

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session



House Bill No. 5641

Introduced by: HON. RUTH MARIANO-HERNANDEZ

EXPLANATORY NOTE

The enactment of Republic Act No. 10068, otherwise known as the Organic Agriculture Act of 2010, is considered a major shot in the arm to the local organic market. But there is a need to fine-tune the Act in order to further promote organic agriculture in the country.

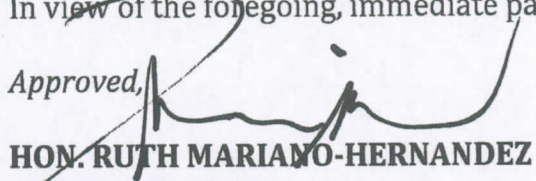
This bill seeks important amendments to R. A. 10068 to make the said law more appropriate for our country's food producers that include marginal farmers, municipal fisherfolk and micro, small and medium entrepreneurs.

Criticism on the seemingly exclusive rights given to private certifying bodies severely prevents the all-round growth of organic agriculture as it prevents small farmers from going organic. The high cost to get certified – in order to use the “organic” label for organic produce – discriminates against our small farmers, small fisherfolks and indigenous peoples who have a long history and traditions of raising and producing organic goods. Denying them to label what is essentially an organic product as such is also detrimental to their livelihood.

This bill also recognizes the Participatory Guarantee System (PGS) in the certification and labeling of organic products and brings together the appropriate agencies and stakeholder groups to develop and strengthen such alternative certification mechanisms. It likewise ensures the protection of indigenous organic resources against cross contamination of engineered crops. Sustainable agricultural methods, such as organic farming, are better alternatives to the import-based and toxic farming methods which are destroying our soils and water resources.

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

Approved,


HON. RUTH MARIANO-HERNANDEZ
2nd District, Laguna

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 5641

Introduced by: HON. RUTH MARIANO-HERNANDEZ

AN ACT
AMENDING REPUBLIC ACT NO. 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 of Republic Act No. 10068, otherwise known as the "Organic Agriculture Act of 2010", is hereby amended, to read as follows:

"SEC. 2. Declaration of Policy. - It is hereby declared the policy of the State to promote, propagate, develop further and implement the practice of organic agriculture AND OTHER SUSTAINABLE AGRICULTURE PRACTICES in the Philippines that will cumulatively [condition and enrich the fertility] ADDRESS SUSTAINABLE DEVELOPMENT GOALS AND THE ADVERSE IMPACT OF CLIMATE CHANGE BY ENHANCING THE CONDITION AND ENRICHING THE HEALTH of the soil, increase farm productivity BY OPTIMIZING LOCALLY AVAILABLE FARM INPUTS AND INCREASING FARMER'S INCOME, PROMOTE FOOD SELF-SUFFICIENCY, reduce pollution and destruction of the environment, prevent the depletion of natural AND AVAILABLE resources, further protect the health of farmers, consumers, and the general public THROUGH THE IMPLEMENTATION OF AN EFFECTIVE REGULATORY MANAGEMENT SYSTEM [and save on imported farm inputs]. 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 and other farm inputs, together with a nationwide educational and promotional campaign for their use and processing, as well as adoption of organic agriculture system as a viable alternative] A STRENGTHENED IMPLEMENTATION OF THE NATIONAL ORGANIC AGRICULTURE PROGRAM, ENHANCED REGULATORY CAPACITY, ESTABLISHED INSTITUTIONAL ARRANGEMENTS, AND THE PROMOTION OF ORGANIC AGRICULTURE PRODUCTION, POST PRODUCTION AND MARKETING SYSTEMS INCLUDING THOSE THAT ARE COMMUNITY-BASED TOGETHER WITH A NATIONWIDE EDUCATIONAL AND PROMOTIONAL CAMPAIGN FOR THEIR

USE AND PROCESSING AS WELL AS THE ADOPTION OF ORGANIC AGRICULTURE SYSTEM AS A VIABLE ALTERNATIVE AND MEANS TO ENSURE FOOD SECURITY shall be undertaken.

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

Section 2. Section 3 of Republic Act No. 10068 is hereby amended, to read as follows:

"SEC. 3. Definition of Terms. – For purposes of this Act, the following terms shall be defined as follows:

XXX

(O) PARTICIPATORY GUARANTEE SYSTEMS (PGS) REFERS TO A QUALITY ASSURANCE INITIATIVE THAT IS LOCALLY RELEVANT, EMPHASIZES ON THE PARTICIPATION OF STAKEHOLDERS, INCLUDING PRODUCERS AND CONSUMERS, SINCE THE SYSTEM IS BASED ON DIRECT PERSONAL RELATIONSHIPS BETWEEN THE CONSUMERS AND PRODUCERS, IT NORMALLY FAVORS DIRECT OR SHORT-DISTANCE MARKET RELATIONSHIPS.

(P) SMALL FARMERS REFER TO NATURAL PERSONS DEPENDENT ON SMALL-SCALE SUBSISTENCE FARMING AS THEIR PRIMARY SOURCE OF INCOME AND WHOSE SALE, BARTER OR EXCHANGE OF AGRICULTURAL PRODUCTS DO NOT EXCEED A GROSS VALUE OF ONE HUNDRED EIGHTY THOUSAND PESOS (P180,000) PER ANNUM BASED ON 1992 CONSTANT PRICES. AN INTER-AGENCY COMMITTEE COMPOSED OF THE DEPARTMENT OF AGRARIAN REFORM (DAR), THE DEPARTMENT OF TRADE AND INDUSTRY (DTI), THE DEPARTMENT OF FINANCE (DOF) AND THE NATIONAL ECONOMIC AND DEVELOPMENT AUTHORITY (NEDA) AND HEADED BY THE DA MAY CONDUCT PERIODIC REVIEW AND ADJUSTMENTS OF THE INCOME LEVEL TO TAKE INTO ACCOUNT THE EFFECTS OF CHANGES IN INFLATION, DEVALUATION AND CONSUMER PRICE INDEX CONSISTENT WITH R.A. 10068 AND THE MAGNA CARTA FOR SMALL FARMERS.

(Q) SMALL FISHERFOLKS REFER TO PERSONS DIRECTLY OR PERSONALLY AND PHYSICALLY ENGAGED IN TAKING, CULTURING AND PROCESSING FISHERY AND/OR AQUATIC RESOURCES AS THEIR PRIMARY SOURCE OF INCOME AND ARE USING FISHING BOATS OF THREE (3) GROSS TONS OR LESS. THEY ARE ALSO KNOWN AS MUNICIPAL FISHERFOLK.

(R) DESIGNATING AUTHORITY REFERS TO THE AGENCY WITHIN THE DEPARTMENT OF AGRICULTURE (DA) TO PROVIDE RECOGNITION TO ORGANIC CERTIFYING BODY, ACCREDITED CERTIFYING BODY, AND OTHER ORGANIC GUARANTEE SYSTEM PROVIDER, SUSPENSION OR WITHDRAWAL OF RECOGNITION.

(S) RECOGNITION REFERS TO GOVERNMENTAL AUTHORIZATION OF AN

ORGANIC CERTIFYING BODY TO PERFORM CERTIFICATION ACTIVITIES, AND OTHER ORGANIC GUARANTEE SYSTEM PROVIDERS TO PROVIDE GUARANTEE ON ORGANIC PRODUCTION SYSTEMS IN ORDER TO ASSURE CONFORMANCE OF OPERATORS TO THE APPLICABLE PNS RELEVANT TO ORGANIC AGRICULTURE AND OTHER REGULATORY REQUIREMENTS.”

Section 3. Section 4 of Republic Act No. 10068 is hereby amended, to read as follows:

“SEC. 4. Coverage. - The provisions of this Act shall apply to the development and promotion of, AND ADOPTION OF RELEVANT AND APPROPRIATE ORGANIC AGRICULTURE TECHNOLOGIES AND INTERVENTIONS, AND IMPLEMENTATION OF EFFECTIVE REGULATORY MANAGEMENT SYSTEM SUPPORTING organic agriculture and shall include, but not limited to, the following:

(a) Policy formulation AND DEVELOPMENT, ENFORCEMENT, REVIEW AND REVISION OF REGULATIONS WHICH INCLUDE LICENSING, registration, RECOGNITION, certification and labelling of organic [agriculture] FOOD, NON-FOOD AND INPUT PRODUCTS TO ENSURE CONSUMER PROTECTION AND FACILITATE MARKET ACCESS;

(B) STRATEGIC DIRECTION FORMULATION FOR EFFECTIVE IMPLEMENTATION OF THE NOAP;

[b] (C) Research, development and extension of appropriate, sustainable environment and gender friendly organic agriculture;

[c] (D) Promotion and encouragement of the establishment of facilities, equipment and processing plants that would accelerate the production and commercialization of organic fertilizers, BIO-pesticides, BIO-herbicides and other appropriate farm inputs; [and]

[d] (E) Implementation of THE NOAP, AND ITS CORRESPONDING PROJECTS AND ACTIVITIES, INCLUDING THE PROVISION AND DELIVERY OF PRODUCTION AND POST PRODUCTION SUPPORT SERVICES, AQND IRRIGATION NETWORK [organic agricultural programs, projects and activities, including the provision and delivery of support] services with focus on [the] SMALL farmers and FISHERFOLKS AND THEIR ORGANIZATIONS [other stakeholders]; AND,

(F) MARKET DEVELOPMENT AND TRADE FACILITATION.”

Section 4. Section 7 of Republic Act No. 10068 is hereby amended, to read as follows:

“SEC. 7. 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;

XXX

(i) Three (3) representatives from the small farmers/FISHERFOLK PRACTICING ORGANIC AGRICULTURE/AQUACULTURE FOR AT LEAST THREE (3) YEARS, ALLOCATED AS FOLLOWS: ONE REPRESENTATIVE FROM LUZON; ONE REPRESENTATIVE FROM VISAYAS; AND ONE REPRESENTATIVE FROM MINDANAO.

(j) A representative each from the CSO involved in sustainable ORGANIC agriculture/AQUACULTURE 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 IN ORGANIC AGRICULTURE/AQUACULTURE FOR AT LEAST THREE YEARS; AND;

(L) A REPRESENTATIVE FROM THE AGRICULTURAL COLLEGES AND UNIVERSITIES, OR THE DULY AUTHORIZED ALTERNATE REPRESENTATIVE, as members.

The aforementioned designated representatives of the various departments shall be occupying positions not lower than director level and shall be on a co-terminous basis.

The representatives of SMALL FARMERS, NGOs, CSOs, and of agricultural colleges and universities, PRIVATE SECTOR OR AGRIBUSINESS FIRMS, AND THE ACADEME shall be [chosen] DESIGNATED/APPOINTED by the Secretaries of Agriculture and Science and Technology respectively, from among nominees submitted to the agency concerned by their respective national organizations or academic institutions. These representatives must be conversant, involved or practicing organic agriculture, SUPPORTIVE, and committed to the implementation of policies and Program provided under this Act.

The existing National Organic Agriculture Board NOAB created pursuant to Republic Act No. 10068 shall continue to function until the new NOAB created herein has been constituted pursuant to Section 8 hereof."

Section 5. Section 8 of Republic Act No. 10068 is hereby amended, to read as follows:

"SEC. 8. Organization of the NOAB. – Within sixty (60) working days from the effectivity of this Act, the national organizations of small farmers, of NGOs and of agricultural colleges and universities shall submit their respective nominees to the Secretary of Agriculture and the Secretary of Science and Technology, as the case maybe, who shall evaluate the qualifications of the nominees and appoint the most qualified members of the NOAB.

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 procedures 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.

The NOAB shall also determine its budget, including travel expenses, allowances and per diems of its non-government members when attending official NOAB meetings or attending to matters assigned to them subject to accounting and auditing rules and regulations.

FUNDS SHALL BE PROVIDED TO ENSURE THE OPERATIONALIZATION OF THE NOAB AND EXECUTION OF ITS DUTIES AND FUNCTIONS. THE NOAB SHALL ALSO DETERMINE ITS BUDGET, INCLUDING, BUT NOT LIMITED TO, TRAVEL EXPENSES, ALLOWANCES AND PER DIEMS OF ITS NON-GOVERNMENT MEMBERS WHEN ATTENDING OFFICIAL NOAB MEETINGS OR ATTENDING TO MATTERS ASSIGNED TO THEM SUBJECT TO ACCOUNTING AND AUDITING RULES AND REGULATIONS."

SECTION 6. A new Section 9 is hereby inserted, to read as follows:

"SEC.9. THE NATIONAL TECHNICAL AND ADMINISTRATIVE SECRETARIAT OF THE NOAB.

THE NATIONAL TECHNICAL AND ADMINISTRATIVE SECRETARIAT OF THE NOAB SHALL HAVE THE FOLLOWING DUTIES AND FUNCTIONS:

A. PROVIDE TECHNICAL AND ADMINISTRATIVE SUPPORT TO THE NOAB AND ITS TECHNICAL COMMITTEES TO ENSURE EFFECTIVE AND EFFICIENT PERFORMANCE OF ITS FUNCTIONS;

B. COORDINATE WITH DA REGULATORY AGENCIES IN ESTABLISHING A DATABASE OF REGISTERED ORGANIC PRODUCTS AND LICENSED ORGANIC OPERATORS;

C. COORDINATE AND COLLABORATE WITH THE NOAP-NPCO AND OTHER RELEVANT GOVERNMENT AGENCIES IN ENSURING THAT APPROVED NOAB POLICIES, PROJECTS AND ACTIVITIES ARE IMPLEMENTED IN ACCORDANCE WITH RESULTS OF RELEVANT ASSESSMENTS AND REVIEWS; AND

D. ESTABLISH A DATABASE OF CERTIFIED ORGANIC OPERATORS, REGISTERED ORGANIC PRODUCTS AND LICENSED ORGANIC OPERATORS;

AN OFFICE SHALL BE ESTABLISHED UNDER THE DA AND SHALL HOUSE THE MEMBERS OF THE NOAB AND THE NOAB SECRETARIAT. THE NOAB OFFICE SHALL BE STRENGTHENED AND EMPOWERED IN TERMS OF PROVISION OF PLANTILLA POSITIONS FOR TECHNICAL AND ADMINISTRATIVE PERSONNEL."

Section 7. Section 10 of Republic Act No. 10068 is hereby amended, to read as follows:

"SEC. 10. Bureau of Agriculture and Fisheries [Product] Standards ([BAFPS] BAFS) of the DA.

The [BAFPS] BAFS of the DA shall [be strengthened] STRENGTHEN and [empowered] EMPOWER [in terms of establishing] THE ESTABLISHED functional divisions FOR ORGANIC AGRICULTURE THROUGH 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, PERFORM AS STANDARD SETTING AGENCY AND DESIGNATING AUTHORITY FOR THE RECOGNITION OF ORGANIC CERTIFYING BODIES (OCBs), AND PARTICIPATORY GUARANTEE SYSTEM (PGS) GROUPS.

THE BAFS SHALL PROVIDE RECOGNITION TO LEGAL ENTITIES TO PROVIDE GUARANTEE ON THE INTEGRITY OF THE ORGANIC PRODUCTION SYSTEM. RECOGNITION SHALL BE GIVEN TO OCBs AND PGS GROUPS. CERTIFICATION PROVIDED BY RECOGNIZED OCBs AND PGS GROUPS SHALL BE VALID FOR FIVE YEARS SUBJECT TO ANNUAL CONFORMITY ASSESSMENTS AND RANDOM AUDITS.

THE BAFS SHALL ALSO BE TASKED TO FORMULATE THE SEPARATE REGULATIONS, GUIDELINES AND CORRESPONDING RULES ENTITY. THE BAFS IS TASKED TO FORMULATE THE NECESSARY AND PROCEDURES, BASED ON NATIONAL AND INTERNATIONAL STANDARDS AND GUIDELINES, IN THE RECOGNITION OF OCBs AND PGS GROUPS."

Section 8. A new Section 11 is hereby inserted, to read as follows:

"SEC. 11. NATIONAL ORGANIC AGRICULTURE PROGRAM - NATIONAL PROGRAM COORDINATING OFFICE (NOAP-NPCO)

THE FUNCTIONS, DUTIES AND RESPONSIBILITIES OF THE BAFS, SHALL NOW BE TRANSFERRED TO THE DEPARTMENT OF AGRICULTURE-FIELD OPERATION SERVICE (DA-FOS). TO MANAGE THE EFFECTIVE IMPLEMENTATION OF THE PROGRAM, THE DA-FOS SHALL BE FURTHER STRENGTHENED AND EMPOWERED IN TERMS OF ESTABLISHING A FUNCTIONAL DIVISION AND INCREMENTAL STAFFING; TO SERVE AS THE NPCO; AND SHALL PERFORM THE FOLLOWING DUTIES AND FUNCTIONS:

- a. DEVELOP ROADMAP AND ITS CORRESPONDING ANNUAL WORK AND FINANCIAL PLAN IN COORDINATION WITH THE DA IMPLEMENTING AGENCIES AND DA-RFOS IN CONSULTATION WITH THE CONCERNED STAKEHOLDERS TO IMPLEMENT PROJECTS AND ACTIVITIES PURSUANT TO THE NOAP AND THOSE IDENTIFIED BY THE NOAB;
- b. CONDUCT SYSTEMATIC ASSESSMENT TO EVALUATE THE PERFORMANCE OF THE PROGRAM;
- c. CONDUCT PERIODIC PROGRESS MONITORING AND IMPACT EVALUATION

TO ENSURE THAT INTERVENTIONS ARE RESPONSIVE TO THE NEEDS OF THE STAKEHOLDERS;

- d. CREATE EFFECTIVE NETWORKING WITH INTERNATIONAL DONORS AND PARTNERS TO IMPLEMENT PROJECTS AND ACTIVITIES;
- e. DEVELOP AND MANAGE EFFECTIVE STRATEGIES FOR TECHNOLOGY TRANSFER MECHANISM IN ORDER TO BUILD COMPETENCY, WHICH MAY INCLUDE ACTIVITIES RELATED TO ADVOCACY AND PROMOTION OF RELEVANT AND APPROPRIATE ORGANIC AGRICULTURE TECHNOLOGIES AND ACTIVITIES INCLUDING NATIONWIDE CONFERENCES, IN PARTNERSHIP WITH ATI AND RELEVANT STAKEHOLDERS; AND
- f. PERFORM SUCH OTHER FUNCTIONS, DUTIES AND RESPONSIBILITIES AS MAY BE NECESSARY TO IMPLEMENT THIS ACT AND AS DIRECTED BY THE NOAB.

IN A LIKEWISE MANNER, A NOAP-REGIONAL PROGRAM COORDINATING OFFICE (NOAP-RPCO) WITH INCREMENTAL STAFFING AND WITH OTHER DIVISIONS PROVIDING ADDITIONAL STAFF AS THE NEED ARISES, SHALL BE ESTABLISHED IN THE DA-RFOS TO SERVE AS REGIONAL PROGRAM COORDINATING OFFICE.

THE DA, THROUGH THE NOAP-NPCO AND UPON APPROVAL OF THE NOAB, SHALL RENDER AN ANNUAL REPORT TO BOTH HOUSES OF CONGRESS ON THE ACCOMPLISHMENT OF THE PROGRAM. A REVIEW ON THE VIABILITY OF THE PROGRAM SHALL BE MADE BY THE CONCERNED AGENCIES AFTER THREE (3) YEARS OF ITS IMPLEMENTATION."

Section 9. A new Section 12 is hereby inserted, to read as follows:

"SEC. 11. PARTICIPATORY GUARANTEE SYSTEMS.

AN ESTABLISHED PGS GROUP WITH LEGAL FOUNDATION, AND DEFINED AND TRANSPARENT RULES AND STANDARDS SHALL SUBMIT ITS APPLICATION TO THE BAFS ACCREDITATION SECTION. THE ESTABLISHED PGS MUST ENSURE THAT IT HAS GONE THROUGH THE COMPLETED TRAININGS ON INTERNAL CONTROL SYSTEM AND OTHER RELEVANT TRAININGS ON ORGANIC AGRICULTURE. AFTERWARDS, THE BAFS ACCREDITATION SECTION SHALL REVIEW THE SUBMITTED DOCUMENTS. AFTER WHICH, AN AUDIT TEAM IS ORGANIZED TO CARRY OUT OFFICE AND WITNESS AUDITS. REPORTS ON THE RESULTS OF THE OFFICE AND WITNESS AUDITS SHALL BE SUBJECTED FOR REVIEW AND EVALUATION.

THE BAFS WILL PROCESS THE RESULTS OF THE AUDITS AND ALL INFORMATION RELEVANT TO THE APPLICATION OF THE PGS GROUP, AND RECOMMENDS A DECISION TO THE BAFS DIRECTOR. SHOULD A POSITIVE DECISION BE AGREED UPON, THE ACCREDITATION SECTION PREPARES AN OFFICIAL RECOGNITION CERTIFICATE AND SUBMIT THIS, TOGETHER WITH THE BAFS-OAD RECOMMENDATION, TO THE DIRECTOR FOR HIS/HER

APPROVAL. WHEN GRANTED WITH OFFICIAL RECOGNITION, THE PGS GROUP SHALL BE SUBJECTED TO SURVEILLANCE AUDITS TO VERIFY CONTINUED COMPLIANCE TO STANDARDS, THIS GUIDELINES, AND THE TERMS AND CONDITIONS. SHOULD THE BAFS DIRECTOR DECIDES OTHERWISE, THE DECISION AND THE REASON/S FOR DENIAL SHALL BE COMMUNICATED TO THE APPLICANT.

BY SIGNING THE TERMS AND CONDITIONS, THE PGS GROUP AGREES TO COMPLY WITH THE REQUIREMENTS, POLICIES AND PROCEDURES. THE VALIDITY OF THE RECOGNITION SHALL BE FIVE (5) YEARS SUBJECT TO ANNUAL CONFORMITY ASSESSMENTS.

UPON RECOGNITION, PGS GROUPS WILL BE AUTHORIZED TO GUARANTEE THE PRODUCTS AND OPERATIONS OF ITS MEMBERS, AND ALLOW THE USE OF ITS PGS GUARANTEED ORGANIC MARK. THE PGS GROUPS MUST ENSURE THAT ITS FARMER MEMBERS ARE READY FOR ITS GUARANTEE PROCESS. IF FOUND READY, THE FARMER SUBMITS ACCOMPLISHED APPLICATION FORM AND REQUIRED DOCUMENTS INCLUDING THE SIGNED FARMERS' PLEDGE TO THE PGS COMMITTEE THAT WILL ACCEPT AND REVIEW THE DOCUMENTS, AND ASSIGN PEER REVIEWER TO CONDUCT ON-SITE INSPECTION OF FARM OPERATIONS. THE PEER REVIEWERS ASSESS THE FARM AND SUBMITS REPORT TO THE PGS COMMITTEE. THE PGS COMMITTEE WILL THEN REVIEW THE SUBMITTED REPORT AND SHALL ISSUE CERTIFICATE OF GUARANTEE TO MEMBERS WITH POSITIVE DECISION. PGS GROUPS MUST ENSURE THAT THEY OPERATE AND GUARANTEE FARMS BASED ON THE PGS ORGANIC GUARANTEE SCHEME, AND PROVISIONS OF THE PROPOSED GUIDELINES FOR THE ESTABLISHMENT OF PGS. FURTHERMORE, ALL GUARANTEED PRODUCTS SOLD IN THE MARKET WILL BE MONITORED BY THE DA RFO TO ENSURE THAT THE PRODUCTS COMPLY WITH THE LABELLING REQUIREMENTS SET FORTH."

Section 10. Section 16 of Republic Act No. 10068 is hereby amended, to read as follows.

"SEC. 16. REGISTRATION OF ORGANIC FOOD, NON-FOOD, AND INPUT PRODUCTS AND LICENSING OF OPERATORS. All organic food and input establishments must register with the director, [BAFPS] BAFS, PROVIDED, THAT 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 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;
- (b) The primary purpose and business activity of each organic food or input establishment, including the dates of operation if the organic food establishment is seasonal;
- (c) A list of the organic food or input produced and corresponding brand names;

- (d) For the organic food establishment, the name, address and contact information of the organic food certifying body that certified the organic products sold by the company;
- (e) An assurance that the registrant will notify the director of any changes in the products, function or legal status of the domestic food establishment (including cessation of business activities) not later than thirty (30) days after such change; and,
- (f) For organic input producers, a list of a materials used in the production of each particular input.

THE DA SHALL BE RESPONSIBLE FOR THE REGISTRATION OF PRIMARY AND POST-HARVEST ORGANIC FOOD, NON-FOOD, AND INPUT PRODUCTS AND LICENSING OF OPERATORS. LIKEWISE, THE DOH-FDA SHALL BE RESPONSIBLE FOR THE REGISTRATION OF PROCESSED AND PRE-PACKED ORGANIC FOOD AND NON-FOOD PRODUCTS AND LICENSING OF OPERATORS.

THE BAI, BFAR, BPI, AND FPA OF THE DA, AND THE FOOD AND DRUGS ADMINISTRATION (FDA) OF THE DOH, SHALL ESTABLISH GUIDELINES AND PROCEDURES FOR THE REGISTRATION OF ORGANIC FOOD, NON-FOOD, AND INPUT PRODUCTS AND LICENSING OF OPERATORS INCLUDING ACCREDITATION OF ORGANIC RESEARCHERS.

THE DA AND THE DOH SHALL ALSO MAINTAIN AND MANAGE A DATABASE OF REGISTERED ORGANIC FOOD, NON-FOOD, AND INPUT OPERATORS. THE DATABASE SHALL BE ESTABLISHED AND SHALL BE USED TO MONITOR THE STATUS OF THESE OPERATORS."

Section 11. Section 17 of Republic Act No. 10068 is hereby amended, to read as follows:
"SEC. 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 BAFS [BAFPS]. Only third-party certification is allowed to be labeled as organically produced.

PRODUCTS FROM THIRD-PARTY CERTIFIED AND PARTICIPATORY GUARANTEED SYSTEMS SHALL BE ALLOWED TO BE LABELED AND SOLD AS ORGANIC. THE LABEL OF ORGANIC PRODUCE SHALL CONTAIN THE NAME, LOGO OR SEAL OF DESIGNATED OCB OR PGS GROUPS, AND THE RESPECTIVE OFFICIAL ORGANIC MARK.

NON-CERTIFIED PRODUCTS SHALL BE PROHIBITED FROM BEING LABELED AS ORGANIC."

Section 12. Section 19 of Republic Act No. 10068 is hereby amended, to read as follows:

"SEC. 19. Availability of Trading Post for Organic Inputs, MARKET DEVELOPMENT AND TRADE PROMOTION. - Local chief executives shall establish, as

far as practicable, at least one (1) trading post for organic inputs for every LGU in THEIR area of jurisdiction. THE AGRIBUSINESS AND MARKETING ASSISTANCE SERVICE (AMAS) OF THE DA, IN COLLABORATION WITH DTI AND OTHER RELEVANT AGENCIES, SHALL DEVELOP AND IMPLEMENT MARKET DEVELOPMENT AND TRADE PROMOTION PROGRAMS FOR ORGANIC AGRICULTURE, INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

- a. DEVELOP MARKETING AGENDA FOR ORGANIC AGRICULTURE
- b. ESTABLISHMENT, SUSTAINABILITY AND MONITORING OF ORGANIC TRADING POSTS, AND STALL/OUTLETS;
- c. DEVELOPMENT OF MARKET INFORMATION SYSTEM;
- d. PROMOTION OF ORGANIC FOOD, NON-FOOD AND INPUT PRODUCTS; AND,
- e. FACILITATION OF MARKET MATCHING ACTIVITIES."

Section 13. Section 26 of Republic Act No. 10068 is hereby amended, to read as follows:
"Section 26. Penal Provisions. – Any person who willfully and deliberately:"

(a) XXX

(b) XXX

(c) Mislabels or claims that the product is organic when it is not in accordance with the existing standards for Philippine organic agriculture or this Act shall, upon conviction, be punished by imprisonment of not less than one month nor more than six (6) months, or a fine or not more than Fifty Thousand Pesos (P50,000.00), or both, at the discretion of the Court. If the offender is a Corporation or a juridical entity, the official who ordered or allowed the commission of the offense shall be punished with the same penalty. If the offender is in the government service, he shall, in addition, be dismissed from office PENALIZED WITHOUT PREJUDICE UNDER THE PROVISIONS OF THE PHILIPPINE CONSUMER ACT AND THE PHILIPPINE FOOD SAFETY ACT."

Section 14. Section 28 of Republic Act No. 10068 is hereby amended, to read as follows:

"SEC. 28. Implementing Rules and Regulations. – The NOAB shall adopt rules and regulations to implement the provisions of this Act within ninety (90) days from the effectivity of this Act and submit the same to the SECRETARY OF THE DEPARTMENT OF AGRICULTURE for review an approval. In the drafting of the implementing rules and regulations, the DOF shall be consulted in connection with the tax incentives provided under Section 24 hereof.

Section 15. *Separability Clause.* - If any provision of this Act is declared invalid or

unconstitutional, the other provisions not affected thereby shall remain in full force and effect.

Section 16. *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 17. *Effectivity.* - This Act shall take effect fifteen (15) days following its publication in the *Official Gazette* and in a national newspaper of general circulation.

Approved,