

SENATE

P.S. Res. No. 853

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Introduced by **SENATOR LEILA M. DE LIMA**

**RESOLUTION
DIRECTING THE APPROPRIATE SENATE COMMITTEES TO
INQUIRE INTO THE DELAY OF THE DRAFTING AND
PROMULGATION OF THE IMPLEMENTING RULES AND
REGULATIONS OF REPUBLIC ACT NO. 10969, OTHERWISE
KNOWN AS THE FREE IRRIGATION SERVICE ACT**

1 WHEREAS, the 1987 Constitution, Article II, Section 5, states that “[t]he
2 maintenance of peace and order, the protection of life, liberty, and property, and
3 promotion of the general welfare are essential for the enjoyment by all the people of
4 the blessings of democracy”;

5 WHEREAS, on 19 January 2018, Republic Act 10969, otherwise known as the
6 Free Irrigation Service Act, lapsed into law¹. Regardless, however, President Rodrigo
7 Roa Duterte subsequently signed the same on 2 February 2018²;

8 WHEREAS, the Free Irrigation Service Act is a law that exempts all farmers
9 with up to eight (8) hectares of land from paying irrigation service fees (ISF) for
10 water derived from national irrigation systems (NIS) and communal irrigation
11 systems (CIS)³. The law also condones all previously unpaid irrigation fees of farmers
12 covered under the Act to the National Irrigation Authority (NIA)⁴;

13 WHEREAS, in 2016, the Philippine Statistics Authority (PSA) reported that
14 the agriculture sector constituted a significant portion of the employed labor force
15 with approximately 11.06 million people, or approximately 27% of the national
16 employment figures, engaged in some form of agricultural activity as their primary

¹ Cervantes, Ding. *Farmers demand IRR for free irrigation law*. Philippine Star (7 February 2018). Retrieved from <https://www.philstar.com/business/2018/02/07/1785231/farmers-demand-irr-free-irrigation-law>

² Corrales, Nestor. *Duterte signs Free Irrigation Service Act*. Philippine Daily Inquirer (9 February 2018). Retrieved from <http://newsinfo.inquirer.net/967445/breaking-duterte-signs-free-irrigation-service-act>

³ *Ibid.*

⁴ *Ibid.*

1 source of livelihood or income⁵. Additionally, the agriculture sector also accounted
2 for 9% of the nation's GDP in the same year⁶;

3 WHEREAS, the Free Irrigation Service Act was enacted to benefit
4 approximately 98% of the total farmer population in the country, or about 3 million
5 farmers⁷;

6 WHEREAS, as a whole, farmers are considered as one of the most
7 impoverished sectors in Philippine society, recording a poverty incidence of 34.3% in
8 2015 according to the PSA. This figure is significantly higher than the Philippine
9 national average of 21.6% for the same year⁸. Prior statistics for poverty incidence⁹
10 further indicate that farmers have been consistently more impoverished than the
11 average Filipino and are thus relegated to the margins of society as members of the
12 poorest of the poor;

13 WHEREAS, the 1987 Constitution, Article XIII, Section 5 states that the State
14 shall "provide support to agriculture, through appropriate technology and research,
15 and adequate financial, production, marketing, and other support services";

16 WHEREAS, the Free Irrigation Service Act declares that the State shall
17 "promote comprehensive rural development, food self-sufficiency, equitable access to
18 opportunities and sustained productivity as key strategies to raise the quality of life
19 in rural areas and attain overall national development";

20 WHEREAS, the same also declares that the State shall "ensure that vital
21 support services are made available, particularly irrigation service, through the
22 continued construction, repair and maintenance of necessary irrigation facilities, to
23 increase production of agricultural crops, encourage productivity, and increase the
24 incomes of farmers";

25 WHEREAS, according to the aforementioned Act, the State further "affirms its
26 commitment to contribute to the lowering of the cost of production through the
27 provision of free irrigation service, and further relieve the farmers and their
28 irrigators associations from the burden and consequence of unpaid irrigation fees";

⁵ Philippine Statistics Authority. (2017). *Selected statistics on agriculture 2017*. pp. 1-2. Retrieved from [http://psa.gov.ph/sites/default/files/SSA2017\(1\).pdf](http://psa.gov.ph/sites/default/files/SSA2017(1).pdf)

⁶ *Ibid.*

⁷ Navallo, M. *3 million farmers to benefit from free irrigation law, says lawmaker*. ABS-CBN (13 February 2018) Retrieved from <http://news.abs-cbn.com/news/02/13/18/3-million-farmers-to-benefit-from-free-irrigation-law-says-lawmaker>

⁸ Philippine Statistics Authority. *Farmers, Fishermen and Children consistently posted the highest poverty incidence among basic sectors - PSA*. (2017, June 30). Retrieved from <https://psa.gov.ph/poverty-press-releases>

⁹ *Ibid.*

1 WHEREAS, a statement prior to the passage of the Act from Kilusan ng
2 Magbubukid ng Pilipinas (KMP) Chairperson Danilo Ramos asserts that “[q]uality
3 and free irrigation service, that is part of a comprehensive and accelerated irrigation
4 development program, will contribute to the advancement of local agriculture as this
5 is expected to: 1) increase our output in rice and corn production; 2) be a factor in
6 achieving our targets for rice self-sufficiency in the long-term, and 3) aid in the
7 overall growth of the rural economy towards genuine rural and national
8 industrialization¹⁰”;

9 WHEREAS, in a February 2018 statement, the KMP had urged the
10 Department of Agriculture (DA) and its attached agency, the NIA, to present the
11 Implementing Rules and Regulations (IRR) for the Free Irrigation Service Act in the
12 immediate aftermath of its enactment into law. The NIA had reportedly continued to
13 exact irrigation fees from farmers in the meantime¹¹;

14 WHEREAS, in June 2018, no less than President Duterte himself stated that
15 the Philippines was unlikely to become self-sufficient in rice production, citing
16 shrinking farmland and a growing population as significant barriers towards the
17 production of enough rice to meet domestic needs¹²;

18 WHEREAS, the said statement by the President was decried by the KMP as no
19 less than an admission that attainment of rice self-sufficiency and food security was
20 not in the economic agenda of the present administration, and once again calling for
21 the issuance of the IRR of the Free Irrigation Service Act, among other measures, to
22 accelerate the country’s rice production¹³;

23 WHEREAS, the IRR for the Free Irrigation Services Act has yet to be issued
24 despite the mandate provided in the Act that the same shall be promulgated by the
25 NIA, upon consultation with the concerned actors, agencies, and stakeholders within
26 three (3) months of its enactment;

27 WHEREAS, the IRR shall cover all the mandated functions and duties of the
28 the NIA, in consultation with concerned government agencies, farmers, [irrigators

¹⁰ Lumibao, R. *Duterte urged to sign free irrigation measure into law*. Bulatlat (07 January 2018) Retrieved from <http://bulatlat.com/main/2018/01/07/duterte-urged-sign-free-irrigation-measure-law/>

¹¹ Cervantes, Ding. *Farmers demand IRR for free irrigation law*. Philippine Star (7 February 2018). Retrieved from: <https://www.philstar.com/business/2018/02/07/1785231/farmers-demand-irr-free-irrigation-law>

¹² *Philippines unlikely to be rice self-sufficient - Duterte*. Reuters (13 June 2018). Retrieved from <https://af.reuters.com/article/commodities07News/idAFL4N1TF3FT>

¹³ *Duterte not keen on addressing poverty felt by Filipinos, group says*. Davao Today (16 June 2018). Retrieved from <http://davaotoday.com/main/politics/duterte-not-keen-on-addressing-poverty-felt-by-filipinos-group-says/>

1 associations] IAs, farmer cooperatives, and other stakeholders to facilitate the
2 implementation of the provisions of the Free Irrigation Service Act;

3 WHEREAS, this month, 14,366 farmers in Cordillera were reported to have
4 had their loans condoned in spite of the absence of its IRR. In a statement, Helen
5 Laoyan, chief of the finance section of NIA-Cordillera, said some P390 million in
6 loans and unpaid fees of farmers covering the period from 1993 to December 2017
7 were condoned as a result of the passage of the law¹⁴;

8 WHEREAS, the lack of IRR for the Free Irrigation Service Act has caused
9 delays and unevenness in its implementation, with some regions voluntarily
10 implementing it in spite of the absence of the IRR. The absence of the IRR also
11 makes the law susceptible to partisan politics as well as any and all manners of
12 politicking by various interest groups and individuals, there being no clear
13 instructions and standards as to the implementation;

14 WHEREAS, this can also cause confusion on the farmers' end as they may lack
15 the proper procedural knowledge to exact accountability from the State and its
16 constitutive agencies for the benefits as provided for in the Act;

17 WHEREAS, the failure to promulgate the IRR can lead to the outright neglect
18 of the State, with its mandate as primary duty-bearer, to provide for its intended
19 beneficiaries altogether;

20 WHEREAS, the failure to promulgate the IRR constitutes dereliction of duty
21 on the part of the NIA as the primary implementing agency;

22 WHEREAS, there is need to determine the cause for delay, as well as the
23 corresponding accountability for said delay, in the promulgation of the IRR for the
24 Free Irrigation Service Act;

25 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE, to direct the
26 appropriate Senate Committees to inquire into the delay of the drafting and
27 promulgation of the implementing rules and regulations of Republic Act No. 10969,
28 otherwise known as the Free Irrigation Service Act.

Adopted,


LEILA M. DE LIMA

¹⁴ Agatep, Primitivo. *Over 14K Cordillera farmers get free irrigation, loan condonation*. Philippine News Agency (8 August 2018) Retrieved from <http://www.pna.gov.ph/articles/1044212>