Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1341

Introduced by **REP. JUAN MIGUEL F. ZUBIRI**

EXPLANATORY NOTE

The continuing economic crisis being experienced by the country, aggravated by the effects of the September 11, 2001 bombing of the World Trade Center in the United States has reiterated the importance of attaining food security in agriculture more than ever urgent; food is basic to survival.

We must ensure that our agricultural lands are able to produce affordable and sufficient food for our people at all times before anything else.

The pre-requisite to the attainment of food security is the availability of irrigated and irrigable agricultural lands. But this is threatened by land conversions. From 1989 to 1993 alone, a total of 109,000 hectares of irrigated land have been converted into industrial, commercial and residential uses. If the trend is not arrested, the country will soon face the prospect of irretrievably losing agricultural land, a primary, non-renewable and non-replenishable resource.

Agricultural lands, must thus be secured not only to provide food and long-term food security to an ever-growing population, but also to provide green and breathing spaces for rapidly expanding urban centers. Further, protecting agricultural land from conversion will also ensure the success of agrarian reform and guarantee the development of a strong domestic market that will sustain industrialization.

Hence, the passage of this bill is urgently requested.

JUAN MIGUEL F. ZUBIRI
Representative
3rd District, Bukidnon

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HOUSE BILL NO. 1341

Introduced by **REP. JUAN MIGUEL F. ZUBIRI**

AN ACT
DECLARING ALL IRRIGATED AND IRRIGABLE AGRICULTURAL LANDS AS PROTECTED AREAS FOR AGRICULTURE, BANNING ITS CONVERSION FOR USES OTHER THAN AGRICULTURE, AND AMENDING FOR THE PURPOSE SECTION 20 OF REPUBLIC ACT 7160, OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. **Title.** - This Act shall be known as the National Protected Areas for Agriculture (NPAA) Law.

SECTION 2. **Declaration of Policy.** - It shall be the policy of the State to develop agriculture in tandem with and complementary to the major development sectors of the economy. The State shall also actively support the competitive development of agriculture, provide long-term food security, and ensure a sustainable environment for agriculture. Specifically, this policy means:

a) Granting agricultural areas direct access to power, water sources, roads, credit and domestic markets;

b) Supporting research for the intensive and environmentally-friendly development of food production;

c) Reserving the country's best alluvial soils for intensive agriculture.

SECTION 3. **The National Protected Areas for Agriculture (NPAA).** - All irrigated and irrigable agricultural lands planted but not limited to rice, corn, sugar, coconut and other crops, blocked and mapped according to standards by the Bureau of Soils and Water Management, is hereby declared as National Protected Areas for Agriculture (NPAA) and shall be non-negotiable for conversion into other uses.

SECTION 4. **Definition of Terms.**

a) **Agriculture activity** - refers to the cultivation of the soil, planting of crops, growing fruit trees, raising of livestock, poultry, fish or aquacultural products, including harvesting and immediate processing of such farm products and other farm activities and practices performed in conjunction with such farming operations done by persons whether natural or juridical.

b) **Irrigated lands** - are those where water is available or relatively accessible, and where crop production is cost-efficient. These are located mostly in the alluvial lands and sloping uplands, are traditional sources of food and where high investments in infrastructure are located.

c) **Irrigable lands** - are those that have the most potential for irrigation consisting mostly of rainfed paddy ricelands and diversified croplands located in the level to nearly level alluvial plains and gently sloping uplands.

SECTION 5. **Amendments to RA 7160.** - Section 20 of Republic Act 7160, otherwise known as the Local Government Code, is hereby amended to read as follows:

> Sec. 20. Reclassification of Lands - (a) A city or municipality may, through an ordinance passed by the sanggunian after conducting public hearings for the purpose, authorize the reclassification of agricultural lands and provide for the manner of their utilization or disposition in the following cases: (1) when the land ceases to be economically feasible and sound for agricultural purposes as determined by the Department of Agriculture; (2) where the land shall have substantially greater economic value for residential, commercial, or industrial purposes, as determined by the sanggunian concerned; or (3) when the land is not irrigated or irrigable and included among agricultural lands identified and Administrative Order 20, series of 1992, as non-negotiable for conversion, as identified by the Department of Agriculture (DA);
>
> Provided, That such reclassification shall be limited to the following percentage of the total existing agricultural area, at the time of the passage of the ordinance;
>
> (1) For highly ubanized, independent component cities, fifteen percent (15%);
> (2) For component cities and first to third class municipalities, ten percent (10%); and
> (3) For fourth to sixth class municipalities, five percent (5%)
>
> Provided, further, That agricultural lands distributed to agrarian reform beneficiaries pursuant to Republic Act No. 6657, otherwise known as the Comprehensive Agrarian Reform Law, shall not be affected by the said reclassification and the conversion of such lands into other purposes shall be governed by Section 65 of said Act.

And provided, further, That prior to the enactment of an ordinance reclassifying agricultural lands, the sanggunian concerned must first secure the following certificates from the concerned national government agencies (NGAs):

(1) A certification from the DA indicating: i) the total area of existing agricultural land in the local government unit (LGU) concerned; ii) that such lands are not classified for conversion or reclassification under AO 20 (1992); and iii) that the land has ceased to be economically feasible for agricultural purposes;

(2) A certification from the Department of Agrarian Reform (DAR) that such lands are not disturbed or programmed for distribution to agrarian reform beneficiaries; and

(3) A certification from the Department of Environment and Natural Resources (DENR) indicating that the proposed reclassification is ideologically sound.

Failure of said NGAs to act on proper and complete application for such certifications within three (3) months from receipt of the same will be deemed as approval thereof.

(b) The President may, when public interest so requires and upon recommendation of the National Economic and Development Authority, authorize a city or municipality to reclassify lands in excess of the limits set in this section hereof.

(c) The local government units shall, in conformity with existing laws, continue to prepare their respective comprehensive land use plans and enacted through zoning ordinances which shall be the dominant bases for the future use of land resources: Provided, That the NPAA in the local government concerned and the requirements for food production, human settlements, and industrial expansion shall be taken into consideration in the preparation of such plans.

(d) Nothing in this section shall be construed as repealing, amending, or modifying in any manner the provisions of RA No. 6657.

SECTION 6. **Separability Clause.** - If any provision of this Act or the application of such provision to any person or circumstance is held invalid for any reason, the remainder of this Act or the application of such provision to other provision or circumstances shall not be affected thereby.

SECTION 7. **Penalties.** - Failure of concerned local government units to preserve protected areas for agriculture within their jurisdictions shall be grounds for disciplinary action, as provided for in Section 60 of the Local Government Code.

SECTION 8. **Effectivity.** - This Act shall take effect immediately upon approval.

Approved,