

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session



House Bill No. 1700

Introduced by Representatives
HORACIO P. SUANSING, JR. and MIKAELA ANGELA B. SUANSING

AN ACT
INSTITUTING THE FARMERS AND FISHERFOLK ASSISTANCE FUND
AND PROVIDING PENALTIES FOR ITS ILLEGAL USE

EXPLANATORY NOTE

In more recent years, several exogenous factors, such as a more volatile global commodity market and more extreme changes in environmental conditions have challenged the welfare of the members of our local agricultural and fishery sectors. Given the injurious effects of these factors, the Philippine Government has effectively sought out to alleviate the burden caused to our farmers and fisherfolk by funneling public funds towards building essential infrastructure and disbursing sector-specific financial assistance through the Department of Agriculture.

This laudable development, however, would not prove as effective in the long run without instituting a formidable legal safeguard against the possible extraction of government funds, purposed for assistance to agricultural and fishery sectors, by authorities tasked with its disbursement. Given the aforementioned economic shocks that already adversely affect the livelihood of our farmers and fisherfolk, this Government ought to establish barriers against potential extortive behavior and ensure that any monetary assistance granted to our farmers and fisherfolks is duly directed towards their welfare.

This measure primarily seeks to empower our local farmers and fisherfolks by establishing a voucher system through which they may apply for financial assistance to regional offices of the Department of Agriculture, for the purpose of purchasing farm inputs, equipment, and other tools that may aid the cultivation and farming of crops and other types of agricultural produce. It also aims to strengthen the public accountability of regional officers of the Department of Agriculture by mandating that they completely account and submit all covering documents to the regional internal auditor, to the Department's national office and to the Congressional Oversight Committee within 30 days of fund disbursement, in lieu of strong penalties also included herein.

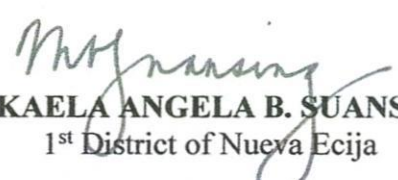
Finally, and most importantly, this measure endeavors to provide strong legal protection against the unlawful diversion, misuse and/or misappropriation of funds earmarked for the use of farmers and fisherfolks by criminalizing acts related to such behavior, and recommends the imposition of criminal penalties on acts related to using such funds for political endeavors, such as for election purposes.

There has long been a call for strong legal protection for our local agricultural and fishery sectors and the public funds provided for them by the Government. Irreversible mistakes were made in the past that have adversely impacted the development of agriculture and fishery in our country, and given that our country will only achieve its goals of inclusive economic progress if all sectors are equitably supported, our Government ought to fully commit to these sectors' growth and development. By establishing institutional and legal safeguards for its members, this measure endeavors to effectuate such a commitment.

In view of the foregoing, the approval of this bill is earnestly sought. ¹



HORACIO P. SUANSING, JR.
2nd District of Sultan Kudarat



MIKAELA ANGELA B. SUANSING
1st District of Nueva Ecija

¹ This bill was filed by Reps. Horacio P. Suansing, Jr. and Rep. Estrellita B. Suansing during the 18th Congress.

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

SECTION 1. *Short Title.* — This Act shall be known as the "Farmers and Fisherfolk Assistance Fund Act."

SECTION 2. *Declaration of Policies.* — It is the policy of the State to effectively assist and provide funds for the needs of farmers, fisherfolks and others in the agricultural sector, and insulating the same from misuse, misappropriation or diversion, by imposing penalties for violation thereof.

SECTION 3. *Definition of Terms.* — As used in this Act, the term:

- A) *Farmers* shall refer to natural persons cultivating, planting, marketing and distributing crops, vegetable, fruits and other agricultural products from land and sea and shall include fisherfolk;
- B) *Other Farmers* shall refer to corporation, associations, cooperatives, foundations, non-government organizations (NGOs), people's organization and artificial beings with juridical capacity involved in similar activities stated in paragraph (a) hereof as done by farmers;
- C) *Funds* shall refer to the appropriation from public funds for use, included in the General Appropriations Act, special laws or local ordinances intended for the farmers;
- D) *Farm Use* shall refer to seedlings and fertilizers including farm tools, gadgets, implements and equipment necessary for cultivation, development, improvement or fertilization of farmlands, orchards, and other agricultural lands; and
- E) *Department* shall refer to the Department of Agriculture.

SECTION 4. *Requisition, Release and Disbursement of Funds.* — Any provision of laws to the contrary notwithstanding the requisition, release and disbursement to farmers of funds intended or earmarked for use in the cultivation, development, improvement or fertilization of farmlands, orchards and other lands devoted to the planting of crops, agricultural food products, vegetable and fruits, shall be through a Voucher System whereby the farmers themselves shall determine and requisition the farm inputs, implements and other farm uses as they need and submit such vouchers to the Regional Office of the Department for approval of the Regional Director and shall be released within a period of not exceeding sixty (60) days from approval based on, and within the allocation in the budget for the specific locality where the farm is located; Provided, however, that in purchasing or making available such agricultural inputs, implements, and other farm uses as determined by the totality of the aggregate vouchers or requisitions, the provisions of Republic Act No. 9184, otherwise known as the Government Procurement Act of 2003, shall be strictly complied with by the Regional Director of the Department.

SECTION 5. *Internal Pre-Audit Service.* — In lieu of purchasing the said requisitioned agricultural farm inputs, implements, and other farm uses, the Regional Office may release funds directly to the requesting farmer, in which case, he shall immediately submit all the covering documents to the internal auditor in the region who shall, not later than thirty (30) days from such receipt, submit his audit report to the national office of the Department charged with monitoring of the use of the funds, implementation of the project and evaluation of the progress or effects of the program to the country, furnishing copies thereof to the Congressional Oversight Committee on Agriculture.

SECTION 6. *Violations and Penalties.* — The following violations shall constitute criminal offenses punishable under this Act as follows:

A) Diversion, misuse, or misappropriation of the funds, of a portion thereof, or of the farm inputs, implements, and other farm uses intended to be released to the farmers, or falsely or fraudulently making it appear that such requisition or release of funds of farm inputs has been made, when in fact there is none, shall, in addition to the penalties provided for in the Revised Penal Code, be punishable with imprisonment of not less than twelve (12) years but not more than twenty (20) years; Provided, however, that if such funds or farm uses be utilized for election purposes, money laundering, or other illegal and unlawful activities, the penalty imposed shall be in the maximum period; Provided, finally, that in the event it is established that the use of the whole or a portion of the fund or farm uses also constitutes the crimes of plunder, the penalty for plunder as prescribed, shall be applied;

B) Any farmer, group, corporation, association, cooperative, foundation, NGO, people's organization, or other artificial being with juridical capacity granted with any fund or farm uses which shall use the same for vote-buying, reselling, or purposes other than those provided herein or shall be involved in the false or fraudulent requisition; or misuse or misappropriation of the fund or farm uses, shall be punishable with imprisonment of not less than ten (10) years but not more than fifteen (15) years; Provided, however, that in case of a corporation, association, cooperative, foundation, NGO, people's organization, or other artificial being with juridical capacity, whether registered or not, composed of two or more persons, the stockholders, members directors, trustees, officers and the individuals composing it,

shall be liable in their personal capacity and suffer the penalties provided herein, unless the individuals composing it shall prove that he/she never took part in the transaction and benefited from the proceeds of the funds or the farm uses;

C) Failure or unjustifiable refusal of the Regional Director or his subordinate to act upon, process, and evaluate within the period of time hereinbefore fixed, or to release the funds or farm uses to the farmer applicant when there is no legal nor justifiable reason to do so, shall be punishable with imprisonment of not less than six (6) years but not more than twelve (12) years; and

D) Any other violation of this Act shall be punishable with imprisonment of not less than five (5) years but not more than ten (10) years.

SECTION 7. Appropriations. — The amount needed for the initial implementation of this Act shall be charged against the appropriations of the Department of Agriculture. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

SECTION 8. Rules and Regulations. — The Department of Agriculture shall promulgate the necessary rules and regulations to effectively implement the provisions of this Act within sixty (60) days from the effectivity hereof.

SECTION 9. Separability Clause. — If any provision or part of this Act is declared unconstitutional or invalid, other parts or provisions hereof which are not affected shall continue to be in full force and effect.

SECTION 10. Repealing Clause. — All laws, decrees, executive orders, rules and regulations and other issuances or parts hereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 11. Effectivity. — This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or at least two (2) newspapers of general circulation.

Approved,