

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

House Bill No. 1147



Introduced by Honorable Estrellita "Ging" B. Suansing

EXPLANATORY NOTE

This bill seeks to promote Agritourism in the country which combines the elements of tourism and agriculture industry to help improve farm income. Agritourism is done when a working farm, ranch, winery, or any agricultural operation is opened to the public to visit for their enjoyment, outdoor recreation, activities, education, shopping, dining or lodging.

Agritourism has been adopted by a number of States in America which provided additional opportunities for farmers, farm owners, and producers, to generate additional income. It also helped increase employment opportunities in the community as well as the revenue of their local government. Further, it provides a venue for affordable and easily accessible family outings.

This proposed measure gives tax credits to registered agritourism activities to help offset the expenses of venturing into agritourism. Also, it seeks to provide technical assistance to farmers who wish to enter the agritourism business.

It may add that the Province of Nueva Ecija is an agricultural area. With tax incentives, agricultural operations in the province may be developed.

This bill would help all agricultural provinces in general and the Province of Nueva Ecija in particular.

In view of the foregoing, immediate approval of this measure is earnestly sought.


ESTRELLITA "GING" B. SUANSING
1ST District, Nueva Ecija

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

House Bill No. 1147

Introduced by Honorable Estrellita “Ging” B. Suansing

AN ACT
TO PROMOTE AGRITOURISM IN THE PHILIPPINES AND FOR OTHER PURPOSES

Section 1. *Short Title.* - This Act shall be known as the "Agritourism Promotion Act of 2013"

Sec. 2. *Definition of Terms.* - As used in this Act, the following terms mean:

(1) "Agritourism activity" means any activity carried out on a farm or ranch or in a forest that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historical, cultural, harvest-your-own, or nature-based activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity.

(2) "Agritourism professional" means any person who is engaged in the business of providing one or more agritourism activities, whether or not for compensation.

(3) "Farm" means the land, buildings, support facilities, machinery, and other appurtenances used in the production of farm or aquaculture products, including land used to display plants, animals, farm products, or farm equipment to the public.

(4) "Inherent risks of agritourism activity" those dangers or conditions that are an integral part of an agritourism activity including certain hazards, including surface and subsurface conditions, natural conditions of land, vegetation, and waters, the behavior of wild or domestic animals, and ordinary dangers of structures or equipment ordinarily used in farming and ranching operations. Inherent risks of agritourism activity also include the potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, including failing to follow instructions given by the agritourism professional or failing to exercise reasonable caution while engaging in the agritourism activity.

(5) "Participant" any person, other than the agritourism professional, who engages in an agritourism activity.

(6) "Person" an individual, fiduciary, firm, association, partnership, limited liability company, corporation, unit of government, or any other group acting as a unit.

Sec. 3. *Provision of Assistance.* The Department of Agriculture and the Department of Trade and Industry may provide marketing advice, technical expertise, promotional support, and product development related to agritourism to assist the following in their agritourism initiatives: Department of Tourism; convention and visitor bureaus; tourist development councils; economic development organizations; and local governments. In carrying out this responsibility, both departments shall focus its agritourism efforts on rural and urban communities.

Sec. 4. *Impact of agritourism in land classification.* –

(1) In order to promote and perpetuate agriculture throughout the state, farm operations are encouraged to engage in agritourism. The conduct of agritourism activity on a bona fide farm or on agricultural lands classified as such shall not limit, restrict, or divest the land of that classification.

(2) Local governments and agricultural representatives shall meet for the purpose of discussing the benefits of agritourism to local economies and opportunities for cooperation, conflict resolution, regulatory streamlining, and incentives.

Sec. 5. *Registration of Agritourism Operations.* – This Act creates a voluntary registration process of agritourism operations in the Philippines to be kept by the Department of Agriculture.

The registration must include a description of the agritourism activity/activities conducted and the location of the agritourism operation.

There is NO fee for registration and the list will be made available to the public by the Department of Agriculture.

All registered operations will be promoted by the Department of Agriculture and the Department of Tourism in conjunction with all other tourism and rural development promotions.

Registration is valid for five (5) years.

Sec. 6. *Liability of Agritourism Professional.*–

(1) Except as provided in subsection (2) of this Section, an agritourism professional is not liable for injury to or death of a participant resulting from the inherent risks of agritourism activities, so long as the warning contained in Section 7 is posted as required and, except as provided in subsection (2) of this Section, no participant or participant's representative can maintain an action against or recover from an agritourism professional for injury, loss, damage, or death of the participant resulting exclusively from any of the inherent risks of agritourism activities. In any action for damages against an agritourism professional for agritourism activity, the agritourism professional must plead the affirmative defense of assumption of the risk of agritourism activity by the participant.

(2) Nothing in subsection (1) of this Section prevents or limits the liability of an agritourism professional if the agritourism professional does any one or more of the following:

- (a) Commits an act or omission that constitutes negligence or willful or wanton disregard for the safety of the participant, and that act or omission proximately causes injury, damage, or death to the participant.
- (b) Has actual knowledge or reasonably should have known of a dangerous condition on the land, facilities, or equipment used in the activity or the dangerous propensity of a particular animal used in such activity and does not make the danger known to the participant, and the danger proximately causes injury, damage, or death to the participant.

(3) Any limitation on legal liability afforded by this section to an agritourism professional is in addition to any other limitations of legal liability otherwise provided by law.

Sec. 7. Warning Signage at Agritourism Locations. –

(1) Every agritourism professional must post and maintain signs that contain the warning notice specified in subsection (2) of this section. The sign must be placed in a clearly visible location at the entrance to the agritourism location and at the site of the agritourism activity. The warning notice must consist of a sign in black letters, with each letter to be a minimum of one inch in height. Every written contract entered into by an agritourism professional for the providing of professional services, instruction, or the rental of equipment to a participant, whether or not the contract involves agritourism activities on or off the location or at the site of the agritourism activity, must contain in clearly readable print the warning notice specified in subsection (2) of this section.

Also, All registered operations shall provide to participants a written description of the registered agritourism activities upon request. This Signage provides that participants are assuming responsibility of any inherent risk. The agritourism promotion act does NOT limit the liability of willful or wanton conduct by any agritourism operators.

(2) The signs and contracts described in subsection (1) of this section must contain the following notice of warning:

“WARNING:

Under Philippine law, there is no liability for an injury to or death of a participant in an agritourism activity conducted at this agritourism location if such injury or death results from the inherent risks of the agritourism activity. Inherent risks of agritourism activities include, among others, risks of injury inherent to land, equipment, and animals, as well as the potential for you to act in a negligent manner that may contribute to your injury or death. You are assuming the risk of participating in this agritourism activity.”

(3) Failure to comply with the requirements concerning warning signs and notices provided in this subsection will prevent an agritourism professional from invoking the privileges of immunity provided by this Article."

Sec. 8. Tax Credit for Agritourism Activities. - The Department of Finance shall be given the task to craft rules and regulations pertaining to the determining of which costs qualify as agritourism liability insurance.

The tax credit is an amount equal to 20% of the agritourism liability insurance not to exceed P50,000 in any tax year.

If the tax credit exceeds the total amount of income taxes owed for that year, the difference can be rolled over to the next tax year.

This tax credit is available for the first five (5) tax years commencing after the participating entity in agritourism open their agritourism operation.

The limited liability is afforded to agritourism operations that charge for their activities and those that do not charge for their activities, so long as the signage is in place.

Sec. 9. Injury to Trespassers on Agricultural Lands. - A person or organization owning, controlling, or possessing an interest in agricultural real property, or an agent of such person or organization, shall not be held liable for negligence related to such property that results in the death of, injury to, or damage to a person who has engaged or is engaging in conduct on the property that is unlawful under either Section 10 or Section 11 or unlawful trespassing by such person incident to such conduct on the property.

Sec. 10. Posting of Signs on Agricultural Lands. –

(1) Signs are placed not more than 500 feet apart along, and at each corner of, the boundaries of the land, upon which signs there appears prominently, in letters of not less than 2 inches in height, the words "No Trespassing" and in addition thereto the name of the owner, lessee, or occupant of said land. Said signs shall be placed along the boundary line of posted land in a manner and in such position as to be clearly noticeable from outside the boundary line; or

(2) Conspicuous no trespassing notice is painted on trees or posts on the property, provided that the notice is:

- (a) Painted in an international orange color and displaying the stenciled words "No Trespassing" in letters no less than 2 inches high and 1 inch wide either vertically or horizontally;
- (b) Placed so that the bottom of the painted notice is not less than 3 feet from the ground or more than 5 feet from the ground; and
- (c) Placed at locations that are readily visible to any person approaching the property and no more than 500 feet apart on agricultural land.

Upon enactment of this Act, when a landowner uses the painted no trespassing posting to identify a "no trespassing" area, those painted notices shall be accompanied by signs complying with subparagraph 1 of this Section and placed conspicuously at all places where entry to the property is normally expected or known to occur.

Sec. 11. *Removing of Notices on Agricultural Lands.* - It is unlawful for any person to willfully remove, destroy, mutilate, or commit any act designed to remove, mutilate, or reduce the legibility or effectiveness of any posted notice placed by the owner, tenant, lessee, or occupant of legally enclosed or legally posted land pursuant to any law of the Philippines for the purpose of legally enclosing the same.

Any person violating the provisions of this section shall be guilty of a misdemeanor.

Sec. 12. *Separability Clause.* - If any provision or part thereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

Sec. 13. *Repealing Clause.* - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

Sec. 14. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,