

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Third Regular Session

House Bill No. 8314



Introduced by REPRESENTATIVE CECILIA LEONILA V. CHAVEZ

AN ACT AMENDING CERTAIN SECTIONS OF RA 10068 OR THE ORGANIC AGRICULTURE ACT OF 2010.

EXPLANATORY NOTE

This bill aims to strengthen the Organic Agriculture Act of 2010 in furtherance of promoting sustainable and ecological agriculture which in turn would contribute greatly to the mitigation of climate change's negative and devastating impact to the Philippines.

Among other proposed amendments, this bill seeks to address the problem of high cost of third party accreditations in the Philippines, it is recommended that we encourage, promote and institutionalize Participatory Guarantee Systems (PGS) in our country to help small organic farmers attain the organic certification they need to compete in local and global markets. PGS offers a complementary and low-cost system of quality assurance, with a heavy emphasis on social control and knowledge building. PGS, as a complementary method to third-party certification, is essential to the continued growth of the organic agriculture anywhere. This will encourage poor and small farmers to adopt organic agriculture standards and methods to the benefit of everyone. Likewise, this will encourage farmers to self-organize, which will further help our agriculture sector.

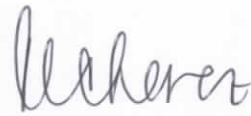
The high cost of certification creates a very big barrier for small farmers to overcome preventing them to participate, which ultimately hurts the growth and development of the organic movement. Even though certification requires a large financial outlay, it is still a risk worth taking for some farmers for it creates benefits in the form of easy market capturing, which results in higher and more stable prices for the produce. Complying with the set standards of the certifying body greatly improves the condition of the farm, quality of produce and welfare of the farmers. The right choice and proper application of fertilizer, pesticides and other farming inputs, which certification promotes, helps

improve the condition and productivity of the farm and helps lessen the wastage incurred by the improper application of farm inputs.¹

Access to an alternative certification from third party certification is believed to have a positive impact that will help boost the participation of small farmers and the development of organic agriculture in the Philippines.

It will be beneficial to add a few more seats from the private sector to increase organic expertise and achieve a more balanced public-private partnership on the NOAB.

Hence, the passage of this Bill is earnestly sought.



CECILIA LEONILA V. CHAVEZ

¹<https://www.thebalancesmb.com/environmental-benefits-of-organic-farming-2538317>, last accessed 24 September 2018.

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AN ACT AMENDING CERTAIN SECTIONS OF RA 10068 OR THE ORGANIC AGRICULTURE ACT OF 2010.

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

Section 1.Section 2 on Declaration of Policy 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, save on imported farm 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 adoption of organic agriculture system as a viable alternative 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 is hereby amended to read as follows:

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(N) PARTICIPATORY GUARANTEE SYSTEMS (PGS) ARE LOCALLY FOCUSED QUALITY ASSURANCE SYSTEMS THAT ARE ACTUALLY PRACTICING ORGANIC AGRICULTURE. THEY CERTIFY PRODUCERS BASED ON ACTIVE PARTICIPATION OF PRODUCERS AND FARMERS ACTUALLY PRACTICING ORGANIC AGRICULTURE, AND ARE BUILT ON A FOUNDATION OF TRUST, SOCIAL NETWORKS AND KNOWLEDGE EXCHANGE.

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(P) AGRIBUSINESS REFERS TO AGRICULTURE-RELATED ACTIVITIES THAT PUT FARMERS, PROCESSORS, DISTRIBUTORS AND CONSUMERS WITHIN A SYSTEM THAT PRODUCES, PROCESSES, TRANSPORTS, MARKETS AND DISTRIBUTES AGRICULTURAL PRODUCTS.

Section 3.Section 4 on Coverage is hereby amended to read as follows:

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

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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 organic fertilizers, ~~[pesticides]~~ **BIO-PESTICIDES**, ~~[herbicides]~~ **BIO-HERBICIDES** ~~[and other commercialization of organic fertilizers, pesticides, 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 7 on the Composition of the NOAB is hereby amended to read as follows:

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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- (j) A representative each from the NGOs involved in sustainable agriculture for at least three (3) years; agricultural colleges and universities; [~~and private sector or agribusiness firms~~]; as members.

- (K) **THREE (3) REPRESENTATIVES FROM THE PRIVATE SECTOR OR AGRIBUSINESS FIRMS INVOLVED OR PRACTICING IN ORGANIC AGRICULTURE FOR THE LAST THREE YEARS. ORGANIC FARMERS, PRODUCERS AND DISTRIBUTORS SHALL EACH BE GIVEN ONE SEAT.**

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The representatives of small farmers and NGOs and of agricultural colleges and universities shall be chosen by the Secretaries of Agriculture and Science and Technology, respectively, from among nominees submitted by their respective national organizations. These representatives must **REPRESENT FARMERS' ORGANIZATIONS NATIONWIDE, ACTUALLY AND ACTIVELY PRACTICING, PROMOTING ORGANIC AND OTHER SUSTAINABLE AGRICULTURE PRACTICES**, conversant in organic agriculture and committed to the policies and programs provided under this Act. **THE THREE SEATS GIVEN TO SMALL FARMERS SHALL BE CHOSEN FROM THE LIVESTOCK AND CROP SECTORS, WHICH WILL HAVE ONE (1) AND TWO (2) SEATS RESPECTIVELY.**

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Section 5. Section 8 on Organization of the NOAB is hereby amended to read as follows:

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The Chairperson shall call the members of the NOAB, or a majority thereof if not all have been designated, to a meeting to organize themselves and prescribe its rules and procedure for the attainment of this Act. A majority of all the members of the NOAB shall constitute a quorum. **THE MEMBERS OF THE NOAB SHALL MEET AT LEAST ONCE EVERY QUARTER AFTER ITS ORGANIZATION.**

Section 6. Section 10 on Bureau of Agriculture and Fisheries Product Standards (BAFPS) of the DA is hereby amended to read as follows:

The BAFPS of the DA shall be strengthened and empowered in terms of establishing functional divisions and incremental staffing to serve as the national technical and administrative secretariat of the NOAB with the member agencies providing additional staff support as the need arises. **THERE SHALL BE CREATED AND ORGANIZED AN ORGANIC AGRICULTURE CENTER (OAC)**

ATTACHED UNDER THE BAFPS, ACTING AS THE SECRETARIAT OF THE NOAB, TO COORDINATE THE IMPLEMENTATION OF NATIONAL ORGANIC AGRICULTURE PROGRAM PROMULGATED BY THE NOAB. IT WILL BE THE PRIMARY ADMINISTRATOR OF THE PROGRAM AND RESPONSIBLE TO MAINTAIN A DATABASE AND SHOWROOM OF ALL AVAILABLE ORGANIC PRODUCTS AND TECHNOLOGIES IN THE MARKET, WHICH CAN BE ACCESSED READILY BY THE PUBLIC.

Section 7. A new provision on Participatory Guarantee Systems is hereby inserted after Section 10, The Bureau of Agriculture and Fisheries Product Standards (BAFPS) of the DA:

SECTION 11. PARTICIPATORY GUARANTEE SYSTEMS. PARTICIPATORY ORGANIC CERTIFICATIONS FROM ASSOCIATIONS OR GROUPS, WHO ARE ACTUALLY PRACTICING ORGANIC AGRICULTURE, ORGANIZED FOR THIS PURPOSE WILL BE PROMOTED AND ACCEPTED. PRODUCTS CERTIFIED BY THESE GROUPS CAN ONLY BE TRADED IN THE DOMESTIC MARKET.

A PGS SHALL BE REGISTERED BEFORE THE BAFPS ONLY IF IT HAS AT LEAST 5 MEMBERS WHO ARE ACTUALLY PRACTICING ORGANIC AGRICULTURE. ITS REGISTRATION SHALL BE RENEWED EVERY THREE YEARS. BAFPS SHALL APPROVE OR DENY THE REGISTRATION CERTIFICATE WITHIN 15 DAYS OF ANY APPLICATION SUBMITTED BY ANY PGS. THE BAFPS SHALL NOT CHARGE ANY REGISTRATION OR APPLICATION FEES.

THE BAFPS SHALL ACTIVELY PROMOTE AND FIND ASSOCIATIONS OR GROUPS WHO PRACTICE ORGANIC AGRICULTURE TO BE REGISTERED AS PGS AS DEFINED IN THIS LAW. THE BAFPS SHALL MAKE SURE THAT EVERY ISLAND GROUP (AT LEAST ONE EACH FOR LUZON, VISAYAS AND MINDANAO) IN THE COUNTRY HAS A PGS.

THE BAFPS IS MANDATED TO TRAIN AND CONDUCT RANDOM INSPECTIONS TO MAKE SURE ALL PGS' FORMED ARE COMPLIANT WITH THE PHILIPPINE NATIONAL STANDARDS ON ORGANIC AGRICULTURE. BAFPS SHALL KEEP A RECORD OF COMPLIANT PGS' IN THE COUNTRY AND SHALL PUBLISH SUCH LIST AT LEAST ONCE A YEAR.

AN ASSOCIATION OR GROUP UNDER THE PGS MUST ADHERE TO THE BASIC PRINCIPLES OF THE INTERNATIONAL FEDERATION OF ORGANIC AGRICULTURAL MOVEMENT (IFOAM)

LIKewise, ASSOCIATIONS OR GROUPS UNDER THE PGS MUST

ADOPT THE FOLLOWING FEATURES:

- A. NORMS CONCEIVED BY THE STAKEHOLDERS THROUGH A DEMOCRATIC AND PARTICIPATORY PROCESS, BUT ALWAYS IN ACCORDANCE WITH THE COMMONLY UNDERSTOOD SENSE OF WHAT CONSTITUTES AN ORGANIC PRODUCT. THE NORMS SHOULD STIMULATE CREATIVITY, WHICH IS A CHARACTERISTIC OF ORGANIC FARMERS, INSTEAD OF INHIBIT IT.**
- B. GRASSROOTS ORGANIZATION: THE PARTICIPATORY CERTIFICATION SHOULD BE PERCEIVED AS A RESULT OF A SOCIAL DYNAMIC, BASED ON AN ACTIVE ORGANIZATION OF ALL STAKEHOLDERS.**
- C. IS APPROPRIATE TO SMALLHOLDER AGRICULTURE, BECAUSE THE PARTICIPATORY NATURE AND HORIZONTAL STRUCTURE OF THE PROGRAMS ALLOWS FOR MORE APPROPRIATE AND LESS COSTLY MECHANISMS OF CERTIFICATION, AND ACTUALLY HIGHLIGHTS AND CELEBRATES AND ENCOURAGES CONSUMERS TO SEEK OUT SMALLHOLDERS.**
- D. PRINCIPLES AND VALUES THAT ENHANCE THE LIVELIHOODS AND WELL BEING OF FARMING FAMILIES AND PROMOTE ORGANIC AGRICULTURE.**
- E. DOCUMENTED MANAGEMENT SYSTEMS AND PROCEDURES – THERE MAY BE MINIMAL PAPERWORK REQUIRED OF FARMERS BUT THERE WILL BE WAYS IN WHICH THEY ARE EXPECTED TO DEMONSTRATE THEIR ORGANIC COMMITMENT AND INTEGRITY, THESE WAYS SHOULD BE DOCUMENTED BY THE PGS.**
- F. MECHANISMS TO VERIFY FARMER'S COMPLIANCE TO THE ESTABLISHED NORMS, WHICH IS ABLE TO STIMULATE PARTICIPATION, ORGANIZATION, AND WHICH ALLOW A LEARNING PROCESS FOR ALL THE STAKEHOLDERS.**
- G. MECHANISMS FOR SUPPORTING FARMERS TO PRODUCE ORGANIC PRODUCTS AND BE CERTIFIED AS ORGANIC FARMERS, TO INCLUDE FIELD ADVISORS, NEWSLETTERS, FARM VISITS, WEB SITES ETC.**

- H. SHOULD HAVE A BOTTOM-LINE DOCUMENT, FOR EXAMPLE A FARMER'S PLEDGE STATING HIS/HER AGREEMENT WITH THE ESTABLISHED NORMS.**
- I. SEALS OR LABELS PROVIDING EVIDENCE OF ORGANIC STATUS.**
- J. CLEAR AND PREVIOUSLY DEFINED CONSEQUENCES FOR FARMERS NOT COMPLYING WITH STANDARDS, ACTIONS RECORDED IN A DATA BASE OR MADE PUBLIC IN SOME WAY.**

ANY ORGANIC AGRICULTURE ENTITY / FARMER AND ORGANIC INPUT PRODUCER CERTIFIED TO BE COMPLIANT FOR A PERIOD OF 5 YEARS BY A REGISTERED PGS WITHOUT ANY OFFENSE OR INFRACTION SHALL BE ELIGIBLE FOR 50% GOVERNMENT SUBSIDY OF THE COST FOR INTERNATIONAL CERTIFICATION ACCREDITATION.

ANY PGS FOUND TO HAVE ISSUED A CERTIFICATION TO A FARM OR PRODUCER FOUND TO BE NOT IN COMPLIANT WITH ANY OF THE PHILIPPINE NATIONAL STANDARDS ON ORGANIC AGRICULTURE SHALL BE PENALIZED AS FOLLOWS:

- 1. FIRST OFFENSE. WRITTEN WARNING.**
- 2. SECOND OFFENSE. SUSPENSION OF ACCREDITATION.**
- 3. THIRD OFFENSE. BLACKLISTING AND CANCELLATION OF REGISTRATION.**

Section 8. Section 16 on the Registration of Organic Food and Organic Input Producers is hereby amended to read as follows.

Section 16. 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 director through an 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 CASE OF DIRECT SELLING TO CONSUMERS, DONE BY SMALL OR FAMILY FARMERS, PREVIOUSLY REGISTERED WITH

BAFPS OR LGU COUNTERPART, CERTIFICATION IS OPTIONAL.

Section 9. Section 17 on the Labeling of Organic Produce is hereby amended to read as follows:

Section 17. Labeling of Organic Produce. - 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 is allowed to be labeled as organically produced.~~] **THE ORGANIC LABEL SHALL ALSO INCLUDE THE TRADE NAME AND ORIGIN ADDRESS OF THE PRODUCE.**

PRODUCTS FROM CERTIFIED AND GUARANTEED ORGANIC PRODUCTION SYSTEMS, INCLUDING PGS SHALL BE ALLOWED TO BE LABELLED AND SOLD AS ORGANIC.

NON-CERTIFIED PRODUCTS, SHALL BE PROHIBITED FROM BEING LABELLED AS ORGANIC.

Section 10. Section 19 on Availability of Trading Post for Organic Inputs is hereby amended to read as follows:

Section 19. Availability of Trading Post for Organic Inputs. - 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 11. Section 20 on Research, Development and Extension is hereby amended to read as follows:

Section 20. Research, Development and Extension. - 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 AGRICULTUREAL 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 ~~[commercially]~~ viable biodegradable farm wastes and by-products through various extension strategies to accelerate the production, use and distribution of organic fertilizers; and

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Section 12. Sections 25 to 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-TESTING/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 OF 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- OF REPUBLIC ACT 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 OPRGANISMS, 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.

Section 13. *Separability Clause.* If any provisions of this Act is declared invalid or unconstitutional, the other provisions not affected thereby shall remain in full force and effect.

Section 14. *Repealing Clause.* - All laws, presidential decrees, executive orders, presidential proclamations, rules and regulations or parts thereof contrary to or inconsistent with this Act are hereby repealed or modified accordingly.

Section 15. *Effectivity.* - This Act shall take effect fifteen (15) days following its publication in at least two (2) newspapers of general circulation or in the Official Gazette, whichever comes first.

Approved.