

REPUBLIC OF THE PHILIPPINES
Congress of the Philippines
Metro Manila

**Seventeenth Congress
Second Regular Session**

Begun and held in Metro Manila, on Monday, the twenty-fourth day of July, two thousand seventeen.

REPUBLIC ACT No. 10969

AN ACT PROVIDING FREE IRRIGATION SERVICE, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 3601, AS AMENDED, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

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

Section 1. Short Title. - This Act shall be known as the "Free Irrigation Service Act".

Section 2. Declaration of Policy. - It is the policy of the State to promote comprehensive rural development, food self-sufficiency, equitable access to opportunities and sustained productivity as key strategies to raise the quality of life in rural areas and attain overall national development.

The State shall also ensure that vital support services are made available, particularly irrigation service, through the continued construction, repair and maintenance of necessary irrigation facilities, to increase production of agricultural crops, encourage productivity, and increase the incomes of farmers.

Towards this end, the State affirms its commitment to contribute to the lowering of the cost of production through the provision of free irrigation service, and further relieve the farmers and their irrigators associations from the burden and consequence of unpaid irrigation service fees.

Section 3. Scope of Free Irrigation Service. - Upon the effectivity of this Act, all farmers with landholdings of eight (8) hectares and below are hereby exempted from paying irrigation service fees (ISF) for water derived from national irrigation systems (NIS) and communal irrigation systems (CIS) that were, or are to be, funded, constructed, maintained and administered by the National Irrigation Administration (NIA) and other government agencies, including those that have been turned over to irrigators associations (IAs).

Farmers with more than eight (8) hectares of land, corporate farms, and plantations drawing water for agricultural crop production; and fishponds and other persons, natural or juridical, drawing water for nonagricultural purposes from NIS and CIS, or using the irrigation systems as drainage facilities, shall continue to be subject to the payment of ISF.

Section 4. Condonation, and Writing Off of Loans, Past Due Accounts and Penalties of Farmers and Irrigators Associations. - To achieve the objectives of this Act, all unpaid ISF and the corresponding penalties of farmers with eight (8) hectares and below to NIA, and all loans, past due accounts and the corresponding interests and penalties of IAs to NIA, are hereby condoned and written off from the books of NIA.

Section 5. Operation and Maintenance (O and M) of National Irrigation Systems. - The NIA shall continue to develop, operate and maintain NIS. However, it may delegate the O and M of secondary and tertiary canals and farm ditches to capable IAs. The NIA shall provide the equivalent funds for the O and M of these facilities.

The NIA shall issue the necessary policies, qualification requirements and selection process in determining the capability and capacity of IAs to operate and maintain these portions of NIS.

Section 6. Operation and Maintenance of Communal Irrigation Systems. - CIS shall continue to be operated and maintained by IAs. In lieu of the ISF that are no longer billed from exempt farmers, the national government shall provide the equivalent funds for the O and M of CIS.

Section 7. Collection and Use of ISF. - In addition to funds provided by the national government for O and M of NIS and CIS, the NIA shall issue the necessary guidelines on the collection and use of ISF, including unpaid ISF, of

those not exempted under this Act.

Section 8. *Technical Assistance to Irrigators Associations.* - The NIA and other government agencies shall provide technical assistance to IAs on the O and M of national and communal irrigation systems and on farm enterprises management.

Section 9. *Appropriations.* - The amounts necessary for the implementation of this Act shall be included in the annual General Appropriations Act.

Section 10. *Implementing Rules and Regulations.* - Within three (3) months from the start of the effectivity of this Act, the NIA, in consultation with concerned government agencies, farmers, IAs, farmer cooperatives, and other stakeholders, shall promulgate the implementing rules and regulations of this Act.

Section 11. *Separability Clause.* - If any provision of this Act is declared invalid or unconstitutional, the other provisions not affected by such declaration shall remain in full force and effect.

Section 12. *Repealing Clause.* - Republic Act No. 3601, as amended by Presidential Decree Nos. 552 and 1702, is hereby amended insofar as it is inconsistent with the provisions of this Act.

All other laws, presidential decrees, issuances, executive orders, letter of instructions, administrative orders, rule or regulation contrary to or inconsistent with the provisions of this Act are hereby repealed, modified, or amended accordingly.

Section 13. *Effectivity.* - This Act shall take effect after fifteen (15) days from its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

PANTALEON D. ALVAREZ
Speaker of the House
of Representatives

AQUILINO "KOKO" PIMENTEL III
President of the Senate

This Act which is a consolidation of Senate Bill No. 1465 and House Bill No. 5670 was finally passed by the Senate and the House of Representatives on October 11, 2017 and November 20, 2017, respectively.

CESAR STRAIT PAREJA
Secretary General
House of Representatives

LUTGARDO B. BARBO
Secretary of the Senate

Approved: February 2, 2018

RODRIGO ROA DUTERTE
President of the Philippines