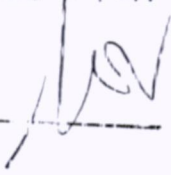


SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

'17 MAY 22 11:41

SENATE

RECEIVED BY: 

S. No. 1464

Introduced by Senator Ralph G. Recto

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

Land and soil resources, particularly those devoted to agricultural uses, are important resources of the country because they are directly related to food production.¹ Of the Philippines' land area of roughly 30 million hectares, 9.7 million are considered agricultural. Unfortunately, sustainable land use for food production is under threat due to massive conversion of these lands for non-agricultural uses – a key contributor for food insecurity and rising costs of basic commodities in recent years.

The rampant conversion of prime agricultural land which is partly propelled by rapid urbanization and population growth, is a serious threat to the sustainability of a primarily agricultural economy like that of our country. A number of agricultural lands that are critical to food production have been transformed into subdivisions, commercial centers, golf courses and export processing zones, among others. According to the Department of Agrarian Reform (DAR), a total of 97,592.5 hectares of agricultural land—the size of Metro Manila and Cebu City were approved for conversion to non-agricultural purposes from 1988 (when the Comprehensive Agrarian Reform Law took effect) to 2016.² And of the approved conversion applications in DAR regional offices over the same period, 80.6 percent of the land is in Luzon, with the provinces of Cavite, Laguna, Batangas, Rizal and Quezon (Calabarzon) taking up more than a quarter of the total.³ Visayas accounted for 7.8 percent and Mindanao, 11.6 percent.⁴ For the past 28 years since 1988, DAR regional offices approved a total of 40,308.8 hectares while the national office approved 57,283.7 hectares for land conversions.⁵ Pending applications for conversion, agricultural land reclassified by local government units and illegally converted lands are not yet included in the above-cited figures.

It is disheartening that this caused the displacement of our farmers and effectively destroyed their livelihood which immensely contributed to the increase of landlessness and

¹ National Statistical Coordination Board. (1998). Philippine Asset Accounts: Forest, Land/Soil, Fishery, Mineral, and Water Resources. Retrieved from <http://psa.gov.ph/sites/default/files/assetaccount.pdf>

² Kabildo, Jinky et. al. (March 1, 2017). Many farms lost to land conversion. *Philippine Daily Inquirer*. Retrieved from <http://newsinfo.inquirer.net/876377/many-farms-lost-to-land-conversion>

³ *ibid.*

⁴ *ibid.*

⁵ *ibid.*

unemployment in the countryside. It has disrupted the ecological balance of our environment which could impact on local climate change and imminent water crisis.

Thus, consistent with the policy of the State to ensure the availability, adequacy, accessibility of food supplies to every Filipino at all times and to promote food security particularly rice supply, this bill imposes a ban on agricultural land conversion on all irrigated and irrigable lands in the country.

This bill seeks to arrest the irresponsible and indiscriminate conversion of irrigated and irrigable agricultural lands into residential, commercial, industrial and other zones by prohibiting its conversion. It also seeks to amend Section 20 of the Local Government Code by requiring additional approval from the Department of Agriculture, Department of Agrarian Reform, Department of Environment and Natural Resources and local government units before a land conversion application can be granted. Such amendment would rationalize the land conversion process and uphold the priority of the government to provide food security to our people.

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



RALPH G. RECTO

/mabm

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THE LOCAL GOVERNMENT CODE OF 1991

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

1 **SECTION 1.** This Act shall be known as the "Agricultural Land Conversion Ban Act of
2 2017".

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

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

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

- 14 1. **Agricultural land** refers to land devoted to or suitable for the cultivation of the soil; planting
15 of crops, growing trees, raising of livestock, poultry, fish or aquaculture production,
16 including the harvesting of such farm products and other farm activities and practices
17 performed in conjunction with such farming operations by persons whether natural or
18 juridical, and not classified by law as mineral land, forest or timber, or national park, or
19 classified for residential, commercial, industrial or other non-agricultural uses;
- 20 2. **Irrigable land** refers to land displaying marked characteristics justifying the operation of an
21 irrigation system;
- 22 3. **Irrigated land** refers to land services by natural irrigation or irrigation facilities. This
23 includes lands where water is not readily available because existing irrigation facilities need
24 rehabilitation or upgrading or where irrigation water is not available year-round;
- 25 4. **Land use conversion** refers to the act or process of changing the current physical use of a
26 piece of agricultural land into some other use other than the cultivation of the soil, planting of

1 crops, growing of trees, including harvesting of produce therefrom, as approved by the
2 Department of Agrarian Reform (DAR).

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

7 **SEC. 5. Amendments to Republic Act 7160.** – Section 20 of Republic Act 7160, otherwise
8 known as the Local Government Code of 1991 is hereby amended to read as follows:

9 “Sec. 20. Reclassification of Lands. – (a) A city or municipality may, through an ordinance
10 passed by the *sanggunian* after conducting public hearings for the purpose, authorize the
11 reclassification of agricultural lands and provide for the manner of their utilization or disposition
12 in the following cases: (1) when the land ceases to be economically feasible and sound for
13 agricultural purposes as determined by the Department of Agriculture (DA) [or]; (2) where the
14 land shall have substantially greater economic value for residential, commercial, or industrial
15 purposes, as determined by the *sanggunian* concerned [:] ; OR (3) WHEN THE LAND IS NOT
16 IRRIGATED OR IRRIGABLE AND NOT INCLUDED AMONG AGRICULTURAL LANDS
17 IDENTIFIED BY ADMINISTRATIVE ORDER (AO) 20, SERIES OF 1992, AS NON-
18 NEGOTIABLE FOR CONVERSION, AS IDENTIFIED BY THE DEPARTMENT OF
19 AGRICULTURE (DA): *PROVIDED*, THAT PRIOR TO THE ENACTMENT OF AN
20 ORDINANCE RECLASSIFYING AGRICULTURAL LANDS, THE *SANGGUNIAN*
21 CONCERNED MUST FIRST SECURE THE FOLLOWING CERTIFICATES FROM THE
22 NATIONAL GOVERNMENT AGENCIES (NGAs) CONCERNED:

- 23 (1) A CERTIFICATION FROM THE DA INDICATING:
24 A. THE TOTAL AREA OF EXISTING AGRICULTURAL LAND IN THE LOCAL
25 GOVERNMENT UNIT (LGU) CONCERNED;
26 B. THAT SUCH LANDS ARE NOT INCLUDED AMONG THOSE CLASSIFIED
27 FOR CONVERSION OR RECLASSIFICATION UNDER AO 20, SERIES OF 1992;
28 *AND*
29 C. THAT THE LAND HAS CEASED TO BE ECONOMICALLY FEASIBLE FOR
30 AGRICULTURAL PURPOSES;
31 (2) A CERTIFICATION FROM THE DAR THAT SUCH LANDS ARE NOT
32 DISTRIBUTED OR PROGRAMMED FOR DISTRIBUTION TO AGRARIAN
33 REFORM BENEFICIARIES; *AND*
34 (3) A CERTIFICATION FROM THE DEPARTMENT OF ENVIRONMENT AND
35 NATURAL RESOURCES (DENR) INDICATING THAT THE PROPOSED
36 RECLASSIFICATION IS ECOLOGICALLY SOUND.

37
38 *PROVIDED FURTHER*, THAT THE FAILURE OF SAID NGAS TO ACT ON
39 PROPER AND COMPLETE APPLICATION FOR SUCH CERTIFICATIONS WITHIN
40 THREE (3) MONTHS FROM RECEIPT OF THE SAME SHALL BE DEEMED AS
41 APPROVAL THEREOF. *And, Provided further* MORE, That such reclassification shall
42 be limited to the following percentage of the total existing agricultural area, at the time of
43 the passage of the ordinance:

44 “ (1) X X X

45 “(2) X X X

46 “(3) X X X

1 “(b) X X X

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

7 “(d) [When approval by a national agency is required for reclassification, such approval shall not
8 be unreasonably withheld. Failure to act on a proper and complete application for reclassification
9 within three (3) months from receipt of the same shall be deemed as approval hereof.]
10 NOTHING IN THIS SECTION SHALL BE CONSTRUED AS REPEALING, AMENDING,
11 OR MODIFYING IN ANY MANNER THE PROVISIONS OF R.A. NO. 6657, OTHERWISE
12 KNOWN AS THE COMPREHENSIVE AGRARIAN REFORM LAW OF 1998 AND OF R.A.
13 NO. 9700, OTHERWISE KNOWN AS THE COMPREHENSIVE AGRARIAN REFORM
14 PROGRAM EXTENSION WITH REFORMS .

15
16 **SEC. 6. Penalties.** – Any person found to have violated the provisions of this Act shall
17 be punished by imprisonment of not less than six (6) years and a fine of not less than One
18 Hundred Fifty Thousand Pesos (Php150,000.00) but not more than Three Hundred Thousand
19 Pesos (Php300,000.00).

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

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

29 If the violator is a government official, the additional penalty of permanent
30 disqualification from employment in the government or any of its subdivisions, instrumentality,
31 or government-owned or controlled corporations shall be imposed.

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

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

40 **SEC. 8. Separability Clause.** – If any part, section or provision of this Act is declared
41 invalid or unconstitutional, no other parts, sections or provisions hereof shall be affected thereby.

1 **SEC. 9. Repealing Clause.** – All laws, decrees, ordinances, rules, regulations, other
2 issuances or parts thereof which are inconsistent with this Act are hereby repealed or modified
3 accordingly.

4 **SEC. 10. Effectivity Clause.** – This Act shall take effect fifteen (15) days after its
5 complete publication in at least two (2) newspapers of general circulation or the *Official Gazette*.

Approved,