

**[DA ADMINISTRATIVE ORDER NO. 2, S. 2002,
JANUARY 22, 2002, February 07, 2002]**

**GUIDELINES FOR THE IMPLEMENTATION OF EO 45 DATED
OCTOBER 24, 2001, "PRESCRIBING TIME PERIODS FOR
ISSUANCE OF HOUSING-RELATED CERTIFICATIONS,
CLEARANCES AND PERMITS, AND IMPOSING SANCTIONS FOR
FAILURE TO OBSERVE THE SAME"**

In order to address the urgent housing needs of the Filipino people and to achieve the housing targets of the government, it is imperative to fast track the approval and implementation of the housing projects. In view of this, EO 45 was issued which prescribes the time periods for the issuance of housing-related certifications, clearances and permits of concerned national agencies and the Local Government Unit. These guidelines are hereby prescribed for the guidance of the public in general.

I. GENERAL PRINCIPLE

This administrative order pertains to the eligibility of a particular parcel of land for reclassification to non-agricultural use, in accordance with the pertinent provisions of RA 8435 (Agriculture and Fisheries Modernization Act), RA 6657 (Comprehensive Agrarian Reform Law) and RA 7160 (Local Government Code). This guideline applies to all agricultural lands within and outside of the Strategic Agricultural and Fisheries Development Zone (SAFDZ) and the Network of Protected Areas for Agricultural and Agro-industrial Development (NPAAAD). The total agricultural land under Agriculture and Fisheries Modernization Act (AFMA) refers to the sum of land occupied by SAFDZ and NPAAAD.

II. LEGAL BASES

A. Lands within SAFDZ — In accordance with Section 9 of RA 8435, the following rules shall govern land use reclassification (LUR) applications within SAFDZs:

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 so delineated and included within the SAFDZ shall not be converted for a period of five (5) years from February 10, 1998 to February 9, 2003. Provided, however, That not more than five percent (5%) of the said lands located within the SAFDZ may be converted upon compliance with existing laws, rules, regulations, executive orders and issuances, and administrative orders relating to land use conversion.

Reclassification of lands within the SAFDZ, shall take into account the following conditions in accordance with Rule 9.5.2 of Administrative Order No. 6, series of

1998:

- a. the conversion of land use is consistent with the natural expansion of the municipality or locality, as contained in the approved physical framework and land use plan;
- b. the area to be converted in use is not the only remaining food production area of the community;
- c. the land use conversion shall not hamper the availability of irrigation to nearby farmlands;
- d. the areas with low productivity will be accorded priority for land use conversion; or,
- e. when the proposed project is supportive to agro-industrial development and will generate alternative livelihood opportunities for the affected community.

B. Lands within NPAAAD but outside of SAFDZ

Areas applied for within the NPAAAD shall be governed by Section 20 of RA 7160. In each municipality, the reclassification shall be limited to the following percentage of the total agricultural land:

- a. For highly urbanized and independent component cities—

15%

- b. For component cities and first to third class municipalities—

10%

- c. For fourth (4th) to sixth (6th) class municipalities —

5%

C. Lands outside of SAFDZ and of NPAAAD

All private lands outside of SAFDZ and of NPAAAD are considered marginal lands and are automatically eligible for reclassification.

III. EXEMPTION FROM DA CERTIFICATION

The following lands shall be exempted from DA certification:

- a. Those reclassified to residential, commercial, industrial, or other non agricultural uses prior to June 15, 1988;
- b. Those to be devoted to another type of agricultural activity such as livestock, poultry and fishpond.

Those covered by these exemptions shall be referred to the Department of Agrarian Reform (DAR) for the issuance of exemption certification.

IV. APPROVING AUTHORITIES

The following DA Officials shall approve or disapprove applications for land use reclassification for housing purposes:

1. The Regional Executive Director or his designated Regional Technical Director for areas outside the SAFDZ and with a total area of 5 hectares and below.
2. The Secretary or his designated official for areas covering lands within SAFDZ regardless of area and those lands outside of SAFDZ covering more than 5 hectares.

V. MECHANISMS FOR THE EVALUATION OF APPLICATIONS

A. THE TECHNICAL EVALUATION COMMITTEE ON LAND USE MATTERS (TECLUM)

1. The TECLUM shall have a Regional and National Committee.
2. The Regional Technical Evaluation Committee on Land Use Matters (RTECLUM) shall act as the Regional One-Stop Housing Permit Office (ROSHPO) for the DA at the region.
3. The RTECLUM shall accept, process, and recommend action on housing-related certification for areas outside the SAFDZ areas with total area of 5 hectares and below.
4. The National Technical Evaluation Committee on Land Use Matters (NTECLUM) shall accept, process, recommend action on housing-related certification for areas covering lands within SAFDZ regardless of area and those Non-SAFDZ/NPAAAD lands covering more than 5 hectares.

B. COMPOSITION

The National Technical Evaluation Committee on Land Use Matters (NTECLUM) and Regional Technical Evaluation Committee on Land Use Matters (RTECLUM) shall be an Inter-agency Committee.

The NTECLUM shall be composed of the following:

Chair — Director, Bureau of Soils and Water Management (BSWM)

Regular Members:

Representative from National Irrigation Administration (NIA)

Representative from Philippine Coconut Authority (PCA)

On the other hand, the RTECLUM shall be composed of the following:

Chair — DA Regional Executive Director

Regular Members:

Representative from National Irrigation Administration (NIA)

Representative from Philippine Coconut Authority (PCA)

BSWM Soil and Water Action Team (SWAT) Coordinator

The Chair of NTECLUM and RTECLUM may call on other agencies to act as resource persons on specific land issues. The resource persons shall provide technical and policy guidelines that may be requested by the Committee in making their final evaluation and recommendation .

VI. APPLICATION PROCEDURE

1. Where to File — The application for housing and other land use reclassification (LUR) shall be filed with the DA-ROSHPO located at the Regional Field Unit (RFU).

2. Documentary Requirements

The applicant files an application for a Certificate of Irrigation Coverage (CIC) issued by NIA and/or where applicable, for a Certificate of Inspection/Verification (Coconut Lands Applied for Conversion) issued by PCA at the ROSHPO.

An applicant pays the application fees in securing the NIA and/or PCA certificates.

The ROSHPO shall coordinate with the NIA or the PCA, and is given fifteen calendar days to issue the pertinent certificates.

The RTECLUM personnel shall review and ensure that all LUR applications are supported with a complete set of documentary requirements. (See Documentary Requirements).

Applications with incomplete requirements shall not be accepted. However, the applicant shall be provided with a checklist of required documents to be submitted on the date prescribed by the RTECLUM.

3. Filing Fee

The application fee shall be paid upon submission of LUR application with complete set of documentary requirements. The applicant shall pay a fixed fee and an inspection fee, as follows:

Area Applied For

Fixed Fee

Inspection Fee

15 has. and below

P1,750.00

P5,000.00

>15 - 30 ha.

P2,000.00

P7,500.00

More than 30 has.

P3,000.00

P10,000.00