

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
1st Regular Session

House Bill No. 2442



Introduced by: HON. SOLOMON R. CHUNGALAO

EXPLANATORY NOTE

Recent statistics showed that there are 20 million Filipinos living in the uplands and about 10 million hectares of the degraded uplands need to be transformed into productive and ecologically stable areas. These Filipinos comprising about 24 per cent of the present population of 83 million (2003 estimate from NSO) is a huge sector that needs assistance to improve their socio-economic welfare at the same time help arrest environmental degradation.

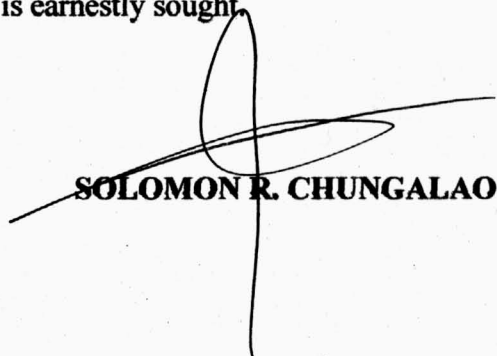
One of the logical strategies used in many countries to address this dilemma is the institutionalization of the science and practice of agroforestry and produce a cadre of a new breed of Agroforesters whose competencies cuts across the interaction or synergy between the Agriculture and Forestry continuum. Agroforestry is defined as the science, art and practice that deals with the production, management and utilization of woody perennials in combination with other agricultural crops, animals, aquatic and/or other resources either zonally, mixed simultaneously or sequentially for the twin purpose of conservation and socio-economic productivity.

The practice of agroforestry in the Philippines has been in existence for centuries and its potentials as a land-use management system have likewise long been recognized as indicated by the presence of agroforestry-related programs being implemented by at least 147 government and non-government organizations. This has been further enhanced by the issuance of Executive Order No. 263 by former President Fidel V. Ramos specifying agroforestry to be the main production technology in the implementation of the community-based forest management program. Moreover, with the approval of the Executive Order No. 318 issued by President Gloria Macapagal-Arroyo, otherwise known as "Promoting Sustainable Forest Management in the Philippines", sustainable management of forests and forestlands in watershed is fully supported.

As of the year 2003, there are already 35 state colleges and universities in the country offering various types of agroforestry curricula at the baccalaureate level (i.e BS Agroforestry, BS Agroforestry Entrepreneurship, Bachelor in Agroforestry Technology Bachelor in Agroforestry Entrepreneurship, B. S. Agriculture major in Agroforestry, and BS Forestry major in Agroforestry); technical level (2-year terminal Diploma in Agroforestry, and ladderized Diploma in Agroforestry Technology); as well as the graduate level (MS Agroforestry, MS Rural Development cognate in Agroforestry, PhD Crop Production cognate in Agroforestry, post-baccalaureate Diploma in Agroforestry, and Master in Forestry major in Agroforestry). These institutions are graduating 1,275 students on the average (data based on 15 institutions surveyed. 1998-2002) per year which are employed as follows, 14% are employed in AF-related jobs. 32% are employed in non-AF related jobs, 15% are self-employed and 13% are unemployed. Majority (68%) of them are holding contractual positions.

One of the policy needs that was identified to help alleviate this phenomenon is to have a Board of Agroforestry in order to institutionalize and professionalize the science and practice of agroforestry in the Philippines. Such a field of study has very unique features which demand specialized competencies that are neither purely agriculture nor forestry. Thus, at present, the Board of Forestry does not accept the agroforestry graduates to take their licensure examination. Recently, the Board of Agriculture and Fisheries created under RA 8435 (AFMA Section 75 in its implementing Rules and Regulations) has also excluded Agroforestry graduates to take the examination except those with majors under the BS Agriculture curriculum. Therefore, there is apparent disenfranchisement of the graduates and the emergence of Agroforestry Education as a new Occupational Cluster would need a separate Board examination.

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



SOLOMON R. CHUNGALAO

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AN ACT CREATING THE BOARD OF AGROFORESTRY UNDER THE PROFESSIONAL REGULATIONS COMMISSION, PROVIDING FOR MECHANISMS OF IMPLEMENTATION, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

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

ARTICLE I. TITLE AND POLICIES

Section 1. TITLE - This Act shall be known as the "Board of Agroforestry Act of 2004".

Section 2. DECLARATION OF POLICIES

- a. The State shall in response to the need of professionalizing the agroforestry occupation and improve the practice of agroforestry in order to enhance sustainable socio-economic development and protect the environment as embodied in Republic Act 8435 otherwise known as the Agriculture and Fisheries Modernization Act.
- b. The State shall establish and maintain a Board of Agroforestry that shall, among others conduct a national board examination to all graduates of a four year degree program in agroforestry or its equivalent, regulate and sustain the practice of the profession for efficient and effective public service.

ARTICLE II. DEFINITIONS AND SCOPE OF THE PRACTICE OF AGROFORESTRY

Section 3. DEFINITION OF TERMS. For purposes of this Act, the following terms shall mean:

- a. **BOARD** refers to the Board of Agroforestry (BOAF), hereby created as the regulatory body, under the administrative, executive and policy supervision of the Professional Regulations Commission (PRC), for the practice of Agroforestry in the Philippines and tasked with powers, functions and responsibilities herein prescribed;
- b. **COMMISSION** refers to the Professional Regulations Commission (PRC), created under RA No. 8981, otherwise known as the "PRC Modernization Act of 2000";
- c. **AGROFORESTER** refers to any person who have passed the licensure examination for the agroforestry professional administered by the Board/Commission, taken the oath of an Agroforester, and duly registered and issued with a certification of good standing and allowed under this act to engage in or to perform activities, acts or services constituting the professional practice of agroforestry including those who hold a position in the government service or teacher subjects in schools, colleges or universities, requiring the knowledge of Agroforestry;
- d. **AGROFORESTRY** refers to the science, art, and practice and business that deals with the production, arrangement and utilization of wood perennials in combination with other agricultural crops, animals aquatic and/or other resources either zonally, mixed simultaneously or sequentially grown for the twin purpose of conservation and socio economic productivity;
- e. **AGROFORESTRY PROFESSIONAL PRACTICE** refers to activities, acts, services or pursuits exclusively performed by BOA/PRC registered and licensee professional agroforesters, the scope thereof is prescribed and/o specified herein;

Section 4. SCOPE OF THE PROFESSIONAL PRACTICE OF AGROFORESTRY. The practice of Agroforestry under this Act, is a profession that requires the application of competencies, (knowledge, skills and willingness to perform it) in agroforestry as defined in Section 4.c. which embraces acts such as:

- a. Preparations and certifications of Agroforestry systems and interactive diagnosis and design (D and D approach), feasibility studies, and specifications for the production, harvestic processing, utilization and marketing of woody perennials and agricultural crops and/or animals for multiple products and service including conservation and cleaner production practices;
- b. Development of management plans with a step-by-step time-line plans with

recommendations on appropriate species and strategies for the unique site; a plan for long-term fertility management; for marketing final products including budget and economic projections; farm and pasture diversification plans c ranches, fruit growers and farms to diversify products and integral' more trees into their plantings, with appropriate species and techniques to support existing crops, reduce expenses and increase the diversity and economic resiliency of the project These can include animal fodder, windbreaks, mulch banks, shade integrated timber or native trees, and many other practices;

- c. Planning and implementation of agroforestry nurseries including seed orchards, tissue-culture and clonal banks operations; soil and water resources conservation measures; conduct of environmental risk and impact assessments and geospatial analysis and management of resources; wood products manufacturing and marketing;
- d. Provision of related activities or services such as the conduct o agroforestry experiments, research, extension, development training or communications; the teaching of subjects in academic institutions and for licensure examinations in conformity with Section II of RA No. 8981; undertaking, supervision and/or administration o studies, programs, stations, centers community/provincial/regional/national offices of governmental agencies and institutions requiring agroforestry professionals technical or management consultants needed by or required o local government units, private corporations, foundations, non government associations and foreign-assisted projects.
- e. All agroforestry concerns, projects, business activities or related services must be certified by a professional Agroforester before such .will be accepted by any entities for registration, getting business permits or licenses in municipalities, any financial institutions, legal transactions and the like. Such requirements shall ensure that agroforestry activities will conform to the observance o the requirements of good. agroforestry environmental protection/pollution, conservation, health risks and cleaned production practices affecting the natural resources and the ecosystem; Furthermore, the certification of and by an Agroforester on projects/businesses is an evidence of careful studies made on the projects in accordance with the Strategic Agriculture and Fisheries Development Zones (SAFDZs) , the lane use and zoning ordinances, protection of watershed areas, the housing and land use regulations as provided for in RA 8435 and other laws.

ARTICLE III. THE BOARD OF AGROFORESTRY

Section 5. POWERS, FUNCTIONS AND RESPONSIBILITIES - The following are the Powers functions and responsibilities of the Board as a collegial body in addition to the (pertinent general functions of the PRC under RA No. 8981 otherwise known as the PRC Modernization Act of 2000:

- a. Put up a registry of agroforestry professionals in the country
- b. Prepare, administer, conduct and check/licensure examinations and other forms of certifications and publish the results in newspapers of wide circulation in accordance with it rules and regulations.
- c. Provide information and other educational materials, promotions and networking services to facilitate the activities of the Board.
- d. To hear, investigate cases, issue summons, subpoena duces tecum to concerned individuals to compel their attendance, and conduct summary proceedings on cases arising from violations of this Act, the (rules and regulations promulgated there under and its code of Ethics.
- e. After due process, to suspend, revoke or reissue, reinstate certificate of registration or licenses for cause as provided by the law.
- f. To adopt and promulgate, subject to the approval of the Commission implementing rules and regulations of this Act and such rules and regulations as may be necessary including its Code of Ethics the (effectively implement the pertinent provisions of this Act and the policies with respect to the regulation and practice of Agroforestry it the Philippines.
- g. To perform all powers, functions, duties and responsibilities expected o the Board in accordance to and as provided for in RA No. 8981 otherwise known as the PRC Modernization Act of 2000.

Section 6. COMPOSITION, ORGANIZATION AND TERMS OF OFFICE

- a. The Board shall be composed of six (6) members with a Chairperson and five (5) members, all of whom shall be appointed by the President of the Philippines upon recommendation of the Commission from a least six (6) qualified nominees endorsed by the accredited professional organization within ninety (90) working days after the (approval of this Act. They shall receive compensation and all other remunerations, incentives and privileges as provided for by the other Boards under the PRC. The Chairperson as the Executive Office) presides, and may attend meetings at all levels and represent the Board with the Commission and other agencies/organizations and perform such other activities and functions the

Commission may assign.

- b. The members of the Board shall have a term of office for three (3) years without prejudice for reappointment to another term, but in case shall he/she serve continuously for more than six (6) years.
- c. At the expiration of the term of the Chairperson, the most senior of the remaining members of the Board shall assume and perform the duties and functions of and receive the emoluments and entitlements of the Chairperson. The incumbent members of the Board shall continue to serve their respective remaining terms until their successors shall have been appointed and qualified in accordance with this Act.

Section 7. QUALIFICATIONS OF A MEMBER OF THE BOARD - A member of the Board shall at the time of his or her appointment, possess the following qualifications:

- a. Must be a natural-born citizen of, and residing in the Philippines;
- b. Must have engaged in or known and recognized expert in the activities professional practice of Agroforestry for at least ten (10) years c certified to by the Accredited Professional Organization;
- c. Must not, for a period of at least one year prior to his or her appointment, be connected directly or indirectly with any department, school, Institute or College of Agroforestry of a University or University System, any review classes or centers for agroforestry licensure examination or be an elected officer of the accredited professional organization concerned;
- d. Must never have been convicted of any of the offenses enumerated under RA No. 3815 otherwise known as the Revised Penal Code of the (Philippines and RA No. 6713, otherwise known as the Code of Conduct and Ethical Standards for Public Officials and Employees.

Section 8. DISQUALIFICATION AND REMOVAL OF ANY MEMBER OF THE BOARD AND FILLING UP OF VACANCY IN THE BOARD

The President of the Philippines, after due process undertaken by, and upon recommendation of the Commission, may disqualify and remove any member of the Board for any of the following offenses:

- a. Unethical; immoral, or dishonorable conduct;
- b. Neglect of duties and responsibilities;
- c. Dishonesty or incompetence;
- d. Malpractice; or,
- e. Graft and corruption practices

In cases of vacancy in the Board, the same, to the extent of the unexpired portion of the term thereof, shall be filled-up by the President of the Philippines b¹ appointing one from among at least three (3) qualified Professional Agroforester nominees endorsed by the accredited professional organization concerned to and recommended by, the Commission.

ARTICLE IV. GENERAL, PENAL AND OTHER PROVISIONS

Section 9. IMPLEMENTING RULES AND REGULATIONS. - Subject to the approval of the Commission, the Board shall adopt and promulgate the implementing rules and regulations (IRR) within ninety (90) working days after their appointment including among others, a code of Ethics for Agroforesters, Examination, Registration and licensing mechanisms, to carry out the provisions of this Act. which shall be effective after thirty (30) days following their publication in the official Gazette c in a major daily newspaper of general circulation. The Board may at any time amend, modify or repeal these IRR or any provision thereof in order to ensure the attainment of the objectives of this Act.

Section 10. EMPLOYMENT OF AGROFORESTERS IN THE GOVERNMENT

The success in the implementation of the government-led agroforestry projects relies on the hand of Agroforestry graduates and professionals, thus, there is a need to ensure the placement/employment of these graduates in the government sector:

- a. It is hereby directed that all municipalities having at least 20% of the total upland area of the municipality shall create at least one (1) plantilla position at the Municipal Agriculturist Office as Agroforestry Officer and at the same time all provinces shall create an Agroforestry Specialist plantilla position at the Office of the Provincial Agriculturist. All the said agroforestry positions shall be occupied by a professional Agroforester as defined in this Act. Whenever necessary, national government agencies concerned in agroforestry-related activities may also create such appropriate positions.
- b. The Board shall initiate the development of a position classification standards to be led by the Civil Service Commission in collaboration with the Department of Agriculture, Interior and Local Government and the Environment and Natural Resources, one year after the approval of this Act in accordance with the Existing Salary Standardization Law.

Section 11. BUDGETARY ALLOCATION AND TRUST FUND. This act shall hereby allocate ten million pesos (P10,000,000.00) for the organization, mobilization and the initial year of operation of the Board's program of work to be taken from the General Appropriations Act and five million pesos (P5,000,000.00) yearly thereafter. Further, the Board shall create a revolving trust fund in the initial amount of one million pesos (P1,000,000.00) to be taken from a fifty percent (50%) of the

professionalization licensure examination or other fees paid by the applicants and the balance from the government safety net appropriations for agriculture.

Section 12. ENFORCEMENT - The Professional Regulation Commission Shall be the enforcement agency of the Board. As such, the Commission shall implement the concerned provisions of this Act, enforce its Implementing Rules and Regulations as adopted by the Board, conduct investigations or complaints including violations of the Code of Ethics/Conduct of the profession and prosecute when so warranted. If necessary, the Commission may seek the assistance of other duly constituted authorities in the enforcement of the law.

Section 13. FOREIGN RECIPROCITY. No foreign professional Agroforester shall be issued a certificate of registration or license to practice the agroforestry profession or consultancy thereof or be entitled to any of the rights and privileges under this Act unless the country of which he is a subject or citizen specifically permits Filipino professional agroforesters to practice within its territorial limits on the same basis as the subjects or citizens of such foreign state or country.

Section 14. PENAL PROVISION - Any person who shall practice the agroforestry profession In the Philippines within the meaning of this Act without a Certificate of Registration and/or professional license in accordance herewith, or any person presenting or using his/her own Certificate of Registration or professional licensure of another, or any person giving any false or forged evidence to the Commission in order to secure a professional license, or any person assuming using, or advertising as a registered professional agroforester without having been conferred such title, or advertising any title description tending to convey the impression that he or she is a registered professional Agroforester, shall, upon conviction, be sentenced by imprisonment or fine, or both, pursuant to the pertinent provisions of the Revised Penal Code of the Civil Service Act, or RA No 8891 whichever is applicable.

Section 15. REPEALING CLAUSE - All existing laws, decrees, rules, regulations, executive orders and other administrative issuances and parts thereof inconsistent with the provision of this Act are hereby repealed, superseded or modified accordingly.

Section 16. SEPARABILITY CLAUSE - If any part, section, or provision of this Act shall be declared invalid or unconstitutional, no other part, section or provision thereof shall be affected thereby.

Section 17. EFFECTIVITY - This Act shall take effect fifteen (15) days following its official publications in the Official Gazette or in any two (2) newspapers of general circulations in the Philippines whichever comes first.

APPROVED,