

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

NINETEENTH CONGRESS
First Regular Session

House Bill No. 2839



Introduced by Rep. Dante Sotelo Garcia

EXPLANATORY NOTE

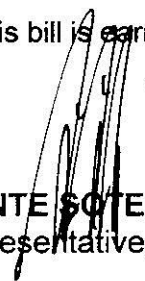
Growth in the agricultural sector has been often coined as an effective measure that is utilized for poverty reduction. In fact, proper food security initiatives increase the ability of countries to develop their agricultural sectors and to protect the overall health of one's economy. With this, successful food security programmes would not only be able to give aid toward rural populations but also would result to ample opportunities to market their goods for the purposes of improving their quality of life.

In case of the Philippines, Republic Act No. 6657 otherwise known as the Comprehensive Agrarian Reform Law of 1998 is a prime example of legislation that aims to address food and security. Under the said Act, farmers are expected to own land which they would then utilize not only as a mean to provide food for their families but also their fellow citizens. However, the same law allows for the conversion of the agricultural land should the land cease to be served its purpose, or in some cases those lands are converted into residential, commercial and industrial sites.

As a result, agricultural lands as well as irrigated and irrigable lands have been greatly affected by such conversions. This then results to lower productivity and in extreme cases landlessness for our farmers. An absolute threat to food security.

In light of this, this bill aims to protect and maintain the prime agricultural lands together with irrigated and irrigable lands aiming to address our country's concerns on food security and protection of our farmers.

In view of the foregoing, the approval of this bill is earnestly sought.


DANTE SOTELO GARCIA
Representative, 2ND District La Union

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**AN ACT PENALIZING THE CONVERSION OR CAUSING THE CONVERSION OF
IRRIGATED AND IRRIGABLE LANDS, AMENDING FOR THE PURPOSE
REPUBLIC ACT NO. 6657, AS AMENDED, OTHERWISE KNOWN AS THE
COMPREHENSIVE AGRARIAN REFORM LAW OF 1998**

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

SECTION 1. Section 73 of Republic Act No. 6657, as amended, is hereby further amended to read as follows:

“SEC 73. Prohibited Acts and Omissions. - The following are prohibited:

“xxx

“(i) The undue delay in the compliance with the obligation to certify or attest and/or falsification of the certification or attestation as required under Section 7 of Republic Act No. 6657, as amended; [and]

**“(J) THE ACTUAL PHYSICAL OR LEGAL CONVERSION OR CAUSING THE
PHYSICAL OR LEGAL CONVERSION OF IRRIGATED AND IRRIGABLE LANDS BY:**

**“(1) ANY PERSON WHO DIRECTLY AND INDIRECTLY PARTICIPATES IN
THE CONVERSION OF IRRGATED AND IRRGABLE LAND;**

**“(2) ANY PERSON WHO DIRECTLY AND INDIRECTLY INDUCES THE
LANDOWNERS OR FARMWORKER IN THE CONVERSION OF IRRIGATED AND
IRRIGABLE LAND;**

**“(3) ANY PERSON WHO APPLIES FOR AND FACILITATES THE
APPLICATION FOR CONVERSION;**

**“(4) ANY PERSON WHO FACILITATES THE APPLICATION AND
ISSUANCE OF CLEARANCES AND OTHER DOCUMENTS NECESSARY FOR
CONVERSION;**

**“(5) ANY PERSON WHO APPROVES AND CAUSE FOR THE APPROVAL
OF THE APPLICATION FOR CONVERSION; AND**

**“(6) ANY PERSON WHO DIRECTLY AND INDIRECTLY BENEFITTED
FROM THE CONVERSION.**

“FOR THE PURPOSE OF THIS SECTION, IRRIGATED LANDS REFER TO LAND SERVICED BY NATURAL IRRIGATION OR IRRIGATION FACILITIES, AS DELINEATED BY THE DEPARTMENT OF AGRICULTURE OR THE NATIONAL IRRIGATION ADMINISTRATION, WHICH INCLUDE LANDS WHERE WATER IS NOT READILY AVAILABLE AS EXISTING IRRIGATION FACILITIES NEED REHABILITATION OR UPGRADING, OR WHERE IRRIGATION WATER IS NOT AVAILABLE YEAR-ROUND.

“IRRIGABLE LANDS REFER TO LANDS SUITABLE FOR THE CONDUCT OF AGRICULTURAL ACTIVITIES WHICH REQUIRE IRRIGATION AND DISPLAY PHYSICAL FEATURES JUSTIFYING THE OPERATION OF AN IRRIGATION SYSTEM, AND WHICH POSSESS AT LEAST ONE OF THE FOLLOWING QUALITIES:

“(I) PHYSICAL FEATURES WHICH SHOW AN INHERENT POTENTIAL FOR THE DEVELOPMENT OF AN IRRIGATION SYSTEM, SUCH AS SOIL DEPTH, SOIL TEXTURE, FIELD TERRAIN, SLOPE, AND OTHER RELEVANT CHARACTERISTICS;

“(II) POTENTIAL FOR QUALITY WATER SUPPLY WHICH MAY BE SOURCED THROUGH A DISTRIBUTION SYSTEM;

“(III) PART OF A SERVICEABLE AREA WHICH IS WITHIN AN ACTUAL AND FUNDED IRRIGATION SYSTEM, OR WHICH MAY BE SERVICED WITH EXISTING AND OPERATING IRRIGATION FACILITIES;

“(IV) SITUATED WITHIN AN AREA WHERE THE APPROVED OR ADOPTED LAND USE PLAN BY THE CONCERNED LOCAL GOVERNMENT UNIT FOR SURROUNDING OR CONTIGUOUS LANDHOLDINGS WHICH ALLOWS THE CONDUCT OF AGRICULTURAL ACTIVITIES; AND

“(V) PRESENCE OF AFFECTED QUALIFIED FARMER-BENEFICIARIES, TENANTS OR LESSEES WILLING TO TILL THE LAND AND RAISE CROPS THEREIN; AND

“[(j)] (K) Any other culpable neglect or willful violations of the provisions of this Act.

“xxx.”

SEC. 2. Section 74 of Republic Act No. 6657, as amended, is hereby further amended to read as follows:

“SEC. 74 Penalties. – Any person who knowingly or willfully violates the provisions of this Act shall be punished by imprisonment of not less than one (1) month to not more than three (3) years or a fine of not less than one thousand pesos (P1,000.00) and not more than Fifteen thousand pesos (P15,000.00), or both, at the discretion of the court: *Provided*, That the following corresponding penalties shall be imposed for the specific violations hereunder:

“xxx

“(b) Imprisonment of six (6) Years and one (1) day to twelve (12) years or a fine of not less than Two hundred thousand pesos (P200,000.00) and not more than One million pesos (P1,000,000.00), or both, at the discretion of the court upon any person who violates Section 73, subparagraphs (c), 9d), (e), [and] (i), **AND (J) of Republic Act No. 6657, as amended.**

“xxx

“IF THE OFFENDER IS A PUBLIC OFFICER, THE OFFENDER SHALL SUFFER THE ADDITIONAL PENALTIES OF REMOVAL FROM OFFICE AND PERPETUAL, ABSOLUTE DISQUALIFICATION TO HOLD PUBLIC OFFICE.”

SEC. 3. All laws, acts, decrees, executive orders, issuances, and rules and regulations or parts thereof which are contrary to and inconsistent with this Act are hereby repealed, amended, or modified accordingly.

SEC. 4. This Act shall take effect fifteen (15) days following its publication in the *Official Gazette* or in any newspaper of general circulation.

Approved,