

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



23 MAY -3 P2 :04

SENATE

S.B. No. 2125

RECEIVED BY:

Introduced by **SENATOR IMEE R. MARCOS**

**AN ACT
MANDATING THE PRESERVATION AND PROTECTION OF AGRICULTURAL
LANDS IN THE PHILIPPINES, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

The Philippines is an agricultural country with a land area of 30 million hectares, 9.7 million or 47% of which are considered agriculture. However, rapid urbanization and rampant land conversion of prime agricultural lands have significantly reduced the amount of land available for food production which resulted in lower farm output across different commodities. According to the Department of Agrarian Reform (DAR), a total of 46,339.38 hectares of agricultural land were approved for conversion to non-agricultural purposes from 1988 to 2022 (when Republic Act No. 6657, as amended, or the "Comprehensive Agrarian Reform Law", took effect). Said figure does not include pending applications for conversion, agricultural land reclassified by local government units and illegally converted lands.

Further, the population of the Philippines increased by more than 57 million from 1988 to 2022. As the country's population continues to grow, so will the need for food and other goods produced from agricultural commodities. Preserving agricultural land from being converted to other uses is necessary to meet the needs of Filipinos and support the viability of our agricultural sector and food security.

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

IMEE R. MARCOS

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AN ACT
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LANDS IN THE PHILIPPINES, AND FOR OTHER PURPOSES

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

1 **SECTION 1. Short Title.** – This Act shall be known as the “*Agricultural Land*
2 *Protection Policy Act*”.

3
4 **SEC. 2. Declaration of Policy.** – It is hereby declared the policy of the State to
5 promote comprehensive rural development and agrarian reform and food security
6 including sufficiency in our staple food as well as empower the agriculture sector to
7 develop and sustain itself.

8
9 Towards this end, the State shall ensure the preservation and protection of all
10 prime agricultural lands from being converted to other uses as well as the development
11 of the agriculture sector in accordance with the following principles:

- 12
13 a. **Poverty Alleviation and Social Equity** – The State shall ensure that the poorer
14 sectors of society have equitable access to resources, income opportunities, basic
15 and support services and infrastructure especially in areas where productivity is
16 low as a means of improving their quality of life compared with other sectors of
17 society;
- 18
19 b. **Food Security** – The State shall assure the availability, adequacy, accessibility
20 and affordability of food supplies to all at all times;
- 21

- 1 c. Rational Use of Resources – The State shall adopt a rational approach in the
2 allocation of public investments in agriculture in order to assure efficiency and
3 effectiveness in the use of scarce resources and thus obtain optimal returns on
4 its investments;
5
- 6 d. Global Competitiveness – The State shall enhance the competitiveness of the
7 agriculture sector in both domestic and foreign markets;
8
- 9 e. Sustainable Development – The State shall promote development that is
10 compatible with the preservation of the ecosystem in areas where agriculture
11 activities are carried out. The State should exert care and judicious use of the
12 country’s natural resources in order to attain long-term sustainability;
13
- 14 f. People Empowerment – The State shall promote people empowerment by
15 enabling all citizens through direct participation or through their duly elected,
16 chosen or designated representatives the opportunity to participate in policy
17 formulation and decision-making by establishing the appropriate mechanisms
18 and by giving them access to information; and
19
- 20 g. Protection from Unfair Competition – The State shall protect small farmers from
21 unfair competition such as monopolistic and oligopolistic practices by promoting
22 a policy environment that provides them priority access to credit and
23 strengthened cooperative-based marketing system.
24

25 **SEC. 3. Definition of Terms.** – For purposes of this Act, the following terms are
26 defined as follows:
27

- 28 a. *Agricultural Land* refers to the land of public domain and private land which
29 have been devoted to agricultural activity as defined in Republic Act No. 6657,
30 as amended, and not further classified for residential, commercial or industrial
31 use and such other uses as may be provided by law;
32
- 33 b. *Agricultural Land Use Conversion* refers to the undertaking of any
34 development activity which modifies or alters the physical characteristics of
35 agricultural lands to render them suitable for non-agricultural purposes with
36 an approved order of conversion issued exclusively by the Department of
37 Agrarian Reform (DAR);
38

- 1 c. *Irrigable Lands/Areas* refer to the lands suitable for the conduct of agricultural
2 activities which require irrigation and display physical features justifying the
3 operation of an irrigation system;
4
- 5 d. *Project Areas* refer to those within irrigable lands/areas comprising the intended or
6 design serviceable or irrigation areas/lands of an on-going or in-pipeline irrigation
7 construction projects.
8
- 9 e. *Irrigated Lands/Areas* refer to lands serviced by natural irrigation or irrigation
10 facilities. These include lands where water is not readily available as existing
11 irrigation facilities need rehabilitation or upgrading or where irrigation water
12 is not available year-round;
13
- 14 f. *Land Use* refers to the manner of allocation, utilization, management and
15 development of land;
16
- 17 g. *Land Use Conversion* refers to the act or process of changing the current
18 physical use of piece of agricultural land into some other use or for another
19 agricultural use other than the cultivation of the soil, planting of crops,
20 growing of trees including harvesting of produce therefrom, as approved by
21 DAR;
22
- 23 h. *Network of Protected Areas for Agricultural and Agro-Industrial Development*
24 (*NPAAAD*) refers to the agricultural areas identified by the Department of
25 Agriculture (DA), through the Bureau of Soils and Water Management
26 (BSWM), in coordination with the National Mapping and Resource
27 Information Authority, in order to ensure the efficient utilization of land for
28 agriculture and agro-industrial development and promote sustainable
29 growth. The NPAAAD covers all irrigated areas, all irrigable lands already
30 covered by irrigation projects with firm funding commitments; all alluvial
31 plain lands highly suitable for agriculture, whether irrigated or not; agro-
32 industrial croplands or lands presently planted to industrial crops that support
33 the viability of existing agricultural infrastructure and agro-based enterprises;
34 highlands or areas located at an elevation of five hundred (500) meters and
35 above that have potential for growing semi-temperate and high value crops;
36 all agricultural lands that are ecologically fragile, the conversion of which will
37 result in serious environmental degradation; all mangrove areas and fish
38 sanctuaries;

- 1
2 i. *Prime Agricultural Land* refers to all irrigated areas; ail irrigable lands; all
3 rain-fed areas planted to rice and corn; all lands classified by the BSWM
4 under its land capability classification system as Class A, Class B, and Class
5 C lands; all agricultural lands that are ecologically fragile, the conversion of
6 which will result in serious environmental degradation, and mangrove areas
7 and fish sanctuaries; and
8
9 j. *Reclassification of Agricultural Land* refers to the act of specifying how
10 agricultural lands shall be utilized for non-agricultural uses such as
11 residential, industrial, or commercial purposes through the local planning and
12 zoning processes pursuant to Republic Act No. 7160 or the "Local
13 Government Code of 1991" and subject to the requirements and procedure
14 for conversion. It is equivalent to land sub-classification, as defined in this
15 Act, for classified lands of the public domain and also includes the reversion
16 of non-agricultural lands to agricultural use.
17

18 **SEC. 4. *Priority Areas for Agricultural Development.*** – Priority areas for
19 agricultural development shall be those agricultural areas covered under the
20 Comprehensive Agrarian Reform Program (CARP), as amended, and those covered
21 under the NPAAAD as defined in Section 3 of this Act and in Republic Act No. 8435 or
22 the "Agriculture and Fisheries Modernization Act".
23

24 **SEC. 5. *Conversion of Agricultural Lands.*** – Prime agricultural lands and specific
25 types of lands to the extent necessary for attaining food self-sufficiency in rice, corn,
26 crops, sugar, coconut, vegetables, and fruit trees, for food security, and other basic
27 commodities, as determined by the DA, subject to mandatory public
28 hearings/consultations with the Local Government Units (LGUs), private sector, non-
29 governmental organizations, and people's organizations, shall be protected from
30 conversion, which shall include but not limited to areas under the NPAAAD: Provided,
31 That all irrigated and irrigable lands, all lands developed or possessing the potential for
32 development of high value crops, and all agricultural lands that are ecologically fragile
33 and whose conversion will result in serious environmental problems shall be given full
34 protection from conversion, the areas under which are subject to review every seven
35 (7) years by the DA, with the mandatory public hearings/consultations: Provided,
36 further, That consistent with the State policy on giving priority to the completion of the
37 CARP, all lands subject to CARP, including those lands covered under the notice of
38 compulsory acquisition/voluntary offer to sell, production or profit-sharing, or

1 commercial farm deferment shall also be protected from conversion pending the
2 distribution and installation of the farmer beneficiaries: Provided, furthermore, That the
3 conversion of agricultural lands for use of priority government projects for basic
4 services, such as, but not limited, to irrigation and power shall be allowed only upon
5 the recommendation of the Secretaries of the DA and the DAR: Provided, furthermore,
6 Agricultural lands are deemed converted to non-agricultural uses upon approval by the
7 DAR of the application for conversion: Provided, finally, That the mapping of the
8 NPAAAD under Republic Act No. 8435 shall be completed within two (2) years from the
9 effectivity of this Act.

10
11 Reclassification of lands may be authorized in the following circumstances:

12 (1) When the land ceases to be economically feasible and sound for
13 agricultural purposes, as may be determined by the Department of Agriculture (DA);

14 (2) Where the land shall have substantially greater economic value for
15 residential, commercial, or industrial purposes, as may be determined by the
16 Sanggunian of the Local Government Unit (LGU) concerned; or

17 (3) When the land is not irrigated or irrigable and not included among
18 agricultural lands identified by Administrative Order No. 20, Series of 1992, as non-
19 negotiable for conversion, as identified by the DA.

20
21 **SEC. 6. *Sub-classification or Reclassification of Agricultural Lands by LGUs.*** –
22 Sub-classification or reclassification of agricultural lands to other uses under Republic
23 Act No. 7610, or the “Local Government Code of 1991”, shall exclude the protected
24 agricultural lands as stated in the preceding section. Moreover, such sub-
25 classification/reclassification is not synonymous to conversion. The DA and DAR shall
26 provide the LGUs with complete list and maps of protected agricultural lands within
27 their territorial jurisdictions.

28
29 **SEC. 7. *Comprehensive Land Use Plan.*** – The LGUs shall prepare, revise, and
30 update the Comprehensive Land Use Plan (CLUP) to rationalize the allocation and proper
31 use of land resources specifically for agricultural purposes. The plan should be in
32 accordance with the resources’ spatial organization and possible economic and social
33 activities.

34
35 **SEC. 8. *Consolidation of Agricultural Land.*** – The DA and the DAR may
36 consolidate and register agricultural land titles, as may be agreed upon by the
37 concerned landowners, to consolidate and cultivate more than five (5) hectares of

1 agricultural land, subject to the rules and regulations to be provided by DA and DAR.

2 *Provided that*, the following requirements shall be met:

- 3 1. The land will be used exclusively for agriculture;
- 4 2. Utilization of mechanized farm technology, advanced methods of farming,
5 and/or block farms for increased agricultural production;
- 6 3. Proposal on how the proposed activity will be devoted to modern and viable
7 farming; and
- 8 4. Capable manpower.

9
10 **SEC. 9. *Implementing Rules and Regulations.*** – Within ninety (90) days from
11 the effectivity of this Act, the DA and DAR, in consultation with other relevant
12 government agencies, shall promulgate the rules and regulations to effectively
13 implement the provisions of this Act.

14
15 **SEC. 10. *Separability Clause.*** – If any provision of this Act shall be held
16 unconstitutional, the remainder of the Act not otherwise affected shall remain in full
17 force and effect.

18
19 **SEC. 11. *Repealing Clause.*** – All existing laws, presidential decrees, executive
20 orders, proclamations, or administrative regulations that are inconsistent with the
21 provisions of this Act are hereby amended, modified, superseded, or repealed
22 accordingly.

23
24 **SEC. 12. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after its
25 publication in the Official Gazette or in at least two (2) newspapers of general
26 circulation.

Approved,