

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

0000 434
H. B. No. _____

Introduced by HONORABLE JUAN EDGARDO "SONNY" M. ANGARA

EXPLANATORY NOTE

The new millennium poses bigger and even more difficult challenges. The increasing population puts more pressure on our natural resources. The twin demands of the environment and the people brings to fore the recognition of agroforestry as the key to resource rehabilitation, sustainable development and preservation of these natural resources.

Interestingly, the Philippines is one of the first countries to practice agroforestry. For a country with an estimated twenty million (*roughly* 24%) of its population living in the uplands, the magnitude of the practice of agroforestry cannot be overstressed. As a land-use management system, agroforestry is new market opportunities, new business investments, sustainable agricultures, land stewardship, habitat for wildlife, improved water quality, and diversified farm income.

In particular, agroforestry practices help landowners to diversify products, markets, and farm income; improve soil and water quality; reduce erosion, non-point source pollution and damage due to flooding; enhance land and aquatic habitats for fish and wildlife; and improve biodiversity while sustaining land resources for generations to come. A critical mass of quality agroforestry practitioners, therefore, is necessary to advance agroforestry systems and practices to a scale significant for improving the quality of lives in the upland and throughout the landscape.

Yet, despite its irrefutable importance in the country's drive for sustainable agricultural development, agroforestry face a challenge in integrating itself as a profession/field of endeavor in the country's policies. To address the increasing demand for field technicians equipped with the needed agroforestry knowledge and skills, this unique field, which is neither Agriculture nor Forestry demand its recognition as a new and separate occupational cluster of study.

Although it has been considered as the main production technology/tool in the implementation of the Community-Based Forest Management Program as exemplified in

Executive Order No. 263 series of 1995, and is among the fields of agriculture and fisheries that is exemplified in the Agriculture and Fisheries Modernization Act (AFMA) of 1997, there is an evident lack of a governing body that will assess, evaluate, standardize, and enhance the Agroforestry curriculum.

This brings to fore the necessity of this measure.

It is envisioned that this bill would establish the distinct role of agroforestry as a science and as a profession in providing the farm households with stable and ready source of sufficient food to reduce the upland farmers' food insecurity. After all, agroforestry is an essential part of the effort to feed the people in our uplands by allowing the production of "more food on less land and less labor."

Approval of the measure is earnestly sought.



JUAN EDGARDO "SONNY" M. ANGARA
Representative
Lone District, Province of Aurora

Introduced by Honorable JUAN EDGARDO "SONNY" M. ANGARA

AN ACT
TO STANDARDIZE AND ENHANCE THE PRACTICE OF AGROFORESTRY IN THE
COUNTRY, CREATING THE BOARD OF AGROFORESTRY UNDER THE
PROFESSIONAL REGULATIONS COMMISSION, APPROPRIATING FUNDS
THEREFOR, AND FOR OTHER PURPOSES

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

SECTION 1. *Short Title.* This Act shall be known as the "*Philippine Agroforestry Act of 2010.*"

SEC. 2. *Declaration of Policy.* It is hereby declared the policy of the State to respond to the need of professionalizing the field of agroforestry in the country as a tool towards sustainable socio-economic development and environmental protection.

Toward this end, the State shall establish and maintain a Board of Agroforestry that shall conduct, among others, 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.

SEC 3. *Objectives.* This Act shall provide for and govern:

- a) The standardization and regulation of agroforestry education;
- b) The giving of licensure examinations to graduates of recognized agroforestry schools for the purpose of registration;
- c) The promotion and development of agroforestry research in the country; and
- d) The regulation, control, and supervision of the practice of Agroforestry in the Philippines.

SEC. 4. *Definitions.* For purposes of this Act,

- a) "**Board**" refers to the Professional Regulatory Board of Agroforestry, 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 Republic Act No. 8981 or the "Professional Regulations Commission Modernization Act of 2000;"
- c) **"Agroforester"** refers to any person who has 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 is 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 teaches subjects in schools, colleges or universities, requiring the knowledge of Agroforestry;
- d) **"Agroforestry"** refers to the science, arts and practice that deals with the production, arrangement and utilization of woody perennials in combination with other agricultural crops, animals, aquatic and/or other resources either zonal, mixed simultaneously or sequentially grown for the twin purpose of conservation and socio-economic productivity; and
- e) **"Agroforestry professional practice"** refers to the activities, acts, services or pursuits exclusively performed by PRC registered and licensed professional agroforesters, the scope thereof is prescribed and/or specified herein.

SEC. 5. Scope of Practice. The practice of Agroforestry shall include, but not be limited to, the following:

- a) Preparation and certification of Agroforestry systems and interactive diagnosis and design, feasibility studies, and specifications for the production, harvesting, processing, utilization and marketing of woody perennials and agricultural crops and/ or animals for multiple products and services 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 of ranches, fruit growers and farms to diversity products and integrate 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 may include animal fodder, windbreaks, much bank, shade integrated timber or native trees, and 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; and wood products manufacturing and marketing;
- d) Provision of related activities or services such as the conduct of agroforestry experiments, research, extension, development, training or communications; the teaching of subjects in academic institutions and for licensure examinations in conformity with Section 11 of Republic Act No 8981; undertaking, supervision and/or administration of studies, program, stations, center, community/ provincial/regional/national offices of government agencies and institutions requiring agroforestry professionals; technical or management consultants needed by or required of local government units, private corporations, foundations, non-government association and foreign assisted projects; and
- e) All agroforestry concerns, projects, business activities or related services must be certified by a professional Agroforester before such will be accepted by any entity for registration, getting business permits or licenses in municipalities, any financial institutions, legal transactions and the like. Such requirement shall ensure that agroforestry activities will conform to the observance of the requirements of good agroforestry environmental protection, pollution prevention, conservation, health risk and cleaner 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 Strategic Agriculture and Fisheries Development Zones (SAFDZs), the land use and zoning ordinances, protection of watersheds areas, the housing and land use regulations as provided for in Republic Act No. 8435 and other laws.

ARTICLE II

PROFESSIONAL REGULATORY BOARD OF AGROFORESTRY

SEC. 6. *The Professional Regulatory Board of Agroforestry and its Composition.*

The Professional Regulatory Board of Agroforestry, hereinafter referred to as the "**Board**," under the supervision and administrative control of the Professional Regulation Commission, hereinafter referred to as the "**Commission**," shall be composed of a Chairman and four (4) members, to be appointed by the President of the Philippines from a list of three (3) recommendees for each position and ranked by the Commission from a list of five (5) qualified nominees endorsed by the accredited professional organization of certified agroforesters, within ninety (90) working days after the approval of this Act.

The Board shall elect a vice-chairman from among its members for a term of one (1) year. The Chairman shall preside in all meetings of the Board and in the event of a vacancy in the office of the chairman, the vice-chairman shall assume the post until such time as a chairman is appointed.

SEC. 7. *Qualifications of Members of the Professional Regulatory Board.* A member of the Board shall, at the time of his / her appointment, possess the following qualifications:

- a) Must be a natural-born citizen and resident of the Philippines;
- b) Must have engaged in the practice of Agroforestry for at least ten (10) years;
- c) Must be of good moral character and must not have been convicted of a crime involving moral turpitude; and
- d) Must not have any pecuniary interest, for a period of at least one (1) year prior to his or her appointment, directly or indirectly, in any school, college, university or institution conferring an academic degree necessary for admission to the practice of agroforestry or where review classes in preparation for the licensure examination are being offered or conducted, nor shall he/she be a member of the faculty or administration thereof at the time of his/her appointment to the Board.

SEC. 8. *Term of Office.* The chairman and members of the Board shall hold office for a term of three (3) years without prejudice for reappointment to another term, but in no case shall he/she serve continuously for more than six (6) years.

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 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 have qualified in accordance with this Act.

SEC 9. *Powers and Functions of the Board.* The Board shall exercise the following powers, functions and responsibilities, in addition to the pertinent general functions of the Commission under Republic Act 8981:

- a) To create a registry of agroforestry professionals in the country;
- b) To prepare, conduct and administer the agroforestry licensure examinations;
- c) To provide information and other educational materials, promotions and networking services to facilitate the activities of the Board;
- d) To hear and investigate cases, issue summons and subpoena *duces tecum*, and conduct summary proceedings in cases arising from violations of this Act;
- e) To suspend, revoke, reissue, reinstate certificates of registration or licenses for cause allowed by law;

- f) Subject to the approval of the Commission, to adopt and promulgate rules and regulations implementing this Act, including its Code of Ethics to effectively execute the provisions of this Act; and
- g) To exercise such other powers as may be provided by law as well as those which may be implied from, or which are necessary or incidental in carrying out the express powers granted to the Board to achieve the objectives of this Act.

SEC. 10. *Grounds for Suspension or Removal of Members of the Board.* The President of the Philippines, after due process has been undertaken by and upon recommendation of the Commission, may suspend or remove any member of the Board for cause on the following grounds:

- a) Neglect of duty or incompetence;
- b) Violation or tolerance of any violation of this Act or any of its implementing rules and regulations;
- c) Final judgment of a crime involving moral turpitude;
- d) Manipulation or rigging of the agroforestry licensure examination results, disclosure of secret and confidential information in the examination questions prior to the conduct of the said examination or tampering of grades; and
- e) Graft and corruption.

ARTICLE III

EXAMINATION, REGISTRATION AND LICENSURE

SEC 11. *The Agroforestry Licensure Examination.* All applicants for registration for the practice of agroforestry shall be required to undergo a licensure examination to be given by the Board in such places and dates as the Commission may designate subject to the requirements prescribed by the Commission.

SEC 12. *Qualifications of Applicants for Examination.* Any person applying for examination shall establish, to the satisfaction of the Board, the following requisites:

- a) That he/she is a Filipino citizen and a resident of the Philippines;
- b) That he/she is of good moral character;
- c) That he/she is a holder of a degree of Bachelor of Science in Agroforestry conferred by a school, college, or institute duly recognized and/or accredited by the CHED or other authorized government offices; and
- d) That he/she has not been convicted of an offense involving moral turpitude.

SEC 13. Scope of Examination. The licensure examination for licensed agroforesters shall cover, but are not limited to, the following subjects:

- a) Crop Science in Agroforestry Systems;
- b) Animal Science in Agroforestry Systems;
- c) Integrated Pests and Disease Management;
- d) Soil Science and Water Conservation;
- e) Agroforestry Science and Technology system; and
- f) Applied Sociology and Extension.

The Board, upon approval of the Commission, may revise or exclude any of the subjects and their syllabi, and add new ones as the need arises.

SEC. 14. Rating in the Licensure Examination. To qualify as having passed the licensure examination for agroforesters, a candidate must obtain a general average of seventy five percent (75%), with no grade lower than sixty-five percent (65%) in any given subject.

SEC.15. Report of Rating. The Board shall submit to the Commission the rating obtained by each candidate within ten (10) calendar days after the examination, unless extended for just cause. Upon the release of the results of the examination, the Commission shall send by mail the rating received by each examinee at his/her given address using the mailing envelope submitted during the examination.

SEC. 16. Oath. All successful candidates in the examination shall be required to take an oath of profession before any member of the Board or before any government official authorized of the Commission or any person authorized by law to administer oaths upon presentation of proof of his/her qualification, prior to entering upon the practice of the profession.

SEC. 17. Issuance of Certificate of Registration and Professional Identification Card. A certificate of registration shall be issued to examinees who passes the licensure examination subject to payment of fees prescribed by the Commission. The Certificate of Registration shall bear the signature of the chairperson of the Commission and the chairman and members of the Board, stamped with the official seal of the Commission and of the Board, indicating that the person named therein is entitled to the practice of the profession with all the privileges appurtenant thereto. The said certificate shall remain in full force and effect until withdrawn, suspended or revoked in accordance with this Act.

A Professional Identification Card bearing the registration number date of issuance, expiry date, duly signed by the chairperson of the Commission, shall likewise be issued to every registrant renewable every three (3) years.

SEC 18. Roster of Licensed Agroforesters. A roster showing the names and place of business of all registered professional agroforesters shall be prepared and updated by the Board, and copies thereof shall be made available to any party as may deemed necessary.

SEC. 19. Indication of Certificate of Registration, Identification Card and Professional Tax Receipt. The licensed Agroforester shall be required to indicate his/her certificate of registration number, the date of issuance, the duration of validity, including the Professional Tax Receipt number on the documents he/she signs, uses, or issues in connection with the practice of his/her profession.

SEC. 20. Refusal to Issue Certificate of Registration and Professional Identification Card. The Board shall not register and issue a certificate of registration and Professional Identification Card to any successful examinee convicted by the court of competent jurisdiction of a criminal offence involving moral turpitude or guilty of immoral and dishonorable conduct to any person or unsound mind. In the event of refusal to issue certificate for any reason, the Board shall give the applicant a written statement setting forth the reasons for such action, which statement shall be incorporated in the record of the Board.

SEC. 21. Suspension and Revocation of Certificate of Registration and Professional Identification Card and Cancellation of Special Permit. The Board shall have the power, upon the notice and hearing, to suspend or revoke the practitioner's certificate of registration and professional identification card or suspend his/her from the practice of his/her profession or cancel his/her special permit for any of the causes or ground mentioned under Section 20 of this Act or any of the provisions of this Act, and its implementing rules and regulations, the Agroforesters' Code of Ethics and the technical and professional standards of practice for Licensed Agroforesters.

SEC. 22. Reinstatement, Reissuance and Replacement of Revoked or Lost Certificates. The Board may, after the expiration of two (2) years from the date of revocation of a certificate of registration and upon application and for reasons deemed proper and sufficient, reinstate the validity of a revoked certificate of registration and in so doing, may, in its discretion, exempt the applicant from taking another examination.

A new certificate of registration to replace lost, destroyed, or mutilated certificate/license may be issued, subject to the rules and promulgated by the Board and the Commission, upon the payment of the required fees.

ARTICLE IV

PENAL AND MISCELLANEOUS PROVISIONS

SEC. 23. Penal Provisions. 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 as his/her own Certificate of Registration or professional licensure belonging to 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, by a fine of not less than Fifty Thousand Pesos (50,000.00) or by imprisonment for a period not exceeding two (2) years or both, at the discretion of the court.

SEC. 24. Employment of Agroforesters in the Government. In furtherance of the national government's program for sustainable agricultural development, there is a need to adopt mechanisms for the placement and employment of agroforestry graduates in the government sector.

Thus, it is hereby mandated that all municipalities with at least twenty *per centum* (20%) of the total upland area of the municipality shall create at least one (1) plantilla position for Agroforestry Officer at the Municipal Agriculturist Office, all provinces shall create at least one (1) plantilla position for Agroforestry Specialist at the Office of the Provincial Agriculturist. The aforesaid agroforestry plantilla 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 plantilla positions for agroforesters as they may deem appropriate.

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, the Department of Interior and Local Government and the Department of Environment and Natural Resources, one (1) year after the approval of this Act in accordance with existing Salary Standardization Laws.

SEC. 25. Implementing Rules and Regulations. Within ninety (90) days after the effectivity of this Act, the Board, subject to the approval of the Commission and in coordination with accredited national professional organization of licensed agroforesters, shall adopt and promulgate the rules and regulations necessary to carry out the provisions of this Act.

SEC. 26. Funding Provision. The chairperson of the Professional Regulation Commission shall immediately include in the Commission's programs the implementation of this Act, the funding of which shall be included in the annual General Appropriations Act.

SEC. 27. Transitory Provision. All graduates with Bachelors Degree, Major in Agroforestry shall be allowed to take the Agroforestry Licensure Examination within two (2)

years from the effectivity of this Act under the rules and regulations to be promulgated by the Board subject to the approval by the Commission.

SEC. 28. *Foreign Reciprocity.* Except in the case of persons otherwise exempt under the provisions of this Act, no agroforester who is a citizen of a foreign country or a particular state shall be granted any of the rights of privilege under this Act, unless the country or state of which he is a subject or a citizen permits agroforesters who are Filipino citizens to practice within its territorial limits on the same basis as the subjects or citizens of such country or state but under the circumstances shall such a set-up be initiated by the Philippine Government.

SEC. 29. *Enforcement.* The Professional Regulation Commission (PRC) 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 (IRR) as adopted by the Board, conduct investigations of 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.

SEC. 30. *Separability Clause.* If any provision of this Act or an application thereof to any person or circumstance is held to be invalid, the other provisions of this Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

SEC. 31. *Repealing Clause.* All existing laws, orders, rules and regulations or parts thereof deemed inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SEC. 32. *Effectivity.* This Act shall take effect fifteen (15) days following its complete publication in the Official Gazette or in any two (2) newspapers of general circulation, whichever comes first.

Approved,