

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila



SIXTEENTH CONGRESS

Second Regular Session

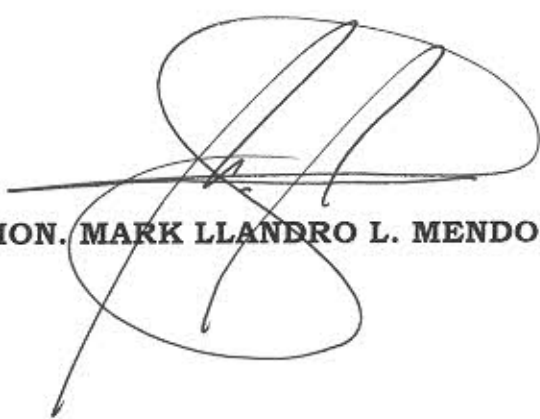
HOUSE BILL NO. **4866**

Introduced by Honorable Mark Llandro L. Mendoza

Irrigation is a crucial aspect of the agricultural sector especially in mitigating the adverse effects of climate change on crop production. Also, it plays a vital role in ensuring sustainability of agriculture and complements our quest to attain food security for the population. Thousands of Filipino farmers rely on the irrigation system of the National Irrigation Administration (NIA). However, farmers are compelled to pay the Irrigation Service Fees (ISF) imposed by NIA in availing the facilities operated and maintained by the agency and the Irrigators Association. Farming has become less lucrative for small farmers because of several factors affecting crop productivity, including destructive effects of harsh weather conditions, pest outbreak, increasing price of farm inputs, and mandatory fees for the irrigation services.

Our pursuit for genuine development of the Philippine agriculture must include the alleviation of burdens of our farmers. We must liberate farmers from the cost of availing public irrigation services. NIA's irrigation facilities are government services which must be provided free of charge. Efficient irrigation service at no cost is an essential agricultural support to Filipino tillers. This proposed measure therefore seeks to abolish the Irrigation Service Fees imposed by the National Irrigation Administration by amending the agency's charter and all other laws that mandate the levying of ISF.

In view of this, the passage of this proposed measure is hereby earnestly sought.


HON. MARK LLANDRO L. MENDOZA

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**“AN ACT AMENDING CERTAIN SECTIONS OF REPUBLIC ACT NO. 3601,
PRESIDENTIAL DECREE NO. 552 AND PRESIDENTIAL DECREE NO. 1702
TO ABOLISH THE IRRIGATION SERVICE FEES IMPOSED BY THE
NATIONAL IRRIGATION ADMINISTRATION**

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

**SECTION 1. *Repeal of Section 2, Paragraph (c) of Republic Act No.
3601 entitled “An Act Creating the National Irrigation Administration:***

“Section 2. Powers and objectives. The NIA shall have the following
powers and objectives:

x x x x

- (b) To collect from the users of each irrigation system
constructed by it such fees as may be necessary to finance
the continuous operation of the system and reimburse
within a certain period not less than twenty-five years
the cost of construction thereof;

x x x x

SECTION 2. *Repeal of Section 1, Paragraph (b) of Presidential Decree (PD) No. 552 entitled "Amending Certain Sections of Republic Act Numbered Thirty-Six Hundred and One, Entitled, "An Act Creating the National Irrigation Administration:*

Section 1. Section 2, Republic Act Numbered Thirty-Six Hundred and one, is hereby amended to read as follows:

"Section 2. Powers and Objectives. – The NIA shall have the following powers and objectives:

x x x x

- (b) To charge and collect from the beneficiaries of the water from all irrigation systems constructed by or under its administration charges as may be necessary to cover the cost of operation, maintenance and insurance, and to cover the cost of construction within a reasonable period of time to the extent consistent with government policy; to recover funds or portions thereof expended for the construction and/or rehabilitation of communal irrigation systems which funds shall accrue to a special fund for irrigation development under section 2 hereof; Unpaid irrigation fees or administration charges shall be preferred liens, first, upon the land benefited, and then on the crops raised thereon, which liens shall have preference over all other liens except from taxes on the land, and such preferred liens shall not be removed until all fees or administration charges are paid or the property is levied upon and sold by the National Irrigation Administration for the satisfaction thereof. Judicial actions for the collection of unpaid irrigation fees or charges, drainage fees or other charges which the National Irrigation Administration is authorized to impose and collect, shall henceforth be governed by the provisions of the Rules of the Court of the Philippines for

SECTION 3. Repeal of Section 1, Paragraph (b) of Presidential Decree No. 1702 entitled, "Amending Section 3 of Republic Act No. 3601, As Amended by Presidential Decree No. 552:

"Section 3 of Republic Act No. 3601, as amended by Section 3, presidential Decree No. 552, is hereby amended to read as follows:

X X X X

- (b) Operating capital – All amounts collected by the National Irrigation Administration as irrigation fees, administration charges, drainage fees, equipment rentals, proceeds from the sale of unserviceable equipment and materials, sale of all reparation goods allocated to the defunct Irrigation Service Unit and the National Irrigation Administration, and all other income shall be added to its operating capital.

The National Irrigation Administration is hereby authorized to impose as an administration and engineering overhead charge, 5% of the total cost of projects undertaken by it, which shall likewise form part of its operating capital.

SECTION 4. *Separability Clause.* - If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision thereof shall remain valid and subsisting.

SECTION 5. *Repealing Clause.* - Any law, presidential decree, issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

SECTION 6. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette.

Approved.