

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
Second Regular Session

HOUSE BILL No. 5635



Introduced by Representative TEDDY A. CASIÑO

EXPLANATORY NOTE

The enactment of R.A. 10068, also known as the Organic Agriculture Act of 2010, is considered a boost to the local organic market. While it is still in its initial stages of implementation, there is a need to fine-tune the Act in order to further promote organic agriculture and truly empower our local farmers.

However, criticism towards the seemingly exclusive rights given to private certifying bodies inhibits the growth of organic agriculture as it deters small farmers from going organic. The high cost to get certified, in order to carry the "organic" label discriminates against our small farmers and indigenous peoples who have long traditions of raising and producing organic goods. Denying them to label what is essentially an organic product as such is also detrimental to their livelihood.

Local government units (LGU) should be given a bigger role in the promotion of organic agriculture. Increasing number of LGUs recognize the health, economic and environmental value of organic farming, and have likewise issued ordinances in support of organic agriculture. These local initiatives should be considered by national government agencies before they allow crops or agricultural methods that may affect the organic nature of farming in the localities where they intend to operate or test.

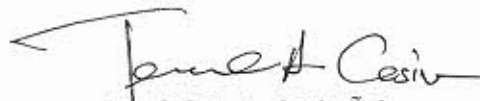
This bill recognizes the Participatory Guarantee System (PGS) in the certification and labeling of organic products and encourages the appropriate agencies to develop and

strengthen such alternative certification mechanisms. It likewise ensures the protection of indigenous organic resources against cross contamination of engineered crops.

For decades, the lack of sustainable alternatives and genuine support from the national government have turned generations of Filipino farmers slaves to the land, instead of stewards of it. This is due to the fact that landlords, big agro-corporations and government policies have been used to tie farmers to usurious practices and products, further pushing peasants to poverty. Sustainable agricultural methods, such as organic farming, are a welcome alternative to the import-based and toxic farming methods which are destroying our natural resources.

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

Approved,


TEDDY A. CASIÑO
Bayan Muna Party-list

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AN ACT
RECOGNIZING THE PARTICIPATORY GUARANTEE SYSTEM (PGS) AS A
FORM FOR CERTIFICATION FOR LABELLING ORGANIC PRODUCTS
AMENDING FOR THE PURPOSE REPUBLIC ACT 10068, ALSO KNOWN AS
THE ORGANIC AGRICULTURE ACT OF 2010, AND FOR OTHER PURPOSES

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

SECTION 1. Section 3 of the Organic Agriculture Act of 2010 (R.A. 10068), is hereby amended to read as follows:

“(a) Organic refers to the particular farming and processing systems described in the standards and not in the classical chemical sense. The term “organic” is synonymous in other languages to “biological” or “ecological”. It is also a labeling term that denotes products considered organic based on the Philippine National Standards for organic agriculture.

x x x

“(n) PARTICIPATORY GUARANTEE SYSTEMS (PGS) ARE LOCALLY
FOCUSED QUALITY ASSURANCE SYSTEMS FOR ORGANIC PRODUCTS.
THEY CERTIFY PRODUCERS BASED ON ACTIVE PARTICIPATION OF

STAKEHOLDERS AND ARE BUILT ON A FOUNDATION OF TRUST,
SOCIAL NETWORKS AND KNOWLEDGE EXCHANGE.

SEC. 2. Section 15 on accreditation of organic certifying body in R.A. 10068 is hereby amended as follows:

“The BAFPS is hereby designated and authorized to grant official accreditation to organic certifying body or entity. The BAFPS is tasked to formulate the necessary rules and procedures in the accreditation of organic certifying body: Provided, That there shall be at least one (1) accredited organic certifying body each in Luzon, Visayas and Mindanao or in case of only (1) organic certifying body is accredited, it shall have at least one (1) satellite office or processing unit each in Luzon, Visayas and Mindanao.

“PROVIDED, FURTHER, THAT IN ACCREDITING A CERTIFYING BODY OR ENTITY, THE BAFPS SHALL RECOGNIZE PARTICIPATORY GUARANTEE SYSTEMS AS VALID CERTIFICATION MECHANISMS AND SHALL ESTABLISH PROGRAMS TO STRENGTHEN AND DEVELOP THE SAME.”

SEC. 3. Section 16 of R.A. 10068 is hereby amended as follows:

(a) The name, address and emergency contact information of each organic food or input establishment that the registrant owns or operates;

X X X

“(g) IN THE CASE OF DIRECT SELLING TO CONSUMERS, DONE BY SMALL OR FAMILY FARMERS, PREVIOUSLY REGISTERED WITH BAFPS OR LGU COUNTERPART, CERTIFICATION IS OPTIONAL.”

SEC. 4. Section 17 of R.A. 10068 is hereby amended as follows:

“The label of organic produce shall contain the name, logo or seal of the organic certifying body and the accreditation number issued by the BAFPS. [Only third party

certification is allowed to be labeled as organically produced.] THE ORGANIC LABEL SHALL ALSO INCLUDE THE TRADE NAME AND THE ORIGIN ADDRESS OF THE PRODUCE.”

x x x

SEC. 5. Sections 24 through 32 of R.A. 10068 are hereby amended as follows

“SECTION 24. PROTECTION OF INDIGENOUS ORGANIC RESOURCES AGAINST CROSS-CONTAMINATION. THE INTEGRITY OF ORGANIC CROPS AND LIVESTOCK SHALL BE STRICTLY ENSURED AND MONITORED. RISK OF CROSS-CONTAMINATION FROM ENGINEERED CROPS AND LIVESTOCK SHALL BE PREVENTED AT ALL TIMES. BAFPS SHALL MONITOR ALL APPLICATIONS FOR FIELD-TESTINGS/ PRODUCTION OF ENGINEERED CROPS AND LIVESTOCK, AND SHALL HAVE THE POWER TO DENY ANY APPLICATION IF IT FINDS SUFFICIENT CAUSE.

“ALL FIELD TESTING, PLANTING OR RAISING OF GENETICALLY-MODIFIED ORGANISMS SHOULD NOT BE ALLOWED IN THE VICINITY WHERE ORGANIC FARMING IS BEING CONDUCTED. BAFPS, IN COORDINATION WITH NOAB, SHALL IMPLEMENT AN ORGANIC ZONE TO ESTABLISH THE RADIUS WHERE THE ORGANIC PRODUCE IS NOT IN DIRECT OR IMMEDIATE CONTACT OR INFLUENCE OF ENGINEERED ORGANISMS.

“IN THE EVENT OF CONTAMINATION BY GENETICALLY-MODIFIED ORGANISM, PATENTED OR OTHERWISE, THE LGU, BAFPS AND/OR ORGANIC INPUT PRODUCER MAY HOLD THE GMO PATENT OWNER LIABLE FOR ECONOMIC AND ENVIRONMENTAL DAMAGES.

“SECTION 25. RECOGNITION OF LOCAL ORDINANCES AND OTHER ISSUANCES. CONSISTENT WITH ITS MANDATE UNDER SECTION 16 - GENERAL WELFARE OF R.A. 7160, LOCAL GOVERNMENT UNITS (LGUS) HAVE THE POWER TO ENACT ORDINANCES FOR THE GENERAL HEALTH AND WELFARE OF ITS CONSTITUENCY.

“PURSUANT TO THIS, LOCAL ORDINANCES, POLICIES AND/OR ISSUANCES ON AGRICULTURE, INCLUDING BUT NOT LIMITED TO ORGANIC AGRICULTURE AND PROHIBITION OF GENETICALLY-MODIFIED ORGANISMS, SHALL BE RECOGNIZED BY THE ALL GOVERNMENT AGENCIES.

“LGUS, IN COORDINATION WITH BAFPS SHALL STRICTLY MONITOR THE CONDUCT OF AGRICULTURE IN ORDER TO ENSURE THE QUALITY AND INTEGRITY OF ORGANIC PRODUCE. TESTING OR FIELD TRIALS OF ANY TYPE OF AGRICULTURAL PRODUCT OR METHOD SHALL REQUIRE LGU CLEARANCE APART FROM THE REQUIREMENTS SET BY THE GOVERNMENT AGENCY CONCERNED.

“SEC. [24] 26. Incentives. x x x

“SEC. [25] 26. Appropriations. x x x

“SEC. [26] 27. Penal Provision. Section 26. Penal Provision. - Any person who willfully and deliberately:

“(a) obstructs the development of propagation of organic agriculture, or the manufacture, production, sale or use of organic agricultural inputs;

“(b) refuses without just cause to extend the support and assistance required under this Act;

“(c) mislabels or claims that the product is organic when it is not in accordance with the existing standards for Philippine organic agriculture or this Act [shall, upon conviction, be punished by]; or

“(D) VIOLATES ANY OTHER PROVISION OF THIS ACT SHALL, UPON CONVICTION, BE PUNISHED BY IMPRISONMENT OF NOT LESS THAN ONE (1) MONTH NOR MORE THAN SIX (6) MONTHS, OR A FINE OF NOT LESS THAN FIFTY THOUSAND PESOS (P30, 000.00), OR BOTH, AT THE DISCRETION OF THE COURT. IF THE OFFENDER IS A CORPORATION OR A JURIDICAL ENTITY, THE OFFICIAL WHO ORDERED OR ALLOWED THE COMMISSION OF THE OFFENSE SHALL BE PUNISHED WITH THE SAME PENALTY. IF THE OFFENDER IS IN THE GOVERNMENT SERVICE, HE OR SHE SHALL IN ADDITION, BE DISMISSED FROM THE OFFICE.

“SEC. [27] 29. Implementing Rules and Regulations. x x x

“SEC. [28] 30. Annual Report. x x x

“SEC. [29] 31. Congressional Oversight Committee. x x x

“SEC. [30] 32. Separability Clause. x x x

“SEC. [31] 33. Repealing Clause. x x x

“SEC. [32] 34. Effectivity. x x x”

SEC. 6. *Effectivity Clause.* This Act shall take effect immediately after its complete publication either in the Official Gazette or in a newspaper of general circulation in the Philippines.

Approved.