

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

House Bill No. 420



INTRODUCED BY REPRESENTATIVE ARTHUR C. YAP

EXPLANATORY NOTE

As defined under Section 17 of the Local Government Code, the term "devolution" refers to the act by which the National Government confers power and authority upon the various Local Government Units (LGUs) to perform specific functions and responsibilities.

Devolution is part of the objective for LGUs to be self-reliant. It was for them to exercise the powers and discharge the duties and functions, not just previously vested upon them, but also those devolved to them from national agencies and offices.

The devolution included the transfer to LGUs of the records, equipment and other assets of national agencies and offices corresponding to the devolved powers, functions, and responsibilities. Most important, it involved the transfer of personnel from the national government.

The more known devolved functions came from the Departments of Agriculture, Environment and Natural Resources; Health; and, Social Welfare and Development. Thus the positions of local Agriculturist, Environment and Natural Resources Officer, Social Welfare and Development Officer, and Health Officer were created under the Local Government Code.

However, from the above enumerated positions, in all the LGU classes, meaning from the provincial, city to municipal Government, only the position of Health Officer has mandatory appointment. For the Agriculturist Social Welfare and Development Officer, such positions are optional in the city or municipal levels. In the case of the Environment and Natural Resources Officer, it is optional at all levels.

Expectedly, said positions being optional, the LGU executives come up with several reasons not to fill it up. These reasons include administrative viability and lack of financial resources.

This draft bill seeks to make the appointment of the positions of Environment and Natural Resources Officer and Social Welfare and Development Officer mandatory in all LGUs. In the case of the Agriculturist, it makes the position mandatory except in highly urbanized cities where less than ten percent (10%) of business is agriculture based or related.

It should be highlighted that the above stated positions render services that are basic and necessary to the local government's constituency.

As for the Agriculturist, he/she is charge of on-site research services and facilities related to agriculture and fishery activities, including the following:

- dispersal of livestock, poultry and seeding materials for aquaculture;
- quality control and improvement and development of local distribution channels, preferably through cooperatives;
- interbarangay irrigation systems;
- water and soil resource utilization and conservation projects; and,
- enforcement of fishery laws in municipal waters including the conservation of mangroves;

On the other hand, the Environment and Natural Resources Officer is mandated to:

- implement community-based forestry projects;
- manage and control communal forests;
- establish tree parks, greenbelts, and similar forest development projects;

Finally, the Social Welfare Office shall be in charge of:

- programs and projects on child and youth welfare, family and community welfare, women's welfare, welfare of the elderly and disabled persons;
- community-based rehabilitation programs for vagrants, beggars, street children, scavengers, juvenile delinquents, and victims of drug abuse; and,
- livelihood and other pro-poor projects; nutrition services; and family planning services.

If the said positions are optional, (and usually unfilled), the above enumerated necessary services cannot be properly discharged by the LGU. In view of the foregoing, the immediate passage of the bill is earnestly sought.


ARTHUR C. YAP
Representative

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

House Bill No. 420

INTRODUCED BY REPRESENTATIVE ARTHUR C. YAP

AN ACT
MAKING THE APPOINTMENT TO THE POSITIONS OF LOCAL
AGRICULTURIST, ENVIRONMENT AND NATURAL
RESOURCES OFFICER AND SOCIAL WELFARE AND
DEVELOPMENT OFFICER, MANDATORY IN ALL LOCAL
GOVERNMENT UNITS, AMENDING FOR THE PURPOSE
PERTINENT SECTIONS OF REPUBLIC ACT NO. 7610, AS
AMENDED, OTHERWISE KNOWN AS THE LOCAL
GOVERNMENT CODE OF 1991, AND FOR OTHER PURPOSES

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

1 **SECTION 1. *Declaration of Policy.*** – It hereby declared the policy of the State
2 to enable Local Government Units to exercise the powers and discharge the duties and
3 functions, not just previously vested upon them, but also those devolved to them from
4 national agencies and offices.

5 **SECTION 2. *Amendment of Section 482 of the Local Government Code.*** –
6 Section 482 of Republic Act No. 7160, otherwise known as the Local Government Code
7 of 1991, is hereby amended to read as follows:

8 “ARTICLE XII

9 The Agriculturist

10 SECTION 482. Qualifications, Powers and Duties. — (a)

11 xxx

12 The position of an agriculturist shall be mandatory for the
13 provincial government, **[and optional for the]** city and municipal

1 governments, EXCEPT IN HIGHLY URBANIZED CITIES WHERE
2 LESS THAN TEN PERCENT (10%) OF BUSINESS IS AGRICULTURE
3 BASED OR RELATED.”

4 **SECTION 3. *Amendment of Section 483 of the Local Government Code.*** –

5 Section 483 of Republic Act No. 7160, otherwise known as the Local Government Code
6 of 1991, is hereby amended to read as follows:

7 “ARTICLE XIII

8 The Social Welfare and Development Officer

9 SECTION 483. Qualifications, Powers and Duties. — xxx

10 The appointment of a social welfare and development officer is
11 mandatory for provincial, [and] city [governments], and [optional for]
12 municipal government.

13 **SECTION 4. *Amendment of Section 484 of the Local Government Code.*** –

14 Section 484 of Republic Act No. 7160, otherwise known as the Local Government Code
15 of 1991, is hereby further amended to read as follows:

16 ARTICLE XIV

17 The Environment and Natural Resources Officer

18 SECTION 484. Qualifications, Powers and Duties. — (a) No

19 person shall be appointed environment and natural resources officer unless
20 he is a citizen of the Philippines, a resident of the local government unit
21 concerned, of good moral character, a holder of a college degree
22 preferably in environment, forestry, agriculture or any related course from
23 a recognized college or university, and a first grade civil service eligible or
24 its equivalent. He must have acquired experience in environmental and
25 natural resources management, conservation, and utilization, for at least
26 five (5) years in the case of the provincial or city environment and natural
27 resources officer, and three (3) years in the case of the municipal
28 environment and natural resources officer.

1 The appointment of the environment and natural resources officer
2 is **MANDATORY** [optional] for provincial, city, and municipal
3 governments.

4 **SECTION 5. *Separability Clause.*** - If any provision of this Act, or any parts
5 thereof, is declared unconstitutional, the same shall not affect the validity and effectivity
6 of the other portions.

7 **SECTION 6. *Repealing Clause.*** - All laws, executive orders, presidential
8 decrees, proclamations, rules, regulations, issuances and enactments of parts thereof
9 inconsistent with this Act are hereby repealed or modified accordingly.

10 **SECTION 7. *Effectivity.*** - This Act shall take effect fifteen (15) days from its
11 complete publication in the Official Gazette or in a newspaper of general circulation in
12 the Philippines, whichever comes earlier.

APPROVED.