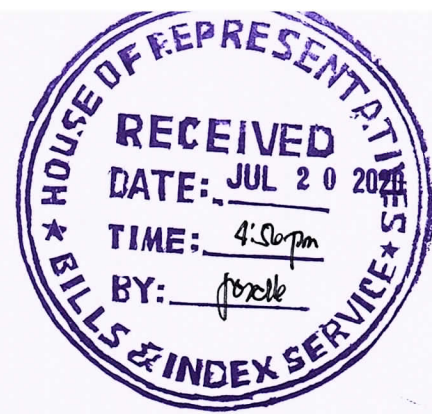


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 7133



Introduced by **ANG PROBINSYANO**
Party-List Representative Alfred Delos Santos

EXPLANATORY NOTE

1 In line with the policy of the State to improve the socio-economic well-being of
2 the workers in the agricultural sector, this Bill aims to codify and institutionalize the
3 various rights and benefits to be granted to the said workers. This Bill seeks to
4 implement measures in order to alleviate the inequity suffered by the workers in the
5 agricultural sectors.

6
7 According to the Philippine Institute for Development Studies, approximately
8 40% of underemployed workers in the Philippines come from the agricultural sector.
9 Moreover, these sectors account for around 29% of the total number of all workers in
10 the country. In addition, the GDP growth rate and percentage share to GNI of these
11 sectors remain remarkably low compared to other sectors. According to the Philippine
12 Statistics Authority, among the basic sectors of Philippine society, farmers posted one
13 of the highest poverty indices with 34.3%. It also consistently registered as one with the
14 highest poverty incidence in 2006, 2009, and 2012. As such, this Bill aims to address
15 all of these problems by serving as an essential impetus in the growth and development
16 of the workers in the agricultural sector.

17
18 In light of the foregoing, the Bill proposes measures which are oriented primarily
19 towards the professionalization of those in the agricultural development sectors, the
20 protection and enforcement of their rights, and the institutionalization of the various
21 benefits to be granted to them.

22
23 It is for the foregoing premises that the approval of this Bill is earnestly sought.

ALFRED C. DELOS SANTOS
Representative, Ang Probinsyano Party-List

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1 THE MAGNA CARTA FOR WORKERS IN THE AGRICULTURAL DEVELOPMENT
2 SECTORS
3

4 *Be it enacted by the Senate and the House of Representatives of the Philippines in*
5 *Congress assembled:*
6

7 *SECTION 1. Short Title.* – This Act shall be known as the “Magna Carta for Workers
8 in the Agricultural Development Sectors.”
9

10 *SECTION 2. Declaration of Policy.* – Considering that the State recognizes the
11 importance of the development of the agricultural sector in the overall goal of
12 sustainable national economic growth, the State shall hereby endeavor to promote and
13 improve comprehensively the social and economic well-being of workers in the
14 agricultural sectors.
15

16 Particularly, the State shall hereby focus on the following principles in order to
17 stimulate and accelerate the sustainable growth and development of the agricultural
18 sector as well as the workers therein:
19

20 a) Poverty Alleviation and Social Equity – The State shall ensure that the
21 underprivileged sectors of society have equitable access to resources, income
22 opportunities, basic and support services, and infrastructure, especially in areas
23 where productivity is low, as a means of improving their quality of life compared
24 with other sectors of society;
25

26 b) Food Security – The State shall assure the availability, adequacy, accessibility,
27 and affordability of food supplies to everyone at all times;
28

29 c) Rational Use of Resources – The State shall adopt a rational approach in the
30 allocation of public investments in agriculture in order to assure efficiency and
31 effectiveness in the use of scarce resources and thus obtain optimal returns on
32 its investments;

d) Global Competitiveness – The State shall enhance the competitiveness of the agricultural sector in both domestic and foreign markets;

e) Sustainable Development – The State shall promote development that is compatible with the preservation of the ecosystem in areas where agricultural activities are carried out. The State should exert care and judicious use of the country's natural resources in order to attain long-term sustainability;

f) People Empowerment – The State shall promote people empowerment by enabling all citizens through direct participation or through their duly elected, chosen or designated representatives the opportunity to participate in policy formulation and decision-making by establishing the appropriate mechanisms and by giving them access to information; and

g) Protection from Unfair Competition – The State shall protect small farmers from unfair competition such as monopolistic and oligopolistic practices by promoting a policy environment that provides them priority access to credit and strengthened cooperative-based marketing system.

SECTION 3. Definition of Terms. – For purposes of this Act, the term:

a) "Agricultural Sector" shall refer to the sector engaged in the cultivation of the soil, planting of crops, growing of fruit trees, raising of livestock, poultry, or fish, including the harvesting and marketing of such farm products, and other farm activities and practices.

b) "Agricultural Development Worker (ADW)" shall refer to all persons who are engaged in agricultural development activities, whether in the public or private sector, including but not limited to those employed in the Department of Agriculture (DA), local government units, state colleges and universities, and concerned private firms and institutions, regardless of their employment status.

SECTION 4. Coverage. – The provisions of this Act shall be applicable to all ADWs in the public and private sectors.

SECTION 5. Employment Generation Support. – The State shall ensure and promote the provision of employment opportunities for ADWs. In line with this, the DA and the Department of Labor and Employment (DOLE), in collaboration with the Professional Regulation Commission (PRC) and the Technical Education and Skills Development Authority (TESDA), shall spearhead nationwide employment generation programs for ADWs, for employment in both the domestic and foreign markets.

SECTION 6. Professionalization of Agricultural Development Workers in Public Service. – The State shall promote and ensure that the ADWs in the public service are conferred with the appropriate position title, salary grade, just compensation, benefits, and professional recognition.

SECTION 7. Performance Evaluation and Merit-based Promotion System. – The DA, in consultation with the Civil Service Commission (CSC), DOLE, PRC, TESDA, the

1 Professional Regulatory Boards (PRBs) on Agriculture, Agricultural and Biosystems
2 Engineering, and Foresters, and recognized national associations of ADWs, shall
3 prepare standardized career and personnel development plans for ADWs in the public
4 sector. Such plans shall include, but are not limited to, provisions on merit promotion,
5 performance evaluation, in-service training grants, job rotation opportunities, and
6 performance-based rewards systems.

7
8 *SECTION 8. Transfer of Geographical Reassignment of ADWs.* – With regard to
9 ADWs in the public sector, no transfer or geographical reassignment shall be made or
10 effected without prior written notice to the ADW concerned stating therein the reason
11 for such: *Provided*, That said written notice shall be made thirty (30) days prior to the
12 date of transfer or reassignment: *Provided further*, That if the ADW concerned does not
13 consent to the order of transfer or reassignment, he/she may appeal the said order
14 before the appropriate government entity: *Provided further*, That pending the resolution
15 of the appeal thereof, such transfer or reassignment shall be held in abeyance: *Provided*
16 *further*, That no transfer or reassignment shall be made three (3) months prior to any
17 local or national elections: *Provided, finally*, That the necessary expenses of the transfer
18 or reassignment of the ADW concerned as well as his/her immediate family, if
19 necessary, shall be paid for by the State.

20
21 *SECTION 9. Security of Tenure.* – ADWs in the public sector with permanent
22 positions shall be terminated only for just and authorized causes: *Provided*, That if it is
23 determined by the proper authority that the ADW concerned is unjustly dismissed,
24 he/she shall be entitled to reinstatement without loss of seniority rights and back wages
25 with twenty per centum (20%) interest to be computed from the time of withholding of
26 compensation up to the time of reinstatement. However, if the ADW concerned does not
27 wish to be reinstated, he/she shall be entitled to back wages and separation pay with
28 the corresponding twenty per centum (20%) interest to be computed from the time of
29 withholding of compensation up to full payment of judgment award.

30
31 *SECTION 10. Code of Professional Conduct.* – All ADWs, whether in the public or
32 private sector, shall be guided by a Code of Professional Conduct to be promulgated by
33 the PRC and its appropriate PRBs. The Secretary of Agriculture, in consultation with
34 the DOLE, CSC, and the concerned stakeholders shall adopt a Code of Professional
35 Conduct of the ADWs that not regulated by the PRC and its appropriate PRBs.

36
37 *SECTION 11. Normal Hours of Work.* – The normal hours of work of an ADW,
38 whether in the public or private sector, shall not exceed eight (8) hours per day or forty
39 (40) hours per week. The hours of work shall include, but shall not be limited to the
40 time in which:

- 41
42 a) The ADW concerned is required to be present and on active duty at the
43 prescribed place of work;
44
45 b) The ADW concerned is permitted to work, whether or not such work is done at
46 the prescribed place of work; and
47
48 c) The ADW concerned is required to work in places other than the prescribed
49 place of work.
50

1 *SECTION 12. Overtime Work.* – Where the exigencies of the service so require, any
2 ADW, whether in the public or private sector, may be required to render service beyond
3 the regular eight (8) hours per day, inclusive of Saturdays, Sundays, and non-working
4 holidays. In such cases, the ADW concerned shall be given additional compensation in
5 accordance with existing laws on the matter.

6
7 *SECTION 13. Freedom from Interference or Coercion.* – It shall be unlawful for any
8 person or juridical entity to commit any of the following acts upon any ADW:

9
10 a) To require, as a condition of employment, that an ADW concerned shall not
11 join an association, organization, or union of ADWs;

12
13 b) To discriminate in order to encourage or discourage membership in any
14 association, organization, or union of ADWs;

15
16 c) To prevent an ADW from performing his/her duties and functions in his/her
17 association, organization, or union of ADWs;

18
19 d) To penalize an ADW for any lawful action performed in his/her capacity as a
20 member of any association, organization, or union of ADWS;

21
22 d) To harass or intimidate an ADW or prevent him/her from performing his/her
23 official duties and functions; and

24
25 e) To perform acts that will diminish the independence and freedom of any
26 association, organization, or union of ADWs in directing its own affairs.

27
28 *SECTION 14. Non-discrimination Provision.* – ADWs shall not be discriminated
29 based on belief, civil status, ethnic grouping, religion, or sex in connection to the
30 exercise of his/her profession.

31
32 *SECTION 15. Rights in Administrative Proceedings.* – In every administrative
33 proceeding concerning an ADW, he/she shall have the right to:

34
35 a) Be informed of the charges;

36
37 b) Full access to evidence against him/her;

38
39 c) Defend himself/herself with or without the assistance of counsel of his/her
40 choice;

41
42 d) Be given adequate time to prepare his/her case, which shall, in no case, exceed
43 thirty (30) days;

44
45 e) Appeal any adverse ruling to the proper authorities;

46
47 f) Cross-examine witnesses and to have subpoenas processed for the production
48 of his/her own witnesses;

49

1 g) Reimbursement for reasonable expenses incurred during his/her defense, in
2 cases of exoneration or dismissal of the charges; and

3
4 h) Such other rights provided by existing laws, rules, and regulation in relation
5 to ensuring fairness and impartiality in administrative proceedings.
6

7 *SECTION 16. Right to Join Organizations.* – ADWs shall have the right to autonomy
8 in terms of joining associations, organizations, or unions for purposes not contrary to
9 law, in the protection of their mutual interests, and in the pursuit of seeking redress for
10 grievances through peaceful concerted activities.
11

12 *SECTION 17. Consultation in Policymaking.* – All necessary public and private
13 sector institutions concerned with the agricultural sectors, to be determined by the DA,
14 in cooperation with the DOLE, CSC, PRC, and the corresponding PRBs, shall be taken
15 into consideration and consulted in the formulation of national educational policies and
16 professional standards as well as in the formulation of national policies and programs
17 on agriculture of the State: *Provided*, That the State shall ensure that ADW associations,
18 organizations, or unions are adequately represented in the national and local
19 Agricultural Councils, local development councils, and other policymaking and
20 consultative bodies of the State.
21

22 *SECTION 18. Performance-based Rewards System.* – The rewards and incentives
23 systems for ADWs in the public sector provided under this Act, established for the
24 purposes of empowering and encouraging ADWs, improving their productivity, and
25 acknowledging their extraordinary performance, shall include, but shall not be limited
26 to, the following:
27

28 a) Honorarium – remuneration for services rendered beyond the established
29 workload of ADWs, whose broad and superior knowledge and expertise contribute
30 to the productivity and innovation in the agricultural sector;
31

32 b) Incentive Bonus – remuneration given to individuals whose services in
33 management, administration, and policymaking contribute considerably to the
34 efficient and effective implementation of the various development programs of the
35 State concerning agricultural development;
36

37 c) Performance Bonus – remuneration granted to ADWs for exceeding established
38 targets and key performance indicators; and
39

40 d) Other incentives that may be established by the appropriate government
41 bodies.
42

43 *SECTION 19. Other Compensation and Benefits.* – All ADWs, in addition to the
44 compensation and benefits already provided by existing laws, shall be entitled to the
45 following compensation and benefits:
46

47 a) Representation Allowance and Travelling Allowance;
48

49 b) Hazard Allowance;
50

- c) Subsistence Allowance;
- d) Longevity Pay;
- e) Clothing Allowance;
- f) Housing Allowance;
- g) Compensation for Injuries;
- h) On-call Pay; and
- i) Vehicle Loan.

SECTION 20. Implementing Rules and Regulations. – The DA, in cooperation with the DOLE, CSC, PRC, the corresponding PRBs, and the private sector stakeholders on agricultural development, shall formulate and prepare the necessary implementing rules and regulations for the provisions of this Act.

SECTION 21. Monitoring and Implementation. – The DA shall form an Oversight Committee to monitor the implementation of the provisions of this Act. The Oversight Committee shall be composed of representatives from the DA, DOLE, CSC, PRC, the corresponding PRBs, and the private sector stakeholders on agricultural development: *Provided*, That the Oversight Committee shall submit bi-annual reports regarding the status of the implementation of the provisions of this Act to the Committee on Agriculture and Food of the House of Representatives and the Senate.

SECTION 22. Penal Clause. – Any person who shall violate any of the provisions of this Act shall, upon conviction, be punished with a fine of not less than Fifty Thousand Pesos (P50,000.00) or imprisonment of not more than one (1) year, or both, at the discretion of the court.

If the offender is a public official, the court shall order his/her dismissal from public service and the same shall be disqualified from holding public office.

SECTION 23. Funding. – The funding essential in carrying out the provisions of this Act shall be included in the proper General Appropriations Act: *Provided*, That the first inclusion shall be in the General Appropriations Act during the year following its enactment into law.

SECTION 24. Separability Clause. – If any provision or part of this Act is held invalid or unconstitutional, the remaining provisions or parts unaffected shall remain in full force and effect.

SECTION 25. Repealing Clause. – All laws, executive orders, presidential decrees or issuances, letters of instruction, administrative orders, rules, and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

1 *SECTION 26. Effectivity Clause.* – This Act shall take effect fifteen (15) days after
2 its publication in the Official Gazette or in a newspaper of general circulation.
3

4 Approved,