

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

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. **5762**



Introduced by Representative LEILA M. DE LIMA

AN ACT
PROHIBITING THE CONVERSION OF IRRIGATED AND IRRIGABLE
AGRICULTURAL LANDS FOR NON-AGRICULTURAL USES, AMENDING FOR
THIS PURPOSE SECTION 20 OF REPUBLIC ACT NO. 7160, OTHERWISE
KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991

EXPLANATORY NOTE

In the Philippines, rapid urbanization has started posing problems to the country's agriculture sector, with the increasing unregulated conversions of agricultural lands.

According to records of the Department of Agrarian Reform (DAR), 98,939 hectares of land were approved for conversion from 1988 to 2016 while 120,381 hectares were approved for exemption from land reform coverage.¹ Worse, according to the National Irrigation Administration (NIA), about "165,000 hectares of irrigated prime agricultural land" are converted for other uses annually.² Other sources and evidence from the ground claim higher numbers and point to an alarming number of illegal conversions, with some even involving big real estate corporations. These illegal conversions violate the social and economic rights of farming and fishing communities affected by such conversions.³

The unregulated conversion of agricultural lands for non-agricultural uses in the country poses serious threats to the country's food security, environmental sustainability, and rural development.

¹ IBON Foundation. (27 April 2017). Addressing the rampage of land use conversion. Retrieved from <https://www.ibon.org/addressing-the-rampage-of-land-use-conversion/>.

² Ibid.

³ Ibid.

This bill amends Section 20 of Republic Act 7160, or the Local Government Code of 1991, to better regulate agricultural land conversion through imposing stricter conditions to be met before land reclassification may be permitted.

In the 20th Congress, similar bills have been filed by Senator Francis “Kiko” Pangilinan in the Senate and Representative Nathaniel Oducado and Representative Jan Rurik Padiernos in the House. This bill fully adopts Senator Pangilinan’s bill.

Early approval of this measure is requested.



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

1 SECTION. 1. *Short title.* – This Act shall be known as “*The Agricultural Land*
2 *Conversion Ban Act.*”

3
4 SEC. 2. *Declaration of Policies.* – The conversion of agricultural lands to non-
5 agricultural uses shall be governed by the following policies:

- 6
7 1. The State shall preserve irrigated and irrigable agricultural lands to
8 ensure food security;
- 9 2. The State shall ensure that all sectors of the economy and all regions of
10 the country are given optimum opportunity to develop, through the
11 rational and sustainable use of resources peculiar to each area, in order
12 to maximize agricultural productivity, to promote efficiency and equity,
13 and to accelerate the modernization of the agriculture sector of the
14 country; and
- 15 3. Conversion of agricultural lands to non-agricultural uses shall be strictly
16 regulated and may be allowed only when conditions prescribed herein
17 are present and complied with.
- 18

19 SEC. 3. *Definition of Terms.* – As used in this Act, the following terms are
20 defined as follows:

1 (a) *Agricultural land* refers to land devoted to or suitable for the cultivation
2 of the soil, planting of crops, growing of trees, raising of livestock, poultry,
3 fish, or aquaculture production, including the harvesting of such farm
4 products and other farm activities and practices performed in conjunction
5 with such farming operations by persons whether natural or juridical and
6 not classified for residential, commercial, industrial, or other non-
7 agricultural uses;

8
9 (b) *Irrigable land* refers to land displaying marked characteristics justifying
10 the operation of an irrigation system;

11
12 (c) *Irrigated land* refers to land serviced by natural irrigation or irrigation
13 facilities. This includes lands where water is not readily available
14 because existing irrigation facilities need rehabilitation or upgrading or
15 where irrigation water is not available year-round.

16
17 (d) *Land use conversion* refers to the act or process of changing the current
18 physical use or a piece of agricultural land into some other use other
19 than the cultivation of the soil, planting of crops, growing of trees,
20 including harvesting of produce therefrom, as approved by the
21 Department of Agrarian Reform (DAR).

22
23 SEC. 4. *Scope of the Agricultural Land Conversion.* – All irrigated and irrigable
24 agricultural lands planted but not limited to rice, corn, crops, sugar, coconut,
25 vegetables, and fruit trees blocked and mapped according to standards by the Bureau
26 of Soil and Water Management shall not be converted into non-agricultural uses.

27
28 SEC. 5. *Amendments to Republic Act No. 7160.* – Section 20 of Republic Act
29 No. 7160, otherwise known as the “Local Government Code of 1991”, is hereby
30 amended to read, as follows:

31
32 “Sec. 20. Reclassification of Lands. – (a) A city or municipality may, through an
33 ordinance passed by the *Sanggunian* after conducting public hearings for the
34 purpose, authorize the reclassification of agricultural lands and provide for the
35 manner of their utilization or disposition in the following cases: (1) when the
36 land ceases to be economically feasible and sound for agricultural purposes as
37 determined by the Department of Agriculture (DA) ~~[or]~~; (2) where the land shall
38 have substantially greater economic value for residential, commercial, or
39 industrial purposes as determined by the *Sanggunian* concerned~~[;]~~; **OR (3)**
40 **WHEN THE LAND IS NOT IRRIGATED OR IRRIGABLE AND NOT**
41 **INCLUDED AMONG AGRICULTURAL LANDS IDENTIFIED BY**
42 **ADMINISTRATIVE ORDER (AO) 20, SERIES OF 1992, AS NON-**
43 **NEGOTIABLE FOR CONVERSION, AS IDENTIFIED BY THE DA:**
44 **PROVIDED, THAT PRIOR TO THE ENACTMENT OF AN ORDINANCE**

RECLASSIFYING AGRICULTURAL LANDS, THE SANGGUNIAN CONCERNED MUST FIRST SECURE THE FOLLOWING CERTIFICATES FROM THE NATIONAL GOVERNMENT AGENCIES (NGAs) CONCERNED:

(1) A CERTIFICATION FROM THE DA INDICATING:

- A. THE TOTAL AREA OF EXISTING AGRICULTURAL LAND IN THE LOCAL GOVERNMENT UNIT (LGU) CONCERNED;
- B. THAT SUCH LANDS ARE NOT INCLUDED AMONG THOSE CLASSIFIED AS NON-NEGOTIABLE FOR CONVERSION OR RECLASSIFICATION UNDER AO 20, SERIES OF 1992; AND
- C. THAT THE LAND HAS CEASED TO BE ECONOMICALLY FEASIBLE FOR AGRICULTURAL PURPOSES;

(2) A CERTIFICATION FROM THE DAR THAT SUCH LANDS ARE NOT DISTRIBUTED OR PROGRAMMED FOR DISTRIBUTION TO AGRARIAN REFORM BENEFICIARIES; AND

(3) A CERTIFICATION FROM THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR) INDICATING THAT THE PROPOSED RECLASSIFICATION IS ECOLOGICALLY SOUND.

PROVIDED, FURTHER, THAT THE FAILURE OF SAID NGAs TO ACT ON PROPER AND COMPLETE APPLICATION FOR SUCH CERTIFICATIONS WITHIN THREE (3) MONTHS FROM RECEIPT OF THE SAME SHALL BE DEEMED AS APPROVAL THEREOF, AND, *Provided, FURTHERMORE*, That such reclassification shall be limited to the following percentage of the existing agricultural area, at the time of the passage of the ordinance:

- (1) X X X
- (2) X X X
- (3) X X X

(b) x x x

(c) The local government units shall, in conformity with existing laws, continue to prepare their respective comprehensive land use plans enacted through the zoning ordinances which shall be the primary and dominant bases for the future use of land resources: *Provided*, That **SECTION 4 OF THE AGRICULTURAL LAND CONVERSION BAN ACT** AND the requirements for food production, human settlements, and industrial expansion shall be taken into consideration in the preparation of such plans.

~~(d) [When approval by a national agency is required for reclassification, such approval shall not be unreasonably withheld. Failure to act on a proper and complete application for reclassification within three (3) months from receipt of the same shall be deemed as approval hereof.]~~ **NOTHING IN THIS**

1 **SECTION SHALL BE CONSTRUED AS REPEALING, AMENDING, OR**
2 **MODIFYING IN ANY MANNER THE PROVISIONS OF R.A. NO. 6657,**
3 **OTHERWISE KNOWN AS THE COMPREHENSIVE AGRARIAN REFORM**
4 **LAW OF 1988 AND OF R.A. NO. 9700, OTHERWISE KNOWN AS THE**
5 **COMPREHENSIVE AGRARIAN REFORM PROGRAM EXTENSION WITH**
6 **REFORMS.**

7 ~~[(e) Nothing in this Section shall be construed as repealing, amending, or~~
8 ~~modifying in any manner the provisions of R.A. No. 6657.]”~~

9
10 SEC. 6. *Penalties* – Any person found to have violated the provisions of this Act
11 shall be punished by imprisonment of not less than six (6) years and a fine of not less
12 than One Hundred Fifty Thousand Pesos (P150,000.00) but not more than Three
13 Hundred Thousand Pesos (P300,000.00).

14
15 If the conversion has been completed or irreversible, the building or
16 infrastructure shall be confiscated by the State. The confiscated property shall be
17 turned over to the local government with jurisdiction for public use or for public auction.

18
19 If the violator of this Act is a corporation, partnership, or any other juridical entity,
20 the penal provisions hereof shall be applied to the president or chief executive officer
21 of the corporation, the managing partner in the case of a partnership, or the equivalent
22 head in the case of any juridical entity, or any other person acting in their behalf. In the
23 case of corporations, the indictment shall include the manager of the department
24 responsible for the construction or conversion.

25
26 If the violator is a government official, the additional penalty of permanent
27 disqualification from employment in the government or any of its subdivisions,
28 instrumentality, or government-owned or controlled corporations (GOCCs) shall be
29 imposed.

30
31 Any person who evicts a farmer tilling an agricultural land to make it appear that
32 the land has no present tiller or occupant or who changes the crop of the land to make
33 it appear that the land is not devoted to rice, corn, and other staple food, shall be
34 punished with an imprisonment of not less than one (1) year but not more than three
35 (3) years.

36
37 SEC. 7. *Implementing Rules and Regulations.* – The DA, in consultation with
38 the DAR and the DENR, shall formulate the implementing rules and regulations of this
39 Act within ninety (90) days after its approval. Such rules and regulations shall take
40 effect fifteen (15) days after its publication in a newspaper of general circulation in the
41 Philippines.

1 SEC. 8. *Separability Clause*. – If any provision of this Act is declared invalid or
2 unconstitutional, the provisions not affected thereby shall continue to be in full force
3 and effect.

4
5 SEC. 9. *Repealing Clause*. – All laws, executive orders, presidential decrees,
6 presidential proclamations, letters of instruction, rules and regulations or parts thereof
7 inconsistent with the provisions of this Act are hereby repealed, modified, or amended
8 accordingly.

9
10 SEC. 10. *Effectivity*. – This Act shall take effect fifteen (15) days following its
11 publication in the Official Gazette or in at least two (2) newspapers of general
12 circulation in the Philippines.

Approved,