

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4568



Introduced by Honorable Michael L. Romero

EXPLANATORY NOTE

It is the policy of the state to provide adequate assistance to the agricultural sector in line with national objective of increasing food production. Fertilizer and pesticides as vital inputs in food production and must be supplied in adequate quantities at reasonable costs. The improper pesticide usage presents serious risks to users, handlers, and the public in general because of the inherent toxicity of these compounds which are, moreover, potential environmental contaminants.

Thus, there is a need to educate the agricultural sector on the benefits as well as the hazards of pesticide use so that it can utilized pesticides properly to promote human welfare while avoiding dangers to health and environmental pollution. The **fertilizer and pesticide industries** have much in common in terms of clientele, distribution channels, system of application in farmers' fields, and technical supervision by the same farm management technicians under the government's food production program.

The foregoing considerations make it desirable to have one agency to regulate fertilizer importation, manufacture, formulation, distribution, delivery, sale,

transport and storage as well as pesticide labeling, distribution, storage, transportation, use and disposal.

This House Bill seeks to foster the urgent need to create a technically-oriented government authority equipped with the required expertise to regulate, control and develop both the fertilizer and the pesticide industries.

Thus, the early passage of this bill is earnestly requested.



MICHAEL L. ROMERO

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AN ACT

**AMENDING PRESIDENTIAL DECREE 1144, "OTHERWISE
KNOWN AS THE FERTILIZER AND PESTICIDE AUTHORITY",
APPROPRIATING FUNDS THEREFOR, PROVIDING STIFFER
PENALTIES AND SANCTIONS, AND FOR OTHER PURPOSES**

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

SECTION 1. Section 9 of Presidential Decree 1144 is hereby
amended to read as follows:

Section 9. Registration and Licensing. No pesticides, fertilizer, or
other agricultural chemical shall be exported, imported,
manufactured, formulated, stored distributed, sold or offered for
sale, transported, delivered for transportation or used unless it has
been duly registered with the FPA or covered by a numbered
provisional permit issued by FPA for use in accordance with the
conditions as stipulated in the permit.

Separate registrations shall be required for each active and **new**
ingredient and its possible formulations in the case of pesticides or
for each fertilizer grade in the case of fertilizer.

No person shall engage in the business of exporting, importing, manufacturing, formulating, distributing, supplying, repacking, storing, commercially applying, selling, marketing, of any pesticides, fertilizer and other agricultural chemicals except under a license issued by the FPA.

The FPA, in the pursuit of its duties and functions, may suspend, revoke, or modify the registration of any pesticide, fertilizer and other agricultural chemicals after due notice and hearing.

SECTION 2. Section 10 of Presidential Decree 1144 is hereby amended to read as follows:

Section 10. Penalties

(a) Fertilizer. Any person who violates any of the provisions of this Decree or any of the provisions of the rules and regulations issued or promulgated by the FPA on fertilizer shall be punished by imprisonment of not less than Twenty **(20)** years if the amount involved is *more than One Hundred Thousand pesos (P100,000.00)*; by imprisonment of not less than Fifteen **(15)** years if the amount involved is *less than One Hundred Thousand pesos (P100,000.00)*, as well as a fine ranging from an amount equal to the value involved to three times such value but which shall in no case be less than Three Hundred Thousand pesos **(P300,000.000)**; by a fine of not less than Two Hundred Thousand pesos **(P200,000.000)** by other violations where the amount involved cannot be determined;

Provided, that if falsification of a public or commercial document is committed by reasons or on the occasion of the commission of any of the acts punishable herein, the offender shall be imposed of the maximum fine and term of imprisonment as above prescribed. If the violation is committed by a corporation, firm, partnership, cooperative, association or any other entity, the penalty shall be imposed upon the guilty office or offices and such corporation, firm, partnership, association or entity.

(b) Pesticides. Any person who violates any of the provisions of this Decree or any of the provisions of the rules and regulations issued or promulgated by FPA or pesticide, shall be liable to a penal servitude of not less than One Hundred thousand pesos **(P100,000.00)** provided that if the violation

is committed by a corporation, firm, partnership, cooperative, association or any other entity, the penalty shall be imposed upon the guilty officials or officers of such entities.

SECTION 3. Section 11 of Presidential Decree 1144 is hereby amended to read as follows:

Section 11. Appropriation. The sum of Twenty Million **(P20,000,000.00)** Pesos shall, in addition to what has been appropriated for the *Fertilizer and Pesticide Authority (FPA)* for the present Fiscal Year, be released out of any funds in the National Treasury not otherwise appropriated. For every calendar year thereafter such sums as may be necessary for the operations of the FPA shall be included in the annual General Appropriations Act **(GAA)**.

Any provision of existing law to the contrary notwithstanding, the FPA may impose fees or receive grants, subsidies, donations, or contributions from any entity and retain such funds for its operation.

SECTION 4. TRANSITORY PROVISION – Existing industries, businesses and offices affected by the implementation of this Act shall be given six **(6)** months transitory period from the effectivity of the IRR or such other period as may be determined, to comply with the requirements of this Act.

SECTION 5. IMPLEMENTING RULES AND REGULATIONS. – The departments and agencies charged with carrying out the provisions of this Act shall, within sixty **(60)** days after the effectivity of this Act, formulate the necessary rules and regulations for its effective implementation.

SECTION 6. REPEALING CLAUSE. – All laws, decrees, executive orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 7. SEPARABILITY CLAUSE. – If, for any reason, any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions hereof shall not be affected thereby.

SECTION 8. EFFECTIVITY CLAUSE. – This Act shall take effect after fifteen (15) days from its publication in the Official Gazette or in at least two (2) national newspapers of general circulation whichever comes earlier.

Approved,