

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

First Regular Session
EIGHTEENTH CONGRESS

House Bill No. 3638



Introduced by Rep. Manuel "Way Kurat" E. Zamora

EXPLANATORY NOTE

This bill proposes to amend RA 7308 or the Seed Industry Development Act (SIDA) of 1992 and aims to address a number of policy issues relating to the accessibility of quality seeds to farmers and the development of the seed sector as a whole. The following are the salient features of the proposed amendments to the SIDA:

1. **Integration and complementation of the formal and informal seed sector.** The policy framework of the SIDA takes into account the integration of the formal and informal seed system among others. The functional linkage of these two systems will enhance their mutual development. The formal seed system has the capital, resources and technology whereas the farmer seed system is the major source of germplasm for breeding. An inclusive policy framework will be beneficial to the development of the seed industry and the agriculture sector as a whole. The current policy framework is anchored on the over-all vision of the agriculture sector of addressing poverty and ensuring food security of the country.
2. **Enhancement of the Organizational Structure of BPI.** The organizational structure of the Bureau of Plant Industry (BPI) is improved by making it a line bureau. As a line bureau, BPI shall have the mandate over the following: (a) conservation development and sustainable use of plant genetic materials (b) ensuring quality of planting materials are available to stakeholders; (c) generating technologies along the line of varietal development, culture and management, agricultural mechanization, crop protection and etc.; (d) crop pest management; (e) seed certification; (f) plant quarantine; (g) biosafety; (h) ensuring food safety; and (i) variety registration.

BPI, as of the moment, is functioning as a staff bureau. It has limited manpower and supervision up to the regional level. With the passing of **Republic Act 11203 or the Rice Liberalization Act** and the implementation of **RA 10611 or the Philippine Food Safety Act**, the regulatory functions of BPI will be upsurged and expanded. BPI is mandated to carry out the food safety regulatory function of the National Food Authority. This will also entail issuance of sanitary and phytosanitary import clearance for rice (SPSIC) and the grain quality assurance.

Thus, BPI shall exercise direct supervision and control over the mandates stated herein, as such, it shall ensure the effective and efficient implementation in various parts of the country. This will require new plantilla positions to provide the human resource and required skills.

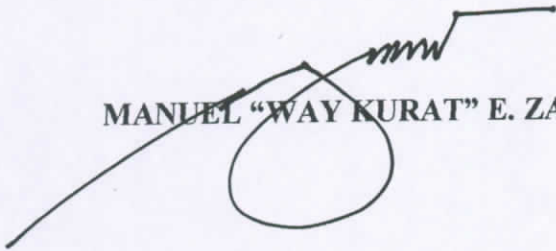
3. **Seed Industry Development Program (SIDP).** SIDP is enhanced by defining its operational mechanisms and the institutional arrangement necessary to formulate, implement and monitor the medium and long term plan for the development of the seed sector. The amended law also provides for the complementation and interface of the respective participation, roles and contribution from the farmers and private sector.

4. **Seed Control Mechanism.** The seed control mechanisms under the SIDA are also clearly defined. It intends to provide adequate regulatory mechanisms without necessarily putting additional burdens or hamper the ease of doing business by interested persons. These mechanisms are as follows: a) Registration of all varieties produced for commerce with the NSIC; b) Importation and exportation of seeds subject to rules and regulations on plant quarantine; c) accreditation of seed producer/grower or organization; d) registration of seed dealer, trader, merchant and the like and truthful labelling of all varieties registered and listed varieties under the NSIC. It is provided also that any seed control mechanism should not prejudice or diminish the rights of farmers to seed as provided under the ITPGRFA.

5. **Penal provisions.** Appropriate penal provisions for acts or activities which are considered detrimental to public interests in relation to good practices and desirable behavior on seed quality control, conservation, management among others are provided in the law. Administrative adjudication for violations of the seed control mechanisms is incorporated. This will work to increase compliance to the required standards and regulation and can help raise revenues for BPI.

6. **Enforcement.** National law enforcement agencies are tapped to enforce the SIDA. To strengthen the enforcement, the law also allows the deputation of persons who have undergone the required training to supplement the limited number of law enforcers, especially at the local level.

In view of the foregoing, approval of this bill is highly recommended.



MANUEL "WAY KURAT" E. ZAMORA

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

- a) Sustainably conserve, develop and utilize the plant genetic resources of the nation;
- b) Encourage and hasten the organization of all sectors particularly small farmers and indigenous peoples engaged in the industry, integrate all their activities and provide assistance to them;
- c) Strengthen both formal seed system and informal seed system and the interlinkages between these two systems;
- d) Support the private sector, including small farmers and indigenous peoples, to engage in seed research and development and in mass production and distribution of good quality seeds;
- e) xxx; and
- f) Support and implement farmers' rights to seeds to adapt to changing economic and environmental conditions, such as climate change."

a) "*Seed*" shall mean plant material used for the production of food, forage, fibers, industrial crops, oil, flowers, ornamentals, grasses, herbs, spices, and aquatic plants,

- 1 including but not limited to mushroom spores and spawn, meristem, and clonal
2 propagules such as bulbs, tubers, corms, cuttings, and micro-propagated plantlets;
- 3 b) xxx
- 4 c) "*Breeder Seed*" as used in the formal seed system means class of seeds directly
5 controlled by the originating, or in certain cases, the sponsoring plant breeder or
6 institution and which provides the source for the initial and recurring increase for the
7 production of Foundation seeds that are so handled as to maintain satisfactory genetic
8 identity and varietal purity;
- 9 d) "*Foundation Seed*" as used in the formal seed system means class of seeds that is a
10 progeny of Breeder seeds that are so handled as to maintain satisfactory genetic identity
11 and varietal purity. It is the source of initial and recurring production of Registered
12 and Certified seeds;
- 13 e) "*Registered Seed*" as used in the formal seed system means class of seeds that is a
14 progeny of Foundation or Breeder seeds that are so handled as to satisfactorily meet
15 genetic purity and other quality standards;
- 16 f) "*Seed Industry*" shall mean the different components of the chain of activities
17 undertaken in the formal and informal seed system by an individual, association,
18 cooperative, corporation or firm, academic institution, and public and non-government
19 institution in the conservation, breeding, production, processing, testing, handling,
20 grading, storage, seed exchange, distribution, and marketing of seeds for agricultural
21 production with economic and social benefits;
- 22 g) xxx
- 23 h) "*Seed Certification*" is a term used in the formal seed system that shall mean a quality
24 system of quality assurance in seed production geared toward maintaining genetic
25 identity, varietal purity and standards of quality seeds of superior crop varieties
26 registered at National Seed Industry Council (NSIC);
- 27 i) "*Seed Quality Control*" shall mean a systematic approach to determine, achieve and
28 maintain desired standards of seed quality;
- 29 j) xxx
- 30 k) "*Label*" shall mean any written, printed or visual presentation in any manner on the
31 seed container, parent trees, and seedlings or any packaging material, providing
32 information through any means that establishes identity and traceability as required in
33 the rules and regulations promulgated under this Act;
- 34 l) "*Seed Dealer/Trader/Merchant*" shall mean any person, firm, agency, cooperative or
35 corporation engaged in the processing and/or marketing of locally produced and/or
36 imported seeds;
- 37 m) "*Seed Grower/Producer*" shall mean any person, natural or juridical, engaged in the
38 production of seeds;
- 39 n) "*Seed Marketing Control*" shall mean the regulation of seed marketing through
40 registration of seed merchants/dealers, labeling, and establishment of minimum
41 standards of seed quality;
- 42 o) "*Adulteration*" mixing or incorporation of seeds with inferior quality, i.e below the
43 standards set by the regulating authority;
- 44 p) "*Certified Seed*" as used in the formal seed system means class of seeds that passed
45 the seed certification standards of the Bureau of Plant Industry and which is a progeny

1 of Breeder, Foundation, or Registered seeds that are so handled as to maintain
2 satisfactory genetic identity and varietal purity;

3 q) "*Commercial purpose*" the sale, exchange or distribution of seeds for any fee, rate,
4 charge or any considerations, directly or indirectly connected in any business, or any
5 other undertaking intended for profit;

6 r) "*False Documents*" shall mean any written material found on the seed package or on
7 the label of a seed lot and planting material, or any other written material that
8 accompanies the seed or planting material or is displayed in connection with the sale
9 thereof, which material bears any false or misleading statement, design or device
10 pertaining to the quality, kind, or the variety of seeds contained therein, such as:

- 11 1. Fictitious name of an individual or entity advertised/disclosed as the dealer of
- 12 the kind of variety of seed lot;
- 13 2. Information inconsistent with the registration and/or license granted to the Seed
- 14 Producer/Grower, or with information provided in such Seed
- 15 Producer's/Grower's application for license;
- 16 3. Any information inconsistent with the information contained in the reportorial
- 17 requirements submitted by the Seed Producer/Grower to the relevant
- 18 government agencies;
- 19 4. Any information on the packaging which is deceptive with respect to its
- 20 contents; and
- 21 5. Such other analogous acts of deception or misrepresentation.
- 22
- 23

24 s) "*Farmers' Organization*" refers to farmers' cooperatives, associations, or corporations
25 duly registered with appropriate government agencies and which are composed
26 primarily of agricultural producers, farmers, farmworkers, and other agrarian reform
27 beneficiaries who voluntarily join together to form business enterprises which they
28 themselves own, control and patronize;

29 t) "*Formal Seed System*" covers variety development, seed production and supply
30 mechanisms that are guided by defined methodologies and controlled stages of
31 multiplication, and are backed by national legislation and international standardization
32 of methodologies. This also includes research, multiplication, processing, distribution
33 and uptake, transport, and storage of seeds;

34 u) "*Informal Seed System*" covers variety development, seed production and supply
35 mechanisms by farmers and other individuals through exchange, barter, sell or purchase
36 from within their communities or through various social mechanisms and relationships;

37 v) "*In Situ Conservation*" means the conservation of ecosystems and natural habitats and
38 the maintenance and recovery of viable populations of species and, in the case of
39 domesticated or cultivated plant species, in the surroundings where they have
40 developed their distinctive properties;

41 w) "*Ex Situ Conservation*" means the conservation of plant genetic resources for food and
42 agriculture outside their natural habitat;

43 x) "*Misappropriation*" intentional illegal use of the traditional knowledge;

44 y) "*National Cooperative Test*" an inter-agency, multidisciplinary, multi-location
45 undertaking for the purpose of subjecting promising lines, varieties, and accessions to
46 testing, evaluation and recommendation;

- 1 z) "*Plant Breeding*" shall refer to genetic improvement in plant to produce the desired
2 characteristics;
- 3 aa) "*Plant Genetic Resources*" are genetic materials of plant origin with actual or potential
4 value for food and agriculture for the present and future generations;
- 5 bb) "*Rare species*" is a group of organisms that are very uncommon, scarce, or
6 infrequently encountered as provided by Republic Act 9147;
- 7 cc) "*Variety Registration*" is the process of entering a qualified variety and its agronomic
8 characteristics in the NSIC registry;
- 9 dd) "*Unlawful Seed Lots*" under the formal seed system refer to those seed lots that
10 comply with any of the following conditions:
- 11
- 12 1. All seeds, whether imported or produced locally without the required permits
13 (including biosafety permits for biotech traits); and/or licenses required under
14 applicable laws, as well as rules and regulations promulgated by the Department of
15 Agriculture, Bureau of Plant Industry, and other government agencies;
- 16 2. Produced without compliance with the stewardship requirement in accordance with
17 biosafety permit, whenever applicable;
- 18 3. Displayed for sale or sold under any of the following circumstances:
- 19 i. Infested with insect pests or infected with diseases;
- 20 ii. Supported by false documents and certifications by the Department of
21 Agriculture or Bureau of Plant Industry, including but not limited to imported
22 seeds without the proper phytosanitary and freight documents;
- 23 iii. Bearing in its packaging or label any false, misleading, or inaccurate
24 information or information inconsistent with the (i) registration and/or license
25 granted to the Seed Grower/Producer/Dealer/Trader/Merchant; (ii) application
26 for license; or (iii) any reportorial or compliance requirement submitted to the
27 Department of Agriculture or Bureau of Plant Industry;
- 28 iv. Produced by Seed Grower/Producer without the necessary registration,
29 approval, or license; and
- 30 v. Any seed lot treated with prohibited chemicals.
- 31
- 32 ee) "*Small Farmers*" means natural persons dependent on small-scale subsistence farming
33 as their primary source of income and whose sale, barter or exchange of agricultural
34 products do not exceed a gross value of one hundred eighty thousand pesos (P180,000)
35 per annum based on 1992 constant prices or such amount adjusted to inflation,
36 devaluation and consumer price index, as provided in Republic Act No. 7607,
37 otherwise known as the "Magna Carta of Small Farmers"; and
- 38 ff) "*Variety*" means a plant grouping, within a single botanical taxon of the lowest known
39 rank, defined by the reproducible expression of its distinguishing and other genetic
40 characteristics; is a genotype (landraces, traditional varieties, farmers' varieties,
41 cultivars, hybrids, clones) which has undergone systematic evaluation and which may
42 be released for commercialization."

1 **SECTION 3. Section 4 of the same Act is hereby amended to read as follows:**

2
3 “SECTION 4. *National Seed Industry Council.* There is hereby created a National Seed
4 Industry Council, hereinafter referred to as the Council. The Council shall be composed of the
5 following who, except for the representatives of the private sector shall serve in ex officio
6 capacity:

- 7 a) Secretary, Department of Agriculture (DA) – Chairperson or his duly authorized
8 representative with the rank of Undersecretary as alternate representative
9 b) Executive Director, Bureau of Plant Industry (BPI) – Vice-Chairperson and Executive
10 Director
11 c) Dean, College of Agriculture and Food Science, University of the Philippines Los
12 Baños (UPLB-CAFS) – Member
13 d) Director, Institute of Plant Breeding, College of Agriculture and Food Science -
14 University of the Philippines Los Baños (UPLB-CAFS-IPB) – Member
15 e) Director, DA – Bureau of Agricultural Research (BAR) – Member
16 f) Director, Crops Research Division, DOST - Philippine Council for Agriculture,
17 Aquatic and Natural Resources Research and Development (PCAARRD) – Member
18 g) Executive Director, Philippine Rice Research Institute - Member
19 h) Executive Director, crop-based institute of the DA - Member
20 i) Two (2) representatives from registered farmers’ organizations - Members
21 j) Two (2) representatives from seed industry association – Members
22 k) One (1) representative from Non-Government Organization (NGO) relevant to seed
23 sector – Member
24 l) One (1) representative from the association of agricultural colleges and universities –
25 Member
26 m) Head, Council Secretariat – Ex officio member

27
28 All ex officio members of the Council, except the Vice Chairperson/Executive Director, shall
29 designate a permanent alternate representative, not lower than a rank of a Division Chief level.
30 Selection of the representative from crop-based institute of the DA shall be on a rotation basis.

31
32 The representatives of the sectors enumerated in Sections 4i, 4j, 4k, and 4l, who shall be
33 nominated by their respective sectors or associations through their respective selection process,
34 which ensures geographic representation in Council membership, shall be appointed by the
35 Secretary of Agriculture and shall serve for a term of three (3) years. Only citizens of the
36 Philippines shall be members of the Council. In case of vacancy the appointed successor shall
37 serve only the unexpired portion of the term of his predecessor.”

38
39 **SECTION 4. Section 5 of the same Act shall be amended to read as follows:**

40
41 “SECTION 5. *Duties, Powers, and Functions.* The Council shall have the following duties
42 power and functions:

- 43
44 a) xxx
45 b) xxx

- 1 c) xxx
- 2 d) to formulate a comprehensive medium and long-term national seed industry development
- 3 program in order to achieve seed security consistent with Section 13;
- 4 e) xxx
- 5 f) to formulate guidelines on varietal registration in the formal and informal seed sectors; and
- 6 g) xxx.

7

8 **SECTION 5. Section 6 of the same Act is hereby amended to read as follows:**

9

10 "SECTION 6. *Council Meetings.* The Council shall hold regular quarterly meetings: Provided,

11 That it may hold special meetings when necessary upon the call of the Chairperson or upon

12 written request of at least one third of the members. The presence of simple majority of

13 members shall constitute a quorum.

14

15 The members of the Council shall be entitled to a honorarium in compliance to the existing

16 accounting and auditing rules and regulations for every attendance in the meetings."

17 **SECTION 6. Section 7 of the same Act is hereby amended to read as follows:**

18

19 "SECTION 7. *Chairperson, Duties and Responsibilities.* The Chairperson of the Council shall

20 have the following duties and responsibilities:

21

- 22 a) Sec. a is hereby deleted and Section b is hereby renumbered and amended to read as
- 23 follows:
- 24 "a. To supervise the operations and administration of the Council; and"
- 25 b) Sec. c is hereby renumbered and amended as follows:
- 26 "b. To exercise such other functions and duties as maybe vested by the Council."
- 27

28 **SECTION 7. Section 8 of the same Act is hereby amended to read as follows:**

29

30 "SECTION 8. *Executive Director Duties and Responsibilities.* The Executive Director of the

31 Council shall have the following duties and responsibilities:

32

- 33 a) xxx,
- 34 b) xxx
- 35 c) To coordinate, monitor and evaluate the implementation of the Seed Industry
- 36 Development Program;
- 37 d) xxx
- 38 e) xxx"
- 39

40 **SECTION 8. Section 9 of the same Act is hereby amended to read as follows:**

41

42 "SECTION 9. *Council Secretariat.* The Council shall have a Secretariat to be established

43 under the BPI and under the direction and supervision of the Executive Director. The

44 Secretariat shall furnish the necessary administration, secretarial and other support services to

45 the Council. The Secretariat shall also integrate, coordinate and monitor the implementation of

1 the Seed Industry Development Program. The Secretariat shall be headed by an Executive
2 Assistant, to be appointed by the Chairperson upon recommendation by the Executive Director.

3
4 Plantilla positions shall be created based on the appropriate organizational structure that will
5 be developed and adopted within 90 days upon the effectivity of this Act and in accordance
6 with rules provided by the Civil Service Commission and other relevant laws.”

7
8 **SECTION 9. Section 10 of the same Act is hereby amended to read as follows:**

9
10 “SECTION 10. *Technical Core Group.* The Technical Secretariat is hereby renamed as
11 Technical Core Group composed of the Chairpersons of the different Technical Working
12 Groups.

13
14 The Technical Core Group shall have the following functions:

- 15 a) Review variety nominations from the Technical Working Groups;
16 b) Recommend varieties to the Council for registration, commercial release, and
17 discontinuation of crop cultivars or varieties in the Seed Program;
18 c) Recommend to the Council standards and policies relative to seed production, storage,
19 distribution and monitoring; seed testing and certification standards; extension,
20 promotion and marketing; and
21 d) Perform other functions as may be delegated by the Council.

22
23 SECTION 10-1. *Technical Working Groups.* Technical Working Groups shall be created by
24 the Council, composed of experts coming from the private and public sectors, which shall have
25 any of the following functions:

- 26
27 a) Develop, review, revise guidelines in evaluating variety entries for registration in the
28 National Seed Industry Council;
29 b) Evaluate National Cooperative Test results or characterization data of variety entries;
30 c) Develop, review, revise standards and formulate policy recommendation for seed
31 production, storage, distribution and monitoring; seed testing and certification
32 standards; extension, promotion and marketing; and others as deemed appropriate by
33 the Council, and
34 d) Perform other related tasks as may be assigned by the Council.

35
36 SECTION 10-2. *Honorarium.* Members of the Technical Core Group and TWG shall be
37 entitled to a reasonable compensation to be determined by the Council, subject to existing rules
38 and regulations.”

39
40 **SECTION 10. Section 11 of the same Act is hereby amended to read as follows:**

41
42 “SECTION 11. *Reconstitution of the Bureau of Plant Industry (BPI).* The BPI is the agency
43 of the Department of Agriculture that is mandated to develop the crop industry which involves:
44 (a) conservation, development and sustainable use of plant genetic materials; (b) ensuring
45 quality of planting materials are available to stakeholders; (c) generating technologies along
46 the line of varietal development, culture and management, agricultural mechanization, crop

1 protection; (d) crop pest management; (e) seed testing and certification; (f) plant quarantine;
2 (g) biosafety; (h) ensuring plant food safety; (i) Philippine Good Agricultural Practices
3 certification; and (j) variety registration.
4

5 The BPI is hereby reconstituted as a line bureau of the Department of Agriculture with
6 operating units up to the Regional level. Whenever appropriate, provincial offices shall be
7 established with the corresponding plantilla positions. As such, it shall have the following
8 powers and functions:
9

- 10 a) Exercise direct supervision and control over National Seed Quality Control Services
11 (NSQCS); hence, BPI shall ensure the effective and efficient implementation of the
12 services relating to appointment of seed inspectors, licensing, field inspection,
13 certification, seed quality services, and seed testing laboratories which shall be
14 established by the BPI in various parts of the country as are necessary to ensure the
15 attainment of the purpose of the Seed Act;
- 16 b) Implement and administer the plans and resolutions adopted by the Council relevant
17 to the mandate of BPI;
- 18 c) Implement and administer crop variety registration;
- 19 d) Supervise, coordinate and monitor the production, distribution, regulation of breeder,
20 foundation and registered, and certified seeds and planting materials except for those
21 covered by specific commodity/discipline-based agencies
- 22 e) Establish, upgrade and manage national research, development, and production
23 support centers, testing and diagnostic and plant genetic resources laboratories, and
24 other production support laboratories;
- 25 f) Oversee, coordinate and monitor the Seed Industry Development Program as provided
26 under Section 13 hereof;
- 27 g) Establish and implement an efficient system for the collection and remittance of
28 regulatory and administrative, diagnostic, and other fees; and revenues from the sale
29 of seeds and planting materials, in accordance with the government regulations and
30 standards;
- 31 h) Accredite private seed testing laboratories;
- 32 i) Collaborate with the Department of Justice and the national law enforcement agencies
33 for the criminal prosecution of offenses committed in violation of this Act and other
34 applicable laws;
- 35 j) Adjudicate complaints arising from the violations of this Act as provided in Sections
36 18 and 19;
- 37 k) Develop and implement research and development (R&D) programs on crop,
38 agricultural and biosystems engineering except for those covered by specific
39 commodity/discipline-based agencies;
- 40 l) Develop and provide overall direction in the implementation of plant pest management
41 in agricultural crops, including pest surveillance/validation and protection of crop from
42 pests except for those covered by commodity specific/discipline-based agencies;
- 43 m) Prevent the introduction, incursion, establishment and, if present, the subsequent spread
44 of plant pests by regulating and monitoring the international and domestic movements
45 of plants and plant products;

- 1 n) Establish and collaborate with other commodity specific/discipline-based agencies a
2 management information system;
- 3 o) Issue biosafety permits for biotech traits derived from modern biotechnology, and take
4 the lead in evaluating and monitoring plant and plant products derived from the use of
5 modern biotechnology and address biosafety issues related to the country's agricultural
6 productivity and food security;
- 7 p) Certify compliance to the Philippine Good Agricultural Practices (PHILGAP)
8 program;
- 9 q) Perform specific functions mandated by laws such as: \
- 10 1. Republic Act 10611 "*Food Safety Act of 2013*";
- 11 2. Executive Order 514 series of 2006 on National Biosafety Framework for the
12 Philippines;
- 13 3. Executive Order No. 366 series of 2004 "*Rationalization Plan*";
- 14 4. Republic Act 8435 "*Agriculture and Fisheries Modernization Act of 1997*";
- 15 5. Republic Act 7900 "*High-Value Crops Development Act of 1995*";
- 16 6. Republic Act 7394 "*Consumer Act of the Philippines*";
- 17 7. Executive Order No. 292 "*Administrative Code of 1987*";
- 18 8. Presidential Decree 1433 "*Plant Quarantine Decree of 1978*", as amended;
- 19 9. Other applicable laws;
- 20 r) Perform such other related functions, which shall promote the development of the seed
21 sector and achieve the purposes of this Act.

22

23 SECTION 11-1. *Organizational Structure of BPI.* As a line Bureau of the Department, BPI
24 shall be headed by an Executive Director, assisted by two (2) Deputy Directors, who shall have
25 control and supervision of all offices and units that will implement its functions provided in
26 this Act such as regulation, (food safety, quarantine and crop protection, biosafety, seed quality
27 control, and variety registration), enforcement, research and development, and technology
28 promotion and production support services. The structure shall likewise reflect the required
29 administrative, financial and technical support to enable it to perform such functions.

30

31 Each BPI Regional office shall be headed by a Regional Director assisted by an Assistant
32 Regional Director, and appropriate divisions including administrative, plant quarantine, seed
33 quality control, food safety and crop pest management.

34

35 SECTION 11-2. *Plantilla Positions.* Plantilla positions shall be created based on the
36 appropriate organizational structure that will be developed and adopted within 90 days upon
37 the effectivity of this Act and in accordance with rules provided by the Civil Service
38 Commission and other relevant laws."

39

40 **SECTION 11. Section 12 of the same Act is hereby amended to read as follows:**

41

42 "SECTION 12. *BPI Offices and Functions.* The BPI, as a line Bureau shall have the following
43 key offices and functions:

- 44
- 45 a) National Plant Product Safety Service – Enforcement of food safety standards, rules
46 and regulations;

- 1 b) National Plant Quarantine Service – Enforcement of plant quarantine rules and
2 regulations;
- 3 c) National Crop Research, Development and Production Support Centers – Headed by a
4 Service Director, for the generation and promotion of relevant technologies and
5 production and distribution of crop seeds;
- 6 d) National Crop Pest Management Service – Plant pest management in agricultural crops,
7 including pest surveillance/validation and protection of crop from pests;
- 8 e) National Agricultural Engineering Service – Promotion of the development and
9 adoption of modern, appropriate and cost effective and environmentally safe
10 agricultural machineries and equipment;
- 11 f) National Crop Research and Production Support Service – Coordination of BPI R&D
12 programs, conduct of researches on plant genetic resources except for those covered by
13 commodity specific/discipline-based agencies, and implementation of the BPI banner
14 programs. The NCRPSS shall also coordinate and monitor all National Cooperative
15 Tests (NCT);
- 16 g) Adjudication Board – Adjudication of any complaints arising from the implementation
17 of this Act;
- 18 h) Enforcement Unit – Enforcement of the provisions of this Act and coordination with
19 the enforcement agencies; and
- 20 i) National Seed Quality Control Service -
- 21 1. Formulate plans and programs on licensing of seed growers/producers/plant
22 nursery operators, seed quality control services and activities on seed testing, seed
23 certification, and other quality control schemes to be developed;
- 24 2. Conduct field inspection of the seed crops, seed storage and processing facilities
25 and other activities required for seed/plant material certification and issue the
26 corresponding report of inspection within the purview of this Act;
- 27 3. Conduct research and capacity enhancement activities to support the performance
28 of their functions;
- 29 4. Impose and collect seed testing, seed and plant material certification and field
30 inspection fees;
- 31 5. Supervise and coordinate all official seed testing laboratories in the regions and
32 provincial satellite laboratories and seed certification in all provinces;
- 33 6. Accredite private seed testing laboratories; and
- 34 7. Perform such other functions as the Council may direct.”
- 35

36 **SECTION 12. Section 13 of the same Act is hereby amended to read as follows:**

37

38 “SECTION 13. *Seed Industry Development Program.* There shall be a Seed Industry
39 Development Program (SIDP) hereinafter referred to as the Program which shall be caused to
40 be developed by the National Seed Industry Council (NSIC) within 90 days from its
41 constitution. In developing the Program the Council shall be guided by the following:

42

- 43 a) **Over-all Framework.** The Program shall promote and accelerate the development of
44 the seed industry in accordance with this Act and the Philippine Development Plan
45 by building the internal and external capacity of concerned national and regional
46 agencies and local government units (LGUs), taking into account the complementation

1 and interface of the respective participation, processes, roles and contributions from
2 both formal and informal seed sectors. *The program shall develop a national strategy*
3 *that will promote productivity, stability and innovation in the seed industry by ensuring*
4 *adequate supply and availability of quality seeds for agricultural production and*
5 *consistent with national development goals such as poverty eradication, rural*
6 *development, national food security, protection and management of agricultural*
7 *biodiversity, climate change and gender equality among others.*

8
9 b) **Operational Mechanisms.** The Program shall have the following elements at the
10 minimum:

- 11
12 1. **Research, Development and Extension.** Development of new varieties that are
13 compliant to variety standards including the National Cooperative Test and other
14 *sui generis* system including standards that are appropriate to informal seed
15 systems, formulated pursuant to this Act. Promotion of on-farm In Situ and Ex Situ
16 conservation of seed varieties by providing necessary facilities, as well as technical
17 assistance on proper management and maintenance of such facilities; ensure
18 access, conservation and adaptation of genetic resources access, varietal
19 development and training and seed education;
- 20 2. **Seed Production.** Formulation of appropriate protocols and guidelines on seed
21 production, post-harvest processing and storage;
- 22 3. **Seed Distribution and Marketing.** Development of seed networks, seed
23 enterprises, and incorporation of value chain analysis;
- 24 4. **Normative and Regulatory Mechanisms.** Harmonized and coherent regulations
25 on varietal registration; streamlined quality control for accreditation (seed growers,
26 plant nursery operators, tissue culture lab, and private seed laboratories);
27 Certification; Seed Testing; transboundary movement of seeds;
- 28 5. **Incentive Mechanisms.** Adoption of appropriate and equitable incentive
29 mechanisms such as credits, loans, awards and the like to ensure active and
30 meaningful participation from the formal and informal seed systems.
- 31 6. **Additional Elements.** Additional elements of the program may be included
32 provided the same shall not diminish or change the functions of the agencies
33 concerned as provided in the preceding section and the participation of the
34 stakeholders from both formal and informal seed systems will not be prejudiced
35 and it is consistent with and will complement the foregoing elements.

36
37 c) **Institutional Arrangement.** The following institutional arrangement shall be taken
38 into account in the development and formulation of the program:

- 39
40 1. The Department of Agriculture (DA) shall have the overall task of directing and
41 coordinating the activities of its component agencies in accelerating the
42 development of the seed industry;
- 43 2. The Bureau of Plant Industry shall have the direct responsibility for the production,
44 distribution, regulation of Breeder, Foundation Registered, and Certified seeds
45 except for those covered by commodity specific/discipline-based agencies, and the
46 implementation of the Program, including but not limited to the management of the

existing research centers, plant quarantine stations, pesticide analytical laboratories, seed testing laboratories;

3. The University of the Philippines Los Banos shall provide leadership in conventional and biotechnology activities related to crop improvement, genetic resources conservation, and in vitro mass production of planting materials;
4. The DA research and development institutions and other State Colleges and Universities shall conserve and sustainably use genetic resources and develop appropriate varieties designed under Philippine conditions and propagate them into Breeder, Foundation, Registered, and Certified seeds and extend all necessary technical assistance to ensure the proper utilization of such seeds on the farm level;
5. The private sector of the seed industry shall direct their collective efforts in cutting edge R&D methodologies and applying them in crop improvement and seed technologies, and shall actively cooperate and coordinate with the government agencies;
6. The farmer organizations shall also take active part in the development and sustainable use of plant genetic resources; and
7. The participation and support of the LGUs shall be tapped in the implementation of the Program particularly on the implementation of the appropriate incentive mechanisms and capacity building to farmers, establishment of seed banks and seed registry and in the enforcement of this Act.

d) **Mandatory Consultation and Review.** The initial Program to be developed by Council in accordance with the foregoing provisions shall undergo consultations with stakeholders. Thereafter, any changes, amendments or updates to meet the needs of the seed industry, farming community and agricultural sector as a whole may be done only after the conduct of a review and assessment by Council and consultation with stakeholders every five (5) years. A specific fund shall be allocated by the Council to ensure the conduct of the regular review of the Program.

e) **Budget Allocation.** The budgetary requirement of the Program shall be funded by the Seed Fund, provided that appropriations may be allocated in the General Appropriations Act.”

SECTION 13. A new section and its subsection are hereby inserted after Section 13 of RA 7308, to read as follows:

“SECTION 14. *Conservation of Plant Genetic Resources.* The institutions involved in the Seed Industry Development Program (SIDP) shall adopt an integrated approach to the collecting, characterization, conservation, protection and sustainable use of plant genetic resources for food and agriculture and recognize the enormous contribution of local and indigenous communities and farmers in the conservation and development of such resources. In pursuit of this objective, the following activities shall be performed:

- a) Survey, inventory, and establish a database of plant genetic resources for food and agriculture, taking into account the status and degrees of variation in existing populations, including those that are of potential use and assess any threats to them;

- b) Implement a program in the assembly of plant genetic resources for food and agriculture, especially those that are under threat or are of potential use, by encouraging access and exchange of genetic materials through community seed networks, community seedbanks and government research institutions in consultation with relevant government agencies, farmers organizations, civil society organizations, private seed companies and other stakeholders;
- c) Develop a strategy for education and information to promote awareness on plant genetic resources conservation;
- d) Encourage *in situ* conservation, either in their natural habitats or on-farm, of all crops, including wild crop relatives and wild plants for food production, and those in protected areas, by supporting, among others, the efforts of small farmers, local and indigenous communities;
- e) Develop an efficient system for sustainable *ex situ* conservation, characterization, registration and utilization;
- f) Ensure the establishment of the conservation of plant genetic resources for medium and long term storage; and
- g) Develop and implement a research and development program, including on-farm and farmer research, and transfer of appropriate technologies, to harness plant genetic resources for food and agriculture for food security, adaptation to climate change, and addressing the needs of the seed sector.

SECTION 14.2. *Development and Sustainable Use of Seeds*. The institutions involved in SIDP shall ensure the development of new crop varieties and sustainable use of plant genetic resources for food and agriculture by:

- a) Developing plant breeding programs to produce varieties particularly adapted to varying ecological conditions;
- b) Promoting, as appropriate, plant breeding efforts with the participation of farmers;
- (c) Promoting the expanded use of locally developed and introduced varieties and underutilized species; and
- (d) Formulating a strategy to support the broadening of the genetic base of crops and increasing the range of genetic diversity available to farmers.”

SECTION 14. A new section is hereby inserted after Section 14 of RA 7308, to read as follows:

“SECTION 15. *Informal Seed System*. The institutions involved in the Seed Industry Development Program shall strengthen the informal seed system by:

- a) Promoting the traditional knowledge, innovations and practices of farmers related to seeds;
- b) Providing the necessary technical and production support and access to financial assistance to farmers;
- c) Developing a mechanism for the protection of traditional knowledge from misappropriation, misuse and extinction taking into account the provisions of Republic Act 8371 and other relevant legislations;

- d) Developing a mechanism for the equitable benefit sharing from the use of farmers' varieties and seeds;
- e) Developing a mechanism for the participation of the farmers in decision making, as provided in the Magna Carta for Small Farmers Act, and other applicable laws;
- f) Formulating a *sui generis* system for the registration of farmer-bred and traditional varieties in consultation with the farmers; and
- g) Promoting the rights of farmers to save, use, exchange and sell farm-saved seed/propagating material subject to Plant Variety Protection (PVP) Law."

SECTION 15. A new section is hereby inserted after Section 15 of RA 7308, to read as follows:

"SECTION 16. *Seed Control Mechanism.* The Council through BPI is hereby mandated to formulate and implement a seed control mechanism to enhance and develop the seed industry which shall include the following:

- a) Registration of all varieties produced for commercial purpose;
- b) Importation and exportation of seeds shall be allowed subject to rules and regulations on plant quarantine, and other applicable laws;
- c) Adoption of a system for licensing and/or certification of seed producer/grower or organization engaged in any seed production or horticultural nurseries engaged in business;
- d) Compliance of all seed dealer, trader, merchant and the like engaged in the business of selling, exporting or importing seeds at any place under the terms and conditions for registration;
- e) Adoption of a system on truthful labelling of all varieties registered and listed in the Council intended for commercial purpose; and
- f) Other seed control mechanisms may be adopted in accordance with the purpose of this Act. However any seed control mechanism shall not prejudice or diminish the rights of farmers to seeds as provided under Section 15."

SECTION 16. Section 14 of RA 7308 is hereby renumbered as Section 17 and amended to read as follows:

SECTION 17. xxx

- a) Individuals, farmers' organizations, cooperatives, and corporations wholly owned by Filipinos shall be entitled to technical assistance from the Government, including training in seed technology, availment of seeds and results of basic research studies, and monetary benefits arising from commercialization;
- b) xxx
 - 1. xxx
 - 2. xxx
 - 3. xxx
 - 4. xxx
 - 5. xxx

SECTION 17. A new section and its subsections are hereby inserted after Section 17 of RA 7308 as renumbered, to read as follows:

“SECTION 18. *Administrative Adjudication.* The Department shall organize and designate the composition of the Adjudication Board, which shall be composed of the BPI Executive Director as Chairperson and four (4) other members who shall be appointed by the Secretary. The Adjudication Board shall be supported by sufficient number of staff to enable it to perform its mandate.

The Board shall promulgate rules and regulations for the conduct of administrative adjudication and the disposition of unlawful seed lots, and other violations of this Act. It shall also issue *subpoena duces tecum* and *ad testificandum* in administrative cases before it.

SECTION 18-1. *Commencement of Summary Administrative Action.* To effectively implement and monitor compliance with the provisions of this Act, the Adjudication Board shall, *motu proprio* or upon written complaint by an interested party, or upon referral by any other government agency, initiate and conduct inquiries and investigations of violations of this Act. After proper proceedings, the Board may perform any of the following:

- a) Causing the arrest of any person committing or attempting to commit any prohibited act;
- b) Issuance of cease and desist orders against any person or entity found to be in violation of this Act;
- c) Issuance of orders for the search, seizure, confiscation and proper disposition of Unlawful Seed Lots, provided, that probable cause determined by the agency for the search is established as provided in Section 19.1 hereof;
- d) Stoppage of the transport and/or shipment of Unlawful Seed Lots; or
- e) Imposition of administrative fines.

Any act/decision of the Adjudication Board, as provided herein, may be appealed to the Secretary of the Department.

SECTION 18-2. *Prohibition on the Issuance of Temporary Restraining Orders, Preliminary Injunctions, and Preliminary Mandatory Injunctions.* No injunction or restraining order from the Courts shall lie against the Department and BPI upon the ex parte motion or petition filed by any person or entity in the exercise by the Department and BPI of its regulatory functions in support of the implementation of this Act.

SECTION 18-3. *Persons and Deputies Authorized to Enforce this Act and Its Rules and Regulations.* The law enforcement unit of the BPI, the Philippine National Police, law enforcement officers of the LGUs and other government enforcement agencies, are hereby authorized to enforce this Act and its rules and regulations. Other competent government officials and employees, personnel of the LGUs who have undergone training on law

enforcement may be designated in writing by the Department as deputized enforcers for the enforcement of this Act and its rules and regulations.”

SECTION 18. Sections 15, 18 and 19 of RA 7308 are hereby renumbered and amended with subsections to read as follows:

“SECTION 19. *Prohibited Acts*. The following are prohibited acts/activities:

- a) Importation of seeds intended for commerce that does not comply with seed quality, biosafety, fair trade practices, as well as sanitary and phytosanitary requirements of the country;
- b) Exportation of rare species xxx;
- c) Importation, production, display, marketing, sale, distribution or transportation of Unlawful Seed Lots; and
- d) Unauthorized access to plant genetic resources by physical taking of plant genetic resources without permission. If committed by a person who has custody over the plant genetic resources, higher penalty shall be imposed;
- e) Unauthorized acquisition/use and sale of hybrids including parental lines, biotech traits, and registered varieties by physical taking without permit, subject to the provisions of the Plant Variety Protection Law; and
- g) Untruthful labelling of seeds through misrepresentation in terms of identity, quality and quantity.

SECTION 19-1. *Penal Provisions*. Any person, corporation, partnership, firm, establishment, association, or any juridical entity who willfully violates any provision of this Act or any rule or regulation promulgated pursuant to this Act, shall, upon conviction, be punished with a fine of not more than **FIVE HUNDRED THOUSAND PESOS** and/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, association, or any juridical entity, the penalty shall be imposed upon the responsible officers and/or members, who knowingly participated, abetted, or consented to the commission of such punishable acts.

If the offender is a foreigner, he shall, after payment of the fine and/or service of the sentence, be subject to deportation.

Any violation of any provision of this Act shall be a sufficient ground for the suspension, cancellation, or revocation of any certification, permit, license, right or privilege granted or arising pursuant to this Act.

SECTION 19-2. *Other Penalties*. In cases of any violation of this Act, the BPI Adjudication Board may, after due notice and hearing, impose fines in accordance with the amounts stated in the Schedule of Fines issued in relation to this Act. In fixing the amount of the fine, the Council shall have regard to both the gravity and duration of the violation.

The penalties provided in this Act are without prejudice to the right of the offended party to recover damages and seek other rights and reliefs that the offended party may be entitled to,

1 under the Civil Code, international legal norms on liability and compensation, and other
2 applicable laws and rules on indemnity and compensation.

3
4 Nothing in this Act shall impair, affect, impede, obstruct or curtail the powers, duties and
5 responsibilities expressly and impliedly granted to competent national authorities in
6 implementing, and performing their respective mandates in, the following laws:

- 7
8 a) DA-DENR-DOST-DOH-DILG Joint Circular No. 1 s. 2016, otherwise known as the
9 Rules and Regulations in the Importation, Field Trial, Release to the Environment and
10 Commercial Propagation of Genetically Engineered Crops;
11 b) Republic Act No. 10611, otherwise known as the "*Food Safety Act of 2013*";
12 c) Republic Act No. 9147 otherwise known as "*Wildlife Conservation and Protection*
13 *Act*". 2008;
14 d) Republic Act No. 8435, otherwise known as the "*Agriculture and Fisheries*
15 *Modernization Act of 1997*";
16 e) Republic Act No. 7394, otherwise known as "*Consumer Act of the Philippines*".1992;
17 and
18 f) Presidential Decree No. 1433, as amended, entitled "*Promulgating the Plant*
19 *Quarantine Law of 1978, thereby Revising and Consolidating Existing Plant*
20 *Quarantine Laws to Further Improve the Plant Quarantine Service of the Bureau of*
21 *Plant Industry*".

22
23 **SECTION 19. Section 16 of RA 7308 is hereby renumbered and amended to read as follows:**

24
25 SECTION 20. *Funds of the Council.* There is hereby created a revolving fund to be known as
26 the Seed Industry Development Fund to be sourced from the following:

- 27
28 a) Five hundred million pesos (P500,000,000.00) to be appropriated out of any funds in
29 the National Treasury not otherwise appropriated;
30 b) xxx
31 c) xxx
32 d) xxx

33
34 The funds provided therein shall be used solely for the implementation of SIDP and the
35 implementation of this Act.

36
37 **SECTION 20. Section 20 of the same Act is hereby renumbered to read as follows:**

38
39 "SECTION 21. *Formulation of Implementing Rules and Regulations.* An Inter-agency
40 Committee is hereby created to formulate rules and regulations for the full implementation of
41 this Act within ninety (90) days of its effectivity: Provided, however, That the formulated
42 rules and regulations shall be submitted to both Houses of Congress for information and
43 guidance. Such rules and regulations shall take effect upon publication in a newspaper of
44 general circulation.
45

1 **SECTION 21. A new section is hereby inserted after Section 21 of RA 7308 as renumbered,**
2 **to read as follows:**

3
4 “SECTION 22. *Mandatory Review.* The Congress of the Philippines shall undertake a
5 mandatory review of this Act at least once every five (5) years and as often as it may deem
6 necessary, to ensure that seed policies and guidelines remain responsive to changing
7 circumstances.”

8
9 **SECTION 22. A new section is hereby inserted after Section 22 of RA 7308 as renumbered,**
10 **to read as follows:**

11
12 “SECTION 23. *Transitory provision.* All Regional Crop Protection Centers of the DA
13 Regional Field Offices shall be transferred to Bureau of Plant Industry. It shall include the
14 transfer of functions, appropriations, funds, records, equipment, facilities, chosen in action,
15 rights, other assets, and liabilities, if any, of the transferred unit as well as the personnel thereof,
16 as may be necessary, who shall, in a hold-over capacity, continue to perform their respective
17 duties and responsibilities and receive the corresponding salaries and benefits.”

18
19 **SECTION 23. Section 17, 21, 22 and 23 of RA 7308 are hereby renumbered as Sections 24,**
20 **25, 26 and 27, respectively:**

21
22 **SECTION 24. xxx**

23
24 **SECTION 25. xxx**

25
26 **SECTION 26. xxx**

27
28 **SECTION 27. xxx**

29
30
31 **Approved,**