

GUIDELINES ON THE CERTIFICATION OF ELIGIBILITY FOR CONVERSION OF AGRICULTURAL LAND TO NON-AGRICULTURAL USES

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I

Governing Principle

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

II

Legal Mandate

The Department of Agrarian Reform Administrative Order (DAR-AO) No. 1, Series of 1990, Section VI-A6 requires from applicants for land conversion a certification from the Department of Agriculture, through its Regional Directors “that the land has ceased to be economically feasible and sound for agricultural purposes.”

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

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

III

Definition of Terms

- A. Conversion shall refer to the authorized act of changing the current use of a piece of land into some other use.
- B. Agricultural Land refers to land devoted to or suitable for agricultural activity as defined below and not classified as mineral, forest, residential, commercial or industrial land.
- C. Agriculture or Agricultural Activity means the cultivation of soil, planting of crops, growing of fruit trees, raising of livestock, poultry, fish or aquaculture products, including the harvesting and immediate processing of such farm products, and other farm activities and practices performed in conjunction with such farming operations done by persons whether natural or juridical.
- D. Network of Protected Areas for Agricultural Development refers to land reserved for agricultural activities. The specific types of land reserved for agricultural activities covered by the Network of Protected Areas are:
 - All irrigated and potentially irrigable land;

- All alluvial plain land that are highly suitable for agricultural production and/or can be devoted to food production;
- All sustainable land that are traditional sources of food;
- All crop land that support the existing economic scale of production required to sustain the economic viability of existing agricultural infrastructure and agro-based enterprises in the province or region;
- All productive land in the low-calamity risk areas that are suitable for the production of economic trees and other cash crops;
- All agricultural land that are ecologically fragile and whose conversion will result in serious environmental problems.

E. Map of Protected Areas identifies the Network of Protected Areas for agricultural development in maps scaled at 1:50,000.

F. Agro-based Enterprises or Agro-based Activity refers to activities involved in the supply of agricultural inputs as well as those which process, trade or provide significant value-added to the products of agriculture.

G. Agro-based Infrastructure includes all types of infrastructure that will support activities of the agricultural and agro-based enterprise.

IV

Policy Guidelines

A. The State, through the Department of Agriculture, shall promote the well-being of farmers, including share-tenants, leaseholders, settlers, and other rural workers by providing an environment in which they can increase their income, improve their living conditions, and maximize their contributions to the national economy.

B. Recognizing the vital importance of the ownership of land to the farmer's ability to increase productivity and secure social and political participation, the Department of Agriculture strongly advocates and supports the effective and speedy implementation of agrarian reform. The Department of Agriculture's stewardship over agricultural land shall be guided by the principles of agrarian reform as envisioned in the Constitution and enunciated in RA 6657, EO 292, and other laws.

C. Land devoted to or suitable for agriculture shall not be converted to non-agricultural uses except when it ceases to be economically feasible and sound for agricultural purposes.

D. The utilization of agricultural land shall be guided by the objectives of the Department of Agriculture as laid out in the Philippine Agricultural Development Plan. These objectives are:

1. To increase the productivity and real incomes of small farmers especially in upland and other poverty-stricken areas;
2. To help ensure the productivity of the agricultural resource base over the longer term;
3. To ensure food security principally through self-sufficiency in the basic food items; and,
4. To help attain a favorable trade balance and agro-industrial development for the country.

V

Coverage

These rules shall apply to all public and private agricultural land, regardless of crops or commodity produced.

VI

Rules of Procedure for the Issuance of Certificate of Eligibility for Conversion (CEC)

A. All applicants shall submit to the designated Department of Agrarian Reform (DAR) office documentary requirements 1, 2, 3, 4, 5, 7, 8, 9, 10, and 11 as specified in the 1990 DAR-AO No. 1, VI-A. If the applicant is an agrarian reform beneficiary, he should submit together with the aforecited documents, additional documentary requirements as specified in Part VI Section B of the 1990 DAR-AO.

If the land is intended for government use or for joint government-private sector projects, the applicant shall, in addition, submit to Department of Agrarian Reform the documents listed in Part VI, Section C of the same AO.

B. For public agricultural land, only documents 3, 4, 7, 8, 9, 10 and 11 as provided in the 1990 DAR-AO shall be required. These should be submitted to the appropriate regional office of the Department of Agriculture.

C. The applicant shall be required to accomplish an Application for a Certificate of Eligibility for Conversion (CEC) Form to be provided by the Department of Agriculture regional office.

D. The Department of Agrarian Reform shall process the Application for Conversion and shall forward to the Department of Agriculture Regional Director all the abovementioned documents and the accomplished application for CEC.

E. The Department of Agriculture Regional Director shall instruct the Regional Land Use Technical Working Group to review the application and perform the following:

1. Determine whether the area sought to be converted for non-agricultural use is within the Network of Protected Areas, according to the Map of Protected Areas.

In the absence of the Map of Protected Areas, the Technical Working Group shall instruct the Soils and Water Action Team (SWAT) in their respective areas to evaluate and determine whether or not the proposed conversion site should be classified as a protected conversion site should be classified as a protected area and to submit its findings to the Bureau of Soils and Water Management (BSWM) for verification.

The BSWM shall recommend to the Technical Working Group whether or not the site should be placed under the Protected Areas after reviewing the findings of the SWAT.

2. If the area is classified as a Protected Area, AND the purpose for which the conversion is applied for is NOT the development of agro-based activities, or the construction of agro-related infrastructure, or the provision of support services that will improve the agricultural potentials of the protected area, the application shall be recommended for denial.

3. If the area is classified as a Protected Area AND the purpose for which the conversion is sought IS the development of agro-based activities, or the construction of agro-related infrastructures as defined in this Order, or the provision of support services that will improve the agricultural potentials of the protected area, the application shall be recommended for approval, subject to the social benefit-cost analysis.

4. If the area is not classified as protected area, the recommendation of the Technical Working Group shall be based on the evaluation resulting from the social benefit-cost analysis.

5. When applicable, the Regional Technical Working Group shall prepare a benefit-cost analysis in accordance with the social benefit-cost evaluation procedure.

In the absence of a social benefit-cost evaluation procedure, the Technical Working Group shall utilize the provisional procedure formulated by the Planning and Monitoring Service of the Department of Agriculture.

6. The Regional Technical Working Group will then submit its recommendation to the Regional Director.

F. The Regional Director shall render a decision in writing with copies to be sent to the designated Department of Agrarian Reform offices or the applicant in case of public agricultural land, the BSWM Director, and the Department of Agriculture Undersecretary for Operations.

The processing of CEC applications shall not exceed forty (40) working days from their submission together with all relevant documents to the Department of Agriculture regional office.

VII

Cancellation or Withdrawal of CEC

The grant of the CEC shall be withdrawn or cancelled by the Department of Agriculture on any of the following grounds:

A. Misrepresentation or concealment of material facts for the issuance of a CEC.

B. Any attempt to misrepresent or conceal any material fact for the issuance of a CEC.

C. Any cause similar or analogous to the abovementioned causes.

The foregoing provisions shall not in any way prevent the filing of other actions allowable under the laws of the Republic of the Philippines.

VIII

Repealing Clause

This Administrative Order repeals all previous issuances inconsistent with this Order.

IX

Effectivity

This Administrative Order takes effect ten days after publication in a newspaper of general circulation.

Adopted: 25 Oct. 1991

(Sgd.) SENEN C. BACANI

Secretary

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