable lands, all lands developed or possessing the potential for development of high value crops, and all agricultural lands that are ecologically fragile and whose conversion will result in serious environmental problems cannot be converted, the areas

under which are subject to review every 6-8 years by the DA, with mandatory public hearings/consultations. Provided further that in line with the principle that balances food security with the economic efficiency of higher density uses, land use conversion may be allowed when the land, as determined by the DA, ceases to be economically feasible and sound for agricultural purposes, or when the locality has become urbanized and the land will have a greater economic value for residential, commercial or industrial purposes except those not subject to conversion as defined in this Section.

SEC. 47. Reclassification of Agricultural Lands. Consistent with the LGC, LGUs may reclassify agricultural lands to non-agricultural uses. Reclassification shall only be done during the preparation or updating of the CLUP and shall be reflected in the plan. Reclassification in excess of the limits set by the LGC shall be approved by the NLUC. Provided, that the reclassification limits shall be based on the total area of lands zoned as agricultural at the time of updating of the CLUP. However, the DA shall first certify that agricultural lands to be reclassified into non-agricultural uses are eligible for reclassification in accordance with the preceding Section. Further, reclassified lands are deemed converted only upon approval of the DAR as provided in Section 45 of this Act.

Article 5 Mineral Lands

SEC. 48. Criteria for the Utilization and Allocation of Land for Mining Purposes. - Consistent with Section 5 of this Act and the provisions of RA 7942 or the Mining Act of 1995, subject to FPIC of ICCs/IPs, and to ensure that the objectives of maintaining ecological balance and maximizing economic returns to mining operations are realized, the utilization and allocation of lands for mining purposes shall be guided by the following:

- a) The principles of sustainable development and responsible mining;
- b) In case of small-scale mining, adequate and acceptable safeguards shall be instituted by the holders of mining rights or permits to prevent environmental degradation of the mining sites and adjacent areas pursuant to RA 7076 or the People's Small-Scale Mining Act of 1991; No small-scale mining shall be undertaken outside a declared Minahang Bayan and no entity shall engage in small-scale mining without a corresponding mining contract, pursuant to RA 7076;
- c) Mineral reservations which have become non-operational for at least 10 years as determined by the MGB shall be placed under appropriate surface management by the DENR or under the control and management of IPs/ICCs for those under ancestral domain areas; and
- d) Consistent with the Mining Act of 1995, areas closed to mining operations shall be periodically reviewed through mineral exploration to be undertaken by the MGB for the purpose of determining whether or not their continued closure is consistent with the national interest and, if warranted, recommend their reclassification as mineral lands or ancestral domain subject to RA 8371.
- e) In addition to areas indicated in RA 7942, applications for mineral, contracts, concessions and agreements shall not be allowed by in NIPAS areas, prime agricultural lands and lands covered by CARP, tourism development areas, and critical ecosystems as determined by the DENR.

SEC. 49. Reversion of Mineral Lands. - All mineral lands with exhausted mineral resources, as determined by the MGB upon the approval of the DENR, shall revert to its

original land classification, that is, as forestland, agricultural land, or ancestral domain and shall be turned over to the concerned agency. Provided that the private entity/organization that undertook mining activities shall be responsible for the rehabilitation of the mineral lands consistent with RA 7942. In the case of forestlands, the DENR may classify such areas for other purposes in consultation with concerned LGUs, the DOT, and other national government agencies.

Article 6 **Energy Resource Lands**

SEC. 50. Guidelines for the Utilization and Allocation of Lands for Energy Resource Exploration, Development, Production, Utilization, and Distribution Purposes.- To ensure that the objectives of maintaining ecological balance and maximizing the power potential from indigenous energy resources in the most economical and environmentally-acceptable means are realized, the allocation and utilization of lands for said purposes shall be guided by the following, consistent with existing regulations and laws on energy resources:

- a) Indigenous energy resource exploration and development for the purpose of a national energy resource inventory and database as well as energy resource block map shall be allowed subject to the implementation of complementary watershed and other land management plans;
- b) Energy resource exploration, development, production, utilization, and distribution shall be subject to the appropriate requirements and processes of the Philippine Environmental Impact Statement (EIS) system. Each project shall secure an ECC, as applicable, prior to project implementation to ensure adequate and appropriate environmental management measures and optimum methods for resource access and recovery are utilized; and
- c) Energy reservations or portions thereof which have become or have been established to be non-economically viable to operate or are no longer used for energy purposes shall be released to give way to other land uses, subject to existing laws covering energy reservations.

SEC. 51. Reversion of Energy Resource Lands. - All exhausted indigenous energy resource lands, as determined by the DOE, not covered by proclamations shall automatically revert to its original land classification, that is, as forestlands or agricultural lands, or ancestral domains, and shall be turned over to the concerned agency. Exhausted energy resource lands shall refer to specific energy resource sites whose energy reserves of the desired type/s are no longer in sufficient quantity or quality to justify additional expenditure for their extraction and utilization.

Article 7 **Industrial Development Areas**

SEC. 52. Criteria for Designating Industrial Development Areas. - Industrial development areas shall be integrated into the national network of settlements defined by the NPFP, given that industrial areas are major centers of employment and therefore require residential and other community services and facilities. Regardless of their location, industrial areas shall be linked to large cities and other settlements which serve as market and service centers of industries.

The identification and establishment of industrial development areas shall conform to the provisions of RA 7916, otherwise known as the Philippine Economic Zone Act; RA 6657 as amended by RA 9700, RA 8371 or the IPRA, RA 7279 or the UDHA, RA 8345 or AFMA, taking into consideration that those industrial areas shall, to the extent possible:

a) Be based on economic activities where host communities have existing or potential industrial advantages (e.g. labor skills, resource inputs, marketing or distribution advantages);

b) Maximize opportunities for local employment;

c) Provide for or link to a mix of other land uses with support activities and services such as residential, educational, transportation and other social services.; and

d) Consider the areas' carrying capacity and respect identified SAFDZ pursuant to the AFMA, environmentally-critical, geo-hazard and other protected areas.

Locational guidelines for Industrial Development Areas shall be promulgated by the DHSUD, in coordination with concerned agencies. The designated industrial development areas shall become an integral part of the CLUP and ZO of the city or municipality where these areas are located.

Article 8

Tourism and Heritage Areas

SEC. 53. Tourism Enterprise Zones (TEZs). - The Tourism Infrastructure and Enterprise Zone Authority (TIEZA) shall designate TEZs, upon concurrence of the LGU or private entity or joint ventures between the public and the private sectors, subject to the provisions of RA 9593 or Tourism Act of 2009 and requirements set by the TIEZA.

Lands identified as part of a TEZ shall qualify for exemption from the coverage of RAs 7279 and 6657 subject to rules and regulations to be crafted by the TIEZA, DHSUD and DAR; Provided that a certificate shall be obtained from the DA that said lands are no longer economically feasible and sound for agricultural purposes, consistent with Section 46(c) of this Act.

The designated TEZs shall become an integral part of the CLUP and ZO of the city or municipality where these areas are located.

SEC. 54. Identification and Declaration of Areas for Protection, Conservation and Preservation of Cultural Heritage. - Pursuant to RA 10066, the National Historical Institute and/or the National Museum in consultation with the National Council for Culture and the Arts, NCIP, DHSUD, other concerned agencies and LGUs shall designate heritage zones to protect the historical and cultural integrity of a geographical area. Proposed developments adjacent to the declared local, national and world heritage site shall not obstruct or diminish the character of the heritage site.

Article 9

Transportation and Other Infrastructure Development

SEC. 55. Strategic Transport Network. - The national government, through the Department of Transportation, shall establish a strategic and sustainable multimodal transport network that provides connectivity within the national network of settlements. Such

connectivity shall include linkages among existing and proposed priority urban centers, rural areas, production hubs and tourism zones, distribution centers and markets, and key international points of entry. It shall be developed to promote network efficiency and social service delivery, to catalyze areas identified critical for economic growth, while minimizing negative impacts to environmentally-critical and protected areas.

The national network of settlements, as defined in the NPFP, shall guide the development of a multi-modal transportation network. The network shall be designed and implemented to provide seamless connectivity among the various modes of transportation. The RPFPs, PDPFPs and city/municipal CLUPs shall focus on the transportation network that corresponds to their respective jurisdictions (internal integration) while maintaining consistency with the overall national networks (external linkages).

SEC. 56. Allocation and Use of Land for Infrastructure Development. - Land, whether public or private, shall be allocated and utilized for priority transportation and other infrastructure projects such as communication facilities, power lines, and water pipes. Lands dedicated to right-of-way for government facilities either established by statutes, or acquisition shall be devoted to public use. Once implemented or defined in the physical framework and land use plans, existing and proposed government infrastructure rights-of-way shall be protected from incompatible uses, such as informal settlements, barangay hall, outposts, waiting sheds and other obstructions, by national and local governments concerned.

SEC. 57. Transportation and other Infrastructure Facilities and Utilities Within Geo-hazard Areas. - Construction of new infrastructure facilities within geo-hazard areas shall be allowed: *Provided*, That mitigating and/or preventive measures are adopted to address the potential adverse economic, socio-cultural, and environmental impacts that will emanate from these infrastructure facilities, subject to the findings and recommendations contained in the ECC as a result of the environmental impact assessment/statement and EGGAR prepared in accordance with DAO 2003-30 and DAO 2000-28 and other applicable laws.

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

CHAPTER VII

TRAINING, EDUCATION, AND VALUE FORMATION

SEC. 58. Value Formation. - In order to create a well-informed, responsible and committed citizenry who values the protection, conservation, management and development of the country's limited land, and other physical resources, the State shall mandate the inclusion of sustainable land use education or any subject related thereto in the curricula of primary, secondary and tertiary education as well as technical and vocational education programs.

SEC. 59. Information and Education Campaign. - The NLUC shall undertake a

nationwide education information campaign in land use and physical planning to be implemented by local and national government agencies. Concerned agencies shall formulate and implement a land use management capability-building program for national and local government officials, community leaders, NGOs, POs, religious sector, and the general public.

CHAPTER VIII

SANCTIONS AND PENALTIES

SEC. 60. Failure to Formulate, Enforce, and/or Implement the CLUPs. - Within three (3) years after the effectivity of this Act, all LGUs shall complete the formulation of their CLUPs. Failure to formulate, enforce and/or implement the CLUPs shall be subject to the penalties and sanctions to be imposed by the DHSUD pursuant to RA 11201 and its Implementing Rules and Regulations.

SEC. 61. Causing Irrigated Agricultural Lands to be Idle. - Any person or juridical entity who shall cause any irrigated lands whether contiguous or not, within the protected areas for agricultural development, to lie idle and unproductive for a period exceeding one (1) year, unless due to force majeure, shall be subject to an idle land tax equivalent to five percent (5%) of the value of the agricultural land as appearing in its real property tax declaration. In addition, the violator shall be required to put back such lands to productive agricultural use. Should the continued agricultural inactivity, unless due to force majeure, exceed period of two (2) years, the land shall be subject to escheat proceedings.

SEC. 62. Illegal or Premature Conversion of Agricultural Lands. - Any person found guilty of premature or illegal conversion shall be penalized with imprisonment of one month to three years, or a fine of five to ten percent (5-10%), or of the assessed value of the property, or both, at the discretion of the court, and an accessory penalty of forfeiture of the land and any improvement thereon.

SEC. 63. Non-Commencement and Non-Completion of Development of Agricultural Lands with Approved Order of Conversion. - A landowner and his/her designated developer or duly authorized representative who fails to commence development after two (2) years or complete development after five (5) years from the issuance of the Conversion Order shall be penalized with revocation of Conversion Order and forfeiture of cash bond.

SEC. 64. Change of use from the Previously Authorized Conversion Order. The landowner and future landowner(s) of the property approved for conversion shall not change its use to another use not authorized under the Conversion Order without prior consent from the DAR. This prohibition extends to changes in housing standards, changes in selling schemes, changes from social housing to open market housing or vice-versa, and all other similar changes. Violation of which shall be penalized with revocation of Conversion Order and forfeiture of cash bond.

SEC. 65. Payment of Disturbance Compensation. - Payment of disturbance compensation shall be provided to those working on the land affected by agricultural land use conversion.

SEC. 66. Setting of Fines. - The amount of fines for all violations under this Act shall be determined by the NLUC.

CHAPTER IX

TRANSITORY AND FINAL PROVISIONS

SEC. 67. Convening of the NLUC. - Within thirty (30) days from the effectivity of this Act, the NLUC shall be convened by the Secretary of NEDA as the Council Chair.

SEC. 68. Implementing Rules and Regulations. - Within ninety (90) days from the effectivity of this Act, the NLUC shall promulgate the rules and regulations to implement the provisions of this Act. The said rules and regulations shall be submitted to the Congressional Oversight Committee for approval upon compliance with publication requirements.

SEC. 69. Congressional Oversight Committee on the Land Use Act. - There is hereby created a Congressional Oversight Committee composed of seven (7) members each from the Senate and House of Representatives to be appointed by the Senate President and the House Speaker.

The Oversight Committee shall, in aid of legislation, review the implementation of this Act, especially the applicability of the sanctions and penalties, at least once in every 6 years and as often as it may deem necessary.

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

SEC. 70. Appropriations. - The appropriations for the National Land Use Committee under NEDA under the current General Appropriations Act (GAA) shall be used to carry out the initial operations of NLUC. Thereafter, additional sums as may be necessary for the full implementation of NLUC's function shall be included in the annual GAA.

SEC. 71. 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 revised guidelines and standards set forth under this Section 10 of this Act within three (3) years from the effectivity of this Act.

SEC. 72. 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.

SEC. 73. 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 RA Nos. 7076, 7160, 7279, 7586 as amended by RA 11038, 7942, 8371, 8550, and 6657 as amended by RA 7881 and 9700, RA 9729, and RA 10121.

SEC. 74. 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.

SEC. 75. 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.