



**KAISAHAN**  
*tungo sa Kaunlaran ng Kanayunan at Repormang Pansakahan*  
*(Solidarity towards Agrarian Reform and Rural Development)*  
*est. 1990*

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## **KAISAHAN INC. POSITION PAPER ON HOUSE BILL NO.5501**

### **AN ACT PROHIBITING THE ACCEPTANCE, PROCESSING, AND APPROVAL OF APPLICATIONS FOR LANDS USE CONVERSION OF AGRICULTURAL LANDS, IRRIGATED LANDS, AND IRRIGABLE LANDS TO NON-AGRICULTURAL PURPOSES**

Kaisahan Inc., a Non-Government Organization advocating agrarian reform and rural development, commends policy makers that continuously works towards the improvement of the entire community. We support new policy proposals and review of existing laws intended to achieve our sustainable development goals.

House Bill 5501 filed by Rep. Pantaleon D. Alvarez proposes the prohibition on land use conversion to achieve food security in the country. Kaisahan expresses its support to the passage of the proposed HB 5501. This bill is an important mechanism that allows the Philippines to be food secured whilst climate change.

Kaisahan would like to humbly submit to the Committee on Agrarian Reform the organization's comments and proposals to HB 5501 as follows:

#### **I. Section 1 Declaration of Policy**

Kaisahan would like to amend Section 1 Declaration of Policy of HB 5501 as follows:

**Sec. 1 Declaration of Policy** – It is the policy of the State to promote industrialization, full employment based on sound agricultural development and agrarian reform, and to achieve food security for the people. To this end, the State shall protect irrigated and irrigable **PRIME AGRICULTURAL** land resources from rampant and reckless reclassification into non-agricultural processes. Further the State shall likewise protect the welfare of the farmers and fisherfolk who are valuable elements towards food security and sufficiency of the country.

We propose to delete “irrigated and irrigable” since Kaisahan proposes a different definition of prime agricultural lands were “irrigated and irrigable lands” are subsumed under its coverage. Essentially, prime agricultural lands will include irrigated and irrigable lands, and other lands that will be protected from conversion (discussion of this is on another section).

Prime agricultural lands should be protected. They should be secured to ensure food security. They are part of the Network of Protected Areas for Agriculture and Agro-Industrial Development (NPAAAD), precisely because of their characteristic as highly suitable and economically viable for agricultural production than for other purposes. Their nature as prime agricultural lands should be maintained. As it stands now, even as these lands are considered as prime agricultural lands, thus should be protected, they are still subjected to reclassification and conversion. Instead of being used for food production to ensure our food security they are being utilized for other purposes.

## **II. Definition of Prime Agricultural Lands**

On the definition of Prime Agricultural Lands in Section 2 Definition of Terms, Kaisahan would like to propose a new definition of prime agriculture lands. Section 2 (2.3) of HB 5501 states that:

**(2.3) Prime Agricultural Lands** – refers to land that can be used for various or specific agricultural activities and can provide optimum and sustainable yield with minimum inputs and development costs.

Kaisahan would like to proposed adoption of alternative definition of Prime Agricultural Lands lifted from the definition of formal coverage under the Network of Protected Areas for Agricultural and Agro-industrial Development (NPAAAD) that has been identified and delineated by the DA. NPAAAD definition reads as follow:

**Network of Protected Areas for Agriculture and Agro-industrial Development (NPAAAD)** refers to agricultural areas identified by the Department of Agriculture (DA) through the Bureau of Soils and Water Management (BSWM) in coordination with the National Mapping and Resource Information Authority (NAMRIA) in order to ensure the efficient utilization of land for agriculture and agro-industrial development and promote sustainable growth. The NPAAAD covers all irrigated areas; all irrigable lands already covered by irrigation projects; all alluvial plains; lands highly suitable for agriculture whether irrigated or not; agro-industrial croplands or lands planted to industrial crops that support the validity of existing agricultural infrastructure and agro-based enterprises; highlands or areas located at an elevation of five hundred (500) meters or above and have the potential for growing semi-temperate and high value crops; all agricultural lands that are ecologically fragile the conversion of which will result in serious environmental degradation; and all mangrove areas and fish sanctuaries.”

This definition of NPAAAD is taken from R.A. 8435 or the Agriculture and Fisheries Modernization Act of 1997. When the AFMA law was enacted, there is a clear intent to protect lands under the NPAAAD to maintain and improve the agricultural productivity of these lands. Since there is no legal definition of prime agricultural lands that exist in the Philippines, proposals should be forward looking that aims to harmonized with existing laws and policies with the intent of enhancing and strengthening the provisions.

Thus, we propose to the body the adoption of prime agricultural lands for HB 5501 to be read as:

**Prime Agricultural Lands** refer to all contiguous irrigated areas and irrigable lands already covered by irrigation projects; all alluvial plain lands highly suitable for agriculture whether irrigated or not that have been identified to satisfy the country's needs for food self-sufficiency and security; agro-industrial croplands or lands presently planted and suitable to industrial and high value crops; highlands, or areas located at an elevation of 500 meters or above and have the potential for growing semi-temperature and high value crops outside of declared permanent forestlands and protection forests, and are not located in ecologically-fragile and environmentally-critical areas;

Kaisahan does not agree with the proposed definition of prime agricultural lands as stated in HB 5501, which was lifted from the Department of Agrarian Reform Administrative Order No. 1 Series of 2002 Comprehensive Rules on Land Use Conversion. As per consultation with the Department of Agriculture, the identification of agricultural lands under the proposed definition will be difficult since lands that provide "optimum and sustainable yield with minimum input" no longer exist in the Philippines. These lands are assumed to be "prime of the prime" where agricultural technological advancement and initiatives are not needed to be able to produce the highest level of productivity for agricultural produce. These types of lands no longer exist or difficult to find in the Philippine since agriculture in the country is labor intensive and farmers are in control of the intervention and management of lands. Moreover, the proposed definition does not consider that the Philippines is often hit by natural induced weather event such as typhoon and impact of climate change that often damage agricultural lands limiting its productivity and therefore needs more technological input and intervention to be able to produce the desired level of agricultural output to attain food security in the Philippines.

Kaisahan's proposed definition of prime agricultural lands which includes lands covering NPAAAD are essential lands needed for food production and to satisfy our food security needs. The inclusion of these lands had undergone lengthy process of deliberations before the enactment of AFMA law. Moreover, these are the lands considered by the DA as prime agricultural lands. This has been long determined by the DA through the Land Evaluation Project of the Bureau of Soils and Water Management (BSWM). In the consideration of these lands, various factors were considered such as soil depth, slope, topography of the land, among others. In essence these lands are those found to be economically viable or highly suitable for agricultural production, thus best suited to supply the nation's food sufficiency and security requirements.

The proposed definition under the NPAAAD satisfies the scientific context based on (1) Agricultural science, i.e., e.g., agronomy and horticulture for crops, animal science for livestock, aquaculture science for terrestrial fisheries; (2) agricultural economics, i.e., the existing and potential productivity, presence and potentials for infrastructure such as roads, marketing facilities, spatial features such as location, proximity to markets and source of inputs, etc.; (3) technology and development – amenability to further productivity and increased economic returns due to technological developments in agriculture and related sciences.<sup>1</sup> The comprehensive coverage of the proposed definition also considers the ecological and ecosystem approach that interconnectedness of these lands has impact on the integrity, productivity, and viability of resources. Adverse development in some of these areas impinge the integrity of the whole prime agricultural lands, thus prime agricultural lands, as proposed needs to be perpetually protected.

As proposed by HB 5501, prime agricultural lands must be protected and prohibited from conversion to attain food security. Hence, it is important to properly identify and defined which lands should be protected from conversion. Conversely, only those agricultural lands found to be not suited for agricultural purposes as defined in the proposed act, therefore outside the coverage of prime agricultural lands are eligible to be reclassified and converted to non-agricultural use such as residential, commercial or industrial use.

Lastly, the determination of the level of “carrying capacity” to ensure sustainable food security in the Philippines should be forward looking and should be viewed long-term. The unregulated conversion of agricultural lands puts the country to be highly dependent on the international food market. With erratic climate change and extreme weather events projected, dependency on international food market puts us in a risk to be food insecure because of the instability and unreliable food supply. Thus, protection of the country’s prime agricultural lands is one of the most urgent and important adaptation measure to the increasingly serious adverse impacts of climate change to achieve our own food security goals.

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<sup>1</sup> Department of Agriculture: Notes on the National Land Use Bill and Prime Agricultural Lands presented during the Round Table Discussion on Prime Agricultural Lands in Marco Polo, Ortigas City dated June 4, 2015.