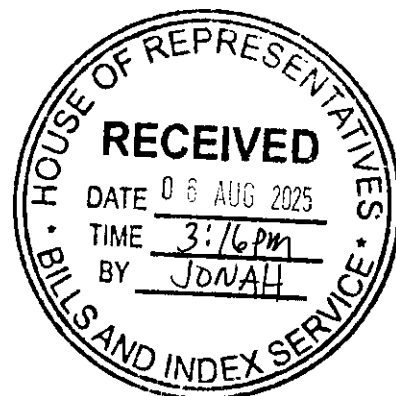


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

House Bill No. **3269**



Introduced by **HON. JOSEFINA B. TALLADO**

EXPLANATORY NOTE

Our farmers and fishermen are some of the most hard working members of the labor force in our country but often times neglected in terms of benefits. While their job is one of the most demanding as they ensure a steady source of food supply in the country, the efforts to increase and improve their benefits are still lacking.

This representation has observed that public and private employees enjoy government mandated benefits which are not applicable to the agricultural workers who are basically not under the immediate employ of any employer, public office or private entities. This include, among others, social pension. Considering this, our agricultural workers such as the farmers and fisherfolks stand at a disadvantage as they cannot enjoy the same level of benefits attained by other employees in the private and public sector despite their hard work, which is why, most of our agricultural workers remain the poorest of the poor especially even by the time they retire.

It has been observed that while there are several government financial aids given to agricultural workers these aids are often accompanied by conditions and occurrences which will entitle them thereto. Also, while it is true that farmers can enroll voluntarily to SSS most cannot afford to do so.

Indeed our agricultural workers are our governments partners in ensuring stable food supply and it is high time that the government recognize this essential partnership by creating a pension fund for them.

It is therefore proposed that the state create an agricultural pension fund for enhanced social protection to poor agricultural workers particularly when they reach retirement age.

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


HON. JOSEFINA B. TALLADO
1st District, Camarines Norte

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

House Bill No. 3269

Introduced by **HON. JOSEFINA B. TALLADO**

**“AN ACT CREATING AN AGRICULTURAL PENSION FUND FOR ENHANCED SOCIAL
PROTECTION TO POOR AGRICULTURAL WORKERS”**

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

SEC. 1. Title. – This Act shall be known as the “Agricultural Pension Fund Act”.

SEC. 2. Declaration of Policy. – It is the declared policy of the State to uplift the standard of living and quality of life of the poor and provide them with sustained opportunities for growth and development. It is likewise vital for the State to give due recognition to the great contribution in ensuring food security rendered by poor agricultural workers. As such, the State shall provide assistance in order that poor agricultural workers can enjoy the benefits of meaningful social protection against the hazards of disability, sickness, maternity, old-age, death and other contingencies resulting in the loss of income or financial burden.

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

- a. Agricultural Workers refer to farmers and fisherfolk 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. Enhanced Social Protection refers to the following benefits:
- c. Pension Benefit – This can be availed of by poor agricultural workers who have given one hundred and twenty (120) monthly contributions; and
- d. Other benefits – These refer to health, disability, maternity, calamity, death, and other benefits as maybe determined by the SSS.
- e. Poor refers to individuals whose income is below the poverty threshold as defined by the National Economic and Development Authority (NEDA) and who cannot afford in a sustained manner to provide their minimum basic needs of food, health, education, housing, and other essential amenities of life, as defined under Republic Act No. 8425, otherwise known as the “Social Reform Agenda and Poverty Alleviation Act”;

- f. Extremely poor refers to individuals who cannot afford to buy their basic food needs.
- g. Retirement refers to termination of one's working life, specifically at age 60 years old of agricultural workers.

SEC. 4. Creation of the Agricultural Pension Fund. – The Agricultural Pension Fund is hereby established to provide enhanced social protection to poor agricultural workers. This fund will serve as the contribution from both national and local government units (LGUs) which shall be given only upon payment of the monthly contribution of the poor farmer or fisherfolk, subject to the schedule of payments prepared and prescribed by the Social Security System (SSS).

SEC. 5. Full Government Support for Extremely Poor Agricultural Workers. – Farmers and fisherfolk who are identified to be extremely poor will avail of the full subsidy from the national and local governments until such time that upon regular assessment by their LGU under the supervision of the PSA, they have been found to be non-extremely poor. Non-extremely poor agricultural workers will give personal contribution with counterpart subsidy from the national and local governments set forth in Section 4 of this Act.

SEC. 6. Additional government support for agricultural workers in advanced age. – Poor farmers and fisherfolk who are over 55 years old at the time of the effectivity of this Act, who would like to be part of the Agricultural Pension Fund shall contribute only up to the time they reach 60 years old and the rest of the contribution shall be subsidized by the government to complete the minimum contribution of 120 months.

SEC. 7. Selection of Eligible Beneficiaries. – The poor agricultural workers will be identified by their respective LGUs based on the data collection at the LGU level. The data collection of LGUs will be supervised by the Philippine Statistics Authority (PSA) in accordance with Republic Act No. 11315, otherwise known as the Community-Based Monitoring System (CBMS) Act.

Every three (3) years after the selection of eligible beneficiaries, the LGUs will conduct a revalidation of the list of beneficiaries to ensure that all poor and extremely poor agricultural workers are covered by this program.

Until such time that the CBMS of every LGU has been fully implemented, the identification of target poor agricultural workers will be undertaken with the use of the Registry of Basic Sector in Agriculture (RBSA) and Fisherfolk Registry (FishR) of the Department of Agriculture, and the Listahanan of the Department of Social Welfare and Development. To minimize exclusion error, the LGUs of agricultural workers will ensure that the RBSA and FishR are able to include poor and extremely poor farmers and fisherfolk.

Beneficiaries of any similar government program such as the Pantawid Pamilyang Pilipino Program (4Ps) and the Expanded Senior Citizens Pension Program are disqualified from this enhanced social protection program. However, farmers and fisherfolk who are no longer 4Ps beneficiaries but remain poor shall be covered.

SEC. 8. Implementing Agency. – The SSS shall be the Administrator of the Agricultural Pension Fund. It shall manage the Agricultural Pension Fund as a separate and distinct fund from the SSS Investment Reserve Fund. The SSS shall have the following responsibilities:

- invest the Agricultural Pension Fund properly to ensure sustainability and increased capacity to provide benefits;
- create a pension plan that shall become the basis for the allocation of benefits to pensioners;
- prepare an annual financial report;
- device systems and procedures for the timely imputation of aggregate government contributions based on latest poverty statistics and other economic considerations;
- undertake coverage campaigns among the poor agricultural workers; and
- perform other duties and functions towards an efficient and effective implementation of this Act.

SEC. 9. Penalties. – Any person, whether or not acting in conspiracy with public officials, who, by act or omission, inserts or allows the insertion of data or false information, or who diverts from what ought to be contained in the registry, with the view of altering the fact, or aiding in the grant of the pension to persons other than the qualified agricultural worker, shall be penalized with imprisonment of not less than one (1) month but not more than one (1) year, or a fine of not less than Ten thousand pesos (P10,000.00) but not more than One hundred thousand pesos (P100,000.00) or both imprisonment and fine, at the discretion of the court.

A public official or employee who commits any of the acts provided in the previous paragraph herein shall be penalized with temporary disqualification to hold public office. Administrative sanctions shall be imposed without prejudice to prosecution in the proper courts, in accordance with the 2017 Revised Rules of Administrative Cases in the civil service and RA No. 11032 otherwise known as the Ease of Doing Business and Efficient Government Service Delivery Act of 2018.

SEC. 10. Joint Congressional Oversight Committee.– A Joint Congressional Oversight Committee, hereafter referred to as the Agricultural Pension Oversight Committee, is hereby constituted. The Oversight Committee shall set the overall framework to review the implementation of this Act. It shall also determine the inherent weaknesses in the law and recommend the necessary remedial legislation or executive measures.

The Oversight Committee is composed of fourteen (14) members, with the chairpersons of the Committee on Poverty Alleviation of the House of Representatives, and the Committee on Social Justice, Welfare and Rural Development of the Senate as co-chairpersons; and six (6) members from each House, to be designated by the Speaker of the House of Representatives and the Senate President, respectively.

The review of the implementation of this Act must include a systematic evaluation of its impact, accomplishments of the program, and performance of its implementing agencies. The Oversight Committee shall conduct the review every three (3) years reckoned from the effectivity of this Act, or whenever deemed necessary by a majority of the members of the Oversight Committee.

SEC.11. Appropriations.- The amount needed for the implementation of this Act shall be charged to the current year's appropriations of the Social Security System. Thereafter, such amount as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

The income class of cities and municipalities shall be considered in the determination of the contribution of the LGUs to the Agricultural Pension Fund. Poor agricultural workers in fourth, fifth and sixth class cities and municipalities shall receive a bigger counterpart contribution from the national government than the LGUs.

SEC. 12. Implementing Rules and Regulations. – Within six (6) months from the effectivity of this Act, the President and Chief Executive Officer of the Social Security System shall, in coordination with the Department of Agriculture, Department of Agrarian Reform, Philippine Statistics Authority, and the Department of the Interior and Local Government with the participation of the league of cities, municipalities, and provinces, and relevant stakeholders, including select organizations of farmers and fisherfolk, promulgate the rules and regulations necessary for the effective implementation of this Act, including mechanisms for grievance procedure and resolution of inclusion and exclusion errors.

SEC. 13. Separability Clause. – If any provision of this Act is declared invalid or unconstitutional, the other provisions not affected thereby shall remain valid and subsisting.

SEC. 14. Repealing Clause. – All laws, decrees, executive orders, rules and regulations, and other issuances or parts thereof inconsistent with or contrary to the provisions of this Act are repealed, amended, or modified accordingly.

SEC. 15. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved.