



Republic of the Philippines
OFFICE OF THE SECRETARY
Elliptical Road, Diliman
1100 Quezon City

ADMINISTRATIVE ORDER

No. 18

Series of 2020

**SUBJECT: GUIDELINES ON THE ISSUANCE OF CERTIFICATE OF ELIGIBILITY FOR
CONVERSION OF AGRICULTURAL LANDS**

I. LEGAL BASES

The issuance of DA Certificate of Eligibility for Conversion of Agricultural Lands is governed by Section 21, Article II and Section I, Article XII of the 1987 Philippine Constitution; Title IV, Chapter I, Section 2 of E.O. 292, Series of 1987; Presidential Administrative Order (P.A.O.) No. 20, Series of 1992; Section 2 of Executive Order (E.O.) No. 45, Series of 2001; and other pertinent provisions of Republic Act (R.A.) 6657, known as "*Comprehensive Agrarian Reform Law of 1988*"; R.A. 8435, known as "*Agriculture and Fisheries Modernization Act of 1997*" and its Implementing Rules and Regulations (IRR); and R.A.11234, known as "*Energy Virtual One-Stop Shop Act of 2019*" and its IRR.

II. GUIDING PRINCIPLES

WHEREAS, Section 2, Chapter 1, Title IV, E.O. 292, "Instituting the Administrative Code of 1987", states that the DA is 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. Further, Section 3 (3) states that the Department shall promulgate and enforce all laws, rules and regulations governing the conservation and proper utilization of agricultural and fishery resources.

WHEREAS, Section 2 of R.A. 8435 provides that the State shall empower the agriculture and fisheries sectors to develop and sustain themselves. Toward this end, the State shall ensure the development of the agriculture and fisheries sectors in accordance with the following principles:

- a) **Poverty Alleviation and Social Equity** – The State shall ensure that the poorer sectors of society have equitable access to resources, income opportunities, basic and support services and infrastructure especially in areas where productivity is low as a means of improving their quality of life compared with other sectors of society;

b) **Food Security** – The State shall assure the availability, adequacy, accessibility and affordability of food supplies to all at all times;

c) **Rational Use of Resources** – The State shall adopt a rational approach in the allocation of public investments in agriculture and fisheries in order to assure efficiency and effectiveness in the use of scarce resources and thus obtain optimal returns on its investments;

d) **Global Competitiveness** – The State shall enhance the competitiveness of the agriculture and fisheries sectors in both domestic and foreign markets;

e) **Sustainable Development** – The State shall promote development that is compatible with the preservation of the ecosystem in areas where agriculture and fisheries activities are carried out. The State should exert care and judicious use of the country's natural resources in order to attain long-term sustainability;

f) **People Empowerment** – The State shall promote people empowerment by enabling all citizens through direct participation or through their duly elected, chosen or designated representatives the opportunity to participate in policy formulation and decision-making by establishing the appropriate mechanisms and by giving them access to information; and

g) **Protection from Unfair Competition** – The State shall protect small farmers and fisherfolk from unfair competition such as monopolistic and oligopolistic practices by promoting a policy environment that provides them priority access to credit and strengthened cooperative-based marketing system.

WHEREAS, R.A. 8435 provides that the State shall promote food security, including sufficiency in our staple food, namely rice and white corn. The production of rice and white corn shall be optimized to meet our local consumption and shall be given adequate support by the State.

WHEREAS, under Section 6 of R.A. 8435, the DA is mandated to identify the Strategic Agriculture and Fisheries Development Zone (SAFDZ) within the Network of Protected Areas for Agricultural and Agro-Industrial Development (NPAAAD) to ensure that lands are efficiently and sustainably utilized for food and non-food production and agro-industrialization.

WHEREAS, R.A. 10593, known as "An Act Amending Certain Sections of R.A. 8048, known as the Coconut Preservation Act of 1995," mandates that the State shall regulate the cutting of coconut trees as well as promote the growth of the coconut industry by ensuring a sustainable and efficient replanting program.

WHEREAS, R.A. 10659, known as "*Sugarcane Industry Development Act of 2015*," provides that the State to promote the competitiveness of the sugarcane industry and maximize the utilization of sugarcane resources, and improve the income of farmers and farm workers, through improved productivity, product diversification, job generation, and increased efficiency of sugar mills.

WHEREAS, Section 1.3 of DAR AO 1, Series of 2002, "2002 Comprehensive Rules On Land Use Conversion" provides as State Policy that the conversion of agricultural lands to non-agricultural uses shall be strictly regulated and may be allowed only when the conditions prescribed under R.A.6657 and/or R.A. 8435 are present and complied with.

WHEREAS, under R.A. 11234, the DA is among the members of EVOSS Steering Committee and under Section 12 (c), the DA is mandated to issue an internal order, or circular streamlining its internal permitting process for power generation, transmission and distribution projects including that of its attached bureaus, offices, and agencies, at both the national and local levels.

WHEREAS, under Rule 9 of the IRR of R.A. 11234, the DA and its attached bureaus, offices, and agencies, at both the national and local levels have sixty (60) calendar days to issue permits or certifications on all new power generation, transmission, and distribution projects throughout the country.

III. DEFINITION OF TERMS

1. **Agricultural Lands** refer to lands devoted to or suitable for the cultivation of the soil, planting of crops, growing of trees, raising of livestock, poultry, fish or aquaculture production, 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 the law as mineral land, forest land, residential land, commercial land or industrial land.
2. **Application Folder for Land Conversion (AFLC)** refers to the folder which contains the documentary requirements listed in Item VI of this A.O.
3. **Certificate of Eligibility for Conversion of Agricultural Lands** refers to certification issued by DA that an agricultural land is eligible for conversion to non-agricultural use as a requirement for conversion process at DAR.
4. **Comprehensive Land Use Plan (CLUP)** refers to a document accompanied by maps and similar illustrations, which represent the community-desired pattern of population distribution and proposal for the future allocation of land for various land use activities. It identifies the allocation, character and extent of the area's land resources to be used for different purposes and includes the process and the criteria employed in the determination of land use.

5. **Energy Virtual One-Stop Shop (EVOSS)** refers to an online system that allows the coordinated submission and synchronous processing of all required data and information, and provides a single decision-making portal for actions on applications for permits or certifications necessary for, or related to, an application of a proponent for new power generation, transmission, or distribution project.
6. **Irrigable Lands/Areas** refer to land suitable for the conduct of agricultural activities which require irrigation and display physical features justifying the operation of an irrigation system.

6.a **Project Areas** refer to those within irrigable lands/areas comprising the intended or design serviceable or irrigation areas/lands of an ongoing or in pipeline (included in National Irrigation Administration budget strategy) irrigation construction projects.
7. **Irrigated Lands/Areas** 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.
8. **Land Use** refers to the manner of utilization of land, including its allocation development and management.
9. **Land Use Conversion** refers to act or process of changing the current physical use of a piece of agricultural land into some other use or for another agricultural use other than the cultivation of the soil, planting crops, growing trees including harvesting of produce therefrom, as approved by DAR.
10. **Network of Protected Areas for Agricultural and Agro-Industrial Development (NPAAAD)** refers to the agricultural areas identified by the DA through the Bureau of Soils and Water Management (BSWM), in coordination with the National Mapping and Resources 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 with firm funding commitments; all alluvial plain lands highly suitable for agriculture, whether irrigated or not; agro-industrial croplands or lands presently 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 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; all mangrove areas and fish sanctuaries.

11. **Permitting Process** refers to the comprehensive procedure of obtaining permits or certificates in order to put up a power generation, transmission, or distribution project, including the following phases: acquisition of an operating contract or service contract, pre-development and construction of a power plant, renewal of existing power plant permits including the date of commercial operations thereof, as well as all the required documentary requirements and fees from all Government agencies involved in such procedures.
12. **Private Agricultural Land** refers to agricultural lands owned by natural or juridical persons or by the government in its proprietary capacity.
13. **Socialized Housing** refers to housing programs and projects covering houses and lots or home lots undertaken by the government or the private sector for the underprivileged and homeless citizens where the maximum cost per unit does not exceed the maximum amount as prescribed by the Housing and Urban Development Coordinating Council (HUDCC) which shall include sites and services development, long term financing, liberalized terms on interest payments and such other benefits in accordance with R.A. 7279 (Urban Development and Housing Act of 1992).
14. **Strategic Agriculture and Fisheries Development Zone (SAFDZ)** refers to the areas within 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.
15. **Zoning** is the delineation/division of a city/municipality into functional zones where only specific land uses are allowed. It directs and regulates the use of all lands in the community in accordance with an approved or adopted land use plan for the city/municipality.
16. **Zoning Ordinance** refers to a local legislation approving the comprehensive land use plan and providing the regulations and other conditions, on the uses of land including the limitation on the infrastructures that may be placed thereon within the territorial jurisdiction of a city or municipality.

IV. COVERAGE

1. **Applicability of Rules** - These guidelines shall apply to the issuance of Certificate of Eligibility/Non-Eligibility for Conversion of Agricultural Lands:
 - 1.1 Those to be converted to residential, commercial, industrial, institutional, energy 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 reclassified to residential, commercial, industrial, or other non-agricultural uses on or after the effectivity of R.A. 6657 dated 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 from the DAR shall apply.
2. **Exclusion** - The issuance of Certificate of Eligibility for Conversion shall not apply to the following:
 - 2.1 **Areas Non-Negotiable for Conversion** - The following areas are non-negotiable for land conversion pursuant to P.A.O. 20 series of 1992, R.A. 8435 and DAR A.O. 01, Series of 2002:
 - 2.1.1 All irrigated lands, as delineated by the DA and/or the National Irrigation Administration (NIA), where water is available to support rice and other crop production, and all irrigated lands where water is not available for rice and other crop production but are within areas programmed for irrigation facility rehabilitation by the government;
 - 2.1.2 All irrigable lands already covered by irrigation projects with firm funding commitments, as delineated by the DA and/or NIA;
 - 2.1.3 All agricultural lands with irrigation facilities.
 - 2.2 **Areas Highly Restricted from Conversion** - The following areas/projects are classified as highly restricted from conversion pursuant to Section 5 of DAR A.O. 1, Series of 2002:
 - 2.2.1 Irrigable lands not covered by irrigation projects with firm funding commitment;

- 2.2.2 Agro-industrial croplands, or lands presently planted to industrial crops that support the economic viability of existing agricultural infrastructure and agro-based enterprises;
- 2.2.3 Highlands or areas located in elevation of five hundred (500) meters or above and which have the potential for growing semi-temperate or high value crops; and
- 2.2.4 Lands issued with notice of land valuation and acquisition, or subject of a perfected agreement between the landowner and the beneficiaries under the Voluntary Land Transfer (VLT)/ Direct Payment Scheme (DPS) under the Comprehensive Agrarian Reform Program (CARP).

V. **APPLICANT/S**

- 1. Owner/s of private agricultural lands or other persons duly authorized by the landowner.
- 2. Beneficiary/ies of the agrarian reform program after the lapse of five (5) years from award, reckoned from the date of the issuance of the Certificate of Land Ownership Award (CLOA) and who have fully paid their obligations, or persons duly authorized by them.
- 3. Government agency/ies, including government-owned or controlled corporations, and local government units owning agricultural lands as part of their patrimonial property.

VI. **DOCUMENTARY REQUIREMENTS**

- 1. Notarized Sworn Declaration of Application;
- 2. Proof of Ownership of Land e.g. Certified True Copy of the Original Certificate of Title or Transfer of Certificate of Title (OCT/TCT) and/or other documents establishing ownership.

If at time of application the landholding is an untitled agricultural land, the following shall be required in lieu of a certified true copy of the title:

- 2.1 Certification from DENR Community Environment and Natural Resources Office (CENRO) that the landholding has been classified as alienable and disposable.
- 2.2 Certification from DENR CENRO (for administrative confirmation of imperfect title) or the Clerk of Court of regular courts (for judicial confirmation of imperfect title) that the titling process/proceeding has commenced.

3. Special Power of Attorney (SPA) with documentary stamp, if applicant is other than the owner of the land or Board Resolution/Secretary's Certificate, if the owner is a corporation;
4. Parcellary Map prepared and signed by a Licensed Geodetic Engineer indicating the Name of Owner, Title No. , Area and Geographic Coordinates;
5. Clear, colored, geotagged photographs (5R size with captions) of the area, including the adjoining areas;
6. Certification from National Irrigation Administration (NIA) signed by the Administrator or authorized official pursuant to existing NIA issuances stating if the area is within or outside the following:
 - (a) irrigated lands where water is available to support rice and other crop production;
 - (b) irrigated lands where water is not available for rice and other crop production but are within areas programmed for irrigation facility rehabilitation by the government;
 - (c) irrigable lands already covered by irrigation projects with firm funding commitments;
 - (d) with irrigation facilities; and
 - (e) irrigable lands not covered by irrigation projects with firm funding commitment
7. Certification from the Philippine Coconut Authority (PCA) signed by the Regional Manager or authorized official pursuant to existing PCA issuances stating among others the presence/absence of coconut trees, number and age of trees; and, whether the subject property is within or outside PCA program areas;
8. Certification from the Sugar Regulatory Administration (SRA) signed by the SRA Administrator or authorized official pursuant to existing SRA issuances stating among others the presence/absence of sugarcane; whether the subject property is within or outside SRA program areas; and, proximity to sugar mill (within economic distance);
9. Certification from the HLURB signed by the Regional Officer on the actual zoning or classification on the subject property based on the approved CLUP;
10. Certification from the National Housing Authority (NHA) for government socialized housing project or HLURB for socialized housing project of private developers/ groups;
11. Official Receipt of payment of filing fee and field verification fee;

12. Soil Investigation Report from the DA Regional Field Office stating among others the following: slope, soil depth, soil texture, internal drainage, stoniness/rock outcrops, erosion, elevation, source of irrigation water, land use of adjoining areas, accessibility and soil fertility rating;
 13. Certification from PhilFIDA, *if applicable*;
 14. Certification from BFAR, *if applicable*;
 15. Certification from BAI, *if applicable*; and
 16. Certification from NTA, *if applicable*.
- Certification/s from the Philippine Fiber Industry Development Authority (PhilFIDA), Bureau of Fisheries and Aquatic Resources (BFAR), Bureau of Animal Industry (BAI), and National Tobacco Administration (NTA) shall be required upon verification with the lists of programs/projects submitted by these agencies.
 - All certifications must be issued in the name of the applicant or his/her duly authorized representative;
 - All certifications are valid within one (1) year from their respective date of issuances, in original copies or certified true copies.

VII. APPLICATION FEES

The applicant shall pay the non-refundable filing and field verification fees per application at the DA-RFO Cashiering Unit, to wit:

Area Applied	Filing Fee	Field Verification Fee
15 hectares and below	₱ 1,750.00	₱ 3,000.00
Above 15 hectares to 30 hectares	₱ 2,000.00	
More than 30 hectares	₱ 3,000.00	

- If the parcels of land applied are contiguous even if located in different barangays, those shall be considered as one (1) application.
- If the parcels of land applied are not contiguous even if located in the same barangay, those shall be filed as separate applications.

VIII. TECHNICAL COMMITTEES

1. Regional Technical Evaluation Committee on Land Use Matters (RTECLUM)

The RTECLUM is a committee at the DA Regional Field Office whose members and technical secretariat are designated by the Secretary of Agriculture through a Special Order and shall be composed of the following:

Chairperson : Regional Executive Director (RED)

Members : Regional Technical Director (RTD)
Two (2) Technical Staff

Secretariat : Two (2) Technical Staff

2. National Technical Evaluation Committee on Land Use Matters (NTECLUM)

The NTECLUM is an inter-agency committee whose members and technical secretariat are designated by the Secretary of Agriculture through a Special Order and shall be composed of the following:

Chairperson : Director, Bureau of Soils and Water Management (BSWM)

Members : Director, DA Legal Service (DA-LS)
Manager, NIA Operations Department
Chief Agriculturist, BSWM

Secretariat : Five (5) Technical Staff

IX. RESPONSIBILITIES AND PROCEDURE

A. RTECLUM

1. The applicant files with the DA Regional Field Office (RFO), through the RTECLUM Secretariat, duly accomplished Application for Land Conversion (ALC) Form 1, subscribed and sworn to before a notary public, together with the documentary requirements as enumerated under Item VI of this Administrative Order (AO) in duplicate. These documents, prepared in two (2) sets, shall collectively be called Application Folder for Land Conversion (AFLC).

2. The RTECLUM Secretariat, upon receipt of the AFLC, checks its completeness. Within two (2) days upon receipt of the AFLC, the Secretariat issues:
 - a. Notice of Acceptance if AFLC is found to be complete; or
 - b. Notice of Non-Acceptance if found to be incomplete, stating therein the following: (i) reason/s for non-acceptance; (ii) name of the technical staff who checked the AFLC; and (iii) an advice to the applicant to retrieve the AFLC.

(Upon issuance of Notice of Acceptance, the Secretariat sends the duplicate AFLC to the NTECLUM Secretariat for the latter's advance record-keeping purposes.)

3. The Secretariat forwards the AFLC to the RTECLUM Chairperson through the Regional Technical Director including the consolidated information contained in the AFLC, presented in the Fact Sheet form, verified by the RTECLUM Technical Staff Member/s.
4. The Members review and evaluate the application based on the consolidated information, vis-à-vis the submitted certifications and the soil investigation report and recommends action/s for the Chairperson, where applicable:
 - Conduct field verification
 - Call on other DA agency/ies as resource person/s
 - Provide initial recommendation as to eligibility/non-eligibility for conversion of agricultural lands.
5. The RTECLUM conduct field verification, if needed.
6. The Members submit their findings and initial recommendation to the Chairperson.
7. The Chairperson, within 15 days from issuance of Notice of Acceptance, shall provide recommendation based on the findings and initial recommendation submitted by the RTECLUM Members. This shall be called the RTECLUM Report.
8. The Chairperson has the authority to issue the following:
 - a. Certificate of Non-Eligibility for Conversion of Agricultural Lands for applications covering areas which are evaluated as non-negotiable for conversion or areas highly restricted from conversion. Copy of the Certificate and RTECLUM Report is forwarded to the NTECLUM through its Secretariat.

- b. Certificate of Eligibility for Conversion of Agricultural Lands for areas applied for socialized housing which are evaluated as outside of SAFDZ and with a total area of five (5) hectares or below and have met the applicable criteria under Item X of this AO. Copy of the Certificate and RTECLUM Report is forwarded to the NTECLUM through its Secretariat.
9. The RTECLUM Secretariat sends the RTECLUM Report containing recommendation as to eligibility/non-eligibility for conversion of the applied agricultural lands and the entire records to the NTECLUM.

B. NTECLUM

10. The NTECLUM Secretariat provides NTECLUM Members the consolidated information contained in the AFLC, presented in the Fact Sheet form, including the RTECLUM Report.
11. The NTECLUM convenes to evaluate the application and issues recommendation through a Resolution within ten (10) days from receipt by the NTECLUM Secretariat of RTECLUM's Report and recommendation.

If needed, the NTECLUM may call on other DA agencies such as PCA, SRA, PhilFIDA, BFAR, BAI, and NTA, among other as resource person/s.

12. The Secretariat transmits the NTECLUM Resolution and entire records to the Office of the Secretary for action.
 13. The Secretary issues Certificate of Eligibility/Non-Eligibility for Conversion of Agricultural land/s within three (3) days from receipt of the above pertinent documents.
 14. The Secretariat releases the Certificate of Eligibility/Non-Eligibility for Conversion of Agricultural Lands to the applicant or his/her authorized representative through their preferred mode of receipt.
- The flow chart on the Process of Issuance of Certificate of Eligibility for Conversion of Agricultural Lands, as Annex A, forms part of the entire Guidelines.
 - The entire process for applications proposed for energy-related projects shall not exceed thirty (30) days, or forty-five (45) days for applications proposed for other non-agricultural uses, from receipt of complete documentary requirements.

X. CRITERIA

The eligibility for conversion of agricultural land/s shall meet the applicable criteria, as follows:

1. Outside NPAAAD;
2. Not irrigated and not irrigable land/s with firm funding commitment;
3. It shall not hamper the availability of irrigation water or productivity of the nearby farmlands;
4. Land/s with physical limitations/constraints to agricultural production and very low potential for growing agricultural crops;
5. The proposed use should be consistent with the natural expansion of the municipality or locality, as contained in the approved physical framework and land use plan; and
6. The land/s' proposed use is supportive to agro-industrial development and will generate alternative livelihood opportunities for the affected community.

XI. TRANSITORY CLAUSE

These Rules shall apply to all applications filed after the effectivity of this Order.

The PhilFIDA, BFAR, BAI, and NTA shall submit their respective lists of ongoing and programmed projects/programs to the DA Regional Field Offices (RFOs) within thirty (30) days after the effectivity of this AO, and periodically, thereafter.

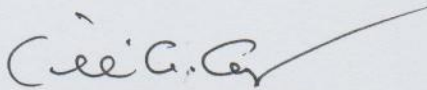

XII. REPEALING CLAUSE

All orders issued by the Department which are inconsistent with the provisions of this order are hereby repealed or modified accordingly.

XIII. EFFECTIVITY

This Administrative Order shall take effect after its publication in Official Gazette or in a newspaper of general circulation and its filing with the University of the Philippines Law Center – Office of the National Administrative Register.

Done in 18 day of May 2020 in Quezon City, Philippines.


WILLIAM D. DAR, Ph.D.
Secretary 

DEPARTMENT OF AGRICULTURE

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