

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

TWENTIETH CONGRESS
First Regular Session

House Bill No. 5930



Introduced by Rep. Wilfrido Mark M. Enverga

EXPLANATORY NOTE

Seed is a vital component of agricultural communities. It holds the genetic potential of crops, which has been improved and selected over time. Using high-quality seed can significantly boost crop productivity, leading to greater food security.¹

A sustainable seed system is essential in seed production and cultivation. *It ensures that high quality seeds of a wide range of varieties and crops are produced and fully available in time and affordable to farmers and other stakeholders. However, in many developing countries farmers have not yet been able to fully benefit from the advantages of using quality seed due to a combination of factors, including inefficient seed production, distribution and quality assurance systems. Furthermore, the pressure from the fluctuating food prices and climate change creates additional challenges.*²

In 1992, the Seed Industry Development Act (Republic Act 7308) was enacted. This act mandated the conservation, production, and development of plant genetic resources. It also encouraged both public and private industries to participate in seed production and cultivation, while providing protection for local seed farmers.

Since its enactment in 1992, there have been no substantial amendments to the law. Therefore, to conform to the current situation and the demands of the seed industry, the approval of this measure is earnestly sought.


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¹ Food and Agriculture Organization (FAO). What are Seed System. Accessed August 11, 2025.
<https://www.fao.org/agriculture/crops/thematic-sitemap/theme/compendium/tools-guidelines/what-are-seed-systems/en/>

² Ibid.

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**AN ACT AMENDING THE SEED INDUSTRY DEVELOPMENT ACT OF 1992
AND FOR OTHER PURPOSES**

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

Section 1. Section 2 of R.A. 7308 is hereby amended to read as follows:

"SECTION 2. Declaration of Policy. It is hereby declared the policy of
the State to promote and accelerate the development of the seed
industry and, for this purpose, the Government shall:

- a. Sustainably conserve, develop and utilize the plant genetic
resources of the nation;
- b. Encourage and hasten the organization of all sectors particularly
small farmers and indigenous peoples engaged in the industry,
integrate all their activities and provide assistance to them;
- c. Strengthen both formal seed system and informal seed system
and the interlinkages between these two systems;
- d. Support the private sector, including small farmers and
indigenous peoples, to engage in seed research and
development and in mass production and distribution of good
quality seeds;
- e. xxx; and
- f. Support and implement farmers' rights to seeds to adapt to
changing economic and environmental conditions, such as
climate change."

Sec. 2. Section 3 of the same Act is hereby amended to read as follows:

28 "SECTION 3. Definition of Terms. When used in this Act, the following
29 terms shall mean as follows:

- 30 a. "Seed" shall mean plant material used for the production of food,
31 forage, fibers, industrial crops, oil, flowers, ornamentals, grasses,
32 herbs, spices, and aquatic plants, including but not limited to
33 mushroom spores and spawn, meristem, and clonal propagules
34 such as bulbs, tubers, corms, cuttings, and micro-propagated
35 plantlets;
- 36 b. xxx
- 37 c. "Breeder Seed" as used in the formal seed system means class of
38 seeds directly controlled by the originating, or in certain cases, the
39 sponsoring plant breeder or institution and which provides the
40 source for the initial and recurring increase for the production of
41 Foundation seeds that are so handled as to maintain satisfactory
42 genetic identity and varietal purity;
- 43 d. "Foundation Seed" as used in the formal seed system means class
44 of seeds that is a progeny of Breeder seeds that are so handled as
45 to maintain satisfactory genetic identity and varietal purity. It is the
46 source of initial and recurring production of Registered and
47 Certified seeds;
- 48 e. "Registered Seed" as used in the formal seed system means class
49 of seeds that is a progeny of Foundation or Breeder seeds that are
50 so handled as to satisfactorily meet genetic purity and other quality
51 standards;
- 52 f. "Seed Industry" shall mean the different components of the chain
53 of activities undertaken in the formal and informal seed system by
54 an individual, association, cooperative, corporation or firm,
55 academic institution, and public and nongovernment institution in
56 the conservation, breeding, production, processing, testing,
57 handling, grading, storage, seed exchange, distribution, and
58 marketing of seeds for agricultural production with economic and
59 social benefits;
- 60 g. xxx
- 61 h. "Seed Certification" is a term used in the formal seed system that
62 shall mean a quality system of quality assurance in seed
63 production geared toward maintaining genetic identity, varietal
64 purity and standards of quality seeds of superior crop varieties
65 registered at National Seed Industry Council (NSIC);
- 66 i. "Seed Quality Control" shall mean a systematic approach to
67 determine, achieve and maintain desired standards of seed quality;
- 68 j. xxx
- 69 k. "Label" shall mean any written, printed or visual presentation in any
70 manner on the seed container, parent trees, and seedlings or any

71 packaging material, providing information through any means that
72 establishes identity and traceability as required in the rules and
73 regulations promulgated under this Act;

74 l. "Seed Dealer/Trader/Merchant" shall mean any person, firm,
75 agency, cooperative or corporation engaged in the processing
76 and/or marketing of locally produced and/or imported seeds;

77 m. "Seed Grower/Producer" shall mean any person, natural or
78 juridical, engaged in the production of seeds;

79 n. "Seed Marketing Control" shall mean the regulation of seed
80 marketing through registration of seed merchants/dealers, labeling,
81 and establishment of minimum standards of seed quality;

82 o. "Adulteration" mixing or incorporation of seeds with inferior quality,
83 i.e. below the standards set by the regulating authority;

84 p. "Certified Seed" as used in the formal seed system means class of
85 seeds that passed the seed certification standards of the Bureau of
86 Plant Industry and which is a progeny of Breeder, Foundation, or
87 Registered seeds that are so handled as to maintain satisfactory
88 genetic identity and varietal purity;

89 q. "Commercial purpose" the sale, exchange or distribution of seeds
90 for any fee, rate, charge or any considerations, directly or indirectly
91 connected in any business, or any other undertaking intended for
92 profit;

93 r. "Farmers' Organization" refers to farmers' cooperatives,
94 associations, or corporations duly registered with appropriate
95 government agencies and which are composed primarily of
96 agricultural producers, farmers, farmworkers, and other agrarian
97 reform beneficiaries who voluntarily join together to form business
98 enterprises which they themselves own, control and patronize;

99 s. "Formal Seed System" covers variety development, seed
100 production and supply mechanisms that are guided by defined
101 methodologies and controlled stages of multiplication, and are
102 backed by national legislation and international standardization of
103 methodologies. This also includes research, multiplication,
104 processing, distribution and uptake, transport, and storage of
105 seeds;

106 t. "Fraudulent Documents" shall mean any written material found on
107 the seed package or on the label of a seed lot and planting
108 material, or any other written material that accompanies the seed
109 or planting material or is displayed in connection with the sale
110 thereof, which material bears any false or misleading statement,
111 design or device pertaining to the quality, kind, or the variety of
112 seeds contained therein, such as:

1. Fictitious name of an individual or entity advertised/disclosed as the dealer of the kind of variety of seed lot;
 2. Information inconsistent with the registration and/or license granted to the Seed Producer/Grower, or with information provided in such Seed Producer's/Grower's application for license;
 3. Any information inconsistent with the information contained in the reportorial requirements submitted by the Seed Producer/Grower to the relevant government agencies;
 4. Any information on the packaging which is deceptive with respect to its contents; and
 5. Such other analogous acts of deception or misrepresentation.
- u. "Informal Seed System" covers variety development, seed production and supply mechanisms by farmers and other individuals through exchange, barter, sell or purchase from within their communities or through various social mechanisms and relationships;
- v. "In Situ Conservation" means the conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species and, in the case of domesticated or cultivated plant species, in the surroundings where they have developed their distinctive properties;
- w. "Ex Situ Conservation" means the conservation of plant genetic resources for food and agriculture outside their natural habitat;
- x. "Misappropriation" intentional illegal use of the traditional knowledge;
- y. "National Cooperative Test" an inter-agency, multidisciplinary, multi-location undertaking for the purpose of subjecting promising lines, varieties, and accessions to testing, evaluation and recommendation;
- z. "Plant Breeding" shall refer to genetic improvement in plant to produce the desired characteristics;
- aa. "Plant Genetic Resources" are genetic materials of plant origin with actual or potential value for food and agriculture for the present and future generations;
- bb. "Rare species" is a group of organisms that are very uncommon, scarce, or infrequently encountered as provided by Republic Act 9147;
- cc. "Variety Registration" is the process of entering a qualified crop variety and its agronomic and morphological characteristics in the NSIC registry;
- dd. "Unlawful Seed Lots" under the formal seed system refer to those seed lots under any of the following conditions:

- 158
- 159 1. Any seeds, whether locally produced or imported, that do not
- 160 comply with the relevant regulations and requirements
- 161 established by the Department of Agriculture, Bureau of Plant
- 162 Industry, and other government agencies required for legal
- 163 cultivation;
- 164 2. Displayed for sale or sold under any of the following
- 165 circumstances:
- 166
- 167 i. Infested with insect pests or infected with
- 168 diseases;
- 169 ii. Supported by false documents and certifications
- 170 by the Department of Agriculture or Bureau of
- 171 Plant Industry, including but not limited to imported
- 172 seeds without the proper phytosanitary and freight
- 173 documents;
- 174 iii. Bearing in its packaging or label any false,
- 175 misleading, or inaccurate information or
- 176 information inconsistent with the (i) registration
- 177 and/or license granted to the Seed
- 178 Grower/Producer/Dealer/Trader/Merchant; (ii)
- 179 application for license; or (iii) any reportorial or
- 180 compliance requirement submitted to the
- 181 Department of Agriculture or Bureau of Plant
- 182 Industry;
- 183 iv. iv. Produced by Seed Grower/Producer without the
- 184 necessary registration, approval, or license; and
- 185 v. Any seed lot treated with prohibited chemicals.
- 186
- 187 ee. "Small Farmers" means natural persons dependent on small-scale
- 188 subsistence farming as their primary source of income and whose
- 189 sale, barter or exchange of agricultural products do not exceed a
- 190 gross value of one hundred eighty thousand pesos (P180,000) per
- 191 annum based on 1992 constant prices or such amount adjusted to
- 192 inflation, devaluation and consumer price index, as provided in
- 193 Republic Act No. 7607, otherwise known as the "Magna Carta of
- 194 Small Farmers"; and
- 195 ff. "Variety" means a plant grouping, within a single botanical taxon of
- 196 the lowest known rank, defined by the reproducible expression of
- 197 its distinguishing and other genetic characteristics; is a genotype
- 198 (landraces, traditional varieties, farmers' varieties, cultivars,
- 199 hybrids, clones) which has undergone systematic evaluation and
- 200 which may be released for commercialization."

201

202 **Sec 3.** Section 4 of the same Act is hereby amended to read as follows:

203 "SECTION 4. National Seed Industry Council. There is hereby created
204 a National Seed Industry Council, hereinafter referred to as the
205 Council. The Council shall be composed of the following who, except
206 for the representatives of the private sector shall serve in ex officio
207 capacity:

- 208 a. Secretary, Department of Agriculture (DA) – Chairperson or his duly
209 authorized representative with the rank of Undersecretary as
210 alternate representative
- 211 b. Director, Bureau of Plant Industry (BPI) – Vice-Chairperson and
212 Executive Director
- 213 c. Dean, College of Agriculture and Food Science, University of the
214 Philippines Los Baños (UPLB-CAFS) – Member
- 215 d. Director, Institute of Plant Breeding, College of Agriculture and
216 Food Science - University of the Philippines Los Baños (UPLB-
217 CAFS-IPB) – Member
- 218 e. Director, DA – Bureau of Agricultural Research (BAR) – Member
- 219 f. Director, Crops Research Division, DOST - Philippine Council for
220 Agriculture, Aquatic and Natural Resources Research and
221 Development (PCAARRD) – Member
- 222 g. Executive Director, Philippine Rice Research Institute - Member
- 223 h. Two (2) representatives from the crop-based institute of the DA –
224 Members
- 225 i. Two (2) representatives from registered farmers' organizations –
226 Members
- 227 j. Two (2) representatives from the seed industry association –
228 Members
- 229 k. One (1) representative from a Non-Government Organization
230 (NGO) relevant to the seed sector – Member
- 231 l. One (1) representative from the Association of Agricultural Colleges
232 and Universities – Member

233 All ex officio members of the Council, except the Vice
234 Chairperson/Executive Director, shall designate a permanent alternate
235 representative, not lower than a rank of a Division Chief level. Selection
236 of the representative from the crop-based institute of the DA shall be
237 on a rotation basis.

238 The representatives of the sectors enumerated in Sections 4i, 4j, 4k,
239 and 4l, who shall be nominated by their respective sectors or
240 associations through their respective selection process, which ensures

geographic representation in Council membership, shall be appointed by the Secretary of Agriculture and shall serve for a term of three (3) years. Only citizens of the Philippines shall be members of the Council. In case of vacancy, the appointed successor shall serve only the unexpired portion of the term of his predecessor."

Sec 4. Section 5 of the same Act shall be amended to read as follows:

"SECTION 5. Duties, Powers, and Functions. The Council shall have the following duties, power and functions:

- a) xxx
- b) xxx
- c) xxx
- d) to formulate a comprehensive medium and long-term national seed industry development program in order to achieve seed security consistent with Section 13;
- e) e) xxx
- f) to formulate guidelines on varietal registration in the formal and informal seed sectors; and
- g) xxx.

Sec. 5. Section 6 of the same Act is hereby amended to read as follows:

"SECTION 6. Council Meetings. The Council shall hold regular quarterly meetings: Provided, that it may hold special meetings when necessary, upon the call of the Chairperson or upon written request of at least one-third of the members. The presence of simple majority of members shall constitute a quorum.

The members of the Council shall be entitled to an honorarium in compliance with the existing accounting and auditing rules and regulations for every attendance in the meetings."

Sec. 6. Section 7 of the same Act is hereby amended to read as follows:

"SECTION 7. Chairperson, Duties and Responsibilities. The Chairperson of the Council shall have the following duties and responsibilities:

- a. Sec. a is hereby deleted and Section b is hereby renumbered and amended to read as follows:

277 "a. To supervise the operations and administration of the Council;
278 and"

279
280 b. Sec. c is hereby renumbered and amended as follows:

281
282 "b. To exercise such other functions and duties as maybe vested by
283 the Council."

284
285 **Sec. 7.** Section 8 of the same Act is hereby amended to read as follows:

286 "SECTION 8. Executive Director Duties and Responsibilities. The
287 Executive Director of the Council shall have the following duties and
288 responsibilities:

- 289 a. xxx
290 b. xxx
291 c. To coordinate, monitor and evaluate the implementation of the
292 Seed Industry Development Program;
293 d. xxx
294 e. xxx

295
296 **Sec. 8.** Section 9 of the same Act is hereby amended to read as follows:

297 "SECTION 9. Council Secretariat. The Council shall have a
298 Secretariat to be established under the BPI and under the direction and
299 supervision of the Executive Director. The Secretariat shall furnish the
300 necessary administration, secretarial and other support services to the
301 Council. The Secretariat shall also integrate, coordinate and monitor
302 the implementation of the Seed Industry Development Program. The
303 Secretariat shall be headed by an Executive Assistant, to be appointed
304 by the Chairperson upon recommendation by the Executive Director.

305 Plantilla positions shall be created based on the appropriate
306 organizational structure that will be developed and adopted within 90
307 days upon the effectivity of this Act and in accordance with rules
308 provided by the Civil Service Commission and other relevant laws."

309
310 **Sec. 9.** Section 10 of the same Act is hereby amended to read as follows:

311 "SECTION 10. Technical Core Group. The Technical Secretariat is
312 hereby renamed as Technical Core Group composed of the
313 Chairpersons of the different Technical Working Groups.

314 The Technical Core Group shall have the following functions:

315 a. Review variety nominations from the Technical Working Groups;

316 b. Recommend and endorse varieties to the Council for registration or

317 delisting;

318 c. Recommend to the Council standards and policies relative to seed

319 production, storage, distribution and monitoring; seed testing and

320 certification standards; extension, promotion and marketing; and

321 d. Perform other functions as may be delegated by the Council.

322

323 SECTION 10-1. Technical Working Groups. Technical Working

324 Groups shall be created by the Council, composed of experts coming

325 from the private and public sectors, which shall have any of the

326 following functions:

327 a. Develop, review and revise guidelines in evaluating variety entries

328 for registration in the National Seed Industry Council;

329 b. Evaluate National Cooperative Test results or characterization data

330 of variety entries;

331 c. Develop, review, revise standards and formulate policy

332 recommendations for seed production, storage, distribution and

333 monitoring; seed testing and certification standards; extension,

334 promotion and marketing; and others as deemed appropriate by the

335 Council, and

336 d. Perform other related tasks as may be assigned by the Council.

337 SECTION 10-2. Honorarium. Members of the Technical Core Group

338 and TWG shall be entitled to a reasonable compensation to be

339 determined by the Council, subject to existing rules and regulations."

340

341

342 **Sec. 10.** Section 11 of the same Act is hereby amended to read as follows:

343 "SECTION 11. Reconstitution of the Bureau of Plant Industry (BPI).

344 The BPI is the agency of the Department of Agriculture that is

345 mandated to develop the crop industry which involves:

346 a. conservation, development and sustainable use of plant genetic

347 materials;

348 b. ensuring quality of seeds are available to stakeholders;

- c. generating technologies along the line of varietal development, culture and management, agricultural mechanization, crop protection;
- d. crop pest management;
- e. seed testing and certification;
- f. plant quarantine;
- g. biosafety;
- h. ensuring plant food safety;
- i. Philippine Good Agricultural Practices certification; and
- j. variety registration.

The BPI is hereby reconstituted as a line bureau of the Department of Agriculture with operating units up to the Regional level. Whenever appropriate, provincial offices shall be established with the corresponding plantilla positions. As such, it shall have the following powers and functions:

- a. Exercise direct supervision and control over National Seed Quality Control Services (NSQCS); hence, BPI shall ensure the effective and efficient implementation of the services relating to the appointment of seed inspectors, licensing, field inspection, certification, seed quality services, and seed testing laboratories which shall be established by the BPI in various parts of the country as are necessary to ensure the attainment of the purpose of the Seed Act;
- b. Implement and administer the plans and resolutions adopted by the Council relevant to the mandate of BPI;
- c. Implement and administer crop variety registration;
- d. Supervise, coordinate and monitor the production, distribution, regulation of breeder, foundation and registered, and certified seeds and planting materials except for those covered by specific commodity/discipline-based agencies;
- e. Establish, upgrade and manage national research, development, and production support centers, testing and diagnostic and plant genetic resources laboratories, and other production support laboratories;
- f. Oversee, coordinate and monitor the Seed Industry Development Program as provided under Section 13 hereof;
- g. Establish and implement an efficient system for the collection and remittance of regulatory and administrative, diagnostic, and other fees;

387 and revenues from the sale of seeds and planting materials, in
388 accordance with the government regulations and standards;

389 h. Accredite private seed testing laboratories;

390 i. Collaborate with the Department of Justice and the national law
391 enforcement agencies for the criminal prosecution of offenses
392 committed in violation of this Act and other applicable laws;

393 j. Adjudicate complaints arising from the violations of this Act as
394 provided in Sections 18 and 19;

395 k. Develop and implement research and development (R&D) programs
396 on crop, agricultural and biosystems engineering except for those
397 covered by specific commodity/discipline-based agencies;

398 l. Develop and provide overall direction in the implementation of plant
399 pest management in agricultural crops, including pest
400 surveillance/validation and protection of crop from pests except for
401 those covered by commodity specific/discipline-based agencies;

402 m. Prevent the introduction, incursion, establishment and, if present,
403 the subsequent spread of plant pests by regulating and monitoring the
404 international and domestic movements of plants and plant products;

405 n. Establish and collaborate with other commodity-specific/discipline-
406 based agencies a management information system;

407 o. Issue biosafety permits and conduct post-approval monitoring for
408 Genetically modified plants and plant products, lead in the conduct of
409 technical determination of the regulatory status of products of plant
410 breeding innovations, and address biosafety issues related to the
411 country's agricultural productivity and food security.

412 p. Certify compliance to the Philippine Good Agricultural Practices
413 (PHILGAP) program;

414 q. Perform specific functions mandated by laws such as:

415 1. Republic Act 12022 "Anti-Agricultural Economic Sabotage Act
416 of 2024";

417 2. Republic Act 11511 "An Act Amending Republic Act No.
418 10068 or the Organic Agriculture Act of 2010";

419 3. Republic Act 11203 "Rice Tariffication Act of 2019";

420 4. Republic Act 10915 "Philippine Agricultural and Biosystems
421 Engineering Act of 2016";

5. Republic Act 10611 "Food Safety Act of 2013";
6. Executive Order 514 series of 2006 on National Biosafety Framework for the Philippines;
7. Executive Order No. 366 series of 2004 "Rationalization Plan";
8. Republic Act 8435 "Agriculture and Fisheries Modernization Act of 1997";
9. Republic Act 7900 "High-Value Crops Development Act of 1995";
10. Republic Act 7394 "Consumer Act of the Philippines";
11. Executive Order No. 292 "Administrative Code of 1987";
12. Presidential Decree 1433 "Plant Quarantine Decree of 1978", as amended;
13. Other applicable laws;

r. Perform such other related functions, which shall promote the development of the seed sector and achieve the purposes of this Act.

SECTION 11-1. Organizational Structure of BPI. As a line Bureau of the Department, BPI shall be headed by an Executive Director, assisted by three (3) Deputy Directors, who shall have control and supervision of all offices and units that will implement its functions provided in this Act such as regulation, (food safety, quarantine and crop protection, biosafety, seed quality control, and variety registration), enforcement, research and development, and technology promotion and production support services. The structure shall likewise reflect the required administrative, financial and technical support to enable it to perform such functions.

In addition to the existing BPI Centers, corresponding offices shall be established at the regional level, which will function as divisions for each national-level office, including but not limited to plant quarantine, seed quality control, food safety, and crop pest management.

SECTION 11-2. Plantilla Positions. Plantilla positions shall be created based on the appropriate organizational structure that will be developed and adopted within 90 days upon the effectivity of this Act and in accordance with rules provided by the Civil Service Commission and other relevant laws."

458 **Sec. 11.** Section 12 of the same Act is hereby amended to read as follows:

459 "SECTION 12. BPI Offices and Functions. The BPI, as a line Bureau,
460 shall have the following key offices and functions:

- 461 a. National Plant Product Safety and Quality Service – Enforcement of
462 food safety standards, rules and regulations;
- 463 b. National Plant Quarantine Service – Enforcement of plant
464 quarantine rules and regulations;
- 465 c. National Crop Research, Development and Production Support
466 Centers – Headed by a Service Director, for the generation and
467 promotion of relevant technologies and production and distribution
468 of crop seeds;
- 469 d. National Crop Pest Management Service – Plant pest management
470 in agricultural crops, including pest surveillance and monitoring,
471 biosecurity, validation of reported pests, and protection of crops
472 from pests;
- 473 e. National Agricultural and Biosystems Engineering Service –
474 Promotion of technologies developed through research and
475 development, and adoption of generated, appropriate and cost-
476 effective, and environmentally safe agricultural machineries,
477 facilities, and equipment;
- 478 f. National Crop Research and Production Support Service –
479 Coordination of BPI R&D programs, conduct of research on plant
480 genetic resources except for those covered by commodity-
481 specific/discipline-based agencies, and implementation of the BPI
482 banner programs. The NCRPSS shall also coordinate and monitor
483 all National Cooperative Tests (NCT);
- 484 g. Adjudication Board – Adjudication of any complaints arising from
485 the implementation of this Act;
- 486 h. Enforcement Unit – Enforcement of the provisions of this Act and
487 coordination with the enforcement agencies;
- 488 i. National Seed Quality Control Service –
489 1. Formulate plans and programs on licensing of seed
490 growers/producers/plant nursery operators, seed quality
491 control services and activities on seed testing, seed
492 certification, and other quality control schemes to be
493 developed;
- 494 2. Conduct field inspection of the seed crops, seed storage and
495 processing facilities and other activities required for seed/plant
496 material certification and issue the corresponding report of
497 inspection within the purview of this Act;

3. Conduct research and capacity enhancement activities to support the performance of their functions;
4. Impose and collect seed testing, seed and plant material certification and field inspection fees;
5. Supervise and coordinate all official seed testing laboratories in the regions and provincial satellite laboratories and seed certification in all provinces;
6. Accredite private seed testing laboratories; and
7. Perform such other functions as the Council may direct."

- j. Biotechnology and Biosafety Regulatory Service – implementation of biotechnology and biosafety regulations for plants and plant products derived from modern biotechnology and products of plant breeding innovations.

Sec. 12. Section 13 of the same Act is hereby amended to read as follows:

"SECTION 13. Seed Industry Development Program. There shall be a Seed Industry Development Program (SIDP) hereinafter referred to as the Program which shall be caused to be developed by the National Seed Industry Council (NSIC) within 90 days from its constitution. In developing the Program, the Council shall be guided by the following:

- a. Over-all Framework. The Program shall promote and accelerate the development of the seed industry in accordance with this Act and the Philippine Development Plan by building the internal and external capacity of concerned national and regional agencies and local government units (LGUs), taking into account the complementation and interface of the respective participation, processes, roles and contributions from both formal and informal seed sectors. The program shall develop a national strategy that will promote productivity, stability and innovation in the seed industry by ensuring adequate supply and availability of quality seeds for agricultural production and consistent with national development goals such as poverty eradication, rural development, national food security, protection and management of agricultural biodiversity, climate change and gender equality among others.
- b. Operational Mechanisms. The Program shall have the following elements at the minimum:

1. Research, Development and Extension. Development of new varieties that are compliant to variety standards including the National Cooperative Test and other sui generis system including standards that are appropriate to informal seed systems, formulated pursuant to this Act. Promotion of on-farm In Situ and Ex Situ conservation of seed varieties by providing necessary facilities, as well as technical assistance on proper management and maintenance of such facilities; ensure access, conservation and adaptation of genetic resources access, varietal development and training and seed education;
2. Seed Production. Formulation of appropriate protocols and guidelines on seed production, post-harvest processing and storage;
3. Seed Distribution and Marketing. Development of seed networks, seed enterprises, and incorporation of value chain analysis;
4. Normative and Regulatory Mechanisms. Harmonized and coherent regulations on varietal registration; streamlined quality control for accreditation (seed growers, plant nursery operators, tissue culture lab, and private seed laboratories); Certification; Seed Testing; transboundary movement of seeds;
5. Incentive Mechanisms. Adoption of appropriate and equitable incentive mechanisms such as credits, loans, awards and the like to ensure active and meaningful participation from the formal and informal seed systems.
6. Additional Elements. Additional elements of the program may be included provided the same shall not diminish or change the functions of the agencies concerned as provided in the preceding section and the participation of the stakeholders from both formal and informal seed systems will not be prejudiced and it is consistent with and will complement the foregoing elements.

c. Institutional Arrangement. The following institutional arrangement shall be taken into account in the development and formulation of the program:

1. The Department of Agriculture (DA) shall have the overall task of directing and coordinating the activities of its component agencies in accelerating the development of the seed industry;
2. The Bureau of Plant Industry shall have the direct responsibility for the production, distribution, regulation of Breeder, Foundation Registered, and Certified seeds except for those covered by commodity specific/discipline based agencies, and

the implementation of the Program, including but not limited to the management of the existing research centers, plant quarantine stations, pesticide analytical laboratories, seed testing laboratories;

3. The University of the Philippines Los Banos shall provide leadership in conventional and biotechnology activities related to crop improvement, genetic resources conservation, and in vitro mass production of planting materials;
4. The DA research and development institutions and other State Colleges and Universities shall conserve and sustainably use genetic resources and develop appropriate varieties designed under Philippine conditions and propagate them into Breeder, Foundation, Registered, and Certified seeds and extend all necessary technical assistance to ensure the proper utilization of such seeds on the farm level;
5. The private sector of the seed industry shall direct their collective efforts in cutting edge methodologies and applying them in crop improvement and seed technologies, and shall actively cooperate and coordinate with the government agencies;
6. The farmer organizations shall also take active part in the development and sustainable use of plant genetic resources; and
7. The participation and support of the LGUs shall be tapped in the implementation of the Program particularly on the implementation of the appropriate incentive mechanisms and capacity building to farmers, establishment of seed banks and seed registry and in the enforcement of this Act.

- d. **Mandatory Consultation and Review.** The initial Program to be developed by Council in accordance with the foregoing provisions shall undergo consultations with stakeholders. Thereafter, any changes, amendments or updates to meet the needs of the seed industry, farming community and agricultural sector as a whole may be done only after the conduct of a review and assessment by Council and consultation with stakeholders every ten (10) years. A specific fund shall be allocated by the Council to ensure the conduct of the regular review of the Program.
- e. **Budget Allocation.** The budgetary requirement of the Program shall be funded by the Seed Fund, provided that appropriations may be allocated in the General Appropriations Act."

623 **Sec. 13.** A new section and its subsection are hereby inserted after Section 13 of RA
624 7308, to read as follows:

625 "SECTION 14. Conservation of Plant Genetic Resources. The
626 institutions involved in the Seed Industry Development Program (SIDP)
627 shall adopt an integrated approach to the collecting, characterization,
628 conservation, protection and sustainable use of plant genetic resources
629 for food and agriculture and recognize the enormous contribution of
630 local and indigenous communities and farmers in the conservation and
631 development of such resources. In pursuit of this objective, the
632 following activities shall be performed:

633 a. Survey, inventory, and establish a database of plant genetic
634 resources for food and agriculture, taking into account the status and
635 degrees of variation in existing populations, including those that are of
636 potential use and assess any threats to them;

637 b. Implement a program in the assembly of plant genetic resources for
638 food and agriculture, especially those that are under threat or are of
639 potential use, by encouraging access and exchange of genetic
640 materials through community seed networks, community seedbanks
641 and government research institutions in consultation with relevant
642 government agencies, farmers' organizations, civil society
643 organizations, private seed companies and other stakeholders;

644 c. Develop a strategy for education and information to promote
645 awareness on plant genetic resources conservation;

646 d. Encourage in situ conservation, either in their natural habitats or on-
647 farm, of all crops, including wild crop relatives and wild plants for food
648 production, and those in protected areas, by supporting, among
649 others, the efforts of small farmers, local and indigenous communities;

650 e. Develop an efficient system for sustainable ex situ conservation,
651 characterization, registration and utilization;

652 f. Ensure the establishment of the conservation of plant genetic
653 resources for medium and long-term storage; and

654 g. Develop and implement a research and development program,
655 including on-farm and farmer research, and transfer of appropriate
656 technologies, to harness plant genetic resources for food and
657 agriculture for food security, adaptation to climate change, and
658 addressing the needs of the seed sector.

659

SECTION 14-1 Development and Sustainable Use of Seeds. The institutions involved in SIDP shall ensure the development of new crop varieties and sustainable use of plant genetic resources for food and agriculture by:

- a. Developing plant breeding programs to produce varieties particularly adapted to varying ecological conditions;
- b. Promoting, as appropriate, plant breeding efforts with the participation of farmers;
- c. Promoting the expanded use of locally developed and introduced varieties and underutilized species; and
- d. Formulating a strategy to support the broadening of the genetic base of crops and increasing the range of genetic diversity available to farmers."

Sec. 14. A new section is hereby inserted after Section 14 of RA 7308, to read as follows:

"SECTION 15. Informal Seed System. The institutions involved in the Seed Industry Development Program shall strengthen the informal seed system by:

- a. Promoting the traditional knowledge, innovations and practices of farmers related to seeds;
- b. Providing the necessary technical and production support and access to financial assistance to farmers;
- c. Developing a mechanism for the protection of traditional knowledge from misappropriation, misuse and extinction taking into account the provisions of Republic Act 8371 and other relevant legislations;
- d. Developing a mechanism for the equitable benefit sharing from the use of farmers' varieties and seeds;
- e. Developing a mechanism for the participation of the farmers in decision making, as provided in the Magna Carta for Small Farmers Act, and other applicable laws;
- f. Formulating a sui generis system for the registration of farmer-bred and traditional varieties in consultation with the farmers; and
- g. Promoting the rights of farmers to save, use, exchange and sell farm-saved seed/propagating material subject to Plant Variety Protection (PVP) Law."

Sec. 15. A new section is hereby inserted after Section 15 of RA 7308, to read as follows:

699 "SECTION 16. Seed Control Mechanism. The Council through BPI is
700 hereby mandated to formulate and implement a seed control
701 mechanism to enhance and develop the seed industry which shall
702 include the following:

- 703 a. Importation and exportation of seeds shall be allowed subject to
- 704 rules and regulations on plant quarantine, and other applicable laws;
- 705 b. Adoption of a system for variety registration; licensing and or
- 706 accreditation of seed producer / grower or organization engaged in
- 707 any seed production or horticultural nurseries engaged in business;
- 708 c. Compliance of all seed dealer, trader, merchant and the like
- 709 engaged in the business of selling, exporting or importing seeds at
- 710 any place under the terms and conditions for registration;
- 711 d. Adoption of a system on truthful labeling of all varieties registered
- 712 and listed in the council intended for cultivation; and
- 713 e. Other seed control mechanisms may be adopted in accordance with
- 714 the purpose of this Act. However, any seed control mechanism shall
- 715 not prejudice or diminish the rights of farmers to seeds as provided
- 716 under Section 15"

717

718 **Sec. 16.** Section 14 of RA 7308 is hereby renumbered as Section 17 and amended
719 to read as follows:

720 SECTION 17. xxx

- 721 a. Individuals, farmers' organizations, cooperatives, and corporations
- 722 wholly owned by Filipinos shall be entitled to technical assistance
- 723 from the Government, including training in seed technology,
- 724 availment of seeds and results of basic research studies, and
- 725 monetary benefits arising from commercialization;
- 726 b. xxx
- 727 1. xxx
- 728 2. xxx
- 729 3. xxx
- 730 4. xxx
- 731 5. xxx
- 732 6. xxx

733

734 **Sec. 17.** A new section and its subsections are hereby inserted after Section 17 of
735 RA 7308 as renumbered, to read as follows:

736

"SECTION 18. Administrative Adjudication. The Department shall organize and designate the composition of the Adjudication Board, which shall be composed of the BPI Executive Director as Chairperson and four (4) other members who shall be appointed by the Secretary. The Adjudication Board shall be supported by sufficient number of staff to enable it to perform its mandate.

The Board shall promulgate rules and regulations for the conduct of administrative adjudication and the disposition of unlawful seed lots, and other violations of this Act. It shall also issue subpoena duces tecum and ad testificandum in administrative cases before it.

SECTION 18-1. Commencement of Summary Administrative Action. To effectively implement and monitor compliance with the provisions of this Act, the Adjudication Board shall, motu proprio or upon written complaint by an interested party, or upon referral by any other government agency, initiate and conduct inquiries and investigations of violations of this Act. After proper proceedings, the Board may perform any of the following:

- a. Causing the arrest of any person committing or attempting to commit any prohibited act;
- b. Issuance of cease and desist orders against any person or entity found to be in violation of this Act;
- c. Issuance of orders for the search, seizure, confiscation and proper disposition of Unlawful Seed Lots, provided, that probable cause determined by the agency for the search is established as provided in Section 19.1 hereof;
- d. Stoppage of the transport and/or shipment of Unlawful Seed Lots; or
- e. Imposition of administrative fines.

Any act/decision of the Adjudication Board, as provided herein, may be appealed to the Secretary of the Department.

SECTION 18-2. Prohibition on the Issuance of Temporary Restraining Orders, Preliminary Injunctions, and Preliminary Mandatory Injunctions. No injunction or restraining order from the Courts shall lie against the Department and BPI upon the ex parte motion or petition filed by any person or entity in the exercise by the Department and BPI of its regulatory functions in support of the implementation of this Act.

SECTION 18-3. Persons and Deputies Authorized to Enforce this Act and Its Rules and Regulations. The law enforcement unit of the BPI, the Philippine National Police, law enforcement officers of the LGUs and other government enforcement agencies, are hereby authorized to enforce this Act and its rules and regulations. Other competent government officials and employees, personnel of the LGUs who have undergone training on law enforcement may be designated in writing by the Department as deputized enforcers for the enforcement of this Act and its rules and regulations."

Sec.18. Sections 15, 18 and 19 of RA 7308 are hereby renumbered and amended with subsections to read as follows:

"SECTION 19. Prohibited Acts. The following are prohibited acts/activities:

- a. Importation of seeds intended for commerce that does not comply with seed quality, biosafety, fair trade practices, as well as sanitary and phytosanitary requirements of the country;
- b. Exportation of rare species xxx;
- c. Importation, production, display, marketing, sale, distribution or transportation of Unlawful Seed Lots; and
- d. Unauthorized access to plant genetic resources by physical taking of plant genetic resources without permission. If committed by a person who has custody over the plant genetic resources, a higher penalty shall be imposed;
- e. Unauthorized acquisition/use and sale of seeds including but not limited to parental lines, biotech traits, and registered varieties by physical taking without following the RA 9168, other relevant laws or required regulatory process set by the DA, BPI, and other government agencies; and
- f. Untruthful labeling of seeds through misrepresentation in terms of identity, quality and quantity.

SECTION 19-1. Penal Provisions. Any person, corporation, partnership, firm, establishment, association, or any juridical entity who willfully violates any provision of this Act or any rule or regulation promulgated pursuant to this Act, shall, upon conviction, be punished with a fine of not more than FIVE HUNDRED THOUSAND PESOS and/or imprisonment of not more than five (5) years, or both, in the discretion of the court Provided, that in the case of a corporation, partnership, firm, establishment, association, or any juridical entity, the penalty shall be imposed upon the

responsible officers and/or members, who knowingly participated, abetted, or consented to the commission of such punishable acts.

If the offender is a foreigner, he shall, after payment of the fine and/or service of the sentence, be subject to deportation.

Any violation of any provision of this Act shall be a sufficient ground for the suspension, cancellation, or revocation of any certification, permit, license, right or privilege granted or arising pursuant to this Act.

SECTION 19-2. Other Penalties. In cases of any violation of this Act, the BPI Adjudication Board may, after due notice and hearing, impose fines in accordance with the amounts stated in the Schedule of Fines issued in relation to this Act. In fixing the amount of the fine, the Council shall have regard to both the gravity and duration of the violation.

The penalties provided in this Act are without prejudice to the right of the offended party to recover damages and seek other rights and reliefs that the offended party may be entitled to, under the Civil Code, international legal norms on liability and compensation, and other applicable laws and rules on indemnity and compensation.

Nothing in this Act shall impair, affect, impede, obstruct or curtail the powers, duties and responsibilities expressly and impliedly granted to competent national authorities in implementing, and performing their respective mandates in, the following laws:

- a. DA-DENR-DOST-DOH-DILG Joint Circular No. 1 s. 2016, otherwise known as the Rules and Regulations in the Importation, Field Trial, Release to the Environment and Commercial Propagation of Genetically Engineered Crops;
- b. Republic Act No. 10611, otherwise known as the "Food Safety Act of 2013";
- c. Republic Act No. 9147 otherwise known as "Wildlife Conservation and Protection Act". 2008;
- d. Republic Act No. 8435, otherwise known as the "Agriculture and Fisheries Modernization Act of 1997";
- e. Republic Act No. 7394, otherwise known as "Consumer Act of the Philippines;" and
- f. Presidential Decree No. 1433, as amended, entitled "Promulgating the Plant Quarantine Law of 1978, thereby Revising and Consolidating Existing Plant Quarantine Laws to

860 Further Improve the Plant Quarantine Service of the Bureau of
861 Plant Industry".

862

863 **Sec. 19.** Section 16 of RA 7308 is hereby renumbered and amended to read as
864 follows:

865 SECTION. 20. Funds of the Council. There is hereby created a
866 revolving fund to be known as the Seed Industry Development Fund to
867 be sourced from the following:

- 868 a. Two billion pesos (P2,000,000,000.00) to be appropriated out of
- 869 any funds in the National Treasury not otherwise appropriated;
- 870 b. xxx
- 871 c. xxx
- 872 d. xxx

873 The funds provided therein shall be used solely for the implementation
874 of SIDP and the implementation of this Act.

875

876 **Sec. 20.** Section 20 of the same Act is hereby renumbered to read as follows:

877 "SECTION 21. Formulation of Implementing Rules and Regulations.
878 An Inter-Agency Committee is hereby created to formulate rules and
879 regulations for the full implementation of this Act within ninety (90)
880 days of its effectivity: Provided, however, That the formulated rules
881 and regulations shall be submitted to both Houses of Congress for
882 information and guidance. Such rules and regulations shall take effect
883 upon publication in a newspaper of general circulation.

884

885 **Sec. 21.** A new section is hereby inserted after Section 21 of RA 7308 as
886 renumbered, to read as follows:

887 "SECTION 22. Mandatory Review. The Congress of the Philippines
888 shall undertake a mandatory review of this Act at least once every five
889 (5) years and as often as it may deem necessary, to ensure that seed
890 policies and guidelines remain responsive to changing circumstances."

891

892 **Sec. 22.** A new section is hereby inserted after Section 22 of RA 7308 as
893 renumbered, to read as follows:

894 "SECTION 23. Transitory provision. All Regional Crop Protection
895 Centers of the DA Regional Field Offices shall be transferred to Bureau
896 of Plant Industry. It shall include the transfer of functions,
897 appropriations, funds, records, equipment, facilities, chosen in action,
898 rights, other assets, and liabilities, if any, of the transferred unit as well
899 as the personnel thereof, as may be necessary, who shall, in a hold-
900 over capacity, continue to perform their respective duties and
901 responsibilities and receive the corresponding salaries and benefits."

902

903 **Sec. 23.** Sections 17, 21, 22 and 23 of RA 7308 are hereby renumbered as
904 Sections 24, 25, 26 and 27, respectively:

905 SECTION 24. xxx

906 SECTION 25. xxx

907 SECTION 26. xxx

908 SECTION 27. xxx

Approved,