

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

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. **3983**



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

EXPLANATORY NOTE

The agricultural industry in our country is akin to an untended field, one falling short of its potential. This is not something that the nation can afford to ignore. After all, approximately half of all Filipinos live in rural-farming or fishing-areas, and around seventy percent of the poor families in our country are rural-based. The average income of Filipino farmers is only \$50 a month from working a 1.5-hectare farm, and that farmer is likely to be around 57 years old.

Much of the potential of the agricultural industry may be unlocked if we can only maximize the efficient use of the powers devolved to the local government units. After a quarter of a century since the passing the Local Government Code, many local government units are still struggling to develop or properly implement an array of programs and projects commensurate with the scope of the powers granted to them. While it is true that the LGUs are often in the best position to deliver these services because they know the problems, needs and aspirations of their constituents, many lack the technical resources or the expertise necessary to make proper use of the same. LGUs lack the technical capacity to efficiently deliver some of the devolved tasks, or neglect some more technical tasks in favor of others that are more to their short-term benefit, and this has resulted in the underutilization of technical personnel, particularly in agriculture. The municipal agriculture offices (MAOs) do not have the critical mass of personnel, expertise and resources for effective extension and the provincial agricultural offices (PAOs) have no direct supervision over the municipal offices and so are unable to implement plans efficiently.

This bill -- filed as a counterpart of Senate Bill No. 318 with the support of its author, Senator Cynthia Villar -- proposes the creation of comprehensive programs, the Local Agrarian Development Programs, on agriculture development in all local government units which derive at least fifty (50) percent of their income from agriculture or fisheries.

Emmeline Y. Villar

EMMELINE Y. AGLIPAY – VILLAR
Representative, DIWA Party-list

Republic of the Philippines

HOUSE OF REPRESENTATIVES

Quezon City, Metro Manila

SEVENTEENTH CONGRESS

First Regular Session

House Bill No. 3983

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

AN ACT

STRENGTHENING LOCAL GOVERNMENT PARTICIPATION IN AGRICULTURE DEVELOPMENT BY INSTITUTIONALIZING A TEN PERCENT (10%) ALLOCATION FROM THEIR INTERNAL REVENUE ALLOTMENT FOR THE IMPLEMENTATION OF PROGRAMS, ACTIVITIES AND SERVICES FOR AGRICULTURE AND FISHERIES ADVANCEMENT AND AMENDING FOR THE PURPOSE SECTIONS 17, 106, 107, 110, 287, 443, 454, AND 482(a), 511 (a), OF REPUBLIC ACT 7160 OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE AND FOR OTHER PURPOSES

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

Chapter I

General Provisions

Section 1. Title. This Act shall be known as the "Local Government Agriculture Development Act of 2016."

Section 2. Declaration of Policy. It is hereby declared the policy of the State to promote, localize and accelerate the development and modernization of the Philippine agriculture and fisheries sector by providing opportunities to increase their productivity.

The State shall promote cooperation and participation of the local government units and their stakeholders in defining, harnessing, rationalizing the use of available resources, for the advancement of food security, market access of products, application of good farm and fishing practices, modern technology, and profitable agribusiness opportunities towards a sustainable countryside development.

A healthy and dynamic agricultural sector is an important foundation of rural development. Rural livelihoods are enhanced through effective participation of rural people and rural communities in the management of their own social, economic and environmental objectives by applying the bottom-up approach and helping them access government resources.

There shall be a comprehensive program on agriculture development in all local government units which have at least fifty (50) percent of their income sourced from agriculture or fisheries. This function shall form part of the basic, regular and direct services of the LGU to its inhabitants.

Agriculture development is economic development and is associated with opportunities for rural people to move up the economic ladder.

Section 3. Scope and Coverage. This shall be implemented in all Local Government Units in consultation and partnership with their stakeholders.

Section 4. Local Agriculture Development Programs. Local Agriculture Development Programs shall focus on the areas identified as factors contributing to the competitiveness of the agriculture industry. These include the availability and production of seeds, livestock, fingerlings and other farm inputs, mechanization and post-harvest equipment, irrigation system access and maintenance, marketing of products, credit, guarantee, and agriculture insurance, knowledge of better farming systems, and knowledge of organic farming, among others. Towards this aim, the Local Government Units (Municipalities, Cities and Provinces) shall:

1. Enhance, strengthen and promote agriculture and fisheries as a major livelihood sector in the locality;
2. Allocate a minimum of ten percent (10%) of their annual development fund to agriculture and fisheries development;
3. Create a Committee on Agriculture and Fisheries Development in the Local Government Legislative Council to address legislation in the said legislative body related to all agriculture and fisheries development and protection matters;
4. Create the position of City and Municipal Agriculturist in the LGU regular plantilla;
5. Establish an agriculture and fisheries office and strengthen the capacities of its personnel who shall see to the implementation of the agriculture and fisheries programs and projects;
6. Empower the Local Chief Executives to deliver agriculture and fisheries programs;
7. Strengthen LGU linkages and partnerships among various partners in national government working for agriculture development;
8. Conserve, protect and manage the agriculture and aquatic environment using sustainable agricultural and aquaculture practices;
9. Develop and strengthen the capacities and the technical skills of farmers and fisherfolks throughout the production, harvesting, processing, storage and transport stages in the value chain including simple business management and profitability;

10. Provide appropriate infrastructure and equipment for post-harvest technology;
11. Promote the easy access to financial institutions of agriculture stakeholders;
12. Monitor and assess the implementation of the agriculture and fisheries development program and evaluate its impact to the citizenry;

Chapter 2

Definition of Terms

Section 5. Definition of Terms. For purposes of this Act, the following terms shall be defined as follows:

- a. "Capacity" refers to a combination of all strengths and resources available within the community, society or organization. Capacity may include infrastructure, institutions, human knowledge, skills and collective attributes such as social relationships, leadership and management. It also means capability.
- b. "Climate Change" refers to a change in climate that can be identified by changes in the mean and /or variability of its properties and that persist for an extended period typically decades or longer, whether due to natural variability or as a result of human activity.
- c. "Food Safety" refers to the conditions and practices that preserve the quality of food to prevent contamination and food-borne illnesses.
- d. "Food Security" shall mean building local capacity, increasing productivity, and improving markets and trade.
- e. "Good Agricultural Practices"(GAP) is an approach which aims at applying available knowledge to addressing environmental, economic and social sustainability dimensions for on-farm production and post-production processes, resulting in safe and quality food and non-food agricultural products.
- f. "Integrated Pest Management "(IPM) is an ecologically based approach to pest (animal and weed) control that utilizes a multi-disciplinary knowledge of crop/pest relationships, establishment of acceptable economic thresholds for pest populations and constant field monitoring for potential problems. Management may include such practices as "the use of resistant varieties; crop rotation; cultural practices; optimal use of biological control organisms; certified seed; protective seed treatments; disease-free transplants or rootstock; timeliness of crop cultivation; improved timing of pesticide applications; and removal or 'plow down' of infested plant material.
- g. "Land Use Planning" the process undertaken by public authorities to identify, evaluate and decide on different options for the use of land, including consideration of long-term economic, social and environmental objectives and the implications for different

communities and interest groups, and the subsequent formulation and promulgation of plans that describes the permitted or acceptable uses.

h. "Local Government Unit" refers to a province, city and municipality in the country.

i. "Nutrient Management" is managing the amount, source, placement, form, and timing of the application of nutrients and soil amendments to ensure adequate soil fertility for plant production and to minimize the potential for environmental degradation, particularly water quality impairment.

j. "Sustainable Agriculture" means an integrated system of plant and animal production practices having a site-specific application that will in the long term satisfy human food needs, enhance environmental quality and natural resource base upon which the agricultural economy depends, sustain the economic viability of farm operations, efficient use of on-farm resources and enhance the quality of life of farmers as a whole. A whole-systems approach to food, feed, and other plant and animal production that balances environmental soundness, social equity, and economic viability among all sectors of the public, including international and intergeneration of people.

Chapter III

INSTITUTIONAL MECHANISM

Section 6. Role of the DA and other Government Offices.

(a) The Department of Agriculture shall continue to be responsible for the promotion of agricultural development by providing the policy framework, public investments, and support services including infrastructure support, research, development and extension, including agri-business and market development services, regulation and planning.

It shall use a bottom-up self-reliant farm system approach that will emphasize social justice, equity, productivity and sustainability in the use of agricultural resources. The DA shall adopt the convergence framework recognizes that "one size does not fit all" that different rural communities have different opportunities, needs and aspirations.

(b) State Agencies and Instrumentalities and the Creation of the Regional Agricultural Development Council.– Through convergence the DA and the LGU shall maximize the partnership in development to reduce cost in the delivery of services and maximize knowledge on programs, funding and investment access. The Field Regional Offices of the Department of Agriculture (DA-RFU), the Regional Directors of the Department of Interior and Local Government (DILG), Department of Agrarian Reform (DAR), Department of Science and Technology (DOST), the National Economic Development Authority (NEDA), Department of Public Works and Highways, Department of Tourism (DOT), Regional Integrated Agriculture Research Centers (RIARC), The Regional Fisheries Research Centers

(RFRC), The Regional Director of the Agricultural Training Institute (Regional Director - ATI), The Regional Head of the Philippine Association of State Colleges and Universities (Regional Head of PASUC), The Head of the Regional Agricultural and Fisheries Council, the Provincial Agriculture and Fisheries Council Head, the Office of the Provincial Agriculturists (OPA) and the Provincial Governors, all City Mayors and the Municipal Mayors shall constitute the Regional Agricultural Development Council (RADC).

b.1. The RADC shall assist in the preparation, monitoring and evaluation of short and long-term Local Government Unit's development plans and investment programs.

The offices of the various regional agencies of the government shall, upon request of the local chief executives, provide such technical support as may be required in the discharge of their functions.

b.2. The Council shall be headed by the DA-Regional Executive Director. The Council shall meet as often as necessary but not less than once a semester.

b.3. Funds necessary for the RADC operations, project monitoring and evaluation, implementation of special projects shall be included in the General Appropriations Act of the DA, subject to the usual auditing and accounting rules and regulations.

(c) The Governors through the Office of the Provincial Agriculturist shall activate the provincial agricultural council which shall monitor the formulation, development, and implementation of the cities/municipalities agriculture development plans, programs and projects within their jurisdictions.

(d) The Municipal and Component City Mayors shall activate their agriculture sectoral council which shall formulate and implement a three year agriculture development plan with measurable and time bounded annual goals, programs, activities and projects. The Local Chief Executive (LCE) shall see to timeliness, transparency and accountability in the delivery of technical know-how, goods and services to farmers and fisherfolks. The agriculture development plan of each Local Government Units shall be submitted to the Governor through the Provincial Development Council. An annual report containing accomplishment and impact of the programs shall be submitted to the Provincial Development Council on or before March 31, of the succeeding year.

(e) The Municipal and City Planning Office shall be the Secretariat of their respective Agricultural Sectoral Council. The members of the council shall be the following - The barangay chairmen of the agricultural barangays, the Chair of the Municipal/City Sanggunian Bayan in charge of Agriculture and Fisheries, three (3) representative of the local farmer's organization, the head of the local fisheries organization, an NGO in agriculture operating in the Municipality/City, a representative of a local agricultural development cooperative, the Local Chief Executive, the DA - Regional Executive Director or his representative.

Section 7. Incentives and Awards. There shall be an institutionalized incentives and award system which shall be administered by the council under such rules and regulations as may be promulgated by the Department of Agriculture together with the Department of Interior and Local Government to deserving LGUs for their outstanding and model performance in promoting agriculture development and implementing effective agricultural practices.

Chapter IV

AMENDATORY PROVISIONS

Section 8. Amendatory Provisions. Section 106 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, is hereby amended to read as follows:

1. Section 17 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, is hereby amended to read as follows:

“Section 17. Basic Services and Facilities.

(a) Local government units shall endeavor to be self-reliant and shall continue exercising the powers and discharging the duties and functions currently vested upon them. They shall also discharge the functions and responsibilities of national agencies and offices devolved to them pursuant to this Code. Local government units shall likewise exercise such other powers and discharge such other functions and responsibilities as are necessary, appropriate, or incidental to efficient and effective provisions of the basic services and facilities enumerated herein.

THE LOCAL GOVERNMENTS SHOULD STRIVE TO CAPACITATE THEIR CONSTITUENTS AND THEIR INSTITUTIONS TO BECOME FOOD SECURE BY: TRAINING THEIR SMALL FARMERS AND FISHERFOLKS AND THE MICRO AND SMALL BUSINESSES IN AGRICULTURE BE IT IN PRODUCTION, PROCESSING, TRADE AND PROMOTION; AND MINIMIZING THEIR RISKS AND LOSSES AND ESTABLISHING CLIMATE CHANGE ADAPTATION STRATEGIES, INCLUDING PEST MANAGEMENT AND PROMOTING FOOD SAFETY.”

(b) Such basic services and facilities include, but are not limited to, the following: XXXX ”

2. Section 106 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, is hereby amended to read as follows:

"Section 106. Local Development Councils. (a) Each local government unit shall have a comprehensive multi-sectoral development plan to be initiated by its development council and approved by its Sanggunian. For this purpose, the development council at the provincial city, municipal, or Barangay level, shall assist the corresponding Sanggunian in setting the direction of economic and social development, and coordinating development efforts within its territorial jurisdiction. TOWARD THIS END, AN AGRICULTURE AND FISHERIES DEVELOPMENT COUNCIL SHALL BE CONSTITUTED IN THE LOCAL GOVERNMENT WHERE AGRICULTURE AND/OR FISHERIES IS A SIGNIFICANT INDUSTRY OR LIVELIHOOD.

SUCH LOCAL GOVERNMENT UNIT IS REQUIRED TO DEVELOP A THREE (3) YEAR STRATEGIC PLAN FOR AGRICULTURE AND FISHERIES DEVELOPMENT BASED ON THE FRAMEWORK AND PRINCIPLES PROVIDED BY THE DEPARTMENT OF AGRICULTURE (DA) AND THE NATIONAL ECONOMIC DEVELOPMENT AUTHORITY (NEDA).

THE LOCAL CHIEF EXECUTIVE SHALL CONVENE THEIR RESPECTIVE LOCAL DEVELOPMENT COUNCILS WITHIN THIRTY (30) DAYS FROM THEIR ASSUMPTION TO OFFICE.

THE RESPECTIVE LEAGUES OF PROVINCES, CITIES, MUNICIPALITIES AND BARANGAYS SHALL ACTIVELY PARTICIPATE IN THE COMPLIANCE BY THEIR RESPECTIVE LOCAL GOVERNMENT UNITS WITH SECTIONS 107 AND 110 HEREOF"

3. Section 107 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, hereby amended to read as follows:

"Section 107. Composition of Local Development Councils. The composition of the local development council shall be as follows:

(a) The barangay development council shall be chaired by the punong barangay and shall be composed of the following members: (1) Members of the Sangguniang Barangay; (2) Representatives of non-governmental organizations operating in the Barangay, who shall constitute not less than one fourth (1/4) of the members of the fully organized council; (3) A representative of the congressman.

(b) The city or municipal development council shall be headed by the mayor AND THE VICE MAYOR AS VICE CHAIR, and shall be composed of the following members: (1) All Punong Barangays in the city or municipality; (2) The chairman of the committee on appropriations of the Sangguniang

Panlungsod or Sangguniang bayan concerned;(3) The congressman or his representative; and (4) Representatives of non-governmental organizations operating in the city or municipality, as the case may be, who shall constitute not less than one-fourth (1/4) of the members of the fully organized council.

(c) The provincial development council shall be headed by the governor AND THE VICE GOVERNOR AS VICE CHAIR, and shall be composed of the following members: (1) All mayors of component cities and municipalities; The chairman of the committee on appropriations of the Sangguniang Panlalawigan;(3)The congressman or his representative; and (4) Representatives of nongovernmental organizations operating in the province, who shall constitute not less than one fourth (1/4) of the members of the fully organized council; (5) PROVINCIAL PRESIDENT OF THE VICE MAYORS' LEAGUE (VMLP) TO INCLUDE THE COMMITTEE ON INFRASTRUCTURE AND PLANNING IN ALL LEVELS OF LEGISLATURE EXCEPT THE BARANGAYS."

4. Section 110 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, hereby amended to read as follows:

"Section 110, Meetings and Quorum. The local development council shall meet at least [once every six (6) months] FOUR (4) TIMES A YEAR, PREFERABLY EVERY MARCH, JUNE, SEPTEMBER, AND DECEMBER EACH YEAR, or as often as may be necessary."

5. Section 287 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, hereby amended to read as follows:

"Section 287. Local Development Projects. Each local government unit shall appropriate in its annual budget no less than twenty percent (20%) of its annual internal revenue allotment for development projects. PROVIDED THAT, TEN PERCENT (10%) OF THE AMOUNT SHALL BE USED FOR THE IMPLEMENTATION OF PROGRAMS, PROJECTS, ACTIVITIES AND SERVICES FOR AGRICULTURE AND/OR FISHERIES DEVELOPMENT. Copies of the development plans of local government units shall be furnished the Department of Interior and Local Government."

6. Section 443 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, hereby amended to read as follows:

"Section 443. Officials of the Municipal Government.

(a) There shall be in each municipality a municipal mayor, a municipal vice mayor, sangguniang bayan members, a secretary to the sangguniang bayan, a

municipal treasurer, a municipal assessor, a municipal accountant, a municipal budget officer, a municipal planning and development coordinator, a municipal engineer/building official, a municipal health officer and a municipal civil registrar.

(b) In addition thereto, the mayor may appoint a municipal administrator, a municipal legal officer, [municipal agriculturist], a municipal environment and natural resources officer, a municipal social welfare and development officer, a municipal architect, and a municipal information officer. PROVIDED THAT INsofar AS LIVELIHOOD OF A MUNICIPALITY IS AT LEAST FIFTY (50) PERCENT IN AGRICULTURE AND/OR FISHERIES, THE APPOINTMENT OF A MUNICIPAL AGRICULTURIST SHALL BE MANDATORY.”

7. Section 454 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, hereby amended to read as follows:

“Section 454. Officials of the City Government.

(a) There shall be in each city a mayor, a vice-mayor, sangguniang panlungsod members, a secretary to the sangguniang panlungsod, a city treasurer, a city assessor, a city accountant, a city budget officer, a city planning and development coordinator, a city engineer, a city health officer, a city civil registrar, a city administrator, a city legal officer, a city veterinarian AND/OR A CITY AGRICULTURIST, a city social welfare and development officer, and a city general services officer

(b) In addition thereto, the city mayor may appoint a city architect, a city information officer, [A CITY AGRICULTURIST,] a city population officer, a city environment and natural resources officer, and a city cooperatives officer. The appointment of a city population officer shall be optional in the city: Provided, however, That cities which have existing population offices shall continue to maintain such offices for a period of five (5) years from the date of the effectivity of this Code, after which said offices shall become optional.”

8. Section 482 (a) of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, hereby amended to read as follows:

“Section 482. Qualifications, Powers and Duties. (a) No person shall be appointed agriculturist unless he is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, a holder of a college degree in agriculture or any related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He must have practiced his profession in agriculture or acquired experience in a related

field for at least five (5) years in the case of the provincial and city agriculturist, and three (3) years in the case of the municipal agriculturist.

The position of the agriculturist shall be mandatory for the provincial government and optional for the city and municipal governments: PROVIDED THAT MUNICIPALITIES WHERE AGRICULTURE AND/OR FISHERIES IS A SIGNIFICANT INDUSTRY CONSTITUTING AT LEAST FIFTY (50%) OF LIVELIHOOD IS IN AGRICULTURE OR FISHERIES, THE APPOINTMENT OF A MUNICIPAL AGRICULTURIST SHALL BE MANDATORY."

9. A new section denominated as Section 511 (a) of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, is hereby incorporated to read as follows

"SECTION 511-A. FAILURE TO CONVENE THE LOCAL DEVELOPMENT COUNCIL UNDER SECTION 106A AND 106 HEREOF WITHOUT VALID GROUNDS SHALL BE PUNISHED WITH SUSPENSION FROM OFFICE FROM A PERIOD OF THIRTY (30) DAYS. SUBSEQUENT VIOLATIONS SHALL BE PUNISHED WITH SUSPENSION FROM OFFICE FOR A PERIOD OF NINETY (90) DAYS."

Section 9. Funding. The initial funding requirements for the convening of the various LGUs to implement this Act at the provincial, municipal and city shall be charged against the current appropriations of the LGU. Thereafter, such sums as may be necessary to the implementation of this Act shall be included in the yearly budget of the LGU from their Internal Revenue Allocation.

Section 10. Implementing Rules and Regulations. At the instance of the DILG, in consultation with the DA and the Representative from the League of Provinces, League of Cities and League of Municipalities together with a farmer and fisherfolk representative from each LGU classification, shall promulgate the implementing rules and regulations of this Act within ninety (90) days from the effectivity of this Act.

Section 11. Non-impairment Clause. Nothing in this Act shall be construed as to diminish, impair, or repeal the prohibited acts under existing laws, presidential decrees, executive orders, ordinances, rules and regulations, and other issuances.

Section 12. Separability Clause. If for any reason, any section or provision of this Act shall be declared to be unconstitutional or invalid, the other sections or provisions not affected thereby shall remain in full force and effect.

Section 13. Repealing Clause. All laws, presidential decrees, executive orders, ordinances, rules and regulations, and other issuances or parts thereof which are inconsistent with this Act, are hereby repealed or modified accordingly.

Section 14. Effectivity. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation in the country.

Approved.