

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Metro Manila

16th Congress
Second Regular Session

House Bill No. 5212



Introduced by the HONORABLE DOUGLAS S. HAGEDORN

EXPLANATORY NOTE

The framework of modernized Philippine Agriculture under RA 8435 (Agriculture and Fisheries Modernization Act) has identified graduates of agriculture and its equivalent to be in the forefront providing consultancy, direction and leadership to agricultural workers and servicing the technical needs of those that are involve in agribusiness.

In the practice of their profession as government employees and technicians of private corporations they must at least pass a Licensure Exam to test and establish their basic knowledge and proficiency in the field of agriculture and its allied sciences.

At the same time the government and agriculture industry needs to employ graduates of agriculture that could pass licensure exams and regulate the same to protect the industry from malpractice in the care of crops, livestock's and others requiring the skills of an agriculture graduate including the conduct of agricultural education

This also mandates government agencies employ licensed agriculturists to insure that 80% of their plantilla positions shall be occupied by Licensed Agriculturist and requiring private companies to employ the same based on areas and population of livestock according to the IRR that will be promulgated and repeal contrary laws.

The delivery and regulation of professional services of a licensed agriculturist will now be upon the Professional Regulation Commission (PRC) similar to the medical, technical, development and other professions and provide a continuing professional development avenue including the investigations of malpractice and revoke licenses.

The bill then seeks to reaffirm the state policy recognizing the importance of modern agriculture in nation building and development with the President appointing the members of the Board of Examiners.

The State shall now establish and maintain a Board of Agriculture that shall conduct among others a national board of examination to all graduates of a four-year degree program in agriculture or its equivalent and regulate the practice of the profession with competence that will be world class and globally competitive.

A handwritten signature in black ink, consisting of a stylized initial 'A' followed by a long horizontal line.

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

16th Congress
Second Regular Session

House Bill No. **5212**

INTRODUCED BY HON. DOUGLAS S. HAGEDORN

**AN ACT PROMOTING AND REGULATING THE PRACTICE OF
AGRICULTURE PROFESSION IN THE PHILIPPINES,
APPROPRIATING FUNDS THEREFOR AND FOR OTHER
PURPOSES.**

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

Section 1. *Short Title.* – This Act shall be known as the “**The Philippine Agriculturists Act of 2014**”.

Section 2. *Declaration of Policy.* – The State recognizes the importance of Agriculture in nation building and development. Hence, it shall develop and nurture competent and righteous, productive, Licensed Agriculturists whose standards of practice and service shall be excellent, qualitative, world-class and globally competitive through effective, and credible licensure examinations and through regulatory measures, programs, and activities that foster their professional growth and development.

Section 3. *Definition of Terms.* –

- (a) “Agriculture” is the art, science, ethics, management and entrepreneurial business in the production, processing and marketing of agricultural products. It is the practice of cultivating crops and the husbandry of livestock including the use of water, work animals and machineries and the fertilizations and conservation of the soil to create products used for human and animal consumption including the use of modern technology to increase productivity

- (b) "APO" refers to the Accredited Professional Organization of Agriculturists that the Board has accredited subject to the approval by the Commission as the one and only integrated national organization of Agriculturists.
- (c) "Board" refers to the Professional Regulatory Board of Agriculture, hereby created as the regulatory body, under the administrative, executive and policy supervision of the Professional Regulation Commission (PRC), for the practice of Agriculture in the Philippines and tasked with powers, functions and responsibilities herein prescribed;
- (d) "Commission" refers to the Professional Regulation Commission created under R.A. No. 8991, known as the "PRC Modernization Act of 2000".
- (e) "Licensed Agriculturist" refers to any person who has passed the licensure examination for agriculturists administered by the Board/Commission, or any baccalaureate person with five year experience in the practice of the profession before the implementation of AFMA of 1997 and approved by the Board/ PRC, taken the oath of an Agriculturist, and duly registered and issued with a certification of good standing and is allowed under this act to engage in or to perform activities, acts or services constituting the professional practice of agriculture including those who hold a position in the government service, private sector, or teaches subjects in schools, colleges or universities, requiring the knowledge of Agriculture;
- (f) "MRA" refers to a mutual agreement between two countries in the exchange of Professionals indicating among others equal treatments and rights to practice their professions in their respective governments or private entities.
- (g) "Crop Science" is the study of the world's major food, feed, turf, and fiber crops and their environment. It is a broad discipline encompassing breeding, genetics, production, and management. Websearch
- (h) "Soil Science" deals with soil as a natural resource on the surface of the earth including soil formation, classification and mapping; physical, chemical, biological and fertility properties of soils per se; and these properties in relation to the use and management of soils. Websearch
- (i) "Animal Science" is describes "studying the biology of animals that are under the control of mankind".Historically, the degree was called animal husbandry and the animals studied were livestock species, like cattle, sheep, pigs, poultry and horses. Websearch
- (j) "Agricultural Economics" is the systematic inquiry into the effects of human activities and government policies with regards to production, exchange, distribution and consumption of goods in agriculture. Websearch

- (k) "Agricultural Marketing" is the discipline of exchanging goods and services through planning and executing the concepts of pricing, promotions, and distribution to satisfy the objectives of individuals and organizations. Websearch
- (l) "Farm Management" is the art and science of establishing systems and technologies that would lead towards productivity and efficient resulting to profits in any agricultural endeavour
- (m) "Agribusiness" is all of agriculture and a majority of industries using agricultural products as raw materials for added value through processing, packaging from primary products to secondary and tertiary products including but not limited to medical and space technology use and for other purposes.

Section 4. *Creation and Composition of the Professional Regulatory Board of Agriculture.* – There is hereby created a Professional Regulatory Board of Agriculture, hereinafter-referred to as the "Board", a collegial body under the administrative supervision and control of the Professional Regulation Commission, hereinafter-referred to as the "Commission", shall be composed of a chairman and five (5) members, to be appointed by the President of the Philippines from a list of three (3) recommendees for each position and ranked by the Commission from a list of five (5) qualified nominees, endorsed by the Accredited Professional Organization (APO) by the PRC licensed agriculturists within ninety (90) working days after the approval of this Act. Other Professional Agricultural Organizations duly registered by the Securities and Exchange Commission (SEC) may submit nominees through the APO. The Board shall be organized not later than six (6) months from the effectivity of this Act.

Section 5. *Qualifications of the Chairperson and Members of the Board.* – The chairperson and each member shall, at the time of his/her appointment possesses all these qualifications. He/she must be:

- (a) A Filipino citizen and a resident of the Philippines;
- (b) Of good moral character and of sound mind and body;
- (c) Not convicted by a court of competent jurisdiction of an offense involving moral turpitude;
- (d) For the Chairperson of the Board, he must be elected by his peers in the Board as required in the PRC MODERNIZATION ACT and for Members of the Board, must be a holder of a Bachelor of Science in Agriculture degree, conferred by a duly licensed school,

college or university recognized by the government through the Commission on Higher Education (CHED);

- (e) A registered and Licensed Agriculturist with valid certificate of registration and a valid professional identification card and with at least five (5) years of relevant experience prior to his/her appointment and shall not be more than sixty-five (65) years of age at the time of appointment or reappointment;
- (f) A member in good standing of the APO, but not an officer or trustee; and
- (g) Must not have any pecuniary interest, for a period of at least one (1) year prior to his or her appointment, directly or indirectly, in any college, university or institution conferring an academic degree necessary for admission to the practice of agriculture or where review classes in preparation for the licensure examination are being offered or conducted, not a member of a reviewers' staff in a review school or center; nor shall he/she be a faculty member, officer, or member of the Board of Trustees/Regents thereof at the time of his/her appointment to the Board.

Section 6. *Board Term of Office.*— The chairman and members of the Board shall hold office for a term of three (3) years without prejudice for reappointment to another term provided they have been evaluated and qualified based on performance by the Commission through the endorsement of the APO, but in no case shall they serve continuously for more than six (6) years. At the expiration of the term of the chairperson, the most senior of the remaining members of the Board shall assume and perform the duties and functions and receive the emoluments and entitlements of the Chairperson. The incumbent members of the Board shall continue to serve their respective remaining terms until their successors shall have been appointed and have qualified in accordance with this Act.

The first Board shall have staggered term of office, with the Chairperson serving for three (3) years, the first three (3) members for two (2) years, and the last three (3) members for one (1) year. In case of vacancy, any appointee shall serve only the unexpired term. The Chairperson and the members shall duly take their oath of office with the Commission. This provision shall take effect upon the approval of this Act

Section 7. *Compensation, Allowances and other Benefits of the Board.* — The Chairperson and members of the Board shall receive compensation, allowances, and other benefits comparable to those that the Chairperson and members of other Professional Regulatory Boards under the Commission.

Section 8. *Powers, Function, Duties, and Responsibilities of the Board.* — The Board shall exercise executive/ administrative, rule-making, and quasi-judicial powers in carrying out the provisions of this Act. It shall be

vested with the following specific powers, functions, duties, and responsibilities:

(a) Regulate the practice of Agriculture in accordance with the provisions of this Act;

(b) Issue and promulgate rules and regulations implementing the provisions of this Act;

(c) Promulgate and adopt the Code of Ethics and Good Governance, and the Code of Technical Standards for the Practice of Agriculture;

(d) Adopt an official seal of the Board;

(e) Prescribe and promulgate guidelines on the Continuing Professional Education (CPE) for Agriculturists in consultation with the APO;

(f) Prescribe and promulgate the syllabi for the subjects in the licensure examination/s in consultation with the academe and the Commission on Higher Education (CHED);

(g) Issue or cancel temporary or special permit granted to foreign Agriculturists;

(h) Promulgate a program for the walk-in licensure examination;

(i) Prepare questions for the subjects in the licensure examinations, administer and correct the said examinations, and release their results;

(j) Administer oaths in the performance of its function;

(k) Monitor the conditions affecting the practice of Agriculture through ocular field visit of agricultural establishments (government agencies; and private enterprises) wherein Agriculturists are practicing, and adopt such measures as may be deemed proper for the enhancement of the profession or occupation and/or the maintenance of high professional, moral, ethical, and technical standards

(l) Enter together with the Commission into a Memorandum of Agreement with the CHED in providing the latter performance indicators through the licensure examinations of graduates and field visits and ocular inspection of schools, colleges, and universities. This shall ensure compliance of all higher education instruction and offerings of degree, course, or program with the policies, standards, and requirements of the course prescribed by CHED in the areas of curriculum, faculty, library, and facilities;

(m) Hear and investigate cases on violations of this Act, its implementing rules and regulations, the Code of Ethics, the Code of Good

Governance, the Code of Technical Standards for the practice of Agriculture, and other policies; and for this purpose to issue summons, *subpoena* and *subpoena duces tecum* to alleged violators and/or witnesses to compel their attendance in such hearings or investigations;

(n) Delegate the hearing or investigation of the cases against the alleged violators; provided, that, hearing or investigation of cases wherein the issue or question involved strictly concerns the technical practice of Agriculture shall be presided over by at least one (1) member of the Board assisted by a Legal or Hearing Officer of the Commission;

(o) Endorse cases involving criminal violators of this Act and other laws, its rules and regulations, and other policies to the Prosecution Office for investigation;

(r) To decide administrative cases against examinees or registered Agriculturists following due process; provided, if they are guilty, to cancel their examination papers and/or debar them from taking another licensure examination, or to revoke/ suspend their certificate of registration; provided, further, the effectivity of the penalty shall only commence from the date of surrender of the said certificates together with the professional identification cards; provided, furthermore, the decision of the Board shall, unless appealed to the Commission, become final and executory after fifteen (15) days from receipt of notice of judgment or decision;

(s) Reissue or reinstate revoked/suspended Certificate of Registration and unexpired Professional Identification Card to respondent's holder: provided, the revoked Certificate of Registration shall only be reissued after the lapse of the period provided in this Act; provided, further, the Board shall issue a resolution thereon subject to approval by the Commission, after he/she shall have established his/her fitness to practice anew his/her Agriculture profession and, provided, furthermore, the suspended certificate of registration shall only be reissued upon the period imposed in the decision of the Board;

(t) Conduct through the Legal or Hearing Officers summary proceedings on minor violation of this Act, its IRR, any of the Codes afore-mentioned, the General Instructions to Examinees committed by examinees, and to render summary judgment thereon which shall, unless appealed to the Commission, become final and executory after fifteen (15) days from receipt of notice of judgment or decision;

(u) Prepare an annual report of accomplishments, programs, projects, and activities of the Board during the year of submission to the Commission after the close of each calendar year and to make appropriate recommendations on issues or problems affecting the Agriculture profession to the Commission; and

(v) Discharge other applied incidental, necessary powers, duties, functions, and responsibilities for the effective carrying out of the

provisions of this Act and its policies or measures and the achievement of its objectives.

The rules and regulations, codes, and other policies embodied in a resolution issued and promulgated by the Board shall be subject to review and approval by the Commission. However, the Board's decision, resolution, or order rendered in an administrative case, which is not interlocutory shall be subject to review only if on appeal.

Section 9. *Grounds for Removal or Suspension of Board Chairperson / Member.* – The President of the Philippines, upon the recommendation of the Commission, after giving the Chairperson or the member of the Board an opportunity to defend himself/herself in an administrative investigation conducted by the Commission, may remove or suspend him/her on any of the following grounds:

- (a) Gross neglect, incompetence or dishonesty in the discharge of his/her duty /function;
- (b) Any violation of this Act and other pertinent Laws;
- (c) Manipulation or rigging of the licensure examination for Agriculturists results, disclosure of confidential information on the examination questions prior to the conduct thereof, or tampering of grades; *(Sec. 7 (s) of R.A. No. 898, the rules on administrative investigation, and the applicable provisions of the New Rules of Court shall guide the Commission in the conduct of the investigation.)*

Section 10. *Supervision of the Board, Custodian of its Records, Office of the Secretary, Professional Regulatory Boards (PRBs) and Support Services.*– The Commission shall provide a Secretariat for the Board who shall keep all records of the Board (applications for examination, etc.). The Commission shall designate the Secretary of the Board who shall be a staff member in the Office of the Secretary, Professional Regulatory Boards (PRBs) and shall provide the other support services to the Board.

Section 11. *Passing of Licensure Examination Requirement.* – Applicants for registration for the practice of Agriculture shall be required to pass a licensure examination as provided for in this Act in such places and dates as the Commission may designate in the Resolution thereof on the Master Schedule for all licensure examinations in accordance with Section 7 (d) of R.A. No. 8981.

Section 12. *Qualifications of Applicants.*– An applicant for the licensure examination for Agriculturists shall satisfactorily prove that he/she possesses the following qualifications:

(a) Citizen of the Philippines or a foreign citizen whose country/state has reciprocity with the Philippines in the practice of Agriculture;

(b) Of good moral character

(c) A holder of a Bachelor of Science in Agriculture; a Master of Science or a Doctor Of Philosophy degree in any specialized field of Agriculture or its allied disciplines that satisfy the six (6) areas of concern obtained by either a Filipino or foreign citizen from duly recognized or CHED-accredited school/college/university, or its equivalent from an institution of learning in a foreign country/state.

(d) Not convicted of an offense involving moral turpitude by a court of competent jurisdiction.

Section 13. *Subjects for Licensure Examination.*—The licensure examination/s for Agriculturists shall include, but not limited to, the following:

Crop Science, Animal Science, Soils Science, Agribusiness and Farm Management, Agricultural Economics and Marketing; and Agricultural Extension and Communication.

The Board, subject to approval by the Commission, may recommend to CHED changes in the said subjects to conform to modern and advance technologies in Agriculture

The Board shall not allow an applicant to take the licensure examination for Agriculturists, if the required basic courses/subjects mentioned previously, or their equivalent, were not part of his/her Baccalaureate curriculum, or he/she had not enrolled and passed any one of them.

Section 14. *Oath of Profession.* — All successful candidates in the licensure examination and those approved for registration without examination shall take their oath of profession *en mass* before the Board/PRC on a designated date, or before the Chairperson or any member of the Board; or any authorized officer of the Commission, or any person authorized by law, to administer oaths, prior to entering upon the practice of Agriculture.

Section 15. *Issuance of Certificate of Registration and Professional Identification Card.* — A Certificate of Registration shall be issued to those who have taken their oath of profession and are registered with or approved applications without licensure examination subject to payment of fees prescribed by the Commission. It shall bear the signatures of the Chairperson and the two (2) Commissioners of the Commission and the Chairperson and members of the Board, stamped with the official seal of the Commission and of the Board, certifying that the person named therein is entitled to the practice of the profession with all privileges

appurtenant thereto. Until withdrawn, revoked, or suspended in accordance with this Act, it shall remain in full force and effect.

A Professional Identification Card bearing the registration number and date, its validity and expiry duly signed by the Chairperson of the Commission and the Board shall likewise be issued to every registrant who has paid the prescribed fee. It shall be reissued after every three (3) years upon satisfying all requirements and payment of the prescribed fees therefore.

Section 16. Refusal to Register.— The Board shall not register any successful applicant for registration with or approved application without licensure examination that has been:

- (a) Convicted of an offense involving moral turpitude by a court of competent jurisdiction,
- (b) Found guilty of immoral or dishonorable conduct by the Board,
- (c) Summarily adjudged guilty for violation of the General Instructions to Examinees by the Board,
- (d) Falsification of public documents, and
- (d) Declared of unsound mind by the court of competent jurisdiction. In refusing such registration, the Board shall give the applicant a written statement setting forth the reasons therefore and shall file a copy thereof in its records.

Section 17. Revocation or Suspension of the Certificate of Registration and Cancellation of Temporary/Special Permit. The Board shall have the power, upon notice and hearing, to revoke or suspend the certificate of registration of a Registered and Licensed Agriculturist or to cancel a temporary special permit granted to foreign Agriculturist, for violation of any the grounds or causes in Section 19 of this Act, except (c) thereof and any of the following grounds:

Violation of a provision of this Act, Code of Ethics, Code of Good Governance, Code of Technical standards for the practice of Agriculture, policy, and measure of the Board and/or the Commission;

- (a) Perpetration or use of fraud in obtaining his/her Certificate of Registration, professional identification card, temporary/special permit;
- (b) Gross incompetence, negligence or ignorance resulting to death, injury or damage;

- (c) Refusal to join or to remain member in good standing of the APO;
- (d) Neglect or failure to pay the annual registration fees for five (5) consecutive years;
- (e) Non-renewal of the Professional Identification Card;
- (f) Aiding or abetting the illegal practice of a non-registered and licensed
- (g) person by allowing him/her to use his Certificate of Registration and/or Professional Identification Card or his/her Special/Temporary Permit.
- (h) Illegally practicing the profession during his/her suspension from the practice thereof;
- (i) Falsification of public documents;
- (j) Addicted to a drug or alcohol abuse impairing his/her ability to practice his/her profession or declared with unsound mind by a court of a competent jurisdiction; and
- (k) Non-compliance with the CPE requirement, unless he/she is exempted there from, for the renewal of his/her Professional Identification Card;

Provided, however, that such actions are subject to appeal or remedies available under existing Laws. The Board shall periodically evaluate the afore-mentioned grounds and revise or exclude or add new ones as the need arises subject to approval by the Commission.

Any person, firm or association may file charge/s in accordance with the provision of this Section against any registrant, or the Board may investigate violation of any of the above-motined causes. Affidavit-complaint shall be filed together with the affidavits of witnesses and other documentary evidence with the Board through the Legal and Investigation Office. The *motupropio* move to conduct an investigation shall be embodied in a formal charge to be signed by at least majority of the members of the Board. The rules on administrative investigation subject to applicable provisions of this Act, R.A. No. 8981 and the Rules of Court.

Section 18. Vested Rights: Automatic Registration.— All Agriculturists registered prior to the effectivity of this Act shall automatically be registered hereunder, subject to the provisions herein set forth as to future requirements except those which obtained their license in a fraudulent manner as mentioned in under Section 20. .

Certificates of Registration and Professional Identification Cards or Temporary/Special Permits held by such persons in good standing at such effectivity shall have the same force and effect as though they were issued on or after the said effectivity unless such registration is obtained through misrepresentation or fraudulent means.

Section 19. *Scope of Practice.*— The practice of Agriculture shall include, but not be limited to, the following acts or activities:

(a) Consultation, evaluation, investigation, and management services requiring the application of agriculture knowledge;

(b) reparation and certification of agricultural systems, interactive diagnosis, and plans; and design, project feasibility studies and cost estimates; and specifications for the production, harvesting, processing, utilization and marketing perennial and annual agricultural crops and/or animals for multiple products and services, including conservation and sustainable production practices; and other management services in agriculture;

(c) Provision of related activities or services such as the conduct of experiments, research, extension, development, training or communications in agriculture;

(d) The teaching of agriculture subjects in all Higher Education Institutions (HEIs) (Schools, Colleges and Universities); and for licensure examinations; undertaking, supervision and/or administration of studies and programs in stations, centers, community/ provincial/ regional/national offices of government agencies and institutions requiring agriculture professionals; technical, or management consultants needed by/or required of local government units, private corporations, foundations, non-government associations and foreign assisted projects;

(e) All agriculture concerns, projects, business activities or related services must be certified by a professional agriculturist before such will be accepted by any entity for registration, getting business permits or licenses in municipalities, any financial institutions, legal transactions and the like. Such requirement shall ensure that agriculture activities will conform to the observance of the requirements of good agricultural, environmental, conservation, and sustainable production practices affecting the natural resources and the ecosystem;

(f) Development of management plans with recommendations on the implementation of agricultural nurseries (including tissue-culture and clonal banks operations), appropriate crop species and strategies for appropriate site; a plan for long-term fertility management, soil and water resources conservation measures; for marketing final products including budget and economic projections; farm and pasture diversification plans

of ranches, fruit crop growers and farms to diversify products and integrate more intercrops into their plantings, with appropriate species and techniques to support existing crops, reduce expenses and increase the diversity and economic resiliency of the project; conduct of assessment, analysis and management of resources; and agriculture products manufacturing and marketing; and

- (a) Employment in the private or government sector that requires agriculture knowledge and expertise.
- (b) The Board, subject to approval by the Commission, may revise, exclude from or add to the above-enumerated acts or activities as the need arises to conform to the latest trend in the practice of Agriculture.

Section 20. *Lawful Practitioners of Licensed Agriculture.*—Persons who shall be authorized to practice the Agriculture profession under the title of Licensed Agriculturist are:

- (a) Duly registered and licensed as Agriculturists and holders of valid Certificates of Registration and valid Professional Identification Cards issued by the Board and the Commission pursuant to this Act; and
- (b) Holders of valid Temporary/Special Permits issued by the Board and the Commission to foreign licensed Agriculturists pursuant to this Act.

Section 21. *Foreign Reciprocity.*— No foreigner shall be allowed to take the licensure examination for Agriculturists, register, receive his/her Certificate of Registration and Professional Identification Card, and practice Agriculture in the Philippines unless the requirements for the licensure examination and/or registration and practice of Agriculture imposed under the laws and regulations in his/her foreign country/state are substantially the same as those required and contemplated by the Philippine laws and regulations, and unless the said foreign laws and regulations allow Philippine citizens to practice Agriculture within the territory of the said foreign country/state on the same basis and grant the same privileges as those enjoyed by the citizens, subject or nationals thereof.

Section 22. *Indication of Numbers: Certificate or Registration, and Professional Tax Receipt.* — The Agriculturist shall be required to indicate his/her Certificate of Registration Number and Date of Issuance, the expiry of his/her current Professional Identification Card, and the Professional Tax Receipt Number on the documents he/she signs, uses, or issues in connection with the practice of his/her Agriculture profession.

Section 23. *Roster of Agriculturists.*— The Board shall prepare and maintain a roster of the names, residence and/or office address of all registered Agriculturists, which shall be updated annually in cooperation with the

APO, indicating therein the status of the Certificate of Registration, Professional Identification Card, and APO membership, whether valid, inactive due to death or other reasons, delinquent, suspended or revoked. The said roster shall be conspicuously posted within the premises of the Commission and the information there from made available to the public upon inquiry or request.

Section 24. *Integration of the Professional.*— The Agriculturists shall be integrated into one (1) national organization of Agriculturists that is duly registered with the Securities and Exchange Commission (SEC). The Board of Agriculture subject to approval by the Commission shall accredit the said organization as the one and only integrated and accredited national organization of Agriculturists. All Agriculturists whose names appear in the Registry Book of Agriculturists shall *ipso facto* or automatically become members of APO and pay the membership fees and dues.

Membership in an affiliate organization of Agriculturists shall not be barred.

Section 25. *Posting of Certificate of Registration and Professional Identification Card or Temporary/Special Permit.*— The registered and licensed Agriculturists shall post in a conspicuous place in his/her office photocopies of the Certificate of Registration and Professional Identification Card of Agriculturists or Temporary/Special Permit.

Section 26. *Penal Clause.*— Any person who shall violate any provisions of this Act, who shall misrepresent himself as a agriculturist duly licensed in accordance herewith, or any person presenting or using as his/her own Certificate of Registration or Professional License belonging to another, or any person giving any false or forged evidence to the Commission in order to secure a Professional License, or any person assuming, using or advertising as a registered/licensed agriculturist without having been conferred such title, or advertising any title description tending to convey the impression that he or she is a registered/licensed agriculturist, shall be, upon conviction, be fined with not less than One Hundred Fifty Thousand Pesos (PhP 150, 000.00), but not more than Five Hundred Thousand Pesos (PhP500, 000.00), or imprisoned for not less than six (6) months but not more than six (6) years or be meted with both at the discretion of the court.

Section 27. *Employment of Agriculturists in the Government* - In furtherance of the national government's program for sustainable agricultural development, there is a need to adopt mechanisms for the placement and employment of agriculture graduates in the government sector.

Thus, it is hereby mandated that all municipalities shall require at least 80% of created plantilla positions at the Municipal Agriculture offices be occupied by licensed agriculturists. Likewise, all provinces shall require at least 50% of plantilla positions at the offices of the Provincial

Agriculturist be occupied by licensed Agriculturists. The aforesaid agriculturist plantilla positions shall be occupied by a licensed Agriculturist as defined in this Act.

All national government agencies concerned in agriculture-related activities must also require plantilla positions for agriculturists as they may deem appropriate.

The Board shall initiate the development of Position Classification Standards to be led by the Civil Service Commission, in collaboration with the Department of Agriculture, the Department of Interior and Local Government, the Department of Agrarian Reform, and the Department of Environment and Natural Resources, one (1.) year after the approval of this Act in accordance with existing Salary Standardization Laws.

Section 28. *Employment of Agriculturists in the Private Sector* – Inline with thenational government's program for sustainable agricultural development, there is also a need to adopt alternative mechanisms for the placement and employment of agriculture graduates in the private sector engaged in agriculture.

Thus, it is hereby encouraged that all corporate farms with the following sizes of operation shall require at least one (1) plantilla position for a licensed agriculturists:

- a. Farms with at least 50 hectares planted to agricultural crops,
- b. Poultry farms with at least 5,000 chicken, or 2,000 ducks.
- c. Livestock farms with at least 50 head of cattle/carabao, or 50-sow units, or 100 fattening pigs; or 100 head of goats;

Other corporations requiring agriculturists such as golf courses, agri tourist facilities and the likes is also required to employ licensed agriculturists and are required to employ a local counterpart for every foreign agriculturist and register the same with the Commission.

In the event that corporations will avail of BOI and other tax incentives, it will share 40% of their stocks to stake holders in corporations established by private and public agents to promote wealth sharing and to control the unwarranted outflow of foreign currency.

Section 29. *Enforcement.* – In carrying out the provisions of this Act, the Board shall be assisted by the Commission, the APO, duly constituted government agencies and authorities and private organizations in the industry. A memorandum of agreement between agencies or organizations may be executed.

Section 30. *Appropriations.* – The funds or budget for the implementation of this Act shall be included in the General Appropriation Act for the Commission, provided that the amount incurred for its initial

implementation shall be charged against the Commission's current year's appropriation.

Section 31. *Transitory Provisions.*— The incumbent Board shall in *an interim capacity* continue to operate or function by carrying out the provisions of the Act without new appointments of the Chairperson and members thereof, until the first Board created under this Act shall have been constituted or organized pursuant thereto.

Section 32. *Implementing Rules and Regulations.*— Within ninety (90) days after the effectivity of this Act, the Board of Agriculture, subject to approval by the Commission, shall prescribe, promulgate, and issue a Board Resolution on the Implementing Rules and Regulations (IRR) necessary to carry out the provisions of this Act, after consultation with the stakeholders (APO, other agencies, and concerned private organization in the industry).

Section 33. *Separability Clause.*— If any provision, section, or part of this Act shall be declared unconstitutional or invalid, such judgment shall not affect, invalidate or impair any other provisions, sections or parts hereof, but shall be merely confined to the provision, section, or part thereof that is directly involved in the issue upon which such judgment has been rendered.

Section 34. *Repealing Clause.*— Republic Act No. 8435 (AFMA of 1997) Section 75 is hereby repealed. Laws, decrees, orders, letters of instructions, rules and regulations, or other issuances, and parts thereof inconsistent with the provisions of this Act are likewise accordingly repealed or modified.

Section 35. *Effectivity.*— This Act shall take effect after fifteen (15) days following the full and complete publication thereof in the official Gazette or any two (2) newspapers of general circulation.

Approved,