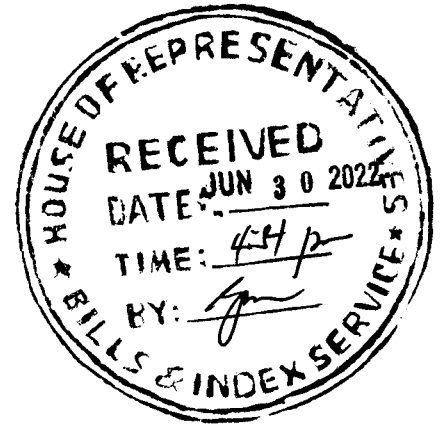


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session

House Bill No. 394



Introduced by Representative Gabriel H. Bordado, Jr.

EXPLANATORY NOTE

The agriculture industry plays a huge role in contributing to both the economy and the food security of the Philippines. The industry is made up of four sectors – farming, fisheries, livestock, and forestry – and together, these sectors make up 22.9 percent of the total labor force of the country in 2019, according to the Philippine Statistics Authority. Major products produced and exported to different countries include rice, corn, coconut, sugarcane, bananas, pineapple, coffee, mangoes, tobacco, and abaca. The agriculture industry contributes up to twenty percent of the country's GDP. However, due to different issues like the continuous damage to the world's natural resources and conversion of agricultural land into residential and commercial areas, the agriculture industry and, in turn, the food security of the country are currently being challenged despite the industry's sizeable contribution to the country. It is because of these challenges that it becomes pertinent to seek ways to improve and develop agriculture in the country.

With the sizeable contribution of the agriculture industry to the economic growth and food security of the country, it is important that we aid the modernization of the agriculture processes and ensure that professionals in the industry are well equipped with skills and the knowledge to be globally competitive. The Professional Regulation Commission created the Board of Agriculture pursuant to the policies and objectives of the Agriculture and Fisheries Modernization Act of 1997 in order to oversee the licensing and regulation of the practice of agriculture and to ensure that importance is given to the professionalization of the agriculture profession. However, the regulation of the practice of agriculture still currently faces numerous issues and concerns.

This bill seeks to put at par agriculture with other professions such as the accounting, engineering, food technology, and forestry to name a few, by regulating its practice thereby ensuring the continuing professional development of agricultural workers.

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


GABRIEL H. BORDADO, JR.
Third District, Camarines Sur

only national organization of Licensed Agriculturists that is accredited by the Professional Regulation Commission and Professional Regulatory Board for Agriculturists;

(b) *Agriculture* refers to the art, science, ethics, management and entrepreneurship in the production, processing, distribution of agricultural products, services, and the mitigation of climate change in agriculture;

(c) *Board* refers to the Professional Regulatory Board of Agriculture;

(d) *Commission* refers to the Professional Regulation Commission;

(e) *Practice of the Agriculture Profession* refers to all activities, acts, services or pursuits performed by Licensed Agriculturists as herein prescribed or specified; and

(f) *Licensed Agriculturist* refers to a person who has been issued with a Certificate of Registration (COR) and Professional Identification Card (PIC) to practice the Agriculture profession.

ARTICLE II PROFESSIONAL REGULATORY BOARD OF AGRICULTURE

Section 5. Creation and Composition of the Professional Regulatory Board of Agriculture - There is hereby created a Professional Regulatory Board of Agriculture, hereinafter referred to as the Board, under the administrative supervision and control of the Professional Regulation Commission, hereinafter referred to as the Commission. The Board shall be composed of a chairperson and five (5) members. Each member shall represent one of the six (6) fields of specialization listed in Section 15, Article III hereof. The chairperson and members of the Board shall be appointed by the President of the Philippines from the two (2) recommendees for each position submitted by the Commission from a list of three (3) nominees for each position submitted by the Accredited Integrated Professional Organization (AIPO) for Licensed Agriculturists. Other professional agricultural organizations duly registered with the Securities and Exchange Commission (SEC) may submit nominees, through the AIPO.

The new Board shall be constituted within six (6) months from the effectivity of this Act.

Section 6. Qualifications of the Chairperson and Members of the Board - The chairperson and members of the Board must, at the time of their appointment:

(a) Be a Filipino citizen and resident of the Philippines;

(b) Be of good moral character and must not have been convicted of any crime involving moral turpitude;

(c) Be a member in good standing of the AIPO for Licensed Agriculturists;

(d) Be a holder of a degree in Bachelor of Science in Agriculture or any other agriculture-related course, preferably with an MA/MS and/or PhD in any agriculture discipline obtained from a school, college or university recognized by the government provided further that each member of the board shall serve in the recognized expertise in one of the six (6) fields of specialization;

(e) Be a Licensed Agriculturist, with a valid Certificate of Registration (COR) and Professional Identification Card (PIC), and with at least ten (10) years of relevant experience in Agriculture prior to appointment;

(f) Must not be a member of the faculty, whether full-time or part-time, of any school, college or university where a regular and/or review course in Agriculture is taught, nor shall have any pecuniary interest, direct or indirect, in such institution; and

(g) Must not be an incumbent officer or trustee of the AIPO for Licensed Agriculturists.

Section 7. Scope of Practice of Agriculture—The Agriculture profession involves services consisting of crop and animal production, processing and distribution, in both urban and rural areas.

A person shall be considered in the practice of Agriculture if the nature and character of his/her employment in the public or private enterprise requires professional knowledge in the field of Agriculture. He/she is also deemed to be in the practice of the Agriculture profession if he/she teaches any Agriculture subject in a university, college or school or engages in research in any Agriculture-related research or extension.

The foregoing list notwithstanding, other activities which now or hereinafter may require the application of knowledge, skills, training and expertise in Agriculture shall be deemed to be within the scope of the practice of Agriculture, and as such, shall be governed by the provisions of this Act.

Section 8. Powers and Functions of the Board— The Board shall have the following powers and functions:

(a) Promulgate, administer and enforce rules and regulations, including the Code of Ethics and Code of Technical Standards for Licensed Agriculturists to carry out the provisions of this Act;

(b) Supervise and regulate the licensure, registration and practice of Licensed Agriculturists;

(c) Determine and evaluate the qualifications of the applicants for issuance of the COR, PIC and Special Temporary Permit (STP);

(d) Prepare and modify the questions for examination and prescribe the syllabi and Tables of Specifications (TOS) of the subjects for examination and their relative weights;

- (e) Administer the Oath of Professional;
- (f) Issue, suspend, revoke or reinstate the COR and PIC or STP for cause;
- (g) Look into the conditions affecting the practice of Agriculture, adopt measures for the enhancement of the profession and the maintenance of high professional, technical and ethical standards, and conduct inspection of places where Licensed Agriculturists practice their profession;
- (h) Inspect, in coordination with the Commission on Higher Education (CHED), the prescribed facilities of universities or colleges offering the course or program of Agriculture in order to ensure that standards and essential requirements for a qualified dean and faculty are properly complied with;
- (i) Investigate violations of this Act, its Implementing Rules and Regulations (IRR) and the Code of Ethics and Code of Technical Standards for Licensed Agriculturists;
- (j) Issue *subpoena ad testificandum* and *subpoena duces tecum* to secure the attendance of respondents or witnesses or the production of documents relative to the investigation conducted by the Board and the Commission;
- (k) Prepare guidelines for the Continuing Professional Development (CPD), in coordination with the AIPO for Licensed Agriculturists;
- (l) Perform other powers, functions and duties as may be necessary to effectively implement this Act.

The policies, resolutions, rules and regulations, orders and decisions issued or promulgated by the Board shall be subject to review and approval of the Commission. However, the Board's decisions, resolutions or orders which are not interlocutory, rendered in an administrative case, shall be subject to review only if on appeal.

Section 9 - Term of Office The members of the Board shall hold office for a term of three (3) years after appointment or until their successors shall have been appointed and duly qualified: *provided*, that members of the first Board to be appointed after the approval of this Act shall hold office for the following terms: the two (2) members, one of whom shall be designated as Chairperson in the appointment, shall serve for three (3) years, two (2) members shall serve for two (2) years, and the other two (2) members shall serve for one (1) year.

Each member of the Board may only be reappointed for one full term of three (3) years.

Any vacancy in the Board shall be filled for the unexpired portion of the term only. Each member shall take an oath of office prior to the assumption of duties.

Section 10. Compensation and Allowance of the Chair and Members of the Board - The chairperson and members of the Board shall receive compensation and allowances comparable to the compensation and allowances received by the chairpersons and members of the other Professional Regulatory Boards under the Commission as provided in the annual General Appropriation Act.

Section 11. Suspension and Removal of the Chair and Members of the Board -
The chairperson or member of the Board may be suspended or removed by the President of the Philippines, upon recommendation of the Commission, for neglect of duty, abuse of power, oppression, incompetence, unprofessional, unethical, immoral or dishonorable conduct, commission or toleration of irregularities in the conduct of examination or tampering of the grades therein, or for conviction by final judgment of any criminal offense involving moral turpitude, after having been given the opportunity to defend himself/herself in a proper administrative investigation.

Section 12. Supervision of the Board, Custodian of its Records, Secretariat and Support Services - The Board shall be under the administrative supervision and control of the Commission. All records of the Board, including applications for examination, papers and results, minutes of deliberations, administrative and other investigative cases involving Licensed Agriculturists, shall be kept by the Commission.

The Commission shall designate the Secretary of the Board and other support services to implement the provisions of this Act.

Section 13. Annual Report- The Board shall, within thirty (30) days from the close of each calendar year, submit an annual report to the Commission, giving a detailed account of its proceedings and accomplishments during the year and recommending measures to be adopted, with the end in view of upgrading and improving the conditions and practice of the Agriculture profession in the Philippines.

ARTICLE III LICENSURE EXAMINATION AND REGISTRATION

Section 14. Licensure Examination- Unless otherwise provided, every applicant seeking to be registered and licensed as a Licensed Agriculturists shall undergo a written examination as provided for in this Act. Examination for the practice of the Agriculture profession in the Philippines shall be given by the Board at least once every year in such places and dates as the Commission may designate.

Section 15. Scope of Examination- A written examination shall be given to the applicants for registration as Licensed Agriculturists, the scope of which shall include but not be limited to the following:

- (a) Crop Science
- (b) Animal Science
- (c) Soil Science
- (d) Crop Protection
- (e) Agricultural Economics, Agribusiness and Farm Management; and
- (f) Agricultural Extension and Communication

To conform with the technological and agricultural modernization, the Board may re-cluster, re-arrange, modify, add to or exclude from any of the foregoing subjects, as the need arises.

Section 16. Qualifications of Applicants for Examination - In order to be admitted to the Agriculturists Licensure Examination, a candidate must, at the time of filing of application, establish to the satisfaction of the Board that:

(a) he/she is a citizen of the Philippines or a foreign country which has a policy on reciprocity for the practice of the Agriculture profession.

(b) he/she is a holder of a Bachelor's Degree in Agriculture or any related course from a school, college or university recognized by the Government;

(c) non-holders of Bachelor's degree in Agriculture but has post-graduate degree in Agriculture from a school, college, or university recognized by the Government; provided, that he/she has finished a minimum of thirty-six (36) units of agricultural subjects.

(d) Incumbent holders of agriculture positions in the national, regional or local government offices or agencies including government-owned and –controlled corporations and have been engaged in agricultural functions acceptable to the Board: *provided*, that they are holders of professional civil service eligibility; provided, further, that he/she has finished a minimum of thirty-six (36) units of agricultural subjects.

(e) he/she is of good moral character and has not been convicted of any crime involving moral turpitude.

Section 17. Ratings in the Examination - In order for an examinee to pass the examination, he/she must have obtained an average of at least seventy-five percent (75%) in all subjects, with no rating below sixty percent (60%) in any subject. However, if an examinee obtains a general weighted average rating of seventy-five percent (75%) or higher but obtained a rating below sixty percent (60%) in any of the subjects, he/she shall be allowed to take the examination in the subject or subjects where he obtained a grade below sixty percent (60%) only once.

An examinee who fails to pass the examination thrice shall be required to undergo a one (1) year refresher course equivalent to thirty six (36) units and a review class before he/she shall be allowed to re-take the examination.

Section 18. Release of the Results of Examination - The results of the examination shall be released within ten (10) days from the last day of the examination, unless otherwise extended for a valid reason.

Section 19. Registration without Examination – Upon approval of application and payment of required fees, certificate of registration and professional license shall be issued to the applicant for registration without examination who can prove to the satisfaction of the Board that:

(a) He/She graduated from a school, college, or university recognized by the Government with the degree of Bachelor of Science in Agriculture or bachelor in Agricultural Technology or their related degrees.

(b) Non-holders of Bachelor's degree in Agriculture but has post-graduate degree in Agriculture from a school, college, or university recognized by the

Government; provided, that he/she has finished a minimum of thirty-six (36) units of agricultural subjects.

- (c) This provision shall be effective for a period of three (3) years upon approval of the Act.

Section 20. Issuance of the Certificate of Registration and Professional Identification Card - A COR shall be issued to a successful registrant, with or without examination, subject to the payment of fees prescribed by the Commission. The COR shall bear the signature of the chairperson of the Commission and the chairperson and members of the Board, stamped with the official seals of the Commission and the Board, indicating that the person named therein is entitled to practice the Agriculture profession, with all the benefits and privileges appurtenant thereto. The COR shall remain in full force and effect until revoked or suspended in accordance with this Act.

A PIC bearing the registration number, and dates of issuance and expiry, duly signed by the chairperson of the Commission shall likewise be issued to every registrant upon payment of the required fees. The PIC shall be renewed every three (3) years, upon compliance with the Continuing Professional Development (CPD), Certificate of Good Standing (COGS) from the AIPO and other requirements of the Board and the Commission; provided, further that incumbent professionals intending to renew their licenses shall adhere to Section 16 (c) and (d) and Section 19 of this Act.

Section 21. Refusal the Register - The Board shall not register and issue a COR to a registrant who has been convicted by a court of competent jurisdiction of any criminal offense involving moral turpitude or found guilty of immoral or dishonorable conduct after investigation by the Board or has been declared to be of unsound mind. The reason for the refusal shall be set forth in writing.

Section 22. Revocation or Suspension of the Certificate of Registration, Professional Identification Card or Cancellation of Special Temporary Permit - The Board may, after giving proper notice of hearing to the party concerned, revoke the COR and PIC of a Licensed Agriculturists or suspend him/her from the practice of the profession or cancel his/her STP for any of the causes or grounds under Section 20 hereof or for unprofessional or unethical conduct, malpractice, or violation of any of the provisions of this Act, its IRR, Code of Ethics and Code of Technical Standards for Licensed Agriculturists.

Section 23. Reinstatement, Reissuance or Replacement of Certificate of Registration, Professional Identification Card and Special Temporary Permit - The Board may, after two (2) years from the date of revocation of COR, reinstate any revoked COR and reissue a new PIC.

A new COR and PIC or STP may be issued to replace lost, destroyed or mutilated ones, subject to such rules as may be promulgated by the Board and the Commission.

Section 24. Roster of Professional Agriculturist - The Board, in coordination with the AIPO, shall prepare, update and maintain a Roster of Licensed Agriculturists, which shall contain their residence and office addresses, dates of registration and other data which the Board may deem pertinent.

Section 25. Issuance of Special Temporary Permit - Upon application and payment of the required fees and subject to the approval of the Commission, the Board may issue an STP to a foreign Licensed Agriculturist whose services are urgently needed due to the absence or inadequacy of local Licensed Agriculturists for the purpose of promoting or enhancing the practice of the Agriculture profession in the Philippines.

The Board shall issue the conditions for the grant of the STP, which shall include but not be limited to the designation of local understudy for every foreign Professional Agriculturist to be employed or engaged in the Philippines.

Section 26. Foreign Reciprocity - No foreign Professional Agriculturist shall be admitted to the examination or be given a COR or PIC and be entitled to any of the privileges under this Act unless the country of which he/she is a citizen specifically allows Filipino Licensed Agriculturists to practice within its territorial limits on the same basis as the citizens of such foreign country.

ARTICLE IV PRACTICE OF AGRICULTURE PROFESSION

Section 27. Oath - All persons qualified for registration, with or without examination, shall be required to take an oath of profession before any Member of the Board or any government official authorized by the Commission to administer oaths prior to entering into the practice of the Agriculture profession.

Section 28. Act Constituting the Practice of Agriculture Profession - Any single act or transaction embraced within the provision of Section 7 hereof shall constitute an act of engaging in the practice of the Agriculture profession.

Section 29. Professional Title Appendage - Only a Licensed Agriculturist as herein defined may append after his/her names the title "L.Agr."

Section 30. Prohibition Against the Unauthorized Practice of Agriculture Profession - No person shall practice the Agriculture profession in the Philippines or offer himself/herself as a Licensed Agriculturist, or use the title, word, letter, figure, or any sign tending to convey the impression that one is a Licensed Agriculturist, or advertise or indicate in any manner whatsoever that one is qualified to practice the profession unless he/she has complied with all the requirements for registration, with or without examination, and is a holder of a valid COR and PIC or a valid STP duly issued by the Board and the Commission.

Section 31. Prohibition Against Corporate Practice - The practice of the agriculture profession is a professional service admission to which shall be determined upon the bases of the individual's personal qualifications.

No firm, company, partnership, association or corporation may be registered or licensed to practice the agriculture profession; Provided, however, that persons registered and licensed as agriculturists may, among themselves, form a firm, partnership or association using the term "Agriculturists" and obtain registration with the Securities and Exchange Commission (SEC) or with the appropriate agency of the

314 Government, as the case may be. Nobody shall be allowed to be a member, partner
315 or associate in such firm, partnership or association unless he is a duly registered and
316 licensed agriculturist.

317 **Section 32. Employment of Agriculturists in the Government**- National and
318 regional government agencies concerned in agriculture activities shall ensure that all
319 existing plantilla positions are occupied by Licensed Agriculturists.

320 All existing plantilla positions of Provincial, City, and Municipal Agriculturists Offices
321 shall be headed by Licensed Agriculturists only, including all agriculture technical
322 positions therein. For this purpose, a position is deemed to be technical when the
323 same primarily requires the professional knowledge and skills of a Licensed
324 Agriculturists as may be determined by the Board.

325 All agriculture technical personnel hired on contractual, job order, or project-based
326 basis shall be licensed agriculturists.

327 The Board shall assist in the development of Position Classification Standards for
328 relevant government plantilla positions, in collaboration with Civil Service Commission
329 and other appropriate national and local government agencies.

330 **Section 33. Employment of Agriculturists in the Private Sector** – Private
331 agricultural corporations and enterprises shall allocate at least one (1) Licensed
332 Agriculturist.

333 All corporate farms, golf courses, agri-tourists, agri-related corporations/businesses
334 and other similar institutions or facilities involved in agriculture must employ such
335 number of Licensed Agriculturists in accordance with the guidelines to be issued by
336 the Board and the Commission.

337 **Section 34. Accredited Integrated Professional Organization (AIPO)**- All Licensed
338 Agriculturists shall have one (1) national organization, which shall be recognized by
339 the Board and the Commission as the one and only AIPO for Licensed Agriculturists.

340 A Licensed Agriculturists duly registered with the Board and the Commission shall
341 automatically become a member of the AIPO and shall receive all the benefits and
342 privileges appurtenant thereto, upon payment of the prescribed fees and dues.

343 Membership in the AIPO shall not bar membership in other associations of Licensed
344 Agriculturists.

345 **Section 35. Code of Ethics for Agriculture Profession** - The Board shall prescribe
346 and promulgate the Code of Ethics and Code of Technical Standards for Licensed
347 Agriculturists, in consultation with the AIPO.

348 **Section 36. Vested Rights: Automatic Registration of Agriculturists** – All
349 Licensed Agriculturists who are registered and licensed at the time this Act takes effect
350 shall automatically be registered hereunder.

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ARTICLE V
PENAL AND FINAL PROVISIONS

353 **Section 37. Penal Provision** - Any violation of this Act, its IRR, Code of Ethics and
354 Code of Technical Standards or other regulatory policies of the Board and the
355 Commission, shall be meted the penalty of a fine of not less than Fifty Thousand Pesos
356 (P 50,000.00) or more than Five Hundred Thousand Pesos (P500, 000.00), or
357 imprisonment of not less than six (6) months nor more than six (6) years, or both, at the
358 discretion of the court.

359 **Section 38. Appropriations** – The chairperson of the Commission shall immediately
360 include in the Commission's programs the implementation of this Act, the funding of
361 which shall be included in the annual General Appropriations Act and thereafter.

362 **Section 39. Transitory Provisions** - The existing Board of Agriculture shall continue
363 to function in the interim until such time that the new Board shall have been constituted
364 pursuant to this Act.

365 **Section 40. Implementing Rules and Regulations**- The Board, subject to the
366 approval by the Commission, and in coordination with the AIPO, shall issue and
367 promulgate the implementing rules and regulations within one hundred twenty (120)
368 days from effectivity of this Act.

369 **Section 41. Separability Clause** - If any clause, sentence, paragraph or part of this
370 Act shall be declared unconstitutional or invalid, such judgment shall not affect,
371 invalidate or impair any other part of this Act.

372 **Section 42. Repealing Clause** - All laws, decrees, executive orders, memorandum
373 orders, and other administrative issuances or parts thereof which are inconsistent with
374 the provisions of this Act, are hereby modified, superseded or repealed accordingly.

375 **Section 43. Effectivity**- This Act shall take effect fifteen (15) days following its
376 publication in the Official Gazette or in any major newspaper of general circulation in
377 the Philippines.

Approved,