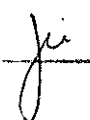


SIXTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



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SENATE

RECEIVED BY: 

Senate Bill No. 34

Introduced by Senator Cynthia A. Villar

EXPLANATORY NOTE

The Bureau of Agricultural Statistics (BAS) stated in its Agricultural Structure and Resources report dated June 2012 that 1.57 million hectares of agricultural lands were covered by irrigation last year, up by 1.9 percent from the 1.54 million hectares in 2010. According to the National Irrigation Administration (NIA) report in 2009, however, the total estimated Irrigable area is 3,126,340 hectares. This confirms the report that the proportion of the country's irrigated lands to potential irrigable areas last year is 50.11 percent.

Although, the above figures show improvement from the previous years since the government has started to increase the irrigation development of about 35,000 hectares, there is more to be done — as 50% of the potential irrigable lands are still not reached by irrigation.

Through the passage of this bill, we endeavor to accelerate the development of irrigation systems in areas where it is most needed. Areas will be assessed according to priority of need and the development and/or construction of irrigation shall be exempted from the election ban so as not to delay the process of construction.

In view of the foregoing, I earnestly recommend the immediate approval of this bill.


CYNTHIA A. VILLAR

SENATE

Senate Bill No. 34

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Introduced by Senator Cynthia A. Villar

**AN ACT
TO PROMOTE RURAL DEVELOPMENT BY PROVIDING FOR A SIX-YEAR
ACCELERATED IRRIGATION PROGRAM FOR THE CONSTRUCTION AND
REHABILITATION OF IRRIGATION PROJECTS, AND FOR OTHER PURPOSES**

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

- 1 SECTION. 1. *Title.* - This Act shall be known as the "Accelerated Irrigation Act."
- 2
- 3 SEC. 2. *Declaration of Policy.* - It is hereby declared the national policy to promote
- 4 comprehensive rural development through increased agricultural production and the
- 5 adoption of necessary and sound measures to accelerate the attainment of self-
- 6 sufficiency in food, equitable access to opportunities and sustained productivity as key
- 7 strategies to raise the quality of rural life and national development.
- 8
- 9 In pursuit of the goals of genuine rural development, the State shall promote a
- 10 viable rural agricultural economy by raising farm productivity at competitive and market
- 11 sufficiency levels through provision of irrigation infrastructure and comprehensive
- 12 support services such as but not limited to post-harvest services and equipment, credit
- 13 facilities, farm to market roads, marketing and distribution assistance and facilities and
- 14 structures, as well as farmer entrepreneurship, institutional and capacity building
- 15 trainings.
- 16
- 17 SEC. 3. *Objectives and Mandate.* - The National Irrigation Administration (NIA) shall
- 18 undertake a six-year accelerated irrigation program for the construction of irrigation
- 19 projects in the remaining unproductive, un-irrigated but potentially irrigable lands
- 20 nationwide pursuant to the actual size and extent to be determined and established in a
- 21 full inventory of existing or remaining potential areas for irrigation, in parallel
- 22 assessment of existing irrigation systems, and the identification including listing of
- 23 potential irrigation projects to be submitted by the NIA within three (3) months but not
- 24 beyond six (6) months after the effectivity of this Act.
- 25
- 26 The NIA shall conduct multi-stakeholders consultations with local planning and
- 27 development councils, irrigators' associations, agrarian reform beneficiaries, indigenous

1 or affected minorities, and relevant government agencies in the identification of priority
2 areas, and shall thereafter prepare a comprehensive 5-year work program with annual
3 targets for the irrigation development of new irrigable areas needed or with high
4 potential in order to attain immediate self-sufficiency in rice and other agricultural crops.
5

6 The NIA shall guarantee that all irrigation programs and projects to be
7 undertaken herein shall be completed and made fully operational or implementable
8 within the duration of the six (6) - year special irrigation program, with provision for
9 sustainability of operation and maintenance of said systems after the program
10 completion, including institutionalization of a comprehensive package of infrastructure
11 and social support services to be integrated into the regular annual programs and
12 budgets of the NIA and other implementing agencies and instrumentalities, as well as
13 the local government units (LGUs), to ensure a sustained increased productivity as
14 strategy to attain genuine rural development.
15

16 **SEC. 4. Accelerated Irrigation Development.** - The NIA shall observe the following
17 priorities and guidelines in the identification, planning, construction, and management of
18 irrigation projects in collaboration with concerned government agencies, local
19 government units, irrigators' association and other stakeholders, provided, that:
20

21 a) Priority shall be given to the following:

- 22 1. Provinces with low irrigation development and/or low productivity yield;
- 23 2. Beneficiaries in fourth, fifth and sixth class municipalities and provinces,
24 Provided that, to the extent feasible and practicable, priority in the
25 allocation of the special accelerated irrigation projects be given to the
26 updated list of identified priority areas or low-income municipalities;
27
- 28 3. Islands and Upland areas that are potentially and practically irrigable;
29 provided, that these are feasible for construction of irrigation facilities;
30
- 31 4. Beneficiaries of the Agrarian Reform Program (ARPs), pursuant to the
32 intent of the Comprehensive Agrarian Reform Program (CARP) law, as
33 amended and applicable provisions of Agriculture and Fisheries
34 Modernization Act (AFMA), as amended and such other pertinent laws
35 and issuances;
36
- 37 5. Farmer Irrigators Associations or Farmer Cooperatives; and
38
- 39 6. Members of the indigenous cultural communities.
40
41
42
43

44 b) An inventory of the existing irrigation systems and their efficiency status
45 update, impact analysis, and the actual total potential areas for irrigation shall
46 be conducted by NIA with assistance from concerned stakeholders and
47 technical experts, including LGUs and financing institutions, to be completed
48 not beyond six (6) months from the effectivity of this proposed Act.
49

1 c) Development and/or construction of irrigation facilities on new areas shall be
2 judiciously programmed over a six-year priority completion target, which
3 therefore necessitates drawing up a work program by the NIA that is deemed
4 realistic, achievable and annually target-specific to agricultural yield in the
5 identified priority irrigable areas.

6
7 d) Priority irrigation projects shall be small and medium in which construction
8 works should immediately commence after the technical assessment and
9 feasibility requirements on said projects have been completed and approved
10 not later than six (6) months after effectivity of the herein act, without
11 prejudice however to the recommendation of the construction of large scale
12 irrigation projects. *Provided that*, to the extent feasible and practicable,
13 priority shall be given to the construction of communal irrigation projects; and
14 *Provided further that*, such necessary national irrigation structures shall be
15 completed and made fully operational within three (3) years upon
16 commencement of the proposed Accelerated Irrigation Program; and
17 *Provided finally that*, fast-track priority projects covered in this Special
18 Irrigation Act shall include the development of such small irrigation types as
19 communal, reservoir, small dams, diversion, or pumps systems (ground water
20 or surface water).

21
22 The type of project and development scheme shall be determined based on
23 technical feasibility studies to be conducted by the NIA.

24
25 e) The provincial offices of the NIA shall be responsible in the preparation of the
26 feasibility studies and design of communal irrigation projects at cost to NIA.

27
28 f) At least 50% of the funds allocated under this Act shall be used for the
29 construction of small irrigation projects in partnership with the LGUs; *Provided*
30 *that*, at least 20% shall be earmarked for rehabilitation and emergency repair
31 works of existing irrigation systems, including small irrigation projects
32 identified as necessary and cost effective to realize increased productivity
33 under this proposed act; *Provided further that*, the regular Operation and
34 Maintenance of these systems including their budgetary requirements after
35 the 6-year Accelerated Irrigation project shall be funded under this Special
36 Program unless certified feasible and necessary by the NIA.

37
38 g) The management of small-scale irrigation projects shall be turned over to the
39 farmer beneficiaries thru their Irrigators' Associations or Farmers
40 Cooperatives upon project completion and after undertaking institutional
41 development training; *Provided that*, amortization of the direct cost of these
42 small scale irrigation projects by the Irrigators' Associations (IAs) shall follow
43 the existing NIA policies on cost recovery mechanisms for communal
44 irrigation systems.

45
46 h) Medium and large-scale irrigation projects shall be jointly managed by the
47 NIA, the strengthened Irrigators Associations, and the LGUs, to the extent
48 practicable, upon project completion under the Irrigation Management
49 Transfer Program.

- 1 i) To realize the full benefits of sustained increased productivity from these
2 irrigation projects, other agricultural support services shall be provided and
3 institutionalized within the third year of operation, under this Act. NIA shall
4 assist the IAs and facilitate coordination with the Department of Agriculture
5 (DA) and such other agencies and the LGUs in the provision of other
6 agricultural support inputs and infrastructures such as, but not limited to,
7 access to agricultural credit, high-quality seeds, technical assistance on pest
8 management and fertilizer use, post harvest facilities, and marketing. Funds
9 for these shall be included in the estimates of project costs.
10

11 **Sec. 5. *Irrigators Associations.*** - The NIA shall continue to organize, develop and
12 strengthen farmer-beneficiaries under this Act into self-sustaining Irrigators'
13 Associations or farmer cooperatives.
14

15 **Sec. 6. *Irrigation of Other Crops.*** - Irrigation projects under this Act are not limited to
16 rice/palay production in order to maximize use of irrigated lands.
17

18 **Sec. 7. *Special Accelerated Irrigation Fund.*** - Such sums as may be necessary for the
19 initial implementation of this Act shall be sourced from any available appropriations
20 intended for irrigation allocation under the amended AFMA, CARP, Agricultural
21 Competitiveness Enhancement Fund (ACEF) and realigned appropriations in the
22 current year of the date of effectivity of this Act. Thereafter, a Special Irrigation Fund
23 shall be established by the Department of Budget and Management (DBM) in the
24 annual General Appropriations Act for the continuous implementation of this Act until its
25 6th year completion date, with provision for accelerated release in the first three (3)
26 years to meet intensive irrigation program costs.
27

28 **Sec. 8. *Authority to Compromise.*** - To encourage farmers to pay their dues and to
29 facilitate the clearing of NIA's back account collectibles, the NIA Administrator shall
30 have the authority to enter into compromise or release for the penalty charges and part
31 of unpaid principal accounts of Irrigation Services Fee (ISF) and Communal Irrigation
32 Systems (CIS) amortizations in the amount not exceeding One hundred thousand pesos
33 (Php 100,000.00) per farmer under the Compromise Agreement Program on ISF Back
34 Account, and/or such rules and regulations that the NIA Board of Directors shall adopt
35 during the program years.
36

37 **Sec. 9. *Contracts.*** - NIA shall comply with the bidding regulations under Republic Act
38 9184, as amended, which allows community participation for small scale projects to
39 promote IA capability building. However, pursuant to the declared policy and in the
40 interest of the public, and to facilitate procurement of smaller contracts, NIA may enter
41 into contracts using the Simplified Bidding procedures, as provided under AFMA, for the
42 6-year period of implementation of this Act.
43

44 **Sec. 10. *List of Priority Projects.*** - The NIA shall annex a list of priority projects
45 proposed to be funded under this Act; *Provided* that, upon completion of the inventory
46 of existing irrigation systems and the identification/listing of potential irrigation projects,
47 the revised list of projects to be funded shall be finalized and approved.

1 **Sec. 11. *Exemption from Election Ban.*** - The Implementation of the accelerated
2 irrigation development program which involves the emergency construction,
3 rehabilitation, repair and installation of irrigation facilities, including infrastructure
4 complementary support services, shall be exempt from the scope of the election ban on
5 public works.
6

7 **Sec. 12. *Complementary Irrigation Component Projects.*** - Whenever practicable,
8 projects qualified under this Act shall include other irrigation-related components such
9 as, but not limited to, the following complementary development purposes:
10

- 11 a. watershed management and reforestation;
 - 12 b. climate change vulnerability/flood prevention/erosion control;
 - 13 c. fish culture;
 - 14 d. power generation; and
 - 15 e. tourism development.
- 16

17 **Sec. 13. *Oversight Committee.*** - A joint Oversight Committee composed of five (5)
18 members each in the House of Representatives and Senate, respectively, preferably
19 coming from the Committees on Rural Development and Agriculture shall be created to
20 monitor the strict implementation of this Act and the exercise of the authority granted
21 thereunder.
22

23 **Sec. 14. *Implementing Rules and Regulations (IRR).*** - Within 60 days upon effectivity
24 of this Act, the NIA, through the Secretary of the Department of Agriculture, shall initiate
25 the convening of Technical Working Group to promulgate the IRR of this Act with
26 relevant stakeholders.
27

28 The Secretary of the Department of Agriculture shall submit to the Committees
29 on Rural Development and Agriculture of both Houses of Congress copies of the
30 Implementing Rules and Regulations within 30 days after their promulgation.
31

32 **SEC. 15. *Separability Clause.*** - The provisions of this Act are hereby declared to be
33 separable and if any clause, sentence, provision or section of this Act, for any reason,
34 be held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect
35 the other provisions or application of this Act which can be given force and effect.
36

37 **SEC. 16. *Repealing Clause.*** - All laws, executive orders, rules and regulations, and
38 other issuances or parts thereof which are contrary or inconsistent with this Act are
39 hereby repealed or modified accordingly.
40

41 **SEC. 17. *Effectivity Clause.*** - This Act shall take effect fifteen (15) days after its
42 publication in the Official Gazette or in at least two (2) newspapers of general
43 circulation.
44

45 Approved,