

INTRODUCTION

Land Use Planning Concepts

The first step in understanding Comprehensive Land Use Planning is knowing the basic concepts associated with CLUP such as land, land use planning and land use plan:

Land

Land is viewed as a shared natural resource, much like air and water found therein, to be conserved and cared for with due regard for its effect on society as a whole and for the conditions in which it will be passed on to future generations.

Land is also viewed as property – a private commodity which can be owned, used, bought or sold for personal comfort and profit.

Both concepts are within the context of the Philippine constitution which protects a person's right to own and use his/her property as well as permits government to impose reasonable limitations on its use to protect public health, promote safety and general welfare of the people.

Land Use Planning

Land use planning refers to the rational and judicious approach of allocating available land resources to different land using activities, (e.g. agricultural, residential, industrial) and for different functions consistent with the overall development vision/goal of a particular locality.

It entails the detailed process of determining the location and area of land required for the implementation of social and economic development, policies, plans, programs and projects.

It is based on consideration of physical planning standards, development vision, goals and objective, analysis of actual and potential physical conditions of land and development constraints and opportunities.

Land use planning is done to meet the following objectives:

- To promote the efficient utilization, acquisition and disposition of land and ensure the highest and best use of land;
- To direct, harmonize and influence discussions and activities of the private and public sectors relative to the use and management of land;
- To reconcile land use conflicts and proposals between and among individuals, private and government entities relative to the present and future need for land;
- To promote desirable patterns of land uses to prevent wasteful development and minimize the cost of public infrastructure and utilities and other social services;
- To conserve areas of ecological, aesthetic, historical and cultural significance.

The Comprehensive Land Use Plan

The Comprehensive Land Use Plan (CLUP) refers to a document embodying specific proposals for guiding, regulating growth and development of a city or municipality. It is comprehensive because it considers all sectors significant in the development process, i.e. demography, socio-economic, infrastructure and utilities, land use and local administration, within the territorial jurisdiction.

Rationale for the Formulation/Revision of a Comprehensive Land Use Plan

- To achieve an improved quality of life;
- To guide the orderly development of a city/municipality to promote the health, safety, welfare and convenience of the population;
- To promote sustainable development;
- To preserve special natural features and environmentally critical areas;
- To translate socio-economic policies into physical policies and plans;
- To comply with the requirements of Article 41 of the Implementing Rules and Regulations of the Local Government Code of 1991 (Sec. 20, RA 7160);
- To provide guidelines for the appropriate use of natural resources;
- To allocate land for settlements, industries and other urban uses on land least suitable for agricultural and farming uses;
- To serve as basis for reclassifying and converting land;
- To reflect changes in the physical, social and economic characteristics of the community; and
- To incorporate changes in the goals and objectives of the community

Comprehensive Land Use Planning puts into practice the essence of local autonomy among LGUs. This process and its output which comes in a form of a Comprehensive Land Use Plan document sets the direction which the LGUs have to take to enable them to attain their vision and to transform them into active partners in the attainment of national goals.

The CLUP process provides a venue to level off the different groups with varied interests in the local planning area. It opens an opportunity for gaining community support, understanding and ownership of the Plan through a broad-based consensus formation efforts and participatory arrangements. The process attempts to rationalize the allocation of the limited local land resources by using empirical basis to analyze existing social, economic, physical, environmental, political and institutional situation. This enables the LGUs to formulate development goals and objectives, design alternatives, and arrive at sound policies, strategies, programs and projects.

Linkage of the Comprehensive Land Use Plan to the Provincial Physical Framework Plan (PPFP) and other Plans (Figure 1)

The national, regional and provincial physical framework plans are policy oriented and **indicative in nature**, where different land use categories such as forest lands and agricultural lands are categorized into protection and production land uses.

The broad allocation of land uses in the level of physical framework plans are treated in detail in the Comprehensive Land Use Plan. The goals and objectives of the framework plans are considered in the formulation of the CLUPs.

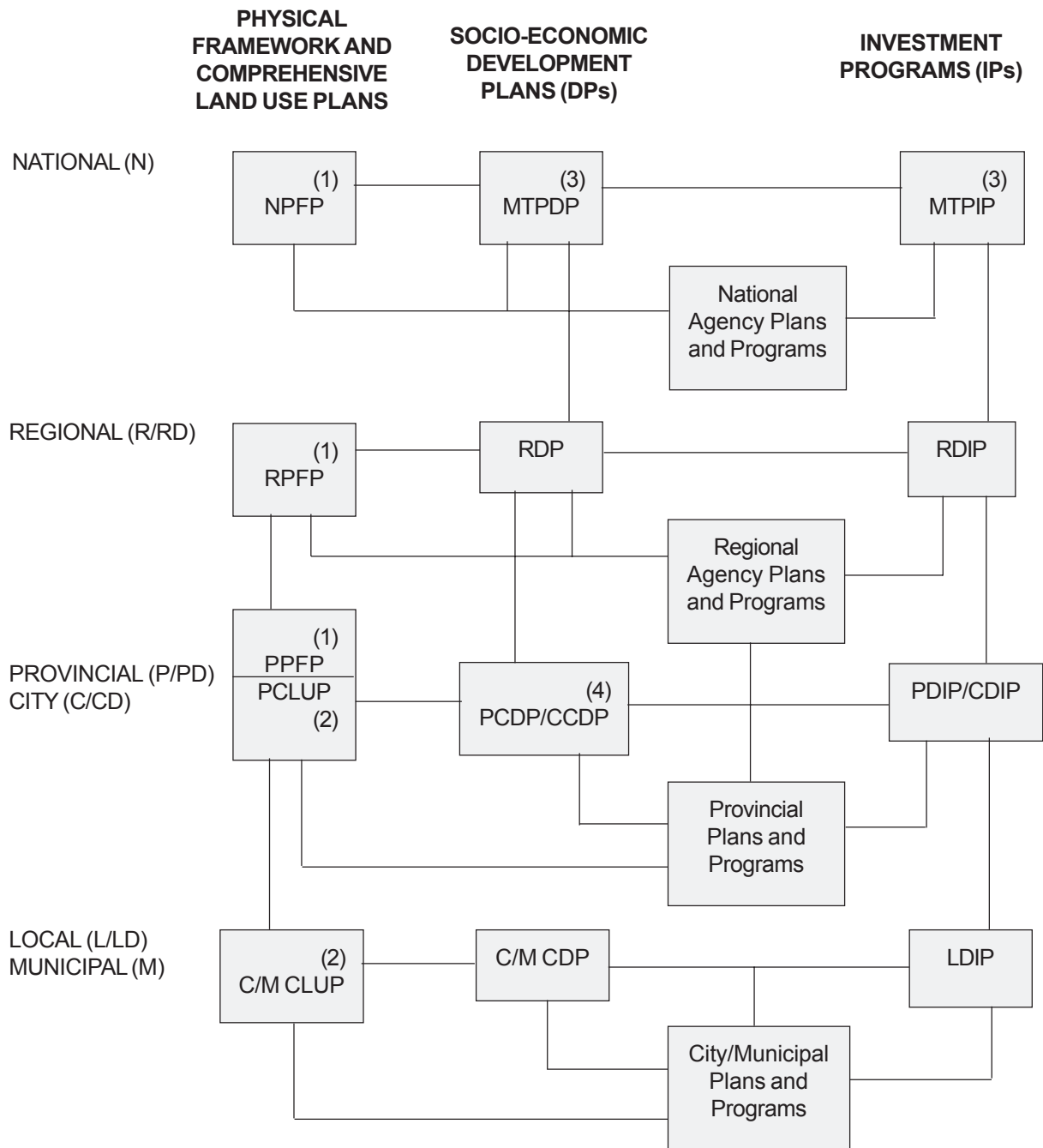
The local plans shall have the following relationships to the other plans existing in the country:

1. Provincial plans shall promote the goals and objectives provided for in the national and regional plan and shall provide the guidelines for the preparation of city and municipal plans.
2. The city and municipal Comprehensive Land Use Plans shall be consistent with and supportive of the goals and objectives in the provincial plan and shall provide the guidelines for the development of plans for parts of the city or municipality such as the barangay.
3. The barangay plan and other area specific plans, such as heritage area plan, ancestral domain plan etc., shall be consistent with the vision, planning goals and objectives set forth in the city or municipal plan of which it forms part and shall furthermore, provide the guide to plans of smaller scale such as neighborhood or community.

All local plans shall be consistent with the existing national agency plans, i.e. Tourism Master Plan, Forestry Master Plan, Medium Term Agricultural Development Plan, etc.

Further, all local plans shall conform with set national planning goals, policies, as well as planning guidelines and standards promulgated by HLURB as much as practicable.

Figure 1. HIERARCHY AND LINKAGES OF PLANS



NOTES:

- (1) PFP = (N/R/P) Physical Framework Plan
- (2) CLUP = (P/C/M) Comprehensive Land Use Plan
- (3) MTP = Medium Term Philippine (DP and IP)
- (4) CDP = (P/C/M) Comprehensive Development Plan

Legal Mandates

Comprehensive Land Use Planning is a constitutionally supported undertaking. The State declares its land use policies and principles in terms of relation to national economy and patrimony as well as its police power for the promotion of public health, public safety, public interest, public order, and general welfare.

1987 Constitution

Article XIII, Section 1 :

“The Congress shall give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good. To this end, the **State shall regulate the acquisition, ownership, use and disposition of property and its increments.**” (Underscoring supplied.)

The reason why the State should regulate the right to use property, among other rights, is explained in another provision of the Constitution, to quote:

“The use of property bears a social function and all economic agents shall contribute to the common good. Individuals and private groups, including corporations, cooperatives, and similar collective organizations, shall have the right to own, establish and operate economic enterprises, subject to the duty of the State to promote distributive justice and to intervene when the common good so demands.” (**Art. XII, Section 6**)

Republic Act 7160

The Local Government Code of 1991 or Republic Act 7160 provides the mandate of LGUs on local planning, legislation, implementation, including budgeting, and monitoring.

Section 16.

“Every LGU shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate or incidental for its efficient and effective governance, and those which are essential for the promotion of the general welfare. Within their respective territorial jurisdictions, local government units shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among their residents, maintain peace and order and preserve the comfort and convenience of their inhabitants.”

Section 20(c)

“The local government units shall, in conformity with existing law, 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 the land resources...”

Section 447(2)(vii) / Sec. 458(2)(vii)

“ Adopt a Comprehensive Land Use Plan for the municipality (*Sec. 447(2)(vii)*)/city (*Sec. 458(2)(vii)*): Provided, that the formulation, adoption, or modification of said plan shall be in coordination with the approved Provincial Comprehensive Land Use Plan.”

Section 447(2) (ix) - Municipality / Section 458(2) (ix) - City

“Enact integrated zoning ordinances in consonance with the approved Comprehensive Land Use Plan, subject to existing laws, rules and regulations,…”

Section 447(a)(2)(vi) / Sec. 458(a) (2) (vi)

Prescribe reasonable limits and restraints on the use of property within the jurisdiction of the municipality (*Sec. 447(a)(2)(ix)* / city (*Sec. 458(a)(2)(vi)*).

Section 444(b)(3)(vii) / Sec. 455 (b) (3) (vii)

“ Adopt measures to safeguard and conserve land, mineral, marine, forest, and other resources of the municipality (*Sec. 444(b)(3)(vii)* / city (*Sec. 455(b)(3)(vii)*).”

Article Six. – The Planning and Development Coordinator

Section 476. Qualifications, Powers and Duties

(b)(1) “Formulate integrated economic, social, physical and other development plans and policies for consideration of the local development council.”

(b)(5) “Prepare comprehensive plans and other development planning documents for the consideration of the local development council.”

(Sections supplied)

Other related legal bases on CLUP formulation provided for under **RA 7160** are found under sections 106(a); 109,a,1-2 and 458(2)(ix); 476(7).

Executive Order No. 72

Executive Order 72 was issued providing for the preparation and implementation of the CLUP by the local government units and for the review and approval thereof by the HLURB and the Sangguniang Panlalawigan.

Sections 1(a, c) and 2(a, e, f):

“(a) Cities and municipalities shall continue to prepare or update their Comprehensive Land Use Plans, in conformity with the land use planning standards and guidelines prescribed by the HLURB and to national policies”

“(c) Cities and municipalities of Metro Manila shall continue to formulate or update their respective land use plans, in conformity with the land use planning and zoning standards and guidelines prescribed by HLURB”.

“(a) ...the powers of the HLURB to review and approve the Comprehensive Land Use Plans of component cities and municipalities are hereby devolved to the province”.

“(e) Pursuant to LOI 729, S. of 1987, EO 648, S. of 1981 and RA 7279, the Comprehensive Land Use Plans of provinces, highly-urbanized cities and independent component cities shall be reviewed and ratified by the HLURB to ensure compliance with national standards and guidelines”.

“(f) Pursuant to EO 392 S. of 1990, the Comprehensive Land Use Plans of cities and municipalities of Metropolitan Manila shall be reviewed by HLURB to ensure compliance with national standards and guidelines”.

Republic Act 7279

The Urban and Development Housing Act (UDHA) or RA 7279 gives a clear-cut definition of a Land Use Plan which the LGUs are mandated to adopt.

Section 3(k) of RA 7279 defines Land Use Plan as the “rationale approach of allocating available land resources as equitably as possible among competing user groups and for different functions consistent with the development plan of the area and the program under this Act.” The extent of comprehensiveness and the focus of land use planning process as well as the preparation of the CLUP document are defined within the bounds of “land resources” by this provision of UDHA which must be “consistent with the development plan of the area.”

The *Housing and Land Use Regulatory Board* (HLURB) is mandated by the following issuances to formulate land use planning guidelines and standards:

Executive Order No. 648

Section 5, Article II

“(a) To promulgate zoning and other land use control standards and guidelines which shall govern land use plans and zoning ordinances of local governments”

The Local Government Code of 1991

Section 468, 2, Article III, Chapter 3, Book III

“(vii) Review the Comprehensive Land Use Plans and zoning ordinances of component cities and municipalities and adopt a Comprehensive Provincial Land Use plan, subject to existing laws”

THE GUIDING PRINCIPLES:

This Guide advocates the principles of the Philippine Agenda 21 (PA21), which is the national agenda for sustainable development. It outlines the integrating strategies for the country’s overall sustainable development and identifies the intervention areas (Action Agenda) from the national to the regional level, along with the corresponding implementing platforms and plans.

PA 21 envisions a better quality of life for all through the development of a just, moral, creative, spiritual, economically-vibrant, caring, diverse yet cohesive society characterized by appropriate

productivity, participatory and democratic process and living in harmony within the limits of the carrying capacity of nature and the integrity of creation.

Sustainable development as defined in the PA 21 (1996) is “harmonious integration of a sound and viable economy, responsible governance, social cohesion and ecological integrity, to ensure that development is a life-sustaining process.”

PA 21 has five goal elements, as follows:

- **Poverty Reduction:** Poverty is a central concern of sustainable development. Consistent with this, PA 21 has a poverty reduction agenda that includes measures to create an enabling economic environment for sustained and broad-based growth; improve employment, productivity and income; and attain food security.
- **Social Equity:** Social equity should mean allocation of resources on the bases of efficiency and equity to achieve balanced development. Efficiency and equity mean the channeling of resources to developing areas where greater economic benefits accumulate and where there is greater need, distribution being dependent on the practicality and urgency of needs.
- **Empowerment and Good Governance:** Empowerment is a precondition of informal choices. Good governance is a necessary precondition to empowerment, as empowerment is to good governance. These two are a defining element of each other.
- **Peace and Solidarity:** The cycle of poverty and conflict goes on as the costs of war escalate in terms of various kinds of destruction while withholding funds for basic services, resulting in more poverty and underdevelopment.
- **Ecological Integrity:** In general, the path towards enhancing the integrity of the country’s ecological domain will have to involve heightened and sustained implementation of environmental laws, as well as the continued pursuit of resource conservation, and environmental restoration/enhancement programs.

This Guide also promotes the following principles consistent with the planning and management of resources provided for in the National Framework for Physical Planning (NFPP):

Food security - Utilizing the country’s land and water resources in a manner that provides sufficient and affordable food products to all Filipinos of the present and future generations through local production and/or importation.

Environmental stability and ecological integrity- Achieving environmental stability through the observance of appropriate standards and ensuring ecological integrity through effective natural resource management and balancing the demand of land using activities vis-à-vis preservation of ecosystems. *Ensuring the proper selection of a site to minimize the damage both to the environment and human health. (Appropriate location principle)*

Regional Urban Development- Encouraging the sustainable growth of cities and large towns while complementing the growth of rural areas by adopting alternative development approaches.

Spatial Integration- Linking consumption and production areas to achieve physical and economic integration through appropriate infrastructure systems.

Equitable access to physical and natural resources- Ensuring equitable access to resources through a just distribution of the country's resources and by providing equal opportunities to all Filipinos in the use and acquisition of land and other resources.

Private-public sector Partnership- Encouraging shared responsibility between the government and the private sector in the development and management of the country's physical resources.

People Empowerment- Establishing pragmatic appropriate flexible and dynamic structures or mechanisms that involve the participation of key stakeholders.

Recognition of the rights of indigenous people - Ensuring the Indigenous Peoples (IPs) right to develop, control, and use lands within their ancestral domains.

Market orientation - Adopting the interplay of market forces within the framework of ecological and intergenerational factors as a basic parameter in the allocation and use of physical resources.

4 Major Land Use Policy Areas – Comprehensiveness may be viewed as covering all the four major land use components of the Land Use Policy Guidelines which form the National Framework for Physical Planning, namely: 1) settlements development; 2) production land use; 3) protection land use; and 4) infrastructure development.

- Settlements** - land uses and physical resources involving some degree of urban or rural concentration and their associated demand and supply requirements.
- Production** - focused on economic production from the extractive to the modern service sectors.
- Protection** - resources that need to be protected, conserved, rehabilitated, including areas that require prevention and mitigation of disasters.
- Infrastructure** - deals with capital investments that support spatial integration, production efficiency and social service delivery.

Local Governance - This Guide advocates that all three actors in governance, namely: government (state), civil society, and the private sector are actively involved in the Comprehensive Land Use Planning process. Good local governance allows for collaborative partnerships among the local government, business, and civil society. Good governance is characterized as sustainable, participatory, transparent, accountable, legitimate and acceptable to the people, and promoting equity and equality.

Co-management Principle - Section 3 (i) of the Local Government Code provides that "local government units shall share with the national government the responsibility in the management and maintenance of ecological balance within their territorial jurisdiction." Local governments and the national government are therefore mandated by RA 7160 to act as co-managers of the national territory and patrimony.

Gender-responsive Population and Development (POPDEV) Framework - The integration of gender and explicit consideration of development (socio-economic, physical, cultural, etc.) and population inter-relationships in the entire planning process – plan formulation, plan implementation, and monitoring and evaluation. The utilization of the POPDEV planning

approach ensures or provides a mechanism for integrating sustainable development indicators in planning. (Refer to Volume 2 for the detailed discussion of gender responsive population and development framework)

Approaches to CLUP Formulation

It is recommended that LGUs adopt a combined bottom-up and top to bottom approach in preparing the CLUP as presented below:

1. Integration of Barangay Development Plans (Bottom-Up Approach)

Under the Local Government Code of 1991, the Local Development Councils, in the case of barangay, the Barangay Development Councils are tasked to prepare Barangay Development Plans to be submitted to the Sangguniang Barangay for review and approval.

Thus, integration of Barangay Development Plans into the city or municipal plan is one methodology which the LGUs can adopt in the formulation of the CLUP.

The integration aims to harmonize development goals and objectives of all barangays in cities or municipalities. It also identifies and reconciles inconsistencies and incompatibilities in land use proposals among adjacent barangays.

2. Top to Bottom Approach

In the absence of barangay and municipal development plans, the local planners adopt the top to bottom approach to planning. In this case, the Provincial Land Use Plan/ Physical Framework Plan (PPFP), if available, may serve as basis and framework for the formulation and updating of the CLUP without precluding consultation with component LGUS. In the absence of a Provincial Land Use Plan (PPFP), other higher level plans may serve as bases for the formulation, such as the Medium-Term Development Plan, Regional Physical Framework Plan, metropolitan or other cluster area development plans (i.e. MIMAROPA, CALABARZON, etc.).

Likewise, detailed area-specific plans such as coastal management plans, waste management plans, forest land use plans, heritage preservation plans, etc. shall be considered and integrated in the course of the preparation of the CLUP if such plans have already been prepared/approved. The incorporation of such plans shall be subject to review and harmonization with the city/municipal vision, goals and objectives.

Planning Area

The planning area is defined by the cities'/municipalities' political boundaries. This includes all component barangays and the city/municipal waters extending 3 kilometers from shoreline for coastal LGUs. Thus, the CLUP shall cover both land and water resources of the city/municipality.

Planning Period

The CLUP covers a planning period of 10 years at the minimum. It may be reviewed every 3 years coinciding with the term of the Mayor and other locally elected officials, for their appreciation and for continuity of plan implementation. Such review will also provide an opportunity for the incumbent or incoming Mayor and local officials to harmonize the new administration's