

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 6515



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INTRODUCED BY ANAKPAWIS PARTY-LIST REPRESENTATIVE
FERNANDO L. HICAP

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EXPLANATORY NOTE

The social, economic and ecological benefits of sustainable agriculture, especially organic farming are widely accepted globally, yet the practice of organic farming is marginal in the Philippines, accounting for barely 1% of the country's total agricultural land and concentrated in only a few crop lines. Organic products are also hobbled in the marketplace by a cost premium of as much as 20-50% over non-organic counterpart products, which is quite prohibitive for the Filipino farmers who comprise the poor majority who live off on a measly Php125 or less per day.

There is even a growing consumer campaign not only in the developed countries but also in the Philippines to demand sustainable agriculture. In the Philippines in particular, this campaign does not only focus on the undeniable benefits of organic farming to consumers but also seeks to address rural underdevelopment and poverty. This is a growing farmer-consumer movement that is grounded in the conditions of Filipino farmers and their organizations, recognizes the low purchasing power of majority Filipino consumers, and upholds the premise that the government needs to play an active role.

The government, however, continues to promote an overall policy of chemical farming that is founded on rural monopolies in land, income, wealth and power. In recent decades, the promotion of agricultural liberalization and corporatization has also intensified the condition where toxic chemicals and engineered organisms such as genetically modified organisms (GMOs) bear down on the Filipino farmers and consumers and their efforts to promote socially-desirable practices.

The government gives very low priority to agriculture, allocating barely 5% of the national budget and even a more negligible amount to organic farming. In 2010, RA 10068 or the Organic Agriculture Act (OAA) was enacted. It was a welcome move to boost the local organic market. Five years after, however, organic practices have remained peripheral, while the OAA has been widely criticized for only having expanded the scope of commercial monopolies and aggravated the exclusion of indigenous and community-shared knowledge through its expensive certification. According to farmers' organizations, sustainable agriculture advocates, and consumer groups, the law generally is insufficient and as it is cannot be considered an effective instrument to fulfill the objectives of sustainable agriculture,

Furthermore, the OAA is negated by the Department of Agriculture's (DA) programs that encourage conventional or inorganic farming methods such as giving subsidies for balanced fertilization, chemical farming and use of fertilizers as well as the promotion of GMOs. The present organic agricultural program is also seen as being more focused on input substitution (for example, replacing chemical fertilizers with organic fertilizers), instead of making food production sustainable.

Organic and sustainable agriculture advocates have openly criticized the OAA for failing to grasp the significant role of sustainable and organic farming in rural development. The overall tone of the law focuses on producing organic products for export in the same profit-oriented framework of chemical-dependent agriculture as opposed to addressing the country's food security and self-sufficiency. It continues to ignore the current context of rural monopolies.

Amendments to the OAA should be made to make it genuinely responsive to the needs of small Filipino farmers, increase farm productivity, secure farmers' incomes and livelihoods, address rice self sufficiency and promote rural development.

In view of the above, immediate passage of this bill is earnestly sought.



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AN ACT
**STRENGTHENING SUSTAINABLE AGRICULTURE AND ENHANCING SUPPORT
FOR SMALL ORGANIC FARMERS, AMENDING FOR THE PURPOSE CERTAIN
SECTIONS OF RA 10068 OR THE ORGANIC AGRICULTURE ACT OF 2010**

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

SECTION 1. Section 2 of Republic Act 10068 or the Organic Agriculture Act
of 2010 is hereby amended to read as follows:

It is hereby declared the policy of the State to promote, propagate, develop
further and implement the practice of ORGANIC FARMING AND OTHER
SUSTAINABLE AGRICULTURE PRACTICES in the Philippines that will
cumulatively condition and enrich the fertility of the soil, increase farm
productivity AND FARMERS' INCOMES; reduce pollution and destruction of
the environment, prevent the depletion of natural resources, further protect
the health of farmers, consumers and the general public, [AND] save on
imported inputs, AND PROMOTE FOOD SELF SUFFICIENCY.

Towards this end, a comprehensive program for the promotion of
community-based organic agriculture systems which include, among others,
farmer produced purely organic fertilizers such as compost, [pesticides] BIO-
PESTICIDES and other farm inputs, together with a nationwide educational
and promotional campaign for their use and processing[.].

LIKEWISE, A NATIONWIDE EDUCATIONAL AND AWARENESS CAMPAIGN
AMONG CONSUMERS ON THE BENEFITS OF CONSUMING ORGANIC
PRODUCTS TO BOOST LOCAL PRODUCTION OF ORGANIC FOOD AND
NON-FOOD PRODUCTS, as well as the adoption of organic agricultural
system as a viable alternative TO IMPORT-BASED TOXIC FARMING
METHODS shall be undertaken.

The State recognizes and supports the central role of the farmers, indigenous
people and other stakeholders at the grassroots in this program.

SECTION 2: Section 3 on definition of terms:

- (a) **Organic** refers to the particular farming and processing systems, described in the standards and not in the classical chemical sense. The term "organic" is synonymous in other languages to "biological" or "ecological". It is also a labelling term that denotes products considered organic based on the Philippine National Standards for organic agriculture;

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- (c) **Organic production system** is a system designed to:

- (1) enhance biological diversity within the whole system;

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- (7) develop and promote the use of biotechnology in agriculture BASED ON THE PRECAUTIONARY PRINCIPLE UNDER THE INTERNATIONAL CONVENTION ON BIODIVERSITY.

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- (g) [**Commercialization**] **PROPAGATION** - IS A PROCESS OF INTRODUCING NEW AGRICULTURAL AND FISHERY EITHER AS PRODUCT, PROCESS OR SERVICE THAT HAS UNDERGONE THE INTENSIVE INNOVATIVE ACTIVITIES OF ASSESSMENT, PROMOTION AND TRANSFER NOT NECESSARILY FOR COMMERCIAL PROFIT BUT FOR THE PURPOSE OF PROMOTING ORGANIC AGRICULTURAL PRACTICES AND TECHNOLOGY ADAPTABLE TO THE LOCALITIES IT IS BEING INTRODUCED.

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- (o) **PARTICIPATORY GUARANTEE SYSTEMS (PGS)** ARE LOCALLY FOCUSED QUALITY ASSURANCE SYSTEMS. THEY CERTIFY PRODUCERS BASED ON ACTIVE PARTICIPATION OF STAKEHOLDERS AND ARE BUILT ON A FOUNDATION OF TRUST, SOCIAL NETWORKS AND KNOWLEDGE EXCHANGE.

SECTION 3. Section 4 On Coverage

The provisions of this Act shall apply to the development and promotion of organic agriculture and shall include, but not be limited to, the following:

- (a) Policy formulation and regulation, registration, accreditation, certification and labelling on organic agriculture;

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- (c) Promotion and encouragement of the establishment of facilities, equipment and processing plants that would accelerate the production and [COMMERCIALIZATION] PROPAGATION of the use of organic fertilizers, [PESTICIDES] BIO-PESTICIDES [HERBICIDES] BIO-HERBICIDES and other appropriate farm inputs; and

- (d) Implementation of organic agricultural programs, projects and activities, including the provision and delivery of support services with focus on the farmers, PRIORITIZING SMALL FARMERS AND THEIR ORGANIZATIONS, and other stakeholders

SECTION 4. Section 5 on the National Organic Agricultural Program.

There is hereby established a comprehensive organic agricultural program through the promotion and [COMMERCIALIZATION] PROPAGATION of organic farming practices, cultivation and adoption of production and processing methods which have already been developed, or to be developed, continuing research and upgrading thereof, the capacity building of farmers and the education of consumers thereon, the extension of assistance to local government units (LGUs), peoples' organizations (Pos), nongovernment organizations (NGOs) and other stakeholders including individuals and groups who are willing to do other pertinent activities, and documentation and evaluation of the program.

SECTION 5. Section 7 on the composition of the NOAB. – The NOAB shall consist of:

- (a) The Secretary of Agriculture, or his duly authorized permanent representative, with a rank of Undersecretary, as Chairperson;

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The representatives of small farmers and NGOs, and or agricultural colleges and universities, shall be chosen by the Secretaries of Agriculture and Science and Technology respectively, from among nominees submitted to the agents concerned by their respective national organizations. These representatives must REPRESENT THE LARGEST MEMBERSHIP OF FARMERS' ORGANIZATIONS NATIONWIDE, PROMOTING ORGANIC AND OTHER SUSTAINABLE AGRICULTURE PRACTICES AND MEMBERSHIP ADAPTING ORGANIC FARMING, be conversant in organic agriculture and committed to the policies and programs provided under this Act.

SECTION 6. Section 16 on the registration of organic food and organic input producers.

Registration of Organic Food and Organic Input Producers. – All organic food and input establishments must register with the director, BAFPS, registration under this section shall begin within ninety (90) days of the enactment of this Act. Each such registration shall be submitted to the director through and electronic portal and shall contain such information as the director by guidance may determine to be appropriate. Such registration shall contain the following information:

- (a) The name, address and emergency contact information of each organic food or input establishment that the registrant owns or operates;

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- (g) IN THECASE OF DIRECT SELLING TO CONSUMERS, DONE BY SMALL OR FAMILY FARMERS, PREVIOUSLY REGISTERED WITH BAFPS OR LGU COUNTERPART, CERTIFICATION IS OPTIONAL.

SECTION 7. Section 17 on the Labeling of Organic Produce is hereby amended to read as follows:

The label of organic produce shall contain the name, logo or seal of the organic certifying body and the accreditation number issued by the BAFPS. [ONLY THIRD PARTY CERTIFICATION] THE ORGANIC LABEL SHALL ALSO INCLUDE THE TRADE NAME AND ORIGIN ADDRESS OF THE PRODUCE.

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SECTION 8. Section 19 on Availability of Trading Post for Organic Inputs is hereby amended to read as follows:

Local chief executives shall establish, as far as practicable, at least one (1) trading post for organic inputs for every LGU in the area of jurisdiction. "THE AREA SHOULD BE IN AN AREA STRATEGICALLY LOCATED I.E., AT THE PUBLIC MARKET AREA, CENTERS OF TRADING AND LOCAL BUSINESS ACTIVITIES.

SECTION 9. Section 20 on Research, Development and Extension is hereby amended to read as follows:

The Bureau of Agricultural Research (BAR), as the lead agency, shall coordinate with the other agencies of the DA, the Department of Agrarian Reform (DAR), the Department of Science and Technology (DOST), the Department of Education (DepED), the Department of Interior and Local Government (DILG), the strategic agricultural-based state universities and colleges (SUCs), including private organizations, "AND NGOs and POs WITH ESTABLISHED TRACK RECORD IN THE PRACTICE OF SUSTAINABLE AGRICULTURAL METHODS OF PRODUCTION" to develop, enhance, support and consolidate activities and related technologies for the formulation and implementation of a unified and integrated organic agriculture RDE plan and programs for the national to the field level. The organic agriculture RDE plans and programs shall include, but not limited to the following:

- (a) Research, development and [COMMERCIALIZATION] "PROPAGATION" of appropriate, innovative and viable organic agricultural technologies;
- (b) Nationwide promotion of developed and [COMMERCIALY] viable biodegradable farm wastes and by-products through various extension strategies to accelerate the production, use and distribution of organic fertilizers; and

SECTION 11. Sections 25 through 31 are hereby amended to read as follows:

SECTION 25. PROTECTION OF INDIGENOUS ORGANIC RESOURCES AGAINST CROSS-CONTAMINATION. THE INTEGRITY OF ORGANIC CROPS AND LIVESTOCK SHALL BE STRICTLY ENSURED AND MONITORED. RISK OF CROSS-CONTAMINATION FROM ENGINEERED CROPS AND LIVESTOCK SHALL BE PREVENTED AT ALL TIMES. BAFPS SHALL MONITOR ALL APPLICATIONS FOR FIELD-TESTINGS/PRODUCTION OF ENGINEERED CROPS AND LIVESTOCK, AND SHALL HAVE THE POWER TO DENY ANY APPLICATION IF IT FINDS SUFFICIENT CAUSE.

ALL FIELD TESTING, PLANTING OR RAISING OF GENETICALLY MODIFIED ORGANISMS SHOULD NOT BE ALLOWED IN THE VICINITY WHERE ORGANIC FARMING IS BEING CONDUCTED. BAFOSM IN COORDINATION WITH NOAB, SHALL IMPLEMENT AN ORGANIC ZONE TO ESTABLISH THE RADIUS WHERE THE ORGANIC PRODUCE IS NOT IN DIRECT OR IMMEDIATE CONTACT OR INFLUENCE OF ENGINEERED ORGANISMS.

IN THE EVENT OF CONTAMINATION BY GENETICALLY-MODIFIED ORGANISM, PATENTED OR OTHERWISE, THE LGU, BAFPS AND/OR ORGANIC PRODUCER MAY HOLD THE GMO PATENT OWNER LIABLE FOR ECONOMIC AND ENVIRONMENTAL DAMAGES.

SECTION 26. RECOGNITION OF LOCAL ORDINANCES AND OTHER ISSUANCES. CONSISTENT WITH ITS MANDATE UNDER SECTION 16 - GENERAL WELFARE OF R.A. 7160, LOCAL GOVERNMENT UNITS (LGUS) HAVE THE POWER TO ENACT ORDINANCES FOR THE GENERAL HEALTH AND WELFARE OF ITS CONSTITUENCY.

PURSUANT TO THIS, LOCAL ORDINANCES, POLICIES AND/OR ISSUANCES ON AGRICULTURE, INCLUDING BUT NOT LIMITED TO ORGANIC AGRICULTURE AND PROHIBITION OF GENETICALLY MODIFIED ORGANISMS, SHALL BE RECOGNIZED BY ALL GOVERNMENT AGENCIES.

LGUS, IN COORDINATION WITH BAFPS SHALL STRICTLY MONITOR THE CONDUCT OF AGRICULTURE IN ORDER TO ENSURE THE QUALITY AND INTEGRITY OF ORGANIC PRODUCE. TESTING OR FIELD TRIALS OF ANY TYPE OF AGRICULTURAL PRODUCT OR METHOD SHALL REQUIRE LGU CLEARANCE APART FROM THE REQUIREMENTS SET BY THE GOVERNMENT AGENCY CONCERNED.

SEC. [25] 27. Appropriations. ~~xxx~~

SEC [26] 28 on Penal Provision. - Any person who wilfully and deliberately:

- (a) obstructs the development of propagation of organic agriculture, or the manufacture, production, sale or use of organic agricultural inputs. THIS MAY INCLUDE, BUT NOT LIMITED TO, ANY FORM OF HARASSMENT OR PERSECUTION OF GROUPS OR INDIVIDUALS PURSUING THE RIGHTS AND INTERESTS OF FARMERS IN FURTHERANCE OF THIS ACT, BY GROUPS OR INDIVIDUALS, CORPORATIONS OR JURIDICAL ENTITIES, INCLUDING GOVERNMENT OFFICIALS;

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SEC. [27] 29. Implementing Rules and Regulations. **xxx**

SEC. [28] 30. Annual Report. **xxx**

SEC. [29] 31. Congressional Oversight Committee. **xxx**

SEC. [30] 32. Seperability Clause. **xxx**

SEC. [31] 33. Repealing Clause. **xxx**

SEC. [32] 34. Effectivity. **xxx**

SECTION 12. *Repealing Clause.* All other laws, acts, decrees, executive orders, issuances, and rules and regulations or parts thereof which are contrary to and inconsistent with any provisions of this Act are hereby repealed, amended, or modified accordingly.

SECTION 13. *Seperability Clause.* If any provision of this Act is subsequently declared unconstitutional, the validity of the remaining provisions hereof shall remain in full force and effect.

SECTION 14. *Effectivity Clause.* This Act shall take effect immediately after its complete publication either in the Official Gazette or in a newspaper of general circulation in the Philippines.

Approved.