

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 3730

INTRODUCED BY ANAKPAWIS PARTY-LIST REPRESENTATIVE
RAFAEL V. MARIANO

EXPLANATORY NOTE

To promote the quality of living of every Filipino through the provision of adequate social services including, but not limited to, the provision of adequate irrigation projects facilities to increase agricultural production, the legislature of the Republic of the Philippines in 1992 enacted Republic Act No. 6978 otherwise known as "An Act to Promote Rural Development by Providing for an Accelerated Program within a Ten-Year Period for the Construction of Irrigation Projects".

However, in 2009, the National Irrigation Administration (NIA) informed the legislature, in a Congressional committee hearing, that in estimated potential irrigable area of 3.126 million hectares nationwide, there are 1.507 million hectares that still remain to be provided with irrigation facilities. The National Irrigation Administration (NIA) also declared in that hearing that as of December 31, 2008, the status of irrigation development are as follows:

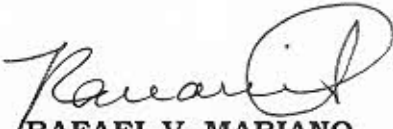
Region	Estimated Total Irrigable Area	Remaining Potential Area to be Developed
CAR	99,650	18,210
1	277,180	97,348
2	472,640	270,201
3	498,860	200,403
4	246,960	22,737
5	239,660	119,688
6	197,250	119,272
7	50,740	17,640
8	84,380	31,223
9	76,080	39,237
10	120,700	56,378
11	149,610	74,865
12	293,610	193,522
ARMM	156,720	134,008
CARAGA	162,300	111,341
TOTAL	3,126,340	1,506,073

From the aforesaid data, it can be seen that the government failed to meet the objectives set by law either because the funds provided by law was not devoted to priority projects as the funds have become vulnerable to irregularity or corruption rather than construction of new irrigation systems, among others, since up to now there is considerable number of hectares of land that needs to be irrigated.

The non-irrigation of lands or shortage of irrigation systems in the country needs to be immediately addressed because they affect the productivity of lands which in turn affects the livelihood and welfare of farmers and their families in the countryside.

This bill seeks to address the urgent need to increase and develop production and empower farmers and their associations to maximize their full potentials in the comprehensive development of Philippine agriculture. This bill will strengthen farmer-participation in the identification, planning, construction, management and administration of irrigation facilities in the countryside in order to best serve the interests of farmers and the people. The farmers and their associations' involvement will also ensure utmost transparency and accountability among the implementing agencies concerned to deter irregularities that often surround agriculture-related infrastructure development projects of the government.

In view of the foregoing, the passage of this bill is earnestly requested.



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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.”

SECTION 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 and related infrastructure support facilities.

SECTION 3. National Irrigation Administration – 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 assessment of existing irrigation systems, and the identification including listing of potential irrigation projects to be submitted by the National Irrigation Administration (NIA) within six (6) months after the effectivity of this Act.

The National Irrigation Administration (NIA) shall conduct consultations with stakeholders such as farmers’ associations/organizations, Local Planning and Development Councils, irrigators’ associations, farmers’ cooperatives, agrarian reform beneficiaries, affected members of indigenous cultural communities, and related

government agencies in the identification of priority areas, and shall thereafter prepare a comprehensive six (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 National Irrigation Administration (NIA) shall ensure that all irrigation programs and projects to be undertaken herein shall be completed and made fully operational or implementable within the six (6)-year special irrigation program, with provision for sustainability of operation and maintenance of said systems after the program completion.

The National Irrigation Administration (NIA) shall also continue to organize, develop and strengthen farmer-beneficiaries under this Act into self-sustaining irrigators' associations or farmer cooperatives.

SECTION 4. Accelerated Irrigation Development – The National Irrigation Administration (NIA) shall observe the following priorities and guidelines in the identification, planning, construction, and management of irrigation projects in coordination with farmers' associations/organizations, concerned government agencies, local government units (LGUs), irrigators' associations, and other stakeholders:

- a. Priority shall be given to the following:
 1. Farmers' associations/organizations;
 2. Farmer Irrigators' associations;
 3. Beneficiaries of agrarian reform program;
 4. Farmers' cooperatives;
 5. Provinces with low irrigation development and/or low productivity yield;
 6. Islands and upland areas that are potentially and practically irrigable:
Provided, That these are feasible for construction of irrigation facilities;
 7. Members of the indigenous cultural communities;
- b. Priority irrigation projects shall be small and medium in which construction works shall immediately commence after the technical assessment and feasibility requirements on said projects have been completed and approved not later than six (6) months after the effectivity of this 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: *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.

The type of project and development scheme shall be determined based on technical feasibility studies to be conducted by National Irrigation Administration (NIA).

- c. The provincial offices of the National Irrigation Administration (NIA) shall be responsible for the preparation of feasibility studies and design of communal irrigation projects at its own cost.
- d. The management and administration of small-scale irrigation projects shall be turned over to the farmer-beneficiaries thru their farmers' associations/organizations, irrigators' associations or farmers' cooperatives upon project completion.

The National Irrigation Administration (NIA) shall ensure continuing technical and budgetary support to farmers' associations/organizations, irrigators' associations or farmers' cooperatives after the turn-over of each irrigation system.

- e. Medium and large-scale irrigation projects shall be jointly managed by the concerned provincial office of the National Irrigation Administration (NIA), the irrigators' association, and the concerned local government units (LGUs), to the extent practicable, upon project completion.
- f. At least eighty percent (80%) of the funds appropriated under this Act shall be used for the construction of new irrigation projects in partnership with the local government units (LGUs) and at least twenty percent (20%) shall be earmarked for emergency repair works of existing irrigation systems managed and administered by farmers' associations/organizations, irrigators' associations or farmers' cooperatives upon project completion.

SECTION 5. *Regulating the irrigation fees* – Notwithstanding the provisions of Republic Act 8435 (*Agriculture and Fisheries Modernization Act (AFMA)* of 1997), the payment of fees for the use of irrigation systems maintained or operated by farmers' associations/organizations, irrigators' associations and local government units (LGUs) shall be regulated by the National Irrigation Administration (NIA). No schedule of payment rates or any increase thereof imposed by any local government unit shall take effect unless it is submitted for approval by the National Irrigation Administration (NIA) through a resolution of the local government council: *Provided*, That such a resolution shall not be issued without consultation with farmers or their farmers' associations and production cooperatives.

Within three (3) months after the effectivity of this Act, National Irrigation Administration (NIA) shall issue the guidelines and mechanism for regulating the payment of fees for the use of irrigation systems maintained or operated by private irrigators' associations and local government units (LGUs).

SECTION 6. *Funding* – The amount of One Hundred Twenty Billion Pesos (P120,000,000,000.00) shall be appropriated to implement this Act: *Provided*, That the amount of at least Two Billion Pesos (P2,000,000,000.00) shall be released not later than the first (1st) quarter of every year to finance the current year's project.

The budgetary requirements for the regular operation, maintenance and rehabilitation of the irrigation and related infrastructure support facilities after the six (6)-year Accelerated Irrigated Program shall be integrated into the regular annual programs and budget of the National Irrigation Administration (NIA) and other implementing agencies.

SECTION 7. Complementary Irrigation Component Projects – Whenever practicable, in close coordination with the Department of Public Works and Highways (DPWH), Department of Environment and Natural resources (DENR), local government units (LGUs), irrigators' associations, and other appropriate agencies, 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; and
- d. Power generation;

SECTION 8. Congressional Oversight Committee – A Joint Congressional Oversight Committee to oversee the implementation of this Act shall be constituted immediately upon the effectivity of this Act. The Committee shall be composed of the Chairman of the Senate Committee on Social Justice, Welfare and Rural Development and five (5) members thereof appointed by the Senate President; and the Chairman of House Committee on Rural Development, and five (5) members thereof to be appointed by the Speaker of the House of Representatives.

The Congressional Oversight Committee, on the third (3rd) year upon the effectivity of this Act, shall conduct a comprehensive review and assessment of the implementation of this Act. The Congressional Oversight Committee shall also make the necessary recommendations relative to the implementation of this Act.

SECTION 9. Report to Congress – The National Irrigation Administration (NIA), through the Congressional Oversight Committee, shall submit annual report to Congress on the implementation of this Act.

SECTION 10. Implementing Rules and Regulations – Upon consultation with stakeholders, the Secretary of the Department of Agriculture (DA) shall promulgate the Implementing Rules and Regulations of this Act within sixty (60) days after its effectivity.

The Secretary of Department of Agriculture shall submit to the Senate Committee on Social Justice, Welfare and Rural Development and the House Committee on Rural Development copies of the Implementing Rules and Regulations within thirty (30) days after their promulgation.

SECTION 11. Separability Clause – If for any reason, any section or provision of this Act is declared null and void, no other section, provision, or part thereof shall be affected and the same shall remain in full force and effect.

SECTION 12. *Repealing Clause* – All laws, executive orders and issuances, or any part thereof, which *are* inconsistent herewith are hereby repealed or amended accordingly.

SECTION 13. *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.