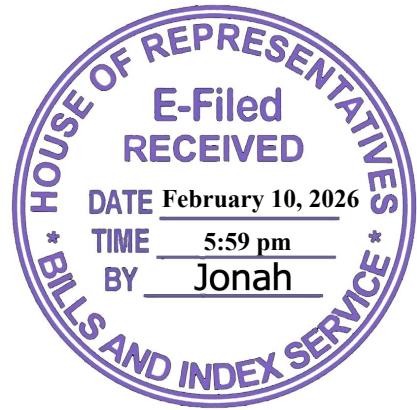


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session



HOUSE BILL NO. 7730

Introduced by
LONE DISTRICT OF DINAGAT ISLANDS REPRESENTATIVE KAKA BAG-AO,
and AKBAYAN REPRESENTATIVES JOSE MANUEL TADEO "CHEL" I. DIOKNO, PERCIVAL V.
CENDAÑA, and DADAH KIRAM ISMULA

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

EXPLANATORY NOTE

The 1987 Philippine Constitution, under Article XII, Section 2, mandates that all lands of the public domain and natural resources belong to the State. It further charges the State with the responsibility of ensuring that the use of land bears a social function and contributes to the common good. Despite this constitutional mandate, the Philippines remains without a comprehensive national law that governs the classification, management, and utilization of its finite land and water resources. For decades, land use in the country has been managed through a fragmented, sectoral approach, resulting in overlapping jurisdictions among government agencies, the rapid loss of prime agricultural lands, and the proliferation of human settlements in high-risk disaster zones.

The necessity of this measure is underscored by the alarming rate of land conversion and environmental degradation. Official data from the Philippine Statistics Authority (PSA), specifically the 2022 Census of Agriculture and Fisheries (CAF), reveals a staggering decline in the nation's agricultural base. From a peak of 9.97 million hectares in 1991, the total area of agricultural farms has plummeted to 6.16 million hectares as of 2022. This represents a loss of 3.81 million hectares—or approximately 38.2% of our total agricultural land—in just three decades. This rapid disappearance of farmlands, primarily due to unchecked land conversion for residential and industrial purposes, poses a direct and existential threat to the nation's food security.¹

¹ **Philippine Statistics Authority. (2024, December 30).** 2022 Census of Agriculture and Fisheries: Statistical tables on agricultural farm and parcel characteristics (Report No. 1). <https://psa.gov.ph>

Furthermore, the urgency for a unified spatial framework is intensified by our vulnerability to climate change. The **Department of Environment and Natural Resources – Mines and Geosciences Bureau (DENR-MGB)** has consistently reported that approximately 60% of the Philippines' total land area is highly susceptible to multiple geo-hazards, including landslides and flooding. Despite these scientific warnings, the lack of a national land use law has permitted continued settlement in these "danger zones." Compounding this is the pressure of rapid urbanization; the World Bank projects that by 2050, nearly 7 in 10 Filipinos will reside in urban areas, a shift that will inevitably lead to further "urban sprawl" and ecological collapse if not managed through the national strategy proposed in this Act.²

This bill seeks to institutionalize a **National Land Use and Management Policy** by categorizing land into **four major functional uses: Protection, Production, Settlements, and Infrastructure**. By clearly delineating these areas, the State ensures that critical watersheds, key biodiversity areas, and prime agricultural lands are protected from encroachment in perpetuity. It also establishes a rationalized system for "Production Land Use," where economic activities such as mining, energy development, and industry are balanced against ecological stability.

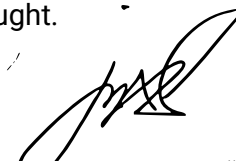
A salient feature of this Act is the **creation of the National Land Use Policy Commission (NLUPC)** under the Office of the President. The NLUPC shall serve as the highest policy-making body, tasked to resolve conflicting land use policies between national agencies and local government units (LGUs). It harmonizes the "bottom-up" approach of the Local Government Code with national development goals, ensuring that Comprehensive Land Use Plans (CLUPs) at the municipal level are data-driven and resilient to climate change.

Moreover, this measure grants significant **recognition to the rights of Indigenous Cultural Communities (ICCs) and Indigenous Peoples (IPs)**. By mandating the integration of Ancestral Domain Sustainable Development and Protection Plans (ADSDPPs) into local and national physical framework plans, the bill upholds the principle of self-determination while ensuring that ancestral lands are protected from unauthorized alienation.

In view of the gravity of the issues addressed and the long-standing need for a unified land policy, the immediate passage of this bill is earnestly sought.



REP. KAKA BAG-AO
Lone District of Dinagat Islands



REP. JOSE MANUEL TADEO "CHEL" I. DIOKNO
AKBAYAN Party-list



REP. PERCIVAL V. CENDAÑA
AKBAYAN Party-list



REP. DADAH KIRAM ISMULA
AKBAYAN Party-list

² **Mines and Geosciences Bureau. (2022).** National geohazard mapping and assessment program: Consolidated report on flood and landslide susceptibility. Department of Environment and Natural Resources.

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

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

CHAPTER I
INTRODUCTORY PROVISIONS

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

SECTION 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. Except for agricultural lands, all other natural resources shall not be alienated. Moreover, natural resources found in ancestral domains owned by the concerned indigenous Cultural Community shall not be alienated.

Pursuant to the constitutional provision or mandate, it is the policy of the State to recognize the need for rational, holistic, gender-responsive, optimal, and sustainable housing settlement development, consistent with the principles of inclusivity, resiliency, environmental management, and equitable access to land and security.

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

- (a) Provide for a rational, holistic, gender-responsive, optimal, and just allocation, utilization, management, and development of the country's land and water resources

so that their use is consistent with the principles of inclusivity, resiliency, equity, social justice, environmental integrity, and sustainable development for the common good;

(b) Hold owners and users of land and waters responsible for developing and conserving their lands, thereby making these productive and supportive of sustainable development and environmental stability in accordance with the principle that the use of land bears a social function and that all economic agents shall contribute to the common good;

(c) Treat groups of islands, including parts of islands, interconnecting waters and other natural features which are so closely interrelated, as forming an intrinsic geographical, economic and political entity, or which historically have been regarded as such an entity;

(d) Strengthen the capacity of the local government units (LGUs) to manage and maintain ecological balance within their territorial jurisdiction, in partnership with the national government, in accordance with the Philippine Constitution and Republic Act 7160 or the Local Government Code of 1991.

(e) Sustainable and just management and utilization of natural resources;

(f) Maintenance and preservation of environmental integrity and stability, specifically the perpetual protection of permanent forests and watershed, coastal, and ecosystem services for the attainment of food, water, and energy sufficiency;

(g) Protection and conservation of the country's natural heritage, permanent forest lands, natural forests, critical watersheds, and key biodiversity areas to ensure adequate forest cover to maintain ecological processes in the country;

(h) Disaster risk reduction and climate risk-based planning;

(i) Protection of prime agricultural lands for food security, with emphasis on self-sufficiency through efficient and sustainable use of land resources consistent with the principles of sound agricultural development, natural resources development, and agrarian reform;

(j) Water security through sustainable development and management of water resources towards water security;

(k) Sustainable development and management of water resources;

(l) Housing Settlements, and other infrastructure development in support of safe, inclusive growth and rural, urban, and regional development;

(m) 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;

- 1 (n) Adequate supply of affordable housing, especially for low-income households, that
2 adopts appropriate approaches and designs;
3
- 4 (o) Promote and develop sustainable, affordable, and efficient mass transit and active
5 mobility options in support of urban, peri-urban, and rural linkages towards regional
6 development and inclusive growth;
7
- 8 (p) Harmony between the rights and the varied interests of every Filipino within the
9 framework of people empowerment, decentralization, social justice, and equity;
10
- 11 (q) Respect for and protection of the sustainable traditional resource rights of the
12 Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) to their ancestral
13 domains to ensure their economic, social, and cultural well-being as well as
14 recognition of the applicability of customary laws and sustainable traditional resource
15 use and management, knowledge, and practices in ancestral domains in compliance
16 with free and prior informed consent of ICC/IPs;
17
- 18 (r) Equitable access to land through State intervention that guarantees its affordability to
19 the basic sectors;
20
- 21 (s) Protection and conservation of parks and protected areas to keep the scenery, the
22 natural and historic objects, and the biodiversity therein in their natural state and
23 prevent them from being damaged for purposes of public recreational use and
24 enjoyment; and
25
- 26 (t) Water security through sustainable development and management of water resources
27 towards water security;
28
- 29 (u) Attainment of energy security and self-sufficiency;
30
- 31 (v) Protection and meaningful participation in the rights of basic sectors to equitable
32 access to the country's land;
33
- 34 (w) A whole-of-society and whole-of-government orientation, through which thrusts and
35 strategies espoused by different actors and sectors are heard and brought together to
36 achieve complex and interrelated goals, is encouraged and adopted as a basic
37 parameter in achieving efficiency in land use and allocation, within the framework of
38 ecological development and equity.
39
- 40 (x) Promotion of the integrated approach to land use and urban transport planning to
41 effectively manage growth in urban areas and ensure that the capacity of transport
42 facilities can accommodate the demand for movement of passengers and goods to,
43 and from and within the centers of socioeconomic activities;
44
- 45 (y) Vertical and horizontal linkages or spatial strategies and the potential for co-
46 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

- (z) 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 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, whether 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.

SECTION 3. Scope. – This Act shall apply to all lands and all resources therein, whether public, private, government-owned, and/or in the possession of any person, whether natural or juridical, and shall guide the rational, holistic, and just allocation, utilization, development and management of the country's land and water resources including such activities that bear impact on said resources.

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

- (a) *Agricultural Land* refers to the sub-class of classified agricultural lands devoted to or suitable for the cultivation of the soil, planting of crops, growing of trees, raising of livestock, poultry, fish or aqua-culture production, including the harvesting of such farm products, and other farm activities and practices performed in conjunction with such farming operations, by persons whether natural or juridical, and not classified as residential land, commercial land or industrial land, provided further that the reclassified agricultural land shall secure a conversion order from DAR;
- (b) *Agricultural Land Use Conversion* refers to the undertaking of any development activity which modifies or alters the physical characteristics of agricultural lands to render them suitable for non-agricultural purposes under an approved order of conversion issued by the appropriate government agency;
- (c) *Alienable and Disposable Lands* of the Public Domain refer to lands of the public domain which have been delineated, classified, and certified as such and available for disposition under Commonwealth Act No. 141, otherwise known as the Public Land Act, as amended;
- (d) *Ancestral Domains* refer to all areas generally belonging to indigenous cultural communities/indigenous peoples as defined in Republic Act (R.A.) No. 8371, otherwise known as *the Indigenous Peoples Rights Act (IPRA) of 1997*;

- (e) *Ancestral Domain Sustainable Development and Protection Plan (ADSDPP)* refers to a plan formulated and pursued in accordance with the rights of ICCs/IPs to manage and develop the land as well as natural and human resources within their ancestral domains based on their indigenous knowledge systems and practices on the principle of self-determination;
- (f) *Basic sector* refers to a group of people not referring to any organized groups, such as but not limited to women, youth, the elderly, differently abled, peasants, and fisherfolk.
- (g) *Classified Agricultural Land* refers to one of the four (4) classifications of land under the Constitution, not classified by law as mineral land, forest land, or national park, and the only land classification subject to alienation
- (h) *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 isobath to include coral reefs, algal flats, seagrass beds, and other soft-bottom areas.
- (i) *Comprehensive Land Use Plan (CLUP)* refers to a document embodying a set of policies, accompanied by maps and similar illustrations that serve as a policy guide for determining the future use of lands and natural resources within the territorial jurisdiction of the LGUs. It represents the community-desired patterns of population distribution and proposes future allocation of land and resources to various activities. It includes the processes and criteria employed in such determination of allocation of land and resources. It is a plan for the long-term management of the local territory covering a period of minimum of ten (10) years, reviewable not earlier than every ten (10) years based on the four (4) categories of land use planning provided in Section 6 of this Act;
- (j) *Comprehensive Land Use Planning* refers to the act of defining the allocation, utilization, development, and management of all lands within a given territory or jurisdiction according to the inherent characteristics of the land itself and supportive of sustainable, economic, demographic, socio-cultural, and environmental objectives as an aid to decision-making and legislation;
- (k) *Critical habitats* refer to the areas outside protected areas as defined in R.A. 7586, otherwise known as the National Integrated Protected Areas System Act of 1992, which are known habitats of threatened species and designated as such based on scientific data, taking into consideration species endemism or richness, presence of human-made pressures or threats to the survival of wildlife living in the area.
- (l) *Critical Watershed* refers to watersheds or forestlands that have been identified and evaluated to provide critical and vital natural, ecological, environmental and physical beneficial services such as water, biodiversity, energy, irrigation, social and cultural,

among others to a specific area or community and whose biophysical condition protection, conservation, and management to prevent its further denudation, deterioration and exploitation;

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

(n) *Cultural property* refers to a body of written or unwritten usages, customs, and practices traditionally and continually recognized, accepted, and observed by respective ICCs/IPs, consistent with RA 8371

It also 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;

(o) *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;

(p) *Danger Zones* refer to areas with a high level of threat to the lives and well-being of people that cannot be addressed through scientific, physical, and engineering methods, and are therefore not suitable for housing settlement and permanent structures. Areas can only be declared as Danger Zones after proper technical studies and public consultations with affected families are conducted.

(q) *Development Plan* refers to a document that defines 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. It integrates 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. It may include an analysis of problems and resources, a definition of goals and objectives, policy guidelines, project and target achievements, and an implementation mechanism that defines the roles and contributions expected from the government and the private sector.

(r) *Disaster-prone Areas or Geo-hazard Areas* refer to areas frequented by and/or vulnerable to experiencing weather, climatic, geologic, and other natural disturbances or hydrologic calamities.

(s) *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

1 resistance to political, social, and cultural inroads of colonization, non-indigenous
2 religions and cultures, became historically differentiated from the majority of Filipinos
3 including peoples who are regarded as indigenous on account of their descent from
4 the populations which inhabited the country at the time of conquest or colonization, or
5 at the time of inroads of non-indigenous religions and cultures, or the establishment
6 of present state boundaries, who retain some or all of their own social, economic,
7 cultural, and political institutions, but who may have been displaced from their
8 traditional domains, or who may have resettled outside their ancestral domains;
9

10 (t) *Disaster Risk Reduction* refers to the concept and practice of reducing disaster risks
11 through systematic efforts to analyze and manage the causal factors of disasters,
12 including reduced exposure to hazards, lessened vulnerability of people and property,
13 wise management of land and the environment, and improved preparedness for
14 adverse events;
15

16 (u) *Ecologically-fragile Lands* refer to lands within critical watersheds, brackish and
17 freshwater wetlands, pasture lands, inland rivers and waterways, coastal and
18 settlement areas, and croplands which require rehabilitation, protection and whose
19 continued unsustainable use would result in physical risks and threats to life and
20 property, public health and safety, as well as adversely affect the productivity of
21 lowland agricultural areas and stability of the upland system;
22

23 (v) *Ecotourism* refers to a form of sustainable tourism within a natural and/or cultural
24 heritage area where community participation, protection and management of natural
25 resources, culture and indigenous knowledge and practices, environmental education
26 and ethics, as well as economic benefits are fostered and pursued for the enrichment
27 of the host community and satisfaction of visitors;
28

29 (w) *Energy Resources* refer to surface or substances that serve as energy resources,
30 including traditional mineral fuel deposits such as coal, petroleum, natural gas, or
31 resources from geothermal, hydro reservoirs, or non-conventional sources such as
32 ocean waves, solar, wind, biomass, and other similar resources which serve the same
33 purpose;
34

35 (x) *Energy Resource Lands* refer to lands where naturally occurring or indigenous energy
36 resources exist in sufficient quantity and/or quality as to be economically viable for
37 exploration, development, production, utilization, and distribution purposes;
38

39 (y) *Environmentally Critical Areas* refer to areas declared by law as:

- 40 i. areas for natural parks, watershed reserves, wildlife preserves, and
41 sanctuaries;
- 42 ii. areas set aside for aesthetic and visual value;
- 43 iii. areas that constitute the habitat for any endangered or threatened species of
44 indigenous Philippine wildlife both flora and fauna;
- 45 iv. areas of unique historic, archaeological, or scientific interests;
- 46 v. areas that are traditionally occupied by ICCs/IPs;
- 47 vi. areas with critical slopes;

- vii. areas frequented and/or hard hit by natural calamities such as but not limited to geologic hazards, floods, typhoons, and volcanic activities;
- viii. recharge areas of aquifers;
- ix. mangrove areas;
- x. coral reefs;
- xi. mossy and virgin forests;
- xii. rivers and riverbanks;
- xiii. swamp forest and marshlands;
- xiv. foreshore lands;
- xv. protected areas pursuant to Republic Act No. 7586 or the NIPAS Act of 1992; and
- xvi. areas set aside as aesthetic potential tourist spots. This term shall also include other terrestrial, aquatic, and marine areas that need special protection and conservation measures because they are ecologically fragile or are needed for food security and food self-sufficiency, as determined by concerned agencies and LGUs in consultation with the concerned stakeholders.
- (z) *Exhausted energy resource* sites shall refer to specific energy resource sites whose energy reserves of the desired type/s are no longer in sufficient quantity or quality, and in the case of renewable energy, cannot be sustainably harvested to justify additional expenditure for their extraction and utilization and the renewal of use as determined and certified by the DOE.
- (aa) *Exhausted Mineral Resources* refer to a situation where the mineral resources in specific sites are no longer in sufficient quantity or quality to justify additional expenditure for extraction or utilization as determined by the Mines and Geosciences Bureau and approved by the Department of Environment and Natural Resources (DENR);
- (bb) *A flood plain* refers to relatively smooth valley floors adjacent to and formed by rivers that overflow their banks at flood stages. The plain usually consists of unconsolidated fine sediments such as sand, silt, and clay;
- (cc) *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;
- (dd) *Food Security* refers to the meeting of the food availability, accessibility, and affordability requirements of the present and future generations of Filipinos in a sustainable manner, through local production or importation in cases of shortage based on a micro level situation, or both, and taking into account the country's existing and potential resource endowments and related production advantages, and consistent with the overall national development objectives and policies;
- (ee) *Food Self-sufficiency* refers to the meeting of the food requirements through local food production in a sustainable manner based on the country's existing and potential resources and related production advantages;

- (ff) *Foreshore land* refers to a string of land marginating 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 beachscape or berm;
- (gg) *Forest* refers to an ecosystem or an assemblage of ecosystems dominated by trees and other woody vegetation of a community of plants and animals interacting with one another and their physical environment;
- (hh) *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 reserves, forest reservations, and all the remaining unclassified lands of the public domain;
- (ii) *Forest Land Use Plan (FLUP)* refers to the allocation of forest lands into their appropriate uses consistent with existing biophysical conditions such as topography, soil type, land use, climate, water sources, and socioeconomic, cultural, and political realities. Forest land use planning should be able to delineate protection and production forests consistent with their ecological significance;
- (jj) *Forest Land Sub-classification* refers to the process of determining the most appropriate and sustainable use of forest lands primarily as a protection forest and a production forest. They may be further sub-classified as grazing/pasture land, recreational areas, and other uses, taking into account ecological, social and economic considerations;
- (kk) *Free, Prior and Informed Consent (FPIC)* refers to the consensus of all members of the ICCs/IPs to be determined in accordance with their respective customary laws and practices, free from any external manipulation, interference and coercion, and obtained after fully disclosing the intent and scope of the activity, in a language and process understandable to the community;
- (ll) *Geo-hazards* refer to nature and human-induced geological processes that have potential to cause destruction and which pose a threat or risk to a person's life and property. These may include but are not limited to ground, water and weather-related conditions, volcanic and earthquake induced hazards such as ground shaking, ground rupture, earthquake-induced landslides, liquefaction and tsunamis.
- (mm) *Heritage zone* refer to historical, anthropological, archaeological, artistic, and 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 (NCHP);
- (nn) *Housing* refers to a multi-dimensional concept relating to the process of residing and the objects of dwelling whose main attributes are location relative to access to livelihood, tenure arrangements, cost and physical structure, as well as their

environment. Housing is likewise a physical structure as well as a social structure, functioning at different spatial scales from homes, neighborhoods, communities, municipalities, cities, provinces, and regions. It is also a sector of the economy, an important category of land use in both urban and rural areas, especially in cities, and is an important factor in the overall dynamics of the urban system.

(oo) *Human settlements* comprise of

- a. physical components of shelter and infrastructure; and
- b. services to which the physical elements provide support, such as community services which include education, health, culture, welfare, recreation and nutrition.

(pp) *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 R.A. 6657, as amended. and to dispossess a tenant as provided under Section 73 (c) of R.A. 6657, as amended, when established from the following instances:

- a. an agricultural land is developed for use in non-agricultural activities without a DAR Conversion Order;
- b. the agricultural land being converted is irrigated or irrigable;
- c. there is land activity such as, but not limited to earth filling/duping, 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
- d. Other analogous activities.

(qq) *Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs)* 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. ICCs/IPs shall likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of non-indigenous religions and cultures, or the establishment of present State boundaries, who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains

(rr) *Inland Waters* refer to waters, which are not coastal and marine waters, and not subject to acquisitive prescription consistent with the provisions of Presidential Decree No. 1067 or the Water Code of the Philippines;

- (ss) *Integrated Watershed Management* refers to a planning strategy or program for watershed areas that complements environmentally-sound soil and water management practices with mechanisms for ensuring greater responsibility, involvement, or participation of individuals, groups, communities and other stakeholders benefitting from these areas and water-related infrastructure;
- (tt) *Key Biodiversity Areas (KBAs)* refer to sites contributing significantly to the global persistence of biodiversity in terrestrial, freshwater and marine ecosystems. They are identified by a standard set of criteria against scientifically defined thresholds
- (uu) *Land* refers - to resources, both natural and artificial found on the surface, below, and above the ground including inland waters and the air therein;
- (vv) *Land Use* refers to the manner of allocation, utilization, management and development of land;
- (ww) *Land Sub-classification* refers to the act of determining and assigning specific uses of classified lands such as forest lands, classified agricultural lands, mineral lands and national parks in accordance with existing laws and this Act;
- (xx) *Land Use Classification* refers to the act of delineating or allocating lands according to protection land use, production land use, settlements development and infrastructure development as defined and provided for in this Act;
- (yy) *Mandatory Public Hearings/Consultations* refer to the mechanism to ensure the involvement of concerned stakeholders and communities in land use planning, from the barangay to the national level, to ensure the social acceptability of the plans. It should involve giving notice of hearing/consultation to concerned stakeholders through publication or posting in conspicuous places, conduct of a reasonable number of hearings, and solicitation of positions to arrive at a consensus. Public presentation and validation of the planning results shall also be undertaken before the final adoption of the plans;
- (zz) *Marine Protected Area (MPA)* refers to a defined area of the sea established and set aside by law, administrative regulation or any other effective means in order to conserve and protect a part of or the entire enclosed environment, through the establishment of management guidelines. It includes all declared areas governed by specific rules, guidelines, or customs in order to protect and manage activities within the enclosed area. This may include areas identified as protected areas by the surrounding community;
- (aaa) *Mineral Exploration* refers to the systematic searching or prospecting for mineral resources including energy resources, with respect to the purposes stated in SECTION 31 of this law;

- (bbb) *Minerals* refer to naturally 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.
- (ccc) *Mineral Lands* refer to lands of the public domain, excluding those in permanent forestlands and protection lands, where mineral resources are found in sufficient quantity and quality for extraction, development and utilization;
- (ddd) *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.
- (eee) *Multiple Use of Land Resources* refer to the utilization or management strategy for any land, which allows any activity, involving two or more of its resources, depending on the result of prior evaluation on its numerous beneficial use, that will produce the optimum benefits to the development and progress of the local communities and the country and the public welfare without impairment or with the least injury to its other resources and the environment
- (fff) *Municipal Waters* refers to not only streams, lakes, inland bodies of water and tidal waters within the municipality which are not included within the protected areas as defined under Republic Act No. 7586 of the National Integrated Protection Areas System or the NIPAS Act of 1992, public forest, timber lands, forest reserves or fishery reserves, but also marine waters included between two (2) lines drawn perpendicular to the general coastline from points where the boundary lines of the municipality touch the sea at low tide and a third line parallel with the general coastline including offshore islands and fifteen (15) kilometers from such coastline. Where the territory of a municipality includes several islands, the outermost points of such islands shall be used as base points and connected by archipelagic baselines, irrespective of the lengths of such baselines from the main coastlines. Where the two (2) municipalities are situated on opposite shores that there is less than thirty (30) kilometers of marine waters between them, the third line shall be equally distant from opposite shore of the respective municipalities;
- (ggg) *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;
- (hhh) *National Land Use Policy Committee (NLUPC)* refers to the administrative, policy-marking, and regulatory body created under this Act.
- (iii) *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 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 featured in such areas. It shall also refer to lands and waters of the public domain classified as such in the 1987 Constitution which include all areas under the NIPAS pursuant to Republic Act No. 7586 or the NIPAS Act of 1992, primarily designated for the conservation of native plants and animals and associated habitats and cultural diversity;

(jjj) *Network of Protected Areas for Agriculture and Agro-industrial Development (NPAAAD)* refers to agricultural areas identified by the Department of Agriculture (DA) through the Bureau of Soils and Water Management (BSWM) in coordination with the National Mapping and Resource Information Authority (NAMRIA) in order to ensure the efficient utilization of land for agriculture and agro-industrial development and to promote sustainable growth. The NPAAAD covers 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 to industrial crops that support the validity of existing agricultural infrastructure and agro-based enterprises; highlands or areas located at an elevation of five hundred (500) meters or above and have the potential for growing semi-temperate and high value crops; all agricultural lands that are ecologically fragile the conversion of which will result in serious environmental degradation; and all mangrove areas and fish sanctuaries;

(kkk) *Other Effective Area-based Conservation Measure (OECM): CBD Decision 14/8* defines an OECM as "a geographically defined area other than a Protected Area, which is governed and managed in ways that achieve positive and sustained long-term outcomes for the in situ conservation of biodiversity, with associated ecosystem functions and services and where applicable, cultural, spiritual, socioeconomic, and other locally relevant values."

(III) *Permanent Forest Reserves* refer to lands of the private or public domain which have been identified and determined to be needed for protection, conservation, preservation and management as forests and shall be reserved, conserved and protected into perpetuity for such purpose;

(mmm) *Permanent Forestlands* refer to forestlands within public lands, that have been identified, determined, and demarcated on the ground by the State to serve such purpose and shall be protected, conserved, preserved, maintained and managed as forestlands free from any form of utilization, exploitation or development, and reserved permanently as such for the benefit and use of future generations;

(nnn) *Physical Framework Plans* refer to the national, regional or provincial indicative plans that outline the over-all and macro-level 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 Committees/boards, respectively, based on the Comprehensive Land Use Plans (CLUPs) of the LGUs and the national policy guidelines relating to land use and environmental management to prevent or mitigate the adverse effects of

inappropriate resource utilization on food security, the people's welfare, and their environment.

(ooo) *Premature conversion of agricultural land* - refers to any activity that modifies or alters the physical characteristics of agricultural lands to render them suitable for non-agricultural purposes before securing an approved order of conversion from the DAR Secretary;

(ppp) *Prime Agricultural Lands* refer to all contiguous irrigated areas and irrigable lands already covered by irrigation projects; all alluvial plain lands highly suitable for agriculture whether irrigated or not that have been identified to satisfy the country's needs for food self-sufficiency and security; agro-industrial croplands or lands presently planted and suitable to industrial and high value crops; highlands, or areas located at an elevation of 500 meters or above and have the potential for growing semi-temperature and high value crops outside of declared permanent forestlands and protection forests, and are not located in ecologically-fragile and environmentally-critical areas;

(qqq) *Production Forest* refers to forestland located in production lands managed primarily for the production of timber and other tree products;

(rrr) *Production Land Use* refers to the direct and indirect utilization of land to generate outputs resulting from the following activities: agricultural, fish farming or aquaculture, timber or agro-forestry, grazing and pasture, mining, indigenous energy resource development, industry, and tourism;

(sss) *Protection Land Use* refers to the use of land primarily reserved for rehabilitation, conservation, and protection purposes and the promotion of the country's ecological and life-support systems;

(ttt) *Public Domain* refers to lands belonging to the State which may be classified as agricultural, forest or timber, mineral, or national park as provided for in the Constitution;

(uuu) *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;

(vvv) *Reforestation* refers to all activities directed towards restoration, establishment and sustained management preferably using native species of diversified vegetation on denuded, degraded and/or marginal lands.

(www) *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;

- (xxx) *Resettlement Sites* refer to areas identified by the appropriate national agency or by the local government unit, with respect to areas within its jurisdiction, which shall be used for the relocation of the underprivileged and homeless, as defined under Republic Act No. 7279 or the Urban Development and Housing Act (UDHA)
- (yyy) *Restoration* refers to returning forestland to its original forested state in terms of species' composition, structure, function and productivity;
- (zzz) *Restoration Zones* refer to forest areas where activities are conducted to restore its forested state.
- (aaaa) *River Basin* refers to the horizontal projection of area from which a river and its tributaries receive surface water originating from precipitation;
- (bbbb) *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.
- (cccc) *Settlements* refer to "communities or built-up environment areas where people live, whether by choice, necessity, or circumstance." Many settlements, especially among urban poor or marginalized groups, are inhabited due to necessity, displacement, or lack of options—not because people "prefer" to live there. The word "prefer" implies comfort, choice, or desirability, which does not fit informal settlements, slums, or areas affected by disasters where people reside out of compulsion.
- (dddd) *Settlements Development* refers to any improvement on existing settlements or any proposed development of certain areas for settlement purposes. It also involves the spatial distribution of population, identification of the roles and functions of key urban centers, determination of relationships among settlement areas, and the provision of basic services and facilities of identified major settlement areas or growth centers;
- (eeee) *Shoreline* refers to a strip of land covering at least one (1) kilometer from the point where seawater reaches during the highest high tide;
- (ffff) *Spatial Data Infrastructure* refers to a system consisting of spatial data, technology, policies, practices, relationships, people and resources necessary to acquire, process, store and distribute spatial information to improve sharing and use throughout all levels of the government and private sector, among others, which shall be operationalized through electronic system that provides access to a network of spatial data sources and users and shall serve as the official linkage of the government to international and regional spatial data infrastructure;
- (gggg) *Socialized housing* refers to housing programs and projects covering houses and lots or home lots only, or residential condominium units undertaken by the

1 government or the private sector for the underprivileged and homeless citizens which
2 shall include sites and services development, long-term financing, liberalized terms on
3 interest payments, and such other benefits in accordance with the provisions of the
4 UDHA and related laws.

5
6 (hhhh) *Socialized Housing Sites* refer to lands identified and designated by LGUs and
7 the national government as sites for socialized housing pursuant to Article IV of the
8 UDHA and its implementing guidelines.

9
10 (iii) *Strategic Agriculture and Fisheries Development Zones (SAFDZ)* refers to the areas
11 within the NPAAAD identified for production, agro-processing, and marketing activities
12 to help develop and modernize, with the support of government, the agriculture and
13 fisheries sectors in an environmentally and socio-culturally sound manner pursuant to
14 Section 4 of RA 8435 or "Agriculture and Fisheries Modernization Act of 1997". The
15 SAFDZ shall have an integrated development plan consisting of production,
16 processing, investment, marketing, human resources, and environmental protection
17 components.

18
19 (jjjj) *State universities and colleges (SUCs)* refer to public higher education institutions in
20 the Philippines created and established by law which constitutes their character and
21 which have independent and separate governing boards;

22
23 (kkkk) *SUC Land Use Plan* refers to a campus master plan mandated under RA 11396,
24 otherwise known as the "SUCs Land Use Development and Infrastructure Plan Act"
25 that contains the allocation and utilization of the land within a campus' geographic
26 boundary to meet the required academic and non- academic support services and
27 facilities as well as the campus development programs and projects and the
28 investment needed to implement them.

29
30 (llll) *Sub-classification or Reclassification of Agricultural Lands* refers to the process
31 undertaken by the LGUs of allocating declared agricultural lands in their respective
32 territorial jurisdictions to specific uses such as residential, industrial or commercial
33 purposes and may be used as a basis for application for land conversion by the owners
34 thereof;

35
36 (mmmm) *Sustainable Development* refers to the development objective of meeting the
37 needs of the present generation without compromising the ability of future
38 generations to meet their own needs consistent with the principles of social equity,
39 efficiency, and environmental integrity

40
41 (nnnn) *Sustainable Traditional Resource Rights* refer to the rights of ICCs/IPs to
42 sustainably use, manage, protect and conserve
43 a. land, air, water, and minerals;
44 b. plants, animals and other organisms;
45 c. collecting, fishing and hunting grounds;
46 d. sacred sites; and

- e. other areas of economic, ceremonial and aesthetic value in accordance with their indigenous knowledge, beliefs, systems and practices;

(oooo) *Tourism Ecozone* refers to tourism development areas, outside protection lands, which have been granted Special Economic Zone status, through the Philippine Export Zone Authority (PEZA) registration and issuance of the required Presidential Proclamation, with its metes and bounds delineated by said Proclamation, pursuant to Republic Act 7916 or the Special Economic Zone Act of 1995 (SEZA), as amended;

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

(qqqq) *Tourism Estates* refer to large tracts of land with well-defined boundaries in any area, excluding those in protection lands, identified in the Philippine tourism master plan and regional tourism master plan, by proclamation of the President and/or by Acts of Congress and/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;

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

(ssss) *Tourist Zone* refers to a geographic area with well-defined boundaries proclaimed as such by the President of the Philippines and/or by Acts of Congress. No development projects for any purpose shall be initiated and introduced within the zone prior to the formulation of a tourism master development plan which shall be undertaken in coordination with the Department of Tourism (DOT) and the Tourism Infrastructure Enterprise Zone (TIEZA). A tourist zone is established for the enhancement and/or the conservation of cultural and historical heritage and for the appreciation and enjoyment of the local population and its visitors;

(tttt) *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;

(uuuu) *Urban areas* are barangays which are classified as urban by the Philippine Statistics Authority (PSA); a barangay is classified as urban if it meets any of the following:

- a. It has a population size of 5,000 or more; or
- b. It has at least one establishment with a minimum of 100 employees; or

- c. It has five or more establishments with 10 to 99 employees, and five or more facilities within the two-kilometer radius from the barangay hall.

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

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

(xxxx) *Urban Forestry 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;

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

(zzzz) *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;

(aaaaa) *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;

(bbbbb) *Wetlands - Wetlands* shall refer to a wide variety of areas such as natural pools/ponds, springs, freshwater swamps/marshes, peatlands, floodplains, rivers and lakes, and coastal areas such as estuaries, saltmarshes, mangroves, lagoons, intertidal flats and seagrass beds, and also coral reefs and other marine areas no deeper than six meters at low tide, as well as human-made wetlands such as dams, reservoirs, rice paddies, fish ponds, salt pans, and wastewater treatment ponds.

(ccccc) *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/municipality and specifying the conditions for their regulation; subject to the limitations imposed by law and competent authority; and

(ddddd) *Zoning Ordinance* refers to a local law passed by the Sangguniang Bayan or Panlungsod approving the development control/zoning plan in accordance with an

1 approved or adopted CLUP of the city/municipality, providing for the regulations and
2 other conditions on the land uses including the limitation on the infrastructure that
3 may be placed within the city's/municipality's territorial jurisdiction. It incorporates the
4 protected areas, protected agricultural lands and ancestral lands as provided for in
5 this Act.

6 7 CHAPTER II 8 FRAMEWORK FOR LAND USE PLANNING 9

10 SECTION 5. **Basic Land Use Considerations.** – Various land uses as categorized in the
11 succeeding section shall be determined in a manner that promotes the policies and principles
12 defined in Section 2 of this Act and shall consider the following elements of the framework
13 therefor, among others:

- 14 (a) Protection land use category as defined in Section 6 shall prevail over existing
15 production land use category. The State shall undertake the necessary action in
16 changing the classification of these production areas;
- 17 (b) Preservation, conservation, rehabilitation and protection to perpetuity of permanent
18 forestlands, critical watersheds, key biodiversity areas, environmentally-critical and
19 ecologically-fragile areas and prime agricultural lands from any other land use,
20 conversion, disposition, intrusion, utilization and development aside from their
21 determined use and limits;
- 22 (c) Protection of natural forests and natural resources ensures environmental stability,
23 conserve biological diversity, improve ecosystem functions and provide long-term
24 ecological and economic benefits. Designated restoration areas are designed to revive
25 the ecosystem functions and services of forests as well as improve the economic and
26 ecological benefits of local communities;
- 27 (d) Protection of forest and wetlands from infrastructure development to preserve the
28 ecological services they provide which are essential to economic development. These
29 activities include, but not limited to river channelization and dredging, large scale
30 irrigation and river diversions which reduce riverine habitat and alter flood patterns and
31 natural flow regimes, reduce downstream water availability for agriculture and
32 contribute to salinization through saltwater intrusion in coastal areas;
- 33 (e) Resolution of land use conflicts which are life-threatening or threatening to public
34 safety, sustainability of key production resources or employment activities and the
35 delivery of basic services which are harmful or destructive to protected areas, flora,
36 fauna, and other protected natural resources. Greater consideration shall be given to
37 the human and tenurial rights of vulnerable groups in resolving land use conflicts;
- 38 (f) Identification of geohazards (earthquakes, volcanic activity, landslides, soil erosion,
39 ground-related issues, and human-induced hazards) and corresponding measures to
40 reduce risks and enhance resilience.
- 41 (g) Respect for existing customary rights and traditional land use of ICCs/IPs;
- 42 (h) Identification of settlement areas to check the demand for land and establish the
43 location of employment-generating industries and basic services; and
- 44 (i) The availability of natural resources including indigenous energy resources for energy
45 security and self-sufficiency. However, infrastructure energy projects such as dams
46 with large reservoirs in natural ecosystems shall not be allowed if it would interrupt

1 the connectivity of river systems, disrupt fish spawning and migration, and alter
2 seasonal flood regimes.

3
4 **SECTION 6. *Categories of Land Uses for Planning Purposes.*** – In determining and defining the
5 national, regional and provincial framework plans, and CLUPs, land uses shall be grouped into
6 four major functional uses as follows:

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

- 25 a. Natural and Restored Forests, which consist of:
- 26 i. All existing areas within forestland containing primary and secondary
27 forests of whatever types of species;
- 28 ii. All existing areas within forestland containing secondary-growth or
29 residual forests of whatever type or specie;
- 30 iii. Areas identified as Key Biodiversity Areas;
- 31 iv. Restoration areas;
- 32 v. All other areas that would be deemed appropriate for protection, as
33 designated by the Department of Environment and Natural Resources
34 (DENR), subject to the approval of the National Land Use Policy
35 Committee (NLUPC) created pursuant to Section 55 hereof.
- 36 b. Rehabilitated and/or reforested degraded mining areas;
- 37 c. Critical ecosystems for protections, such as:
- 38 i. Coral reefs;
- 39 ii. Marshes and wetlands;
- 40 iii. Lakes and rivers;
- 41 iv. Waterfalls;
- 42 d. Disaster-prone areas that include areas subject to, or maybe subject to:
- 43 i. Recurrent flooding;
- 44 ii. Liquefaction;
- 45 iii. Tsunamis;
- 46 iv. Storm surges;
- 47 v. Polar vortex;

- vi. Mass wasting;
 - vii. Volcanic eruption;
 - viii. Direct impact of seismic activity;
 - ix. Other disasters caused by climatic conditions;
 - x. Other areas that pose a high degree of hazard to human occupation and activity.
- e. Critical Watersheds
 - f. Marine protected areas;
 - g. All prime agricultural lands as defined under this Act;
 - h. Ecologically-fragile and environmentally-critical areas whose conversion will result to serious environmental problems and threats to public health and safety;
 - i. Natural and human-made areas/sites of cultural, historical and anthropological significance, which are declared as such by internationally-recognized institutions; and
 - j. All other areas not included and declared as production areas shall become protection areas

(b) Protection Forest Lands shall include:

- a. Primary and secondary forests;
- b. all areas 1,000 meters above sea level,
- c. limestone, forest over ultramafic, peat swamp, beach, freshwater swamp,
- d. all areas with a slope of 50% or more,
- e. all areas along the bank of rivers and streams, and the shores of the seas and lakes throughout entire length and within a one of 3m in urban areas, 20m in agricultural areas and 40m in forest areas, along their margins which are subject to the easement of public use,
- f. all watershed reservations that have been proclaimed by the President or by law as such, primarily for water production purposes or for other compatible uses under sustainable of multi-use management concepts;

(c) 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.

(d) Settlements and Institutional Land Use refers to the use of urban and rural lands for settlements development purposes and/or improvements on existing settlements involving the spatial distribution of population, identification of the roles and functions

of key urban centers, determination of relationships among settlement areas, and the provision of basic services and facilities to such settlements. It shall also include lands identified for institutional uses such as educational, administrative, government, law enforcement, health care and social services. Settlements and institutional land uses aim to ensure for the present and future generation the: i) effective integration of activities within and among settlements, allowing efficient movement of people and production of commodities through the provision of appropriate land, infrastructure, and facilities; and ii) access of the population to housing, education, health care, recreation, transportation and communication, sanitation, and basic utilities such as water, power, waste disposal, and other services.

- (e) Infrastructure Land Use refers to the use of land dedicated to the provision of basic services that foster economic and other forms of integration necessary for producing or obtaining the material requirements of Filipinos, in an efficient, responsive, safe and ecologically friendly built environment. It includes, among others, sub-sectors like: road networks, transportation and communication facilities, social services, environmental service facilities, and utilities. Provided, That the determination of the functional uses of lands within ancestral domains should be consistent with the land use categories provided for in this Act; Provided further, That other sub-categories of land uses in delineated ancestral domains may be formulated by the concerned ICCs/IPs themselves in accordance with their particular needs and traditional resource and management systems.

SECTION 7. *Land Use Plans for Ancestral Domains.* - Land use plans for ancestral domains shall be primarily 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 before 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 CCS/IPS shall have formulated their ADSDPPs.

SECTION 8. *Adoption of Multiple Uses of Land.* – The primary and alternative uses of a specific land resource shall be determined and evaluated by the respective local land use boards prior to any decision for the assignment of its use. Areas feasible for sustainable land resource use may be considered multiple-use zones wherein settlements, tourism, agriculture, agro-forestry and extraction activities and other income-generating, or livelihood activities may be allowed, except areas under protection land use.

Provided, that multiple uses of land resources shall be in accordance with priorities in land use allocation identified in the approved physical framework and land use plans wherein such

multiple uses are compatible with the original land use and planning, and that no reclassification shall be allowed.

Provided, further that, where there are vested rights, titles, and claims prior to the enactment of this Act over the areas feasible for sustainable land resource use, the same shall be respected.

CHAPTER III SPECIAL AREAS OF CONCERN

ARTICLE 1 LAND USE CLASSIFICATION

SECTION 9. ***Review of Land Use Classification.*** The NLUPC shall review and assess the current land use classification system and definitions used in the country to ensure that it reflects the actual use of lands in the country. The assessment shall be done with prior and proper consultation with relevant sectors.

The NLUC shall ensure the full participation of CSOs and relevant sectors in the assessment of the existing land use. All the available data shall be considered and documented.

The Land Management Bureau (LMB) shall provide the necessary technical information, conduct the needed assessment of the status of the existing land use classification and shall submit an assessment report to the NLUPC not later than ninety (90) days from the establishment of the latter.

SECTION 10. ***Consideration of Assessment Report.*** Upon validation and affirmation by local land use boards, the land use classification assessment report submitted by the LMB shall be taken into consideration by the NLUPC in the formulation of its planning guidelines.

ARTICLE 2 NIPAS AREAS

SECTION 11. ***Integrated Management Strategy.*** For more effective planning, management, and protection of protected areas at the provincial and city/municipal levels, the Protected Area Management Plan (PAMP) referred to in the NIPAS Law shall be incorporated in the PPFP and CLUPs if applicable, wherein protected area zoning shall be reflected.

ARTICLE 3 AGRICULTURAL LANDS

SECTION 12. ***Priority Areas for Agricultural Development.*** The priority areas for agricultural development are the areas distributed under agrarian reform, areas that can be covered by CARP, and those identified as part of the NPAAAD. The mapping of the NPAAAD under the Agriculture and Fisheries Modernization Act (AFMA) shall be completed not later than one (1) year from the effectivity of this Act.

1 SECTION 13. **Conversion of Agricultural Lands.** All lands considered and identified as prime
2 agricultural lands shall be maintained, managed and protected for agricultural use and shall
3 not be subjected to any form of conversion or re-classification. Provided, That all irrigated and
4 irrigable lands, all lands developed or possessing the potential for development of high value
5 crops, and all agricultural lands that are ecologically fragile and whose conversion will result
6 in serious environmental problems shall be given full protection from conversion.

7
8 All other agricultural lands not identified as prime agricultural lands can only be converted to
9 non-agricultural uses upon issuance of a DAR conversion order: Provided, That such
10 conversion shall not drastically change the nature of the over-all land uses in the surrounding
11 and adjacent areas from its existing land use. Provided, that consistent with the State policy
12 on giving priority to the completion of the Comprehensive Agrarian Reform Program (CARP),
13 those lands covered under compulsory acquisition/voluntary offer to sell, production or profit-
14 sharing subject to CARP shall also be protected from conversion pending the distribution
15 and/or installation of the farmer beneficiaries. Provided, further, that pending the completion
16 of mapping activities of the specific areas under the NPAAAD and the SAFDZs under the
17 AFMA and their incorporation in the National Physical Framework Plan (NPFP), the application
18 for conversion of these areas shall not be given due course by the appropriate government
19 agency.

20
21 In all conversion cases of agricultural lands, all cases should be with DAR Conversion Order,
22 mandated public participation (under Sec 26 and 27 of LGC) with the recommendation of the
23 NLUC. During the participation, there should be one (1) NLUC/PLUMB representative from the
24 provincial/regional level as may be appropriate.

25 26 ARTICLE 4 27 ANCESTRAL DOMAIN

28
29 SECTION 14. **Priority Areas for Agricultural Development within Ancestral Domain.** Agricultural
30 lands within ancestral domain shall be developed in accordance with their ADS DPP.

31
32 SECTION 15. **Respect for Ancestral Domains.** The Ancestral Domain Management Plan
33 (ADMP) or ADS DPP, or any existing local community plans, customary laws, shall be adopted
34 and integrated into the CLUP and/or other plans that the LGU is mandated to produce
35 including investment plan. The integration of local community plans and customary laws
36 where an ADMP, ADS DPP, CADT, ALTI are absent shall nonetheless be subject to the FPIC
37 process. The extent of Ancestral Domains shall be reflected in the land use plan, and shall be
38 zoned as such in the zoning ordinance, and shall be co-managed by the LGU and IP
39 community.

40
41 SECTION 16. **Ancestral Domain Policy Adoption.** Ancestral domain policies shall be adopted
42 in the LGU's land use policy framework. However, in the event that the ADMP/ADS DPP is still
43 in the formulation stage or remains to be formulated, the right to self-determination, and the
44 observance of traditional resource and management systems and processes shall be upheld
45 at all times, as provided for by RA 3871.

46 47 ARTICLE 5

FOREST LANDS AND RESERVATION OF WATERSHED

SECTION. 17. ***Permanent Forestlands***. All forestlands are classified as forest or timberlands. Titles, settlements, permits, leases, and/or agreements within critical habitats, critical watershed areas, protected areas and key biodiversity areas (KBAs), shall be reviewed, and their legality affirmed. All erroneous titles, settlements, permits, leases and/or agreements within permanent forestlands shall be canceled or revoked in due course. Non-compliance with and violations of these instruments shall be grounds for their cancellation or revocation: Provided, That the applicable provisions of the RA 3871, shall be respected.

Upon recommendation by the LGU, or the Forest Board, the DENR Secretary shall revoke the above-mentioned instruments.

SECTION 18. ***Additional Areas to be Included as Permanent Forestlands***. The following lands are needed for environmental protection and forestry purposes and shall not be reclassified as agricultural lands or for any other land use:

- (a) Isolated patches of forest, regardless of size and/or area, with rocky terrain or which protect a spring/water source for communal use;
- (b) All mangroves and swamplands including twenty (20) meter wide strips facing oceans, lakes and other bodies of water not yet classified as alienable and disposable lands;
- (c) Ridge tops and plateaus regardless of size found within or surrounded wholly or partially by forestlands where headwaters emanate;
- (d) Twenty (20) meter wide strips of land from the edge of the normal high waterline of rivers and streams with channels of at least five (5) meters width which are not yet classified as alienable and disposable;
- (e) Areas needed for public interest such as research or experimental purposes; and
- (f) Areas considered as environmentally critical because of their vulnerability to damage from landslides, volcanic eruptions, and other natural causes.

SECTION 19. ***Reversion of Alienable and Disposable Lands to Forestlands***. Upon the recommendation of the DENR Secretary, duly reviewed and endorsed by the National Land Use and Policy Committee (NLUPC), and after due consultations with the concerned LGUs and the affected parties, Congress may authorize the reversion of alienable and disposable lands of the public domain or portion thereof to forestlands.

SECTION 20. ***Critical Watershed Areas***. The DENR, in coordination with the DA, the LGUs concerned, and other government agencies, including government-owned and -controlled corporations, and after mandatory public hearings/consultations, shall identify and delineate critical watershed areas that need to be protected, rehabilitated, enhanced, and/or withdrawn from uses that contribute to their further degradation.

SECTION 21. ***Formulation and Implementation of Integrated Watershed Management Plans***. With the assistance of the DENR and upon mandatory consultations with the concerned sectors and communities, the LGUs, through their local land use boards, shall prepare their watershed management plans which shall be integrated into their respective CLUPs. The formulation and integration of the plan shall be guided, among others, by the principle of the management and development of inland water resources at the watershed level and shall be

consistent with the National Forestry Master Plan (NFMP). The DENR and the concerned LGUs shall jointly implement the watershed management plan subject to regular consultations with and involvement of the community and other stakeholders in the implementation of the plan.

SECTION 22. *Establishment and Management of National Parks.* All areas proclaimed by the President and Congress to be under the NIPAS, unless disestablished, including those identified initial components of the NIPAS as Key Biodiversity Areas shall comprise the National Parks classification of the public domain. The DENR and concerned LGUs shall ensure that such areas are integrated in the CLUP and physical framework plans; Provided, however, That the preparation of management plans of protected areas and national parks shall be in accordance with the provisions of the NIPAS Act and other laws establishing or declaring specific areas as protection areas.

Provided further that in the establishment of national parks or reservations, no classification may proceed without the FPIC of concerned/affected Ips.

SECTION 23. *Establishment of Restoration Zones.* Restoration areas shall be designated in the management plan as such. Designation of restoration zones is compulsory in all forest management plans and for all LGUs.

ARTICLE 6 COASTAL ZONES

SECTION 24. *Criteria for the Allocation and Utilization of Lands within the Coastal Zones.* The allocation and utilization of lands within the coastal zones shall be subject to the following guidelines:

- (a) Areas vegetated with mangrove species shall be protected, preserved and managed as mangrove forestland and shall not be converted to other uses;
- (b) Areas that meet all accepted criteria on elevation, soil type, soil depth topography, supply for successful fishpond development, and are not identified as mangrove protected areas, shall be utilized for aquaculture purposes as long as a 4:1 ratio for mangroves and fishponds is maintained to support ecological processes in mangrove ecosystems;
- (c) Areas sub-classified as mangrove and still suitable for use as such, or due to environmental conditions need to be preserved as mangroves but are 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 but are not part of or are not within any protected land use areas shall be allocated to traditional fisherfolk who are inhabitants of the coastal communities, members of registered fisherfolk organizations, holders of stewardship lease contracts or titles to ancestral domains or any form of property right arrangements who participate in coastal resource management initiatives, subject to the usual census procedures of the Housing and Urban Development Coordinating Committee (HUDCC); Provided, That the government shall issue marine tenurial rights to organizations concerned based on a criteria to be established by NLUPC;

- (e) Areas that are neither sub-classified as mangrove, fisherfolk settlement nor fishpond may be devoted to recreational or tourism purposes: Provided, That such undertaking will not result in environmental degradation and displacement of small fisherfolks;
- (f) Areas which are considered as traditional fishing grounds shall be used primarily for such purpose. In line with this purpose, areas which are considered as traditional fishing grounds and within the 15 km municipal waters shall be used primarily for such purpose. Such areas shall not be converted to other uses - such as any extractive activities and large scale energy projects.
- (g) Areas shall be allocated for small infrastructure needed by municipal fisherfolk and for fishing gear, boats, and post-harvest facilities; and
- (h) Areas which form part of foreshore lands as defined in this Act, including those under lease agreements or arrangements shall undergo zoning and evaluation so their boundaries, actual sizes and corresponding uses can be determined while ensuring that mangrove protection or restoration zones are considered to keep the required 4:1 ratio between mangroves and fishponds.
- (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.
- (j) Pursuant to RA 8550 and RA 10654, municipal waters shall be reserved primarily for use by artisanal fisherfolk and shall not be converted to other uses.

SECTION 25. Coastal Land Zone Sub-classification. All public lands in the coastal zones shall be sub-classified into any of the following: fishponds, mangroves, protection from tidal surge for preservation of biodiversity, habitats and sanctuaries for endangered wildlife, fisherfolk settlement, or recreational/tourism areas. No sub-classification of coastal zones to different uses shall be done without the following:

- (a) Conduct of a comprehensive inventory and resource and environmental assessment by the DENR with respective LGUs and accredited Non-Government Organizations/ Peoples Organizations (NGOs/ POs) within their jurisdiction. The result of such assessment along with a list of all existing applications and expired Foreshore Lease Agreements shall be posted in three (3) conspicuous places in the affected localities; and
- (b) Prior consultation with local Fisheries and Aquatic Resource Management Committees (FARMCs) formed pursuant to Republic Act No. 8550 or the Fisheries Code.

SECTION 26. Zoning of Coastal Areas. Local government units, in coordination with the DENR, the FARMCS, local fisherfolk organizations and other concerned stakeholders such as women and the youth, shall prepare the Coastal Zoning Resource Management Plan (CZRMP) which shall be incorporated in the CLUP. Management zones defined in the CZRMP should be reflected in the CLUP and the subsequent Zoning Ordinance.

SECTION 27. Tourism and Recreation Zone. The designation of areas for tourism and resorts near or over fishery areas or ports thereof shall be with the consent of the concerned LGUs and FARMCs, and shall comply with the policies and guidelines set forth in this Act.

1 SECTION 28. **Protection of Waterways**, Easements and Flood Plains. Structures of any kind
2 shall not be built in waterways and easements. Pursuant to PD 1067 or the Water Code of the
3 Philippines, the banks of rivers and streams and the shores of the seas and lakes throughout
4 their entire length and within a zone of three (3) meters in urban areas, twenty (20) meters in
5 agricultural areas and forty (40) meters in forest areas, along their margins are subject to the
6 easement of public use only in the interest of recreation, navigation, floatage, fishing and
7 salvage. The protection of flood plains shall adopt a river basin management approach, in
8 order to come up with integrated flood mitigation interventions. Development within flood
9 plains and other flood-prone areas must be controlled or, if allowed, must be so sited,
10 constructed and serviced that the lives of occupants are not put at risk and that disruptions
11 during floods are minimized. The identification and characterization of flood-prone areas and
12 flood plains shall be an integral part of the CLUP preparation. The LGUs shall establish land
13 use regulations to mitigate flood risks through the CLUPs and zoning ordinances.

14
15 To promote the best interest and the coordinated protection of flood plains, the Department
16 of Public Works and Highways (DPWH), in coordination with Department of Science and
17 Technology (DOST) and DENR, shall declare flood control areas, as necessary, and shall
18 prohibit or control activities that could damage or cause deterioration of lakes and dikes,
19 obstruct the flow of water, change the natural flow of rivers, increase flood losses or aggravate
20 flood problems pursuant to the Water Code of the Philippines.

21
22 SECTION 29. **Disposition of Public Lands for Fishponds**. Upon the effectivity of this Act, but
23 subject to existing rights and the preceding section, no fishpond lease agreement (FLA) shall
24 be issued for tidal swamps, mangroves and oilier swamps, marshes, ponds, foreshore lands,
25 and coastal areas within public lands, including those presently declared available for
26 fishpond development. The LUPC, in coordination with the DENR, the DA, the FARMCs and the
27 LGUs shall set aside a portion of available public lands for fish propagation, fish sanctuary,
28 conservation, ecological purposes and fisherfolk settlement areas. Fishponds covered by
29 existing FLAs, but are abandoned or are not operating efficiently and are found suitable for
30 mangroves shall be reforested with mangroves.

31
32 SECTION 30. **Immediate Restoration of Converted Mangrove Areas**. The DENR, in coordination
33 with the FARMCs and other concerned agencies shall immediately take steps in the
34 restoration of all abandoned, undeveloped and underutilized fishponds to their original state
35 as mangrove forests.

36 37 ARTICLE 7 38 MINERAL LANDS 39

40 SECTION 31. **Policies on Mineral Lands**. Land use policies for mineral lands shall be geared
41 towards the rational, ecologically sound, and sustainable, domestic needs-based use of
42 mineral resources which shall promote inclusive economic growth for the local economy and
43 uphold the human rights of indigenous peoples and local communities in the affected areas.

44
45 SECTION 32. **Criteria for the Utilization and Allocation of Land for Mining Purposes**. –
46 Consistent with this Act and the provisions of RA 7942, otherwise known as the “Philippine
47 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 shall be observed at all times;
- (b) Domestic needs-based development of the industry shall be pursued by the State as a step towards achieving genuine economic development
- (c) 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;
- (d) Mineral reservations which have become non-operational as determined by 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;
- (e) Natural forests, proclaimed watershed forest reserves, mangrove forests, declared protected areas and mossy forests are closed to mining operations pursuant to R.A 7942, R.A 7586, R.A 11038, and other pertinent laws;
- (f) Protection forestlands and irrigated, irrigable agricultural lands declared to be under NAPAAD, 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 tenurial 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.
- (g) Ancestral domains declared as protected by virtue of their ADSDPP as well as all watershed areas shall be closed to mining.
- (h) Other areas declared as no go zones under EO 79 and other existing laws and policies.

SECTION 33. *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.

Reversion of areas where a should include ancestral domains especially in areas where a CP was issued by the community to a mining company and energy generation projects.

ARTICLE 8 ENERGY RESOURCES

SECTION 34. *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 shall be subject to the appropriate requirements and processes of the Philippine Environmental Impact Statement (EIS) system. Each project shall secure an Environmental Compliance Certificate (ECC) prior to project implementation to ensure that adequate and appropriate environmental management measures and optimum methods for resource access and recovery are used;
- (c) Protected areas defined in Section 17 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, as well as existing prior rights of communities especially ICCs and IPs.
- (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 shall be reclassified to other land uses, subject to existing laws covering energy reservations, and;
- (e) Renewable energy shall be preferred over other energy resource while minimizing energy waste and negative environmental impact

SECTION 35. *Reversion of Energy Resource Sites.* All exhausted indigenous energy resource lands as determined by the Department of Energy (DOE), which are not covered by proclamations shall automatically revert to the category of forestlands or agricultural lands open to disposition, whichever is appropriate, unless the DENR shall classify such areas for other purposes. Exhausted energy resource lands shall refer to specific energy resource sites whose energy reserves of the desired type/s are no longer in sufficient quantity or quality to justify additional expenditure for their extraction and utilization.

ARTICLE 9 SETTLEMENTS DEVELOPMENT

SECTION 36. *Municipalities, Cities, and Settlements Development.* The development of municipalities, cities, and settlements through CLUP and implemented by the zoning ordinances of cities and municipalities shall be guided by urban zoning standards designed to maximize existing urban spaces taking into account studies of pertinent government agencies on climate change.

SECTION 37. *Settlements within Geo-hazard Areas and/or High Risk/Danger Zones.* Settlements within geo-hazard areas and/or high-risk/danger zones shall not be allowed. In cases where there are existing settlements within geo-hazard areas and/or high-risk/danger

zones, the concerned government agencies shall assist concerned LGUs and settlers in instituting safety and corrective measures to address the potential danger or risk.

SECTION 38. **Designation of Waste and Environment Management Site.** Each city or municipality shall identify and designate an area to serve as waste and environment management, waste disposal, and facilities within one (1) year from the effectivity of this Act. The LGUs, in coordination with the DENR or any other competent authority, shall identify sanitary landfills to fast-track the conduct of the Environmental Impact Assessment (EIA) study and to facilitate the processing of the ECC. The site or area shall be identified in the city's or municipality's CLUP. For this purpose, cities and municipalities shall establish their solid waste management program, pursuant to R.A. NO. 9003, otherwise known as the "Ecological Solid Waste Management Act Of 2000". Likewise, as provided under Section 33 of the LGC, cities and municipalities may, through appropriate ordinances, bind themselves towards the establishment of a common solid waste management program. In any case, designated landfill areas adjacent to, within ancestral domains, FPIC must be conducted.

SECTION 39 **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.

SECTION 40. **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 zones 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.

SECTION 41. **Zoning of Identified Sites for Socialized Housing.** The identified sites for socialized housing shall be located in residential zones identified by the city or municipality's

CLUP and Zoning Ordinance (ZO) duly approved by the NLUPC. However, for cities and municipalities where the identified sites are not within the said residential zones, the location shall be within the priority sites and conform with the suitability criteria as defined in Sections 6.3 and 6.4 of the Guidelines in HUDCC Resolution No. 521, Series of 1992, or as may be defined in subsequent issuances. The identified sites shall be zoned as socialized housing zones as defined herein.

SECTION 42. *Valuation of Lands for Socialized Housing.* Equitable land valuation guidelines for socialized housing shall be set by the Department of Finance (DOF) on the basis of the market value reflected in the zonal valuation, or in its absence, on the latest real property tax declaration. For sites already occupied by qualified beneficiaries under the UDHA, and sites identified as Socialized Housing Zones as defined in this Act, the DOF shall factor into the valuation, the blighted status of the land as certified by the local government unit or the National Housing Authority (NHA).

SECTION 43. *Guidelines for Identification of Settlement Sites.* In identifying settlement areas, prospective sites should be:

- (a) within alienable and disposable lands but not in environmentally-critical, geo-hazard or other protection areas;
- (b) along established urban growth directions;
- (c) with provisions for or can be provided with basic services and utilities;
- (d) within the 0-8% slope range; and
- (e) accessible from existing built-up areas and other employment centers through existing or proposed roads and other transportation facilities.

SECTION 43. *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 NLUPC.

SECTION 44. *Protection of Ecological Harmony.* To ensure the ecological harmony of towns, cities and settlements, certain projects that can alter the present use of a zoned area shall not be issued a building permit, business permit, and/or development permit. The identification of these projects shall be done in coordination with the LGU concerned. All LGUs shall be required to designate restoration areas in their forest land use plans.

ARTICLE 10

INDUSTRIAL DEVELOPMENT AREAS/SITES

SECTION 45. *Criteria for Designating Industrial Development Areas.* The identification and establishment of industrial development areas shall conform to the provisions of RA 7916 or the Special Economic Zone Act (SEZA) of 1995 as amended by RA 8748, RA 6657 or the Comprehensive Agrarian Reform Law (CARL) as amended by RA 9700 or the Comprehensive Agrarian Reform Program Extension with Reforms (CARPER), RA 8371 or the Indigenous Peoples' Rights Act (IPRA), RA 7279 or the Urban Development and Housing Act (UDHA), RA 8550 or the Philippine Fisheries Code as amended by RA 10654, and RA 8435 or the Agriculture and Fisheries Modernization Act (AFMA), 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 on 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 but not limited to KBAs and restored areas that require protection;
- (e) National and Urban Development and Housing Framework;
- (f) Identified Socialized Housing Zones; and
- (g) National Framework for Physical Planning and other existing national programs and policies.

The designated industrial development areas shall be located only in production land use areas. All permanent forestlands, forest reserves, and areas under protection land use category shall be exempted/excluded from development under protection land use category and shall be exempted/excluded from developing under industrial. and shall become an integral part of the land use plan and zoning ordinance of the city or municipality where these areas are located. RA 9700, RA 8371, RA 7279, RA 8550, RA 8435, and RA 7160 or the Local Government Code shall apply to all Special Economic Zones and Free Ports.

ARTICLE 11 TOURISM DEVELOPMENT AREAS

SECTION 46. *Designating Tourism Development Areas.* The identification, selection, and development of tourism development areas, and Tourism Enterprise Zones (TEZs) shall be done in consultation and coordination with the concerned LGUs, the Tourism Infrastructure and Enterprise Zone Authority (TIEZA), Department of Tourism, and other concerned national government agencies, the private sector and the affected communities, subject to the provisions of R.A. No. 9593 or the Tourism Act of 2009. Tourism development areas shall likewise 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, leisure and recreation complexes and other tourism-related facilities as well as those identified in the national, regional, and area-specific tourism master plans and other sector plans, such as ecotourism and agri-tourism sites: Provided, That such sites designated for tourism development are outside of areas identified for protection land use. As much as practicable, community-based tourism shall be the principal mode of tourist spot operation. RA 9700, RA 8371, RA 7279, RA 8550, RA 8435, and RA 7160 shall apply and Executive Order 111 s. 1999 that provided for the National Ecotourism Strategy shall likewise apply to all tourist zones and tourist development areas. Designated areas for tourism development shall become part of the CLUPs and Zoning Ordinances of the cities or municipalities where these are located.

SECTION 47. *Identification and Preservation of Cultural Heritage.* In accordance with Republic Act No. 10066 or the National Cultural Heritage Act of 2009, the National Historical Commission of the Philippines (NHCP), the National Museum (NM), and the National Commission for Culture and the Arts (NCCA) in coordination with other concerned agencies, local communities, and the private sector, shall identify and declare areas and structures

1 which shall be protected and preserved as part of Philippine cultural heritage. The NHCP and
2 the NM in consultation with the NCCA and the DHSUD shall designate heritage zones to
3 protect the historical and cultural integrity of a geographical area that is significant to national
4 history. The LGUs in consultation with the NHCP, the NM, and the NCCA shall designate
5 heritage zones to protect the historical and cultural integrity of geographical areas and
6 cultural spaces of intangible cultural properties, which are significant to a city or municipality
7 and the community.

8 9 **ARTICLE 12** 10 **INFRASTRUCTURE DEVELOPMENT**

11
12 **SECTION 48. *Strategic Transport Network*** - The national government, through the Department
13 of Transportation, shall establish a strategic and sustainable multimodal transport network
14 that provides connectivity within the national network of settlements. Such connectivity shall
15 include linkages among existing and proposed priority urban centers, rural areas, production
16 hubs and tourism zones, distribution centers and markets, and key international points of
17 entry. It shall be developed to promote network efficiency and social service delivery, to
18 catalyze areas identified critical for economic growth, while minimizing negative impacts to
19 environmentally-critical and protected areas as identified in the watershed management
20 plans. The national network of settlements, as defined in the NPFP, shall guide the
21 development of a multi-modal transportation network. The network shall be designed and
22 implemented to provide seamless connectivity among the various modes of transportation.
23 The RFPs, PPFDs and city or municipal CLUPs shall focus on the transportation network
24 that corresponds to their respective jurisdictions while maintaining consistency with the
25 overall national networks. Such development shall not be allowed within the protection land
26 use areas.

- 27 (a) Respond to immediate and vital requirements of the national and regional economy
28 with priority to improving production-market integration, inter-modal transport,
29 conveyance and logistics linkages, rural infrastructure and the development of the
30 agriculture and fisheries sectors;
31 (b) Upgrade existing facilities to international public safety standards;
32 (c) Address the need for sustainable settlements development; and
33 (d) Mitigate the destructive effects of natural disaster-causing phenomena or those that
34 shall serve as alternatives to existing infrastructure found in natural hazard-prone
35 areas; Provided, that the provision and implementation of infrastructure support shall
36 be made compatible with existing environmental conditions and the physical, whether
37 natural or human-made, and cultural character of the area. Mandatory public
38 consultations pursuant to existing laws and regulations shall be held prior to the
39 conduct of all infrastructure projects that will necessarily involve dislocation or
40 displacement of people in the area;

41
42 Provided, further, That the proponent of the infrastructure project shall follow the rules on just
43 and humane eviction or demolition under Section 28 of the RA 7279 as a last resort,
44 notwithstanding the provisions of RA 8975, prohibiting lower courts from issuing temporary
45 restraining orders, preliminary injunctions, or preliminary mandatory injunctions, and that the
46 proponent shall follow provisions of RA 8371, particularly those pertaining to the rights of
47 IPs/ICCs in case of displacement;

1
2 Provided, finally, that national government infrastructure projects shall provide budgetary
3 allocations for the adequate relocation of displaced communities.
4

5 **SECTION 49. *Infrastructure Projects Within Geo-hazard Areas.*** Construction of priority
6 infrastructure projects within hazard-prone areas shall be allowed: Provided, That mitigating
7 and/or preventive measures are adopted and implemented to address the potential adverse
8 economic, socio-cultural, and environmental impacts that will emanate from these
9 infrastructure projects, subject to the findings and recommendations of a feasibility study/EIA
10 in accordance with Presidential Decree No. 1586 (EIS System) and Republic Act No. 4846 or
11 the Cultural Properties Preservation and Protection Act.
12

13 Existing projects that were undertaken without the required environmental impact
14 assessment and which pose a threat to the environment, or gradually phased-out and
15 relocated, or maintained within their life span subject, however, to mitigating measures:
16 Provided, That the rules on mandatory public hearings/consultations and just and humane
17 eviction or demolition shall also be observed prior to the termination, gradual phase-out, or
18 relocation of projects that will necessarily involve dislocation or displacement of people in the
19 area.
20

21 CHAPTER IV 22 **PHYSICAL FRAMEWORK AND LAND USE PLAN** 23

24 **SECTION 50. *National Land Use Planning Process.*** The physical framework and land use
25 planning process shall be participatory, following a combined bottom-up and top-down
26 approach, with mandatory public hearings/consultations conducted at all levels, and shall
27 consider available and updated multidisciplinary scientific information of land uses. A set of
28 national policy guidelines and standards for physical planning shall be formulated by the
29 National Land Use Policy Committee (NLUPC). These shall guide the preparation and
30 formulation of the national, regional and provincial physical framework plans
31 (NPFP/RPFP/PPFP). These standards shall give due consideration to conflicting uses and
32 areas being used, declared or designated for agrarian reform, protected areas, coastal
33 resource management and/or ancestral domains. The National Physical Framework Plan
34 (NPFP) shall define the national strategy and objectives of the country's urban, rural and
35 regional development. It shall guide the rational distribution of population, access to
36 economic opportunities and social services, sustainable utilization of resources, and
37 maintenance of environmental integrity.
38

39 Furthermore, it shall consider the existing Regional Physical Framework Plans (RPFPs) AND
40 Provincial Physical Framework Plans (PPFPs). The RPFPs, the PPFPs and the CLUPs, which
41 cover the physical development of their respective territories, shall be consistent with the
42 NPFP: Provided, That the integration and harmonization of physical framework plans at all
43 levels shall be iterative to ensure that the concerns of both top and bottom levels of
44 government are considered in the NPFP, RPFPs, PPFPs and CLUPs. The physical
45 FRAMEWORK and land use plans prepared at all levels shall be consistent with each other,
46 specifically on the linkages of the major land use categories to ensure their complementation
47 in the utilization, development and management of resources. The period of coverage of the

1 national, regional and provincial framework plans shall be thirty (30) years with regular review
2 and updating every ten (10) years.

3
4 SECTION 51. **The NPFP** shall guide the planning and management of the country's land and
5 other physical resources at the national and sub-national, and indicate broad spatial directions
6 and policy guidelines on protection land use, production land use, settlement development
7 and infrastructure development. The NPFP shall be the basis for adopting the land use and
8 physical planning-related guidelines, including zoning and other land use control standards
9 that will guide the formulation of city/municipal zoning ordinances.

10
11 The NLUPC, in consultation with concerned sectors and communities shall update the NPFP
12 after such period that objectives and goals set by the NPFP have been substantially achieved.
13 It shall also formulate and issue the appropriate planning guidelines and standards through
14 which all physical planning, land use and management of resources shall be reviewed,
15 prepared, formulated and monitored. The resulting land use plan/physical framework shall be
16 the basis for the identification, formulation and development of national and local
17 development plans, programs, projects and activities of government at all levels.

18
19 SECTION 52. **Regional Physical Framework Plan.** The RPFP shall provide broad spatial
20 directions and policy guidelines on protection land use, production land use, settlement
21 development, and infrastructure development at the regional level and guide the formulation
22 of the PPFPs. The RPFP shall consider the existing PPFPs and the CLUPs of LGUs within the
23 territorial jurisdiction of the region. The Regional Land Use Policy Committee (RLUPC), created
24 under Section 59 of this Act, shall formulate and periodically update the RPFP based on the
25 guidelines issued by the NLUPC, in a manner consistent with and following the objective of
26 the NPFP. Likewise, the Medium-Term Regional Development Plan (MTRDP) and the Medium-
27 Term Regional Development Investment Program (MTRDIP) shall be guided by and made
28 consistent with the objectives identified in the RPFP.

29
30 SECTION 53. **Provincial Physical Framework Plan.** The PPFP shall determine the physical
31 development of the entire provincial territory, consolidate and harmonize the comprehensive
32 land use plans of component cities and municipalities, consistent with the RPFP. It shall
33 reflect the indicative land use management and physical development direction of the
34 province. Further, the PPFP shall serve as basis for other sectoral and development plans
35 related to land, natural resources, and infrastructure facilities, including the development plan
36 of the province; reconciliation and rationalization of land use proposals among component
37 cities and municipalities and with the higher level framework plan; guiding development
38 agencies and private developers, particularly those that undertake large-scale projects; and
39 providing a basis for resolving conflicts arising from the implementation of land use plans and
40 development projects involving two or more municipalities.

41 The PPFP shall serve as the basis for the preparation of the Provincial Development Plan
42 (PDP) and Provincial Development Investment Program (PDIP). The PPFP, PDP, PDIP and/or
43 Provincial Physical Framework and Development Plan (PPFDP) shall serve as the basis for
44 the formulation of sectoral action plans of national government agencies in the province and
45 all LGUs within its jurisdiction. The province may opt to prepare their PDP alongside the
46 preparation of PPFP and consolidate them into a PPFDP; Provided, That PPFDP shall remain

consistent with the PPFP; Provided further, That any review or changes in the PPFP shall coincide with the over-all review process of the NPFP.

The Provincial Land Use Planning and Management Board (PLUPMB), created under this Act, shall ensure that the PPFP is consistent with the national and regional planning framework and guidelines issued by the NLUPC/RLUPC. The PPFP shall be presented to the Provincial Development Committee (PDC) for endorsement to the Sangguniang Panlalawigan, who shall formally adopt and approve the PPFP. The approved PPFP shall be submitted to the RLUPC for consolidation and integration into the RPFP. Under the general supervision of the PLUPMB, the Provincial Planning and Development Coordinator/Office (PPDC/PPDO) shall provide technical, secretariat and administrative support in the preparation, consultation, integration and formulation process of the PPFP.

SECTION 54. *City and Municipal Land Use Plans (CLUPs)*. All barangays shall provide their sectoral, temporal, and spatial data for the CLUP, which shall serve as the foundation for the formulation of the city or municipal CLUPs. The data shall be provided by the Sangguniang Barangay through stakeholder consultations. The Comprehensive Land Use Plan (CLUP) shall determine the specific uses of land and other physical and natural resources, both private and public, within their territorial jurisdiction, including areas co-managed with the national government and, as appropriate, management plans for ancestral domains, critical watersheds, river basins, and protected areas. The CLUP shall delineate actual boundaries on the ground within the territorial jurisdiction, embody the desired land use patterns of the barangay, city, or municipality, translate and integrate sectoral plans, and provide appropriate policies for each of the four land use planning categories. The spatial directions prescribed in the CLUP shall serve as the basis for the preparation and formulation of the Comprehensive Development Plan (CDP) and Local Development Investment Programs (LDIP) of the LGUs. Consistent with the national standards and guidelines prescribed in Section 50, the cities and municipalities shall, in consultation with the concerned sectors, prepare their respective CLUPs. The City/Municipal Land Use Planning and Management Board (C/MLUPB), created under this Act, shall be responsible for the preparation and formulation of the CLUP and shall ensure its consistency with national and regional physical planning guidelines and standards. Under the general supervision of the respective C/MLUPB, the City/Municipal Planning and Development Coordinator/Office (C/MPDC/PDO) shall provide technical, secretariat, and administrative support in the preparation, consultation, integration, and formulation process of the respective CLUPs of each city or municipality.

The CLUPs shall be submitted by the city/municipal local development Committees (LDC) for adoption and approval of the Sangguniang Bayan (SB). The approved CLUPs shall be submitted to the province for integration into the Provincial Physical Framework Plan (PPFP).

CHAPTER V IMPLEMENTING STRUCTURE AND MECHANISM

SECTION 55. *Creation of the National Land Use Policy Commission (NLUPC)*. 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

1 appointed by the President. The Commissioner will have the rank of a Cabinet Secretary. The
2 Commissioner shall be a qualified professional in any of the fields of land use, physical
3 planning, environmental management, engineering, public governance or law.

4
5 The NLUC shall act as the highest policy-making body on land use and resolve land use policy
6 conflicts between or among agencies, branches, or levels of the government. It shall
7 coordinate efforts towards the development of integrated land use plans at the national,
8 regional, provincial, and municipal/city levels, and monitor the implementation of all land use
9 plans, including relevant policies.

- 10
11 (a) Formulate land use planning guidelines in the preparation of the CLUPs and zoning
12 ordinances of local government units to ensure compliance with the national policies,
13 objectives, priorities and directions set by the NLUPC;
14 (b) Provide technical and other forms of planning assistance to, including capacity-
15 building for, local government units and zoning boards; and
16 (c) Act as the appellate body on decisions of local zoning bodies on locational clearance
17 applications and/or oppositions thereto and other zoning issues involving private
18 rights.
19 (d) Issue recommendations for approval for all conversion orders, including agreements
20 issued by the relevant government agencies, including protected areas. The NLUPC
21 shall act as the highest policy-making body on land use and shall resolve land use
22 policy conflicts between or among agencies, branches, or levels of the government. It
23 shall integrate efforts, monitor developments relating to land use and the evolution of
24 policies.

25
26 SECTION 56. **Composition of the NLUPC.** The NLUC will be composed of the following:

- 27 (a) Commissioner of NLUC as Chairperson;
28 (b) Secretary of Department of Economy, Planning, and Development as Vice-
29 Chairperson;
30 (c) As Ex-Officio Members:
31 a. The Secretary of the Department of Agrarian Reform (DAR);
32 b. The Secretary of the Department of Agriculture (DA);
33 c. The Secretary of the Department of Environment and Natural Resources
34 (DENR);
35 d. The Secretary of the Department of the Interior and Local Government
36 (DILG);
37 e. The Secretary of the Department of Transportation (DOTr);
38 f. The Chairperson of the National Commission on Indigenous Peoples
39 (NCIP);
40 g. The Chairperson of the Housing and Urban Development Coordinating
41 Committee (HUDCC);
42 h. The Chief Executive Officer of the Human Settlements Adjudication
43 Commission (HSAC);
44 i. The Administrator of the National Mapping and Resource Information
45 Authority (NAMRIA);

- j. The members of the Committee who are Cabinet Secretaries may designate their duly authorized and permanent representatives whose ranks shall in no case be lower than Undersecretary.
- k. President of the League of Cities in the Philippines (LCP);
- l. President of the League of Municipalities in the Philippines (LMP);
- m. Two (2) representatives each from four (4) basic sectors directly involved in land use, namely: urban poor, peasants, fisherfolk, youth, and indigenous peoples who shall be appointed by the respective National Anti-Poverty Commission (NAPC) sectoral Committees. Of the eight (8) sectoral representatives, at least four (4) shall be women: Provided, that one of whom shall be from the More sector.
- n. Four (4) representatives from the developers' associations; the accredited associations of professionals dealing with land use such as, but not limited to, urban and regional planners, environmental planners, architects, geologists and geodetic engineers; the business or private sectors; and
- o. The Head of the NLUPC Secretariat shall be a nonvoting ex officio member.

SECTION 57. **Powers and Functions of the NLUPC.** The NLUPC 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 and policies relevant to land use in order to come up with a rational, cohesive, and comprehensive national land use framework, and if warranted, recommend to Congress the adoption, passage or amendment of laws to ensure that sectoral plans, projects and activities, including local government initiatives affecting land use are consistent with national development objectives;
- (c) Formulate the necessary national policy guidelines in the preparation of the country's physical framework plans, including the setting of limits/target key land uses needed for protection, production, settlements and infrastructure for present and future needs;
- (d) Review the NPFP every ten (10) years.
- (e) Ensure the consistency of other national development and sectoral plans and programs, including the National Expenditure Program (NEP) medium-term Philippine Development Plan (PDP) and Public Investment Program (PIP), with the NPFP;
- (f) 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.
- (g) Resolve policy conflicts on land uses between or among agencies, branches, or levels of government and unresolved land use policy conflicts at the regional level;
- (h) Adopt rules of procedures for the orderly and expeditious conduct of meetings and other business of the Committee; and
- (i) Perform such other acts and functions and exercise such other powers as may be necessarily implied, inherent, incident, or related to the foregoing.

- (j) Guide the determination and identification of the country's strategic land use development and physical planning objectives, priorities and direction, as well as recommend the adoption, passage, or amendment of laws to ensure that plans, programs, projects, and activities, including local government initiatives affecting land use are consistent with national development objectives;
- (k) Ensure that policies, guidelines and standards on land use and physical planning, including zoning, shall be followed by the RLUPC, local land use boards and concerned national agencies, and that the RPFP, PPFP AND CLUPs shall be consistent with the NPFP;
- (l) Issue locational clearances for projects of national significance;

SECTION 58. **NLUPC Secretariat.** The existing unit of the DepDev in charge of Land Use and Physical Planning Division shall act as the NLUPC Secretariat which shall perform functions such as, but not limited to, managing information, gathering of data, coordinate the monitoring of government agencies and local government units, ensuring multi-stakeholder participation towards formation of local land use policy boards, sharing of data base and mapping systems, and reinforcing relevant assessment tools and capability building programs.

SECTION 59. **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.

SECTION 60. **Regional Land Use Office.** – A Regional Land Use Office (RLUO) is hereby created in each Region.

CHAPTER VI REGIONAL AND LOCAL LAND USE POLICY BODIES

SECTION 61. **Regional Land Use Policy and Management Board (RLUPMB).** At the regional level, the Regional Land Use Committee (RLUC) is hereby abolished and in its stead, the RLUPMB shall be created. The RLUPMB shall be institutionalized, replicating the NLUPC structure and composition. It shall be chaired by the DEPDev Regional Director and shall exercise the following functions:

- (a) Formulate regional policies and guidelines which are consistent with the national planning guidelines issued by the NLUPC in the preparation and formulation of the respective provincial physical planning and comprehensive land use plans of LGUs within its jurisdiction;

- (b) Prepare and periodically update the RPPF, taking into consideration national policies and lower-level plans;
- (c) Review, prior to adoption by respective Sanggunians, the PPFs and CLUPs of highly urbanized and independent component cities to ensure consistency with the RPPF and national policies set forth by NLUPC;
- (d) Decide and resolve policy conflicts on land use planning, classification, and allocation that may arise between or among regional line agencies, provinces and cities/municipalities;
- (e) Monitor changes in land use and other physical resources in the region;
- (f) Coordinate and monitor the land use activities of regional line agencies and LGUs;
- (g) Evaluate consistency of major programs and projects of regional agencies and entities with the RPPF and their impact on land use and the environment; and
- (h) Perform other related functions as may be directed by the NLUPC.

In forest land use management, where the watershed area/continuum covers several municipalities across different provinces, an inter-LGU task force composed of representatives from RLUPC and the concerned MLGUs where the watershed area is located shall be formed. With the assistance of the DENR and upon mandatory consultations with the concerned sectors, the inter-LGU task force shall formulate the Watershed Management Plan for the said watershed area.

Failure to complete sixty percent (60%) of the approved conversion plan within a specified time frame shall result to the automatic revocation by the DAR of the conversion plan on the undeveloped portion. The land shall be reverted to its original use as agricultural land and may be covered under the CARP for land distribution.

SECTION 62. *Provincial Land Use Planning and Management Board (PLUPMB).* The Provincial Land Use Committee (PLUC) is hereby abolished. The Provincial Land Use Planning and Management Board or (PLUPMB) is created in all provinces under this Act to oversee the preparation, integration, adoption and approval of the Provincial Physical Framework Plan (PPFP) and shall ensure its consistency with approved national and regional planning guidelines. The PLUPMB shall also be directly responsible for the effective management and implementation of the approved PPFP and ensure that any existing and future development initiatives, programs and projects introduced within its jurisdiction are consistent with and supportive of the land use resource management and physical planning objectives, directions and character identified in the approved PPFP.

SECTION 63. *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 Department of Economy, Planning, and Development, in consultation with the concerned national government agencies, LGUs, and the private sector, CSOs, IPLCs, and all other sectors experiencing marginalization shall identify and periodically review, update and/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; Provided, That such national strategic infrastructure development plan shall 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) Advise the Sangguniang Panlalawigan on all matters pertaining to land use and physical planning;
- (b) Assist the Sangguniang Panlalawigan in reviewing the submitted CLUPs of component cities/ municipalities to ensure consistency with the Provincial Physical Framework Plan.
- (c) Decide and resolve policy conflicts on land use planning, classification, and allocation that may arise between or among cities/municipalities and facilitate the resolution of any unresolved land use conflict, including political boundary conflicts, at the city/municipality level;
- (d) Formulate necessary provincial planning guidelines and/or implementing policies for the preparation and formulation of the respective CLUPs within its jurisdiction consistent with approved national and regional planning policies and guidelines;
- (e) Submit to the PDC the draft CLUP for its transmission to the Sanggunian Panlalawigan and for the PDC to use it as reference for consistency and complementation with other development plans;
- (f) Review, monitor and assess the implementation and operationalization of the approved CLUP and its consistency with physical planning and land use management objectives and goals identified in the CLUP;
- (g) After an appropriate period of time or upon instruction and advice by the NLUPC, conduct and initiate a progress review of the PPFP and the achievement of its stated objectives and goals and update the PPFP;
- (h) Promote cooperation and sharing of resources between and among component LGUs of the province or with neighboring LGUs to address common land use and development issues including those related to geo-physical hazards, watershed and river basin management, coastal and marine waters, climate change impact and disaster risks; and In cases where the watershed areas transcend the boundaries of a particular municipality, an inter-LGU task force composed of representatives from PLUPMB of the MLGUs where the watershed area is located shall be formed.

SECTION 64. **Composition of the PLUPMB.** The PLUPMB shall be composed of the following fifteen (15) members to be selected based on the rules to be formulated by the NLUPC as provided in this Act:

- (a) Provincial Planning and Development Coordinator (PPDC);
- (b) Chairperson of the Sangguniang Panlalawigan Committee on Environment and Natural Resources;
- (c) Provincial Chapter President-League of Municipalities and/or League of Cities;
- (d) Provincial Agrarian Reform Officer (PARO);
- (e) Provincial Environment and Natural Resources Officer (PENRO);
- (f) Provincial Agricultural Officer (PAO);
- (g) NCIP Provincial Officer;
- (h) DHSUD Regional Director;
- (i) Three (3) representatives from the local business or private sector; the developers' association and accredited associations of professionals dealing

- 1 with land use such as, but not limited to, urban and regional planners,
2 environmental planners, architects, geologists, geodetic engineers; and
3 chamber of commerce, who shall be appointed from among the accredited
4 organizations within their respective development Committees;
- 5 (j) Four (4) representatives from the basic sector groups (urban poor, fisherfolk,
6 farmers and indigenous peoples): Provided, That at least two (2)
7 representatives shall be women: Provided further, That the representatives
8 shall be appointed from among the accredited organizations within their
9 respective development Committees: Provided, finally, that in predominantly
10 Muslim areas, one of whom shall be from the Moro sector; and
- 11 (k) The Designated Board Chairperson, to be chosen among the members.
12

13 Except for ex officio members, the members of the PLUPMB shall be appointed for a term of
14 three (3) years, subject, however to the elected office held, government employment and/or
15 official designation of the LGU, national agency and/or local business/private sector
16 association or basic sector group representation in the board. The NLUPC, within ninety (90)
17 days from its establishment, shall formulate the rules for the selection of the Chairperson and
18 the members in the PLUPMB. The PPDO/PPDC shall provide technical secretariat and
19 administrative support and resources for the effective operation of the PLUPMB. Aside from
20 the PPDO, the PLUPMB may call upon other local and national government offices and
21 agencies such as the local Engineer, Assessor and local field representatives of the DA,
22 DPWH, the Department of Transportation and Communications (DOTC), DOT, DENR, DAR, the
23 Department of Education (DepED), NCIP and other concerned national agencies to assist the
24 PLUPMB in the performance of its roles and mandates. Appropriations for the regular
25 operation and activities of the PLUPMB shall be included in the annual budget proposal of the
26 PPDO: Provided, That other funds and resources, including grants, applicable service fees and
27 charges collected, contributions, donations, and other funds to support its operations and
28 activities may be accepted and received by the PLUPMB, subject to existing auditing and
29 reporting procedures.
30

31 **SECTION 65. *City/Municipal Land Use Planning and Management Board (C/MLUPMB).*** A
32 City/Municipal Land Use Planning and Management Board or (C/MLUPMB) is hereby created
33 under this Act in all municipalities and cities, including highly urbanized and component cities,
34 to oversee the preparation, integration, adoption and approval of their respective
35 Comprehensive Land Use Plans (CLUPs). It shall issue a Certificate of Compliance prior to the
36 submission of the CLUP to the Sanggunian to ensure the consistency of such plans with
37 approved national, regional and provincial planning guidelines. The C/MLUPMB shall also be
38 directly responsible for the effective management and implementation of the approved CLUP
39 and for ensuring that existing and future local policies, including zoning ordinances,
40 development initiatives, programs and projects introduced within its jurisdiction are
41 consistent with and supportive of the land use resource management and physical planning
42 objectives, directions and character identified by the approved CLUP.
43

44 **SECTION 66. *Powers and Responsibilities of the City/Municipal Land Use Planning and***
45 ***Management Board.*** The C/MLUPMB shall exercise the following powers and functions:

- 46 (a) Ensure the inclusion of the input of the barangays within the jurisdiction of the
47 respective City/Municipality on sectoral, temporal and spatial dimensions of

- 1 the plan and its consistency with approved national, regional and provincial
- 2 planning guidelines;
- 3 (b) Review, monitor and assess the implementation and operationalization of the
- 4 approved CLUP and its consistency with physical planning and land use
- 5 management objectives and goals identified in the CLUP;
- 6 (c) Decide and resolve policy conflicts on land use planning, classification, and
- 7 allocation that may arise between or among barangays and facilitate the
- 8 resolution of any unresolved land use conflict, including boundary conflicts,
- 9 involving barangays;
- 10 (d) Advise the Sangguniang Bayan on all matters pertaining to land use and
- 11 physical planning; and
- 12 (e) Promote cooperation and sharing of resources between and among its
- 13 barangays and neighboring LGUs to address common land use and
- 14 development issues including those related to geo-physical hazards,
- 15 watershed and river basins, coastal and marine waters, climate change impact
- 16 and disaster risks.
- 17 (f) Issue a Certificate of Compliance to the Sanggunian as proof that the CLUP is
- 18 compliant with national land use policies, guidelines and standards;
- 19 (g) Submit to the LDC the draft CLUP for its transmission to the Sanggunian and
- 20 for the LDC to use it as basis for consistency and complementation with other
- 21 development plans;
- 22 (h) Based on the CLUP, review and endorse for approval/disapproval applications
- 23 for locational clearances, building and zoning permits and/or other planning-
- 24 related requirement for any project, both private and public, that is submitted
- 25 to the LGU for issuance;
- 26

27 **SECTION 67. *Composition of the C/MLUPMB.*** The C/MLUMPPB shall be composed of the

28 following thirteen (13) members and shall be headed by a Chairperson:

- 29 (a) City/Municipal Planning and Development Coordinator (C/MPDC);
- 30 (b) Chairperson, Sangguniang Bayan Committee on Environment and Natural
- 31 Resources;
- 32 (c) Three (3) representatives from the local business/private sector, the
- 33 developers' associations, and the accredited associations of professionals
- 34 dealing with land use such as, but not limited to, urban and regional planners,
- 35 environmental planners, architects, geologists and geodetic engineers; and
- 36 association/chamber of commerce, who shall be appointed from among the
- 37 accredited organizations within their respective development Committees;
- 38 (d) Four (4) representatives from the basic sector groups (urban poor, fisherfolk,
- 39 farmers and indigenous peoples), Provided, That at least two representatives
- 40 shall be women; Provided, further, that the representatives shall be appointed
- 41 from among the accredited organizations within their respective development
- 42 Committees; Provided finally, that in predominantly Muslim areas, one of
- 43 whom shall be from the Moro sector; and
- 44 (e) President of the Association of Barangay Captains (ABC);
- 45 (f) Municipal Agrarian Reform Officer (MARO);
- 46 (g) LGU Environment and Natural Resources Officer (City/Municipal ENRO);
- 47 (h) Municipal Agriculture Office (MAO);

(i) Designated Board Chairperson, to be chosen among the members.

Except for ex officio members, the members of the C/MLUPMB shall be appointed for a term of three (3) years, subject however to the elected office held, government employment and/or official designation in the LGU, national agency and/or local business/private sector association or basic and marginalized sector group representation in the board. The NLUPC, within ninety (90) days from its establishment, shall formulate the rules for the selection of the Chairperson and members of the C/MLUPMB. The City/Municipal Planning and Development Office/Coordinator (C/MPDO/C) shall provide technical secretariat and administrative support and resources for the effective operation of the C/MLUPMB. Aside from the C/MPDO/C, the C/MLUPMB may call upon other local and national government offices and agencies such as the local engineer, the assessor and the local field representatives of the DA, the DPWH, the DOTC, the DOT, the DENR, the DAR, the DepED and other concerned national agencies to assist the C/MLUPMB in the performance of its roles and mandates. Annual appropriations for the operation and activities of the C/MLUPMB shall be included in the annual budget proposal of the C/MPDO/C: Provided, That other funds and resources, including grants, applicable service fees and charges collected, contributions, donations, and other funds to support its operations and activities may be accepted and received by the C/MLUPMB, subject to existing auditing and reporting procedures. LGUs shall create and/or activate their respective C/MLUPMB upon guidelines issued by the NLUC for such purposes, not later than six (6) months from the effectivity of this Act.

CHAPTER VII

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

SECTION 68. **Approval and Review of PPFP and CLUPs.** The PPFP and CLUPs of the respective city/municipal LGUs, including highly urbanized cities and independent component cities shall be submitted by the local land use boards to the LDCs for transmission to the local Sanggunian for approval.

SECTION 69. **Approval of RPFP and NPFP.** The RPFP and NPFP shall be submitted for review and approval of the RLUPC and NLUPC, respectively, upon the conduct of appropriate stakeholder and agency consultations: Provided, That such processes and guidelines shall be prepared and issued by the NLUPC within six (6) months from effectivity of this Act.

CHAPTER VIII

MAPPING AND DATA MANAGEMENT FOR LAND USE PLANNING

SECTION 68. **National Mapping and Spatial Data Infrastructure Program (NMSDIP).** A national mapping program shall be implemented, coordinated and monitored by the Inter – Agency Technical Committee (ITC) which is hereby created. It shall be composed of the National Mapping And Resource Information Authority (NAMRIA) as the lead agency, the Philippine Space Agency (PhilSA), the Bureau of Soils and Water Management (BSWM), the Forest Management Bureau (FMB), the Land Management Bureau (LMB), the Land Registration Authority (LRA), the Protected Areas And Wildlife Bureau (PAWB), the Mines And Geoscience Bureau (MGB), the Philippine Institute of Volcanology and Seismology (PHIVOLCS), the

Department of Agrarian Reform (DAR), Department of Agriculture (DA), National Commission on Indigenous People (NCIP), the National Water Resources Board (NWRB), the Department of Energy (DOE), the National Disaster Risk Reduction and Management Committee (NDRRMC), the Department of Economy, Planning, and Development (DepDev), and Nationwide Operational Assessment of Hazards (Project NOAH), University of the Philippines Resilience Institute (UPRI), and other concerned government agencies. The ITC shall be constituted, and the mapping and spatial data infrastructure program shall be initiated within thirty (30) days from the effectivity of this Act. The program shall be responsible for the production of base and decision maps and associated spatial databases for all planning levels based on the guidelines of NLUPC. Under the program, all government stakeholders concerned in the production of maps of various themes shall collaboratively formulate the government's spatial data infrastructure master plan and respective government agency/stakeholders' spatial data infrastructure plans which shall be the basis for subsequent funding and eventual project implementation and/or operation. All pertinent and updated thematic maps/data from supporting agencies of the program shall be verified and validated by the Philippine Space Agency and other concerned stakeholders before submission to NAMRIA for compilation and integration into a national geospatial database established under the program. The NAMRIA shall finish its base mapping program within two (2) years upon the effectivity of this Act and provide updates thereof to support the implementation of the spatial data infrastructure program. The spatial and non-spatial data generated by these activities shall be validated before transmitted to the LGU as soon as practicable. Existing land information data available to the national government agencies as of the effectivity of this Act shall be immediately transmitted to the LGUs. For purposes of uniformity and standardization, the LGUs, assisted by the appropriate agencies of the national government, shall likewise prepare their respective maps using scales, symbols, and other indicators to be prescribed in accordance with this Act. The completed maps shall be integrated in the National Physical Framework Plan pursuant to section 51 of this act.

SECTION 69. **Maps for Planning.** Within one (1) year after the NLUPC's approval of the Guidelines and Standards for planning at all levels, available NAMRIA maps and all maps made available to NAMRIA by supporting agencies shall be submitted to the NLUPC for national, provincial, cities and municipalities planning. The NLUPC shall forward these maps to the respective PLUPMBs and C/MLUPMBs after it has reviewed and approved them. Pertinent maps to be produced through the NMSDIP shall include, among others:

- (a) Topographic Maps;
- (b) Geologic Maps;
- (c) Hydrologic Maps;
- (d) Climate Maps;
- (e) Soils Maps;
- (f) Slope Maps;
- (g) Mineral Resource Maps;
- (h) Existing Land Use Maps;
- (i) Bathymetric Maps
- (j) Land Suitability Maps for:
 - a. Settlements
 - b. Agriculture
 - c. Industrial areas

- 1 d. Others
- 2 (k) Agricultural Maps:
 - 3 a. Network of Protected Areas for Agricultural and Agro-industrial
 - 4 Development;
 - 5 b. Commodity Specific Development Guide Maps;
 - 6 c. Land Limitation Maps;
 - 7 d. Cropping System Zones Maps;
 - 8 e. Hydro-ecological Conditions Map;
 - 9 f. Irrigation Systems Maps;
- 10 (l) Land Classification Maps;
- 11 (m) Municipal Waters Delineation Maps and MPAs;
- 12 (n) Geo-Hazard Maps:
 - 13 a. Flood Prone Areas;
 - 14 b. Hazard Zonation Maps for Volcanoes;
 - 15 c. Map of Fault Systems;
 - 16 d. Tsunami Prone Areas;
 - 17 e. Erosion Prone Areas;
- 18 (o) Tourism Maps;
- 19 (p) Transportation Maps;
- 20 (q) Traffic Flow;
- 21 (r) Maps Designating Areas Served by:
 - 22 a. Power
 - 23 b. Tele-communications
 - 24 c. Water
- 25 (s) Maps indicating the following facilities:
 - 26 a. Health
 - 27 b. Education
 - 28 c. Power
- 29 (t) Domestic Water Supply
- 30 (u) Industrial Areas
- 31 (v) Population Distribution Map
- 32 (w) Ancestral Domain Map
 - 33 a. Certificate of Ancestral Land Title Map
 - 34 b. Certificate of Ancestral Domain Title Map
 - 35 c. Indigenous Peoples and Local Communities
- 36 (x) NIPAS Areas
- 37 (y) Areas Suitable for Urban Expansion
- 38 (z) Watershed Areas
- 39 (aa) Forest Lands
 - 40 a. Protection Areas
 - 41 b. Production Areas
 - 42 c. Restoration Areas
- 43 (bb) Key Biodiversity Areas
- 44 (cc) Marine Protected Areas
- 45 (dd) Local Conservation Areas
- 46 (ee) Other Effective Area-based Conservation Measures
- 47

SECTION 70. **Ground Delineation of the Country's Permanent Forest Line.** Pursuant to the Constitution and as provided under this Act, the final determination and ground delineation of the country's permanent forest line shall be completed within one (1) year from the effectivity of this Act: Provided, That appropriations for the fulfillment of this provision shall be included in the annual appropriations of the DENR: Provided, Further, that the complete report of the delineation of the country's permanent forest line shall be presented and validated by concerned IPLCs, sectors, and CSO's before submission to the NLUPC for appropriate integration in the country's strategic land use development plan and policies.

SECTION 71. **Completion and Updating of Existing Cadastral Surveys.** The completion of cadastral surveys of LGUs and the updating of existing surveys shall be given priority and allocation of resources in the implementation of this Act. The DENR shall include in its annual appropriations the completion and updating of all incomplete and existing cadastral surveys of all LGUs in the country: Provided, that such surveys and maps shall be integrated into the national spatial database information and mapping system. In cases of ancestral domains, self-delineation by ICCs/IPs of their ancestral lands shall be employed to determine boundaries as provided for under RA 8371. The NCIP shall include in its annual appropriations the delineation of ancestral domains.

SECTION 72. **Ground Delineation of Land Use.** For effective planning to take place at the local level and for easy enforcement of the Zoning Ordinance of each city/municipality, land uses must be identifiable both on the map and on the ground. A Joint Committee comprised of the LGU, as represented by its M/CLUPMB, and of the national government agency concerned, to be assisted by the C/MPDC, shall identify and delineate on the ground the land uses within their jurisdiction. The following shall be given priority:

- (a) Forest Lands:
 - a. Protection
 - b. Production
- (b) Ancestral Domains
- (c) NIPAS Areas
 - a. Strict Protection Zone
 - b. Multiple Use Zone
- (d) Watershed Areas
 - a. Critical
 - b. Multiple Use
- (e) Network of Protected Areas for Agricultural and Agro-industrial Development (NPAAAD)
- (f) Socialized Housing Sites and Settlement Expansion Areas
- (g) Extents of Environmentally-Constrained Areas
- (h) Easement Areas
- (i) Critical coastal areas
 - a. Mangroves
 - b. Sea grass

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

important information and data become available or as determined by urgent need. Updating of maps shall be undertaken not more often than every ten (10) years.

CHAPTER IX TRAINING, EDUCATION AND VALUES FORMATION

For purposes of uniformity and standardization and in order to develop a safe-built environment, the LGUs shall subsequently incorporate and integrate the generated geo-hazard zoning maps into their respective CLUPs and ZOs. Said geo-hazard maps shall serve as guide for all the LGUs in the preparation of their own hazards-constrained development plans. The NPFP shall incorporate these geo-hazard maps. All entities conducting infrastructure activities including real estate and subdivision projects and the development of tourist spots requiring an ECC shall submit an Engineering Geological and Geo-hazard Assessment Report (EGGAR).

SECTION 73. *National Geo-hazard Mapping Program.* Within thirty (30) days from the effectivity of this Act, a nationwide geo-hazard mapping program shall be initiated jointly through the NLUPC by the PHIVOLCS, the Philippine Atmospheric Geophysical and Astronomical Services Administration (PAGASA), the NAMRIA, the Mines and Geosciences Bureau (MGB), and the DOE, in coordination with the NDRRMC, the Regional Disaster Risk Reduction Management Committees, and other concerned government agencies. The program shall include the generation of indicative geo-hazard zoning maps that will outline areas in the Philippines which are prone to liquefaction, landslides, flooding, lahar, ground rupturing, tsunami, river erosion, coastal erosion, sinkhole collapse, earthquake, lava flow, pyroclastic flow, base surge, and other natural hazards.

SECTION 74. *Scope and Nature of Responsibilities of Other National Government Agencies.* All concerned national government agencies/bodies shall periodically report to the NLUPC on the various activities and accomplishments on land use. Likewise, they shall provide their respective sectoral/development plans and provide technical and administrative support if called upon by the NLUPC for the implementation of the provisions of this Act.

SECTION 75. *Submission of Annual Report on the Implementation of CLUPs and ZOs.* The local land use boards shall submit their annual report on the implementation of their land use plans to their respective Sanggunian which shall submit the same to the RLUPCs for consolidation. The RLUPC shall thereafter transmit the consolidated reports to the NLUPC for monitoring and evaluation.

SECTION 76. *Values Formation.* In order to develop a well-informed, responsible and committed citizenry who value the protection, conservation and development of the country's limited land, and other physical resources, the State shall mandate the inclusion of sustainable land use education or any subject related thereto in the curricula of primary, secondary and tertiary education.

SECTION 77. *Information/Education Campaign and Capacity Building* The NLUPC shall undertake a nationwide information/education campaign on land use and physical planning to be implemented by local and national government agencies. The DILG and concerned

1 agencies shall formulate and implement a land use management capability building program
2 for national and local government officials, community leaders, representatives of NGOs, POs,
3 the religious sector, and the general public.

4 5 **ARTICLE ONE** 6 **INCENTIVES AND AWARDS**

7
8 SECTION 78. ***Formulation of a System of Incentives and Awards.*** The NLUPC shall come up
9 with a system of incentives and awards to LGUs that regularly update their CLUPs/ZOs once
10 every eight (8) years.

11
12 SECTION 79. ***Priority in Giving Technical Assistance to LGUs.*** In providing technical assistance
13 and other forms of support related to land use management and implementation of
14 development plans, national government agencies shall give priority to cities and
15 municipalities with approved CLUPs and ZOs.

16 17 **ARTICLE TWO** 18 **SANCTIONS AND PENALTIES**

19
20 SECTION 80. ***Fine for Failure to Commence or Complete the Development of Agricultural Lands***
21 ***with Approved Conversion Order.*** For agricultural lands with approved conversion orders, the
22 provisions of Republic Act 6657 (CARL), as amended by Republic Act 9700, shall apply. A
23 landowner and/or the designated developer or duly authorized representative who fail to
24 commence and/or complete the development plan defined in the conversion order shall be
25 jointly and severally penalized. The following fines based on the zonal value or the fair market
26 value of the land, whichever is higher at the time the fine shall be imposed:

- 27
28 (a) Failure to commence within three (3) years from the date of the conversion order:
29 a. Three percent (3%) for the first three hectares;
30 b. Ten percent (10%) for the next three (3) hectares; and
31 c. Fifteen percent (15 %) for the remaining area.

32
33 In such case, the order of conversion shall be revoked by operation of law. The land shall
34 revert to its original use as agricultural land and may be covered by the DAR through
35 compulsory acquisition for distribution to qualified beneficiaries.

- 36
37 (b) Failure to complete sixty percent (60%) of the approved conversion plan within a
38 specified time frame shall result to the automatic revocation by the DAR of the
39 conversion plan on the undeveloped portion. The land shall be reverted to its original
40 use as agricultural land and may be covered under the CARP for land distribution.

41
42 SECTION 81. ***Persons Abetting Illegal Conversion.*** Any person initiating, causing, inducing, or
43 abetting illegal conversion with intent shall be punished with imprisonment or a fine in
44 accordance with Act No. 3815 or Republic Act 3019, or both at the discretion of the court.

45
46 If the offender is a public official or employee, whether elected or appointed, the penalty shall
47 also include dismissal from service, forfeiture of all benefits and entitlements accruing to the

1 public position, and perpetual disqualification to run or apply for any elective or appointive
2 public office.

3
4 If the offender is a juridical person, the penalty of imprisonment shall be imposed on the
5 president, chief executive officer, manager, chairperson and all the members of the board, and
6 other responsible officers thereof. The imposable fine shall be equivalent to the zonal value
7 of the land or forty percent (40%) of the shareholders' equity, whichever is higher. Furthermore,
8 the land shall be forfeited in favor of the State and sold through public auction. The proceeds
9 of the sale shall automatically accrue to the Agrarian Reform Fund.

10
11 **SECTION 82. *Penalty for Reclassification of Protected Agricultural Lands and Exceeding the***
12 ***Limit of Areas Allowed for Reclassification.*** Any person initiating, causing, inducing, or abetting
13 the reclassification to non-agricultural uses of protected agricultural areas as defined in
14 Section 13 hereof shall be penalized with imprisonment of twelve (12) years or a fine of not
15 less than One hundred thousand Pesos (P100,000.00), or both at the discretion of the court.
16 If the offender is a public official or employee, whether elected or appointed, the penalty shall
17 also include dismissal from service, forfeiture of entitlements accruing to the public position,
18 and perpetual disqualification to run or apply for any elective or appointive public position. If
19 the offender is a juridical person, the penalty shall be imposed on the president, chief
20 executive officer, manager, chairperson and all the members of the board, and other
21 responsible officers thereof. The same penalty shall be applicable to persons who will be
22 responsible for exceeding the limits set forth under Section 20 of the Local Government Code
23 pertaining to reclassification of lands.

24
25 **SECTION 83. *Payment of Disturbance Compensation.*** Following the order of priority stated in
26 Section 22 of R.A. 6657, as amended by R.A. 9700, agricultural lessees and share tenants,
27 regular farm workers, seasonal farm workers, other farm workers, actual tillers or occupants
28 of public lands, collective, or cooperative of the above beneficiaries, and others directly
29 working on the land affected by agricultural land use conversion, shall be entitled to the
30 payment of disturbance compensation equivalent to five (5) times the average of the gross
31 harvests on the landholding during the preceding five (5) calendar years or a certain
32 percentage of the converted land, whichever is higher, as determined by the DAR.

33
34 **SECTION 84. *Authority to Impose Fine.*** The DAR shall have the authority to impose the fines
35 provided under the preceding Sections 80, 81, 82 and 83.

36
37 **SECTION 85. *Withdrawal of Local Development Permits and/or Licenses.*** Upon receipt of
38 notice from the DAR, the concerned agencies, city or municipality shall withdraw and/or
39 revoke any development permit and/or other licenses that may be necessary to develop the
40 agricultural land subject of conversion.

41
42 **SECTION 86. *Utilization of Fines.*** The fines collected under Section 84 hereof shall
43 automatically accrue to the Agrarian Reform Fund consistent with the provision of the
44 Comprehensive Agrarian Reform Law.

45
46 **SECTION 87. *Failure to Formulate, Implement and/or Enforce the CLUPs and Zoning***
47 ***Ordinances (ZOs).*** – Consistent with due process, the NLUPC, in coordination with the DILG,

shall evaluate, review, and recommend the filing of charges against local chief executives and other local officials and employees responsible for the formulation, implementation and/or enforcement of the CLUPs for the following acts:

- (a) Failure of the CLUPs/ZOs to conform to the guidelines provided in the NPFP;
- (b) Failure to implement and enforce the CLUP/ZO due to negligence of duty.
- (c) Failure to provide appropriate budgetary allocation to effect its implementation;
- (d) Failure to complete the preparation of the CLUP despite the availability of funds, resources, and support by the Sanggunian concerned; Any public official or employee, whether elected, appointed or holding office/employment in a casual, temporary, holdover, permanent, or regular capacity, found to be responsible for any of the foregoing acts, shall be punished with forfeiture of salaries and allowances, and suspension from:
 - (e) Six (6) to nine (9) months, in case of non-implementation of the CLUP;
 - (f) Three (3) to six (6) months, in case of non-completion of the CLUP;
 - (g) Three (3) to six (6) months, in case of non-conformity with the NPFP; Failure to comply with the provisions of RA 8371 on the formulation of CLUP shall be penalized according to Section 72 of the RA 8371.

SECTION 88. *Illegal Conversion of City or Municipal Parks, Communal Forests, and Tree Parks in Subdivisions.* Penalties in the amount of One hundred thousand pesos (P100,000.00) to Five hundred thousand Pesos (P500,000.00), or imprisonment of six (6) years and one (1) day to twelve (12) years, or both, at the discretion of the court shall be imposed for each of the following offenses:

- (a) Illegally converting or causing the conversion of a city/municipal park, communal forest, or tree parks within subdivisions established pursuant to Presidential Decree No. 953, requiring the planting of trees in certain places, into other uses including the construction of permanent buildings;
- (b) Destroying or causing damage to the timber lands and other forest products found in the above mentioned forest and parks;
- (c) Setting the above mentioned forest and parks on fire, or negligently permitting a fire to be set therein; and
- (d) Assisting, aiding or abetting another person to commit the offenses stated in this Section. The offender shall likewise be imposed a fine equivalent to eight (8) times the commercial value of the forest products destroyed without prejudice to payment of the full cost of rehabilitation of the areas as determined by the DENR. The maximum penalty prescribed shall be imposed upon the offender who repeats the same offense and double the maximum penalty upon the offender who commits the same offense for the third time or more. All improvements made therein, as well as all vehicles, domestic animals, and equipment of any kind used in the commission of the offense shall be forfeited in favor of the government. If not suitable for use by DENR, said improvements, vehicles, domestic animals and equipment shall be sold at public auction, the proceeds from which shall accrue to the Forest Conservation and Development Fund (FCDF).

CHAPTER X TRANSITORY AND FINAL PROVISIONS

1
2 SECTION 89. **Mandatory Review Every Ten Years.** The Congress shall undertake a mandatory
3 review of this Act at least once every ten (10) years from its effectivity or as often as it may
4 be deemed necessary to ensure that land use policies and guidelines remain responsive to
5 changing circumstances. For this purpose, the Congress may call on to the NLUPC to
6 undertake the necessary researches and consultations.

7
8 SECTION 90. **Convening of the NLUPC.** Within thirty (30) days from the effectivity of this Act,
9 the Chairperson shall convene the NLUPC and the Head of the NLUPC Secretariat shall
10 immediately assume office.

11
12 SECTION 91. **Implementing Rules and Regulations.** Within ninety (90) days from the effectivity
13 of this Act, the NLUPC shall promulgate its implementing rules and regulations (IRR) including
14 the rules on the selection of the members of the C/MLUPMB and the PLUPMB. It shall take
15 effect fifteen (15) days after its complete publication in the Official Gazette or in at least two
16 (2) newspapers of national circulation.

17 SECTION 92. **Transfer of Powers and Functions.** The functions of the HSAC on land use
18 planning as provided for under Sections 5a,5b,5c,5d,5e,and 5f of Executive Order No. 648
19 Series of 1991 and EO No. 72 series or 1993, shall be immediately transferred to the NLUPC
20 and its appropriate sub-national LGU structures, except as provided in Section 55 hereof.
21 Nothing in this Act shall be construed to transfer or limit functions embraced within the said
22 provisions that pertain to or relate to HSAC non-planning functions.

23
24 SECTION 93. **Review of Existing Land Use Plans.** Provinces, cities, and municipalities with
25 existing land use plans shall review, revise, reconcile, and harmonize the same with the
26 guidelines and standards issued by the NLUPC within one (1) year from the effectivity of this
27 Act.

28
29 SECTION 94. **Access to Information.** Access to records and documents pertaining to official
30 acts, transactions, or decisions as well as to data used as basis for policy development by the
31 NLUPC shall be made available to the public.

32
33 SECTION 95. **Congressional Oversight Committee on the Land Use Act.** A Congressional
34 Oversight Committee on the Land Use Act shall be created. It shall be composed of seven (7)
35 members from the Senate and seven (7) members from the House of Representatives. The
36 members from the Senate shall be appointed by the Senate President based on proportional
37 representation of the parties or coalitions therein, with at least two (2) senators representing
38 the minority. The members from the House of Representatives shall be appointed by the
39 Speaker of the House of Representatives, also based on proportional representation of the
40 parties or coalitions therein with at least two (2) members representing the minority. The
41 Oversight Committee shall function for a period of not more than three (3) years to oversee
42 the implementation of this Act. The secretariat of the Oversight Committee shall be drawn
43 from the existing secretariat personnel of the committees comprising the oversight.

44
45 SECTION 96. **Appropriations.** The amount needed for the initial implementation of this Act
46 shall be charged against the current year's appropriations of the DepDev-National Land Use

Committee (NB-NLUC). Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the Annual General Appropriations Act.

SECTION 97. *Repealing Clause.* Section 10 of RA 8435 and Sections 447 (a2vii) and 458 (a2viii) of RA 7160 and related laws and administrative issuances are hereby modified by Section 13 hereof. The pertinent provisions of Executive Order No. 648, Executive Order No. 72, Series of 1993, and Executive Order No. 770, Series of 2008, amending Letter of Instruction (LOI) 1350, are also modified accordingly. Section 11 of RA 8435 as to the penalty for agricultural inactivity and premature conversion is also modified by Section 83 hereof. Letter of Instruction No. 1350, series of 1983, Presidential Proclamation 2282, series of 1983, and all other general and special laws, acts, decrees, executive orders, proclamations and administrative regulation, or any part thereof which are inconsistent with this Act are hereby repealed or modified accordingly. All Republic Acts, Executive Orders, rules and regulations, and other issuances, or parts thereof, that are inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

SECTION 98. *Non-impairment Clause.* Nothing in this Act shall be construed as to diminish or, impair rights recognized, granted, or available to marginalized or the basic sectors under existing laws, including but not limited to Republic Act Nos. 7279, 6657 as amended by R.A. 7942, 8371, 8550, 9700.

SECTION 99. *Separability Clause.* If, for any reason, any section or provision of this Act is declared unconstitutional or invalid, the other sections or provisions not affected thereby shall remain in full force and effect.

SECTION 100. *Effectivity.* This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) national newspapers of general circulation.

Approved,