

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. **3984**



Introduced by **DIWA Party-list Representative Emmeline Y. Aglipay – Villar**

EXPLANATORY NOTE

Agriculture is of the utmost importance to the Philippines. The livelihoods of many of our people consist of the necessary, but unforgiving work of farming. The farmer faces many threats, from tropical storms to droughts, but few more pernicious in recent days than modern plant diseases, pests, and the misuse of chemicals and technology. For instance, the Philippine coconut industry faced its worst infestation in decades when the coconut scale insect or aspidiotus destructor (CSI) infestation affected more than 1.2 million coconut trees in the CALABARZON in 2010 and increased to about 2,699,872 trees infested in August, 2014.

In order to support the well-being of the country's farmers and allied agriculture producers, there is an urgent need to consolidate the government efforts in crop protection, to integrate the disparate government programs and support agencies into a single, streamlined, body that is capable of amply protecting our crops from present-day threats. This bill -- filed as a counterpart of Senate Bill No. 143 with the support of its author, Senator Cynthia Villar -- seeks to provide a framework for the consolidation and integration of the various government structures, programs, activities and efforts in the protection of agricultural crop production and plant bio-security Into a single entity, the Philippine Crop Protection Agency.

Emmeline Y. Aglipay

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Representative, DIWA Party-list

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AN ACT
ESTABLISHING THE NATIONAL CROP PROTECTION PROGRAM, CREATING
THE PHILIPPINE CROP PROTECTION AGENCY BY CONSOLIDATING THE
DISPARATE CROP PROTECTION, QUARANTINE AND PEST MANAGEMENT
EFFORTS, ACTIVITIES, AND AGENCIES, INTO A HOLISTIC AND
INTEGRATED SERVICE TO PROMOTE THE SUSTAINABILITY AND GREATER
PRODUCTIVITY OF THE PHILIPPINE AGRICULTURE SECTOR, AND FOR
OTHER PURPOSES

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

SECTION 1. *Short Title.* This Act shall be known as the “Philippine Crop Protection Act.”

SECTION 2. *Declaration of Policy.* -The State shall promote sound agricultural development and shall assist all regions of the country in gaining optimum opportunities for better growth by way of improving agricultural productivity and sustainability in order to contribute the country’s food security, efforts at eradicating extreme rural poverty and hunger, and in raising the standards of living of farmers. The State recognizes the vital importance of safeguarding and protecting the crop production sector from the risks of fast spreading plant diseases, invasive plant species, insects and other biological pests, as well as malpractices in the use of chemicals and new technologies in agriculture crop production; and of consolidating and integrating the disparate and uncoordinated government programs and support agencies into a coherent, efficient, and more effective machinery in combating threats to the sector.

SECTION 3. *Definition of Terms* - For purposes of this Act, the following terms and expressions shall have the corresponding significance, to wit:

(a) *Active Substances*- substances or micro-organisms having a general or specific effect on harmful organisms, as well as on plants or plant products;

(b) *Crop Protection* - refers to specialized and science-based actions, activities, methods and techniques in safeguarding and protecting the crop production sector from the risks of fast spreading plant diseases, invasive plant species, and insect and other biological pests, as well as malpractices in the use of chemicals and new technologies in agriculture crop production.

(c) *Genetically Modified Organisms* - organisms whose genetic material have been altered in a way other than by combining naturally or re-combination (insofar as it concerns plant protection);

(d) *Harmful Organisms*- organisms harmful to plants and plant products, including but not limited to viruses, mycoplasmas and other pathogens;

(e) *Plants* - living plants, fruit (in a botanical sense) and vegetables (except for those which are frozen), tubers, bulbs, rhizomes, tuberous bulbs, cut flowers, branches with leaves, felled trees with leaves, stem cultures and seeds;

(f) *Plant Products*- products of plant origin, unprocessed or having undergone simple preparation (milled, dried or pressed);

(g) *Plant (or crop) Protection Materials* - biological or chemical (pesticides) materials which are intended for combating of harmful organisms or reduction of the negative impact thereof, and can affect plant life-processes (except for plant nutrition) towards the protection of plant products, destruction of undesirable plants, destruction of parts of plants, and restriction and prevention of the growth of undesirable plants;

(h) *Plant Pest* - any form of plant or animal life, or any pathogenic agent, including insects, mammals, arthropods, snails and other forms of animal life capable of causing injury to agricultural crops, plants and/or plant products;

(i) *Pesticide Residues* - active substances (one or more) found, as a result of the use of chemical plant protection materials, in or on plants and plant products or in the environment, as well as their metabolites, and products of decomposition or chemical reactions.

SECTION 4. *Scope*. -This Act shall provide a framework for the consolidation and integration of the various government structures, programs, activities and efforts in the protection of agricultural crop production and plant bio-security, including but not limited to (1) regulation of entry, movement and quarantine of plants, seeds and other harmful organisms that could threaten the health and sustainability of agricultural crops and Philippine flora; (2) research and development on crop protection materials; (3) declaration of plant pest emergencies, prevention of spread of plant diseases, and control of outbreaks; (4) information, education, communication and extension activities on crop protection; and (5) coordination, organization, and description of the responsibilities of the various stakeholders in crop protection programs of the government.

SECTION 5. *Creation of the Philippine Crop Protection Agency*. There is hereby created the Philippine Crop Protection Agency, hereinafter referred to as the PCPA, to which shall be transferred and which shall subsume under it the powers, responsibilities, organization and personnel, assets, and functions of the following offices, units, and services, to wit:

1. The National Crop Protection Center, created under Presidential Decree No. 936;
2. The regional crop protection centres of the Bureau of Plant Industry, also created under PD. 936;
3. The Plant Quarantine Service of the Bureau of Plant Industry, created under PD. 1433; and

4. The Pesticide-related functions and units of the Fertilizer and Pesticides Authority, created under PD. 1144.

The PCPA shall:

- (a) Be attached to the Department of Agriculture and shall be under the policy and administrative supervision of the department Secretary;
- (b) Have its principal place of business in Metro Manila and endeavor to have satellite or branch offices in every region of the country;
- (c) Exercise all the general powers conferred by law upon legal persons as are incidental or conducive to the attainment of the objectives of this Act;
- (d) Have a board of directors upon which the powers of the Agency shall be vested, to be composed of five (5) members including:

- (1) The Secretary of Agriculture, who shall act as the chairman of board;
- (2) Two (2) members from crop production stakeholders to be appointed by the President, to represent the small hold farmers and agribusiness groups;
- (3) The Director of the Bureau of Plant Industry;
- (4) The Director of the Bureau of Agriculture Research, a science expert in crop protection to be appointed by the President; and
- (5) The Director-General of the Agency who shall act as Vice-Chairman.

The PCPA Board shall approve all the policies, systems, protocols and organizational reengineering of the Agency. It shall also affirm the programs that will be implemented by the Director-General.

SECTION 6. Powers and Functions - In order to rationalize and consolidate the crop protection programs and policies of the government, the Philippine Crop Protection Agency shall have the following powers and functions:

(A) Regulatory powers:

- ☐ to ensure that the plant protection measures and plant protection materials do not have an adverse effect on human health, animals and the environment;
- ☐ to carry out phytosanitary control and determine phytosanitary measures;
- ☐ to determine exceptions regarding such plants, plant products and harmful organisms as are intended for the needs of science, research or varietal selection;
- ☐ to any out of plant protection measures to eliminate or restrict the spread of harmful organisms and to reduce the negative impact thereof;
- ☐ to carry out supervision and control of the circulation of pesticides and other hazardous plant protection chemicals;
- ☐ to prevent the accumulation of pesticide residues in the products produced, in the soil and in water above the permissible norms;

- ☐ to prohibit entry and restrict movements of plants, seeds, unprocessed plant products, as well as pesticides and chemicals banned in other territories that have high potential of threatening agricultural crops and plants in the country.

(B) Crop Protection Surveillance

- ☐ to regulate the activities of natural persons or legal persons in the field of plant protection in order to prevent the import, introduction and spread of harmful organisms in the territory;
- ☐ to maintain a registry of plant protection materials and ensure the evaluation, registration and re-registration of these materials;
- ☐ to establish and maintain a registry of those persons who are involved in the growing of plants subject to phytosanitary control, as well as in the processing, storage, packaging, trade, import and export of plants and plant products;
- ☐ to carry out examination of plants, provide land users (owners) with information on the appearance and spread of harmful organisms, and also on the plant protection measures to be taken;
- ☐ to implement disposal of plant resources and assets declared as high risk or can threaten plants and crops in the country;
- ☐ to coordinate with counterpart offices in other countries as well as UN food agencies with respect to crop protection measures, policies and information exchanges.

(C) Crop Protection Support systems

- ☐ to study biological and ecological factors of the organisms harmful to and competitive with plants;
- ☐ to carry out research on harmful organisms and plant protection measures to restrict the spread of such organisms, and carry out an analysis of the risk of the spread of plant quarantine organisms;
- ☐ to determine procedures on the research of harmful organisms, genetically modified organisms and plant protection materials and trials;
- ☐ to enter into partnerships with private sector laboratories that can assist in technical scientific studies on crop protection measures;
- ☐ to enter into partnerships with state colleges and universities, other government agencies such as the Agriculture Training Institute (ATI) and the Technical Education and Skills Development Authority (TESDA) for capability building programs;
- ☐ to involve provincial agriculturists as well as barangay-based farmers and stakeholders in crop protection networks as sources of information.

(D) Pest Emergency Response

- ☐ to specify and implement restrictions on the movement and trade of plants and plant products identified to have plant pests;
- ☐ to officially declare the appearance of a plant pest emergency in any province or region, based on determination that the pest incidence will reduce the regional production of a particular crop by at least 1% or the provincial production of a particular crop by at least 2%;
- ☐ to formulate and carry out protocols on pest emergency response;
- ☐ to recommend to the regional disaster agency and local government units, based on the documented reports on extent of crop damage, the declaration of state of calamity

to enable the concerned agencies provide direct assistance to the farmers and stakeholders affected by crop infestation;

- ☐ to detect the appearance of harmful organisms, to forecast development thereof;
- ☐ to determine the plant quarantine measures for individual cases and in specific places;
- ☐ to regulate movement of persons, conveyances and plant material in affected areas;
- ☐ to deputize police, military and, if necessary, farmers and civil society groups to enforce outbreak protocols in controlling pest outbreaks;
- ☐ to implement disposal of affected plant resources and assets.

SECTION 7. *Organization and Personnel Complement.* The PCPA shall be headed by a Director General with a rank of undersecretary, who shall be the agency's Chief Executive Officer (CEO) and who shall have the following responsibilities:

- (1) To carry out and implement the four major missions of the agency.
- (2) To formulate the relevant strategies, plans, and programs as well as organizational development that will ensure the effectiveness of the missions of agency;
- (3) To regularly report on the state of crop protection in the various regions of the country for all the major crop commodities in each region;
- (4) To manage and administer the affairs, and operations of the Agency with efficiency, integrity and transparency;
- (5) To ensure the hiring of technically competent scientists and highly capable, qualified personnel;
- (6) To cause the filing of charges and prosecute violations under this Act and other relevant laws, including but not limited to. PD. 1433.

The PCPA Board shall authorize the initial organization of the appropriate offices and units, and personnel requirements of the Agency, subject to the appropriate Civil Service rules and guidelines. Personnel who may be affected by the abolition of positions shall be eligible for early retirement benefits at 1.5 times their basic salary for every year of service in government, in addition to other benefits allowed by law, provided that those who will avail of this program will not be eligible for re-employment in the Agency.

SECTION 8. *Funding.* For its initial year of operations, the amount of Fifty million Pesos (Php50,000,000.00) is hereby authorized to be set aside and transferred from the current year's budget of the Office of the Secretary of the Department of Agriculture, together with the corresponding budgets of the offices and units absorbed into the Agency. Subsequent budgetary requirements for the Agency's requirements shall be incorporated in the provisions for the Department of Agriculture in the annual general appropriations act.

SECTION 9. *Emergency Measures and Fund.* There shall be a standby-by fund in the amount of Five Hundred Million (P500, 000,000.00) pesos at the Department of Agriculture at any given time, ear marked for Crop/Pest Emergency response. This shall be used for prevention of the spread, treatment, control, and management of emergency situation(s) and which may include, the use of, mechanical, biological and other available measures. In the event that the fund is not sufficient for the year, the PCPA can request for augmentation from the National Disaster Relief Reduction Management Fund provided for under the Philippine Disaster Risk Reduction Management Act of 2010 or Republic Act 1012.

SECTION 10. *Authority to Call for Support in during Crop Pest-related Emergencies* - The PCPA is hereby designated as the overall coordinating authority in the event of any crop or

plant infestation. In officially declared pest emergency situations, the PCPA may call for assistance and support from other government agencies to provide the prescribed regulatory, surveillance, quarantine information gathering and other relevant activities to ensure the effective implementation of preventative and pest-curtalement measures. The PCPA head shall have the authority to call for the creation of a pest emergency response task force and may call upon key officials of the following agencies at the region in which the appearance of plant emergency conditions is declared, including: the DILG, PNP, DA, DENR, regional DRRMC, Provincial governors and/or Provincial Agriculturists, Congressional Representative of the affected district, Mayors of the affected municipalities/cities, crop science experts from the country's state universities.

SECTION 11. *Penalty Clause* -Any person, company or corporation who violates the provisions of this Act, including the remaining provisions of the PD. 1433, or forges, counterfeits, alters, defaces and destroys any document issued by virtue of this Act shall be fined an amount not more than One Million (Php 1,000,000.00) for individual persons and up to ten million (Php 10,000,000) for corporations or by imprisonment for the person (all involved managing officers in the case of a corporation) from prison correctional to prison mayor, or both, at the discretion of the Court.

SECTION 12. *Repealing Clause*. PD. 936, together with Sections 9, 18, 19, 20, 21 and 22 of PD. 1433 and the relevant provisions of P.D. 1144 relating to the pesticides are hereby repealed. The powers and functions of the Director of Plant Industry under P.D. 1433 are transferred to the Managing Director of PCPA. All other laws, executive orders, rules and regulations, or parts thereof, inconsistent herewith are hereby repealed or modified accordingly.

SECTION 13. *Implementing Rules and Regulations*. Within three months from the effectivity of this Act, the Secretary of Agriculture shall form an ad hoc Task Force to be composed of representatives from the Bureau of Plant Industry, Bureau of Agriculture Research, two representatives from the crop production stakeholders, and a science expert in crop protection to formulate the Implementing Rules and Regulations within the ensuing period of three months. Two representatives of the Congressional Commission on Agriculture and Fisheries Modernization shall join the meetings of the ad hoc Task Force as observers.

SECTION 14. *Separability Clause* - The provision of this Act are hereby declared to be separable. If any provision of this Act shall be held unconstitutional, the remainder of the Act not otherwise affected shall remain in full force and effect.

SECTION 15. *Effectivity*. This Act shall take effect upon its publication in the Official Gazette.

Approved,