



MEMORANDUM

FOR : All Undersecretaries
All Assistant Secretaries
All Bureau Directors
All Regional Executive Directors
All Attached Agencies

FROM : The Undersecretary
Special concerns and Legislative Affairs

SUBJECT : REQUEST FOR FINAL COMMENTS ON THE NEDA BOARD-
NATIONAL LAND USE COMMITTEE (NB-NLUC) DRAFT
EXECUTIVE ORDER ON LAND USE

DATE : 20 APR 2023

The NEDA Board-National Land Use Committee (NB-NLUC) conducted a Technical Working Group (TWG) Meeting on the formulation of an Executive Order on Land Use on April 14, 2023.

As background, during the Facilitation Meeting on the Drafting of an EO for Sustainable Land Use and Management organized by the Presidential Management Staff (PMS) last March 29, 2023, it was reported that President Ferdinand M. Marcos, in a recent Cabinet meeting, instructed the preparation of said EO pending the passage of the National Land Use Act.

In this regard, may we request your final comments/recommendations on the Draft Executive Order formulated by the NB-NLUC. Kindly submit it via email at denrilo@denr.gov.ph on or before **April 24, 2023 (Monday) at 5 PM**. The comments will be finalized by the Board and thereafter will be submitted by the Office of the Deputy Executive Secretary for Legal Affairs (ODESLA) to the Office of the President.

Attached is the Draft Executive Order as of April 14, 2023, for your reference.


IGNATIUS LOYOLA A. RODRIGUEZ

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. ____

**ACCELERATE THE IMPLEMENTATION OF LAND USE-RELATED POLICIES TO
ENSURE SUSTAINABLE LAND USE AND MANAGEMENT**

WHEREAS, there is an urgent need to efficiently, equitably and sustainably allocate land resources to achieve food security, determine hazardous areas, delineate protected areas, identify areas for settlements, commercial, industrial and infrastructure uses, among others, with minimal impact on future generations;

WHEREAS, there is a need to harmonize the land use-related functions of various government agencies, streamline the land use conversion process, and accelerate the implementation of land use-related policies in order to optimize the potentials of land resources and spur economic development in the countryside;

WHEREAS, land has a social function and land ownership has a social responsibility; the conversion of agricultural lands into industrial, commercial or residential lands shall take into account the tillers' rights and national food security;

WHEREAS, Article XIII, Section 9 of the 1987 Constitution provides that the State shall undertake, in cooperation with the private sector, a continuing program of urban land reform and housing which will make available at affordable cost decent housing and basic services to underprivileged and homeless citizens in urban centers and resettlements areas; the State shall also promote adequate employment opportunities to such citizens; and in the implementation of such program, the State shall respect the rights of small property owners;

WHEREAS, Article VII, Section 17 of the 1987 Constitution provides that the President shall have control over all the executive departments, bureaus and offices, and shall ensure the faithful execution of laws;

WHEREAS, Article X, Section 4, of the Constitution, states that the President shall exercise general supervision over local government units;

WHEREAS, Letter of Instruction (LOI) No. 1350, series of 1983, institutionalized the framework for national physical planning and created the National Land Use Committee (NLUC); and

WHEREAS, Executive Order (EO) No. 770 series of 2008, as amended by EO No. 770-A series of 2009, strengthened the NLUC by elevating it into a National Economic and Development Authority (NEDA) Board Committee;

NOW, THEREFORE, I, FERDINAND R. MARCOS, JR., President of the Republic of the Philippines, by virtue of powers vested in me by the Constitution and existing laws, do hereby order:

Section 1. Reconstitution of the National Land Use Committee (NLUC). The NEDA Board - National Land Use Committee, which was created under EO No. 770, series of 2008, as amended, as the highest policy-making body on land use, is hereby reconstituted with the following composition:

Chairperson: Secretary of Socio-economic Planning

Members: Secretaries of
Environment and Natural Resources,
Agriculture,
Agrarian Reform,
Interior and Local Government,
Human Settlements and Urban Development
Public Works and Highways;

and one representative from ULAP

Secretaries may designate a representative with a rank not lower than the Assistant Secretary, provided that the representative is of permanent status and shall come from league of provinces, cities and municipalities.

The NLUC may call upon any relevant department, bureau, office, agency and instrumentality of the government, private entity, and land use and spatial planning experts for cooperation, support, and assistance in the performance of its functions.

Section 2. Powers and Functions of the NLUC. The NLUC shall have the following powers and functions:

- a) Advise the President of the Philippines on all matters concerning land use and spatial planning;
- b) Integrate and harmonize guidelines and policies relevant to land use and spatial planning;
- c) Provide technical support in the resolution of disputes on land use and spatial planning including those elevated by the Regional Land Use Committees (RLUCs).;
- d) Formulate a national framework for physical planning (NFPP), shepherd the preparation of sub-national spatial development and physical frameworks and come up with other inter-sectoral policies and programs that guide the rational use and management of the country's land and other physical resources. The NFPP shall have a timeframe of 30 years with regular review and updating every 10 years;
- e) Promote the integration of land use and spatial planning policies, plans and programs, including disaster risk management and climate change adaptation, into national and sub-national socio-economic plans and programs;
- f) Coordinate the establishment of an up-to-date, inter-operable and accessible national databases on land use;

- g) Assess periodically the impacts or effects of land use policies which have been adopted and implemented; and
- h) Provide policy directions to the Regional Land Use Committees in the performance of their land use policy coordination and spatial planning functions.

Section 3. Reconstitution of the Regional Land Use Committee (RLUC). At the regional level, the RLUC under the Regional Development Council (RDC) shall be reconstituted with the following composition:

Chairperson: Regional Director of the NEDA Regional Office

Members: Regional Directors of
 Environment and Natural Resources,
 Agriculture,
 Agrarian Reform,
 Interior and Local Government,
 Human Settlements and Urban Development,
 Public Works and Highways,

and one representative from ULAP

The RLUC may also call upon any relevant department, bureau, office, agency and instrumentality of the government, including but not limited to NCIP, DTI, DOTR, DOST, and DOE, private entity, and land use and spatial planning experts for cooperation, support, and assistance in the performance of its functions.

For Metro Manila, the Chairman of the Metro Manila Development Authority (MMDA) shall serve as the Chairperson of the Regional Land Use Committee.

Land use concerns, including the preparation of the regional and provincial spatial development frameworks city and municipal comprehensive land use plans in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) shall be addressed by the appropriate institutional mechanism in the BARMM. Furthermore, all concerned government agencies with land use planning functions shall extend technical assistance, upon request, to the BARMM and its LGUs in their land use planning activities.

Section 4. Powers and Functions of the RLUCs. The RLUCs shall have the following powers and functions:

- a) Formulate and periodically update the regional spatial development and physical framework taking into consideration national, interregional, regional and local plans and policies. The RPPF shall have a timeframe of 12 years with regular review and updating every six years or when deemed necessary.
- b) Promote the integration of land use and spatial planning policies, plans and programs, including disaster risk reduction measures into the regional socioeconomic plans and programs;
- c) Provide technical support in the resolution of region-specific land use policy issues among government agencies, especially those arising from the implementation of regional spatial development and physical framework;

- d) Review the provincial development and physical framework plans (PDPFPs) and comprehensive land use plans (CLUPs) and zoning ordinances (ZOs) of highly-urbanized cities and independent component cities to ensure their consistency with the regional spatial development and physical framework *[add a statement that after review, RLUC will provide recommendations];*
- e) Elevate to the NLUC, for discussion and settlement, the unresolved region-specific land use policy disputes and controversies among government agencies in the regions;
- f) Assess changes in land use and other physical resources in the regions in coordination with the Local Land Use Committees;
- g) Evaluate the consistency of major sub-national programs and projects with the regional spatial development and physical framework and their impacts on land use and the environment;
- h) Assess periodically the sub-national impacts or effects of land use policies which have been adopted and implemented;
- i) Undertake the gathering, updating and maintenance of a regional land use database system; and
- j) Perform other related functions as may be directed by the NLUC.

Section 5. Offices, Units and Staff Support to the NLUC and RLUCs. The NEDA shall continue to provide core secretariat services to the NLUC and RLUCs.

Section 6. Local Land Use Committees (LUCs). The Provincial Land Use Committees established under EO 72 s. 1993 is hereby reconstituted and strengthened. Furthermore, consistent with Section 112 of RA 7160, otherwise known as the Local Government Code of 1991, local land use committees are encouraged to be established at the city and municipal levels, with the following suggested composition:

Chairperson: The respective Provincial, City, or Municipal Local Planning and Development Officer/Coordinator

Members: The respective Provincial, City, or Municipal
 Agriculturist,
 Engineer,
 Tourism Officer,
 Assessor,
 LGU ENRO
 Disaster Risk Reduction and Management Officer
 Economic and Investment Promotions Officer, and
 Agrarian Reform Program Officer

The Regional/Provincial/Field offices of the following agencies may send representatives to the local land use committees as needed.

DENR
 DAR
 DHSUD

DA
DILG

[Separate the provisions into the Province and City/Municipal Levels- cite their mandate on land use planning per the LGC (Section 20.c)]

Pursuant to Section 20 of the Local Government Code, the local government units shall, in conformity with existing laws, continue to prepare their respective comprehensive land use plans enacted through zoning ordinances which shall be the primary and dominant bases for the future use of land resources

The Provincial, city and municipal LUC shall have the primary responsibilities of formulating and periodically updating the Provincial Development and Physical Framework Plan (PDPFPs) and the Comprehensive Land Use Plans (CLUPs).

Section 7. Functions of the Department of Human Settlements and Urban Development (DHSUD) on Land Use Planning.

Consistent with Chapter III, Section 5, Item II (e) of RA 11201, or the Department of Human Settlements and Urban Development Act of 2019, the DHSUD, upon mandatory consultation with relevant government agencies, shall formulate and prescribe the land use planning standards and guidelines for the CLUPs and zoning ordinances of cities and municipalities, and the provincial development and physical framework plans (PDPFPs). Such standards and guidelines shall provide due consideration to the protection of prime agricultural lands, irrigated and irrigable lands culturally significant lands, and fragile ecosystems pursuant to R.A. No. 8435 otherwise known as the Agriculture and Fisheries Modernization Act of 1997 and RA11038, or the Expanded National Integrated Protected Areas System Act of 2018. Furthermore, the guidelines shall ensure that disaster risk reduction and climate change adaptation are mainstreamed in the said plans pursuant to RA 9729, otherwise known as the Climate Change Act of 2009, RA 10121, otherwise known as the Philippine Disaster Risk Reduction and Management Act of 2010,

Pursuant to EO No. 72, s. 1993, the PDPFPs (erstwhile called CLUPs of provinces under EO No. 72 s. 1993), as well as the CLUPs of highly urbanized cities, independent component cities, and LGUs in the National Capital Region, shall be reviewed and ratified by the DHSUD to ensure compliance with the national standards and regulations on land use planning and zoning. In addition, DHSUD shall continue to issue locational clearances for proposed projects considered to be of vital and national or regional economic or environmental significance as declared by the NEDA Board.

The DHSUD, DA and DAR in coordination with concerned agencies, shall design and develop an integrated information and management system for monitoring agricultural land reclassification done by LGUs pursuant to Section 20 of the LGC, including land use changes and other datasets, pursuant to Section 19.13 of the IRR of RA 11201.

The DHSUD shall serve as the coordinating agency for the issuance of certificates required for agricultural land reclassification pursuant to Section 2 of Memorandum Circular No. 54, series of 1993 otherwise known as, "*Prescribing the Guidelines Governing Section 20 of RA 7160 otherwise known as the Local Government Code of 1991 Authorizing Cities and Municipalities to Reclassify Agricultural Lands into Non-Agricultural Uses*".

Section 8. Streamlining the Process of Applications for Land Use Conversion.

Conversion is the act of changing the current use of a piece of agricultural land into some other use as approved by the DAR while reclassification is the act of specifying how agricultural lands shall be utilized for non-agricultural uses such as but not limited to residential, industrial, and commercial, as embodied in the land use plan. A mere reclassification of an agricultural land does not automatically allow a landowner to change its use.

The DAR, as the agency mandated to authorize land use conversion under Sections 4 (j) and 5(l) of EO No. 129-A, s. 1987, Section 3 (13), Title XI of EO 292. series of 1987 otherwise known as The Revised Administrative Code of 1987, and section 65 of RA No. 6657, otherwise known as the Comprehensive Agrarian Reform Law of 1998, as amended by RA No. 9700, shall be guided by the reclassification of lands as indicated in the CLUPs under EO No. 72, Series of 1993 and MC No. 54. Series of 1993 and as such streamline the land use conversion process to ensure the speedy disposition of the same. It shall monitor and maintain a database on the actual uses of the lands approved or disapproved for land use conversion.

An application for land use conversion shall be acted upon by the DAR within thirty (30) days from compliance by the applicant with the substantive and procedural requirements for conversion as set forth by the DAR.

The DAR shall monitor and maintain a database on the actual uses of the lands approved or disapproved for land use conversion. It shall ensure that the Task Force on Illegal Conversion in the provinces shall commence the necessary and proper criminal complaint for illegal conversion cases in accordance with sections 73 and 74 of RA 6657, as amended in 2009 by RA 9700. It shall periodically report these incidences to the NLUC.

The DAR, DA, DENR, and the DHSUD shall develop a harmonized system of monitoring compliance with the legal requirements for agricultural land reclassification and land use conversion...*[indicate time frame for this undertaking]*

Section 9. Continuous Updating of Consolidated Data on All Irrigated and Irrigable Lands. Consistent with Administrative Order No. 363, series of 1997 and Section 65 of RA 6657, as amended, the National Irrigation Administration (NIA), in complementation with BSWM, shall continue the preparation, updating and consolidation of maps and data of irrigated and irrigable lands which shall be protected from conversion. The NIA shall also report the same to the NLUC within one (1) year upon the effectivity of this Executive Order.

Section 10. Delineation and Updating of Strategic Agriculture and Fisheries Development Zones (SAFDZ). Consistent with sections 6 and 7 of the Agriculture and Fisheries Modernization Act (AFMA) of 1997 or RA No 8435, the Department of Agriculture through the BSWM, in consultation with DAR, DENR, Department of Trade and Industry, Department of Science and Technology, concerned LGUs, and organized farmers and fisherfolk groups, shall continuously monitor the SAFDZs. The maps which will be produced as a result of the delineation and updating of the SAFDZ shall be made available to the local government units for its inclusion in their respective PDPFPs, CLUPs and Zoning Ordinances. Pursuant to Section 9 of the AFMA, all prime agricultural lands included in the SAFDZ shall be protected from land use conversion. The SAFDZ shall be subject to review every six (6) years by the DA.

Section 11. Boundary Delineation of Forest Land and National Parks. Pursuant to Presidential Decree (PD) No. 705 s. 1975, otherwise known as the Revised Forestry Code, as amended, and EO No. 318, s. 2004, which vests in the Department of Environment and Natural Resources (DENR) the mandate to delineate, classify and demarcate the forest lands to ensure its protection and sustainable development, within two (2) years upon the effectivity of this Executive Order, the DENR shall complete the delineation on the ground of forest lands and national parks, and submit the same to Congress for enactment into law pursuant to Section 4 Article XII of the 1987 Constitution. The result of forest boundary delineation shall be made available to the public for planning, land titling, reversion of alienable and disposable lands to forest lands, and other purposes.

Section 12. Management of Coastal Resources. Within one (1) year upon effectivity of this Executive Order, a National Integrated Coastal Management (ICM) Framework shall be developed by the DENR in coordination with the DA-Bureau of Fisheries and Aquatic Resources and other relevant agencies. Once the ICM framework is developed, the DHSUD, in coordination with the DENR, shall provide guidance to LGUs in integrating coastal management in their CLUPs.

Section 13. Delineation and Mapping of Hazard-prone and Vulnerable Areas. The DENR – Mines and Geosciences Bureau (MGB), DOST-Philippine Institute of Volcanology and Seismology (PHIVOLCS), and DOST-Philippine Atmospheric, Geophysical and Astronomical Services Administration (PAGASA), shall delineate hazard-prone and vulnerable areas and continuously update their hazard maps and the corresponding geospatial data using a science-based approach and employing existing technologies.

Within one (1) year upon the effectivity of this Executive Order, the said agencies shall complete the dissemination of these maps to LGUs for the latter's guidance in the preparation of their own hazards-constrained development and physical framework and land use plans.

Section 14. Delineation and Recognition of Ancestral Domains. The National Commission on Indigenous Peoples (NCIP) shall ensure that the recognition and promotion of the rights of Indigenous Cultural Communities and Indigenous Peoples are within the framework of national unity and development. Within one (1) year upon the effectivity of this Executive Order, the NCIP shall provide the NLUC with a mapping and a database of all the ancestral domains and ancestral lands in the country as these shall serve as one of the references in the formulation of land use and spatial planning policies.

Section 15. National Base Mapping Program. Within one (1) year upon the effectivity of this Executive Order, the NAMRIA shall complete the 1:10,000 scale base maps of the whole country. The base maps shall be updated every six years at the minimum. Such maps, along with other relevant geospatial data from other government agencies shall be shared and disseminated to all LGUs and government agencies and shall serve as reference in defining the planning area for land use planning, local development planning, and other planning activities.

Section 16. Land Consolidation for Agro-industrial Development. The consolidation of small-scale agricultural landholdings shall be promoted to take advantage of economies of scale in agricultural production, to promote value chain development, and to increase farm incomes and improve the quality of life of farmers. A Land Consolidation and

Utilization Program under the DA shall be established. The program shall implement the following:

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

Section 17. Sanctions and Penalties on the Failure to Formulate, Enforce, and/or Implement the CLUPs. The DHSUD, in coordination with DILG, shall monitor the LGUs' formulation and implementation of the CLUPs and the PDPFPs. Within three (3) years upon the effectivity of this Executive Order, all LGUs shall complete the formulation of their CLUPs or PDPFPs.

Failure to formulate, review, enforce and/or implement the CLUPs shall be subject to the penalties and sanctions to be imposed by the DHSUD and DILG *[generic clause on imposition of sanctions]* pursuant to RA 11201 and its Implementing Rules and Regulations

Section 18. Implementing Rules and Regulations (IRR). The NEDA and NLUC member-agencies shall issue the pertinent IRR within thirty (30) days from the effectivity of this Executive Order.

Section 19. Repealing Clause. All other rules, regulations and issuances or parts thereof that are inconsistent with this Executive Order are hereby repealed or modified accordingly.

[Additional provision on reportorial requirements]

Section 20. Effectivity. This Executive Order shall take effect immediately upon its publication in the Official Gazette or in a newspaper of general circulation.

DONE, in the City of Manila, this ___ day of ___ in the year of our Lord Two Thousand and Twenty Three.

FERDINAND R. MARCOS, JR.
President of the Philippines

By the President:



Republic of the Philippines
 Department of Environment and Natural Resources
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Document No: LLO-2023-000381

Print Date: Monday, April 24, 2023

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Subject: LETTER DTD 04/19/2023 REQUEST FOR SIGNATURE RE MEMORANDUM ON REQUEST FOR FINAL COMMENTS ON THE NEDA BOARD-NATIONAL LAND USE COMMITTEE (NB-NLUC) DRAFT EXECUTIVE ORDER ON LAND USE

Addressee(s): Office of the Undersecretary for Special Concerns and Legislative Affairs (DENRCO-OUSCLA)

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Date/Time Received: 04/19/2023 12:41:00 PM

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	04/19/2023 12:39:46 PM	LLO		
LLO	04/20/2023 11:37:25 AM	DENRCO- OUSCLA	04/19/2023 12:40:23 PM	Date: 04/20/2023 11:38:22 AM To: From: Buguina, Hanah Marie A. Message: Released to LLO with Memo dated 20 April 2023 Signed by USEC Natus
DENRCO- OUSCLA	04/24/2023 10:06:06 AM	LLO	04/20/2023 11:38:31 AM	Date: 04/24/2023 10:07:45 AM To: From: Guerrero, Everly J. Message: MEMO FOR ALL USECs/ASECs/All Bureau Directors/All Regional Executive Directors and All Attached Agencies dated 4-20-2023 sgd Usec Rodriquez Email Sent - 4-24-2023 ✓
LLO		DENRCO - AS RMD	04/24/2023 10:08:02 AM	

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