

TWENTIETH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES

*Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.*

House Bill No. **2171**

EXPLANATORY NOTE

For 2020, data from the Philippine Statistics Authority show that the Agriculture, Forestry, and Fishing (AFF) sector had a 10.2% of the GDP of the Philippines.

This shows the important role that agriculture plays in the development of the country, and the important role of workers in the agriculture sector.

Thus, this measure which aims to protect of our agriculture workers and strengthen their rights.

In view of the foregoing, immediate approval of this measure is earnestly requested.


RUFUS B. RODRIGUEZ


MAXIMO B. RODRIGUEZ, JR.

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**AN ACT
PROVIDING FOR THE MAGNA CARTA FOR THE ADVANCEMENT OF AGRICULTURAL
WORKERS WELFARE**

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

**ARTICLE I
GENERAL PROVISIONS**

Section 1. Short Title. – This Act shall be known as the "Magna Carta for the Advancement of Agricultural Workers Welfare".

Sec. 2. Declaration of Policy. – It is hereby declared a policy of the State to accelerate the development and modernization of Philippine agriculture and improve the economic and social well-being of agricultural development workers as well as their working conditions and employment status. The State shall likewise develop their skills, knowledge, orientation and capabilities so that they will become more responsive and effective in providing the necessary services for countryside development and the modernization of the Philippine Agriculture.

Sec. 3. Definition of Terms. – As used in this Act:

a. Agricultural Development Workers – shall mean all persons who are engaged in agricultural development activities and all persons employed in the Department of Agriculture (DA), including its bureaus and attached agencies, Local Government Units (LGUs), State Colleges and Universities (SUCs) and concerned government and private institutions, and shall include agriculturist, agricultural engineers, fishery technologists, veterinarians, agricultural technicians, agricultural employees, administrative and support personnel employed regardless of their employment status;

b. Agriculturist – shall refer to a person who is a graduate of a course in agriculture or any related course registered and license with the Professional Regulation Commission (PRC) who performs any of the specialized activities such as agronomy, horticulture, animal husbandry, entomology, plant pathology, plant breeding, agricultural economics, agricultural extension, and marketing;

c. Agricultural Engineer – shall refer to a person registered with the PRC performing engineering activities in agriculture, particularly on areas of farm power and machinery, irrigation and drainage, soil and water conservation, agricultural buildings and structures, agricultural processing, and postharvest facilities;

d. Fishery Technologist – shall refer to a person who is a graduate of a course in fisheries and registered and licensed with the PRC performing activities on fisheries and aquaculture, and, fishery production and processing;

e. Veterinarian – shall refer to a person registered with the PRC performing professional activities on veterinary services such as disease prevention, control, and animal health;

f. Agricultural Technician – shall refer to a trained or skilled agricultural worker who is not necessarily a college graduate and certified by the Technical Education and Skills Development Authority (TESDA) performing job such as plant nursery propagator, farm mechanic and agricultural machinery operator and other related skilled job in agricultural production, processing, and marketing;

g. Agricultural Extension Worker – shall refer to an agriculturist, agricultural engineer, fishery technologist and veterinarian who helps farmers and fishermen in the promotion of agricultural and fisheries development plans, programs and projects through the use of extension theologies, concepts and principles; and,

h. Agricultural Employee – is a person who is a graduate of Agriculture, Agricultural Engineering, Fisheries, Veterinary Medicine or any other agriculture- related course from any recognized college or university and in holder of an appropriate civil service but not a licensed professional under the PRC who is employed in the government, non-government organization or private institution who performs activities on agriculture development.

Sec. 4. Coverage. – This act shall cover all Agricultural Development Workers of the government, non-government organizations and private institutions and shall include agriculturists, agricultural engineers, fishery technologists, veterinarians, agricultural technicians, agricultural employees, farm workers, administrative and support personnel employed regardless of their employment status.

ARTICLE II EMPLOYMENT AND CAREER DEVELOPMENT

Sec. 5. Recruitment and Qualifications. – The selection and appointment of agricultural development workers shall be in accordance with the merit and fitness principle: *Provided*, That he/she has the appropriate civil service eligibilities and/or professional license, educational qualification, skills and related work experiences.

Sec. 6. Employment Assistance. – There shall be employment opportunities for the graduates of agriculture and fishery related courses who are certified and licensed to practice their profession and/or perform specialized works by the PRC and TESDA, respectively. In line with this, the Department of Labor and Employment (DOLE), together with academic institutions, PRC, TESDA and the Department of Trade and Industry (DTI) shall undertake employment promotion of the produced agricultural development workers in the domestic and foreign market and adopt and implement a National Employment Program for Agricultural Development Workers.

Sec. 7. Professionalization of Government Agricultural Services. – There shall be support on the professionalization of agricultural services of the government by ensuring the appropriate position titles, just compensation and benefits of the agricultural development workers relative to the implementation of the government's agricultural programs. For this purpose, the DA, together with CSC, Department of Budget and Management (DBM), Department of the Interior and Local Government (DILG), and in coordination with the recognized national associations of agricultural development workers shall review the existing functions, responsibilities,

position, titles, qualifications and allocations of the agricultural development workers employed at the DA, LGUs and concerned government agencies, and to reallocate, reclassify and/or match them with appropriate position, titles and compensation. It shall likewise adopt the existing CSC agricultural positions with corresponding salary grade.

Sec. 8. *Mandatory Positions of Agricultural Development Workers in Local Government Units.*

– The creation of the following positions is hereby made mandatory in addition to the prescribed position under the Local Government Code of 1991, as amended:

- i. Provincial Agricultural Engineer;
- ii. Provincial Fishery Officer;
- iii. City Agricultural Engineer;
- iv. City Veterinarian;
- v. City Agriculturist; and,
- vi. Municipal Agriculturist.

The LGUs shall create staffing pattern for agricultural development workers.

Sec. 9. *Performance Evaluation and Merit Promotion.* - The Secretary of Agriculture in consultation with CSC, DOLE and recognized national associations of agricultural development workers shall prepare a uniform career and personnel development plan applicable to all agricultural development workers. Such career and personnel development plan shall include provisions on merit promotion, performance evaluation, in-service training grants and incentives awards system. The performance evaluation plan shall consider foremost the improvement of individual employee efficiency and organizational effectiveness: *Provided*, that each employee shall be informed regularly by his/her supervisor of his/her performance evaluation. *Provided further*, That the merit promotion plan shall be in consonance with the rules of the CSC

Sec. 10. *Transfer of Geographical Reassignment of Agricultural Officers and Employees.* – No transfer of geographical reassignment shall be made or effected without a written notice to the agricultural development worker concerned stating therein the reason for such: *Provided*, That said written notice shall be made thirty (30) days prior to the date of transfer or reassignment and that if the employee concerned disagrees with the order of transfer or reassignment, he/she may appeal said order with CSC or DOLE, as the case may be: *Provided further*, That pending appeal, such transfer or reassignment shall be held in abeyance: *Provided furthermore*, That no transfer or reassignment whatsoever shall be made three (3) months prior to any local or national elections: *Provided finally*, That the necessary expenses of the transfer and/or reassignment of the agricultural worker or employee and his/her immediate family shall be paid by the Philippine Government.

Sec. 11. *Security of Tenure.* – Any agricultural development worker holding a permanent position in the government shall not be terminated except for cause: *Provided*, That in the event the agricultural development worker is found to be unjustly dismissed by CSC, he/she shall be entitled to reinstatement without loss of seniority rights and back wages with twenty per centum (20%) interest to be computed from the time compensation is withheld up to the reinstatement. *Provided however*, that if the agricultural development worker does not desire to be reinstated, he/she shall be entitled to back wages and separation pay with twenty per centum interest.

Sec. 12. *Married Agricultural Development Worker.* – Whenever possible, the proper authorities shall take steps to enable married couples both of whom are public agricultural development workers, to be employed or assigned in the same or adjacent city/municipality.

Sec. 13. Code of Conduct. – All Agricultural Development Workers must be guided by the Code of Ethics, as adopted by the Secretary of Agriculture in consultation with CSC, DOLE, and concerned stakeholders.

Sec. 14. Normal Hours of Work. – The normal hours of work of an agricultural development worker shall not exceed eight (8) hours a day or forty (40) hours a week. Hours of work shall include:

- a. the time the agricultural worker is required to be on active duty or to be at a prescribed workplace;
- b. the time which an agricultural development worker is permitted to work; and,
- c. the time which an agricultural development worker is required to work in a place other than the prescribed workplace.

Sec. 15. Overtime Work – Where the exigencies of the service so require, any agricultural development worker, whether in government or non-government service, may be required to render service beyond the normal eight (8) hours a day, inclusive of Saturday and Sunday and non-working holidays. In such cases, the agricultural development worker shall be given additional compensation in accordance with the existing applicable laws.

Sec. 16. Personnel Required. – All offices, firms and establishments either government or private, and farmer organizations and cooperatives engaged in the production, processing, handling and marketing of agriculture and fisheries products and likewise implementing projects related to irrigation, farm mechanization, postharvest facilities and agricultural infrastructures shall employ the required number and/or engage the services of agriculturists, agricultural engineers, fishery technologists and veterinarians to perform professional services.

Provided, That there shall be no understaffing and/or overloading of agricultural development workers. The ratio of staff to clientele shall be such as to reasonably effect a sustained quality of agricultural service at all times without overworking the agricultural development workers and over-extending their services. Only qualified professional shall occupy the agriculturist, agricultural engineer, fishery technologist and veterinarian in all government instrumentalities, non-government organization and private firms and establishments;

Provided further, That in cases that the LGU decides to employ additional agricultural development workers, they shall be exempted in the prescribed ceiling for personnel services by the DBM provided such positions shall be filled up within one (1) year after its creation.

Provided furthermore, That the national government shall allocate the necessary funds for the hiring of additional agricultural development workers in cases of overloading of personnel in specific areas of assignment of concerned government offices.

ARTICLE III RIGHTS, BENEFITS, AND REWARDS

Sec. 17. Freedom from Interference or Coercion. – It shall be unlawful for any person to commit any of the following acts of interference or coercion:

- a. to require as a condition of employment that the agricultural development worker shall not join an organization or union;
- b. to discriminate in order to encourage or discourage membership in any agricultural development workers organization or union;
- c. to prevent an agricultural development worker from carrying out his/her duties and functions in his/her organization or union or to penalize him/her for any lawful action performed in that capacity;
- d. to harass or to intimidate an agricultural development worker or prevent him/her from performing duties and functions; and,

- e. to perform acts that will diminish the independence and freedom of the union or organization to direct its own affairs.

Sec. 18. *Discrimination Prohibited.* – An agricultural development worker shall not be discriminated by reason of creed, gender, political belief, civil status, religious belief and ethnic grouping in the exercise of his/her profession.

Sec. 19. *Safeguards in Administrative Proceedings.* – In every administrative proceeding, an agricultural development worker shall have:

- a. the right to be informed of the charges;
- b. the right to full access to evidence against him/her;
- c. the right to defend himself/herself through counsel of his/her choice;
- d. the right to be given adequate time to prepare his/her case, which shall in no case exceed twenty (20) days;
- e. the right to appeal to designated authorities;
- f. the right to cross-examine witnesses and to processes for the production of witnesses;
- g. the right to reimbursement for reasonable expenses incurred in his/her defense in case of exoneration or dismissal of the charges; and,
- h. such other rights provided by other national agencies and local government units to their respective officers and employees to ensure fairness and impartiality in prosecution.

Sec. 20. *Right to Join Organizations.* – Agricultural development workers shall have the right to freely join organizations or unions for purposes not contrary to law, in order to protect their mutual interest and to seek redress of grievances through peaceful concerted activities. The various national organizations of agricultural development workers shall be consulted in the formulation of national education policies and professional standards, and in the formulation of national policies and programs on agriculture of the government.

Provided, that the government shall ensure that the agricultural development workers organizations are represented in the national and local Agricultural and Fishery Councils, local development councils and other policy making and consultative bodies of the government.

Sec. 21. *Criteria for Incentives and Rewards System.* – the reward and incentive system for agricultural development workers provided under this Act, which will encourage them to stay in the service, promote their productivity and reward them for extraordinary performance shall be governed and funded by DA with the following criteria:

- a. Honorarium – form of remuneration for services rendered beyond the established workload of agricultural development workers whose broad and superior knowledge and expertise contribute to agricultural productivity and innovativeness;
- b. Incentive pay – form of remuneration given to individuals whose services in management, administration, policy making and support contribute to the efficient and effective implementation of the agricultural and fisheries program of the government,
- c. Performance Bonus – form of remuneration given to the agricultural development workers for performance that exceeds established targets; and
- d. Other incentives that DA and LGUs may establish.

The DA is hereby mandated to create a committee to formulate the mechanics relative to this provision.

Sec. 22. *Other Compensation and Benefits.* – All agricultural development workers shall be entitled to the following additional compensation and benefits:

- a. Representation Allowance Travelling Allowance (RATA) – all Provincial/City/Municipal Agriculturist, Veterinarians, Agricultural Engineers and Fisheries Officers shall be entitled to RA equivalent to the Department Head of the LGUs;

- b. Hazard Allowance – All agricultural development workers assigned in difficult areas, strife-torn or embattled areas, distressed or isolated stations, animal/plant/fisheries breeding station, plant nurseries, plantations and demonstration farms, laboratories especially those handling x-rays, radioisotopes, chemicals, etc., sea-borne patrols, construction and installation of agricultural infrastructure projects, and other areas declared under a state of calamity or emergency which exposes them to great danger, occupational risk or perils of life shall be compensated with hazard allowance equivalent to at least twenty-five per centum (25%) of the monthly basic salary;
- c. Subsistence Allowance – All agricultural development workers who are required to render services in the communities, institutions, animal and plant breeding nurseries, plantations and demonstration farms and other banner programs and projects DA and/or LGU in order to make their services available at all times, shall be entitled to full daily subsistence allowance of three (3) meals, incidental expenses and other actual expenses that may be incurred while on official function, which shall be computed in accordance with the prevailing circumstances;
- d. Longevity Pay – A longevity pay equivalent to five per centum (5%) of the monthly basic pay shall be paid to an agricultural worker for every (3) years of continuous, efficient and meritorious services rendered;
- e. Clothing Allowance – All agricultural development workers shall be entitled to a clothing allowance in accordance with approved laws and regulations or as mandated by law;
- f. Housing – All agricultural workers who are in tour of duty and those who, because of unavoidable circumstances, are forced to stay in the institution or community with living quarters shall be entitled to such quarters for free; *Provided*, That if such living quarters are not available, their workers shall receiving housing allowance: *Provided further*, That said allowance shall be reviewed periodically and adjusted for inflation;
- g. Compensation for injuries – Agricultural development workers shall be protected against work-related injuries in accordance with the Labor Code or Civil Code as the case may be;
- h. Medical Examination – During the tenure of their employment, agricultural development workers personnel shall be given a compulsory free medical examination once a year and immunization as the case may warrant. The medical examination shall include:
 - i. Complete physical examination;
 - ii. Routine laboratory;
 - iii. Dental examination; and,
 - iv. Other indicated examination

Provided, That the cost of such medical examination shall be included as automatic appropriation in said entity's annual budget.
- i. On-Call Pay – In case of "On-Call" pay equivalent to fifty per centum (50%) of his/her regular wage, "On-Call" status refers to a condition when an agricultural officer or employee is called upon the respond to an urgent or immediate need or relief work during emergencies such that the agricultural worker cannot utilized 1 his/her time for personal needs: *Provided*, That no agricultural worker shall be placed in an "On-Call" status beyond seven (7) days;
- j. Motor and Vehicle Loan – All agricultural development workers shall be entitled to avail of the motor and vehicle load of DA. The government shall provide adequate budgetary support for their purpose; and,
- k. Highest Basic Salary Upon Retirement – Three (3) prior to the compulsory retirement, the agricultural development worker shall automatically be granted one (1) salary range or grade higher than his/her basic salary and his/her retirement benefits thereafter, computed on the basis of his/her highest salary: *Provided*, That he/she has reached the age and fulfilled service requirements under existing laws.

ARTICLE IV HUMAN RESOURCE DEVELOPMENT

Sec. 23. *Training Program.* – The DA together with the DOLE, PRC, Commission on Higher Education (CHED) and DILG shall formulate and implement a comprehensive training programs for the agricultural development workers as part of the Continuing Professional Development (CPD) Program as mandated by the PRC and Human Resource Development Program of the LGUs. *Provided*, That adequate budgetary support shall be provided by the national government; *Provided further*, that the trainings conducted by Agricultural Training Institute (ATI) for Agricultural Development Workers shall be credited as part of the CPD Program requirements of the PRC.

Sec. 24. *Scholarship Program.* – The Agricultural Development Workers and students on agriculture, agricultural engineering, fishery, and veterinary medicine courses shall have full access and priority allocation on the scholarship program of the government.

Sec. 25. *Capability Assessment.* – The DA shall conduct a periodic agricultural development worker resource development/management study into, among others, the following areas:

- a. Types and amounts of resources to include the ratio of personnel -clientele based on the geographical area and program coverage;
- b. Adequacy of facilities and supplies to render quality agricultural extension services;
- c. Opportunity for agricultural development workers to grow and develop their potentials and experience a sense of worth and dignity in their work. Those who undertake agriculture related postgraduate studies shall be entitled to an upgrading in their position or raise in pay of two (2) steps higher or its equivalent to his/her current salary;
- d. Mechanisms for annual regional consultation on the welfare of agricultural development workers;
- e. Staffing patterns and standard of agricultural extension services. Existing recommendations on staffing and standards of agricultural extension services shall be immediately and strictly enforced;
- f. Ways and means of enabling the rank-and-file workers to avail of education opportunities for personal growth and development;
- g. Upgrading of working conditions, reclassification positions and salaries of agricultural development workers to correct disparity vis-à-vis other profession such that position requiring longer study to upgrade and given corresponding pay scale; and
- h. Assessment of the national policy on exportation of skilled agricultural development workers resource to focus on how these resources could instead be utilized productivity for the country's needs.

There is hereby created a Congressional Commission on Agricultural Extension Services (CAESCOM) to review, assess and impose the implementation of human resources development in agricultural extension services, to include the Continuing Professional Education and Training and the other areas described above. The Commission shall be composed of five (5) members from the House of Representatives and five (5) members from the Senate. It shall be co-chaired by the chairperson of the committee on agriculture of both houses. It shall render a report and recommendation to the Congress which shall be the basis for policy legislation in the field of agriculture. Such a congressional review shall be undertaken once every five (5) years.

ARTICLE V ADMINISTRATION AND ENFORCEMENT

Sec. 26. *Composition of the Agricultural Officers and Employees Consultative Council.* – The composition of the Agricultural Officers and Employees Consultative Council shall be determined from the list submitted by the Regional Association of Municipal/City Agricultural

Officers and Provincial Agriculturists, throughout the country as well as from the list submitted by the Agriculture and Fishery Council Chairman, Provincial Agriculture and Fishery Council Chairman and the National Agriculture and Fishery Chairman.

Sec. 27. *Penalties.* – Any person who shall willfully interfere with, restrain or coerce any agricultural development workers in the exercise of his/her rights or shall violate any of the provisions of this Act shall upon conviction, be punished by a fine of not less than Twenty Thousand Pesos (P20,000.00) but not more than Forty Thousand Pesos (P40,000.00) 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, in addition to the penalties provided in the preceding paragraph, shall impose the additional penalty of disqualification from office of such offending public official.

Sec. 28. *Appropriations.* – The amount necessary to carry out the provisions of this Act shall be included in the General Appropriations Act of the year following its enactment into law and every year thereafter.

Sec. 29. *Implementing Rules and Regulations.* – The Secretary of DA, together with the DOLE, CSC, DILG, and in consultation with the national organizations of agricultural development workers shall formulate and prepare necessary rules and regulations in implementing the provisions of this Magna Carta.

Sec. 30. *Separability Clause.* – If any provision of this Act shall be declared unconstitutional or invalid, the other provisions not otherwise affected shall remain in full force and effect.

Sec. 31. *Repealing Clause.* – All laws, presidential decrees, executive orders, rules and issuance or parts thereof inconsistent with the provisions of this Act and Section 484 of the Local Government Code are hereby repealed or modified accordingly.

Sec. 32. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the official gazette or in a newspaper of general circulation.

Approved,