



October 2005

PI-05-05

REQUISITES OF A LAND USE POLICY

Introduction

Throughout human history, land has played a significant role in society. Land has been “the locus of productive activities and a source of political power of men” (PLCPD, 2004). The 1976 UN Conference on Human Settlements declaration likewise considers land as the principal instrument in fostering “social justice, development, provision of decent dwellings, and health conditions, and therefore should be used in the interest of the society as a whole.” The importance of land utilization in the economic and social activities of society makes it imperative for countries to adopt a comprehensive land use policy to effectively manage the utilization of this valuable resource.

In the Philippines, efforts on sound land use have been undertaken by the government since the 70s. Various laws have been passed such as The Forestry Reform Code (1975), Comprehensive Agrarian Reform Law (1988), Indigenous Peoples Rights Act (1997) and the Agriculture and Fisheries Modernization Act (1997) to ensure that land is utilized properly. However, the multi-stakeholder nature of land utilization and the lack of a comprehensive land use policy framework have resulted in the following problems: (a) confusion due to inconsistent laws on land utilization; (b) continued negative environmental effect on land; and (c) unabated conflicts among different sectors due to competing land use.

This paper shall thus discuss the rationale of a land use policy framework and suggest measures to assist in the implementation of a comprehensive land use policy.

What is land use planning and why do we need a national land use policy?

Land use planning is “the proper management of land resources to promote the public interest and general welfare” (PLCPD, 2004). It is anchored on the concept of sustainable development which promotes the optimal use of limited resources to answer present needs without compromising the needs of future generations. Land use planning is a multi-stakeholder policy output wherein competing uses of land arise among the various users. These stakeholders include the farmers, urban settlers, local government planners, businessmen, women, indigenous peoples and environment managers.

Many urban and peri-urban¹ areas in the Philippines have been subjected sporadically to various political, economic and environmental interests. Land development initiatives were done without going through the process of finding a compromise solution to conflicting interests. And because there is no clear, sound and modern framework to guide such compromise, this practice has led to the

¹ Areas surrounding an urban center that replicate the pattern of development of the center

worsening of problems associated with poor land use such as traffic congestion, informal settling, poor public sanitation, pollution, inefficiency of public services delivery and environmental degradation.

Given the above situation, there is a need to review these laws with the end view of crafting a consistent and socially acceptable land use policy framework that would support the requirements of sustainable economic growth, equity and poverty alleviation.

Status of land resources in the Philippines and its uses

In the Philippines, lands are categorized as: protected areas, alienable and disposable, and privately-owned lands. Of the total Philippine land area of 29.8 million hectares, 15.88 million hectares are forestlands or protected areas and 14.12 million hectares are alienable and disposable lands of which sixty-five percent (64.8%) are titled and privately owned (Llanto and Ballesteros, 2003). But these numbers do not reflect the true situation of our land resources vis-à-vis the various uses of land.

Competing uses of land

There are five main uses of land: economic and commercial uses, food production, shelter, environment preservation and preservation of indigenous peoples. However, these uses cannot be pursued exclusively. This means that compromises and conflicts arise whenever one implements one specific land use over the other. A look on the application of the uses of land in the Philippines explains such situation.

Economic and Commercial Uses and Food Production. Land is a primary input in the conduct of economic and productive activities for the Filipinos' general welfare. Though the State has the sovereign right to control and supervise the exploration, development and utilization of the country's land and other natural

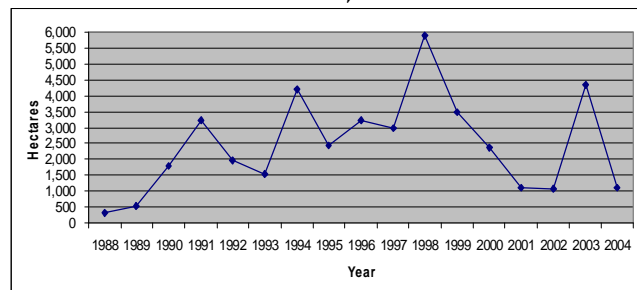
resources, the Constitution ensures the right of individuals to engage in legitimate business and commercial activities that are intended to increase the country's wealth. The creation of special economic zones and industrial parks are mechanisms of giving a premium to the economic or commercial use of large tracts of land. However, this economic and commercial use of land may, at times, be in conflict with the food production role of land. For example, indiscriminate land conversions from agriculture to non-agricultural purposes that persist around the country pose the danger of food insufficiency for the Filipinos. This conflict between the economic and food security is illustrated by the actual state of agricultural lands available in the country.

Table 1. Summary of Approved Applications for Land Use Conversion as of September 30, 2005

Year	Area (has.)
1979-1987	27.41
1988	335.27
1989	551.18
1990	1,790.60
1991	3,230.94
1992	1,992.76
1993	1,534.20
1994	4,189.01
1995	2,443.44
1996	3,248.96
1997	2,997.22
1998	5,889.30
1999	3,469.20
2000	2,362.50
2001	1,096.59
2002	1,091.38
2003	4,353.78
2004	1,129.30
Undated	239.79
TOTAL	43,141.64

Source: Center for Land Use Policy Planning and Implementation (CLUPPI)

Figure 1. Summary of Approved Applications for Land Use Conversion, from 1988 - 2004



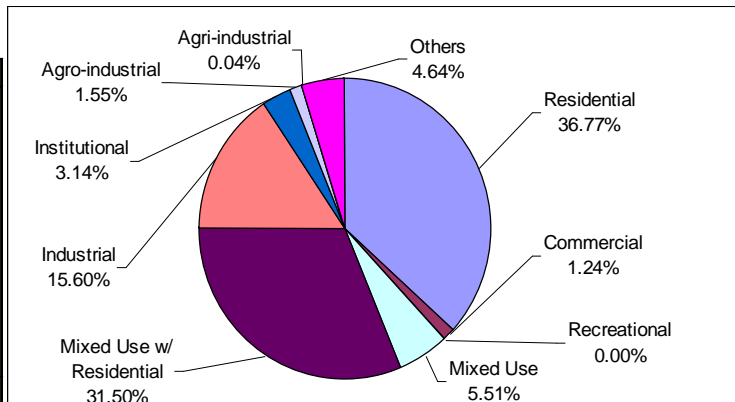
Source: Center for Land Use Policy Planning and Implementation (CLUPPI)

Table 2. Summary of Approved Applications for Land Use Conversion, by Purpose, As of September 2005

Purpose	Area (has.)
Residential	15,864.78
Commercial	534.32
Recreational	2
Mixed Use	2,375.13
Mixed Use w/ Residential	13,591.31
Industrial	6,731.70
Institutional	1,356.25
Agro-industrial	669.17
Agri-industrial	15.83
Others	2,001.14
TOTAL	43,141.64

Source: Center for Land Use Policy Planning and Implementation (CLUPPI)

Figure 2. Summary of Land Use Conversion, by Purpose, 2005



An average of 1,310.72 hectares of agricultural land was converted in period 1990 to 2004, with a total of 43,141.64 hectares converted to other uses. It should be noted that conversion to residential uses accounts for more than one third of the conversion (see Table 2).

The significant decrease in the size of lands available for agricultural purposes has contributed to the reduction of land for rice production. In 2000 the Philippines was one of the Asian economies that experienced a significant decrease in the lands devoted to rice production (see Table 3).

Table 3. Decreasing Areas Devoted to Rice Production in Asian Countries, 2000

Countries	Total drop in lands devoted to rice production
South Korea	46 %
Taiwan	42 %
Japan	50 %
Indonesia	20,000 has. Converted
Philippines	289,000 has. (Legal and illegal shifts in land use)

Source: PLCPD, 2005

Shelter. Land can also be utilized for social development purposes such as shelter. At present, the growing population of the country has resulted in an increasing demand for housing. According to the Medium Term Philippine Development Plan (MTPDP) 2005-2010, there is an estimated 3.7 million housing need for the plan period. This big demand is more prevalent in the urban centers, particularly in the National Capital Region, and their surrounding areas, Regions III and IV.

Because of the limited space available for mass housing, there is now congestion particularly in urban areas, and this is where the use of land for shelter comes in conflict with other interests. Due to the rapid need of urban centers for housing and the lack of a national land use policy to guide planners, lands allocated for other purposes near these areas (such as agricultural) are utilized for housing. Llanto and Ballesteros (2003: 2-3) succinctly observed this situation: “the unprecedented urbanization in the country has been [sic] put tremendous pressure on land resources and the absence of a land use policy underscores land conversion disputes and other land-related problems. The tension between continued use of certain lands for agriculture...and the demand of rapid urbanization...has led to conflict among various interested parties such as land developers, agricultural workers and landowners.”

Environment Protection. Another use of land is to protect and sustain a country’s natural resource. However, increasing population, resource exploitation, hyper-urbanization and industrialization have put much pressure on the biological and physical well-being of the environment. According to the Department of Environment and Natural Resources (DENR, 1997), the Philippines’ natural resources “have been, and continue to be, subjected to numerous yet conflicting uses that include forest production (for wood and other forest products like resin, pulp and paper), food production, human

Table 4. Comparative Deforestation Data Among Southeast Asian Countries

Country/area	Total Land Area	Population			Forest			
		Total	Density	Growth Rate	Total	% of Land Area	Change	Annual Rate of Change
		1999	1999	1995-2000	2000	2000	1990-2000	1990-2000
	('000 ha)	('000)	(population /km ²)	(%)	('000 ha)	% of land	('000 ha)	(%)
Philippines	29,817	74,454	249.7	2.1	5,789	19.4	-89.0	-1.4
Indonesia	181,157	209,255	115.5	1.4	104,986	58.0	-1,312.0	-1.2
Thailand	51,089	60,856	119.1	0.9	14,762	28.9	-112.0	-0.7
Cambodia	17,652	10,945	62.0	2.3	9,335	52.9	-56.0	-0.6
Laos	23,080	5,297	23.0	2.6	12,561	54.4	-53.0	-0.4
Vietnam	32,550	78,705	241.8	1.6	9,819	30.2	52.0	0.5
Singapore	61	3,522	5,773.8	1.4	2	3.3	n.s.	n.s.
Timor-Leste	1,479	871	58.6	1.7	507	34.3	-3.0	-0.6
Brunei	527	322	61.1	2.2	442	83.9	-1.0	-0.2
Malaysia	32,855	21,830	66.4	2.0	19,292	58.7	-237.0	-1.2

Source: World Deforestation Rate

settlements, watershed, tourism/recreation, mineral production, energy production, biodiversity conservation, industrial site, and other economic activities or any combination of the above.”

Suffice it to say that because of this overexploitation, the Philippines’ forestlands continue to dwindle. In fact, when compared to her Southeast Asian neighbors, with the exception of Singapore, the Philippines has the smallest forestland area in proportion to the total land area at 19.4 percent in 2000 (see Table 4).

The size of our forests and forestlands is critical to securing the country’s water resources in the future. Their denudation contributes to watershed degradation which affects the country’s water supply. The Philippines has the highest total water withdrawals in Southeast Asia (see table 5) and projections up to 2025 show

that the country will continue to have the highest withdrawal as a proportion of its water resources (Rola, et al., 2004).

Conflicting land uses and practices, inappropriate land classification and disposition of watershed areas, and unabated encroachment and illegal occupancy within watershed areas are some of the unresolved issues that threaten watershed resources. Take the case of Maasin watershed in Iloilo which is a source of water to 500,000 residents of Iloilo City and 80 sitios. About 64% of the Maasin watershed is already open to farming. The loss of forest cover has resulted in the reduction of watershed resource potential of the area. As a consequence, only 35% of the household water requirements of Iloilo City could be met by the resource (Rola, et al., 2004).

Table 5. Southeast Asia: Water Supply and Demand

Country	Total Annual Water Resources (A W R) Km ³ 1990 data	Total W ithdrawals (D W R) Km ³			
		1990	Percent of A W R	2025	Percent of A W R
		D W R		D W R	
Cambodia	498	0.6	0	0.8	0
Indonesia	2,530	17.5	1	24.2	1
Malaysia	456	13.7	3	18.6	4
Myanmar	1,082	4.2	0	5.4	0
Philippines	323	41.7	13	49.8	15
Vietnam	376	27.6	7	31.2	8

Note: 2025 projections by the International Water Management Institute (IWMI)

Source: Seckler et al., 1998 in Rola, et al., (2004)

Table 6. Inventory of Ancestral Domain Claims, as of 2002

Ethnographic Region	CADC-Covered AD		Direct Application		Total No.	Total Aggregate Area
	Number	Aggregate Area	Number	Aggregate Area		
CAR & Region 1	27	612,363	20	383,902	47	996,265
Region 2	13	362,220	2	No data	15	362,220
Region 3 & Rest of Luzon	30	231,952	21	229,054	51	461,006
Island Group	26	368,592	19	200,109	45	568,701
Northern & Western Mindanao	27	252,129	103	924,709	130	1,176,838
Southern Eastern Mindanao	34	661,834	46	428,199	80	1,090,033
Central Mindanao	24	56,943	69	402,268	93	459,211
TOTAL	181	2,546,033	280	2,568,241	461	5,114,274

Source: National Commission on Indigenous Peoples (NCIP) Annual Report, 2002

* CADC – Certificate of Ancestral Domain Claim; AD – Ancestral Domain

Indigenous Peoples (IPs). Finally, the right of indigenous peoples (IPs) to protect their lands raises issues. In the Philippines, the State is mandated to protect the rights of IPs to their ancestral domains to ensure their economic, social and cultural well-being and to recognize the applicability of customary laws governing property rights or relations in determining the ownership and extent of ancestral domain (RA 7381). This indigenous concept of ownership with regard to all ancestral lands and all resources found therein serves as the foundation of the IPs' cultural integrity. The law guarantees the IPs' rights to claim ownership of ancestral domains. At present, the IP sector has an aggregate claim of more than 5 million hectares (see Table 6).

However, many of these claims are still being disputed and in conflict with various interest groups on land utilization. In fact, the enactment of this law raised some issues on property rights especially regarding ancestral lands rich with mineral resources. The IP community's interpretations of property rights over identified areas are often not consistent with concession rights given by government through the market economy's land registration and titling system. As a result of this inconsistency, IPs are always faced with a threat of eviction and displacement to give way to economic and commercial land utilization. In 2002, the NCIP Legal Affairs Office handled seven (7) legal cases related to

ancestral domains. One of these was the opposition of the residents of Sinacbat, Bagu, Dalipey, and Bakun, Benguet to the construction of a diversion tunnel from Panagan to Takbo Weit, Bakun, Benguet. Another example is the well-publicized conflict of the Bugnayons of Kalinga and Apayao provinces surrounding the proposed construction of the Chico Dam in the 70s (NCIP, 2002). The alleged destructive effects of the construction of the large infrastructure project near indigenous communities and on the soil and flora and fauna in the region were the basis of the complaints of the people. Because of this large-scale protest, the project was aborted.

Given the aforementioned, it can be deduced that the lack of a national land use policy has resulted in confusion on land utilization and also has, in several instances, resulted in negative effects among stakeholders. It is therefore imperative that Philippine policymakers pursue moves to address the complexities of the problems that arise from land use and land related issues. Currently, several bills which seek to formulate a national land use policy framework are pending before the 13th Congress. These proposals underscore the vital role of land use planning in the country's development efforts. Notwithstanding the intent and content of these legislative proposals, experiences of

various countries should provide policymakers and development planners some useful insights on the intricacies of crafting a comprehensive land use policy.

What are the requisites of a 'socially desirable' land use policy?

According to experts, a common policy framework for land use should integrate the various levels of land use planning in the municipal, provincial, regional and national levels. This should balance different yet related concerns such as food security, human settlements, environmental protection, indigenous communities, and other economic and commercial pursuits.

In 2003, the World Bank conducted a cross-country comparison of land policies in African, Latin American, Eastern European and Asian countries, including the Philippines, as well as industrial nations. The study noted similarities as well as contrasting strategies that were adopted by these countries in crafting their land policies as well as underscored the difficulty of crafting a land use policy framework. Some countries were successful, but many proved to be ineffective in translating their policy outputs into desired outcomes (WB, 2003).

By and large, the experiences of these countries in their struggle for a sound and effective land use policy led the researchers to identify the 'requisites' of a rational, holistic and fair land use policy framework. In addition to a participative process and institutional capacity building which should be important parts of the package, it was also emphasized that a sound land use policy should be fully integrated into the long term national development strategy.

The following are the suggested considerations in crafting a socially desirable land use policy:

A rational land use regulation. Experiences of many developing countries have shown that

government agencies have rarely been effective in ensuring that land and natural resources embody broader social and cultural benefits, such as landscapes, biodiversity, historic sites, and cultural values. Individual actions sometimes destroy these benefits out of sheer protection of vested economic interests. But oftentimes, it is the ambiguity of the priorities set by the authorities.

In Malaysia for example, inappropriate zoning standards caused housing prices to be significantly above the costs of construction. Recognizing that this would disadvantage the poor, the government promptly offered subsidies to this group as partial compensation. Evidence however suggests that this has been too costly and ineffective, and that the poor were more likely to squat instead.

Zoning regulations are identified as effective mechanisms to reduce land use conflicts. In many parts of the world, it is used to assign specific uses, or prohibit particular uses of certain lands, to overcome environmental and other externalities. For example, local governments can use zoning regulations to prevent the negative effects of deforestation, agricultural land conversion to housing, or infrastructure. Zoning however has to be justified, clear, predictable and easy to implement (WB, 2003).

Land use policy should be an end result of a participative and democratic planning process.

Land use planning should provide an opportunity for stakeholders to actively participate in a planning process. Consensus building among the users, the authorities/government and the civil society minimizes political discontent and promotes transparency, specifically on the part of the government which usually has the prerogative for zoning, eminent domain, and expropriation of land.

Larrucea (2005), in his report on how the Mediterranean Island of Minorca (Spain) was declared a bio-reserve, particularly took note of

the novel means of participation of the citizenry in the decision-making process which was done through ad hoc meetings or workshops. These were organized by the local authority, i.e. Consell Insular, which explained the most important decisions taken, informed the citizens about the study and solicited people's opinion.

Land use policy should include local capacity building and institutional linkages. Local capacity building is needed to address the inadequacy of local officials in understanding how property rights combined with collective action can be utilized for land resource allocation and management. Property rights, when designed in a way that encourages prudent management of natural resources, can measure and control the costs of the environmental effects of land use. For example, by awarding property rights to private communities or the resource users themselves and by strengthening the capacity of these groups for collective action, externalities from land use will be more properly dealt with (WB, 2003).

Similarly local capacity building in the area of land valuation and taxation, information dissemination, conflict resolution, land use planning and basic economic concepts are also needed to assist local governments in handling administrative functions devolved by the national government. These trainings will broaden local governments' understanding on the different approaches to public finance and also help them design better zoning regulations that will maximize and, at the same time, effectively manage the utilization of land in their jurisdiction.

The importance of institutional linkages among concerned agencies should also be emphasized in any local capacity building exercise. Proper linkages among national, regional and local agencies will ensure a harmonized working relationship which will result in better and timely outputs.

Land use policy should be part of the long-term national development strategy. Most importantly, the integration of a national land use policy into the country's broader development strategy is particularly relevant to provide a basis for relating land policy to other development interventions. Similarly, integrating land use policy into a long-term national development mechanism can provide continuity and an institutional framework to guide policymakers on land utilization.

The Government of Ghana's comprehensive land policy shows the type of issues to be tackled in such broader national development strategy. The Government of Ghana reviewed its legal situation with a view of making state land accessible to the private sector while retaining its regulatory role. It also guaranteed access to urban land through an open market and in cases of compulsory acquisition, adequate and prompt compensation and resettlement for those displaced were ensured. Regarding the promotion of long-term sustainable management of natural resources, community involvement was encouraged in managing forest reserves (WB, 2003).

Recommendations

In the context of a yet unbalanced fiscal position, confounded legal instruments and inharmonious institutional set-up, the challenge to enact a national land use policy in the Philippines becomes even larger. What then in the short term are the policy interventions that are crucial to arrest the on-going land use conflicts and mitigate damage to the country's physical assets, and at the same time prepare for the eventual adoption of a comprehensive land use policy in the long run?

The following are proposed recommendations which the Philippine policymakers may initiate to prepare for the deliberations of a comprehensive land use policy:

Encourage zoning ordinances by enhancing planning capacity of LGUs. Most land resource classifications and allocation activities are still performed by the national government as in the case of land classification which is largely a function of the DENR. The Local Government Code of 1991, on the other hand, empowers the Sangguniang Bayan to formulate comprehensive land use plans (CLUPs), adopt zoning and subdivision ordinances or regulations. The Sangguniang Panlalawigan reviews the comprehensive land use plans and zoning ordinances of component cities and municipalities and adopts a comprehensive provincial land use, subject to existing laws.

About 85% of the 1,610 LGUs have already adopted CLUPs and zoning ordinances (HLURB, 2005). But the successful implementation of land use regulation, i.e. zoning, should come hand in hand with the local planning capacity of the local government which needs to be improved. In addition, local governments must be aware of the advantages and disadvantages of different approaches of zoning. This is because externalities that may be generated by zoning regulations are local in nature and so the tasks of land use planning, like property valuation and taxation, should be at the hands of the local authorities.

As the World Bank study points out, “a gradual devolution of responsibility for land use regulation to local governments should be coupled with capacity building to be able to make a significant contribution to efforts toward more effective implementation.”

Strengthen and harmonize institutional linkages. Based on the findings of DENR in 1997, while institutional roles are fairly well defined for land use planning, existing linkages among land use plans and involved agencies are generally weak or almost non-existent due to structural, administrative and political factors (DENR, 1997). In addition, not all local authorities have the technical expertise and

access to information. Because of this, linkages between the national planning institutions and implementing agencies of land use related laws must be strengthened and harmonized. Land use regulation of adjoining local authorities should be coordinated and harmonized as well. The policy directions and investment programs set by the national development plans should be closely reflected in the land use regulations of the local governments. Ironically, many municipalities have not as yet developed comprehensive development plans but already have existing land use plans (DENR, 1997). Such condition necessitates consensus building among other institutions as well, e.g. the private sector, NGOs and the academe, to implement and identify priority activities. This means sharing of information and expertise, and collective adoption of advocacy for zoning and land use regulation in the national, regional and local consultative and planning bodies is a must. Moreover, consensus building among stakeholders will lessen political discontent and promote transparency and eventually lead to smooth implementation.

As experts from the Land Administration and Management Project (LAMP) of the DENR put it, “effective land use planning and control measures cannot be implemented unless the public and all levels of the government have access to adequate information and unless the government exercises its substantive planning powers within the carefully defined limits of the law” (LAMP, 2002).

Review and assess existing laws. As indicated in many studies on land policies, the Philippines has adopted an array of local and national laws related to land ownership, land management and land use, notwithstanding the inconsistencies and duplications. However, the level of implementation and the measure of policy outcomes of these regulations are not known to the implementors and benefactors alike. A thorough review and evaluation of these laws can help decision-makers and planners

pinpoint the areas of conflict and duplication as well as the weak points which should be brought to the attention of the concerned department or the Legislature for remedy and/or intermediation.

Consider other requisites such as land classification and land administration measures.

An effective land use regulation alone cannot address the land related problems of the country. One of the recommendations of LAMP (2002) is the “review of the land classification system and definitions to better reflect the reality of land use and occupation/ownership, as well as formally free up alienable and disposable land that is already in sustainable use or has potential to be used.” This should also clarify the instances when land has clearly become private land and is therefore beyond the necessity for classification. In certain cases, a problem arises when there is a conflict between the zoning ordinance, for example, and a deed of restrictions or easements found in the title of the land.

In the study of LAMP, the cumbersome procedures of land titling and registration were also pinpointed as major problems in land management in the country. There is thus the urgent need to simplify the laws, make the processes transparent and establish a single agency to undertake all initial titling. And because the present titling and registration system is not adequately supported by important and basic information, LAMP experts recommend the conduct of a cadastral survey of all parcels of land that will be part of the record of the Government.

* * *

References:

Balderrama, Benedict, *Settlements and National Land Use Policy*, paper presented during the National Policy Dialogue on Land Use, Bayview Hotel, Manila, January 27, 2005.

Deininger, Klaus, *Land Policies For Growth and Poverty Reduction*, 2003, IBRD/WB, Washington D.C., U.S.A.

Department of Environment and Natural Resources (DENR), Integrated Environmental Management **Programme**, *Guidebook on Sustainable Land Use Planning and Management*, Vols. 1-6, 1997.

Detroit Regional Chamber, Land Use and Re-development Policy. Available at http://www.detroitchamber.com/public_affairs/index.asp?cid=4&scid=&rcid=497. Date accessed: April 6, 2005.

Environmental Assessment Division (EAD) – Argonne National Laboratory, *Future Land Use Policy: Charting the Regulatory Process*. Available at the EAD-ANL website.

Executive Board of the Association of Bay Area Governments, *A Land Use Policy Framework for the San Francisco Bay Area*, July 1990. Available at <http://www.abag.ca.gov/planning/rgp/menu/landuse.html>.

Housing and Land Use Regulatory Board (HLURB), *Annual Report, 2005*.

Llanto, Gilbert M. and Ballesteros, M.M., 2003. *Land Issues in Poverty Reduction Strategies and the Development Agenda: Philippines*. Discussion Paper Series No. 2003-03. Philippine Institute for Development Studies, Makati.

Larrucea, Juan Rita, *Minorca: A Mediterranean Island Declared a Biosphere Reserve, Plant Talk*. Available at <http://www.plant-talk.org/stories/29minorca.html>. Date accessed: May 18, 2005.

National Commission on Indigenous Peoples (NCIP), *Annual Report, 2002*.

National Economic and Development Authority, 2005. *Medium Term Philippine Development Plan 2005-2010*. NEDA, Pasig.

National Governors Association (NGA), *Principles for Better Land Use Policy: A Policy Position*, 2004. Available at <http://www.nga.org>.

National Statistical Coordination Board (NSCB), *Compendium of Philippine Environment Statistics, 2004*.

_____, *State of the Philippine Land and Soil Resources*, 2003.

Philippine-Australia Land Administration and Management Project (LAMP), *Land Laws and Regulations Policy Study, Final Report Volume 1*, July 2002.

- Philippine Legislators' Committee on Population and Development, *Issue Briefer: Land Use*, October 2004.
- _____, *Philippine Food Security Situation* in Talkpoint: Popdev Part I, PLCPD Fact Sheet on Population and Human Development, October 10, 2002.
- _____, *Population and Urbanization* in Talkpoint: Popdev Part II, PLCPD Fact Sheet on Population and Human Development, June 10, 2003.
- Republic of the Philippines, 1987. *The Philippine Constitution*.
- Rola, Agnes C., Herminia A. Francisco and Jennifer Liguton (eds.), *Winning the Water War: Watersheds, Water Policies and Water Institutions*, Philippine Institute for Development Studies (PIDS) and Philippine Council for Agriculture, Forestry and Natural Resources Research and Development (PCAARD), 2004.
- Sentro ng Alternatibong Lingap Panligal (SALIGAN), Current Policies on Land Use*, paper presented during the National Policy Dialogue on Land Use, Bayview Hotel, Manila, January 27, 2005.
- SIKAT, *Banaag: Buhay at Bahay*, 2004.
- Tabios III, Guillermo Q. and Cristina C. David, *Competing Uses of Water: Cases of Angat Reservoir, Laguna Lake and Groundwater Systems of Batangas City and Cebu City*, Paper presented at the Water Resources Management Policy Forum, Philippine Institute for Development Studies (PIDS), NEDA sa Makati City, August 12, 2002.
- "The Cordilleras Under Siege," an Interview with Victoria T. Corpuz, Available at http://multinationalmonitor.org/hyper/issues/1992/09/mm0992_10.html.
- Thomas, Deborah, *The Importance of Development Plans/Land Use Policy for Development Control*, Paper prepared for the USAID/OAS Post Georges Disaster Mitigation Project Workshop for Building Inspectors, January 15-26, 2001. Available at <http://www.oas.org/pgdm/document/BITC/papers/dthomas.html>.
- Webster, Douglas, *On the Edge: Shaping the Future of Peri-urban East Asia*, May 2002.
- Laws and Proposed Legislative Bills:
- Republic Act No. 7160, *Local Government Code*, 1991
- Republic Act No. 7279, *Urban Development and Housing Act*, 1992
- Republic Act No. 8435, *Agricultural and Fisheries Modernization Act*, 1997
- Republic Act No. 8371, *Indigenous Peoples' Rights Act*, 1997
- Senate Bill No. 14, entitled, "An Act Instituting A National Land Use Policy, Providing the Implementing Mechanisms Therefor, and for Other Purposes," (introduced by Senator Luisa "Loi" P. Ejercito Estrada).
- Senate Bill No. 21, entitled, "An Act Providing for the National Land Use Policy and Planning Frameworks and the Implementing Mechanism Therefor, Otherwise Known as the National Land Use Act of the Philippines," (introduced by Senator Sergio Osmeña III).
- Senate Bill No. 1245, entitled, "An Act Providing For a National Land Use Framework and Its Implementing Mechanisms," (introduced by Senator Miriam Defensor-Santiago).

This paper was principally prepared by Herminia R. Caringal and Florencio Carandang, Jr. of the Social Sector under the supervision of the SEPO Director General.

The views and opinions expressed herein are those of the SEPO and do not necessarily reflect those of the Senate, of its leadership, or of its individual members.

Annex. Various Laws on Land Use in the Philippines

R.A. No./Title \Date of Effectivity\ Salient Feature(s) of the Law	Coverage	Key provisions related to land use policy	Implementing Agencies
R.A. 141 The Public Land Act (1936)	alienable lands	Alienable lands of the public domain open to disposition shall be classified according to the use or purpose. Also issues leases over public lands to corporations	Department of Environment and Natural Resources
R.A. 705 The Forestry Reform Code (1975)	all public lands	Study, devise, determine and prescribe the criteria, guidelines and survey of all lands of the public domain into agricultural, industrial or commercial, residential, resettlement, mineral, timber or forest and grazing lands, and such other uses; No land of the public domain 18% in slope or over shall be classified as alienable/disposable, or any forest land 50% in slope or over, grazing land.	Department of Environment and Natural Resources
R.A. 6657 Comprehensive Agrarian Reform Law (1988)	all public agricultural lands	DAR may authorize the re-classification or conversion of the land and its disposition, upon the application of the land owner, if and when the land ceases to be economically sound for agricultural use.	Department of Agrarian Reform
R.A. 7160 Local Government Code (1991)	agricultural lands	LGUs are empowered to re-classify agricultural lands to non-agricultural uses where 1) the land has ceased to be economically feasible and sound for agric. uses; 2) the land has substantially greater economic value for residential, commercial or industrial use; LGUs shall continue to prepare their respective land use plans (CLUPs) enacted thru zoning ordinances which shall be the primary and dominant bases for future use of land resources; Requirements for food production, human settlements and industrial expansion shall be taken into account in the preparation of CLUPs.	Local Government Units
R.A. 8371 Indigenous Peoples Rights Act (1997)	ancestral domain	State shall protect the rights of ICCs/IPs to their ancestral domains to ensure economic, social and cultural well-being; ancestral domains shall include such concepts of territories which cover not only the physical environment but the total environment.	National Commission on Indigenous Peoples
R.A. 8435 Agriculture and Fisheries Modernization Act (AFMA), (1997)	agricultural lands and fisheries areas	Strategic agriculture and fisheries development zones should be established and delineated based on sound resource accounting and without prejudice to development of economic zones and free ports; Every city and municipality must have its own respective land use and zoning ordinances which shall be updated every four (4) years.	Department of Agriculture
R.A. 7942 Philippine Mining Act (1995)	contract area	Grants a contractor the exclusive right to conduct mining operations and extract all mineral resources in the contract area.	Department of Environment and Natural Resources
P.D. 1067 Water Code (1976)	all waters owned by the State	All waters belong to the State but may be appropriated for: a) domestic, b) municipal, c) irrigation, d) power generation, e) fisheries, f) livestock raising, g) industrial, h) recreational , and i) other uses; Users of water are required to register with the NWRC.	National Water Resources Council

Source: Mendiola, Ernesto C., "Land Use Regulation and Control," in *Land Laws and Regulations Policy Study: Final Report*, Vol. 2, July 2002.