

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 144

HOUSE OF REPRESENTATIVES	
RECEIVED	
DATE:	<u>30 JUN 2016</u>
TIME:	<u>4:36 pm</u>
BY:	<u>[Signature]</u>
REGISTRATION UNIT BILLS AND INDEX SERVICE	

Introduced by REPRESENTATIVE MARIA LOURDES ACOSTA-ALBA

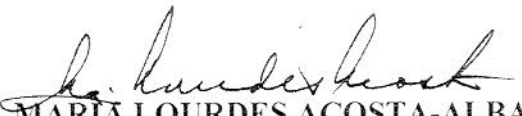
EXPLANATORY NOTE

The Philippines is an agricultural country with a total land area of 30 million hectares. Of this figure, 13 million hectares representing 43% of the country's total land area is devoted to agricultural crops, livestock, and inland fishery production. About 50% of the Philippine population is dependent on fishery production. About 50% of the Philippine population is dependent on fishery, farming, and agriculture-related industries as a source of livelihood. Indeed, agriculture remains the linchpin for economic growth.

Agriculturists, agricultural engineers, fishery technologists, veterinarians, and agricultural technicians comprising the class of "agricultural workers" that are produced by agricultural-based educational institutions and whose technical and professional expertise are certified by the Professional Regulation Commission and the Technical Education and Skills Development Authority plays a vital role in the development and modernization of the Philippine agriculture. They provide the necessary assistance and professional services to the farmers and fisher folks in managing the farms for increased farm profitability and productivity.

This bill acknowledges the role and contributions of government agricultural workers by affirming their rights, and providing a mechanism for career development. Needless to say, personal fulfillment allows for a better sense of responsibility.

In view of the foregoing, approval of this bill is earnestly sought.


MARIA LOURDES ACOSTA-ALBA
First District, Bukidnon

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HOUSE BILL NO. 144

Introduced by REPRESENTATIVE MARIA LOURDES ACOSTA-ALBA

AN ACT
PROVIDING FOR A MAGNA CARTA OF AGRICULTURAL DEVELOPMENT
WORKERS

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

ARTICLE I
TITLE OF THE ACT, DEFINITION OF TERMS, AND COVERAGE

SECTION 1. *Title.* - This Act shall be known as the “Magna Carta of Agricultural Development Workers.”

SEC. 2. *Declaration of Policy* – The State shall promote and improve the social and economic well-being of Agricultural Development Workers, their living and working conditions and terms of employment. It shall likewise develop their skills, knowledge, orientation and capabilities so that they will become more responsive and effective in providing the necessary services for countryside development, the modernization of the Philippine Agriculture and help achieve Food Security and Self-Sufficiency.

SEC. 3. *Definition of Terms.* –

- a) Agricultural Development Workers shall mean all persons who are engaged in agricultural development activities and all persons employed in the Department of Agriculture including its bureaus and attached agencies, Local Government Units (LGUs), State Colleges and Universities and concerned government and private institutions, and shall include agriculturists, agricultural engineers, fishery technologists, veterinarians, agricultural technicians, agricultural

employees, administrative and support personnel employed regardless of their employment status;

- b) Agriculturist shall refer to a person who is a graduate of a four year course in agriculture or any related course registered and license with the Professional Regulation Commission who performs any of the specialized activities such as agronomy, horticulture, animal husbandry, entomology, plant pathology, plant breeding, agricultural economics, agricultural extension and marketing;
- c) Agricultural Engineer shall to a person registered with the Professional Regulation Commission performing engineering activities in agriculture and fisheries, particularly on areas of farm power and machinery, irrigation and drainage, soil and water conservation, agricultural buildings and structures, agricultural processing and postharvest facilities;
- d) Fishery Technologists shall refer to a person who is a graduate of a four-year course in fisheries and registered and licensed with the Professional Regulation Commission performing activities on fisheries and aquaculture, and fishery production and processing;
- e) Veterinarian shall refer to a person registered with the Professional Regulation Commission performing professional activities on veterinary services such as disease prevention, control and animal health;
- f) Agricultural Technician shall refer to a trained or skilled agricultural worker who is not necessary a college graduate and certified by the Technical Education and Skills Development Authority performing job such as plant nursery propagator, farm mechanic and agricultural machinery operator and other related skilled job in agricultural production, processing and marketing;
- g) Agricultural Extension Worker shall refer to an agriculturist, agricultural engineer, fishery technologist and veterinarian who helps farmers and fishermen in the promotion of agricultural and fisheries development plans, programs and projects through the use of extension the theologies, concepts and principles;
- h) Agricultural Employee is a person who is a graduate of Agriculture, Agricultural Engineering, Fisheries, Veterinary Medicine or any other agriculture-related course from any recognized college or university and is holder of an appropriate civil service but not a licensed professional under the Professional Regulation

Commission who is employed in the government, non-government organization or private institution who performs activities on agriculture development.

- i) CSC shall refer to the Civil Service Commission;
- j) DOLE shall refer to the Department of Labor and Employment;
- k) DA shall refer to the Department of Agriculture;
- l) LGU shall refer to the Local Government Unit;
- m) PRC shall refer to the Professional Regulation Commission;
- n) PRBs shall refer to the Professional Regulatory Boards of Agriculture, Agricultural Engineering, Fisheries and Veterinary Medicine under the Professional Regulation Commission; and
- o) SUCs shall refer to State Universities and Colleges.

SEC. 4. *Coverage.* - This act shall cover all Agricultural Development Workers of the government, non-government organizations, and private institutions and shall include agriculturists, agricultural engineers, fishery technologists, veterinarians, agricultural technicians, agricultural employees, farm workers, administrative and support personnel employed regardless of their employment status.

ARTICLE II

EMPLOYMENT AND CAREER DEVELOPMENT

SEC. 5. *Employment Assistance.* - The State hereby ensure and guarantee the provision of employment opportunities of agricultural development workers which are being produced in educational institutions and are registered and licensed by PRC and certified by TESDA. In line with this, the DOLE in collaboration with educational institutions, PRC, TESDA, DA and DTI shall undertake employment promotion of agricultural development workers in the domestic and foreign market and adopt and implement a National Employment Program for Agricultural Development Workers.

SEC. 6. *Personnel Required.* - All offices, firms and establishments either government or private, and farmers organizations and cooperatives engaged in the production, processing, handling and marketing of agriculture and fisheries products and

likewise implementing projects related to irrigation, farm mechanization, postharvest facilities and agricultural infrastructures shall employ the required number and/or engage the services of agriculturists, agricultural engineers, fishery technologists and veterinarians to perform professional services based on the standards and guidelines to be promulgated by the PRBs concerned;

Provided, That there shall be no understaffing and/or overloading of agricultural development workers. The ratio of staff to clientele shall be such as to reasonably effect a sustained quality of agricultural service at all times without overworking the agricultural development workers and over-extending their services. Only qualified professional shall occupy the agriculturist, agricultural engineer, fishery technologist and veterinarian in all government instrumentalities, non-government organization and private firms and establishments;

Provided Further, That the government shall allocate the necessary funds for the hiring of additional agricultural development worker in cases of over-loading of personnel in specific areas of assignment of concerned government offices.

SEC. 7. Recruitment and Qualifications. - The selection and appointment of agricultural development workers shall be in accordance with the merit and fitness principle; *Provided That* he/she has the appropriate civil service eligibilities, professional license and required education, training and experiences.

All agricultural and fishery agencies and institutions in government shall be headed either by a registered Agriculturist, Agricultural Engineer, Fishery Technologist or Veterinarian depending on the scope and magnitude of the functions of the particular agency or institution covering the scope of practice of concerned profession except for Cabinet and non-career positions.

SEC. 8. Professionalization of Agricultural Development Workers in Government. - The State shall promote and ensure that agricultural development workers in the government are accorded with appropriate position titles, just compensation and benefits and proper professional recognition.

The Agricultural Technologist positions occupied by the Agricultural Development Workers at the Local Government Units are hereby upgraded or reclassified into appropriate level of Agriculturist, Agricultural Engineer, Fishery Technologist, and Veterinarian positions.

The following positions are hereby made mandatory at the Local Government Units in addition to the prescribed position under the Local Government Code of 1991: a) Municipal Agriculturist except for highly urbanized cities; b) Provincial, City and Municipal Agricultural Engineer; c) Provincial Fishery Technologist; and d) Municipal Veterinarian.

SEC. 9. *Performance Evaluation and Merit Promotion.* – The Secretary of Agriculture in consultation with the PRBs, CSC, DOLE and the recognized national associations of agriculturist, agricultural engineers, fishery technologists, veterinarians and other agricultural development workers shall prepare a uniform career and personnel development plan. Such career and personnel development plan shall include provisions on merit promotion, performance evaluation, in-service training grants, job rotation and incentives awards system.

SEC. 10. *Transfer of Geographical Reassignment of Agricultural Officers and Employees.* – No transfer or geographical reassignment shall be made or effected without a written notice to the agricultural development worker concerned stating therein the reason for such: *Provided, That* said written notice shall be made thirty (30) days prior to the date of transfer or reassignment: *Provided further, That* if the employee concerned disagrees with the order of transfer or reassignment, he/she may appeal said order with the Civil Service Commission or the Department of Labor and Employment, as the case may be: *Provided, further, That* pending appeal, such transfer or reassignment shall be held in abeyance: *Provided, furthermore, That* no transfer or reassignment whatsoever shall be made three (3) months prior to any local or national elections: *Provided, finally, That* the necessary expenses of the transfer and/or reassignment of the agricultural worker or employee and his/her immediate family shall be paid by the Government,

SEC. 11. *Security of Tenure.* - An agricultural development workers holding a permanent position in the government shall not be terminated except for cause: *Provided, That* in the event the agricultural development worker is found to be unjustly dismissed by the Civil Service Commission, he/she shall be entitled to reinstatement without loss of seniority rights and back wages with twenty per centum (20%) interest to be computed from the time compensation is withheld up to the reinstatement. However, if the agricultural development worker does not desire to be reinstated, he/she shall be entitled to back wages and separation pay with twenty per centum interest.

SEC. 12. *Code of Conduct* -All agriculturists, agricultural engineers, fishery technologists and veterinarians must be guided by the Code of Ethics promulgated by the Professional Regulatory Boards and the Professional Regulation Commission. The Secretary of Agriculture in consultation with the Civil Service Commission, Department of Labor and

Employment and the concerned stakeholders shall adopt a Code of Ethics of other Agricultural Development Workers not covered by the PRC.

SEC. 13. *Normal Hours of Work.* - The normal hours of work of an agricultural development worker shall not exceed eight (8) hours a day or forty (40) hours a week. Hours of work shall include: a) the time the agricultural workers is required to be on active duty or to be at a prescribed workplace; b) the time which an agricultural worker is permitted to work; c) the time which an agricultural worker is required to work in a place other than the prescribed workplace.

SEC. 15. *Overtime Work.* - Where the exigencies of the service so require, any agricultural development worker, whether in Government or non- government service, may be required to render service beyond the normal eight (8) hours a day, inclusive of Saturday and Sunday and non-working holidays. In such cases, the agricultural development worker shall be given additional compensation in accordance with existing laws on the matter.

SEC. 17. *Married Agricultural Development Worker.* -Whenever possible, the proper authorities shall take steps to enable married couples both of whom are public agricultural development workers, to be employed or assigned in the same municipality.

ARTICLE III

RIGHTS, BENEFITS AND REWARDS SYSTEM

SEC. 18. *Freedom from interference or coercion.* - It shall be unlawful for any person to commit any of the following acts of interference or coercion:

- a) Require as a condition of employment that the agricultural development worker shall not join an organization or union;
- b) Discriminate in order to encourage or discourage membership in any agricultural development workers organization or union;
- c) Prevent an agricultural development worker from carrying out his /her duties and functions in his/her organization or union or to penalize him/her for any lawful action performed in that capacity;
- d) Harass or intimidate an agricultural development worker or prevent him/her from performing duties and functions; and

- e) Perform acts that will diminish the independence and freedom of the union or organization to direct its own affairs.

SEC. 19. *Discrimination Prohibited.* - An agricultural development worker shall not be discriminated by reason of creed, sex, political belief, civil status, and ethnic grouping in the exercise of his/her profession.

SEC.20. *Safeguards in Administrative Proceedings.* - In every administrative proceeding, an Agricultural Worker shall have the following rights:

- a) Be informed of the charges;
- b) Full access to evidence against him/her;
- c) Defend himself/herself through counsel of his/her choice;
- d) Be given adequate time to prepare his/her case, which shall in no case exceed twenty (20) days;
- e) Appeal any adverse ruling to designated authorities;
- f) Cross-examine witnesses and to processes for the production of witnesses;
- g) Reimbursement for reasonable expenses incurred in his/her defense in case of exoneration or dismissal of the charges ;and
- h) Such other rights provided by other national agencies and local government units to their respective officers and employees to ensure fairness and impartially in prosecution.

SEC. 21. *Right to Join Organizations.* - Agricultural development workers shall have the right to freely join organizations or unions for purposes not contrary to law, in order to protect their mutual interest and to seek redress of grievances through peaceful concerted activities. The various national organizations of agricultural development workers shall be consulted in the formulation of national educational policies and professional standards, and in the formulation of national policies and programs on agriculture of the government; *Provided, That* the government shall ensure that the agricultural development workers organizations are represented in the national and local Agricultural and Fishery Councils,

local development councils and other policy making and consultative bodies of the government.

SEC. 22. *Criteria for Incentives and Rewards System.* - The reward and incentive system for agricultural development workers provided under this Act, which will encourage them to stay in the service, promote their productivity, and reward them for extraordinary performance, shall be governed by the following criteria:

- a) Honorarium - form of remuneration for services rendered beyond the established workload of agricultural development workers whose broad and superior knowledge and expertise contribute to agricultural productivity and innovativeness;
- b) Incentive pay - form of remuneration given to individuals whose services in management, administration, policy making and support contribute to the efficient and effective implementation of the agricultural and fisheries programs of the government;
- c) Performance Bonus - form of remuneration given to agricultural development workers for performance that exceeds established targets; and
- d) Other incentives that the Department of Agricultural and Local Government may establish.

SEC. 24. *Other Compensation and Benefits.* - All agricultural development workers shall be entitled to the following additional compensation and benefits:

- a) Representation Allowance and Traveling Allowance – All Provincial/City/Municipal Agriculturist, Veterinarians, Agricultural Engineers, and Fisheries Officers shall be entitled to Representation Allowance and Travelling Allowance (RATA) equivalent to the Department Head of the LGUs;
- b) Hazard Allowance - All agricultural development workers assigned in difficult areas, strife-torn or embattled areas, distressed or isolated stations, animal/plant/fisheries breeding station, plant nurseries, plantations and demonstration farms, laboratories especially those handling x-rays, radioisotopes, chemicals, etc., sea-borne patrols, construction and installation of agricultural infrastructure projects, and other areas declared under a state of calamity or emergency which exposes them to great danger, occupational risks or perils of life

shall be compensated with hazard allowance equivalent to at least twenty per centum (20%) of the monthly basic salary;

- c) Subsistence Allowance - All agricultural development workers who are required to render services in the communities, institutions, animal and plant breeding nurseries, plantations and demonstration farms and other barrier programs and projects of the Department of Agriculture in order to make their services available at all times, shall be entitled to full daily subsistence allowance of three (3) meals, which shall be computed in accordance with the prevailing circumstances;
- d) Longevity Pay - A longevity pay equivalent to five per centum (5%) of the monthly basic pay shall be paid to an agricultural worker for every (3) years of continuous, efficient and meritorious services rendered;
- e) Clothing Allowance - All agricultural development workers shall be entitled to a clothing allowance in accordance with approved laws and regulations or as mandated by law;
- f) Housing -All agricultural workers who are in tour of duty and those who, because of unavoidable circumstances, are forced to stay in the institution or community with living quarters shall be entitled to such quarters for free: Provided, That if such living quarters are not available, the workers shall receive housing allowances: Provided, further, That said allowance shall be reviewed periodically and adjusted for inflation;
- g) Compensation for injuries - Agricultural development workers shall be protected against work-related injuries in accordance with the Labor Code or the Civil Code as the case may be;
- h) On-Call Pay - In cases of "On-Call" status, the agricultural development worker shall be entitled to an "On-Call" pay equivalent to fifty per centum (50%) of his/her regular wage. "On-Call" status refers to a condition when an agricultural officer or employee is called upon to respond to an urgent or immediate need or relief work during emergencies such that the agricultural worker cannot utilize 1 his/her time for personal needs: *Provided*. That no agricultural worker shall be placed in an "On-Call" status beyond seven (7) days; and

- i) *Motor and Vehicle Loan* - All agricultural development workers shall be entitled to avail of the motor and vehicle loan of the Department of Agriculture. The government shall provide adequate budgetary support for this purpose.

ARTICLE IV

HUMAN RESOURCE DEVELOPMENT

SEC. 25. *Training Program.* – The DA together with the DOLE, PRC, CHED and DILG shall formulate and implement a comprehensive training programs for the agricultural development workers as part of the Continuing Professional Development Program and Human Resource Development Program of the LGUs; *Provided, That* adequate budgetary support shall be provided by the government;

SEC. 26. *Scholarship Program.* – The Agricultural Development Workers and students on agriculture, agricultural engineering, fishery, and veterinary medicine shall have full access and priority allocation on the scholarship program of the government.

SEC. 27. *Capability Assessment.* - The Government and non- government agencies shall conduct human resource development and management studies in the following areas:

- a) Types and amount of facilities and resources to render quality agricultural service to the clientele;
- b) Venue and opportunities for the agricultural development workers to grow and develop their potentials and develop a sense of self-worth and dignity in their work;
- c) Mechanisms for democratic consultation;
- d) Ways and means of giving rank-and-file agricultural development workers viable opportunities for education, personal growth and development; and
- e) Staffing patterns and standards of welfare for agricultural development workers welfare to ensure that they receive quality care.

ARTICLE V

ADMINISTRATION AND ENFORCEMENT

SEC. 28. *Rules and Regulations.* - The Secretary of the Department of Agriculture together with the DOLE, CSC, DILG and PRBs and in consultation with the national

organizations of agricultural development workers shall formulate and prepare necessary rules and regulations in implementing the provisions of this Magna Carta.

SEC. 29. *Monitoring of Implementation.* - The Secretary of Agriculture shall create a Monitoring Committee which shall monitor the implementation of the provisions of this Act. The committee shall be composed of representatives of the DA, DILG, CSC, PRBs and the recognized national associations of agricultural development workers: *Provided, further,* That the Secretary of Agriculture shall submit semi-annual reports on the status of the implementation of this Act to the Committee on Agriculture and Food of the House of Representatives and the Senate.

SEC. 30. *Penal Provisions.* - Any person who shall willfully interfere with, restrain or coerce any agricultural development worker in the exercise of his/her rights or shall violate any of the provisions of this Act shall upon conviction, be punished by a fine of not less than Twenty Thousand Pesos (P20,000.00) but not more than Forty Thousand Pesos (P40,000.00) or imprisonment of not more than one (1) year, or both, at the discretion of the court. If the offender is a public official, the court, in addition to the penalties provided in the preceding paragraph, shall impose the additional penalty of disqualification from office of such offending public official.

SEC. 31. *Funding.* - The amount necessary to carry out the provisions of this Act shall be included in the General Appropriations Act of the year following its enactment into law and every year thereafter.

SEC. 32. *Separability Clause.* - If any provision of this Act is declared unconstitutional or invalid, the other provisions thereof affected thereby shall continue to be in full force and effect.

SEC. 33. *Repealing Clause.* - All laws, presidential decrees, executive orders, rules and issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 34. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation

Approved,