Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1761



Introduced by: **REP. PROSPERO A. PICHAY, JR.**

EXPLANATORY NOTE

The El Niño phenomenon has taken a toll on our country. It has posed the biggest if not the greatest threat to our food security as evidenced by the 7.82% decline (January--March 1998) in crop production, particularly rice and corn. From November 1997 to May 1998, a total of 377,071 hectares of agricultural lands have either been partially or completely damaged resulting to 684,262 metric tons production loss. To date, 985,000 families lay starving in Central and Southern Mindanao alone.

In the face of the havoc wrought by mother nature on the agricultural sector, more and more farmlands are being converted to non-agricultural zones --a condition, if left unchecked, will threaten and exacerbate the shortage on our staple food. The worst predicament we can anticipate is seeing our fellowmen dying from hunger and famine, a dilemma that can be likened to a journey towards extinction for a growing nation as ours.

This bill seeks to arrest the irresponsible and indiscriminate conversion of irrigated and irrigable agricultural lands into residential, commercial, industrial, and other zones by prohibiting its conversion and declaring such as National Protected Areas for Agriculture. It seeks to amend Section 20 of the Local Government Code by allowing the exclusive conversion of non-irrigated or irrigable lands only through certifications and clearance secured from the Department of Agriculture, Department of Agrarian Reform, Department of Environment and Natural Resources and local government units. Furthermore, this measure attempts to initiate a performance audit of redistributed lands particularly those received by farmer-beneficiaries of the Comprehensive Agrarian Reform Law.

What a pity for the less fortunate if we remain complacent to act on the issue of rampant and indiscriminate conversion of agricultural areas. Time has come to prioritize policies that will provide for a more stable source of food for the people. In view of the foregoing, the immediate approval of this bill is earnestly sought.

PROSPERO A. PICHAY, JR.



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1761

Introduced by: **REP. PROSPERO A. PICHAY, JR.**

AN ACT
DECLARING ALL IRRIGATED AND IRRIGABLE AGRICULTURAL LANDS AS PROTECTED AREAS FOR AGRICULTURE, PROHIBITING ITS CONVERSION FOR USES OTHER THAN AGRICULTURAL AMENDING FOR THE PURPOSE SECTION 20 OF REPUBLIC ACT 7160, OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991

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

SECTION 1. TITLE -- This Act may be cited as the National Protected Areas for Agriculture (NPAA) Law.

SEC. 2. DECLARATION OF POLICY – It is the policy of the State to develop agriculture in tandem with and complementary to the major development sectors of the economy. The State shall support the competitive development of agriculture, provide long-term food security, and ensure a sustainable environment for agriculture. This policy will mean the:

(a) Grant of direct access to the latest agricultural technology, electric power, water sources, roads, credit and domestic markets to agricultural areas;

(b) Essential research support for the intensive and environmentally-friendly development of food production; and

(c) Prioritized allotment of the country's best alluvial soils for intensive agricultural activity.

SEC. 3. THE NATIONAL PROTECTED AREAS FOR AGRICULTURE (NPAA) -- All irrigated and irrigable agricultural lands planted but not limited to rice, crop, 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 may not be converted into other purposes.

SEC. 4. DEFINITIONS -- For the purpose of this Act, unless the context indicates otherwise:

(a) Agriculture, Agricultural Enterprise or Agricultural Activity -- refers to soil cultivation; crop planting; fruit-tree growing; livestock and poultry raising; and, fish breeding and propagation of other aquaculture products. Also means the harvesting and immediate processing of such farm products, other farm activities and practices performed by a farmer in conjunction with such farming operations done by persons whether natural or judicial.

(a) Irrigated lands – are those where water is readily 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.

(b) 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.

SEC. 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 hearing 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 **[** or **]** **;** (2) where the land shall have substantially greater economic value for residential, commercial, or industrial purposes, as determined by the sangguinan concerned **[:]** **;** OR (3) WHEN THE LAND IS NOT IRRIGATED OR IRRIGABLE AND INCLUDED AMONG AGRICULTURAL LANDS IDENTIFIED BY ADMINISTRATIVE ORDER 20, SERIES OF 1992, AS NON-NEGOTIABLE FOR CONVERSION, AS IDENTIFIED BY THE DEPARTMENT OF AGRICULTURE (DA): *PROVIDED*, THAT PRIOR TO THE ENACTMENT OF AN ORDINANCE RECLASSIFYING AGRICULTURAL LANDS, THE SANGGUINAN CONCERNED MUST FIRST SECURE THE FOLLOWING CERTIFICATES FORM 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 DISTRIBUTED 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 SHALL BE DEEMED AS APPROVAL THEREOF. 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: *And, Provided, further,* 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) X X X

(2) X X X

(3) X X X

(b) X X X

"(c) The local government units shall, in conformity with existing laws, continue to prepare their respective comprehensive land use plans enacted through zoning ordinances which shall be the primary and dominant bases for the future use of land resources: *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) [When approval by a national agency is required for reclassification, such approval shall not be unreasonably withheld. Failure to act on a proper and complete application for reclassification within three (3) months from receipt of the same shall be deemed as approval hereof.] NOTHING IN THIS SECTION SHALL BE CONSTRUED AS REPEALING, AMENDING , OR MODIFYING IN ANY MANNER THE PROVISIONS OF RA NO. 6657."

SEC. 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.

SEC. 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.

SEC. 8. EFFECTIVITY -- This Act shall take effect immediately upon approval.

Approved,