

SENATE

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Senate Bill No. 256

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Introduced by Senator FRANCIS N. PANGILINAN

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

EXPLANATORY NOTE

The Philippines has roughly 30 million hectares of land of which 9.7 million are considered agricultural.¹ Due to rapid urbanization and population growth, there is, unfortunately, a massive conversion of agricultural lands to subdivisions, commercial centers, golf courses and export processing zones, and other non-agricultural purposes that may impede the growth of the Philippine agriculture industry.

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 Said figures, however, do not include pending applications for conversion, agricultural land reclassified by local government units and illegally converted lands. 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 Since Calabarzon and Central Luzon are producers of big volumes of palay and other crops, these conversions seriously threatens food sufficiency and the sustainability of our agricultural economy.

“Because agriculture is almost always the least favored option when compared economically with major land developments, prime agricultural lands are very much

¹ Kabildo, Jinky, et al. (March 1, 2017). Many farms lost to land conversion. Philippine Daily Inquirer. Available at <https://newsinfo.inquirer.net/876377/many-farms-lost-to-land-conversion>. Accessed on 20 June 2019.

² Ibid.

³ Ibid.

⁴ Ibid.

⁵ Ibid.

prone to agricultural land use conversion.”⁶ This measure seeks to protect irrigated and irrigable agricultural lands by curbing their unbridled conversion to residential, commercial, industrial and other non-agricultural purposes. It amends Section 20 of Republic Act No. 7160, otherwise known as 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.

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



FRANCIS N. PANGILINAN

⁶ Senate Economic Planning Office. National Land Use Policy: Protecting Prime Agricultural Lands. Available at https://www.senate.gov.ph/publications/SEPO/PB_prime%20agri%20lands_final.pdf. Accessed on 20 June 2019.

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

1 **SECTION 1. Title.** - This Act shall be known as "*The Agricultural Land Conversion*
2 *Ban Act.*"

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
6 security;

7 2. The State shall ensure that all sectors of the economy and all regions of the country
8 are given optimum opportunity to develop, through the rational and sustainable
9 use of resources peculiar to each area, in order to maximize agricultural
10 productivity, to promote efficiency and equity, and to accelerate the
11 modernization of the agriculture sector of the country; and

12 3. Conversion of agricultural lands to non-agricultural uses shall be strictly
13 regulated and may be allowed only when conditions prescribed herein are present
14 and complied with.

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

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

9 2. ***Irrigable land*** refers to land displaying marked characteristics justifying the
10 operation of an irrigation system.

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

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

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

23 **SEC. 5. *Amendments to Republic Act No. 7160.*** – Section 20 of Republic Act 7160,
24 otherwise known as the Local Government Code of 1991 is hereby amended to read as
25 follows:

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

18 (1) A CERTIFICATION FROM THE DA INDICATING:

19 A. THE TOTAL AREA OF EXISTING AGRICULTURAL LAND IN
20 THE LOCAL GOVERNMENT UNIT (LGU) CONCERNED;

21 B. THAT SUCH LANDS ARE NOT INCLUDED AMONG THOSE
22 CLASSIFIED FOR CONVERSION OR RECLASSIFICATION UNDER AO
23 20, SERIES OF 1992; AND

24 C. THAT THE LAND HAS CEASED TO BE ECONOMICALLY
25 FEASIBLE FOR AGRICULTURAL PURPOSES;

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

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

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

13 (1) X X X

14 (2) X X X

15 (3) X X X

16 (b) x x x

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

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

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

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

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

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

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

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

26 **SEC. 7. Implementing Rules and Regulations.** - The DA, in consultation with the
27 DAR and the DENR, shall formulate the implementing rules and regulations of this Act

1 within ninety (90) days after its approval. Such rules and regulations shall take effect
2 fifteen (15) days after its publication in a newspaper of general circulation in the
3 Philippines.

4 **SEC. 8. *Separability Clause.*** - If any provision of this Act is declared invalid or
5 unconstitutional, the other provisions not affected by such declaration shall remain in full
6 force and effect.

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

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

Approved,