

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



HOUSE OF REPRESENTATIVES

H. B. No. 4360

Introduced by Rep. Vilma Santos-Recto
6th District of Batangas

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

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, 12.51 million² 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 food 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 2016.³ And of the approved conversion

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 The World Bank. (2016). *Agricultural Land (% of land area)*. Retrieved from <https://data.worldbank.org/indicator/AG.LND.AGRI.ZS>

³ Kabildo, Jinky et. al. (March 1, 2017). Many farms lost to land conversion. *Philippine Daily Inquirer*. Retrieved from

⁴ <http://newsinfo.inquirer.net/876377/many-farms-lost-to-land-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.⁴ Visayas accounted for 7.8 percent and Mindanao, 11.6 percent.⁵ 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.⁶ Pending applications for conversion, agricultural land reclassified by local government units and illegally converted lands are not yet included in the above-cited figures. In 2018, the Department of Agriculture (DA) showed that approximately 50,000 hectares of prime agricultural lands are lost to industrial and residential companies every year.⁷ Consequently, DAR issued Administrative Order No. 5, s. 2018 authorizing the DAR Secretary or Regional Director to call for a public consultation before acting on an application for land use conversion.

It is disheartening that these land conversions caused the displacement of our farmers and effectively destroyed their livelihood which immensely contributed to the increase of landlessness and 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 promoting food security to ensure the availability, adequacy and accessibility of food supplies to every Filipino, 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. It also seeks to amend Section 20 of the Local Government Code by requiring additional approval from the DA, DAR, 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 uphold food security to our people.

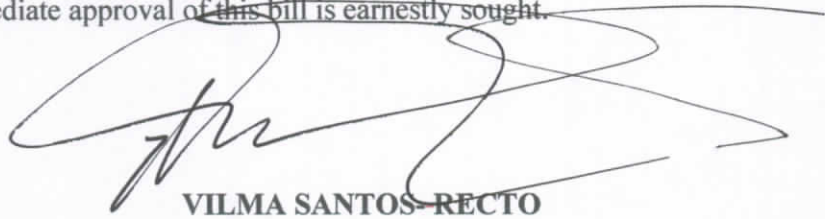
⁴*Ibid.*

⁵*Ibid.*

⁶*Ibid.*

⁷The Philippine Star, (May 14, 2018). "DA loses 50k hectares on illegal land conversion." Retrieved from <https://www.philstar.com/business/2018/05/14/1814900/da-loses-50k-hectares-illegal-land-conversion>

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



VILMA SANTOS-RECTO

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*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".

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

4 1. The State shall preserve the irrigated and irrigable agricultural lands to _promote
5 food security;

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

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

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

15 1. *Agricultural land* refers to land devoted to or suitable for the cultivation of the soil;
16 planting of crops, growing trees, raising of livestock, poultry, fish or aquaculture
17 production, including the harvesting of such farm products and other farm activities

1 and practices performed in conjunction with such farming operations by persons
2 whether natural or juridical, and not classified by law as mineral land, forest or
3 timber, or national park, or classified for residential, commercial, industrial or other
4 non-agricultural uses;

5 2. *Irrigable land* refers to land displaying marked characteristics justifying the
6 operation of an irrigation system;

7
8 3. *Irrigated land* refers to land serviced by natural irrigation or irrigation facilities.
9 This includes land where water is not readily available because existing irrigation
10 facilities need rehabilitation or upgrading or where irrigation water is not available
11 year-round;

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

16
17 Sec. 4. *Scope of the Agricultural Land Conversion Ban.* – All irrigated and irrigable
18 agricultural lands planted, but not limited to rice, corn, crops, sugar, coconut, vegetables and
19 fruit trees blocked and mapped according to standards by the Bureau of Soil and Water
20 Management shall not be converted into non-agricultural uses.

21 Sec. 5. *Amendments to Republic Act 7160.* – Section 20 of Republic Act 7160,
22 otherwise known as the Local Government Code of 1991 is hereby amended to read as
23 follows:

24 “Sec. 20. Reclassification of Lands. – (a) A city or municipality may,
25 through an ordinance passed by the *sanggunian* after conducting public hearings
26 for the purpose, authorize the reclassification of agricultural lands and provide
27 for the manner of their utilization or disposition in the following cases: (1) when
28 the land ceases to be economically feasible and sound for agricultural purposes
29 as determined by the Department of Agriculture (DA) [øf]; (2) where the land
30 shall have substantially greater economic value for residential, commercial, or
31 industrial purposes, as determined by the *sanggunian* concerned [‡] ; **OR (3)**
32 **WHEN THE LAND IS NOT IRRIGATED OR IRRIGABLE AND NOT**
33 **INCLUDED AMONG AGRICULTURAL LANDS IDENTIFIED BY**
34 **ADMINISTRATIVE ORDER (AO) 20, SERIES OF 1992, AS NON-**

1 NEGOTIABLE FOR CONVERSION, AS IDENTIFIED BY THE
2 DEPARTMENT OF AGRICULTURE (DA): *PROVIDED*, THAT PRIOR
3 TO THE ENACTMENT OF AN ORDINANCE RECLASSIFYING
4 AGRICULTURAL LANDS, THE *SANGGUNIAN* CONCERNED MUST
5 FIRST SECURE THE FOLLOWING CERTIFICATES FROM THE
6 NATIONAL GOVERNMENT AGENCIES (NGAs) CONCERNED:

7 (1) A CERTIFICATION FROM THE DA INDICATING:

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

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

13 C. THAT THE LAND HAS CEASED TO BE ECONOMICALLY
14 FEASIBLE FOR AGRICULTURAL PURPOSES;

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

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

22 *PROVIDED FURTHER*, THAT THE FAILURE OF SAID NGAs TO ACT
23 ON PROPER AND COMPLETE APPLICATION FOR SUCH
24 CERTIFICATIONS WITHIN THREE (3) MONTHS FROM RECEIPT
25 OF THE SAME SHALL BE DEEMED AS APPROVAL THEREOF.

26 [*And,*] *Provided, [further]* *FINALLY*, That such reclassification shall be limited
27 to the following percentage of the total existing agricultural area, at the time of
28 the passage of the ordinance:

29 “ (1) X X X

30 “(2) X X X

31 “(3) X X X

32 “(b) X X X.”

33 “(c) The local government units shall, in conformity with existing laws, continue to
34 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 THIS 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 SECTION SHALL BE CONSTRUED AS REPEALING, AMENDING, OR MODIFYING IN ANY MANNER THE PROVISIONS OF R.A. NO. 6657, OTHERWISE KNOWN AS THE “COMPREHENSIVE AGRARIAN REFORM LAW OF 1998” AND OF R.A. NO. 9700, OTHERWISE KNOWN AS THE “COMPREHENSIVE AGRARIAN REFORM PROGRAM EXTENSION WITH REFORMS.”**

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

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

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

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

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

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

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

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

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

 Approved,