

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

16th CONGRESS
First Regular Session

HOUSE BILL NO. 3737



Introduced by **REP. EVELINA G. ESCUDERO**

EXPLANATORY NOTE

The Philippines' largest industry upon which its economy is based on agriculture, The Filipino farmers and the agricultural development workers either in as government and non-government services are the key players in the agricultural sector which require government support and assistance. By and large, the agricultural development workers provide the services in the countryside necessary for modernizing Philippine agriculture.

At present, the weak and fragmented agricultural service delivery operating within the Department of Agriculture and the Local Government Units hampers the implementation of government agricultural development programs. One of the causes of this problem is that the LGU's are financially constrained to hire the needed agricultural development workers and provide them with the necessary support.

This bill seeks to address these concerns. Its immediate passage is therefore earnestly requested.

A handwritten signature in black ink, appearing to read "Escudero".

EVELINA G. ESCUDERO

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

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

SECTION 1. Title – This Act shall be known as the “Magna Carta of Agriculture and Fishery Development Workers.”

SEC. 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 the countryside development.

SEC. 3. Definition of Terms – As used in this Act, the following terms shall be construed to mean as follows:

(a) *Agricultural Engineer* shall refer to a person registered with the Professional Regulation Commission (PRC) performing engineering activities in agriculture, particularly, on areas of farm power and machinery, irrigation, and drainage, soil and water conservation, agricultural buildings 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) *Agricultural and fishery development workers* shall refer to all persons who are engaged in agriculture and fishery development activities and all persons employed in the Department of Agriculture (DA) including its bureaus and attached agencies, local government units (LGUs) and concerned government institutions, and shall include aquaculturists, veterinarians, agricultural engineers, agricultural extension workers, agricultural technicians and operators, and allied agricultural professionals 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 a 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, either in fisheries and aquaculture, or fishery production and processing.

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

(h) *Veterinarian* shall refer to a person registered with the PRC performing professional activities in the line with the practice of veterinary medicine such as animal health, diseases prevention and control.

SEC. 4. *Coverage.* – This Act shall cover all eligible agriculture and fishery development workers, agricultural practitioners in government and all those promoted/appointed as provincial/municipal/city agriculturist and as department heads of the LGUs under Republic Act No. 7160, otherwise known as the Local Government Code of 1991: *Provided*, That the Civil Service Commission (CSC), as the case may be, develops and administers specialized examination for purposes of providing appropriate eligibilities to positions.

SEC. 5. *Recruitment and Qualifications* – The position of the municipal agriculturist or city agriculturist shall be mandatory in LGUs which are predominantly adaptable or engaged in agriculture as determined by the LGU concerned. In areas more adaptable to commercial/industrial purposes, the creation of said positions shall be subject to the approval of the sanggunian concerned. 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.

SEC. 6. *Transfer or Geographical Reassignment of Agriculture and Fishery Development 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 and fishery development workers concerned stating therein the reasons for such: *Provided*, That said written notice shall be made thirty (30) days prior to the date of transfer or reassignment: *Provided, further*, That if the agriculture and fishery development worker concerned believes that there is no justification for the transfer and/or reassignment, one may appeal one's case to the CSC, which shall cause one's reassignment to be automatically held in abeyance until it rules on the matter: *Provided, furthermore*, That, transfer or reassignment coinciding with

any local or national election shall be made in compliance with the Election Code and other existing laws and rules: *Provided, finally*, That the necessary expenses for the relocation and/or reassignment of the agriculture and fishery development worker or employee and one's immediate family shall be paid for by the government.

SEC. 7. *Safeguards in Administrative Proceedings.* – In every administrative proceedings an agriculture and 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 designated authorities;
- (f) The right to confront witnesses presented against him/her and summon witnesses in his/her behalf;
- (g) The right to reimbursement for reasonable expenses incurred in his/her defense in case of exoneration or dismissal of the charges; and
- (h) Such other right provided by other national agencies and LGUs to its respective officers and employees so as to ensure fairness and impartiality in the proceedings.

SEC. 8. *Code of Conduct* – All agriculture and fishery development workers must be guided by a code of ethics not contrary to law, moral standard, safety, health, public policy and public order. The code of conduct of agriculture and fishery development workers shall be prepared by the Secretary of Agriculture, in consultation with the league of cities/municipalities and the CSC, and shall be issued ninety (90) days after the effectivity of this Act.

SEC. 9. *Normal Hours of Work* – The normal hours of work of any agriculture and 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 and 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 and fishery development worker is required to work in a place other than the prescribed workplace;

SEC. 10. *Overtime Work* – Where the exigencies of the service so require, any agriculture and fishery development worker may be required to render service beyond the normal eight (8) hours a day, inclusive of Saturdays, Sundays and non-working holidays. In

such case, the agriculture and fishery development worker shall be given an additional compensation in accordance with existing laws.

SEC. 11. *Married Agriculture and 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;

SEC. 12. *Basic Compensation* – The provisions of Joint Resolution No. 4, series of 2009, entitled, “Joint Resolution Authorizing the President of the Philippines to Modify the Compensation and Position Classification System of Civilian Personnel and the Base Pay Schedule of Military and Uniformed Personnel in the Government, and for Other Purpose”, shall apply in determining the salaries of agriculture and fishery development workers.

SEC.13. *Other Benefits.* – All agriculture and fishery development workers shall be entitled to merit and other personnel and career development programs, hazard pay, clothing allowance and other privileges and benefits subject to the pertinent provisions of Joint Resolution No. 4, series of 2009.

SEC. 14. *Retirement Benefits.* – All agriculture and fishery development workers shall be entitled to terminal pays: *Provided*, however, That the number of years rendered by the devolved personnel in the national level shall be paid by the DA upon retirement including the corresponding accrued leave credits, while the services rendered to the LGUs shall be paid by the LGU concerned.

SEC. 15. *Housing.* – All agriculture and fishery development workers who are on tour of duty and those, because of unavoidable circumstances are forced to stay in the regional/field/agency, community, etc., shall entitled to free living quarters within the regional/field office/agency. If such quarters are not available, they 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.

SEC. 16. *Compensation for Injuries.* – Agriculture and 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.

SEC. 17. *Right to Join Organizations.* – Agriculture and fishery development workers shall have the right to freely join 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 circumstances shall government agriculture and fishery development workers join, declare, stage, form any strike or cessation of services.

SEC. 18. *Freedom from Interference of Coercion.* – It shall be unlawful for any person to commit any of the following acts of interference or coercion:

(a) To require as condition of employment that the agriculture and fishery development worker shall not join an agricultural organization or union;

(b) To discriminate in order to encourage or discourage membership in any agriculture and fishery development workers’ organization or union;

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

(d) To harass and interfere with the intention of intimidating or preventing the agriculture and 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;

SEC. 19. *Consultation.* – The DA shall consult professional and agricultural work organizations or unions in formulating policies to govern the welfare and security agriculture and fishery development workers.

SEC. 20. *Human Resource Development.* – The DA shall conduct human resource development and management studies and make recommendations for appropriate action by the concerned LGU in collaboration with the Department in the following areas:

(a) Development and maintenance of adequate facilities and resources to enable agriculture and fishery development workers to render effective services to clientele;

(b) Creation of opportunities for agriculture and fishery development workers to grow and develop their potentials and to experience a sense of worth and dignity in their work;

(c) Development and continuing improvement of mechanisms 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) Constant review and implementation of staffing patterns and qualification standards for agriculture and fishery development workers to ensure that farmers and fisherfolks receive quality services.

SEC. 21. *Rules and Regulations.* – Pursuant to Joint Resolution No. 4, the Department of Budget and Management (DBM) is authorized to issue the necessary guidelines, rules and regulations on the grant of Magna Carta benefits authorized for agriculture and fishery development workers to determine those that may be categorized in the total compensation framework.

SEC. 22. *Penal Provisions.* – Any person who shall willfully interfere with, restrain or coerce any agriculture and fishery development worker in the exercise of one's right or shall in any matter commit any act in violation of any of the 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 this paragraph, may impose the additional penalty of disqualification from office.

SEC. 23. *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.

SEC. 24. *Separability Clause.* – If any provision from this Act is declared unconstitutional or invalid, the other provisions thereof not affected thereby shall continue to be in full force and affect;

SEC. 25. *Repealing Clause.* – All laws, decrees, orders, rules and regulations or other issuance inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly;

SEC. 26. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,