

**[DA ADMINISTRATIVE ORDER NO. 02, January
06, 2011]**

**REVISED GUIDELINES ON THE CERTIFICATION OF ELIGIBILITY
FOR RECLASSIFICATION OF AGRICULTURAL LANDS AND
PROVIDING MECHANISMS FOR THE IMPLEMENTATION THEREOF**

In view of recent developments and the need to provide more effective mechanism and efficient service in the processing and evaluation of applications for land use reclassification, the guidelines for the issuance of DA certificate of eligibility for the reclassification of agricultural lands is hereby revised.

I. GOVERNING PRINCIPLES

The reclassification of private agricultural lands to non-agricultural uses shall be guided by the Philippine Constitution, Article II, Section 21, and Article XII, Section 1; Section 2, Executive Order (EO) 292, series of 1987; the pertinent provisions of Republic Act 6657 of 1988; Republic Act 8435 of 1997; EO 45, series of 2001; and the Department of Agriculture's Charter on Agricultural Land.

II. LEGAL BASES

1. Presidential Memorandum dated April 16, 1999 providing that DAR A.O. No. 1 series of 1999 shall serve as the primary guideline on the conversion of agricultural lands to non-agricultural which require the DA to classify/reclassify the land.

2. DA A.O. No. 6 Series of 1998 Rule 9.3 (Implementing Rules and Regulations of the AFMA) providing that the conversion of use from agricultural to non-agricultural lands covered under the Strategic Agriculture and Fishery Development Zone (SAFDZ) as set forth in the A.O. establishing the SAFDZ shall be limited per Sections 9 and 12, in addition to any existing rules, regulations and procedures regarding applications for land use conversion and the protection of watershed areas, including R.A. 6657, Presidential A.O. 20 and 363, and Section 20 of R.A. 7160.

3. DAR A.O. No. 1 Series of 2002 requiring certification from the Department of Agriculture stating, among others, the classification of the property under the Network of Protected Areas for Agricultural and Agro-Industrial Development (NPAAAD) and Strategic Agriculture and Fisheries

Development Zones (SAFDZ).

4. EO 292 also known as the Revised Administrative Code of 1987, in its Title IV, Chapter 1, Section 2, stating that the Department of Agriculture is the agency responsible for the promotion of agricultural development by providing the policy framework, public investment, and support services needed for domestic and export-oriented business enterprises.

The above Code also empowers the DA to promulgate and enforce all laws, rules and regulations governing the conservation and proper utilization of agricultural and forestry resources.

5. R.A. 7881 as it amend Sections 3-B, 10 and 11 of R.A. 6657 pertaining to the (1) definition of agricultural activity; (2) exempting prawn farms and fishponds from the coverage of the CARL; and (3) including commercial livestock, poultry and swine raising, and aquaculture including fishponds and prawn farms from the classification of commercial farms that are due for coverage under the CARP after a ten-year deferment period, respectively.

III. DEFINITION OF TERMS

1. **Agricultural Lands** as amended by Section 3-B of R.A. No. 7881 refer to lands devoted to or suitable for the cultivation of the soil, planting of crops, growing of trees including the harvesting of such farm products, and other farm activities and practices performed in conjunction with such farming operations by persons whether natural or juridical, and not classified by law as mineral land forest or timber, or national part nor reclassified as residential, or commercial, industrial or other non-agricultural uses before June 15, 1988.

2. **Illegal Conversion** is the conversion by any landowner of his agricultural land into any non-agricultural use with intent to avoid the application of R.A. 6657 to his landholding and to dispose his tenant farmers of the land tilled by them; or the change of the nature of lands outside urban centers and city limits either in whole or in part after the effectivity of R.A. 6657, as provided in Sec. 73 (c) and (e), respectively, of the said Act.

3. **Irrigable Lands** refer to lands which display marked characteristics justifying the operation of an irrigation system.

4. **Irrigated Areas/Lands** refer to lands serviced by natural irrigation or irrigation facilities. These include lands where water is not readily available as existing irrigation facilities need rehabilitation or upgrading or where irrigation water is not available year-round.

5. **Land Use Conversion** refers to the act or process of changing the

current use of a piece of agricultural land into some other use as approved by the DAR.

6. Network of Protected Areas for Agricultural and Agro-Industrial Development (NPAAD) refers to agricultural areas identified by the Department of Agriculture 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 NPAAD covers all irrigated areas; all irrigable lands already covered by irrigation projects with firm funding commitments; all alluvial plain lands highly suitable for agriculture, not irrigated; agro-industrial croplands or lands planted to industrial crops that support the viability of existing agricultural infrastructure and agro-based enterprises; highlands or areas located at an elevation of five hundred (500) meters and above that 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; mangrove areas and fish sanctuaries; and all fishery areas as defined pursuant to the Fisheries Code of 1998.

7. Premature Conversion of Agricultural Land is the undertaking of any development activities, the results of which modifies or alters the physical characteristics of Agricultural lands to render them suitable for non-agricultural purposes without any approved Order of Conversion from the DAR (DAR A.O.7, s. 1997).

8. Private Agricultural Lands refer to agricultural lands as defined herein and owned by natural or juridical persons or by the government in its proprietary capacity.

9. Reclassification of Agricultural Lands refers to the act of specifying how agricultural lands shall be utilized for non-agricultural uses such as residential, industrial, commercial, as embodied in the land use plan, subject to the requirements and procedure for land use reclassification undertaken by the local government unit (LGU) in accordance with Section 20 of RA 7160 and Joint Housing and Land Use Regulatory Board (HLURB), DAR, DA and Department of Interior and Local Government (DILG) MC 54-1995) and as provided for in these Guidelines. It also includes the reversion of non-agricultural lands to agricultural use.

10. Strategic Agriculture and Fisheries Development Zone (SAFDZ) refers to areas within the NPAAD identified for production, agro-processing and marketing activities to help develop and modernize, with the support of the government, the agriculture and fisheries sectors in an environmentally and socio-culturally sound manner.

11. Unauthorized Conversion is the act of changing the current use of the land from agricultural (e.g. riceland) to another agriculture use, the effect of which is to exempt the land from CARP coverage (e.g. livestock)

without an order of conversion from DAR, or changing the use of the land other than that allowed under the order of conversion issued by DAR.

IV. COVERAGE

1. **Applicability of Rules** - These guidelines shall apply to the issuance of DA Certification consistent with DAR A.O. No. 1, series of 2002 on land conversion which include the following:

1.1 Those to be converted to residential, commercial, industrial, institutional and other non-agricultural purposes;

1.2 Those to be devoted to another type of agricultural activity such as livestock, poultry, and fishpond, the effect of which is to exempt the land from CARP Coverage;

1.3 Those to be converted to non-agricultural use other than that previously authorized; and

1.4 Those reclassified to residential, commercial, industrial, or other non- agricultural uses on or after the effectivity of R.A. 6657 on June 15, 1988 pursuant to Section 20 of R.A. 7160 and other pertinent laws and regulations, and are to be converted to such uses. However, for those reclassified prior to June 15, 1988, the guidelines on securing exemption clearance shall apply.

2. Lands within NPAAAD

2.1 Irrigated areas;

2.2 All irrigable lands already covered by irrigation projects with firm funding commitments;

2.3 Alluvial plain lands highly suitable for agriculture, not irrigated;

2.4 Agro-industrial croplands or lands planted to industrial crops that support the viability of existing agricultural infrastructure and agro-based enterprises;

2.5 Highlands or areas located at an elevation of 500 meters and above that have the potential for growing semi-temperate and high-value crops;

2.6 Agricultural lands that are ecologically fragile;

2.7 Mangrove areas and fish sancturaries;

2.8 All fishery areas as defined pursuant to the Fisheries Code of 1998.

3. **Lands within SAFDZs** - In accordance with Section 9 of R.A. 8435, the following rules shall govern reclassification of lands within the SAFDZ;

3.1 All irrigated lands, irrigable lands already covered by irrigation projects with firm funding commitments, and lands with existing or having the potential for growing high-value crops included within the SAFDZs are non-negotiable for land use reclassification or conversion.

3.2 Reclassification may be allowed, if at all, on a case to case basis, subject to existing laws, rules and regulations on land use conversion.

V. TECHNICAL COMMITTEES:

1. THE REGIONAL TECLUM (RTECLUM)

The RTECLUM shall be headed by the DA-RFU Regional Executive Director and with members from the technical staff of the RFU, National Irrigation Administration (NIA), Philippine Coconut Authority (PCA) and Sugar Regulatory Administration (SRA). Other concerned agencies will be on-call basis. The final composition thereof shall be submitted by the Regional Director to the NTECLUM and to the DA Secretary or his authorized signatory for information and proper coordination.

2. THE NATIONAL TECLUM (NTECLUM)

The NTECLUM shall be:

2.1 An Inter-Agency Committee composed of one representative each from:

Chair - Director, BSWM

Members - Representative from PIA, PCA and SRA

2.2. Have a Secretariat headed by the BSWM, which shall be composed of a Chair, Co-Chair, and at least five (5) members, whose names shall be submitted by the NTECLUM to the DA Secretary or his authorized signatory, who shall likewise be updated on any changes therein.