

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**SEVENTEENTH CONGRESS**  
First Regular Session

House Bill No. **1976**

HOUSE OF REPRESENTATIVES	
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REGISTRATION UNIT BILLS AND INDEX SERVICE	

Introduced by Representatives  
**Estrellita B. Suansing and Horacio P. Suansing, Jr.**

**EXPLANATORY NOTE**

The importance of agriculture on our country cannot possibly be overstated. It is the source of food that propels and sustains the existence of every human being. Particularly in the Philippines, where rice is the staple diet, agriculture of farming can never be overlooked and should receive all the support from government.

Sadly and unexpectedly, the Senate Committees on Agriculture and Blue Ribbon after an in-depth investigation, reported a "systematic, premeditated and grand agricultural theft" of the fertilizer fund in the amount of roughly Seven hundred twenty-eight million pesos (P728,000,000.00). This fertilizer fund consists mainly of farmer contributions and the same was used for the selfish end of certain political candidates, according to the report.

Amidst all of the lies, chaos and subterfuge are the pitiful farmers who endlessly toil the lands under the heat of the sun, only to be cheated on the benefits which they may enjoy from the promise held by the fertilizer fund. A fund which came from hard-earned money contributions of said farmers.

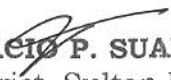
In view of the aforementioned, this bill seeks to restore order in the system of requisition, release and disbursement to farmers of funds to be used in the cultivation and fertilization of farmlands and other lands devoted to the planting of crops, agricultural food products, fruits and vegetables. In short, a voucher system that empowers the farmers to apply to the regional office for anything they need, relative to farming, for approval of the Regional Director and released within a period not exceeding 60 days from approval of said application, provided, that the provisions of Republic Act No. 9184, otherwise known as the Government Procurement Act of 2003, shall be strictly complied with by the Regional Director of the Department of Agriculture.

The bill also aspires to establish an internal pre-audit service in which the Regional Office may release funds directly to the requesting farmer, with the covering documents to be immediately submitted to the internal auditor in the region, who shall not later than 30 days from receipt, submit an audit report to the national office of the DA charged with monitoring the use of the funds, implementation of the project and evaluation of the progress of the same.

Moreover, the bill aims to criminalize acts provided therein, such as, but not limited to, diversion, misuse, or misappropriation of funds intended for farm inputs and implements; the use of the fund for political purposes, as well as the refusal of the Regional Director of his subordinate to act or process within the prescribed time applications of farmers. Penalties of imprisonment depending on the gravity of the acts are included herein.

Given the magnitude and importance of the role of agriculture in the country, the passage of this bill is earnestly sought.

  
**HON. ESTRELLITA B. SUANSING**  
1<sup>st</sup> District, Nueva Ecija

  
**HON. HORACIO P. SUANSING** *su*  
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**AN ACT**  
**INSTITUTING THE FARMERS AND FISHERFOLK ASSISTANCE ACT**

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

1       **SECTION 1.   Short Title.** – This Act shall be known as the “Farmers and  
2       Fisherfolk Assistance Act.”

3       **SECTION 2.   Declaration of Policy.** – It is the policy of the State to  
4       effectively assist and provide funds for the needs of farmers, fisherfolk and others in  
5       the agricultural sector, insulating the funds from misuse, misappropriation or  
6       diversion, imposing penalties for violation thereof.

7       **SECTION 3.   Definition of Terms.** – As used in this Act

8           a. *Farmers* shall refer to natural persons cultivating, planting, marketing  
9           and distributing crops, vegetables, fruits and other agricultural  
10          products from land and sea and shall include fisherfolk;

11          b. *Other Farmers* shall refer to corporations, associations, cooperatives,  
12          foundations, NGOs, people’s organizations and artificial beings with  
13          juridical capacity involved in similar activities stated in paragraph (a)  
14          hereof as done by farmers;

15          c. *Funds* refer to appropriation from public funds for use included in the  
16          General Appropriations Act, special laws or local ordinances intended  
17          for the farmers;

18          d. *Farm Use* refers to seedlings and fertilizers including farm tools,  
19          gadgets, implements and equipment necessary for cultivation,  
20          development, improvement or fertilization of farmlands, orchards, and  
21          other agricultural lands; and

22          e. *Department* refers to the Department of Agriculture.

23       **SECTION 4.   Requisition, Release and Disbursement of Funds.** – Any  
24       provision of law to the contrary notwithstanding, the requisition, release and

1 disbursement to farmers of funds intended or earmarked for use in the cultivation,  
2 development, improvement or fertilization of farmlands, orchards and other lands  
3 devoted to the planting of crops, agricultural food products, vegetable and fruits  
4 shall be through a Voucher System whereby the farmers themselves shall determine  
5 and requisition the farm inputs, implements and other farm uses as they need and  
6 submit such through vouchers to the Regional Office of the Department for approval  
7 of the Regional Director and release within a period of not exceeding sixty (60) days  
8 from approval based on and within the allocation in the budget for the specific  
9 locality where the farm is located; *Provided, however,* That in purchasing or making  
10 available such agricultural inputs, implements, and other farm uses as determined  
11 by the totality of the aggregate vouchers or requisitions, the provisions of Republic  
12 Act No. 9184, otherwise known as the Government Procurement Act of 2003, shall  
13 be strictly complied with by the Regional Director of the Department.

14 **SECTION 5. Internal Pre-Audit Service.** – In lieu of purchasing the said  
15 requisitioned agricultural farm inputs, implements, and other farm uses, the  
16 Regional Office may release funds directly to the requesting farmer, in which case,  
17 he shall immediately submit all the covering documents to the internal auditor in  
18 the region who shall, not later than thirty (30) days from such receipt, submit his  
19 audit report to the national office of the Department charged with monitoring the use  
20 of the funds, implementation of the project and evaluation of the progress or effects  
21 of the program to the country, furnishing copies thereof to the Congressional  
22 Oversight Committee on Agriculture.

23 **SECTION 6. Violations and Penalties.** – The following violations shall  
24 constitute criminal offenses punishable under this Act as follows:

- 25 a. Diversion, misuse, or misappropriation of the funds of a portion thereof  
26 or of the farm inputs, implements, and other farm uses intended to be  
27 released to the farmers, or falsely or fraudulently making it appear that  
28 such requisition or release of funds or farm inputs has been made  
29 when in fact there is none, shall, in addition to the penalties provided  
30 for in the Revised Penal Code, be punishable with imprisonment of not  
31 less than twelve (12) years but not more than twenty (20) years;  
32 *Provided, however,* That if such funds or farm uses be utilized for  
33 election purposes, money laundering, or other illegal and unlawful  
34 activities, the penalty shall be imposed in the maximum period;  
35 *Provided, finally,* That in the event it is established that the use of the  
36 whole or a portion of the fund or farm uses also constitutes the crime  
37 of plunder, the penalty for plunder shall be applied;
- 38 b. Any farmer, group, corporation, association, cooperative, foundation,  
39 NGO, people's organization, or other artificial being with juridical  
40 capacity granted any fund or farm uses which shall use the same for  
41 vote-buying, reselling, or purposes other than those provided herein or  
42 shall be involved in the false or fraudulent requisition or misuse or  
43 misappropriation of the fund or farm uses, shall be punishable with  
44 imprisonment of not less than ten (10) yeas but not more than fifteen  
45 (15) years; *Provided, however,* That in case of a corporation,

1 association, cooperative, foundation, NGO, people's organization, or  
2 other artificial being with juridical capacity, whether registered or not,  
3 composed of two or more persons, the stockholders, members,  
4 directors, trustees, officers and the individuals composing it shall be  
5 liable in their personal capacity and suffer the penalties provided  
6 herein unless the individuals composing it shall prove that he/she  
7 never took part in the transaction and benefited from the proceeds of  
8 the funds of the farm uses;

9 c. Failure or unjustifiable refusal of the Regional Director or his  
10 subordinate to act upon, process, and evaluate within the period of  
11 time hereinbefore fixed or to release the funds or farm uses to the  
12 farmer applicant when there is no legal nor justifiable reason to do so  
13 shall be punishable with imprisonment of not less than six (6) years  
14 but not more than twelve (12) years; and

15 d. Any other violation of this Act shall be punishable with imprisonment  
16 of not less than five (5) years but not more than ten (10) years.

17 **SECTION 7. Appropriations.** - The amount needed for the initial  
18 implementation of this Act shall be charged against the appropriations of the  
19 Department of Agriculture. Thereafter, such sums as may be necessary for the  
20 continued implementation of this Act shall be included in the annual General  
21 Appropriations Act.

22 **SECTION 8. Rules and Regulations.** - The Department of Agriculture  
23 shall promulgate the necessary rules and regulations to effectively implement the  
24 provisions of this Act within sixty (60) days from the effectivity hereof.

25 **SECTION 9. Separability Clause.** - If any part or provision of this Act is  
26 declared unconstitutional or invalid, other parts or provisions hereof which are not  
27 affected shall continue to be in full force and effect.

28 **SECTION 10. Repealing Clause.** - All laws, decrees, executive orders, rules  
29 and regulations and other issuances or parts thereof inconsistent with the  
30 provisions of this Act are hereby repealed or modified accordingly.

31 **SECTION 11. Effectivity.** - This Act shall take effect fifteen (15) days after  
32 its publication in the *Official Gazette* or in a newspaper of general circulation.

33 Approved,