

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

House Bill No. **1939**



Introduced by Representatives
DIOSDADO MACAPAGAL ARROYO and GLORIA MACAPAGAL ARROYO

**AN ACT PROVIDING FOR A MAGNA CARTA OF AGRICULTURE AND FISHERY
DEVELOPMENT WORKERS**

EXPLANATORY NOTE

The backbone of our country's economy remains to be hinged on the agriculture and fisheries industries. More than ever before, the country faces the challenge of achieving food security under the looming threat of a global food crisis caused by, among others, spiraling fuel and energy costs and the degradation of the world's natural resources,

Thus, the landmark Agriculture and Fisheries Modernization Act of 1997 (AFMA) provides the policies and plans to the continuing modernization and development of the agriculture and fisheries sector amid the ever-changing demands of globalization and food security.

The success of AFMA depends on the men and women who comprise the agriculture and fishery development workers. This bill seeks to accelerate the development and modernization of Philippine agriculture and more importantly, improve the economic and social well-being of agriculture and fishery development workers as well as their working condition and employment status.

The bill affirms the right of workers identified as follows: (a) security of tenure; (b) prohibition of discrimination; (c) safeguards ill administrative privileges; (d) normal working hours and overtime work; (e) training and scholarship; (f) right to join organization; (g) freedom from interference or coercion; and (h) human resource development. The bill also provides for an incentives and rewards system.

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


DIOSDADO MACAPAGAL ARROYO
Second District, Camarines Sur


GLORIA MACAPAGAL ARROYO
Second District, Pampanga

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

House Bill No. 1939

Introduced by Representatives
DIOSDADO MACAPAGAL ARROYO and GLORIA MACAPAGAL ARROYO

AN ACT PROVIDING FOR A MAGNA CARTA OF AGRICULTURE AND FISHERY
DEVELOPMENT WORKERS

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

SECTION 1. Title. - This Act shall be known as the "Magna Carta of
Agriculture and Fishery Development Workers Act of 2013.

SECTION 2. Declaration of Policy. - It is hereby declared the policy of the
State to accelerate the development and modernization of Philippine agriculture
and improve the economic and social well-being of agriculture and fishery
development workers as well as their working condition 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.

SECTION 3. Definition of Terms. - As used in this Act, the following term
shall be construed to mean as follows:

(a) *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, agriculture, building and
infrastructure, agricultural processing and post-harvest facilities.

(b) *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 fishery development plans, programs and projects through the use of extension methodologies, concepts and principles.

(c) *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.

(d) *Agriculture and Fishery Development Workers* - shall mean all persons who are engaged in agriculture and fishery development activities and all persons employed in the Department of Agriculture including its bureaus and attached agencies, Local Government Units and concerned government institutions, state universities and colleges, vocational and technical schools and training 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. They are graduates of either agriculture, fisheries, animal science, animal husbandry or any other related course from a recognized college or university and are holders of appropriate civil service eligibility or its equivalent.

(e) *Agriculturist* - shall refer to a person who is a graduate of a four (4) 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.

(f) *Aquaculturist* - shall refer to a person who is a graduate of a four (4) year course in fisheries and aquaculture, and fishery production and processing.

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

(h) *Veterinarian* - shall refer to a person registered with the Professional Regulation Commission performing professional activities on veterinary services such as disease prevention, control animal health.

SECTION 4. Coverage. - This Act shall cover all eligible Agriculture and Fishery development workers, agricultural practitioners in government and those promoted/appointed as province/municipal/city agriculturist and as

Department Heads of the Local Government Units under Republic Act No. 7100, otherwise known as the local Government Code of 1991; *Provided, That* the Civil Service Commission, as the case may be, develops and administers specialized examination for purposes of providing appropriate eligibilities to positions.

SECTION 5. *Recruitment and Qualifications.* - The position of the Municipal Agriculturist shall be mandatory. In the absence of a Municipal Agriculturist, the position of the agricultural officer who is occupying the highest position in the municipality shall automatically be converted to Municipal Agriculturist. The selection and appointment of agricultural officers/employees shall be in accordance with the merit and fitness principle; *Provided, That* he/she is an eligible agriculture/fishery officer and/or employee.

SECTION 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 and fishery development workers. Such career and personnel development plan shall include provisions on merit promotion, performance evaluation, in-service training grants, job rotation and incentive awards system.

SECTION 7. *Composition* - The composition of the Agricultural Officers and Employees Consultative Council shall be determined from the list submitted by the Regional Association of Municipal City Agricultural Officers and Provincial Agriculturists, throughout the country as well as from the list submitted by the Agriculture and Fishery Council Chairman, Provincial Agriculture and Fishery Council Chairman, Regional Agriculture and Fishery Council Chairman and the National Agriculture and Fishery Council Chairman.

SECTION 8. *Transfer of Geographical Reassignment Agriculture/ Fishery Workers.* - Except in the interest of public service, no transfer or geographical reassignment shall be made or effected without a written notice to the agriculture fisheries development workers concerned stating therein the reasons for such; *Provided, That* said written notice shall be made at least thirty (30) days prior to the date of transfer or reassignment; *Provided, further, That* if the agriculture/fishery worker concerned believes that there is no justification for the transfer and/or reassignment, he/she may appeal his/her case to the Civil Service Commission, which shall cause his/her reassignment to be held in abeyance; *Provided, furthermore, that* transfer or reassignment coinciding with any local or national election shall be made in compliance with the Omnibus Election Code of the Philippines, as amended, and other existing laws and rules; *Provided, finally, that* the necessary expertises of the transfer and/or reassignment of the agriculture/fishery worker or employee and his/her immediate family shall be paid for by the Government.

SECTION 9. *Safeguards in Administrative Proceedings.* - In every administrative proceeding, an agriculture/fishery development worker shall have:

- (a) the right to be informed of the charges in writing;
- (b) the right to full access to the evidence in the case;
- (c) the right to defend himself/herself or to be defended by a counsel of his/her choice;
- (d) the right to be given adequate time to prepare his/her defense, which shall in no case exceed twenty (20) days;
- (e) the right to appeal to the designated authorities;
- (f) the right to confront witnesses presented against his/her and summon witnesses in his/her behalf;
- (g) the right to reimbursement of 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 its respective officers and employees so as to ensure fairness and impartiality in the proceedings.

SECTION 10. *Code of Conduct.* - An agriculture/fishery development workers must be guided by a code of ethics not contrary to law, moral standards, safety, health, public policy and public order. The code of conduct of agriculture/fishery development worker's shall be prepared by the Secretary of Agriculture in consultation with the recognized national associations of agricultural development workers,

SECTION 11. *Normal Hours of Work* - The normal hours of work of any agriculture/fishery development worker shall not exceed eight (8) hours a day or forty (40) hours a week. Hours of work shall include: (a) the time during which the agriculture/fishery development worker is required to be on active duty or to be at a prescribed workplace; and (b) the time during which an agriculture/fishery development worker is required to work in a place other than the prescribed workplace.

SECTION 12. *Overtime Work* - where the exigencies of the service so require, any agriculture/fishery development worker may be required to render service beyond the normal eight (8) hour workday, inclusive of Saturdays, Sundays and non-working holidays. In such case, the agriculture/fishery development worker shall be given an additional compensation. In accordance with existing laws.

SECTION 13. *On-Call Pay.* - In cases of "On-Call" status, the agriculture/fishery development worker shall be entitled to an "On-Call" pay equivalent to fifty per centum (50%) at his/her regular wage. "On-Call" status refers to a condition when an agricultural officer/employee is called upon to respond to urgent or immediate need or relief work during emergencies such that the agriculture/fishery development worker shall not be put on "On-Call" status beyond seven (7) days.

SECTION 14. *Married Agriculture/Fishery Development Worker.* - Whenever possible, the proper authorities shall take steps to enable married couples, both of whom are public workers, to be employed or assigned in the same municipality/city.

SECTION 15. *Basic Compensation.* - The existing law on the salary scale of government employees shall apply in determining the salaries of agriculture/fishery development workers.

SECTION 16. *Hazard Allowance.* - Any agriculture/fishery development worker assigned in difficult areas, strife-torn or embattled areas, distressed or isolated animal plant breeding station, and other areas declared under a state of calamity or emergency, which expose them to great danger, volcanic activity/eruption, occupational risks or perils of life, shall be compensated with hazard allowance equivalent to at least twenty *per centum* (20%) of their monthly basic salary.

SECTION 17. *Subsistence Allowance.* - Any agriculture/fishery development worker who is required to render service in the communities, institutions, animal and plant breeding stations, fish sanctuaries/nurseries, plantation and demonstration farms and other banner programs and project 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.

SECTION 18. *Longevity.* - A longevity pay equivalent to five *per centum* (5%) of the monthly basic pay shall be paid to an agriculture/fishery development worker for every three (3) years of continuous, efficient and meritorious services rendered.

SECTION 19. *Clothing Allowance.* - All agricultural employees shall be entitled to a clothing allowance in accordance with the approved laws and regulations or as mandated by law.

SECTION 20. *Other Privileges and Benefits.* - These refer to the privileges and allowances granted by the National Government to the Department of Agriculture officers and employees such as, but not limited to,

anniversary bonus, loyalty, productivity pay and amelioration pay. These allowances shall also be granted to the devolved agriculture/fishery development workers and shall be paid by the National Government.

SECTION 21. *Retirement Benefit.* - All agriculture/fishery workers shall be entitled to terminal pay; *Provided, however.* That the number of years rendered by the devolved personnel in the national level shall be paid by the Department of Agriculture upon retirement including the accrued leave credits while the services rendered to the Local Government Units shall be paid where they are devolved/assigned regardless of any promotion availed; *Provided, further,* That all government employees, both locally and nationally hired on June 1, 1977, who are covered under Presidential Decree No. 1146 dated May 31, 1977, shall not receive any lump sum retirement but with, instead, receive a monthly pension of Two Thousand Seven Hundred Fifty Pesos (P2,750.00) only regardless of the salary received. In view hereof, Presidential Decree No. 1148 dated May 31, 1977 shall not apply to all officers and employees of the Department of Agriculture as well as to the devolved person and those appointed as Agriculturist/Department Head under Republic Act No. 7160, including agricultural practitioners in the government service; *Provided, finally,* That under no circumstances shall Presidential Decree No. 1146 dated May 31, 1977 be repealed by this Act.

SECTION 22. *Housing.* - All agriculture/fishery development workers who are on tour of duty and those who because of unavoidable circumstances are forced to stay in the regional/field office/agency, community, etc. shall be entitled to free living quarters within the regional/field office/agency. If such quarters are not available, he/she shall be entitled to housing allowance as may be determined by the appropriate government agencies concerned; *Provided, That* the rate shall be periodically adjusted for Inflation.

SECTION 23. *Compensation from Injuries.* - Agriculture/fishery development workers shall be protected against work-related injuries in accordance with the Civil Service Law. Injuries incurred while doing overtime work shall be presumed work-connected.

SECTION 24. *Right to Join Organizations.* - Agriculture/fishery development workers shall have the right to freely join any organization or union for purposes not contrary to law. In order to defend and protect their mutual interest and to obtain redress of grievances through peaceful concerted activities; *Provided, That* under no circumstance shall government agriculture and fishery development workers join, declare, stage, or form any strike or cessation of services.

SECTION 25. *Freedom from Interference of coercion.* - It shall be unlawful for any person to commit any of the following acts of interference or coercion:

(8) to require as condition for employment that the agriculture/fishery development worker shall not join an agricultural organization or union;

(b) to discriminate in order to encourage or discourage membership in any agriculture/fishery development workers' organization or union;

(c) to prevent an agriculture/fishery development worker from carrying out his duties and functions in the agricultural work organization or union or to penalize his/her for any lawful action performed in that capacity;

(d) to make calculated harassment and interference with the intention of intimidating or preventing the agriculture/fishery development worker from performing his/her duties and functions; and

(e) to perform acts calculated to diminish the independence and freedom of the union or organization to direct its own affairs.

SECTION 26. *Consultation.* - The Department of Agriculture shall consult professional and agricultural work organizations or unions in formulating policies to govern the welfare and security of the agriculture and fishery development workers.

SECTION 27. *Human Resource Development.* - The Department of Agriculture shall conduct human resource development and management studies in the following areas:

(a) adequate facilities and resources to render quality agriculture and fishery services to the clientele;

(b) opportunity for the agriculture/fishery development worker to grow and develop his/her potentials and to experience a sense of worth and dignity in his/her work;

(c) mechanism for democratic consultation;

(d) ways and means of enabling rank and file agriculture and fishery development workers to attain viable education opportunities for personal growth and development; and

(e) staffing patterns and qualification standards for agriculture and fishery development workers to ensure that farmers and fisherfolks receive quality services.

SECTION 28. *Rules and Regulations.* - The Secretary of the Department of Agriculture in consultation with the Department of Labor and Employment, Civil

Service Commission, National Labor Relations Commission, Department of Interior and Local Government, and the national organizations of agriculture and fishery development worker shall formulate and prepare the necessary rules and regulations in implementing the provisions of this Magna Carta.

SECTION 29. *Penal Provisions.* - Any person who shall willfully interfere with, restrain or coerce any agriculture/fishery development worker in the exercise of his/her right or shall in any manner commit any act in violation of any 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 preceeding paragraph, may impose the additional penalty of disqualification from office of such offending public official.

SECTION 30. *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.

SECTION 31. *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 affect.

SECTION 32. *Repealing Clause.* - All laws, presidential decrees, orders, rules and regulations or issuances inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SECTION 33. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,