

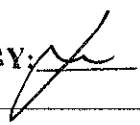
FIFTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)



Senate
Office of the Secretary

'11 JAN 24 P4:07

SENATE
S. No. 2647

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

In the case of *Fortich v. Corona*,¹ the Supreme Court ruled that local government units (LGUs) do not need the prior approval of the Department of Agrarian Reform (DAR) to reclassify lands from agricultural to non-agricultural use. However, the law also provides that the power of LGUs to reclassify lands shall not affect agricultural lands distributed to agrarian reform beneficiaries.² In the recent case of *CREBA v. Secretary of Agrarian Reform*,³ the Supreme Court upheld the power of the Secretary of Agrarian Reform to ban the conversion of lands into commercial use.

Section 20 of the Local Government Code vests on the LGU the authority to approve land reclassification, which is a pre-requisite to conversion. In order to prevent misunderstanding between LGU and the DAR, the local Sanggunian must be guided by correct information from both the Department of Agriculture (DA) and the DAR on the land subject to a reclassification proceeding.

This bill seeks to amend section 20 of the Local Government Code by requiring the certification of both the DA and the DAR before a land reclassification application can be granted. Such amendment rationalizes the land conversion application process and upholds the priority of the National Government to provide food security to our people.⁴


MIRIAM DEFENSOR SANTIAGO

¹ 298 SCRA 678 (1998).

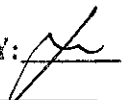
² Local Government Code, Sec. 20 (a).

³ G.R. No. 183409, 18 June 2010.

⁴ This bill is the counterpart bill of House Bill No. 35 by Rep. Rodolfo W. Antonino.

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1 AN ACT
2 TO PROTECT ALL AGRICULTURAL LANDS FROM INDISCRIMINATE LAND
3 CONVERSION, AMENDING SECTION 20 OF REPUBLIC ACT NO. 7160, OTHERWISE
4 KNOWN AS LOCAL GOVERNMENT CODE, FOR THIS PURPOSE

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

5 SECTION 1. *Short Title.* – This Act shall be known as the “Land Reclassification
6 Diligence Act of 2011.”

7 SECTION 2. *Amendments to Republic Act No. 7160.* – Section 20 of Republic Act No.
8 7160, otherwise known as the Local Government Code, is hereby amended to read as follows:

9 SEC. 20. *Reclassification of Lands.* – (a) A city or municipality may, through an
10 ordinance passed by the sanggunian after conducting public hearings for the purpose, authorize
11 the reclassification of agricultural lands and provide for the manner of their utilization or
12 disposition in the following cases: (1) when the land ceases to be economically feasible and
13 sound for agricultural purposes as certified by the Department of Agriculture AND; (2) WHEN
14 THE LAND IS NOT IDENTIFIED AS SUBJECT TO AGRARIAN REFORM OR HAS BEEN
15 DISTRIBUTED TO AGRARIAN REFORM BENEFICIARIES AS CERTIFIED TO BY THE
16 DEPARTMENT OF AGRARIAN REFORM; Provided, That such reclassification shall be
17 limited to the following percentage of the total agricultural land area at the time of the passage of
18 the ordinance:

19 (1) For highly urbanized and independent component cities, fifteen percent (15%);

20 (2) For component cities and first to third class municipalities, ten percent (10%);

21 and

1 (3) For fourth to sixth class municipalities, five percent (5%): Provided, further, That
2 agricultural lands distributed to agrarian reform beneficiaries pursuant to Republic
3 Act Numbered Sixty-six hundred fifty-seven (R.A. No. 6657), otherwise known
4 as "The Comprehensive Agrarian Reform Law," shall not be affected by the said
5 reclassification and the conversion of such lands into other purposes shall be
6 governed by Section 65 of said Act.

7 SECTION 3. *Repealing Clause.* – All laws, decrees, orders, rules and regulations or parts
8 thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified
9 accordingly.

10 SECTION 4. *Effectivity Clause.* – This Act shall take effect after fifteen (15) days
11 following its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,

/apmj011211