



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



Sixteenth Congress
First Regular Session

HOUSE BILL NO. **4383**

Introduced by Representative Sharon S. Garin

EXPLANATORY NOTE

In 1992, upon the approval of Republic Act No. 7308, otherwise known as the "*Seed Industry Development Act of 1992*," the National Seed Industry Council was created. The Council replaced the former Philippine Seed Board which was responsible for the approval and registration of crop varieties.

The enforcement of RA 7308 strengthened the role of the Bureau of Plant Industry (BPI) in the development of the seed industry, from research and development, field testing, supervision, monitoring, coordination, accreditation of seed growers and plant nursery operators, to searching and seizing illegal seeds and plant materials.

Although the law is an essential measure to the development of the seed industry, it is opportune to revisit the twenty-two year-old law in order to adapt to the needs and realities of the bureau and the agricultural industry. One of the provisions that needs amendment is the provision on the authority to search and condemn unlawful seed lots. RA 7308 limits the power of the Executive Director of the BPI to confiscate the seeds which are illegally labeled, identified or imported and apprehend the owners or sellers. It also allows the processing and relabeling of the seized seeds.

Another provision which calls for amendment is the penal provision. RA 7308 mandates a fine of not more than ten thousand pesos (P10,000.00), which is notably very low due to inflations. The current penalty no longer discourages the commission of the offense, and in fact, enhances the violation of the law because of the very small fine imposed.

This bill aims to proposed amendments to a two-decade old law to further bring high quality seeds and planting materials to the farmers.

In view thereof, approval of this bill is earnestly sought.


SHARON S. GARIN
AAMBIS-Owa Party-list



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AN ACT
ENHANCING AND PROMOTING THE SEED INDUSTRY IN THE
PHILIPPINES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7308,
OTHERWISE KNOWN AS THE "SEED INDUSTRY
DEVELOPMENT ACT OF 1992"

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

SECTION 1. Section 3 of Republic Act No. 7308 is hereby amended to read as follows:

"SEC. 3. Definition of Terms. As used in this Act, the following terms [and phrases] shall mean as follows:

- a) xxx;
- b) xxx xxx xxx;

b-1) "UNLAWFUL SEED LOT" REFERS TO THOSE SEED LOTS DISPLAYED FOR SALE INFESTED WITH INSECT PESTS OR INFECTED WITH DISEASES SOLD BY DEALERS/PRODUCERS WITH FALSE DOCUMENTS AND CERTIFICATION DEPARTMENT OF AGRICULTURE (DA) OR BUREAU OF PLANT INDUSTRY (BPI), INCLUDING BUT NOT LIMITED TO IMPORTED SEEDS WITHOUT THE PROPER PHYTOSANITARY DOCUMENTS AND CUSTOMS CLEARANCES;

b-2) "FALSE DOCUMENTS" SHALL MEAN ANY FALSE OR MISLEADING DECLARATION IN ANY MATERIAL PARTICULAR ON THE PACKAGE OR ON THE LABEL WHICH BEARS ANY STATEMENT, DESIGN OR DEVICE REGARDING THE QUALITY OR THE KIND OR VARIETY OF SEED CONTAINED THEREIN, NAME OF A FICTITIOUS INDIVIDUAL OR ENTITY AS THE DEALER OF THE KIND OR VARIETY, OR IF THE PACKAGE IS OTHERWISE DECEPTIVE WITH RESPECT TO

ITS CONTENTS, AND SUCH OTHER ANALOGOUS MISREPRESENTATION.

xxx

e-1) "CERTIFIED SEED" SHALL MEAN THE PROGENY OF BREEDER, FOUNDATION SEED OR REGISTERED, BUT NOT FROM CERTIFIED SEEDS THAT ARE SO HANDLED AS TO MAINTAIN SATISFACTORY GENETIC IDENTITY AND PURITY;

e-2) "GOOD SEED" SHALL MEAN SEED THAT MAY BE PRODUCED FROM VARIETIES NOT YET APPROVED BY THE NATIONAL SEED INDUSTRY COUNCIL (NSIC) AND MEETING THE STANDARDS SANCTIONED BY THE NSIC. ANY CLASS OF CERTIFIED, IN CASE IT DOES NOT CONFORM WITH THE COUNCIL'S CORRESPONDING STANDARDS, MAY QUALIFY AS GOOD SEED;

xxx

n-1) "UNFAIR COMPETITION" SHALL MEAN BIASED OR PREJUDICED CONDITIONS DESCRIBING A TRADE TRANSACTION AS EVIDENCED BY THE DUMPING OF SALE SUBSIDIZED SEEDS AND PLANTING MATERIAL;

n-2) "ADEQUATE QUANTITY" SHALL MEAN THE IMMEDIATELY PRECEDING THREE-YEAR AVERAGE LOCAL PRODUCTION OF A SEED VARIETY WHICH IS NOT LESS THAN NINETY PER CENT (90%) OF PERCEIVED DEMAND FOR THE SEED VARIETY;

n-3) "COMPETITIVE PRICE" SHALL MEAN THE DOMESTIC PRICE WHICH IS THE PRICE CHARGED BY SEED WHOLESALERS TO SEED DEALERS OF LOCALLY PRODUCED SEED VARIETY IN THE VICINITY OF THE POINT OF ENTRY WHICH IS NO MORE THAN THE LANDED COST OF THE SAME AND OF IDENTICAL QUALITY IMPORTED SEED VARIETY PLUS APPLICABLE IMPORT DUTIES AND TAXES."

SEC. 2. Section 11 of the same Act is hereby amended to read as follows:

"SEC. 11. National Seed Quality Control Services. There shall be a National Seed Quality Control Services, hereinafter referred to as Services, which shall be constituted in the Bureau of Plant Industry. It shall have control and supervision over field inspection and control services, and seed testing laboratories which shall be established by the Bureau of Plant Industry in various parts of the country as are necessary to ensure the attainment of the purposes of this Act. All personnel, funds and equipment of the existing control services and the field inspection services of the Department of Agriculture are hereby transferred to the herein created body.

THE DIRECTOR OF THE BPI, UPON ENDORSEMENT OF THE REGIONAL DIRECTORS OF THE DA, SHALL RECOMMEND THE

**APPOINTMENT AND DEPUTATION OF THE SEED INSPECTORS FOR
THE APPROVAL OF THE SECRETARY OF AGRICULTURE."**

SEC. 3. Section 15 of the same Act is hereby amended to read as follows:

"SEC. 15. Restrictions. - The following acts are prohibited:

a) Importation in commercial quantities of species of seeds that are being produced locally, except seeds difficult to grow under ordinary conditions or when allowed by the Council;

b) Exportation of rare species, varieties, lines and strains of plants from the country except for scientific or international exchange purposes which shall be determined by the Council; [and]

**C) ANY ACT OF DISPLAYING, SELLING, AND TRANSPORTING OF
UNLAWFUL SEED LOT; AND**

D) [c)] Such other activities as DETERMINED BY the Council. [may deem fit to prohibit.]"

SEC. 4. Section 18 of the same Act is hereby amended to read as follows:

"SEC. 18. Authority to Search and Condemn Unlawful Seed Lots. - [In order to carry out effectively the provisions of this Act, the Executive Director of the Council is hereby authorized to search and seize seed lots labeled, identified or imported in violation of this Act; Provided, That a search warrant shall first be secured from the proper court and the same be served/enforced with the assistance of the Philippine National Police (PNP) of the National Bureau of Investigation.] **THE COUNCIL OR ITS DULY DEPUTIZED COMMITTEE IS VESTED WITH AUTHORITY TO PERFORM THE FOLLOWING POWERS AND FUNCTIONS:**

A) INVESTIGATE SUSPECTED VIOLATORS OF THIS ACT;

**B) ARREST AND APPREHEND ANY PERSON ACTUALLY
COMMITTING OR ATTEMPTING TO COMMIT AN OFFENSE UNDER
THIS ACT;**

**C) SEARCH AND SEIZE UNLAWFUL AND PROHIBITED SEED LOTS
AS STATED IN SECTION 15 OF THIS ACT: PROVIDED, THAT PROBABLE
CAUSE FOR THE SEARCH IS ESTABLISHED;**

**D) STOP THE TRANSPORT AND/OR SHIPMENT OF SEED LOTS
WITHOUT AUTHORITY OR WITHOUT LEGAL DOCUMENTS IN
ACCORDANCE WITH PERTINENT LAWS, REGULATIONS OR POLICIES
ON THE MATTER;**

E) AUTHORITY TO SEEK THE ASSISTANCE OF OTHER LAW ENFORCEMENT AGENCIES FOR THE EFFICIENT AND EFFECTIVE IMPLEMENTATION OF THIS ACT; AND

F) PERFORM SUCH OTHER FUNCTIONS AS MAY BE NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS ACT.

THE COUNCIL, THROUGH ITS EXECUTIVE DIRECTOR, IS HEREBY EMPOWERED TO ORDER THE PROPER DISPOSITION OF SEIZED AND CONFISCATED SEED LOTS. THE COUNCIL SHALL FORMULATE POLICIES AND GUIDELINES FOR THE PROPER IMPLEMENTATION OF THIS PROVISION.

[Should the seed lots so searched and seized be found after due hearing, to be suitable for condemnation, in his judgment, the Executive Director is hereby empowered to issue to any of his designated representatives an order for condemnation of unlawful seed lots, in which case the same shall be processed, relabeled or otherwise disposed of in such manner as he may deem appropriate: Provided, That in no case shall the Executive Director order such condemnation without giving the claimant an opportunity to apply for the release of said seed lot or permission to process it in compliance with this Act, subject to the payment of just compensation in the proper case.]

SEC. 5. Section 19 of the same Act is hereby amended to read as follows:

“SEC. 19. Penal Provisions. Any person, **CORPORATION, PARTNERSHIP, firm, ESTABLISHMENT, [or] association, OR ANY JURIDICAL ENTITY** who shall violate any provision of this Act or the implementing rules and regulations promulgated pursuant to this Act, shall, upon conviction, be punished with a fine of not more than **FIFTY THOUSAND PESOS (P50,000.00)** [Ten thousand pesos (P10,000.00)] or imprisonment of not more than five (5) years, or both, in the discretion of the Court: *Provided, That in the case of a CORPORATION, PARTNERSHIP, firm, ESTABLISHMENT, [or] association, OR ANY JURIDICAL ENTITY, the penalty of imprisonment shall be imposed upon the officer(s) AND MEMBERS OF THE BOARD OF DIRECTORS [who knowingly participated, abetted, or consented to the commission of such punishable acts].*”

ANY VIOLATION TO ANY PROVISION OF THIS ACT SHALL BE SUFFICIENT GROUND FOR SUSPENSION, CANCELLATION, OR REVOCATION OF THE SAME.

SEC. 6. Section 21 of the same Act is hereby amended to read as follows:

“SEC. 19. Repealing Clause. All [existing] laws, **DECREES, ORDERS,** rules and regulations **OR OTHER ISSUANCES** or parts thereof **WHICH ARE** inconsistent **WITH [of] THIS ACT** are hereby repealed, **AMENDED [superseded] OR MODIFIED ACCORDINGLY.** [Provided, however, That nothing in this Act shall amend, modify to repeal the provisions of Republic act No. 7160, otherwise known as the Local Government Code.]”

SEC. 7. Separability Clause. - If any part or provision of this Act is declared unconstitutional or invalid, the remaining parts or provisions thereof which are not affected shall continue to be in full force and effect.

Section 8. Effectivity. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a national newspaper of general circulation.

Approved,