

**[DOA ADMINISTRATIVE ORDER NO. 37, S. 1999,
September 30, 1999]**

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

I. GOVERNING PRINCIPLES

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

II. LEGAL BASES

1. Presidential Memorandum dated April 16, 1999 providing that DAR Administrative Order 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 of lands covered under the Strategic Agriculture and Fishery Development Zone (SAFDZ) as set forth in the AO 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 RA 6657, Presidential A.O. 20 and 363, and Section 20 of RA 7160.
3. DAR A.O. No. 1 Series of 1999 requiring certification from the Department of Agriculture stating, among others, the classification of the property under the NPAAAD and the SAFDZ.
4. EO 292 also known as the Revised Administrative Code of 1987, in its Title IV, Chapter I, 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 also Code empowers the DA to promulgate and enforce all laws, rules and regulations governing the conservation and proper utilization of agricultural and forestry resources.

5. RA 7881 as It amends Sections 3-B, 10 and 11 of RA 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

- a) Agricultural Lands as amended by Section 3-B of RA 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 park nor reclassified as residential, commercial, industrial or other non-agricultural uses before June 15, 1988.
- b) Conversion Moratorium refers to the policy enunciated In RA 8435 which prohibits the reclassification of irrigated lands, irrigated lands already covered by irrigation projects with firm funding commitments, and lands with existing or having the potential for growing high-value crops so delineated and included within the Strategic Agriculture and Fishery Development Zone (SAFDZ) for the period starting 10 February 1998 to 9 February 2003.
- c) Illegal Conversion is the conversion by any landowner of his agricultural land into any non-agricultural use with Intent to avoid the application of RA 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 RA 6657, as provided In Sec. 73 (c) and (e), respectively, of the said Act.
- d) Irrigable Lands refer to lands which display marked characteristics justifying the operation of an irrigation system.
- e) Irrigated 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.
- f) 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,
- g) Network of Protected Areas for Agricultural and Agro-Industrial Development (NPAAAD) refers to agricultural areas identified by the Department of Agriculture through the Bureau of Soils and Water Management, in coordination with the National Mapping and Resource Information Authority 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 with firm funding commitments; all alluvial plains highly suitable for agriculture, whether irrigated or not; agro-industrial croplands or land presently planted for

industrial crops that support the viability of existing agricultural infrastructure and agro-based enterprises; highland 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; mangrove areas and fish sanctuaries, all fishery areas as defined pursuant to the Fisheries Code of 1998.

- h) Premature Conversion of Agricultural Land is the undertaking of any development activities whose results will modify or alter the physical characteristics of the 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).
- i) Private Agricultural Lands refer to agricultural lands as defined herein and owed by natural or judicial persons or by the government in its proprietary capacity.
- j) 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. It also includes the reversion of non-agricultural lands to agricultural use.
- k) Strategic Agriculture and Fisheries Development Zone (SAFDZ) refer to areas within the NPAAAD 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.
- l) 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

- a) Applicability of Rules — This guideline shall apply to the issuance of DA Certification consistent with DAR A.O. No. 1 series of 1999 on land conversion which include the following areas:
 - (1) Those to be converted to residential, commercial, industrial, institutional and other non-agricultural purposes;
 - (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;
 - (3) Those to be converted to non-agricultural use other than that previously authorized; and

(4) Those reclassified to residential, commercial, industrial, or other non-agricultural uses on or after the effectivity of RA 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.

Conversion is allowed if there is no Notice of CARP Coverage. For this purpose, the DAR will provide the DA with a list of areas with Notice of Coverage except those with Special Permits.

b) Lands within NPAAAD

(1) Irrigated area

(2) Irrigable lands already covered by irrigation projects with firm funding commitment

(3) Alluvial plain highly suitable for agriculture, whether irrigated or not

(4) Industrial cropland (presently planted to industrial crops)

(5) Arable highland (located at an elevation of 500 meters or above and have the potential for growing semi-temperate and high-value crops

(6) Agricultural land and that are ecologically fragile

(7) Fishery areas as defined pursuant to the Fisheries Code of 1998

c) Lands within SAFDZs — In accordance with Section 9 of RA 8435, the following rules shall govern reclassification of lands within SAFDZs:

(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 shall be subject to a conversion moratorium for a period of five (5) years from 10 February 1998 to 9 February 2003.

(2) During the effectivity of the moratorium, reclassification may be allowed with respect to only five percent (5%) of lands stated in C(1) above and upon compliance with existing laws, rules and regulations,

(3) The maximum of five percent (5%) equivalent to the total area of land eligible for conversion to non-agricultural use shall be jointly determined by the DA and the DAR, upon the recommendation of the Regional and National SAFDZ Committees pursuant to Rule 9.5.2 DA Administrative Order No. 6 series of 1998.

(4) After the expiration of the conversion moratorium, conversion may be allowed, if at all, on a case to case basis, subject to existing laws, rules and regulations on land use conversion.

V. CRITERIA FOR CONVERSION