



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

MEMORANDUM CIRCULAR

No. 26
Series of 2022

SUBJECT: ISSUANCE OF DA CERTIFICATION PURSUANT TO MEMORANDUM CIRCULAR NO. 54 (MC 54), SERIES OF 1993, "Prescribing the Guidelines Governing Section 20 of RA 7160 Otherwise Known as the Local Government Code of 1991 Authorizing Cities and Municipalities to Reclassify Agricultural Lands into Non-Agricultural Uses" and JOINT HLRB, DAR, DA, DILG MEMORANDUM CIRCULAR SERIES OF 1995 (JMC, SERIES OF 1995), "Prescribing the Guidelines to Implement MC 54"

WHEREAS, Republic Act (RA) 7160, otherwise known as the Local Government Code of 1991 (LGC), provides that cities and municipalities may reclassify agricultural lands into non-agricultural uses within their respective jurisdictions, subject to the limitations and other conditions prescribed under Section 20 of the LGC.

WHEREAS, Section 20 of RA 7160 (LGC) provides that "a city or municipality may, through an ordinance passed by the Sanggunian after conducting public hearings for the purpose, authorize the reclassification of agricultural lands and provide for the manner of their utilization or disposition in the following cases: (1) when the land ceases to be economically feasible and sound for agricultural purposes as determined by the Department of Agriculture or (2) where the land shall have substantially greater economic value for residential, commercial, or industrial purposes, as determined by the Sanggunian concerned."

WHEREAS, Memorandum Circular No. 54 prescribes the guidelines governing Section 20 of RA 7160 otherwise known as the Local Government Code of 1991 authorizing cities and municipalities to reclassify agricultural lands into non-agricultural uses.

WHEREAS, Section 1 of M.C. 54, Series of 1993, provides that "(a) cities and municipalities with comprehensive land use plans reviewed and approved in accordance with EO 72 (1993), may authorize the reclassification of agricultural lands into non-agricultural uses and provide for the manner of their utilization or disposition".

WHEREAS, Section 5 (h) (h.1) (h.1.1 –h.1.3) of JMC of 1995 provides that the DA Certification from the Regional Land Use Technical Working Group and the Regional Director is a requirement in the reclassification of agricultural lands, stating the following : (1) the total area of existing agricultural lands in LGU concerned based on the approved Comprehensive Land Use Plan/ZO prior to this application for reclassification; (2) that such lands are not classified as non-negotiable for conversion or reclassification under AO 20 (1992); or (3) that the land ceases to be economically feasible and sound for agricultural purposes.

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WHEREAS, R.A. 8435 otherwise known as the Agriculture and Fisheries Modernization Act (AFMA) of 1997 mandated the Department of Agriculture, through the Bureau of Soils and Water Management (BSWM), in coordination with the National Mapping and Resource Information Authority (NAMRIA) and the Housing and Land Use Regulatory Board (HLURB), to map the network of areas for agricultural and agro-industrial development and the SAFDZ for all municipalities/cities at an appropriate scale.

WHEREAS, Section 6 of R.A. 8435 provides that the Department, in consultation with the local government units, appropriate government agencies, concerned non-government organizations (NGOs) and organized farmers' and fisherfolk's groups to identify the Strategic Agriculture and Fisheries Development Zones (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 nonfood production and agro-industrialization.

WHEREAS, the SAFDZ shall serve as centers where development in the agriculture and fisheries sectors are catalyzed in an environmentally and socio-culturally sound manner.

NOW, THEREFORE, this Memorandum Circular is issued as a guide in the issuance of DA certification pursuant to MC 54 Series of 1993, JMC Series of 1995 and AFMA.

SECTION I. APPLICABILITY OF RULES

These guidelines shall apply to the cities and municipalities in the preparation/updating of their respective comprehensive land use plans (CLUPs) to be enacted through zoning ordinances, subject to applicable laws and rules and regulations.

SECTION II. APPLICATION/S FOR LAND USE RECLASSIFICATION

Application/s for reclassification of agricultural lands by Local Government Units may be for any of the following reasons pursuant to Section 3 of JMC, Series of 1995:

1. There is a requirement for additional areas for urban expansion and human settlements to accommodate the current and projected increase in population and socio-economic activities;
2. If the actual urban growth and expansion has veered from the approved land use plan thereby requiring the need to reclassify lands along the actual direction of development; or
3. The project is a Significant National Project as certified by NEDA and requires areas not previously covered in the land use plan.

SECTION III. COMPOSITION

1. Regional Land Use Technical Working Group (RLUTWG)

The DA-RLUTWG shall be created and composed of technical personnel from the DA-Regional Field Office (RFO) through a Special Order issued by the Regional Executive Director (RED). The composition of the team are as follows:

- a. Team Leader
 - Chief from any of the following:
 - i. Field Operations Division
 - ii. Regulatory Division
 - iii. Regional Agricultural Engineering Division (RAED)
- b. Members
 - Three (3) technical staff from any of the following:
 - i. Regulatory Division
 - ii. Planning, Monitoring and Evaluation Division
 - iii. Integrated Laboratory Division
 - iv. Field Operations Division/Regulatory/RAED
- c. Technical Secretariat
 - Two (2) Technical Staff
(from the office of the Team Leader)

Duties and Responsibilities

1. Conduct initial assessment on the application for reclassification;
2. Validate information and data together with the Technical Review Team (TRT);
3. Prepare findings/reports and recommendation with TRT based on the validation conducted;
4. Consult other government agencies and/or legal assistance, if needed; and
5. Perform other related functions and tasks.

Duties and Responsibilities of the Technical Secretariat

1. Receive and ensure completeness of information and attachments on application submitted by the Local Government Unit (LGU) and forward the same to the RLUTWG;
2. Create a database of requests of LGUs and relevant information;
3. Record and keep scan copies of certificates issued by the RED;
4. Provide technical and administrative support to the RLUTWG; and
5. Perform other tasks as needed.

2. Technical Review Team (TRT), Bureau of Soils and Water Management (BSWM)

The BSWM through the ALMED conducted the mapping of the NPAAAD and SAFDZ in coordination with other agencies. ALMED is the division at BSWM which acts as the depository of the maps as well as provide the maps and statistics related to NPAAAD

and SAFDZ to the LGUs and other stakeholders. They are also responsible for updating the said maps.

The ALMED shall constitute the Technical Review Team and its technical secretariat through a Special Order signed by the BSWM Director. As the need arises, members from other Technical Divisions of the BSWM may be included.

Duties and Responsibilities of Technical Review Team

1. Conduct initial assessment on the application for reclassification;
2. Validate information and data with RLUTWG particularly on Network of Protected Areas for Agricultural and Agro-Industrial Development (NPAAAD) and Strategic Agricultural and Fisheries Development Zone (SAFDZ);
3. Provide recommendation together with RLUTWG to the RED;
4. Provide technical assistance and conduct trainings to the DA-RFOs on land use reclassification;
5. Act as resource person on land use reclassification; and
6. Perform other tasks as needed.

Duties and Responsibilities of the Technical Secretariat

1. Receive a copy of the applications from the RLUTWG Secretariat and forward the same to the TRT, BSWM;
2. Create a database of requests of LGUs and relevant information;
3. Record and keep scan copies of certificates issued by the RED;
4. Provide technical and administrative support to the TRT; and
5. Perform other tasks as needed.

3. Office of the Regional Executive Director (ORED)

The Regional Executive Director shall issue the DA Certificate pursuant to MC 54 and JMC of 1995. Further, the ORED shall provide a certified true copy of the issued DA Certificate to the TRT.

SECTION IV. PROCEDURE

1. The Local Government Unit (LGU) through the Sanggunian concerned shall secure DA Certification from the RED pursuant to Section 2 (b) (1) of M.C. 54, Series of 1993 and submit the following to the ORED through the RLUTWG Secretariat:
 - 1.1 Letter of request for DA certificate addressed to the RED stating the specific changes as to the proposed land use allocation and utilization of lands to be reclassified and total area of proposed reclassification;
 - 1.2 Application Form (Annex A) with required attachments and information;



- 1.2.1 Description of areas proposed to be reclassified;
 - 1.2.1.1 Location (Barangay, Municipality/City, Province)
 - 1.2.1.2 Geographical Coordinates (Longitude and Latitude)
 - 1.2.1.3 Specific Existing Land Use
 - 1.2.1.4 Adjacent Surrounding Land Use
 - 1.2.1.5 Specific Proposed Land Use for Reclassification
 - 1.2.1.6 Area Applied
 - 1.2.2 Municipal Land Use Plan Map (Scale 1:20,000 or larger/shape file format) showing the proposed land/s to be reclassified with coordinates (longitude and latitude);
 - 1.2.3 Panoramic photos of the area with caption (East, West, North, South), taken not earlier than one (1) month before filing of application; and
 - 1.2.4 Other Relevant Information
 - 1.2.4.1 DA Programs implemented in the areas to be reclassified
 - 1.2.4.2 Infrastructure and support facilities (FMR, Post-Harvest Facilities, Mills, Cold Storages, Warehouses, etc.)
 - 1.2.4.3 Irrigation (NIA, BSWM, DA RFOs and privately- owned irrigation facility)
2. The RLUTWG Secretariat will furnish a scan copy of the application letter and filled up Application Form to the TRT, BSWM Secretariat through electronic mail, courier and/or registered mail.
 3. The RLUTWG and TRT, BSWM shall conduct an initial assessment on the area being applied for reclassification based on the available data and information in their respective offices.
 4. The RLUTWG together with TRT, BSWM shall conduct validation of the submitted documents and submit a joint recommendation to the RED.
 5. The Regional Executive Director (RED) shall issue duly signed DA certification to LGU, copy furnished BSWM-ALMED and DA OSEC (Annex B: Certification).

If areas applied for reclassification are to remain as agricultural, the RED shall recommend alternative areas for development purposes (See Section 2 (e) of MC 54).

SECTION V. CRITERIA

The reclassification of agricultural lands will be based on the following criteria:

1. NPAAAD / SAFDZ Classification
 - a. Bio-Physical
 - b. Infrastructure and support facilities
 - c. Climatic information



2. Zoning of Adjoining Areas
3. Existing agri-fisheries programs and projects
4. Areas Non-negotiable for Reclassification (Office of the President (OP) Administrative Order No. 20, Series of 1992, "Interim Guidelines on Agricultural Land Use Conversion"

4.1. All agricultural lands classified hereunder shall not be subject to and non-negotiable for conversion:

(a) All irrigated lands 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 Department of Agriculture (DA) and National Irrigation Administration (NIA); and

(b) All irrigable lands already covered by irrigation projects with firm funding commitments at the time of the application for land use conversion.

4.2. All agricultural lands other than those referred hereunder as non-negotiable for conversion may be converted only upon strict compliance with existing laws, rules and regulations.

Further, Section 22 of RA 9700 provides "that irrigated and irrigable lands, shall not be subject to conversion".

5. Lands within SAFDZ. 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.

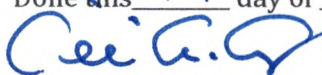
SECTION VI. ISSUANCE OF DA CERTIFICATION

1. The Regional Executive Director (RED) shall release DA Certification to the LGU through courier service. Only duly authorized representative of the LGU may receive the DA Certification personally upon submission of authorization letter of the Mayor.
2. The Office of the RED shall provide copy of the DA Certification to the Office of the Secretary (OSEC) and BSWM-ALMED online via email, drive, cloud, etc. or mail for record and reference.

SECTION VII. EFFECTIVITY

This Circular shall take effect fifteen (15) days after its publication in the 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 (ONAR).

Done this 27th day of June 2022.


WILLIAM D. DAR, Ph.D.
Secretary

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