



Republic of the Philippines
PROVINCE OF PANGASINAN
Lingayen
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OFFICE OF THE SANGGUNIANG PANLALAWIGAN SECRETARY

Introduced by SP Member Roberto N. Ferrer

December 12, 1996

C E R T I F I C A T I O N

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that the special session duly constituted of the Sangguniang Panlalawigan, Province of Pangasinan, held on December 12, 1996 at Lingayen, Pangasinan, the following ordinance was approved:

PROVINCIAL ORDINANCE NO. 57-96

AN ORDINANCE PROVIDING FOR THE LAND USE POLICIES AND PLANNING FRAMEWORK AND THE IMPLEMENTING MECHANISM THEREFORE, OTHERWISE KNOWN AS THE

AN ACT DEFINING THE LAND USE POLICIES FOR THE PROVINCE OF PANGASINAN

Be it enacted by the Sangguniang Panlalawigan in session assembled that:

TITLE I General Provisions

CHAPTER I Title and Declaration of Principles and Policies

- SECTION 1. **Title.** This ordinance shall be known as "An Act Defining the Land Use Policies of the Province of Pangasinan".
- SECTION 2. **Declaration of Principles and Policies.** The province has adopted its Provincial Physical Framework Plan or PFPs which defined in greater detail the indicative uses of land and other physical resources therein including an effort to delineate actual boundaries on the ground within the territorial jurisdiction of the province.

Toward this end, the province has adopted a general land use and allocation pattern that shall promote and ensure:



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- a) Higher and sustainable levels of economic growth in line with the vision of transforming the province into a major industrial and world-class tourism center in the Asia-Pacific.
- b) Improved quality of life for the population through adequate and equitable distribution of economic resources and basic delivery services in order to attain a geographically-dispersed development.
- c) Attainment of an ecologically balanced and sustainable environment.
- d) Promotion of liberalized infrastructure program and projects supportive to agri-industrialization, tourism and human resource development.

CHAPTER 2 Coverage and Scope

SECTION 3. *Coverage.* This ordinance shall apply to all lands, minerals and water therein, including air, whether public, private or government owned, and/or in possession of individuals, communities or groups of people within the territorial jurisdiction of the province.

SECTION 4. *Scope.* This ordinance shall guide and/or govern the use, allocation and management of lands and other resources covered by this ordinance including such activities which bear impact on said resources.

CHAPTER 3 Definition of Terms

SECTION 5. *Definitions.* Under this ordinance the following terms shall mean:

- **Agricultural Lands** - refer to lands devoted or suitable for cultivation of the soil, planting of crops, growing of fruit trees, raising of livestock, poultry, fish or aquaculture production, including the harvesting of such farm products a, and other farm activities and practices performed in conjunction with such farming operations done by persons whether natural or juridical and not classified by law as mineral land, forest land, or national park, residential land, commercial land or industrial land.

- **Agroforestry Areas** - refer to areas allotted for the implementation of a sustainable land management system characterized by an integrated production of agricultural crops, tree crops and forest plants and/or animals and the application of management practices which are compatible with the patterns of the local community.



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- **Agro-Industrial Development** - the strategy aims to promote greater interdependence or complementarity between agriculture and industry and between rural and urban sectors.

- **Agro-Industrial Development Area** - this involves the identification of areas/villages as strategic centers for agro-industrial development. Component factors includes the establishment of farm schools, rural development centers and small sets of small scale agro-processing industries.

- **Ancestral Domain** - refers to all lands and natural resources owned, occupied or possessed by ICC's, by themselves or through their ancestors, communally or individually, in accordance with their customs and traditions, since time immemorial, continuously up to the present except when interrupted by war, force majeure, usurpation or displacement by force, deceit or stealth.

- **Buffer Zone or Area** - refers to linear open spaces, designed to separate incompatible elements or uses to control pollution/nuisance and for identifying and defining development areas or zones.

- **Coastal Zone** - refers to a strip of land and water area with the seaward boundary which is three (3) kilometers from the shoreline, while the landward boundary is one (1) kilometer from the landward area affected by the highest high tide.

- **Environmentally Critical Areas** - refer to areas declared by law as: (a) areas for natural parks, watershed reserves, wildlife preserves, and sanctuaries; (b) areas set aside as aesthetic potential tourist spots; (c) areas which constitute the habitat for any endangered or threatened species of indigenous Philippine wildlife (flora and fauna); (d) areas of unique historic, archeologic, or scientific interests; (e) areas which are traditionally occupied by cultural communities and tribes; (f) areas with critical slopes; (g) areas frequently visited and/or hard hit by natural calamities (geologic hazards, floods, typhoons and volcanic activities); (h) areas classified as prime agricultural lands; (i) recharge areas of aquifers; (j) water bodies; (k) mangrove areas; (l) coral reefs; and (m) mossy and virgin forests.

- **Agri-Export Processing Estate** - refers to a privately owned, large and suitable tract of land which has been fully developed and subdivided primarily for the use of a community of agricultural processing industries which are export-oriented and provided with a common wastewater treatment plant, roads and facilities such as power supply, communication system, drainage structure and other infrastructure facilities.



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- **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 the Public Land Act.

- **Lahar.** Lahars are flowing mixtures of remobilized volcanic materials and water. These could erode or bury areas along its path. Although usually indirectly related to eruptions, lahars are more devastating than the other hazards as it can affect low-lying and populated areas as far as 40 to 50 km. away from the volcano.

- **Coastal Erosion.** Coastal Erosion is a natural process rather than a natural hazard. Problems arise when people build structures along the coastal zones. Coastal erosion is, in general, a continuous, predictable process and various engineering measures have been applied in attempt to control it. The causes of coastal erosion include the global rise in sea level; typhoons and severe storms; and human interference with natural shore processes. The increasing utilization of the coastal zone for recreation, human settlement and industrial activity, e.g., mining and quarrying, makes coastal erosion a serious national problem. Another problem brought about by coastal erosion is the destruction of coral reefs, the natural habitat of marine living things, and other marine resources.

- **Soil Erosion.** Soil erosion is a process which involve three events, namely: detachment, transport and deposition. The major agent of erosion in the Philippines is water especially during heavy rainfall which results to flooding. During erosion, the topsoil and everything else on the land surface within the packed energy of the flowing water is carried away.

- **Food self-sufficiency** - refers to the policy objective of meeting the food requirements through intensive food production in a sustainable manner, based on the country's existing and potential resource endowments and related production advantages.

- **Food security** - refers to the policy objective of meeting the food requirements of the present and future generation of Filipinos in a sustainable manner, either through local production or importation, or both, consistent with the overall national development objectives and policies.

- **Foreshore** - refers to the strip of land that is uncovered during the lowest low tide including those areas of average depth of not more than two (2) meters during low tide.

- **Forestlands** - refer to those lands of the public domain which have been subjected to land evaluation and classification and have been legally designated for multiple uses such as production forest, agroforestry



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, rangeland forestland reservations, inland water bodies, protection forest, resettlements and military reservations.

- **Forest Protection** - refers to forestland and public forest maintained primarily for their beneficial influence on soil and water in particular and the environment in general.

- **Grazing Lands** - refer to lands of public domain set aside, in view of the suitability of topography and vegetation, for the raising of livestock.

- **Growth Centers** - small towns or large villages which have the potential of becoming nuclei for the future economic, social and political development of the surrounding areas.

- **Indigenous Cultural Communities** - refer to homogenous societies identified by self-ascription and ascription by others, who have continually lived as communities, sharing common bond of language, customs, traditions and other distinctive cultural traits, and who, through resistance to the political, social and cultural inroads of colonization, became historically differentiated from the majority Filipinos.

Idle Lands - refers to the following: (a) Agricultural lands, more than one (1) hectare in area, suitable for cultivation, dairying, inland fishery, and other agricultural uses, one-half (1/2) of which remain uncultivated and unimproved by the owner of the property or person having legal interest therein. Agricultural lands planted to permanent or perennial crops with at least fifty (50) trees to a hectare and lands actually used for grazing purposes shall likewise not be considered idle lands; (b) Lands, other than agricultural, located in a city or municipality, more than one thousand (1,000) square meters in area one-half (1/2) of which remain unutilized or unimproved by the owner of the property or person having legal interest therein. Regardless of land area, idle lands shall likewise apply to residential lots in subdivisions duly approved by proper authorities, the ownership of which has been transferred to individual owners.

Industrial Development Areas - refer to areas suitable for the location of manufacturing/processing firms or any other industrial establishment where the support facilities required are available or could be feasibly put-up.

Industry Classification According to Capitalization/Employment Size

Scale	Capitalization/Assets	Employment Size
Cottage Industry	P 150,000 - P 1,500,000	below 10
Small Scale Industry	P 1.5 M - P 15 M	10
Medium Scale Industry	P 15 M - P 60 M	11 - 99



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Large Scale Industry	above P 60 M	100 - 199
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Industry Classification According to Degree of Hazard and Pollution

1. **Hazardous Industries** - these industries are fire and health hazards, i.e. their wastes have large amounts of combustible and toxic materials. Non-hazardous industries discharge negligible amounts of combustible or toxic wastes.
2. **Pollutive Industries** - these industries discharge large amount of air, water and solid pollutants. Non-pollutive industries on the other hand emit little or negligible amount of these pollutants.

Based on the hazard and pollution potential, industries are classified into:

Light Industries

- non-pollutive/non-hazardous.
- non-pollutive/hazardous

Medium Industries

- pollutive/non-hazardous
- pollutive/hazardous

Heavy Industries

- highly pollutive/non-hazardous
- highly pollutive/hazardous
- highly pollutive/extremely hazardous
- pollutive/extremely hazardous
- non-pollutive/extremely hazardous

Infrastructure - any structure necessary to support urban development normally provided by government or public utility companies. e.g. roads, water supply and drainage.

Irrigable Lands - refer to lands which display marked characteristics justifying the conduct of studies to determine its feasibility/viability for irrigation.

Irrigated Lands - refer to lands serviced by natural irrigation or irrigation facilities. These include lands where water is not readily available as existing irrigation facilities need rehabilitation or upgrading or where irrigation water is not available year-round.



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- **Land Classification** - refers to the process of assessing the bio-physical features and characteristics of the lands of the public domain, including their survey and mapping as provided for in the Constitution.
- **Land Reclassification** - refers to the process of allocating the declared alienable or disposable lands of the public domain to specific uses such as agricultural, residential, industrial or commercial.
- **Land Sub-classification** - refers to the process of determining the most appropriate and sustainable use of forestlands such as for forest protection, production forest, national parks/recreation areas, grazing/pasture, and others taking into consideration ecological, social and economic considerations.
- **Land Use** - refers to the manner of utilization of land, including its allocation, development and management.
- **Land Use Conversion** - refers to the process of changing the current use of a piece of land into some other use.
- **Land Use Plan** - refers to a document embodying a set of policies accompanied by maps and similar illustrations which represent the community-desired pattern of population distribution and a proposal for the future allocation of land to the various land-using activities, in accordance with the social and economic objectives of the people. It identifies the location, character and extent of the area's land resources to be used for different purposes and includes the process and the criteria employed in the determination of the land use.
- **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 qualities of the land itself and supportive of sustainable economic, demographic, socio-cultural and environmental objectives as an aid to decision making and legislation.
- **Mineral Lands** - refer to lands in which mineral exist in sufficient quantity or quality to justify the investment necessary for their extraction and/or development.
- **NIPAS** - areas declared as belonging to the National Integrated Protected Areas System as contained under R.A. 7586 - encompass remarkable areas and biologically important public lands that are habitats of rare and endangered species of plants and animals. Included in this category are the following: strict nature reserve, natural park, natural monument, wildlife sanctuary, cap protected landscapes and seascapes, resource reserves, natural biotic areas, and other categories established by



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law, conventions or international agreements of which the Philippines is a signatory.

- **Non-NIPAS** - areas outside NIPAS susceptible to severe erosion needing immediate rehabilitation and protection. Included in this category are: second growth forests above 1,000 m elevation or more than 50% slope mangroves, buffer strips/easements freshwater swamps and marshes.

- **Premature Conversion of Agricultural Land** - means the undertaking of any development activities whose results will modify or alter the physical characteristics of the agricultural lands to render them suitable for non-agricultural purposes without an approved order of conversion from the Secretary of the DAR.

- **Prime Agricultural Lands** - refer to lands that can be used for various or specific agricultural activities and can provide optimum and sustainable yield with a minimum of inputs and development cost.

- **Public Lands** - refer to lands which have not been subject to private property rights or subject to sale or other modes of acquisition of concession, under the general laws and are devoted to public use.

- **Permanent Forest or Forest Reserves** - refer to lands of the public domain which have been subclassified as such and determined to be needed for forest purposes.

- **Physical Framework Plan** - refers to an indicative plan promoting the most appropriate and rational use of land and other physical resources. It provides policy guidelines for all decisions relating to land use and environmental management, to prevent or mitigate the adverse effects of inappropriate resource utilization on the people's welfare and their environment. It embodies both policies and strategies necessary to carry out goals and objectives.

- **Sustainable Development** - refers to the development objective of meeting the needs of the present without compromising the ability of future generations to meet their own needs.

- **Water Resources** - refer to water under the ground, water above the ground, water in atmosphere and waters of the sea within the territorial jurisdiction of the Philippines.

- **Watershed** - refers to a catchment area or drainage basin from which the waters of a stream or stream system are drawn.

- **Zoning** - means the division of a community into zones or districts according to present potential uses of land to maximize, regulate



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and direct their use and development in accordance with the Comprehensive Development Plan of the community.

- **Zoning Ordinance** - refers to a local legal measure which embodies regulations affecting land use.

TITLE II

Provincial Land Use Planning Framework

CHAPTER 4

Defining Priorities for Land Use and Allocation

ARTICLE ONE

Priorities for Land Use and Allocations

SECTION 6. **Priorities for Land Use.** The province shall define, through the local development plans, or physical framework plans, the indicative priorities for land use such as those that will be needed for agriculture, settlements development, tourism development, infrastructure development, industries especially those that will promote rural employment and development, and other investment-generating activities that will top the nations competitive advantage with the principles of social equity, justice, and environment integrity.

The province shall periodically update and revise these indicative priority areas to respond effectively to changing demands based on the guidelines set forth in this ordinance.

SECTION 7. **Sustainability of Land Use.** In order to achieve sustainable use of land resources, they shall be used in accordance with their technical suitability, economic viability, social acceptability and environmental integrity for specific uses, so that production can be maximized in the long term with no significant deterioration of the land resource itself.

SECTION 8. **Food Security.** The province shall ensure that the attainment of food security is vital to socio-economic development and survival. Land resources shall be efficiently utilized for the production of basic food commodities. The attainment of food security is therefore a shared objective of all sectors of the economy.

SECTION 9. **Completion of Agrarian Reform.** The province shall give priority to the completion of the Comprehensive Agrarian Reform Program (CARP), primarily its land tenure improvement program. For this purpose, lands already covered under agrarian reform still be found to be productive shall be maintained in accordance with existing rules and regulations.



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SECTION 10. **Industrial Development.** The province shall allocate land to implement a province wide industrial dispersal and development program consistent with sound agricultural development and agrarian reform.

The identification and selection of areas for industrial development shall be undertaken by the local government in consultation with concerned development councils and the various sectors that maybe affected by the use of land for industrial purposes.

Development of industrial sites shall be undertaken through any of the following:

- a) private sector initiatives
- b) local government initiatives and/or
- c) national government initiatives
- d) joint venture between private sector and government

SECTION 11. **Settlement Development.** The province shall allocate lands for settlements purposes, for both urban and rural areas based on, among others, the population levels of these areas, and on their suitability, accessibility, viability and acceptability to the community.

The implementation of settlements development programs shall be principally undertaken by the local government units, in coordination with national government agencies and the community, subject to the provisions of this Act and other related laws.

SECTION 12. **Tourism Development and Management.** The province shall allocate land for tourism development purposes based on and guided by sound management with emphasis on the protection, preservation and enhancement of natural and cultural character of the province and the promotion of local community development. The affected communities shall be consulted and shall participate in the planning and implementation of tourism development projects.

SECTION 13. **Infrastructure Development.** The province shall allocate lands for priority infrastructure projects, as defined herein, subject to the limitations imposed under this act.

ARTICLE TWO Local Autonomy

SECTION 14. **Local Priorities.** The determination of land use and allocation shall principally rest with the local government units through their land use



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plans, provided that such plans are supportive of and consistent with the regional and national priorities.

SECTION 15. *Norms and Practices of Indigenous Cultural Communities.* Within the framework of national unity and development, the norms and practices of indigenous cultural communities on land tenure and socio-economic activities shall be respected in determining the allocation and utilization of lands in the ancestral domain.

SECTION 16. *Identification and Preservation of Cultural Heritage.* The Provincial Land Use Committee in coordination with other concerned government agencies, local government units, local communities and the private sector shall identify areas and structures which shall be preserve as part of national and local heritage.

ARTICLE THREE

Physical Framework & Land Use Plans

SECTION 17. The PFP's shall define in greater detail the indicative uses of land and other physical resources therein and the delineation of actual boundaries on the ground within the territorial jurisdiction of the province.

SECTION 18. *City and Municipal Land Use Plans.* Consistent with nationally prescribed standards and guidelines, and in reference to the provincial physical framework plan, the cities and the municipalities shall prepare their respective land use plans to determine the specific uses of their land and other physical resources, including the delineation of actual boundaries on the ground on the territorial jurisdiction of the city or municipality and the translation and integration of sectoral plans in the respective land use plans.

CHAPTER 5

General Land Use Classification for Planning Purposes

SECTION 19. *Classification of Land Use Functions for Planning Purposes.* To guide and assist the local government units in planning and making decisions on the allocation and utilization of land for the benefit of the greatest number of people, the following land use planning categories shall be adopted:

- a) Protection Land Use
- b) Production Land Use
- c) Settlement Development
- d) Infrastructure Development



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Unless otherwise modified by law, the land use planning categories cited above shall serve as bases for determining and defining the land use requirement of local physical framework and land use plan.

CHAPTER 6 Protection Land Use

SECTION 20. *Objectives of Protection Land Use.* The objectives of the Protection Land Use include:

- a) Protection, preservation and enhancement of critical ecosystems and other areas given their existing and potential biodiversity from any human encroachment;
- b) Regeneration and rehabilitation of degraded land and marine resources;
- c) Protection of the people from environmental hazards and those areas which are subject to unregulated activities; and
- d) Preservation, enhancement of and sustaining the benefits derived from maintaining the integrity of the nation's land resources.

SECTION 21. *Coverage of Protection Land Use.* Subject to prior rights, if there be any, the areas to be covered under Protection Land Use shall include the following:

- a) Areas covered under R.A. No. 7586, otherwise known as the National Integrated Protected Area System (NIPAS) Law, and
- b) Areas presently outside the NIPAS but requiring similar rehabilitation and protection measures, protected areas and those areas prone to natural hazards.
- c) Areas declared as provincial parks under the provincial provincial board ordinance.

CHAPTER 7 Production Land Use

SECTION 22. *Objective of Production Land Use.* The allocation of lands, whether private or public is aimed at determining the most efficient, most effective, most sustainable and equitable manner of utilizing, developing and managing land for productive purposes.

SECTION 23. *Coverage of Production Land Use.* Production land use shall include the following:

- a) Agricultural Lands;
- b) Coastal and Marine Zones;
- c) Production Forests;
- d) Mineral lands;



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- e) Industrial Development Areas; and
- f) Tourism Development Areas.

ARTICLE ONE Agricultural Lands

SECTION 24 . *Network of Areas for Agricultural Development.* There shall be established a network of areas for agricultural development to ensure that lands are efficiently utilized for food production, and thereby help achieve food security. The specific types of lands shall include, but not be limited to the following:

- a) All irrigated and irrigable areas, including those lands whose soils are suitable for agricultural development;
- b) All alluvial plain lands that are suitable for agricultural production and /or can be devoted to food production;
- c) All sustainable lands that are traditional sources of staple food;
- d) All crop lands required to attain a certain scale of production to sustain the economic viability of existing agro-based industries in the municipality, city or province;
- e) All lands in areas not highly prone to natural hazard that are suitable for the production of tree crops and other cash crops; and
- f) All agricultural lands that are ecologically fragile and whose conversion will result into serious environmental problems.

ARTICLE TWO Coastal and Marine Zones

SECTION 25. *Classification of Coastal and Marine Zones.* All public lands in the coastal zones shall be subclassified as fishpond, mangrove, and recreational /tourism areas.

SECTION 26 .*Guidelines for the Allocation and Use of Lands Within the Coastal and Marine Zones.* The allocation and use of lands within the coastal and marine zones shall be guided by the following:

- a) Areas vegetated with mangrove species shall be preserved for selective production, and wildlife sanctuaries will not be converted to other uses;
- b) Areas which meet all accepted criteria on elevation, soil type, soil depth topography and water supply for succesful fishpond development and devoid of any mangrove stands may be utilized for aquaculture purposes;



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- c) Areas subclassified as mangrove and still suitable for use as such, or due to environmental conditions need to be preserved as mangrove, but of which the land is devoid of mangrove stands will not be converted to other uses. PENRO shall ensure that these shall be reforested within a period of 10 years after the effectivity of this Act;
- d) Areas which are neither subclassified as mangrove nor fishpond maybe devoted for recreation, tourism purposes, provided such undertaking will not result in environmental degradation;
- e) Areas which are considered as traditional fishing grounds shall be used primarily for such purpose; and
- f) Areas which are allocated for small infrastructures needed by fisherfolks.

SECTION 27. *Reversion of Fishponds to Mangroves.* Fishponds covered by existing fishpond lease agreement but which are not operating efficiently and which are found suitable for mangroves shall be allowed to be revegetated back as mangrove forest.

ARTICLE THREE Production Forest

SECTION 28. *Coverage of Production Forest.* Production forest include the residual dipterocarp forest; pine forests available for logging; rangelands for grazing; areas under industrial forest plantation management; areas for community forest program's Integrated Social Forestry, watersheds and other forest lands for special uses. Based on slope classification production forests are those within the 18 to 50 percent slope regardless of forest cover.

SECTION 29. *Criteria for the Subclassification of Forestlands for Timber Production, Privately-held Forestlands, Agroforestry, Grazing and Pasture and Other Purposes.* The sub classification of forestlands shall be guided by the following:

- a) Geology, geomorphology, soil and slope;
- b) Forestlands within eighteen (18) to fifty (50) percent slope shall be subclassified for timber production, agroforestry, grazing, pasture or agriculture land activities provided that the use of such areas shall not result in soil degradation or any adverse ecological condition;
- c) Critical watershed maybe subjected to multiple uses provided that the area concerned is utilized, managed and developed for the primary purpose by which it has been established;



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- d) All forestlands above fifty (50) percent slope shall be sub-classified into appropriate protection or production land uses, provided that such land uses shall not engender significant adverse environmental effects; and,
- e) The overall carrying capacity of forestlands, including their existing and potential land uses shall serve as the basis for determining their sub-classification.

ARTICLE FOUR Mineral Lands

SECTION 30. *Guidelines for the Use and Allocation of Lands for Mining Purposes.*

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 and consistent with the existing Mining Law:

- a) Large-scale mining operations shall include in their work program appropriate mitigating measures on the negative effects of mining activities on the ecology of the area and the use of optimum recovery method of extracting minerals and with due consideration to the utilization, development and protection of other surface and grounds resources;
- b) Small -scale mining shall be encourage, strengthened and assisted provided that the conditions stipulated in its Environmental Compliance Certificate are strictly Followed; and,
- c) Mineral reservations which had become non-operational for more than five years shall be reviewed and assessed by the DENR and possibly, some portions which are not economically viable to operate should be released to give way to other important land uses except those classified as alienable and disposal lands covered by the provisions of RA 7942, otherwise known as An Act Instituting a New System of Mineral Resources Exploration, Development, Utilization and Conservation.

ARTICLE FIVE Industrial Development Areas

SECTION 31. *Designation of Industrial Development Areas.* The identification and establishment of industrial development areas shall conform with the provisions of RA 7916, otherwise known as the Philippine Economic Zone



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Authority (PEZA) Law, RA 6657, otherwise known as the Comprehensive Agrarian Reform Law, and other laws shall take into consideration the following:

- a) Identified network of areas for agricultural development;
- b) Provincial policies on the dispersal of industries and agribased industrial development;
- c) Identified growth areas in the Provincial Development Plan;
- d) Provincial Integrated Protection Area System and other protected areas;
- e) Provincial settlements development plan; and
- f) Provincial infrastructure development plan.

The designated industrial development areas shall become an integral part of the land use plan and zoning ordinance of the city or municipality where these are located.

ARTICLE SIX Tourism Development Areas

SECTION 32. *Designation of tourism Development Areas.* The identification, selection and development of tourism development areas shall be done in consultation and coordination with concerned local government units, national government agencies, the private sector and the affected communities.

These areas shall likewise include those covered by legislation and executive issuance which designate specific sites as tourist spots and tourist zones as well as those identified in the national and regional tourism master plans.

Designated areas for tourism development shall form part of the land use plan and zoning ordinance of the city or municipality where these are located.

Prioritization in the development of tourism areas shall be guided by the provisions of this ordinance, particularly Section 6 and 7 thereof.

CHAPTER 8 Settlement Development

SECTION 33. *Objective of Settlement Development.* Land shall be allocated and utilized to achieve and promote an orderly and efficient development of human settlements responsive to the needs of its inhabitants and the environment.

SECTION 34. *Classification of Settlements.* Settlements can be classified based on the predominant economic and socio-cultural activities, as urban or rural ; or



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based on the topography and slope of land, as upland, hillside, lowland or coastal.

SECTION 35. *Major Uses of land for Settlement Development.* Lands allocated for settlements development shall include the following uses:

- a) Residential, including relocation and resettlement sites for socialized housing as provided in republic Act 7279, otherwise known as the Urban Development and Housing Act;
- b) Commercial as central business district or specific sites for business establishment;
- c) Industrial;
- d) Institutional, such as sites of government offices, health and education, church, cemetery and military reservation;
- e) Tourism;
- f) Utilities, including sites of public and private utilities such as power plants and substations, water reservoir, and others;
- g) Waste disposal;
- h) Recreational, including parks, urban forests, open or green space; and,
- i) Roads, rail and water transportation networks and facilities.

SECTION 36. *Designation of Sites for Socialized Housing.* Each city or municipality shall allocate, identify and designate within their territorial jurisdiction to serve as socialized housing sites. The local government wit through the Provincial Housing and Urban Development Coordinating Office and in consultation with local communities, concerned non-government organization and private sector, shall identify lands for socialized housing and resettlement purposes in their respective areas in accordance with Section 8 of RA 7279. Socialized housing sites shall be identified and designated as such in the city or municipality's land use plan and zoning ordinances.

SECTION 37. *Designation of Waste Disposal Site.* Each city or municipality shall identify, designate and allocate land within their territorial jurisdiction to serve as waste disposal site. This site or area shall be identified in the city or municipality's land use plan and zoning ordinances. In case a city or a municipality shall not be able to identify any suitable site within its territorial jurisdiction, such city or municipality shall enter into a MOA with other cities and/or municipalities for the establishment of a common waste disposal site.

CHAPTER 9 Infrastructure Development

SECTION 38. *Allocation and Use of land for Infrastructure Development Purposes.* Land, whether public or private shall be allocated and used for priority



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infrastructure projects that are supportive of provincial and local development objectives.

SECTION 39. ***Priority Infrastructure Projects.*** For purposes of land allocation and use, priority infrastructure programs and projects of national significance shall include, but shall not be limited to the following:

- a) power plants/stations, major substations and associated transmission line facilities;
- b) irrigation and flood control sewerage and drainage facilities;
- c) water supply system and treatment plant;
- d) airports and airlines;
- e) seaports and waterways;
- f) fishports;
- g) farm-to-market roads;
- h) major road, bridge and railway trunklines;
- i) waste disposal facilities;
- j) educational/recreational/sports facilities;
- k) health facilities;
- l) telecommunication stations/other facilities;
- m) disaster mitigation facilities (shore protection, soil erosion control, etc.); and
- n) agricultural research and development farms and/or stations.

Prioritization of the above infrastructure projects shall consider the safeguards needed to protect the concerned sectors.

The Provincial Development Council (PDC), in consultation with concerned national government agencies, local government units, and the private sector shall identify and periodically review, update and/or revise at least once every four (4) years the list of priority infrastructure projects based on provincial development objectives and priorities.

Local government units shall undertake the prioritization of their respective infrastructure projects based on their development plans.

CHAPTER 10

Local Land Resource Classification, Delineation and Allocation System

SECTION 40. ***Components of the Provincial Land Resource Classification, Delineation, and Allocation System.*** The System shall consist of the following subsystems: land classification, land reclassification, land sub classification, zoning and land use conversion.



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ARTICLE ONE

Land Classification

SECTION 41. *Scope of Land Classification.* Land classification shall include all unclassified lands of the public domain.

ARTICLE TWO

Land Reclassification

SECTION 42. *Coverage of land Reclassification.* Land reclassification covers all alienable and disposable lands of the public domain.

SECTION 43. *Prescribed Major Land Use.* Alienable and disposable lands of the public domain shall be reclassified and disposed of according to the following uses;

- a) agriculture
- b) settlements
- c) industrial
- d) tourism
- e) infrastructure and
- f) institutional

The legal instruments for the disposition of alienable and disposable lands of the public domain shall define the specific use thereof.

SECTION 44. *Inclusion in the Land Use Plans.* Areas already reclassified shall be incorporated in the land use plan of the city or municipality concerned.

ARTICLE THREE

Land Subclassification

SECTION 45. *Coverage of Land Subclassification.* Land subclassification shall cover all classified forestlands and the assignment of their uses according to, but not limited to the following categories:

- a) Protection Forest
- b) Production Forest
- c) Agro-Forestry
- d) Grazing or Pasture Lands
- e) Natural Parks and Other NIPAS Categories
- f) Such other categories as may be provided by law



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ARTICLE FOUR

Zoning

- SECTION 46. **Coverage of Zoning.** Zoning shall cover all alienable and disposable lands, including private lands except those declared protected areas within the territorial jurisdiction of the city or municipality. This shall refer to the reclassification authority of the city or municipality as provided for the Section 20 of RA 7160.
- SECTION 47. **Outputs of Zoning.** Zoning shall be carried out through the passage and implementation of a zoning plan and a zoning ordinance.
- a) A development control plan or zoning plan which identifies and delineates the areas or districts and their specific uses; and
 - b) An ordinance which sets the regulations for the development of each area or district based on their specific uses and the penal provisions for violations thereof, subject to the limitations imposed by law, or competent authority.
- SECTION 48. **Basic of City/Municipality Land Use Plans.** The land use plans of component cities and municipalities shall be based on the physical framework plans of the province and in consonance with the results of the consultations of the various sectors in the community. In the case of independent cities, their land use plans shall be based on the physical framework plans of the regions to which they are administratively and functionally attached.
- SECTION 49. **Basis of Zoning Ordinance.** All city and municipal zoning ordinances shall be based on their respective development control plan duly approved by their respective Sanggunian, subject however to provincial guidelines and standards.
- SECTION 50. **Power and Authority to Undertake Zoning.** Cities and municipalities shall have the power and authority to undertake the zoning of areas within their territorial jurisdiction, subject however to provincial guidelines and standards.
- SECTION 51. **Preparation of Land Use and Zoning Plans.** After one (1) year from the effectivity of the Act, all cities and municipalities shall have prepared their respective land use and zoning plans. If the cities/municipalities fail to comply with the preparation of zoning and land use plans, the PLUC shall impose the penalty as provided for under the RA 7160. All government agencies shall give priority to cities and municipalities with approved development control or zoning plans in terms of providing technical assistance and other forms of support as may be deemed necessary.



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ARTICLE FIVE

Conversion of Alienable and Disposable Lands

SECTION 52. *Scope of Land Use Conversion.* Land use conversion covers all alienable and disposable lands including all privately-titled lands. Specifically, these conversions shall include the following:

- a) Agricultural lands to other nonagricultural purposes;
- b) Lands presently devoted to one type of agricultural activity to another type, such as from cropland to fishpond; and
- c) Lands presently devoted to a particular type of nonagricultural use to another nonagricultural purpose, such as from residential to commercial, or from residential to industrial.

SECTION 53. *Approving Authority on Conversion of Agricultural Lands.* The Department of Agrarian Reform shall have the power and authority to approve the conversion of agricultural lands for non-agricultural purposes as embodied in Section 45 (a), and the conversion of agricultural activity to another type as embodied in Section 45 (b) in consultation, however, with Department of Agriculture and other concerned national government agencies.

SECTION 54. *Approving Authority on Conversion of Non-agricultural Lands.* The city or municipal government, through their respective Sanggunian shall have the power and authority to approve conversion of nonagricultural lands for other nonagricultural purposes subject to further approved by the Sangguniang Panlalawigan.

SECTION 55. *Authority to Impose Agricultural Land Use Conversion Taxes.* The city or municipal governments are hereby authorized to impose, individually or collectively taxes on the conversion of agricultural lands for non-agricultural uses.



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TITLE III Implementing Structure and Mechanisms

CHAPTER 11 Local Government Units

ARTICLE ONE Provincial Land Use Committee

SECTION 56. *Reconstitution of the Composition of the Provincial Land Use Committee.* To implement the provisions of this Act, The provincial land Use Committee shall be reconstituted, the members of which shall be as follows:

- a) The PPDO as chairman;
- b) The Chairman, Committee on Land Allocation, Sangguniang Panlalawigan;
- c) The Provincial head of the:
 1. Department of Environment and Natural Resources
 2. Provincial Agriculturist Office
 3. Department of Agrarian Reform
 4. Department of Trade and Industry
 5. Department of Public Works and Highways
 6. Department of Tourism
 7. Department of Transportation and Communication
 8. Department of Interior and Local Government
 9. Provincial Housing and Urban Development Coordinating Council
 10. Housing and Land Use Regulatory Board
 11. Representative for the NGO's, POs, and Academic Community.

The reconstitution of the referred committee shall be effected by the Governor through the issuance of appropriate executive issuances.

SECTION 57. *Power and Authority of the Provincial Land Use Committee.* The Provincial Land Use Committee shall have the following powers and functions:

1. To review and approve the Comprehensive Land Use Plans of the component cities and municipalities;
2. To ensure that land use plans of component cities and municipalities are consistent with the provincial comprehensive land use plan and national standards and guidelines;



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3. To recommend solutions to settle disputes among component units over the alternative uses of land resources;
4. To promote the community-based program for sustainable development;
5. To ensure that such plans supportive of the objectives set forth in the Urban and Housing Development Act of 1992;
6. To be attached to the Provincial Development Council for purposes of policy coordination and uniformity in operational direction.
7. To call upon concerned City Planning and Development Coordinator and Municipal Planning and Development Coordinator whenever their respective Land Use Plan are deliberated; and
8. To submit its findings and recommendations to the Sangguniang Panlalawigan, which shall be considered by the said Sanggunian in making decisions.

CHAPTER 12

Land Use and Physical Planning and Development

ARTICLE ONE

Hierarchy of Physical Framework and Land Use Plans

SECTION 58. **Provincial Physical Framework Plans.** The provinces shall prepare their Provincial Physical Framework Plans or PPFs, which shall define in greater detail the indicative uses of land and other physical resources therein including an effort to delineate actual boundaries on the ground within the territorial jurisdiction of the province.

SECTION 59. **City and Municipal Land Use Plans.** The cities and municipalities shall prepare their respective land use plans to determine the specific uses of land and other physical resources therein consistent with the prescribed standards and guidelines including an effort to delineate actual boundaries on the ground within the territorial jurisdiction of the city or municipality.

SECTION 60. **Relations among National, Regional and Local Physical and Land Use Plans.** The physical framework and land use plans shall have the following relationships:



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- a) The RPPF shall define the objective, policies and strategies outlined in the NPPF within the context of the region, and shall provide the basis for the preparation of the PPFs, or the land use plan of an independent component city.
- b) The PPF shall define the objectives, strategies and indicative uses of land and other physical resources within the context of the province, consistent with the regional objectives and strategies and shall serve as basis for the preparation of the land use plans of its component cities and municipalities.
- c) The city or municipal land use plans shall translate the objectives, strategies and indicative uses of land and other physical resources proposed in the PPF into specific uses and shall serve as the basis for the preparation of the zoning plan to include embodiment of local aspirations concerning desirable physical development and growth of the locality.

SECTION 61. *Relation of Land Use Plan with the Comprehensive Local Development Plan.* The land use plan shall serve as an integral component of the comprehensive local development plan to provide the latter with spatial and physical dimension.

ARTICLE TWO

Plan Formulation, Review and Adoption

SECTION 62. *Preparation of Physical Framework and Land Use Plans.* The committee shall initiate the preparation of physical framework and land use plans at the provincial and local levels, respectively. The preparation of the physical framework and land use plans shall conform with the planning guidelines issued by the committee.

SECTION 63. *Monitoring the Implementation of the Physical Framework and Land Use Plans.* The concerned local development councils shall regularly monitor the implementations of the plans. In particular, the local development council shall submit a semestral report to the Sangguniang Panlalawigan.

CHAPTER 13

Fiscal Regime

SECTION 64. *Objectives of Fiscal Regime.* The application of any tax measure shall aim at encouraging certain land uses, ensuring that lands are rendered



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productive at all times, and allowing society to share in the financial gains brought about by a change in land use.

ARTICLE ONE

Agricultural Land Use Conversion Tax

SECTION 65. *Imposition of Agricultural Land Use Conversion Taxes.* For the conversion of agricultural lands to nonagricultural purposes, the city or concerned municipality are hereby authorized to impose and collect seventeen (17) percent Special Agrarian Reform Tax and eight (8) percent Local Fund Development Tax, respectively.

The above tax rates shall be applied on the zonal value of the proposed use or the adjusted fair market value of the proposed use, which is higher at the time of the approval of the conversion. The adjusted fair market value is computed as the average selling price per square meter of adjacent residential, commercial or industrial lands within the city or municipality multiplied by 50 %.

TITLE IV

Miscellaneous, Transitory and Final Provisions

CHAPTER 14

Mandatory Review

SECTION 66. *Mandatory Review Every Ten Years .* The Sangguniang Panlalawigan shall undertake a mandatory review of this Act at least once every ten (10) years or as often as it may deem necessary to ensure that land use policies and guidelines remain responsive to changing circumstances.

CHAPTER 15

Penal Provision

SECTION 67. *Imposition of Penalty for Premature Conversion.* Any person who knowingly, or deliberately causes any agricultural lands within the priority areas for agricultural development to become economically unproductive and inutile for continued agricultural activities, and not due to any natural causes so as to satisfy the following provision:

- a) Undertakes premature conversion of any agricultural lands shall be punished by imprisonment of not less than two (2) month to not more than ten (10) years or a fine of five hundred thousand (500,000.00)



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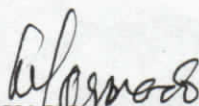
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pesos for the first three hectares and one hundred thousand (100,000.00) pesos for each additional hectares or fraction thereof, or both at the discretion of the court.

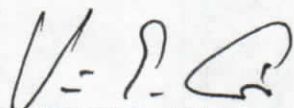
Furthermore, such action would cause the termination of the project or activity to be undertaken and suspension of the project proponent from undertaking any land development activity in the city or municipality.

CHAPTER 16 Final Provisions


- SECTION 68. *Repealing Clause.* All ordinances, rules and regulations, or parts thereof, inconsistent with or in conflict with the provisions of this ordinance are hereby repealed or modified correctly.
- SECTION 69. *Separability Clause.* If, for any reason or reasons, any part or provision of this ordinance shall be held to be invalid or unconstitutional, other parts or provisions hereof which are not affected thereby shall be continue to be in full force and effect.
- SECTION 70. *Effectivity Clause.* This ordinance shall take effect after its publication in at least two (2) newspaper of general circulation in the province for a period of two (2) consecutive weeks.


DOMINGO D. REFORMADO
Secretary to the Sanggunian

Attested:


Vice Governor VICTOR E. AGBAYANI
Presiding Officer

Approved:


OSCAR M. ORBOS
Governor