



31 March 2014

**Hon. Loren B. Legarda**

Chairman, Committee on Environment and  
Natural Resources  
Legislative Committee Support Service "A"  
Room 304, 34rd Floor  
Senate of the Philippines  
GSIS Building, Pasay City

Thru: Ms. Maria Clarinda R. Mendoza  
Legislative Committee Secretary

Dear Senator Legarda:

Greetings from PIDS!

This is with reference to your letter dated March 25, 2014, requesting PIDS to provide a position paper on Senate Bill Nos. 7, 63 and 150. We are submitting the comments provided by PIDS Senior Research Fellows, Drs. Marife Ballesteros and Danilo C. Israel.

Should you have any queries, please do not hesitate to get in touch with us.

Thank you and best regards.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gilberto M. Llanto', is written above the printed name.

**Gilberto M. Llanto**  
President

## **Comments on the Proposed National Land Use Act (Senate Bill Nos. 07, 150, and 63)**

1. The bills' overall objective to formulate a National Land Use Policy is necessary and timely. It should be noted that there are existing laws that govern the management, implementation and administration of land and thus the proposed bills serve primarily as a policy legislation to guide the long-term framework for the allocation and use of land resources. It will specifically govern the formulation of the national framework for physical planning and not a punitive law to regulate land use. Regulatory actions and punishable acts in land management and administration is governed by existing laws thus these laws should be in sync with the proposed National Land Use Act.
2. The adoption of a land use policy framework, however, should not just focus on defining the land use classification but also providing for other basic land use concerns such as:
  - a. Improving the planning systems of regions, provinces, municipalities and cities. The land use plans should contain and integrate the physical and sectoral aspects of the development plan including sustainability, disaster risk reduction or environmental safeguards and local economic development. This would mean a shift from the traditional physical land use planning, which views space in terms of just its physical and functional dimensions to spatial planning, which is more development oriented and considers the physical, functional and process of planning. Spatial planning recognizes the natural tendency towards mixed uses. It also recognizes that environment or food security cannot be addressed as a stand-alone and land use-only issue.
  - b. Harmonize guidelines and schedules at various levels specifically the HLURB planning guidelines, the PDPFP planning and expenditure management guidelines, and the NFPP. Of particular importance is the alignment of HLURB and PDPFP guidelines because both deal with LGUs (the province and the city/municipality) and given the fundamental interaction between the two plans, i.e., city/municipal plans are basic components of the provincial plan. A key task that should likewise be given attention is the integration of the development plan with the physical framework plan. Such integration would also enhance the more direct linkage between area-based and sectoral plans.
  - c. Creation of city urban consortium and provision of master-plan for road network, sanitation, waste management and flood management.

- d. Addressing informal housing issue. Relocation and resettlement strategies in danger zones should be undertaken since these would impact on developing resiliency of communities.
  - e. Defining land hierarchy in case of conflicting land uses. The proposed bills identify four broad uses of land namely, protection land use, production land use, settlements development and infrastructure development. A proposed National Land Use Act has to be translated in spatial planning in order to design alternative futures in space. It is suggested that a review of best practices in land use planning be considered to determine appropriate and effective policies in defining priority land uses. In India, spatial planning is mainly identified in terms of conservation areas and development areas. Conservation areas are governed mainly by environmental considerations while development areas are primarily directed by best use of land.
  - f. Creation of strong metropolitan arrangements since disaster impact transcends administrative boundaries.
3. Land information is important to support the physical framework plans. This should not only be limited to mapping but providing complete land information database through development of the cadastre system and improvements in land administration. This would imply that the proposed bills address the need to fast track completion of cadastral survey and the delineation of boundaries of municipalities/cities. Reliable land information is an important element to efficient land use planning and zoning systems.
4. A key provision of the proposed bills specifically Senate Bills 07 and 63 is the creation of a National Land Use Commission. This may not be necessary. As suggested by Senate Bill 150, a Land Use Policy Council (LUPC) may instead be considered. There are several agencies mandated to implement land use and management laws. If there is a conflict this will need to be settled based on specific land laws rather than by a Commission. Likewise if there are violations or penalties, the existing land laws should provide the necessary regulatory actions. It cannot therefore be overemphasized that with the proposed National Land Use Act, there would be a need to review, revise and identify gaps of existing land laws for consistency and conformity to the proposed Act.