

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2810

Introduced by **HON. PRYDE HENRY A. TEVES**

EXPLANATORY NOTE

It is hereby declared the national policy to promote comprehensive rural development through increased agricultural production and the adoption of necessary and sound measures to accelerate the attainment of self-sufficiency in food, increase equitable access to opportunities and sustained economic productivity as key strategies to raise the quality of rural life and national development.

This bill is in pursuit of the above goals of achieving genuine rural development through the promotion and establishment of a vibrant rural agricultural economy anchored on raising farm productivity at competitive and market sufficiency levels through provision of adequate irrigation infrastructures and integrated support services such as, but not limited to, post-harvest services and equipment, credit facilities, farm-to-market roads, marketing and distribution assistance and complementary infrastructures. This comprehensive approach is geared towards creating an enabling environment for transforming the rural farmers into self-sufficient producers and entrepreneurs while making the idle, unproductive land the key to elusive rural progress.

This crucial piece of legislative initiative institutionalizes a new wave of accelerated and intensive irrigation development program within a six-year period as center piece of the government efforts and development imperatives to hasten rural competitiveness, perk-up the economic value of vast idle lands while ensuring self sufficiency in food for the country's fast increasing population.

This strong legislative response comes at a most opportune time as it jumpstarts the new administration's fighting target in increased pro-poor investment support in the country's agriculture potential as profitable enterprise for the small farmers and rural poor, as much as it presents a viable strategy for rural development and poverty reduction.

Essentially the present measure is a shot in the arm to the failed intent of the ambitious development strategy through a 10-Year Special Irrigation Development Program, or RA 6978, with provisions for a more realistic program targets over another **six-year period of accelerated irrigation and rural development.**

The immediate passage of this New Special Irrigation Program will yet be another forceful response of this 15th Congress as we spouse a potent strategy to bridge the participation and access of the rural poor to the benefits of development.


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HOUSE BILL NO. **2810**

Introduced by **HON. PRYDE HENRY A. TEVES**

AN ACT
TO PROMOTE RURAL DEVELOPMENT BY PROVIDING FOR A SIX-YEAR ACCELERATED
IRRIGATION PROGRAM FOR THE CONSTRUCTION AND REHABILITATION OF IRRIGATION
PROJECTS, AND FOR OTHER PURPOSES

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 "*Accelerated Irrigation Act of 2010.*"

SEC 2. Declaration of Policy- It is hereby declared the national policy to promote comprehensive rural development through increased agricultural production and the adoption of necessary and sound measures to accelerate the attainment of self-sufficiency in food, equitable access to opportunities and sustained productivity as key strategies to raise the quality of rural life and national development.

In pursuit of the goals of genuine rural development, the State shall promote a viable rural agricultural economy by raising farm productivity at competitive and market sufficiency levels through provision of irrigation infrastructure and comprehensive support services such as, but not limited to, post-harvest services and equipment, credit facilities, farm-to-market roads, marketing and distribution assistance and facilities and structures, as well as farmer entrepreneurship, institutional and capacity building trainings.

SEC. 3. Objectives and Mandate- The National Irrigation Administration (NIA) shall undertake a *six-year accelerated irrigation program* for the construction of irrigation projects in the remaining unproductive, unirrigated but potentially irrigable lands nationwide pursuant to the actual size and extent to be determined and established in a full inventory of existing or remaining potential areas for irrigation, in parallel assesment of existing irrigation systems, and the identification including listing of potential irrigation projects to be submitted by the NIA within three (3) months but not beyond six (6) months after the effectivity of this Act.

The NIA shall conduct multi-stakeholders consultations with Local Planning and Development Councils, Irrigators Associations, Agrarian Reform Beneficiaries, Indigenous or

affected Minorities, and relevant government agencies in the identification of priority areas, and shall thereafter prepare a comprehensive 6-year work program with annual targets for the irrigation development of new irrigable areas needed or with high potential to attain immediate self-sufficiency in rice and other agricultural crops.

The NIA shall guarantee that all irrigation programs and projects to be undertaken herein shall be completed and made fully operational or implementable within the duration of the 6-year special irrigation program, with provision for sustainability of operation and maintainance of said systems after the program completion including the institutionalization of a comprehensive package of infrastructure and social support services to be integrated into the regular annual programs and budgets of the NIA and other implementing agencies and instrumentalities, including the LGUs, to ensure a sustained increased productivity as strategy to attain genuine rural development.

SEC. 4. *Accelerated Irrigation Development*- The NIA shall observe the following priorities and guidelines in the identification, planning, construction, and management of irrigation projects in collaboration with concerned government agencies, local government units, irrigators' associations and other stakeholders, *Provided, that*:

- (a) Priority shall be given to the following:
 - (1) Provinces with low irrigation development and/or low productivity yield
 - (2) Beneficiaries in fourth, fifth and sixth class municipalities and provinces, *Provided that*, to the extent feasible and practicable, priority in the allocation of the special accelerated irrigation projects be given to the updated list of identified priority areas or low-income municipalities
 - (3) Islands and Upland areas that are potentially and practically irrigable; *Provided that* these are feasible for construction of irrigation facilities
 - (4) Beneficiaries of the Agrarian Reform Program (ARBs), pursuant to the intent of the CARP-IC/CARP Law, as amended and applicable provision of AFMA, as amended, and such other pertinent laws and issuances
 - (5) Farmer Irrigators Associations or Farmer Cooperatives
 - (6) Members of the indigenous cultural communities
- (b) An inventory of the existing irrigation systems and their efficiency status update, impact analysis, and the actual total potential areas for irrigation shall be conducted by NIA with assistance from concerned stakeholders and technical experts, including LGUs and financing institutions, to be completed not beyond six (6) months from the effectivity of this proposed Act.
- (c) Development and/or construction of irrigation facilities on new areas shall be judiciously programmed over a *six-year priority completion target*, which therefore necessitates drawing up a work program by the NIA that is deemed realistic, achievable and annually target-specific to indeed accelerate agricultural yield in the identified priority irrigable areas.
- (d) Priority irrigation projects shall be small and medium in which construction works should immediately commence after the technical assessment and feasibility

requirements on said projects have been completed and approved not later than six (6) months after effectivity of the herein Act, without prejudice however to the recommendation of the construction of large scale irrigation projects. *Provided that*, to the extent feasible and practicable, priority shall be given to the construction of communal irrigation projects; and *Provided further that*, such necessary national irrigation structures shall be completed and made fully operational within three (3) years upon commencement of the proposed Accelerated Irrigation Program, and *Provided finally that*, fast-track priority projects covered in this Special Irrigation Act shall include the development of such small irrigation types as communal, reservoir, small dams, diversion, or pump systems (groundwater or surface water).

The type of project and development scheme shall be determined based on technical feasibility studies to be conducted by the NIA.

- (e) The provincial offices of the NIA shall be responsible in the preparation of the feasibility studies and design of communal irrigation projects at cost to NIA.
- (f) At least 50% percent of the funds allocated under this Act shall be used for the construction of small irrigation projects in partnership with the LGUs; *Provided that*, at least 20% shall be earmarked for rehabilitation and emergency repair works of existing irrigation systems including small irrigation projects identified as necessary and cost effective to realize increased productivity under this proposed Act; *Provided further that*, the regular Operation and Maintenance of these systems including their budgetary requirements after the 6-year Accelerated Irrigation Program shall follow the existing policies and implementing procedures on the matter. *Provided finally that*, in no case an irrigation project shall be funded under this Special Program unless certified feasible and necessary by the NIA.
- (g) The management of small-scale irrigation projects shall be turned over to the farmer-beneficiaries thru their Irrigators' Associations or Farmers Cooperatives upon project completion and after undertaking institutional development training. *Provided that*, amortization of the direct cost of these small-scale irrigation projects by the IAs shall follow the existing NIA policies on cost recovery mechanisms for communal irrigation systems.
- (h) Medium and large-scale irrigation projects shall be jointly managed by the NIA, the strengthened Irrigators Associations, and the LGUs, to the extent practicable, upon project completion under the Irrigation Management Transfer Program.
- (i) To realize the full benefits of sustained increased productivity from these irrigation projects, other agricultural support services shall be provided and institutionalized within the 3rd year of operation under this Act. NIA shall assist the IAs and facilitate coordination with DA and such other agencies and the LGUs in the provision of other agricultural support inputs and infrastructures such as, but not limited to, access to agricultural credit, high-quality seeds, technical assistance on pest management and fertilizer use, post-harvest facilities, and marketing. Funds for these shall be included in the estimates of project costs.

SEC. 5. *Irrigators Associations*- The NIA shall continue to organize, develop and strengthen farmer-beneficiaries under this Act into self-sustaining irrigators' associations or farmers cooperatives.

SEC. 6. *Irrigation of Other Crops*- Irrigation projects under this Act are not limited to rice/palay production in order to maximize use of irrigated lands.

SEC. 7. *Special Accelerated Irrigation Fund*- Such sums as may be necessary for the initial implementation of this Act shall be sourced from any available appropriations intended for irrigation allocation under the amended AFMA, CARP, ACEF, and realigned appropriations in the current year of the date of effectivity of this Act to conform with its intent. Therafter, a Special Irrigation Fund shall be established by the Department of Budget and Management (DBM) in the annual General Appropriations Act for the continuous implementation of this Act until its 6th year completion date, with proviso for accelerated release in the first three (3) years to meet intensive irrigation program costs.

SEC. 8. *Authority to Compromise*- To encourage farmers to pay their dues and to facilitate the clearing of NIA's back accounts collectibles, the NIA Administrator shall have the authority to enter into compromise or release for the penalty charges and part of unpaid principal accounts of Irrigation Service Fee (ISF) and Communal Irrigation Systems (CIS) amortizations in the amount not exceeding One Hundred Thousand Pesos (P100,000.00) per farmer under the Compromise Agreement Program on ISF Back Account, and/or such rules and regulations that the NIA Board of Directors shall adopt during the program years.

SEC. 9 *Contracts*- NIA shall comply with the bidding regulations under RA 9184, as amended, which allows community participation for small scale projects to promote IA capability building. However, pursuant to the declared policy and in the interest of the public, and to facilitate procurement of smaller contracts, NIA may enter into contracts using the Simplified Bidding procedures, as provided under AFMA, for the 6-year period of implementation of this Act.

SEC. 10. *List of Priority Projects*- The NIA shall annex a list of priority projects proposed to be funded under this Act; *Provided that*, upon completion of the inventory of existing irrigation systems and the identification/listing of potential irrigation projects, the revised list of projects to be funded shall be finalized and approved.

SEC. 11. *Exemption from Election Ban*- The implementation of the accelerated irrigation development program which involves the emergency construction, rehabilitation, repair and installation of irrigation facilities, including infrastructure complementary support services, shall be exempt from the scope of the election ban on public works.

SEC. 12. *Complementary Irrigation Component Projects*- Whenever practicable, projects qualified under this Act shall include other irrigation-related components such as, but not limited to, the following complementary development purposes:

- a) watershed management and reforestation
- b) climate change vulnerability/flood prevention/erosion control
- c) fish culture

- d) power generation; and
- e) tourism development

SEC. 13. *Oversight Committee*- A Joint Oversight Committee composed of five (5) members each in the House of Representatives and Senate, respectively, preferably coming from the Committees on Rural Development and Agriculture shall be created to monitor the strict implementation of this Act and the exercise of the authority granted thereunder.

SEC. 14. *Report to Congress*- The NIA, through channel, shall submit a quarter progress report to Congress on the implementation of this Act.

SEC. 15. *Implementing Rules and Regulations*- Within 60 days upon effectivity of this Act, the NIA through the Secretary of the Department of Agriculture, shall initiate the convening of a Technical Working Group to promulgate the IRR of this Act with relevant stakeholders.

The Secretary shall submit to the Committees on Rural Development and Agriculture of both Houses of Congress copies of the Implementing Rules and Regulations within 30 days after their promulgation.

SEC. 16. *Separability Clause*- If any or part of this Act is held unconstitutional, other parts or provisions hereof which are not affected thereby shall be in full force and effect.

SEC. 17. *Repealing Clause*- All laws, presidential decrees, executive orders, rules and regulations inconsistent with this Act are hereby repealed.

SEC. 18. *Effectivity Clause*- This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved.