

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

**Thirteenth Congress
Second Regular Session**



House Bill No. 5214

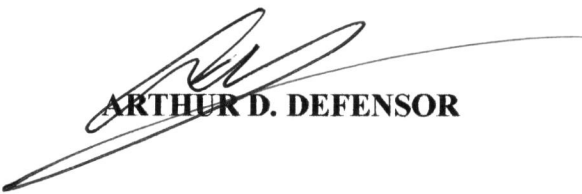
Introduced by Honorable Arthur D. Defensor

EXPLANATORY NOTE

The Philippine archipelago is blessed with rich fishing grounds and abundant arable lands. This explains why a large majority of our population is dependent on fishery, farming and agriculture-related industries as a source of livelihood. Indeed, agriculture remains the linchpin for economic growth.

Together with the infusion of the requisite capital investments, agricultural development is a function of the appropriate use of agricultural expertise. The agriculturists, veterinarians, aquaculturist, agricultural engineers, agricultural technologist, and other agricultural technicians provide the needed assistance to the farmers and fisherfolks. The intervention of these experts spells the difference between the success and failure of government agricultural policy and programs.

This bill acknowledges the importance 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.


ARTHUR D. DEFENSOR

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AN ACT
PROVIDING FOR A MAGNA CARTA OF AGRICULTURAL DEVELOPMENT
WORKERS

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

ARTICLE I

TITLE OF THE ACT AND DEFINITION OF TERMS

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

SEC. 2. Declaration of Policy - It is hereby declared a policy of the State to accelerate the development and modernization of Philippine agriculture and improve the economic and social well-being of agricultural development workers as well as their working conditions and employment status. The State 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.

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) and concerned government and private institutions, and shall include aquaculturists,

veterinarians, agricultural engineers, nutritionists, agricultural extension workers, agricultural technicians and operators, allied agricultural professionals, 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 performing any of the specialized activities such as agronomy, horticulture, animal husbandry, entomology, plant pathology, plant breeding, agricultural economics, agricultural extension and marketing.

c) *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.

d) *Agricultural Engineer* - shall refer to a person registered with the Professional Regulation Commission performing engineering activities in agriculture, particularly on areas of farm power and machinery, irrigation and drainage, soil and water conservation, agricultural buildings and infrastructure, agricultural processing and post harvest facilities.

e) *Aquaculturist* - shall refer to a person who is a graduate of a four-year course in fisheries and performing activities on fisheries and aquaculture, and fishery production and processing.

f) *Nutritionist* - shall refer to a person registered with the Professional Regulation Commission performing activities related to dietary and proper nutrition.

g) *Agricultural Technician* - shall refer to a trained or skilled agricultural worker but not necessarily a college graduate, performing activities such as plant nursery propagator, plant breeder, and farm mechanic.

h) *Agricultural Extension Worker* - shall refer to an agriculturist, veterinarian, agricultural engineer, aquaculturist, nutritionist or home extensionist who helps farmers and fishermen in the promotion of agricultural and fisheries development plans, programs and projects through the use of extension methodologies, concepts and principles.

ARTICLE II

AGRICULTURAL SERVICE CAREER DEVELOPMENT

SEC. 4. *Professionalization of Agricultural Services.* - The State shall support the development and professionalization of agricultural services by providing the necessary compensation and benefits to various agricultural development workers based on their duties, responsibilities and qualifications. For this purpose, the Civil Service Commission in coordination with the Department of Budget and Management, Department of Agriculture, Department of Interior and Local Government and the

recognized national associations of agricultural development workers shall review the existing functions, responsibilities, position titles and qualifications of the agricultural development workers employed at the Department of Agriculture, local government units and concerned government agencies, and match them with appropriate position titles and compensation. Provided, That the following benchmark position titles of agricultural development workers with corresponding salary grades shall be used.

<u>Position</u>	<u>Salary Grade</u>
Agricultural Technician I	10
Agriculturist I	12
Aquaculturist I	12
Nutritionist I	12
Veterinarian I	13
Agricultural Engineer I	13
Agricultural Technologist	15
City Agricultural Engineer	24
City Veterinarian	24
City Agriculturist	24
City Fishery Officer	24
Municipal Agriculturist	24
Municipal Veterinarian	24
Municipal Agricultural Engineer	24
Municipal Fisheries Officer	24
Provincial Agricultural Engineer	26
Provincial Agriculturist	26
Provincial Veterinarian	26
Provincial Fisheries Officer	26

SEC. 5. *Mandatory Positions of Agricultural Development Workers in the Local Government Units.* - The creation of the following position is hereby made mandatory in addition to the prescribed position under the Local Government Code of 1991:

Provincial Agricultural Engineer
Provincial Fisheries and Aquacultural Officer
City Agriculturist
City Agricultural Engineer
City Veterinarian
City Fisheries and Aquacultural Officer
Municipal Agriculturist
Municipal Agricultural Engineer
Municipal Veterinarian
Municipal Fisheries and Aquacultural Officer

Provided, That in the case of fourth (4th) class LGUs, financial subsidy shall be provided by the National Government for the personnel services needed in the hiring of the above mentioned mandatory position: *Provided, further*, That the funding requirement shall be incorporated in the annual appropriations of the Department of Agriculture.

SEC. 6. *Performance Evaluation and Merit Promotion.* – The Secretary of Agriculture upon consultation with the Civil Service Commission and the recognized national associations of agricultural development workers shall prepare a uniform career and personnel development plan applicable to all agricultural development workers. 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. 7. *Transfer or 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. 8. *Security of Tenure.* - An agricultural worker holding a permanent position 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 backwages with twenty per centum (20%) interest to be computed from the time compensation is withheld up to the reinstatement. *Provided*, however, That if the agricultural worker does not desire to be reinstated, he/she shall be entitled to backwages and separation pay with twenty per centum (20%) interest.

SEC. 9. *Discrimination Prohibited.* - An agricultural worker shall not be discriminated by reason of creed, sect, political belief, civil status, and ethnic grouping in the exercise of his/her profession.

SEC. 10. *No Understaffing and/or Overloading of Agricultural Workers.* - There shall no understaffing and/or overloading of agricultural 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: *Provided*, That the government shall allocate the necessary funds for the hiring of additional agricultural development workers in cases of overloading of personnel in specific areas of assignment.

SEC. 11. *Safeguards in Administrative Proceedings.* - In every administrative proceeding, an Agricultural Worker shall have the following rights:

- a) to be informed of the charges;
- b) to full access to evidence against him/her;
- c) to defend himself/herself through counsel of his/her choice;
- d) to be given adequate time to prepare his/her case, which shall in no case exceed twenty (20) days;
- e) to appeal to designated authorities;
- f) to cross-examine witnesses and to processes for the production of witnesses;
- g) to 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. 12. *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 prescribe workplace;
- b) the time which an agricultural worker is permitted to work; and
- c) the time which an agricultural worker is required to work in a place other than the prescribed workplace.

SEC. 13. *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. 14. *Training and Scholarship Program.* - The Department of Agriculture through its scholarship committee and the Agricultural Training Institute shall undertake

trainings and scholarship programs for the agricultural development workers, which shall be given adequate budgetary support by the Government.

SEC. 15. *Married Agricultural Worker.* - Whenever possible, the proper authorities shall take steps to enable married couples both of whom are public agricultural development workers, to be assigned in the same municipality.

ARTICLE III

INCENTIVES AND REWARDS SYSTEM

SEC. 16. *Criteria for Incentives and Rewards System.* - The Incentives and Reward 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 the local government units may establish.

SEC. 17. *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 Traveling Allowance (RATA) equivalent to that received by the Department Head of the local government units concerned.
- 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, 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 entitled to hazard allowance equivalent to at least twenty per centum (20%) of their respective 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 the 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 quarter 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 and other existing laws.
- 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 refer 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 his/her time for personal needs: *Provided*, That no agricultural worker shall be placed in an "On-Call" status beyond seven (7) days.
- 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

MISCELLANEOUS PROVISIONS

SEC. 18. *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.

SEC. 19. *Freedom from Interference or Coercion.* - It shall be unlawful for any person to commit any of the following acts:

- a) to require as a condition for employment that the agricultural development worker shall not join an organization or union;
- b) to discriminate in order to encourage or discourage membership in any agricultural development workers organization or union;
- c) to prevent an agricultural development worker from carrying out his duties and functions in his/her organization or union or to penalize him/her for any lawful action performed in that capacity;
- d) to harass or intimidate an agricultural development worker or prevent him/her from performing his/her duties and functions; and
- e) to perform acts that will diminish the independence and freedom of the union or organization to direct its own affairs.

SEC. 20. *Consultation.* - The Department of Agriculture shall consult professional and agricultural workers organizations or unions in formulating policies to govern the welfare and security of the agricultural development workers.

SEC. 21. *Human Resource Development.* - The Government and non-government agencies shall conduct human resource development and management studies in the following areas:

- a) Adequate facilities and resources to render quality agricultural service to the clientele;
- b) Opportunity 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 to ensure that they receive quality care.

SEC. 22. *Rules and Regulations.* - The Secretary of the Department of Agriculture (DA) in consultation with Department of Labor and Employment (DOLE), Civil Service Commission (CSC), National Labor Relations Commission (NLRC), Department of the Interior and Local Government (DILG), and the national organizations of agricultural development workers shall formulate and prepare necessary rules and regulations in implementing the provisions of this Magna Carta.

SEC. 23. *Monitoring of Implementation.* - The Secretary of Agriculture shall create a Monitoring Committee that shall monitor the implementation of the provisions of this Act. The committee shall be composed of representatives of the DA, DILG, CSC 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. 24. *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 penalty of disqualification from office of such offending public official.

SEC. 25. *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. 26. *Separability Clause.* - If any provision of this Act is declared unconstitutional or invalid, the other provisions thereof not affected thereby shall continue to be in full force and effect

SEC. 27. *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. 28. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation

Approved,