

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SIXTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 4141



INTRODUCED BY REPRESENTATIVE MARIA LOURDES ACOSTA-ALBA

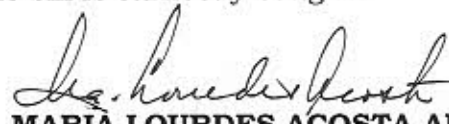
EXPLANATORY NOTE

The Philippines is an agricultural country with a total land area of 30 million hectares. Of this figure, 13 million hectares representing 43% of the country's total land area is devoted to agricultural crops, livestock, and inland fishery production. About 50% of the Philippine population is dependent on fishery, farming, and agriculture-related industries as a source of livelihood. Indeed, agriculture remains the linchpin for economic growth.

Agriculturists, agricultural engineers, fishery technologists, veterinarians, and agricultural technicians comprising the class of "agricultural workers" that are produced by agricultural-based educational institutions and whose technical and professional expertise are certified by the Professional Regulation Commission and the Technical Education and Skills Development Authority plays a vital role in the development and modernization of the Philippine agriculture. They provide the necessary assistance and professional services to the farmers and fisher folks in managing the farms for increased farm profitability and productivity.

This bill acknowledges the role and contributions of government agricultural workers by affirming their rights, and providing a mechanism for career development. Needless to say, personal fulfilment allows for a better sense of responsibility.

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


MARIA LOURDES ACOSTA-ALBA
First District, Bukidnon

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AN ACT
PROVIDING FOR A MAGNA CARTA OF AGRICULTURAL DEVELOPMENT
WORKERS

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

ARTICLE I
TITLE OF THE ACT, DEFINITION OF TERMS, AND COVERAGE

SECTION 1. *Title.* - This Act shall be known as the "Magna Carta of Agricultural Development Workers."

SEC. 2. *Declaration of Policy* - The State shall promote and improve the social and economic well-being of Agricultural Development Workers, their living and working conditions and terms of employment. It 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, the modernization of the Philippine Agriculture and help achieve Food Security and Self-Sufficiency.

SEC. 3. *Definition of Terms.* -

- a) Agricultural Development Workers shall mean all persons who are engaged in agricultural development activities and all persons employed in the Department of Agriculture including its bureaus and attached agencies, Local Government Units (LGUs), State Colleges and Universities and concerned government and private institutions, and shall include agriculturists, agricultural engineers, fishery technologists, veterinarians, agricultural technicians, agricultural employees, administrative and support personnel employed regardless of their employment status;
- b) Agriculturist shall refer to a person who is a graduate of a four year course in agriculture or any related course registered and licensed with the Professional Regulation Commission who performs any of the specialized activities such as agronomy, horticulture, animal

husbandry, entomology, plant pathology, plant breeding, agricultural economics, agricultural extension and marketing;

- c) Agricultural Engineer shall to a person registered with the Professional Regulation Commission performing engineering activities in agriculture and fisheries, particularly on areas of farm power and machinery, irrigation and drainage, soil and water conservation, agricultural buildings and structures, agricultural processing and post harvest facilities;
- d) Fishery Technologists shall refer to a person who is a graduate of a four-year course in fisheries and registered and licensed with the Professional Regulation Commission performing activities on fisheries and aquaculture, and fishery production and processing;
- e) Veterinarian shall refer to a person registered with the Professional Regulation Commission performing professional activities on veterinary services such as disease prevention, control and animal health;
- f) Agricultural Technician shall refer to a trained or skilled agricultural worker who is not necessary a college graduate and certified by the Technical Education and Skills Development Authority performing job such as plant nursery propagator, farm mechanic and agricultural machinery operator and other related skilled job in agricultural production, processing and marketing;
- g) Agricultural Extension Worker shall refer to an agriculturist, agricultural engineer, fishery technologist and veterinarian who helps farmers and fishermen in the promotion of agricultural and fisheries development plans, programs and projects through the use of extension theologies, concepts and principles;
- h) Agricultural Employee is a person who is a graduate of Agriculture, Agricultural Engineering, Fisheries, Veterinary Medicine or any other agriculture-related course from any recognized college or university and is holder of an appropriate civil service but not a licensed professional under the Professional Regulation Commission who is employed in the government, non-government organization or private institution who performs activities on agriculture development.
- i) CSC shall refer to the Civil Service Commission;
- j) DOLE shall refer to the Department of Labor and Employment;
- k) DA shall refer to the Department of Agriculture;
- l) LGU shall refer to the Local Government Unit;
- m) PRC shall refer to the Professional Regulation Commission;
- n) PRBs shall refer to the Professional Regulatory Boards of Agriculture, Agricultural Engineering, Fisheries and Veterinary Medicine under the Professional Regulation Commission; and

1 o) SUCs shall refer to State Universities and Colleges.

2
3 **SEC. 4. Coverage.** - This act shall cover all Agricultural Development Workers
4 of the government, non-government organizations, and private institutions and
5 shall include agriculturists, agricultural engineers, fishery technologists,
6 veterinarians, agricultural technicians, agricultural employees, farm workers,
7 administrative and support personnel employed regardless of their employment
8 status.

9
10 **ARTICLE II**
11 **EMPLOYMENT AND CAREER DEVELOPMENT**
12

13 **SEC. 5. Employment Assistance.** - The State hereby ensure and guarantee
14 the provision of employment opportunities of agricultural development workers
15 which are being produced in educational institutions and are registered and
16 licensed by PRC and certified by TESDA. In line with this, the DOLE in
17 collaboration with educational institutions, PRC, TESDA, DA and DTI shall
18 undertake employment promotion of agricultural development workers in the
19 domestic and foreign market and adopt and implement a National Employment
20 Program for Agricultural Development Workers.

21
22 **SEC. 6. Personnel Required.** - All offices, firms and establishments either
23 government or private, and farmers organizations and cooperatives engaged in the
24 production, processing, handling and marketing of agriculture and fisheries
25 products and likewise implementing projects related to irrigation, farm
26 mechanization, postharvest facilities and agricultural infrastructures shall employ
27 the required number and/or engage the services of agriculturists, agricultural
28 engineers, fishery technologists and veterinarians to perform professional services
29 based on the standards and guidelines to be promulgated by the PRBs concerned;
30

31 *Provided, That* there shall be no understaffing and/or overloading of
32 agricultural development workers. The ratio of staff to clientele shall be such as to
33 reasonably effect a sustained quality of agricultural service at all times without
34 overworking the agricultural development workers and over-extending their
35 services. Only qualified professional shall occupy the agriculturist, agricultural
36 engineer, fishery technologist and veterinarian in all government instrumentalities,
37 non-government organization and private firms and establishments;
38

39 *Provided Further, That* the government shall allocate the necessary funds for
40 the hiring of additional agricultural development worker in cases of over-loading of
41 personnel in specific areas of assignment of concerned government offices.
42

43 **SEC. 7. Recruitment and Qualifications.** - The selection and appointment of
44 agricultural development workers shall be in accordance with the merit and fitness
45 principle; *Provided That* he/she has the appropriate civil service eligibilities,
46 professional license and required education, training and experiences.
47

48 All agricultural and fishery agencies and institutions in government shall be
49 headed either by a registered Agriculturist, Agricultural Engineer, Fishery
50 Technologist or Veterinarian depending on the scope and magnitude of the
51 functions of the particular agency or institution covering the scope of practice of
52 concerned profession except for Cabinet and non-career positions.
53

1 **SEC. 8. Professionalization of Agricultural Development Workers in**
2 *Government.* - The State shall promote and ensure that agricultural development
3 workers in the government are accorded with appropriate position titles, just
4 compensation and benefits and proper professional recognition.

5
6 The Agricultural Technologist positions occupied by the Agricultural
7 Development Workers at the Local Government Units are hereby upgraded or
8 reclassified into appropriate level of Agriculturist, Agricultural Engineer, Fishery
9 Technologist, and Veterinarian positions.

10
11 The following positions are hereby made mandatory at the Local Government
12 Units in addition to the prescribed position under the Local Government Code of
13 1991: a) Municipal Agriculturist except for highly urbanized cities; b) Provincial,
14 City and Municipal Agricultural Engineer; c) Provincial Fishery Technologist; and
15 d) Municipal Veterinarian.

16
17 **SEC. 9. Performance Evaluation and Merit Promotion.** - The Secretary of
18 Agriculture in consultation with the PRBs, CSC, DOLE and the recognized national
19 associations of agriculturist, agricultural engineers, fishery technologists,
20 veterinarians and other agricultural development workers shall prepare a uniform
21 career and personnel development plan. Such career and personnel development
22 plan shall include provisions on merit promotion, performance evaluation, in-
23 service training grants, job rotation and incentives awards system.

24
25 **SEC. 10. Transfer of Geographical Reassignment of Agricultural Officers and**
26 *Employees.* - No transfer or geographical reassignment shall be made or effected
27 without a written notice to the agricultural development worker concerned stating
28 therein the reason for such: *Provided, That* said written notice shall be made thirty
29 (30) days prior to the date of transfer or reassignment: *Provided further, That* if
30 the employee concerned disagrees with the order of transfer or reassignment,
31 he/she may appeal said order with the Civil Service Commission or the
32 Department of Labor and Employment, as the case may be: *Provided, further, That*
33 pending appeal, such transfer or reassignment shall be held in abeyance: *Provided,*
34 *furthermore,* That no transfer or reassignment whatsoever shall be made three (3)
35 months prior to any local or national elections: *Provided, finally,* That the necessary
36 expenses of the transfer and/or reassignment of the agricultural worker or
37 employee and his/her immediate family shall be paid by the Government,

38
39 **SEC. 11. Security of Tenure.** - An agricultural development workers holding a
40 permanent position in the government shall not be terminated except for cause:
41 *Provided, That* in the event the agricultural development worker is found to be
42 unjustly dismissed by the Civil Service Commission, he/she shall be entitled to
43 reinstatement without loss of seniority rights and back wages with twenty per
44 centum (20%) interest to be computed from the time compensation is withheld up
45 to the reinstatement. However, if the agricultural development worker does not
46 desire to be reinstated, he/she shall be entitled to back wages and separation pay
47 with twenty per centum interest.

48
49 **SEC. 12. Code of Conduct** -All agriculturists, agricultural engineers, fishery
50 technologists and veterinarians must be guided by the Code of Ethics
51 promulgated by the Professional Regulatory Boards and the Professional Regulation
52 Commission. The Secretary of Agriculture in consultation with the Civil Service
53 Commission, Department of Labor and Employment and the concerned

1 stakeholders shall adopt a Code of Ethics of other Agricultural Development
2 Workers not covered by the PRC.

3
4 **SEC. 13. Normal Hours of Work.** - The normal hours of work of an
5 agricultural development worker shall not exceed eight (8) hours a day or forty (40)
6 hours a week. Hours of work shall include: a) the time the agricultural workers is
7 required to be on active duty or to be at a prescribed workplace; b) the time which
8 an agricultural worker is permitted to work; c) the time which an agricultural
9 worker is required to work in a place other than the prescribed workplace.

10
11 **SEC. 15. Overtime Work.** - Where the exigencies of the service so require,
12 any agricultural development worker, whether in Government or non- government
13 service, may be required to render service beyond the normal eight (8) hours a day,
14 inclusive of Saturday and Sunday and non-working holidays. In such cases, the
15 agricultural development worker shall be given additional compensation in
16 accordance with existing laws on the matter.

17
18 **SEC. 17. Married Agricultural Development Worker.** -Whenever possible, the
19 proper authorities shall take steps to enable married couples both of whom are
20 public agricultural development workers, to be employed or assigned in the same
21 municipality.

22
23 **ARTICLE III**
24 **RIGHTS, BENEFITS AND REWARDS SYSTEM**
25

26 **SEC. 18. Freedom from interference or coercion.** - It shall be unlawful for any
27 person to commit any of the following acts of interference or coercion:

- 28
29 a) Require as a condition of employment that the agricultural development
30 worker shall not join an organization or union;
31
32 b) Discriminate in order to encourage or discourage membership in any
33 agricultural development workers organization or union;
34
35 c) Prevent an agricultural development worker from carrying out his /her
36 duties and functions in his/her organization or union or to penalize
37 him/her for any lawful action performed in that capacity;
38
39 d) Harass or intimidate an agricultural development worker or prevent
40 him/her from performing duties and functions; and
41
42 e) Perform acts that will diminish the independence and freedom of the
43 union or organization to direct its own affairs.
44

45 **SEC. 19. Discrimination Prohibited.** - An agricultural development worker
46 shall not be discriminated by reason of creed, sex, political belief, civil status, and
47 ethnic grouping in the exercise of his/her profession.
48

49 **SEC.20. Safeguards in Administrative Proceedings.** - In every administrative
50 proceeding, an Agricultural Worker shall have the following rights:

- 51
52 a) Be informed of the charges;
53
54 b) Full access to evidence against him/her;

- c) Defend himself/herself through counsel of his/her choice;
- d) Be given adequate time to prepare his/her case, which shall in no case exceed twenty (20) days;
- e) Appeal any adverse ruling to designated authorities;
- f) Cross-examine witnesses and to processes for the production of witnesses;
- g) Reimbursement for 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 their respective officers and employees to ensure fairness and impartially in prosecution.

SEC. 21. Right to Join Organizations. - Agricultural development workers shall have the right to freely join organizations or unions for purposes not contrary to law, in order to protect their mutual interest and to seek redress of grievances through peaceful concerted activities. The various national organizations of agricultural development workers shall be consulted in the formulation of national educational policies and professional standards, and in the formulation of national policies and programs on agriculture of the government; *Provided, That* the government shall ensure that the agricultural development workers organizations are represented in the national and local Agricultural and Fishery Councils, local development councils and other policy making and consultative bodies of the government.

SEC. 22. Criteria for Incentives and Rewards System. - The reward and incentive system for agricultural development workers provided under this Act, which will encourage them to stay in the service, promote their productivity, and reward them for extraordinary performance, shall be governed by the following criteria:

- a) Honorarium - form of remuneration for services rendered beyond the established workload of agricultural development workers whose broad and superior knowledge and expertise contribute to agricultural productivity and innovativeness;
- b) Incentive pay - form of remuneration given to individuals whose services in management, administration, policy making and support contribute to the efficient and effective implementation of the agricultural and fisheries programs of the government;
- c) Performance Bonus - form of remuneration given to agricultural development workers for performance that exceeds established targets; and
- d) Other incentives that the Department of Agricultural and Local Government may establish.

SEC. 24. Other Compensation and Benefits. - All agricultural development workers shall be entitled to the following additional compensation and benefits:

- a) Representation Allowance and Traveling Allowance - All Provincial/City/Municipal Agriculturist, Veterinarians, Agricultural Engineers, and Fisheries Officers shall be entitled to Representation Allowance and Travelling Allowance (RATA) equivalent to the Department Head of the LGUs;
- b) Hazard Allowance - All agricultural development workers assigned in difficult areas, strife-torn or embattled areas, distressed or isolated stations, animal/plant/fisheries breeding station, plant nurseries, plantations and demonstration farms, laboratories especially those handling x-rays, radioisotopes, chemicals, etc., sea-borne patrols, construction and installation of agricultural infrastructure projects, and other areas declared under a state of calamity or emergency which exposes them to great danger, occupational risks or perils of life shall be compensated with hazard allowance equivalent to at least twenty per centum (20%) of the monthly basic salary;
- c) Subsistence Allowance - All agricultural development workers who are required to render services in the communities, institutions, animal and plant breeding nurseries, plantations and demonstration farms and other barrier programs and projects 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;
- d) Longevity Pay - A longevity pay equivalent to five per centum (5%) of the monthly basic pay shall be paid to an agricultural worker for every (3) years of continuous, efficient and meritorious services rendered;
- e) Clothing Allowance - All agricultural development workers shall be entitled to a clothing allowance in accordance with approved laws and regulations or as mandated by law;
- f) Housing -All agricultural workers who are in tour of duty and those who, because of unavoidable circumstances, are forced to stay in the institution or community with living quarters shall be entitled to such quarters for free: Provided, That if such living quarters are not available, the workers shall receive housing allowances: Provided, further, That said allowance shall be reviewed periodically and adjusted for inflation;
- g) Compensation for injuries - Agricultural development workers shall be protected against work-related injuries in accordance with the Labor Code or the Civil Code as the case may be;
- h) On-Call Pay - In cases of "On-Call" status, the agricultural development worker shall be entitled to an "On-Call" pay equivalent to fifty per centum (50%) of his/her regular wage. "On-Call" status refers to a condition when an agricultural officer or employee is called upon to respond to an urgent or immediate need or relief work during emergencies such that the agricultural worker cannot utilize 1 his/her time for personal needs:

1 *Provided.* That no agricultural worker shall be placed in an "On-Call"
2 status beyond seven (7) days; and
3

- 4 i) *Motor and Vehicle Loan* - All agricultural development workers shall be
5 entitled to avail of the motor and vehicle loan of the Department of
6 Agriculture. The government shall provide adequate budgetary support
7 for this purpose.
8

9
10 **ARTICLE IV**
11 **HUMAN RESOURCE DEVELOPMENT**

12 **SEC. 25. *Training Program.*** - The DA together with the DOLE, PRC, CHED
13 and DILG shall formulate and implement a comprehensive training programs for
14 the agricultural development workers as part of the Continuing Professional
15 Development Program and Human Resource Development Program of the LGUs;
16 *Provided, That* adequate budgetary support shall be provided by the government;
17

18 **SEC. 26. *Scholarship Program.*** - The Agricultural Development Workers and
19 students on agriculture, agricultural engineering, fishery, and veterinary medicine
20 shall have full access and priority allocation on the scholarship program of the
21 government.
22

23 **SEC. 27. *Capability Assessment.*** - The Government and non- government
24 agencies shall conduct human resource development and management studies in
25 the following areas:
26

- 27 a) Types and amount of facilities and resources to render quality
28 agricultural service to the clientele;
29
30 b) Venue and opportunities for the agricultural development workers to
31 grow and develop their potentials and develop a sense of self-worth and
32 dignity in their work;
33
34 c) Mechanisms for democratic consultation;
35
36 d) Ways and means of giving rank-and-file agricultural development
37 workers viable opportunities for education, personal growth and
38 development; and
39
40 e) Staffing patterns and standards of welfare for agricultural development
41 workers welfare to ensure that they receive quality care.
42
43

44 **ARTICLE V**
45 **ADMINISTRATION AND ENFORCEMENT**
46

47 **SEC. 28. *Rules and Regulations.*** - The Secretary of the Department of
48 Agriculture together with the DOLE, CSC,DILG and PRBs and in consultation with
49 the national organizations of agricultural development workers shall formulate and
50 prepare necessary rules and regulations in implementing the provisions of this
51 Magna Carta.
52

53 **SEC. 29. *Monitoring of Implementation.*** - The Secretary of Agriculture shall
54 create a Monitoring Committee which shall monitor the implementation of the

1 provisions of this Act. The committee shall be composed of representatives of the
2 DA, DILG, CSC, PRBs and the recognized national associations of agricultural
3 development workers: *Provided, further,* That the Secretary of Agriculture shall
4 submit semi-annual reports on the status of the implementation of this Act to the
5 Committee on Agriculture and Food of the House of Representatives and the
6 Senate.
7

8 **SEC. 30. Penal Provisions.** - Any person who shall willfully interfere with,
9 restrain or coerce any agricultural development worker in the exercise of his/her
10 rights or shall violate any of the provisions of this Act shall upon conviction, be
11 punished by a fine of not less than Twenty Thousand Pesos (P20,000.00) but not
12 more than Forty Thousand Pesos (P40,000.00) or imprisonment of not more than
13 one (1) year, or both, at the discretion of the court. If the offender is a public
14 official, the court, in addition to the penalties provided in the preceding
15 paragraph, shall impose the additional penalty of disqualification from office of
16 such offending public official.
17

18 **SEC. 31. Funding.** - The amount necessary to carry out the provisions of this
19 Act shall be included in the General Appropriations Act of the year following its
20 enactment into law and every year thereafter.
21

22 **SEC. 32. Separability Clause.** - If any provision of this Act is declared
23 unconstitutional or invalid, the other provisions thereof affected thereby shall
24 continue to be in full force and effect.
25

26 **SEC. 33. Repealing Clause.** - All laws, presidential decrees, executive orders,
27 rules and issuances or parts thereof inconsistent with the provisions of this Act are
28 hereby repealed or modified accordingly.
29

30 **SEC. 34. Effectivity.** - This Act shall take effect fifteen (15) days after its
31 publication in two (2) newspapers of general circulation
32

33 Approved,