



HOUSE OF REPRESENTATIVES

Introduced by Honorable Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.

House Bill No. 1498

EXPLANATORY NOTE

This bill was approved by the House of Representatives during the 19th Congress.

Land is the most tangible and limited resource of any country. It is similarly the most valuable commodity prized by its citizenry and most controversial because not every person can have access to land. In the Philippines, the country's 30 million hectares of land is shared by the country's more than 80 million Filipinos. However, not all Filipinos have access to these lands much more own any land. Thus, it is imperative that our country's land resources are effectively and equitably managed not only by the State and its agencies but also by its people for the sake of generations to come.

Because land is a major resource of a country and its people, the utilization of our land resources for national and local development is crucial to maximize the benefits derived from utilization, management and ownership of land. The responsibility of ensuring that the benefits accruing to the country's land resources rests with the national and local governments. In the case of the national government, it is the Department of Environment and Natural Resources (DENR) that is mandated to administer, conserve, protect and manage almost 15.88 million hectares of forestlands or 52.9% of the country's total land area.

Likewise, the DENR, through the Land Management Bureau (LMB), is further mandated to dispose and issue titles to another 6 million hectares of untitled lands that have been released and classified as alienable and disposable (A&D) lands. On the other hand, the Land Registration Authority (LRA) is responsible for the registration of issued titles released by the DENR or judicially decreed lands totaling another 6 million hectares. However, both agencies operate on totally different system of records, information and document management systems and are guided by outdated legal mandates (e.g. Public Land Act of 1936, Land Registration Act of 1902 and Property Registration Decree of 1978) that are not anymore attuned to present day conditions of land administration in the Philippines.

On the other hand, local government units (LGUs) are the key field managers of land resources for both public and private lands. Whilst the DENR and LRA have specific mandates on the over-all administration of public and private lands, LGUs exercise direct administration, preservation, utilization and allocation of land uses and resources at the local levels. In this regard, LGUs have a big stake in the effective and efficient management of land resources in their localities because a large part of the local revenues generated by LGUs in their localities come from income from real property taxes and land related transactions such as transfer taxes.

A joint study by the Bureau of Local Government Finance (BLGF) and the National Tax Research Center (NTRC) of the Department of Finance, reported that for the period 2000-2005, LGUs lost some PhP 9.5 billion yearly due to poor collection efficiency of local property taxes. Among key reasons cited for the poor collection of RPT among LGUs are inefficient

collection systems, understated values of assessed real properties compared to real market values and local economic development. It is no wonder that many LGUs are dependent on national revenue transfers, particularly the yearly internal revenue allotments (IRA), because RPT collection which should be the main source of local revenues is a mere 12.5% of the total revenues generated by LGUs.

It is fervently prayed and admonished that the proposed National Land Use and Management Act be urgently and readily passed into law so that our future generations of Filipinos will not have to suffer the negligence and distress suffered by our parents and ancestors. We can remedy this malady.

In view of the foregoing, immediate approval of this measure is earnestly requested.



RUFUS B. RODRIGUEZ



MAXIMO B. RODRIGUEZ, JR.

HOUSE OF REPRESENTATIVES

*Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.*

House Bill No. **1498**

AN ACT

INSTITUTING A NATIONAL LAND USE POLICY, PROVIDING THE IMPLEMENTING MECHANISMS, CREATING FOR THE PURPOSE THE NATIONAL LAND USE COMMISSION, AND APPROPRIATING FUNDS THEREFOR

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

CHAPTER I

INTRODUCTORY PROVISIONS

SECTION 1. **Short Title.** – This Act shall be known as the “*National Land Use Act*”.

SEC. 2. **Declaration of Principles and Policies.** – All lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, fisheries, forests or timber, wildlife, flora and fauna, and other natural resources are owned by the State. With the exception of agricultural lands, all other natural resources shall not be alienated.

Pursuant to the constitutional provision or mandate, it is the policy of the State to provide for a rational, holistic, and just allocation, utilization, management, and development of the country's land to ensure their optimum use to promote sustainable socioeconomic development and ecological protection.

The State recognizes the need for rational, optimal and sustainable settlements development, consistent with the principles of environmental management and equitable access to land and security.

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

- (a) Sustainable management and utilization of natural resources;
- (b) Maintenance and preservation of environmental integrity and stability specifically the perpetual protection of permanent forests and watershed and ecosystem services for the attainment of food, water and energy sufficiency;
- (c) Disaster risk-reduction and climate change resiliency;
- (d) Protection of prime agricultural lands for food security in basic commodities with emphasis on self-sufficiency in rice and corn;
- (e) Water security through sustainable development and management of water resources towards water security;
- (f) Provision of adequate and efficient settlements, transportation and infrastructure development in support of urban, peri-urban, and rural linkages towards regional development and inclusive growth;
- (g) Harmony between the rights and the varied interests of every Filipino within the framework of people empowerment, decentralization, social justice, and equity;
- (h) Respect for and protection of the sustainable traditional resource rights of the Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) to their ancestral domains to ensure their economic, social, and cultural well-being as well as recognition of the applicability of customary laws and sustainable traditional resource use and management,

knowledge, and practices in ancestral domains in compliance with free and prior informed consent of ICC/IPs;

(i) Protection of the rights of basic sectors to equitable access to the country's land;

(j) Protection, preservation, and development of the country's historical, cultural, archaeological, and built heritage resources for the deeper understanding of our history and culture as a people;

(k) Attainment of energy security and self-sufficiency;

(l) A whole-of-society and whole-of-government orientation, through which thrusts and strategies espoused by different actors and sectors are heard and brought together to achieve complex and interrelated goals, is encouraged and adopted as a basic parameter in achieving efficiency in land use and allocation, within the framework of ecological development and equity;

(m) Promotion of the integrated approach to land use and urban transport planning to effectively manage growth in urban areas and ensure that the capacity of transport facilities can accommodate the demand for movement of passengers and goods to, from, and within the centers of socioeconomic activities;

(n) Vertical and horizontal linkages or spatial strategies and the potential for co-management and inter-locality cooperation across territorial jurisdictions and government levels, highlighting the imperative for a ridge-to-reef and ecosystem-based approach to land and water resource management and governance; and

(o) Data and evidence-informed management and governance of land and water resources, in line with the place-based aspirations and shared values of the community.

It is also the policy of the State to ensure that local government units (LGUs) share with the national government the responsibility of managing and maintaining ecological balance within their territorial jurisdiction as stated in the 1987 Constitution and Republic Act RA 7160, as amended, also known as the "*Local Government Code of 1991*". Guided by the principle that the use of land bears a social function and that all economic agents contribute to the common good, landowners, land tenure holders, in the case of forestlands, be it an individual, communal, corporate or group, is held responsible for developing and conserving their lands, thereby making their lands productive and supportive of environmental stability.

SEC. 3. Scope. – This Act applies to all lands and natural resources in the country, whether public, private, government-owned or in the possession of any person, whether natural or juridical, and serves as guide for the rational, holistic and just allocation, utilization, development and management of the land and water resources in the country, including such activities that bear impact on those resources.

SEC. 4. Definition of Terms. – As used in this Act:

(a) *Agricultural land* refers to land of public domain which has been classified as such and is devoted to agricultural activity as defined under RA 6657, as amended, otherwise known as the "*Comprehensive Agrarian Reform Law of 1988*," and not further classified for residential, commercial or industrial use and such other uses as may be provided by law;

(b) *Agricultural land use conversion* refers to the act or process of changing the current physical use of a piece of agricultural land into some other use not comprising an agricultural activity as defined under RA 6657, as approved exclusively by the Department of Agrarian Reform (DAR) in an order of conversion;

(c) *Alienable and Disposable (A&D) lands* refer to lands of the public domain which have been delineated, classified, and certified as open and available for disposition under existing laws.

(d) *Ancestral domains* refer to all areas generally belonging to indigenous cultural communities or indigenous peoples as defined in RA 8371, otherwise known as "*The Indigenous Peoples' Rights Act of 1997*;"

(e) *Archaeological site* refers to any place, whether above or underground, underwater or at sea level, containing fossils, artifacts and other cultural, geological, botanical,

zoological materials which depict and document culturally relevant paleontological, prehistoric or historic events;

(f) *Basic sector* refers to a group of people not referring to any organized groups, such as but not limited to women, youth, elderly, differently abled, peasants and fisher folk;

(g) *Coastal area or 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*, the geographic extent of which includes areas within a landward 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 two hundred (200) meters isobaths to include coral reefs, algal flats, seagrass beds, and other soft-bottom areas;

(h) *Comprehensive Land Use Plan (CLUP)* refers to a plan embodying a set of policies accompanied by maps and similar illustrations that serves as a policy guide for determining the future use of lands and natural resources within the territorial jurisdiction of the LGU, including municipal waters with due consideration to the biogeographic region within which the locality belongs, representing the community desired pattern of population distribution and proposes future allocation of land and resources to various activities including the processes and criteria employed in such determination of allocation of land and resources for a long-term management of the local territory covering a minimum period of twelve (12) years, reviewable not earlier than every six (6) years;

(i) *Comprehensive land use planning* refers to the act of defining the allocation, utilization, development and management of all lands and water resources within a given territory or jurisdiction according to the inherent characteristic and carrying capacities of the land itself and supportive of sustainable economic, demographic, socio-cultural and environmental objectives as an aid to decision-making and legislation;

(j) *Critical habitats* refer to areas outside protected areas as defined in RA 7586, otherwise known as the “*National Integrated Protected Areas System Act of 1992*”, that are known habitats of threatened species and designated as such based on scientific data taking into consideration species endemicity or richness, presence of human-made pressures or threats to the survival of wildlife living in the area;

(k) *Critical watershed* refers to a drainage area of a river system supporting existing and proposed hydroelectric power, irrigation works or existing water facilities needing immediate protection and rehabilitation to minimize erosion and improve water yield;

(l) *Cultural heritage* refers to the totality of cultural properties, whether natural or human made, preserved and developed through time and passed on for posterity;

(m) *Cultural property* refers to all products of human creativity by which a people and a nation reveal their identity, including churches, mosques and other places of religious worship, schools and natural history specimens and sites, whether public or privately-owned, movable or immovable, and tangible or intangible;

(a) *Customary laws* refer to a body of written or unwritten rules, usages, customs and practices traditionally and continually recognized, accepted, and observed by respective ICCs/IPs, consistent with RA 8371;

(b) *Development plan* refers to the activities and measures that the national government or LGUs intend to implement over a specified period of time to achieve the defined set of development goals identified in the national or local physical framework plans integrating socio-economic, financial, fiscal, legal and legislative institutional and sectoral plans of the national government or any of its instrumentalities or a particular LGU, consistent with the objectives identified in spatial plans, such as land use plans or physical framework plans including an analysis of problems and resources, definition of goals and objectives, policy guidelines, programs and projects, and an implementation mechanism which defines the roles and contributions expected from the government and the private sector;

(c) *Ecologically fragile areas* refer to areas within critical watersheds, brackish and freshwater wetlands, pasture lands, inland rivers and waterways coastal and settlement areas, and croplands which require rehabilitation, protection and whose continued unsustainable use may result in physical risks and threats to life and property, public health and safety as well as

adversely affect the productivity of lowland agricultural areas and stability of the upland system;

(d) *Ecotourism* refers to a form of sustainable tourism within a natural or cultural heritage area where community participation, protection and management of natural resources, culture and indigenous knowledge and practices, environmental education and ethics, as well as economic benefits are fostered and pursued for the enrichment of host community and satisfaction of visitors;

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

(f) *Energy resource lands* refer to lands where naturally occurring or indigenous energy resources exist in sufficient quantity or quality as to be economically viable for exploration, development production, utilization and distribution purposes;

(g) *Exhausted mineral resources* refer to specific sites where the mineral resources are no longer in sufficient quantity or quality to justify additional expenditure for extraction or utilization as determined by the Mines and Geosciences Bureau and approved by the Department of Environment and Natural Resources (DENR);

(h) *Flood plain* refers to relatively smooth valley floors adjacent to and formed by rivers which overflow its banks at flood stages. The plain usually consist of unconsolidated fine sediments such as sand, silt, and clay;

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

(j) *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 marked by a beach scarp or berm;

(k) *Forest* refers to an ecosystem or an assemblage of ecosystems dominated by trees and other woody vegetation or a community of plants and animals interacting with one another and its physical environment;

(l) *Forest lands* refer to one of the four classifications of land defined in the Constitution under the public domain determined as suitable for forest purposes and not classified as mineral land, national park or agricultural land such as all permanent forest reserves, forest reservations, and all the remaining unclassified lands of the public domain;

(m) *Geo-hazards* refer to a geological process or 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;

(n) *Geo-hazard prone areas* refer to areas frequently affected and/or are vulnerable or at risk to weather/climatic, hydrologic, geologic and other natural calamities;

(o) *Heritage zone* refers to historical, anthropological, archaeological, artistic geographical areas and settings that are culturally significant to the country, as declared by the National Commission for Culture and the Arts (NCCA) and/or the National Historical Commission of the Philippines (NHCP);

(p) *Illegal conversion* refers to an attempt to or an actual change in the use of land from agricultural to a residential, commercial, or industrial and other non-agricultural activity, without a conversion grant or clearance based on the requirements under Section 65 of RA 6657, as amended, and to dispossess a tenant as provided under Section 73 (c) of RA 6657, as amended, when established from the following instances:

1. an agricultural land is developed for use in non-agricultural activities without a DAR Conversion Order;
2. the agricultural land being converted is irrigated or irrigable;

3. there is land activity such as, but not limited to, earth filling/dumping, earth moving/digging, and quarrying, and in each case, bona fide conduct of agricultural activities on a greater portion of the land developed has ceased; and
4. Other analogous activities.

(q) *Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPPs)* refer to groups of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed, and utilized such territories, sharing common bonds of language, customs, traditions, and other distinctive cultural traits, or who have, through resistance to political, social, and cultural inroads of colonization, non-indigenous religions and cultures, became historically differentiated from the majority of Filipinos including peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country at the time of conquest or colonization, or at the time of inroads of non-indigenous religions and cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural, and political institutions, but who may have been displaced from their traditional domains, or who may have resettled outside their ancestral domains;

(r) *Key Biodiversity Areas (KBAs)* refer to the present most important sites for biodiversity conservation worldwide which are considered places of international importance for the conservation of biodiversity through protected areas and other governance mechanisms and which are identified nationally using simple standard criteria based on their importance in maintaining species populations;

(s) *Land* refers to resources, both artificial and natural, found on the surface, below, and above the ground, including inland waters and the air therein;

(t) *Land use* refers to the manner of allocation, utilization, management and development of land;

(u) *Land use classification* refers to the act of delineating or allocating lands according to protection land use, production land use, settlements development and infrastructure development as provided for in this Act;

(v) *Land use planning* refers to the rational and judicious approach of allocating available land resources to different land-using activities, such as but not limited to agricultural, residential, industrial, commercial, institutional, forest land uses, and for different functions consistent with the overall development vision/goal of a particular locality;

(w) *Mandatory public hearings or consultations* refer to the mechanism of involving the concerned stakeholders and communities in land use planning, from the barangay to the national level, to ensure the social acceptability of the plans including giving notice of hearing or consultation to the concerned stakeholders through publication or posting in conspicuous places, conducting a reasonable number of hearings, and soliciting positions to arrive at a consensus through public presentations and validation of the planning results undertaken before the final adoption of the plans;

(x) *Marine protected area* refers to a defined area of the sea established and set aside by law, administrative regulation or any other effective means to conserve and protect a part of the entire enclosed environment, through the establishment of management guidelines;

(y) *Minerals* refer to naturally occurring inorganic substance beneath or at the surface of the earth, whether or not under water, and includes all metallic minerals; and non-metallic minerals such as precious stones, industrial rocks, and building stones;

(z) *Mineral lands* refer to any area where mineral resources are found, including areas that are established as mineral reservations, areas with active mining operations; areas with projected mining tenural rights; and areas declared by court decisions as mineral lands;

(aa) *Mineral reservations* refer to areas established and proclaimed as such by the President of the Philippines upon the recommendation of the Director of the Mines and Geosciences Bureau through the DENR Secretary including all submerged lands within the contiguous zone and exclusive Economic Zone.

(bb) *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;

(cc) *National park* refers to forest reservation, essentially of natural wilderness character, which has been withdrawn from settlement, occupancy or any form of exploitation, except in conformity with the 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 including lands and waters of the public domain classified as such in the Constitution such as all areas under the NIPAS primarily designated for the conservation of native plants and animals and associated habitats and cultural diversity;

(dd) *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 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 to promote sustainable growth, covering all irrigated areas, all irrigable lands already covered by irrigation projects, all alluvial plains, lands highly suitable for agriculture, whether irrigated or not, agro-industrial croplands or lands planted with industrial crops that support the validity of existing agricultural infrastructure and agro-based enterprises, highlands or areas located at an elevation of five hundred meters (500) 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 may result in serious environmental degradation, and all mangrove areas and fish sanctuaries;

(ee) *Physical framework plans* refer to the national, regional or provincial indicative plans that outline the over-all and macro-level spatial and physical development objectives, priorities, directions and strategies in its respective levels as prepared, reviewed, integrated and finalized by the national, regional and provincial land use councils or boards respectively based on the CLUPs of the LGUs and the national policy guidelines relating to land use, infrastructure development and environmental management to prevent or mitigate the adverse effects of inappropriate resource utilization on food security, the welfare of the people and their environment;

(ff) *Physical Planning* is the process of organizing physical activities and land uses, including settlements, environmental protection, economic activities, and infrastructure to ensure sustainable, orderly, and optimal siting and coordination of land uses;

(gg) *Prime agricultural lands* refer to all contiguous irrigated lands/areas and irrigable lands already covered by irrigation projects, including all alluvial plain lands highly suitable for agriculture, not irrigated that have been identified to satisfy the need for food self-sufficiency and food security and agro-industrial croplands or lands presently planted to industrial and high value crops that support the viability of existing agricultural infrastructure and agro-based enterprises, highlands or areas located at an elevation of five hundred (500) meters or above, highly suitable for growing semi-temperate and high value crops outside of declared permanent forestlands and protection forests, and are not located in ecologically fragile and environmentally critical areas;

(hh) *Production land use* refers to the most efficient, sustainable, and equitable utilization, development and management of land for productive purposes which are not classified for protection land use;

(ii) *Protected areas* refer to portions of land and water set aside by reason of their unique physical and biological diversity and protected against human exploitation including all natural forests and agricultural lands identified and delineated under this Act;

(jj) *Reclassification of agricultural lands* refer to the act of specifying how agricultural lands are classified or used for non-agricultural uses such as residential, industrial or commercial purposes, as embodied in the land use plan subject to the requirements and

procedure for reclassification undertaken by the LGU in accordance with Section 20 of RA 7160, as amended;

(kk) *Resettlement areas* refer to areas identified by the appropriate national agency or by the LGU with respect to areas within its jurisdiction which are used for the relocation of the underprivileged and homeless, as defined under RA 7279, otherwise known as the “*Urban Development and Housing Act of 1992*”;

(ll) *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 pursuant to Section 4 of RA 8435 or “*Agriculture and Fisheries Modernization Act of 1997*”.

(mm) *Settlements* refer to communities or built-up environment areas where people prefer to live in;

(nn) *Settlements development* refers to any improvement on existing settlements or any proposed development of certain areas for settlement purposes involving the spatial distribution of population, identification of the roles and functions of key urban centers, determination of relationships among settlement areas, and the provision of basic services and facilities of identified major settlement areas of growth centers;

(oo) *Shoreline* refers to a strip of land covering of at least one (1) kilometer from the point where seawater reaches during the highest high tide;

(pp) *State universities and colleges (SUCs)* refer to public higher education institutions in the Philippines created and established by law which constitutes their charter and which have independent and separate governing boards;

(qq) *SUC Land Use Plan* refers to a campus master plan mandated under RA 11396, otherwise known as the “*SUCs Land Use Development and Infrastructure Plan Act*” that contains the allocation and utilization of the land within a campus’ geographic boundary to meet the required academic and non-academic support services and facilities as well as the campus development programs and projects and the investment needed to implement them.

(rr) *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;

(ss) *Tourism development areas* refer to specific sites for tourism development located in areas identified as priorities in the national and regional tourism master plans and those designated through legislative and executive issuances as tourist spots and tourist zones which may be developed into tourism estates or integrated resort, leisure, recreation complexes, and other tourism related facilities;

(tt) *Tourism ecozone* refers to tourism development areas, outside of protection lands which have been granted special economic zone status through the Philippine Export Zone Authority registration and issuance of the required Presidential Proclamation, with its metes and bounds, delineated by said proclamation, pursuant to RA 7916, as amended, otherwise known as “*The Special Economic Zone Act of 1995*”;

(uu) *Tourism estates* refer to large tracts of land with well-defined boundaries in any area, excluding those protection lands, identified in the Philippine tourism master plan and regional tourism by proclamation of the President of the Philippines or by acts of Congress or by local legislation and declared suited for the development of an integrated tourism and resort complex with prescribed carrying capacities and limits for its facilities and activities;

(vv) *Tourist spot* refers to a particular area, site or spot, man-made or natural, known for its unique tourist or visitor-drawing attributes and activities and which may be classified according to its social, cultural, natural, historical, aesthetic, visual, scientific, religious, or recreational significance;

(ww) *Tourist zone* refers to a geographic area with well-defined boundaries proclaimed as such by the President of the Philippines or by acts of Congress where development projects for any purpose are initiated and introduced prior to formulation of a

tourism master development plan which are undertaken in coordination with the Department of Tourism (DOT) and the Tourism Infrastructure Enterprise Zone (TIEZA) for the enhancement or the conservation of cultural and historical heritage, and for the appreciation and enjoyment of the local population and its visitors;

(xx) *Transmission line corridor* refers to the land beneath, the air spaces surrounding, and the area traversed by electric power transmission lines including its horizontal, vertical, and similar clearance requirements;

(yy) *Urban areas* refer to all cities regardless of their population density and to municipalities with a population density of at least five hundred (500) persons per square kilometer;

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

(aaa) *Urban forest or green space* refers to the establishment or setting up of areas for mini-forest, eco-parks or small nature parks, in both public and private lands, wetlands, man-made lagoons and lakes systems, riverbanks and shores, grasslands, roof and rock gardens, 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;

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

(ccc) *Water use* refers to the appropriation of water for domestic, municipal, irrigation, power generation, inland fisheries, poultry and livestock, industrial and commercial, environmental, and recreational use;

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

(eee) *Zoning* refers to the regulatory tool for delineating the specific land uses in accordance with the approved CLUP within the territorial jurisdiction of a city or municipality and specifying the conditions for their regulation, subject to the limitations imposed by law and competent authority; and

(fff) *Zoning ordinance* refers to a local law passed by the *Sangguniang Bayan* or *Panlungsod* approving the development control or zoning plan in accordance with an approved or adopted CLUP of the city or municipality, providing for the regulations and other conditions on the land uses, including the limitation on the infrastructure that may be placed within the territorial jurisdiction of the city or municipality, incorporating the protected areas, protected agricultural lands and ancestral lands as provided for in this Act.

CHAPTER II

PHYSICAL FRAMEWORK AND LAND USE PLAN

SEC. 5. *National Physical Framework Plan.* – The National Land Use Commission (NLUC) created under Section 17 herein shall draft the National Physical Framework Plan (NPFP), which shall have a timeframe of thirty (30) years, with regular review and updating every ten (10) years. The NPFP, which guides the planning and management of the country's land and other physical resources at the national and sub-national levels, shall indicate broad spatial directions and policy guidelines on settlements development, production land use, protection land use, social services and utilities, transmission line corridor, and transportation and communication.

The Regional Physical Framework Plans (RPFs), Provincial Physical Framework and Development Plans (PPFDs), and CLUPs shall cover the physical development of their respective territories and shall be consistent with the NPFP: *Provided*, That the integration and harmonization of the physical framework plans at all levels shall be iterative to ensure that the concerns of both top and bottom levels of government are considered. The physical and

land use plans prepared at all levels shall have internal consistency specifically on, but not limited to, the development, management and conservation of forestlands, watersheds, and all terrestrial, aquatic, and marine ecosystems found within a given territory and the linkages of the major land use categories to ensure their complementation in the utilization, development, management, protection and conservation of all natural - resources. The NLUC shall issue procedural guidelines which shall guide the formulation and integration or harmonization of land use plans at all levels: *Provided*, That the National Economic Development Authority (NEDA), DENR, Department of Human Settlements and Urban Development (DHSUD), Department of the Interior and Local Government (DILG) and other agencies will continue to issue specific guidelines on the planning process and content of the plans consistent with the NLUC guidelines and their respective agency mandates.

SEC. 6. *Regional Physical Framework Plans.* – In consultation with concerned sectors, the Regional Land Use Policy Council (RLUPC) shall define the desired spatial arrangement of land and - land-use activities in the entire region, based on the consolidated and harmonized PPFDPs of provinces and independent cities within the territorial jurisdiction of the region. The RPPF, which depicts an end-state scenario toward which efforts and activities are directed, shall consist of spatially-based and area-focused policies, consistent with those in the national framework for physical planning, to guide detailed physical, socio-economic, sectoral and investment planning. The RPPF shall have a planning period of twelve (12) years to be updated every six (6) years or when deemed necessary.

SEC. 7. *Provincial Physical Framework and Development Plans.* – In consultation with concerned sectors, the Provincial Planning and Development Office (PPDO) shall prepare a Provincial Physical Framework and Development Plans (PPFDP), which shall define the province's development vision, economic and social development policies, environmental and ecological protection policies, general land uses, and inter-city/municipal transportation system. The PPFDP shall integrate and harmonize the land use plans of component cities and municipalities, using the ridge-to-reef (R2R) or watershed ecosystem management (WEM) approach taking into consideration shared watersheds, ecosystems and natural resources and planning concerns, and define the uses of land and other resources within the province consistent with the policies in the regional physical framework plan. The programs, projects and activities prescribed in the PPFDP shall be integrated into the provincial development investment program. The PPDO shall submit the PPFDP to the Provincial Land Use Policy Council (PLUPC), created under Section 23 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. The PPFDP shall have a planning period of twelve (12) years to be updated every six (6) years or when deemed necessary.

SEC. 8. *City/Municipal Land Use Plans.* – The City/Municipal Planning and Development Office (C/MPDO) shall prepare the comprehensive land use plan (CLUP) to determine the specific uses of land and other physical resources therein including areas co-managed with the national government and, as appropriate, the ancestral domain areas. This shall be done in consultation with concerned sectors through mandatory conduct of public hearings and with the use of technology-based systems such as, but not limited to, the Community-Based Monitoring System (CBMS) required to be established in every city and municipality under RA 11315 or the *“Community-Based Monitoring System Act”*. The CLUP shall be consistent with the R2R/WEM-based PPFDP and shall define the city or municipal development vision, appropriate economic, environmental and social development policies, densities and transportation system using the R2R/WEM approach. The CLUP shall have a planning period of twelve (12) years to be updated every six (6) years or when deemed necessary. The C/MPDO shall also use, among others, the CBMS in the updating of the CLUPs.

The R2R/WEM-based CLUP will be used as the common reference framework for the preparation of all sectoral development plans that will form part of the Comprehensive Land Use and Development Plan which merges the traditionally separate CLUP and comprehensive

development plan to address the disconnect between spatial development and sectoral programs and to ensure the complementation between the medium- and long-term concerns and shall be the basis of the formulation of the local development investment program. The CLUP shall be translated into a zoning ordinance by the concerned *Sanggunian* to regulate the uses of land, including the 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 land use and physical planning process shall be formulated following a combined bottom-up and top-down approach. The NLUC, in consultation with the concerned sectors through the mandatory conduct of public hearings, shall formulate, periodically update and ensure the implementation of the NPFP that shall prescribe and influence the country's land use and physical development. The NPFP shall operationalize the policies provided in this Act and shall be the basis for adopting land use and physical planning-related guidelines and standards, including zoning and other land use control standards that shall guide the formulation of city/municipal zoning ordinances. The policies prescribed in the NPFP shall be integrated into the Medium-Term Philippine Development Plan and Medium-Term Philippine Investment Program.

In the formulation of the respective National, Regional Provincial or City/Municipal Land Use Plans, the respective SUC Land Use Plans approved by the CHED prior to the approval of this Act shall be taken into consideration in the approval of the plans. As such, the President of the SUCs shall be consulted prior to the approval of the said plans.

SEC. 10. *Land Use Plans for Ancestral Domains.* – Land use plans for ancestral domains shall be formulated by the ICCs/IPs themselves in accordance with their needs and traditional resource and management systems with the assistance of the NCIP, the LGUs and civil society organizations (CSOs) concerned. Such plans shall be recognized and adopted in the City/Municipal, Provincial, Regional and National Physical Framework Plans.

Physical Framework Plans made prior to the delineation of ancestral domains included in such plans shall, without prejudice to the rights of the ICCs/IPs concerned, adopt different land use categories in accordance with their particular needs and traditional resources and management systems.

In cases where there are no ancestral domains sustainable development and protection plans (ADSDPPs), the LGUs and ICCs/IPs shall jointly formulate the land use within the ancestral domains until such time that the ICCS/IPS shall have formulated their ADSDPPs.

SEC. 11. *Revision of Existing Planning Guidelines.* – The existing planning guidelines on the NPFP, RFPF and PPFDP shall be reviewed and revised pursuant to Sections 5, 6, 7, and 9 of this Act.

CHAPTER III FRAMEWORK FOR LAND USE PLANNING

SEC. 11. *Basic Objective of Land Use or Physical Framework Planning.* – The primary objective of a physical framework plan is to describe existing land uses and to identify an integrated physical framework, including an overall vision, policies on social and economic development and environmental protection and supporting transportation and other infrastructure facilities, that shall define future development. Its output includes the identification of programs, projects and activities needed to achieve the desired development, without compromising environmental and ecological stability, and which shall 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 be implemented through a zoning ordinance.

SEC. 12. *Priorities in Land Use Allocation and Planning.* – Using the R2R/WEM approach in projecting spatial allocation for different land uses, the LGUs shall first exclude areas under

protection land use in Section 16 (a) hereof, national parks, energy resource lands, and prime agricultural lands to ensure ecological integrity, energy supply, and promote food security. Areas with prior rights and those with site-specific resources for basic services, such as but not limited to, water and indigenous energy resources, shall also be excluded. All land use activities inside the excluded areas that are not consistent with the general purposes of the excluded areas shall be assessed, regulated, and/or modified to ensure that these activities do not compromise the general purposes of the excluded areas. Spatial allocation and planning shall then proceed in accordance with Sections 15 and 16 hereof with priorities given to integrated watershed management areas, socialized housing sites, fisherfolk settlement in coastal areas, and waste disposal sites.

SEC. 13. *Approach to Land Use and Physical Framework Planning.* – The R2R/WEM approach shall be used in land use and physical framework planning to promote a holistic, integrated, equitable and inclusive development, and a flourishing environment, watersheds and ecosystems. It shall include a description of existing land uses and land use trends, as well as the physical, demographic, economic, social, political, environmental, and ecological conditions that have shaped and are likely to shape future land use and physical developments. It shall then derive a land use plan or physical framework by matching, reconciling or integrating the demand for land with the supply of land in a holistic manner to optimize socioeconomic development and minimize the total impacts of the land use plan on watersheds and ecosystems. The resulting land use plan or 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 or physical framework shall be holistic in nature and not emanate from specific individual or corporation which, in essence, constitutes as spot zoning.

SEC. 14. *Adoption of Multiple Uses of Land Resources.* – The primary and alternative uses of a specific unit of land resource based on its capability to support certain uses sustainably shall be determined and evaluated prior to any decision for the assignment of its use. Areas feasible for sustainable land resource use may be considered multiple-use zones wherein settlements, tourism, agriculture, forestry, agro-forestry and extraction activities and other income-generating or livelihood activities may be allowed by concerned agencies: *Provided*, That multiple uses of land resources shall be excluded in areas identified as protection land use: *Provided, further*, That such land uses shall maximize the socioeconomic benefits without compromising the desired levels of ecosystem services within a ridge to reef unit: *Provided, finally*, That such land uses shall be in accordance with priorities in land use allocation and planning and that no reclassification shall be allowed.

SEC. 15. *Basic Land Use Planning Considerations.* – In determining the various land uses, the people and their productive activities and the need for functional open spaces and preservation areas as well as the various interrelationships of the physical characteristics of the land and other elements therein shall be considered, among others, including the following:

- (a) Availability of natural resources including indigenous energy resources for energy security and self-sufficiency;
- (b) Geology, geomorphology, current and emerging geologic climate-related hazards and risks, soil, vegetative cover, demography and slope;
- (c) Economic, environmental, cultural, social and related development activities;
- (d) Existing government policies on land and natural resources allocation, utilization, management and disposition;
- (e) Technological changes or advancement;
- (f) Existing customary rights for the protection of indigenous peoples and vulnerable groups including women, rural and urban poor;
- (g) Desired levels of ecosystem services like water quality and quantity, soil stability, biodiversity, agricultural and fishery productivity, among others; and
- (h) Inventory of prior and existing rights, to harmonize determination of land use.

SEC. 16. **Categories of Land Uses for Planning Purposes.** – In determining and defining the national, regional and provincial framework plans, and CLUPs, land uses shall be grouped into four major functional uses as follows:

(a) *Protection land use* which include the use of land primarily for food, water and energy security, rehabilitation, conservation, and protection purposes to promote the country's ecological and life-support systems. Planning for protection land use intends to achieve food self-sufficiency in rice and corn, water and energy security, environmental stability and ecological integrity, ensure a balance between resource use and the preservation of some areas with environmental, aesthetic, educational, cultural, heritage and historical significance, and protect people and human-made structures from the ill-effects of natural hazards. All lands, either public or private, under protection land use shall be permanently conserved, preserved, rehabilitated and protected from all other land uses, disposition, intrusion, utilization and development that is not consistent with its existing uses. Areas under this category also include those covered by RA 7586, as amended by RA 11038 or the "*Extended National Integrated Protected Areas Act of 2018*", and other coastal and marine protected areas, those areas outside NIPAS but nonetheless require protection because of their outstanding physical and aesthetic features, anthropological significance, and biological diversity, and those areas prone to natural hazards, such as but not limited to the following:

- (1) Natural forests and mossy areas with more than 50% in slope gradient;
- (2) Mangrove and fish sanctuaries, pursuant to RA 8435, and RA 8550, or "*The Philippine Fisheries Code of 1998*";
- (3) Buffer zones or strips/easements, pursuant to Presidential Decree (PD) 389, otherwise known as the "*Forestry Reform Code of the Philippines*", as amended by PD 705, or the "*Revised Forestry Reform Code of the Philippines*" and PD 1067, or the "*Water Code of the Philippines*";
- (4) Salvage zones along foreshore areas, freshwater swamps and marshes, plazas, archaeological, and heritage or historic sites, pursuant to Presidential Proclamation No. (PP) 2146, series of 1981 entitled "Proclaiming Certain Areas and Types of Projects Environmentally Critical and within the Scope of Environmental Impact Statement System Established under Presidential Decree No. 1586";
- (5) Watersheds supporting bulk or domestic water supply;
- (6) Utility easement like power lines of electric power generators, transmission and distributors, oil and gas facilities, cell sites, and bulk/domestic water lines;
- (7) Amenity areas or those with high aesthetic values, pursuant to PP 2146;
- (8) Natural and human-made areas/sites of cultural, historical and anthropological significance, which are declared as such by internationally recognized organizations and concerned national agencies;
- (9) Critical habitats as provided in RA 9147, otherwise known as the "*Wildlife Resources Conservation and Protection Act*";
- (10) Significant caves under RA 9072, otherwise known as the "*National Caves and Cave Resources Management and Protection Act*"; or
- (11) Key biodiversity areas under Executive Order No. 578, series of 2006, entitled "*Establishing the National Policy on Biodiversity, Prescribing its Implementation Throughout the Country, Particularly in the Sulu Sulawesi Marine Ecosystem and the Verde Island Passage Marine Corridor*".

Existing property and private rights shall be recognized and respected on the condition that these rights are harmonized with the intent of the identified protected land use.

(b) *Production Land Use* wherein there is a direct and indirect utilization of land resources for crop, fishery, livestock and poultry production, forestry, agroforestry, mining, industry, energy development, indigenous energy exploration and development, and tourism. Planning for production land determines the most efficient, sustainable, and equitable manner of utilizing, developing and managing land for productive purposes. Areas included in this category are agricultural lands, fishing grounds, coastal and marine zones, production forest, which can be made available for timber and agroforestry production, rangelands for grazing,

forest lands for special uses including for energy and reforestation projects, mineral lands or mining areas and reservations, energy resource lands, industrial development areas, and tourism development areas where productive activities may be undertaken to meet the country's requirements for food security, economic growth and development.

(c) *Settlements development* wherein any improvement on existing settlements in urban and rural areas or any proposed development of certain areas for settlement purposes 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 to such settlement. The settlements development plan ensures for the present and future generation the following: (1) effective integration of activities within and among settlements, allowing efficient movement of people and production of commodities through the provision of appropriate land, infrastructure, and facilities; (2) access of the population to housing, education, health care, recreation, transportation and communication, sanitation, and basic utilities such as water, power, waste disposal, and other services; and (3) security against risks associated with climate change and other natural hazards.

(d) *Infrastructure development* includes the availability or supply of basic services and fostering of economic and other forms of integration necessary for producing or obtaining the material requirements of Filipinos, in an efficient, responsive, safe and ecologically friendly built environment. It covers sub-sectors of transportation, communications, energy, water resources, and social infrastructure: *Provided*, That the determination of functional uses of lands within ancestral domains shall consider traditional resource and management systems that do not endanger the lives of the people and property of the local community and neighboring areas or increase the vulnerability of the natural environment to the effects of natural and human-induced geological processes.

CHAPTER IV IMPLEMENTING STRUCTURE AND MECHANISM

SEC. 17. ***Creation of the National Land Use Commission.*** – The National Land Use Commission (NLUC) is hereby created as a Commission under the Office of the President. It shall exercise the powers and responsibilities of the current National Land Use Committee, which is hereby abolished. The NLUC shall be chaired by a Commissioner to be appointed by the President. The Commissioner will have the rank of a Cabinet Secretary. The Commissioner shall be a qualified professional in any of the fields of land use, physical planning, environmental management, engineering, public governance or law.

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 coordinate efforts towards the development of integrated land use plans at the national, regional, provincial, and municipal/city levels, and monitor the implementation of all land use plans including relevant policies.

SEC. 18. ***Composition of the NLUC.*** – The NLUC will be composed of the following:

- (a) Commissioner of NLUC as Chairperson;
- (b) Secretary of NEDA as Vice-Chairperson;
- As *Ex-Officio* Members:
- (c) Secretary of DENR;
- (d) Secretary of DHSUD;
- (e) Secretary of DA;
- (f) Secretary of DAR;
- (g) Secretary of Department of Public Works and Highways (DPWH);
- (h) Secretary of DILG;
- (i) A Representative from the LGUs; and
- (j) Chairperson of National Commission on Indigenous Peoples (NCIP).

The Department Secretaries may designate a representative with a rank not lower than Assistant Secretary: *Provided*, That the designated representative shall be on a permanent basis. The representative from the LGUs shall come from the Leagues of Provinces, Cities and Municipalities.

SEC. 19. Powers and Functions. – The NLUC shall have the following powers and functions:

- (a) Advise the President of the Philippines on all matters concerning land use and physical planning;
- (b) Integrate and harmonize all laws, guidelines and policies relevant to land use and physical planning to come up with a rational, cohesive, and comprehensive national land use framework;
- (c) Formulate policies and endorse land use and physical planning-related policies that may be formulated by the RLUPC, created under Section 22 of this Act, and concerned agencies as well as promulgate zoning and other land use control standards and guidelines which shall guide the formulation of land use plans and zoning ordinances by local governments;
- (d) Prepare, periodically review and if necessary, update the national framework for physical planning to provide the general framework for the spatial development directions for the entire country and sub-national levels;
- (e) Review and endorse all land use and physical planning related guidelines;
- (f) Monitor and coordinate the gathering of data, the conduct of studies pertaining to land use planning including studies on the management of identified land uses and such other studies not undertaken by other government agencies;
- (g) Recommend to the President of the Philippines the adoption, passage, or amendment of laws to ensure that sectoral programs, plans, projects, and activities, including local government initiatives affecting land use are consistent with national development objectives;
- (h) Coordinate with and assist other government agencies and LGUs in planning, developing, and implementing their land use classification programs, and provide, to the extent possible, technical assistance and guidance;
- (i) Monitor and coordinate the activities of concerned agencies and entities of the government, as well as LGUs, in the enforcement and implementation of land use plans, policies and regulations relating to land use and resource management and development;
- (j) Monitor and coordinate activities in the establishment of a national land resource information and management system of concerned agencies that shall integrate and process information on land use and allocation generated by the various national government agencies; define information requirements at various levels; and standardize information inputs and outputs including scales and symbols used in territorial and sectoral maps;
- (k) Be the repository of all RFPs, PPFDs and CLUPs and all data and information pertaining to land and land use;
- (l) Call on any department, bureau, office, agency, or instrumentality of the government, and or private entities and organization for cooperation, support, and assistance in the performance of its functions;
- (m) Decide and resolve policy conflicts and territorial jurisdiction on land use between or among agencies, branches, or levels of the government and act on unresolved land use policy conflicts at the regional level elevated by the RLUPC;
- (n) Adopt rules of procedures for the orderly and expeditious conduct of meetings and other business of the Council; and
- (o) Perform such other acts and functions and exercise such other powers as may be necessarily implied, inherent, incident, or related to the foregoing.

SEC. 20. National Land Use Office (NLUO). – The National Land Use Office (NLUO) is hereby created under the Office of the President, which shall serve as technical secretariat to the NLUC. The NLUO shall be headed by the NLUC Commissioner with two (2) Deputy Commissioners with the rank of Undersecretary.

The NLUO shall have an Executive Director.

Further, the NLUO shall have services units for planning and policy formulation, operations and information systems management, and special land use concerns. The NLUC shall prepare and formulate the organizational structure and staffing pattern of the NLUO for submission to the Department of Budget and Management for its evaluation and approval.

SEC. 21. **Regional Land Use Office.** – A Regional Land Use Office (RLUO) is hereby created in each Region.

CHAPTER V REGIONAL AND LOCAL LAND USE POLICY BODIES

SEC. 22. **Regional Land Use Policy Council (RLUPC).** – At the regional level, the RLUPC shall be institutionalized, replicating the NLUC structure and composition with DHSUD representative as Chairperson, NEDA representative as Vice-Chairperson and with a duly authorized representative from the DENR, DA, DAR, DPWH, DILG, NCCA, and LGU as members. The RLUPC shall have the following functions:

- (a) Formulate and adopt regional policies on land use and physical planning;
- (b) Prepare and periodically update an RPPF taking into consideration national policies and lower-level plans;
- (c) Assist the provinces in preparing and periodically updating its physical framework plans to ensure consistency with the regional and national plans and policies and to facilitate its integration with the regional plans;
- (d) Review, prior to adoption by respective *Sanggunians*, the PPFDP, and CLUPs of highly urbanized and independent component cities, to ensure consistency with the RPPF and national policies set forth by the NLUC and compliance with limits prescribed under RA 7160, as amended, for reclassifying agricultural lands;
- (e) Decide and resolve policy conflicts on land use planning, classification, and allocation that may arise between or among regional line agencies, provinces and cities or municipalities;
- (f) Monitor changes in land use and other physical resources in the region;
- (g) Evaluate consistency of major programs and projects with the regional physical framework plans and their impact on land use and the environment;
- (h) Undertake the gathering of regional data for the land resource information and management system; and
- (i) Perform other related functions as may be directed by the NLUC.

SEC. 23. **Provincial Land Use Policy Council.** – The Provincial Development Council, created under Section 106 of RA 7160, shall act as the PLUPC that will tackle land use concerns whenever necessary. A duly authorized representative from the DENR, DHSUD, DAR, DA, DILG, and DPWH shall be included in the composition of the PLUPC. In addition to the functions enumerated in Section 109 of RA 7160, the PLUPC shall:

- (a) Advise the *Sangguniang Panlalawigan* on all matters pertaining to land use and physical planning;
- (b) Review and endorse to the *Sangguniang Panlalawigan* for adoption, the provincial physical framework plans, prepared and periodically updated by the PPDO and other land use and physical planning-related policies;
- (c) Decide and resolve policy conflicts on land use planning, classification, and allocation that may arise between or among cities or municipalities and any unresolved land use conflicts at the city or municipal level. The PLUPC may call upon any local official concerned such as provincial planning and development coordinator, provincial agriculturist, provincial environment and natural resources officer, provincial engineer, provincial assessor, or any official of national agencies and other relevant agencies during discussions on land use and physical planning concerns; and
- (d) Assist the *Sangguniang Panlalawigan* in reviewing the CLUPs of component cities or municipalities to ensure consistency with the provincial physical framework plans and

compliance with the limits prescribed under RA 7160, as amended, for reclassifying agricultural lands.

SEC. 24. *City/Municipal Land Use Policy Council* – The City/Municipal Development Council (C/MDC), created under Section 106 of RA 7160, shall act as the C/MLUPC that will tackle land use concerns whenever necessary. A duly authorized representative from the DHSUD, DAR, DA, DENR, DPWH and DILG shall be included in the composition of the C/MLUPC. In addition to the functions enumerated in Section 109 of RA 7160, the C/MLUPC shall:

- (a) Advise the *Sangguniang Bayan* or *Sangguniang Panlungsod* on all matters pertaining to land use and physical planning;
- (b) Review and endorse to the *Sangguniang Bayan* or *Sangguniang Panlungsod* 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;
- (c) Decide and resolve policy conflicts on land use planning, classification, and allocation that may arise between and among barangays and any unresolved land use conflict at the barangay level regarding the violation of zoning ordinances including opposition to applications for locational clearances, permits or certificates; and
- (d) Advise the local zoning board of appeals and adjustments on all issues and conflicts relating to zoning.

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 projects except those of vital and national economic or environmental significance; and (b) monitor on-going/existing projects within their respective jurisdictions and issue notices of violation to owners, developers, or managers of projects that are violative of zoning ordinances.

The C/MLUPC may call upon any local official concerned such as C/MPDC, city/municipal agriculturist, city/municipal environment and natural resources officer, city/municipal engineer, city/municipal assessor, or any official of national agencies during discussions on land use and physical planning concerns. LGUs without operational C/MPDC as mandated by RA 7160, as amended, shall activate their respective councils within six (6) months from the effectivity of this Act.

CHAPTER VI ADOPTION, APPROVAL AND REVIEW OF LOCAL LAND USE AND PHYSICAL FRAMEWORK PLANS

SEC. 25. *Approval and Review of PPFDP and CLUPs*. – The PPFDP, CLUPs and zoning ordinances (Zos) of the respective LGUs, including provinces, highly urbanized cities and independent component cities, shall be submitted by the local land use committees to the local development councils for transmission to their respective local *Sanggunian* for approval.

SEC. 26. *Provinces and Independent and Highly Urbanized Cities*. – Provinces and independent and highly urbanized cities shall have the power and authority to adopt and approve their respective CLUPs, zoning ordinances or provincial physical framework plan, as the case may be, through their respective *Sanggunian* but subject to the review of the RLUPC as provided in Section 22 (d).

CHAPTER VII MAPPING AND DATA MANAGEMENT FOR LAND USE PLANNING

SEC. 27. *National Base Mapping Program*. – A national mapping program shall be implemented, coordinated, and monitored through the creation of an Inter-agency Technical Committee (ITC) composed of the NAMRIA, as the lead agency, BSWM, the Forest Management Bureau (FMB), the Land Management Bureau (LMB), the Biodiversity

Management Bureau (BMB), the Mines and Geosciences Bureau (MGB), the Philippine Institute of Volcanology and Seismology (PHIVOLCS), DAR, the National Water Resources Board (NWRB), Department of Energy (DOE), NEDA, Philippine Statistics Authority (PSA), University of the Philippines Resilience Institute (UPRI), NCIP, and other concerned government agencies/bureaus. The ITC shall be constituted, and the mapping program shall be initiated, within thirty (30) days from the effectivity of this Act. The agencies mentioned in this Section shall finish their base mapping program within one (1) year upon the effectivity of this Act.

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

SEC. 28. *National Geospatial Information Program.* – Within one (1) year upon the effectivity of this Act, the NAMRIA, in coordination with BSWM, FMB, LMB, BMB, MGB, PHIVOLCS, DAR, NWRB, NCIP, DOE, NEDA, PSA, UPRI, and other concerned government agencies or bureaus shall complete the updating of base maps including national disaster risk 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. 29. *National Hazard Mapping Program.* – Within thirty (30) days from the effectivity of this Act, a nationwide hazard mapping and probabilistic hazard risk assessment program shall be initiated jointly through the NLUC by the PHIVOLCS, the Philippine Atmospheric Geophysical and Astronomical Services Administration (PAGASA), NAMRIA, MGB, BSWM, DOE, and UPRI, in coordination with the National Disaster Risk Reduction and Management Council (NDRRMC), the Regional Disaster Risk Reduction and Management Council (RDRRMC), NCIP, NCCA, and other concerned government agencies. The program shall include the generation of indicative hazard zoning maps that will outline areas in the Philippines which are prone to liquefaction, landslides, severe flooding, lahar, ground rupturing, tsunami, river erosion, coastal erosion, sinkhole collapse, earthquake, lava flow, pyroclastic flow, base surge, and other natural hazards.

For purposes of uniformity and standardization and in order to develop a safe-built environment, the LGUs shall subsequently incorporate and integrate the generated hazard zoning maps in their respective CLUPs. Said hazard maps shall serve as guide for all the LGUs in the preparation of their own hazards-constrained development plans. The NPFP, pursuant to Section 5 hereof, shall incorporate these hazard maps.

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

SEC. 30. *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 (DOST), in coordination with concerned agencies, academe, and research organizations, shall formulate a research agenda that will support physical framework and land use planning.

SEC. 31. *Scope and Nature of Responsibilities of Other National Government Agencies.* – All concerned national government agencies shall periodically report to the NLUC on the various activities and accomplishments on land use, including their respective sectoral or development plans. The NLUC may call upon the agencies for technical and administrative support.

SEC. 32. **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, DENR, DPWH, NEDA, league of provinces, league of cities, league of municipalities, other concerned national government agencies, academe, and research organizations .

SEC. 33. **Submission of Annual Report on the Implementation of CLUPs.** – The C/MLUPC shall submit an annual report on the implementation of their land use plans to the PLUPC, which shall integrate the same for submission to the RLUPC, which shall in turn integrate the provincial reports for submission to the NLUC.

CHAPTER VIII SPECIAL AREAS OF CONCERN

Article 1 Forest Lands and Reservation of Watershed

SEC. 34. **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 forestlands, unless they are covered by existing titles, or actually occupied openly, continuously, adversely, and publicly for a period required by law: *Provided*, That, when public interest so requires, steps shall be taken to expropriate such lands, cancel defective titles, or eject occupants thereof. Thereafter, said lands shall be included in the preparation of land use plans within forestlands.

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

SEC. 36. **Formulation and Implementation of Integrated Watershed Management Plans.** – A Watershed Management Council (WMC), which is a multi-agency, inter-LGU, and multi-sectoral consortium, chaired by the DENR and co-chaired by the duly designated representative of the LGUs, shall be created at the provincial level to ensure effective and sustainable resource management of a particular watershed and provide the development needs of local communities. in cases where a watershed transcends more than one province, a WMC at the regional level shall be created.

The WMC shall prepare the Integrated Watershed Management Plans (IWMP) consistent with the existing DENR laws, guidelines, and rules and regulations. The said IWMPs shall be integrated into the CLUPs of the LGUs.

The DENR and the concerned LGUs shall jointly implement the Watershed Management Plan subject to regular consultations with and involvement of the community and other stakeholders.

SEC. 37. **Establishment and Management of National Parks.** – All areas proclaimed by the President of the Philippines and Congress of the Philippines to be under the NIPAS, unless disestablished, including those identified as initial components of the NIPAS as KBAs, 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. The preparation of management plans of protected areas and national parks shall be in

accordance with the provisions of RA 7586, as amended, and other laws establishing or declaring specific areas as protected areas.

Article 2 **Coastal Zones**

SEC. 38. *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 protection and shall not be converted to other uses;

(b) Areas which meet all accepted criteria on elevation, soil type, soil depth, topography, supply for successful fishpond development, and are not identified as mangrove protection areas, shall be utilized for aquaculture purposes;

(c) Areas sub-classified 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. The DENR shall ensure that these lands shall be reforested within a given period of time;

(d) Areas accessible to the sea and identified for fisherfolk settlement and housing shall be allocated to traditional fisherfolk who are inhabitants of the coastal communities and members of legitimate fisherfolk organizations and/or holders of stewardship lease contracts or titles to ancestral domains or any form of property right arrangements who participate in coastal resource management initiatives, subject to the usual census procedures of the DHSUD.

(e) Areas which does not fall under (a) to (d) above 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;

(g) Areas which have been allocated for small infrastructure needed by fisherfolk shall be allowed;

(h) Areas which form part of foreshore lands as defined in this Act including those which are under lease agreements or arrangements shall undergo zoning and evaluation to determine their boundaries and actual sizes and corresponding uses: *Provided*, That vested rights under the lease agreements or arrangements shall be respected. Evaluation of the said lands shall also consider the natural, geologic and geomorphic conditions of the coast; and

(i) The free and prior informed consent of the concerned ICCs/IPs and the necessary certification from the NCIP shall be secured before any allocation and utilization of lands within the coastal zones that are found to be within ancestral domains.

SEC. 39. *Coastal Land Zone Sub-classification.* – All public lands in the coastal zones are sub-classified into any of the following: fishponds, mangroves for protection from tidal surge and for preservation of biodiversity, habitats and sanctuaries for endangered wildlife, fisherfolk settlement, or recreational or tourism areas. No sub-classification of coastal zones to different uses may be done without the following:

(a) Conduct of a comprehensive inventory and resource and environmental assessment by the DENR with the respective LGUs and accredited non-government organizations (NGOs) or peoples organizations (POs) within their territorial jurisdiction. The result of the assessment along with a list of all existing applications and expired foreshore lease agreements must be posted in three (3) conspicuous places in the affected localities; and

(b) Prior consultation with the local Fisheries and Aquatic Resource Management Councils pursuant to RA 8550 as amended.

SEC. 40. **Zoning of Foreshore Areas.** – LGUs, in coordination with 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.

SEC. 41. **Protection of Waterways, Easements and Flood Plains.** – Structures of any kind may not be built in waterways and easements. Pursuant to PD 1067, the banks of rivers and streams and the shores of the seas and lakes throughout their entire length and within a zone of three (3) meters in urban areas, twenty (20) meters in agricultural areas and forty (40) meters in forest areas along their margins are subject to easement of public use only in the interest of recreation, navigation, floatage, fishing and salvage.

The protection of flood plains shall use the watershed management plan as the reference framework in formulating flood mitigation plan. Development within flood plains and other flood-prone areas must be controlled or, if allowed, must be so sited, constructed and serviced that the lives of occupants are not put at risk and that disruptions during floods are minimized. The identification and characterization of flood-prone areas and flood plains must be an integral part of Watershed Management Plan that shall guide the preparation of CLUPs, local climate change action plans local disaster risk reduction and management plans and other prescribed thematic plans. The LGUs shall establish land use regulations to mitigate flood risks through the CLUPs and zoning ordinances.

To promote the best interest and coordinated protection of flood plains, the DPWH, in coordination with the DOST and DENR shall declare flood control areas as necessary and shall prohibit or control activities that may 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.

Article 3 Settlements Development

SEC. 42. **Municipalities, Cities, and Settlements Development.** – The development of municipalities, cities and settlements through CLUP and implemented by the zoning ordinances of cities and municipalities are guided by the urban zoning standards designed to maximize existing urban spaces, taking into account the studies of pertinent government agencies on climate change. The new and existing government buildings within the cities and municipalities shall comply with the government energy management program and the Inter-Agency Energy Efficiency and Conservation Committee resolutions.

SEC. 43. **Settlements within Hazard Areas.** – Settlements, in particular, housing or residential developments, within hazard areas may be allowed: *Provided*, That mitigating or protective measures are adopted to address the potential danger or risk to lives and property within such settlements. In coordination with the concerned agencies of the government such as the PHIVOLCS, PAGASA, and MGB, the NLUC shall provide assistance to concerned LGUs and settlers in instituting safety and corrective measures to address the potential danger or risk. Residential zones as designated in the CLUP shall not be considered as outside the hazard areas. However, for this purpose, housing projects within such areas with less than or equal to one (1) hectare of project area shall be exempt from the ECC as well as the EGGAR and may be implemented without the need for any further certificate of exemption from the DENR or any other government regulatory agency.

SEC. 44. **Designation of Waste and Environment Management Site.** – Each city or municipality shall identify, designate and allocate a suitable area as indicated in the watershed management plan within their territorial jurisdiction to serve as sanitary landfill or solid waste disposal site as established in its solid waste management plan pursuant to RA 9003 or the “*Ecological Solid Waste Management Act of 2000*” within one (1) year from the effectivity of this Act.

SEC. 45. **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. 46. 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 as assessed, identified and indicated in the Watershed Management Plans;
- (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.

Hazard-prone areas shall be defined, delineated and mapped by the DENR and other the mandated government agencies, together with LGUs during the preparation of management plans of the watersheds that are partially or wholly inside the jurisdiction of municipality or city. As such, new settlements within high-risk areas shall not be allowed. In cases where there are existing settlements within geo-hazard areas or high-risk areas, mitigating 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 ECC and EGGAR consistent with the Revised Procedural Manual for DENR Administrative Order (DAO) No. 2003-30 otherwise known as the *“Implementing Rules and Regulations (IRR) for the Philippine Environmental Impact Statement (EIS) System”* and DAO No. 2000-28 otherwise known as 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. 47. Sustainable Communities. – Each city or municipality or cluster of cities or 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, 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.

For energy efficiency, cities and municipalities or clusters thereof shall utilize energy consuming products which comply with the DOE’s efficiency rating and energy labeling system pursuant to the provision of RA 11285 or the *“Energy Efficiency and Conservation Act”*.

SEC. 48. Designation and Zoning of Socialized Housing Zones. – Each city or municipality in urban, urbanizable and rural areas shall designate through the CLUP adequate lands for housing or residential purposes, including socialized housing and resettlement areas for the immediate and future needs of the local population as well as the underprivileged and homeless in their territory, pursuant to existing laws and regulations. In order to ensure adequate availability of lands for the housing needs of the local population, the CLUP shall be updated, at maximum, every twelve (12) years for provinces, cities and municipalities.

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

Fisherfolk settlements and housing in coastal municipalities shall be zoned near the sea for easy access to their livelihood as provided under Section 38 (d) of this Act.

The housing or residential lands designated in the CLUPs and zoning ordinances of cities and municipalities shall, on one hand, not be subject to further land reclassification by the LGU or land conversion procedure under DAR. On the other hand, agricultural lands as designated in the CLUP which are no longer economically feasible for agricultural use may be subject to land reclassification or land use conversion to housing or residential purposes and such land use conversion, as the case may be, shall be exempt from the coverage of any moratorium on land use conversion, provided such conversion shall not conflict with the prescriptions of watershed management plans and shall not result in serious environmental and ecological problems.

SEC. 49. *Urban Forest or Green Space.* – Each city or highly urbanizing municipality shall identify, designate, and allocate lands owned by the city or municipality as urban forest or green space based on the guidelines and standards to be issued by the DENR and approved by the NLUC.

Article 4 NIPAS Areas

SEC. 50. *Integrated Management Strategy.* – For a more effective planning, management, and protection of protected areas at the provincial, city or municipal levels, the Protected Area Management Plan referred to in RA 7586, as amended, must be incorporated in the provincial physical framework plan and CLUPs, if applicable, wherein the protected area zoning must be reflected.

Article 5 Agricultural Lands

SEC. 51. *Priority Areas for Agricultural Development.* – Priority areas for agricultural development shall be those agricultural areas covered under RA 6657 and those covered under NPAAAD and SAFDZ, defined in Section 4 of this Act and in RA 8435 or the "*Agriculture and Fisheries Modernization Act*".

SEC. 52. *Conversion of Agricultural Lands.* – Prime agricultural lands and specific types of lands to the extent necessary for attaining food self-sufficiency in rice and food security in other basic commodities, as determined by the DA, subject to mandatory consultation with the LGUs, the private sector, the NGOs, and POs, shall be protected from conversion, which shall include but not limited to areas under the NPAAAD and SAFDZ : *Provided*, That all irrigated and irrigable lands, all lands developed or possessing the potential for development of high value crops, and all agricultural lands that are ecologically fragile and whose conversion will result in serious environmental problems shall be given full protection from conversion, the areas under which are subject to review every - six (6) years by the DA, with the mandatory public consultations: *Provided further*, That consistent with the State policy on giving priority to the completion of the comprehensive agrarian reform program, all lands subject to the comprehensive agrarian reform program including those lands covered under notice of compulsory acquisition or voluntary offer to sell, production or profit-sharing, or commercial farm deferment shall also be protected from conversion pending the distribution and installation of the farmer beneficiaries, but thereafter, Section 22 of RA 9700 shall apply: *Provided furthermore*, That the conversion of prime agricultural lands for use in priority government projects for basic services such as, but not limited to, irrigation and power shall be allowed only upon the recommendation of the Secretaries of the DA and the DAR:

Provided, finally, That the mapping of the NPAAAD under the RA 8435 shall be completed within one (1) year from the effectivity of this Act. Lands defined under Section 10 of RA 6657 shall remain exempted and excluded from the coverage of the comprehensive agrarian reform program. With due consideration of the above-mentioned conditions that provides for the full protection of prime agricultural land, only then, upon approval by the DAR of the application for conversion, agricultural lands are deemed converted to non-agricultural uses.

SEC. 53. *Sub-classification or Re- classification of Agricultural Lands by LGUs.* – Sub-classification or re-classification of agricultural lands to other uses under Section 20 of RA 7160 shall exclude the protected agricultural lands as stated in the preceding section. Moreover, such sub-classification or reclassification is not synonymous to conversion. Further, such sub-classification or re-classification shall not result to land uses that are in conflict with the prescriptions of the watershed management plans. The DA and DAR shall provide the LGUs with complete list and maps of protected agricultural lands within their territorial jurisdictions.

SEC. 54. *Criteria for the Utilization and Allocation of Land for Mining Purposes.* – Consistent with this Act and the provisions of RA 7942, otherwise known as the “*Philippine Mining Act of 1995*”, and to ensure that the objectives of maintaining ecological balance and maximizing economic returns to mining operations are realized, the allocation and utilization of lands for mining purposes shall be guided by the following:

- (a) The principles of sustainable development and responsible mining;
- (b) In case of small-scale mining, adequate and acceptable safeguards shall be instituted by the holders of mining rights or permits to prevent environmental degradation of the mining sites and adjacent areas;
- (c) Mineral reservations which have become non-operational as determined by the MGB shall be placed under appropriate surface management by the DENR after conducting scientific, geological, and environmental studies in accordance with relevant laws on mineral reservation establishment and de-establishment;
- (d) Natural forests, proclaimed watershed forest reserves, mangrove forests, and mossy forests are closed to mining operations pursuant to RA 7942, and other pertinent laws;
- (e) Consistent with RA 7942, areas closed to mining operations like natural forests, proclaimed watershed forest reserves, mangrove forests, and mossy forests shall be periodically reviewed through mineral exploration to be undertaken by the DENR for the purpose of determining whether or not their continued closure is consistent with the national interest and with the prescriptions of watershed management plans and, if warranted, recommend their reclassification as mineral lands; and
- (f) Protection forestlands and agricultural lands shall be exempt from mining activities to minimize the effect of natural calamities and to protect food security respectively. The small to large scale mining operations shall yield from and recognize the tenorial instrument given by the government such as original certificate of title, transfer certificate of title, certificate of ancestral domain title, emancipation patent-certificate of land ownership award and other instruments. If these be present, mining activity shall be allowed subject to clearances and consent, and: *Provided*, That mining activity shall not conflict with the prescriptions of watershed management plans and shall not have serious environmental and ecological problems.

SEC. 55. *Reversion of Mineral Lands.* – All mineral lands with exhausted mineral resources, as determined by the MGB upon the recommendation of the DENR, shall revert to its original land classification, that is, as forestland or agricultural land. In the case of forestlands, the DENR may classify such areas for other purposes in consultation with concerned LGUs, DOT, and other national government agencies, and consistent with the prescriptions of the watershed management plans.

Article 6

Energy Resources

SEC. 56. *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 are be guided by the following, consistent with the existing laws, rules and regulations on energy resources:

(a) Indigenous energy resource exploration and development for the purpose of creating a national energy resource inventory and data base as well as an energy resource block map are allowed, subject to the prescriptions of watershed management plans and other land management plans;

(b) Indigenous energy resource exploration, development, production, utilization, and distribution are subject to the appropriate requirements and processes of the Environmental Impact Statements (EIS) system. Each project must secure an ECC prior to project implementation to ensure that adequate and appropriate environmental management measures and optimum methods for resource access and recovery are used;

(c) Protected areas defined in Section 16 of this Act are closed to any kind of energy resource development except for installation or erection of power lines therein *Provided*, That vested rights granted through the Special Use Agreements in Protected Areas as granted by the DENR are respected;

(d) 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 must be reclassified to other land uses, subject to existing laws covering energy reservations and to prescriptions of watershed management plans; and

(e) Renewable energy is preferred over other energy resource.

SEC. 57. *Reversion of Energy Resource Lands.* – All exhausted indigenous energy resource lands, as determined by the DOE, which are not covered by proclamations must automatically revert to the category of forestlands or agricultural lands, open to disposition, whichever is appropriate, unless the DENR classifies such areas for other purposes consistent with the prescriptions of watershed management plans. Exhausted energy resource lands are specific energy resource sites that the energy reserves of the desired type or types are no longer in sufficient quantity or quality to justify additional expenditure for its extraction and utilization.

Article 7

Industrial Development Areas or Sites

SEC. 58. *Criteria for Designating Industrial Development Areas.* – The identification and establishment of industrial development areas shall conform to the provisions of RAs 7916, 6657, 8371, 7279, 8550, and 8435, taking into consideration the following:

(a) Identified network of areas for agricultural development and protected agricultural areas pursuant to the RA 8435;

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

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

(d) NIPAS and non-NIPAS areas such as KBAs and restored areas that require protection;

(e) National and Urban Development and Housing Framework;

(f) Identified socialized housing zones; -

(g) National framework for physical planning and other existing national programs and policies; and

(h) Prescriptions of watershed management plans

The designated industrial development areas must be located only in production land uses areas and shall form an integral part of the land use plan and zoning ordinance of the city or municipality where these areas are located pursuant to RAs 6657, 8371, 7279, 855, 8435, and 7160, as amended.

Article 8

Tourism Development Areas

SEC. 59. ***Designating Tourism Development Areas.*** – The identification, selection, and development of tourism development areas, and Tourism Enterprise Zones shall be done in consultation and coordination with the LGUs, TIEZA, DOT and other national government agencies, the private sector and the affected communities subject to the provisions of RA 9593, otherwise known as “*The Tourism Act of 2009.*” Tourism development areas include those covered by legislative and executive issuances such as tourist spots, tourist zones and tourism ecozones which can be developed into tourism estates or integrated resort, or integrated resort leisure and recreation complexes. Other tourism-related facilities and those identified in the national, regional and area-specific tourism master plans and other sector plans, such as ecotourism and agri-tourism sites are also considered as tourism development areas. The sites designated for tourism development must be outside of the areas identified for protection land use. As much as practicable, community-based tourism shall be the principal mode of tourist spot operation. RAs 6657, 8371, 7279, 8435, 7160, and EO 111, series of 1999, which provided for the national ecotourism strategy, shall apply to all tourist zones and tourist development areas.

Designated areas for tourism development form part of the CLUPs and zoning ordinances of the cities or municipalities where these areas are located.

SEC. 60. ***Identification and Declaration of Areas for Protection, Conservation and Preservation of Cultural Heritage.*** – Pursuant to RA 10066 or the “*National Cultural Heritage Act of 2009*”, the NHCP or the National Museum, the NCCA, in coordination with NCIP, DHSUD and other concerned agencies, local communities, and the private sector, shall identify declared areas and structures which shall be protected and preserved as part of the Philippine cultural heritage.

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

Declared and known archaeological sites shall likewise be protected by the NCCA, the DHSUD, NCIP, other concerned government agencies, and LGUs against modification, alteration, or destruction.

Article 9

Infrastructure Development

SEC. 61. ***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 as identified in the watershed management plans.

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 RFPs, PPFDs and city or municipal CLUPs shall focus on the transportation network

that corresponds to their respective jurisdictions while maintaining consistency with the overall national networks.

SEC. 62. *Allocation and Use of Land for Infrastructure Development.* – Land, whether public or private, shall be allocated and utilized for priority infrastructure projects that are supportive of national or local development objectives. The NEDA, in consultation with the national government agencies, LGUs and the private sector, shall identify and periodically review, update or revise the list of priority infrastructure projects under an over-all national strategic infrastructure development plan subject to the provisions of this Act, RA 8435 and RA 8371. The national strategic infrastructure development plan must be consistent and integrated in the objectives and directions of the NPFP.

In determining and evaluating the list of priority infrastructure projects, consideration shall be given to those that:

(a) Respond to immediate and vital requirements of the national and regional economy with priority to improving production-market integration, inter-modal transport, conveyance and logistics linkages, rural infrastructure and the development of the agriculture and fisheries sectors;

(b) Upgrade existing facilities to international public safety standards;

(c) Address the need for sustainable settlement development; and

(d) Mitigate the destructive effects of natural disaster-causing phenomena or serve as alternatives to existing infrastructure found in natural hazard-prone areas.

The provision and implementation of infrastructure support must be made compatible with existing environmental conditions and the physical, whether natural or human-made, and cultural character of the area. Mandatory public consultations pursuant to existing laws and regulations must be held prior to the conduct of all infrastructure projects that necessarily involve dislocation or displacement of people in the area.

The proponent of the infrastructure project shall follow the rules on just and humane eviction or demolition under Section 28 of RA 7279 as a last resort, notwithstanding the provisions of RA 8975, prohibiting lower courts from issuing temporary restraining orders, preliminary injunctions or preliminary mandatory injunctions. The proponent shall also follow the provisions of RA 8371, particularly those pertaining to the rights of IPs or ICCs in case of displacement. The national government infrastructure projects shall, after determining that displacement is unavoidable, include the budgetary requirements for the adequate relocation of displaced communities.

SEC. 63. *Infrastructure Projects within Geo-hazard Areas.* – Construction of priority infrastructure projects within hazard-prone areas are allowed. However, mitigating or preventive measures must be adopted and implemented to address the potential adverse economic, socio-cultural and environmental impacts that emanate from these infrastructure projects, subject to the findings and recommendations of a feasibility study or environment impact assessment in accordance with PD 1586 and RA 4846, otherwise known as the “*Cultural Properties Preservation and Protection Act.*”

Existing projects that were undertaken without the required environmental impact assessment and which pose a threat to the environment, or to the integrity of historic, archeological or scientifically significant areas, or impinge on critical ecosystems, and other areas identified in the watershed management plans may be terminated immediately or gradually phased-out and relocated. If the existing project is to be maintained within their life span, mitigating measures must be adopted and implemented. The rules on mandatory public hearings or consultations and just and humane eviction or demolition shall also be observed prior to the termination, gradual phase-out, or relocation of projects that necessarily involve dislocations or displacement of the people in the area.

Article 10

Agro-Industrial Development

SEC. 63. ***Land Consolidation for Agro-industrial Development.*** - The consolidation of small-scale agricultural landholdings shall be promoted to take advantage of economies of scale in agricultural production, to promote value chain development, and to increase farm incomes and improve the quality of life of farmers. A Land Consolidation and Utilization Program under the DA shall be established. The program shall implement the following:

- (a) Consolidation of small contiguous landholdings into bigger agricultural estates for farm operations and agro-industries;
- (b) Crafting of a comprehensive plan and study of the optimum utilization and long-term productivity of bigger landholdings;
- (c) Private sector participation in agricultural production and management through adequate security, incentives and reasonable return on investments, within limits set by existing laws;
- (d) Development and adoption of cooperative systems that will increase the participation and protection of small farmers; and
- (e) Provision of support to consolidated farms in such forms as farm-to-market roads, irrigation, utilities, logistics, processing facilities, upgrading of basic social amenities, and marketing assistance to farmers.

CHAPTER IX

TRAINING, EDUCATION AND VALUES FORMATION

SEC. 65. ***Values Formation.*** – In order to develop a well-informed, responsible and committed citizenry, who value the protection, conservation and development of the limited land and other physical resources of the country, the CHED, with prior consultation with concerned stakeholders, may include a subject or topic on sustainable land use in the general education curriculum of higher education institutions.

SEC. 66. ***Information or Education Campaign and Capacity Building.*** – The NLUC shall spearhead a nationwide information or education campaign on land use and physical planning together with the local and national government agencies. The DHSUD, in coordination with DILG, CHED and other concerned agencies shall formulate and implement a land use management capability building program for national and local government officials, community leaders, representatives of NGOs, POs, the religious sector and the general public.

CHAPTER X

INCENTIVES, SANCTIONS AND PENALTIES

Article 1

INCENTIVES

SEC. 67. ***Formulation of a System of Incentives and Awards.*** – The NLUC shall come out with a system of incentives and awards to LGUs that regularly update their CLUPs within the prescribed period, as follows:

- (a) Provinces, highly urbanized cities, and independent component cities once every twelve (12) years; and
- (b) Component cities and municipalities once every twelve (12) years.

SEC. 68. ***Priority in Giving Technical Assistance to LGUs.*** – In providing technical assistance and other forms of support related to land use management and the implementation of development plans, the national government agencies shall give priority to cities and municipalities with approved CLUPs.

Article 2 SANCTIONS AND PENALTIES

SEC. 69. ***Failure to Formulate, Enforce, or Implement the CLUPs.*** – Within three (3) years from the effectivity of this Act, all LGUs shall complete the formulation of their CLUPs.

Failure to formulate, enforce or implement the CLUPs shall be subject to the penalties and sanctions to be imposed by DHSUD pursuant to RA 11201, otherwise known as the “*Department of Human Settlement and Development Act*” and its Implementing Rules and Regulations. The DILG, consistent with due process, shall investigate, review, and impose appropriate action regarding local chief executives and other local officials and employees responsible for the formulation, enforcement, and/or implementation of the CLUPs in case of any of the following:

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

SEC. 70. ***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. 71. ***Person Abetting Illegal Conversion.*** – Any person initiating, causing, inducing, or abetting illegal conversion as defined in Section 73(c) of RA 6657, as amended, and Section 4(z) of this Act shall, upon conviction, be imprisoned from seven (7) to twelve (12) years and imposed a fine of not less than One hundred thousand (P100,000.00) pesos, or both at the discretion of the court: *Provided*, That if the offender is a public official or employee, whether elected or appointed, the penalty shall, in addition thereto, include dismissal through permanent separation from the service and forfeiture of all benefits and entitlements accruing to the public position and perpetual disqualification to run or apply for any elective or appointive public office: *Provided further*, That if the offender is a juridical person, the penalty of imprisonment shall be imposed on the president, chief executive officer, manager, chairperson and all the members of the board, and other responsible officers thereof, and the fine shall be equivalent to the zonal value of the land or forty percent (40%) of the shareholders equity, as determined at the time of judgment whichever is higher, plus forfeiture of the land in favor of the State for sale through public auction, the proceeds of which shall automatically accrue to the Agrarian Reform Fund as provided for in Section 78 of this Act.

SEC. 72. ***Fine for Non-Completion and Non-Commencement of Development of Agricultural Lands with Approved Order of Conversion.*** – A landowner and designated developer or duly authorized representative who, without justifiable cause, fails to commence or complete the development of agricultural lands with approved order of conversion shall be penalized, jointly or severally, with any of the following fines based on the zonal value of the land at the time the fine is imposed:

- (a) On failure to commence within one (1) year from the date of conversion order:
 - (1) Six percent (6%) of the zonal value of the subject land for the first three (3) hectares;
 - (2) Fifteen percent (15%) of the zonal value of the subject land for the next three hectares, and

(3) Thirty percent (30%) of the zonal value of the subject land for the remaining area: *Provided*, That the order of conversion shall be deemed revoked automatically and the land shall revert to its original agricultural use and covered automatically and the land shall revert to its original agricultural use and covered.

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

SEC. 73. *Change of use from the Previously Authorized Conversion Order.* – The landowner and future landowners 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. 74. *Payment of Disturbance Compensation.* – Following the order of priority as enumerated in Section 22 of RA 6657, as amended, qualified beneficiaries such as agricultural lessees and share tenants, regular farm workers, seasonal farm workers, other farm workers, actual tillers or occupants of public lands, collective, or cooperative of the above-mentioned beneficiaries, and others directly working on the land affected by agricultural land use conversion shall be entitled to the payment of disturbance compensation equivalent to five (5) times the average of the gross harvests on the landholding during the last five (5) preceding calendar years or a certain percentage of the converted land, whichever is higher, as determined by the DAR.

SEC. 75. *Authority to Impose Fine.* – The DAR shall impose the penalty provided for under the preceding section.

SEC. 76. *Withdrawal of Local Development Permits or Licenses.* – Upon receipt of notice from the DAR of illegal conversion, the concerned agencies, city or municipality shall withdraw or revoke any development permit or license issued to illegally converted agricultural lands.

SEC. 77. *Penalty for Reclassification of Protected Agricultural Lands and Exceeding the Limit of Areas Allowed for Reclassification.* – Any person initiating, causing, inducing or abetting the reclassification to non-agricultural uses of protected agricultural areas as defined in this Act shall be punished with imprisonment of twelve (12) years or a fine of not less than One hundred thousand Pesos (P100,000.00), or both, at the discretion of the court.

If the offender is a public official or employee, whether elected or appointed, the penalty includes dismissal from the service, forfeiture of entitlements accruing to the public position, and perpetual disqualification to run or apply for any elective or appointive position.

If the offender is a juridical person, the president, chief executive officer, manager, chairperson, members of the board and other officers who directly participated in the violation of this Section shall be held liable.

The same penalty is applicable to persons who are responsible for exceeding the limits set forth under Section 20 of RA 7160 pertaining to reclassification of lands.

SEC. 78. *Utilization of Fines.* – The fines collected under Sections 71, 72 and 77 of this Act shall accrue to the Agrarian Reform Fund and shall be used for the purpose for which the fund is established.

CHAPTER XI TRANSITORY AND FINAL PROVISIONS

SEC. 79. **Convening of the NLUC.** – Within thirty (30) days from the effectivity of this Act, the chairperson shall convene the NLUC.

SEC. 80. **Implementing Rules and Regulations.** – Within six (6) months from the effectivity of this Act, the NLUC shall promulgate the rules and regulations to implement the provisions of this Act.

SEC. 81. **Congressional Oversight Committee on the Land Use Act.** – There is hereby created a joint congressional oversight committee to monitor the implementation of this Act. The committee shall be composed of seven (7) senators and seven (7) representatives to be appointed by the Senate President and Speaker of the House of Representatives, respectively. The members from the Senate shall be appointed based on proportional representation of the parties or coalitions therein, with at least two (2) senators representing the minority. Likewise, the representatives from the House of Representatives shall be appointed based on proportional representation of the parties or coalitions therein with at least two (2) Members representing the minority.

The mandate given to the joint congressional oversight committee under this Act shall be without prejudice to the performance of the duties and functions by the respective existing oversight committees of the Senate and the House of Representatives. The secretariat of the committee shall be drawn from the existing secretariat personnel of the committees comprising the oversight.

SEC. 82. **Appropriations.** – The amount necessary for the initial implementation of this Act shall be charged against the current year's appropriations of the departments and agencies concerned. Thereafter, such amount shall be included in the annual General Appropriations Act.

SEC. 83. **Review of the Existing Land Use Plans.** – Provinces, cities, and municipalities with existing land use plans shall review, revise, reconcile, and harmonize their respective land use plans in accordance with the guidelines and standards issued by the National Land Use Commission (NLUC) within one (1) year from the effectivity of this Act.

All other laws, orders issuance, rules and regulations inconsistent herewith are repealed or modified accordingly.

SEC. 84. **Non-impairment Clause.** – Nothing in this Act shall be construed as to diminish or impair the rights recognized granted, or available to marginalized or the basic sectors under existing laws or to diminish or impair vested rights generally, including the rights of indigenous cultural communities and indigenous peoples as provided under Republic Act No. 8371.

SEC. 85. **Separability Clause.** – If any provision of this Act is declared unconstitutional, the remainder of this Act or any provisions not affected thereby shall remain in full force and effect.

SEC. 86. **Repealing Clause.** – Sections 10 and 11 of RA 8435, Sections 447 (a2vii) and 458 (a2viii) of RA 7160, the pertinent provisions of EO 648, series of 1991, EO 72, series of 1993, EO 770, series of 2008, Letter of Instruction No. 1350, series of 1983, PP 2282, series of 1983 are hereby repealed, amended or modified accordingly.

SEC. 87. **Effectivity.** – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,