



Republika ng Pilipinas
Pambansang Pangasiwaan ng Patubig
(National Irrigation Administration)
Lungsod ng Quezon

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MC NO. 9 s. 2006

MEMORANDUM CIRCULAR

TO : **THE DEPUTY ADMINISTRATOR, ASSISTANT ADMINISTRATORS, DEPARTMENT MANAGERS, PROJECT MANAGERS, REGIONAL IRRIGATION MANAGERS, IRRIGATION SUPERINTENDENTS, PROVINCIAL IRRIGATION OFFICERS AND ALL OTHERS CONCERNED**

SUBJECT: : **REGULATING THE ALLOCATION OF IRRIGATION WATER FOR FISHPOND PURPOSES**

The conversion of rice lands into fishpond is now progressing at an accelerated rate on many irrigation systems threatening to disturb the balance between the irrigated area and available water within the system. Apparently, the doubling of ISF rates for fishponds has not discouraged the practice and could therefore hasten the decrease of irrigated areas devoted for irrigated crops.

For purposes of water appropriation, irrigation water has an established higher priority than for other uses such as for fisheries. The ranking in priority is provided under the Water Code of the Philippines (P.D.1067) under Article 10 Chapter 111, "...water may be appropriated on a descending purposes and uses for Domestic, Municipal, Irrigation, Power Generation, Fisheries", etc. Irrigation is third in the hierarchy of priority, while fisheries is only fifth in the same priority ranking. Further, Section 5(E)(8), Rule I of the amended IRR of PD 1067, provides that in the application for water permit for fisheries, a clearance should be obtained from existing dam/reservoir operated by NIA, NPC and other government entities (for fisheries located upstream not within said existing dam/reservoir).

Under MC No. 4, series 2005, the maximum area allowed for fishpond purposes is pegged at not more than 10% of the service area of each irrigation system. However, the Regional Irrigation Manager, thru the respective superintendents reserve the lawful right to satisfy first the irrigation water requirement of lands programmed for agricultural crops before any additional conversion is permitted which may fall even below the peg limit. Only when these are satisfied can NIA allocate water for fishpond purposes. Henceforth, effective immediately, conversion of rice lands for fishpond purposes shall not be served with irrigation water unless a permit has been secured prior to conversion. All existing fishponds

shall be required to secure a permit from NIA, which must be renewed yearly. The Regional Irrigation Manager is the designated authority to approve the renewal and/or issuance of new clearance in accordance to MC # 4 s. 2005.

Appropriation of irrigation water without the corresponding permit will be considered as violation of PD 1067 for "illegal taking or diversion of water in an open canal or reservoir; which is punishable by a fine of more than five hundred (P500.00) pesos but not exceeding eight hundred (P800.00) pesos per day of violation and/or suspension of the water permit/grant for a period of one hundred twenty (120) days as provided under Section 81(a), Rule V of the amended IRR of the aforecited PD. Thus, NIA will file the corresponding charge/complaint for any reported violation before the National Water Resources Board (NWRB) or before the appropriate trial court in case there are municipal ordinances pertaining thereto.

For compliance.



BALTAZAR H. USIS
Administrator

February 2, 2006