

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

House Bill No. **3849**



Introduced by Hon. Anthony Bravo and Hon. Cresente C. Paez
COOP-NATCCO Partylist

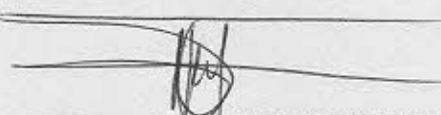
EXPLANATORY NOTE

The National Irrigation Administration (NIA) is a government-owned and controlled corporation primarily responsible for irrigation development and management. The NIA's functions include the planning, designing, construction, and improvement of all types of irrigation projects. It is also tasked to operate, maintain, and administer all national irrigation systems.

The NIA is allowed to charge Irrigation Service Fees or ISFs in exchange for the service of providing irrigation to farmers depending on the size of the farmland. The ISFs were abolished by deposed President Joseph Estrada when he delivered his first State of the Nation Address in 1998 but was later revised when NIA asked the adoption of a socialized irrigation fee system, mandated by Administrative Order No. 17 of August 1998. The ISFs are intermittently imposed and lifted especially in times of calamities when it is unreasonable to impose additional fees on farmers.

However, there is a need to change the status quo. Irrigation is a very basic governmental function that can very easily be shouldered by the state. It does not have to be passed on to farmers. Considering that irrigation is a key factor in increasing agricultural productivity, funding it will go a long way in ensuring adequate food supply and the early recovery of the principal means of livelihood of people in disaster-hit and poverty-stricken areas. This bill seeks the abolition of the ISF and to make irrigation services free for all farmers.

The early passage of this bill is thus earnestly requested.


HON. ANTHONY M. BRAVO


HON. CRESENTE C. PAEZ

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1 **AN ACT AMENDING CERTAIN PROVISIONS OF THE CHARTER OF THE**
2 **NATIONAL IRRIGATION ADMINISTRATION TO ABOLISH THE**
3 **IRRIGATION SERVICE FEES IMPOSED ON FARMERS**

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

4 SECTION 1. *Repeal of certain provisions of the Charter of the National Irrigation*
5 *Administration.* – The following provisions that grant the National Irrigation Administration the
6 power to levy irrigation fees are hereby repealed:

7 a. Republic Act 3601, Section 2, paragraph c

8 [The NIA shall have the following powers and objectives: (c) To collect
9 from the users of each irrigation system constructed by it such fees as may be
10 necessary to finance the continuous operation of the system and to reimburse
11 within a certain period not less than 25 years the cost of construction thereof.]

12 b. Presidential Decree (PD) 552, Section 1, paragraph b:

13 [The NIA shall have the following powers and objectives:
14 (b) To charge and collect from the beneficiaries of the water from all irrigation
15 systems constructed by or under its administration, such fees or administrative
16 charges as may be necessary to cover the costs of operation, maintenance, and to
17 recover the cost of construction within a reasonable period of time to the extent
18 consistent with government policy.]

19 c. PD 1702, Section 1 paragraph b:

20 [(b) Operating capital - All amounts collected by the National Irrigation
21 Administration as irrigation fees, administration charges, drainage fees,
22 equipment rentals, proceeds from the sale of unserviceable equipment and

1 materials, sale of all reparation goods allocated to the defunct irrigation service
2 unit and the National Irrigation Administration, all other income shall be added to
3 its operating capital.]

4 SECTION 2. *Separability Clause.* - If any provision of this Act or the application of such
5 provision to any person or circumstance is declared invalid, the remainder of the Act or the
6 application of such provision to other persons or circumstances shall not be affected by such
7 declaration.

8 SECTION 3. *Repealing Clause.* - Any law, presidential decree or issuance, executive
9 order, letter of instruction, administrative order, rule, or regulation contrary to or inconsistent
10 with this Act, or may be construed, either expressly or impliedly, to grant the National Irrigation
11 Administration the power to levy any kind of irrigation fee or other kind of monetary imposition,
12 is hereby repealed, modified, or amended accordingly.

13 SECTION 4. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its
14 publication in at least two (2) newspapers of general circulation.

Adopted,