

THIRTEENTH CONGRESS OF THE REPUBLIC  
OF THE PHILIPPINES  
*First Regular Session*

SENATE  
OFFICE OF THE SECRETARY

'04 JUN 30 P3:07

SENATE

S. No. 246

RECEIVED BY: 

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Introduced by Senator S. R. Osmeña III

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**EXPLANATORY NOTE**

By virtue of Republic Act No. 7160, otherwise known as the Local Government Code of the Philippines, the employees of the Department of Agriculture assigned in municipalities, cities and provinces were devolved to the respective local government units. The process has not been without problems that served as a drag on the implementation of agricultural policies and programs. Among these problems brought to the fore by agriculture workers are (1) for lack of coordination between the priorities of the Department of Agriculture and the local government units; (2) insufficient support from local government units in terms of salaries and incentives; (3) non-standard treatment of salaries due to the fact that positions are optional; and (4) low morale among agricultural workers.

This bill seeks to address this situation by mandating the non-optional creation of the Municipal Agriculturist's Office; the standardization of salaries and benefits; and providing for consultations with agriculturist's unions or organizations in the formulation of personnel policies affecting workers in the DA and the local government units. The bill also seeks to professionalize the practice of agriculture through the creation of an Agricultural Board of Examiners in the Professional Regulatory Commission.

There is no need to belabor the importance of agriculture in the economy. If the country is to modernize its agricultural sector, it needs a highly motivated work force with cutting edge skills in science and technology to popularize methods that would upgrade farm and farmer productivity all over the country. Hence, restoring and upgrading the morale of our agricultural extension workers merits top priority in the government's policy objective.

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

  
SERGIO OSMEÑA III  
Senator

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AN ACT  
PROVIDING FOR A MAGNA CARTA OF AGRICULTURAL OFFICERS AND  
EMPLOYEES

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

1 SECTION 1. *Title.* – This act shall be known as the “**Magna Carta of**  
2 **Agricultural Officers and Employees**”.

3 SEC. 2. *Definition of Terms.* – As used in this Act, the following terms  
4 shall be construed to mean as follows:

5 a) Agricultural Employee – is a person who is a graduate of agriculture of  
6 any recognized college or university or any related course in agriculture and a  
7 holder of an appropriate civil service eligibility and is employed at the Department  
8 of Agriculture or devolved to the local government units whose functions and  
9 duties are related to agriculture and must be a citizen of the Philippines with good  
10 moral character.

11 b) Agricultural Extension Work – refers to the profession which helps  
12 farmers in the promotion of agricultural development plans, programs and  
13 projects in agriculture through the use of extension methodologies, concepts and  
14 principles.

15 c) Agricultural Officer – is a person who is a graduate of agriculture or  
16 any related course from a recognized college or university and a holder of a first

1 grade civil service eligibility or its equivalent, currently holding a supervisory  
2 position at the Department of Agriculture or devolved to the local government  
3 units for at least three [3] years for a Municipal Agricultural Officer or City  
4 Agriculturist and at least three [3] years for a city agricultural officer or city  
5 agriculturist and must be a citizen of the Philippines with good moral character.

6 d) Agricultural Practitioner – is a citizen of the Philippines with good moral  
7 character who is an agriculture employee in a government or non-government  
8 agency as well as in the private institution whose actual duties and functions are  
9 related to agriculture.

10 e) CSC – refers to the Civil Service Commission

11 f) DA – refers to the Department of Agriculture

12 g) DOLE – refers to the Department of Labor and Employment

13 h) LGU – refers to the Local Government units

14 i) NLRC – refers to the National Labor Relations Commission

15 j) PRC – refers to the Philippine Regulatory Commission

16 SEC. 3. *Declaration of Policy.* – The State shall promote the agricultural  
17 sector being the backbone of the country and likewise improve the economic and  
18 social well-being of the agricultural officers, employees and practitioners, their  
19 standard of living as well as elevate their working conditions and employment  
20 status. The State shall likewise develop the agricultural officers and employees  
21 skills, knowledge, orientations and capabilities in order that they will be more  
22 responsive to the needs of the farmers as well as better equipped them to deliver  
23 basic services and programs to their clientele. Lastly, the State shall encourage  
24 those with proper qualifications and excellent abilities to remain in agricultural  
25 extension work either in government or non-government service.

26 SEC. 4. *Coverage.* – This Act shall cover all eligible Agricultural Officers  
27 and Employees of the devolved and non-devolved offices of the Department of  
28 Agriculture as well as all the Agricultural practitioners in the government and non-  
29 government service.

1           SEC. 5. *Qualifications of Agricultural Officers and Employees.*

2           a) No person shall be appointed Agricultural Officers unless he is a  
3 citizen of the Philippines, a resident of the Local Government Unit concerned, of  
4 good moral character, a holder of a college degree in agriculture or any related  
5 course from a recognized college or university, and a first grade civil service  
6 eligible or its equivalent. He must have practiced his profession in agriculture or  
7 acquired experience in related field for at least five [5] years in the case of the  
8 provincial and city agricultural officers and at least three [3] years in the case of  
9 the Municipal Agricultural Officers.

10           The position of the Municipal and City Agriculturist shall be mandatory in  
11 the municipal and city government. Priority shall be given to the devolved  
12 Municipal Agricultural Officers being the incumbent to be appointed as Municipal  
13 Agriculturist, a position mandated in RA 7160.

14           b) Duties and functions of the Municipal Agricultural  
15 Officers/Agriculturists.

16           The Agricultural Officers shall take charge of the office for  
17 agricultural services, and shall :

18           1. Formulate measures for the approval of the sanggunian and  
19 provide technical assistance and support to the municipal, city and  
20 provincial governor as the case may be, in carrying out said measures to  
21 ensure the delivery of basic services and provision of adequate facilities  
22 relative to agricultural services as provided for under Section 17 of the  
23 Local Government Code of 1991;

24           2. Develop plans and strategies and upon approval thereof by the  
25 municipal and city mayor or governor as the case maybe, implement the  
26 same, particularly those which have to do with agricultural programs and  
27 projects which the municipal, city mayor or governor is empowered to  
28 implement and which the sanggunian is empowered to provide for under  
29 this Code;

1           3. In addition to the foregoing duties and functions, the  
2 agriculturists shall:

3           a) Ensure that maximum assistance and access to resources in  
4 the production, processing and marketing of agricultural and aqua-cultural  
5 and marine products are extended to farmers, fishermen and local  
6 entrepreneurs;

7           b) Conduct or cause to be conducted location-specific agricultural  
8 researches and assist in making available the appropriate technology  
9 arising out of and disseminating information on basic research on crops,  
10 preventive and control of plant diseases and pests, and other agricultural  
11 matters which will maximize productivity;

12           c) Assist the municipal, city mayor or governor, as the case may  
13 be, in the establishment and extension services of demonstration farms or  
14 aqua-culture and marine products;

15           d) Enforce rules and regulations relating to agriculture and aqua-  
16 culture; and

17           e) Coordinate with government agencies and non-government  
18 organizations that promote agricultural productivity through appropriate  
19 technology compatible with environmental integrity.

20           4. Be in the front-line of delivery of basic agricultural services,  
21 particularly those needed for the survival of the inhabitants during and in  
22 the aftermath of man-made and natural disasters;

23           5. Recommend to the sanggunian and advise the municipal, city or  
24 the governor, as the case may be, on all other matters related to  
25 agriculture and aquaculture which will improve the livelihood and living  
26 conditions of the inhabitants; and

27           6. Performs extension, regulatory and research services.

1 a) Performs extension program/project planning,  
2 implementation and monitoring and evaluation activities on the  
3 following sectors:

- 4 • Soil and Water Conservation Management
- 5 • Crop Production
- 6 • Livestock Production
- 7 • Fisheries
- 8 • Institutional Strengthening/Rural Organizations
- 9 • Agribusiness
- 10 • Cooperative Development

11 b) Perform regulatory program/project planning,  
12 implementation and monitoring and evaluation activities on the  
13 following sectors:

- 14 • Crops
- 15 • Livestock
- 16 • Fisheries
- 17 • Environment

18 c) Performs such other powers and perform such other  
19 duties and functions as may be prescribed by law or  
20 ordinance.

21 SEC. 6. *Performance Evaluation and Merit Promotion.* – The  
22 Management Agricultural Consultative Council shall prepare a uniform career  
23 and personnel development plan applicable to all agricultural officers and  
24 employees. Such career and personnel development shall include provisions on  
25 merit promotion, performance evaluation, in-service training grants, job rotation  
26 and incentive awards system.

27 SEC. 7. *Organization / Composition.* – The Municipal Agricultural Office  
28 shall be headed by a Municipal Agricultural Officer and/or a Municipal

1 Agriculturist. A supervising Agricultural Technologist shall serve as the  
2 coordinator of all the Agricultural Technologists assigned in the Municipality.

3 The City Agriculturists/Agricultural Office shall be headed by a City  
4 Agriculturist and/or City Agricultural Officer. An Assistant City Agriculturist and/or  
5 Supervising City Agriculturist shall serve as the Coordinator of all the City  
6 Agricultural Technologists assigned in the City.

7 However, the composition of the Agricultural Officers and Employees  
8 Consultative Council shall be determined from the lists submitted by the Regional  
9 Association of Municipal Agricultural Officers/City and Municipal Agriculturists as  
10 well as the lists submitted by the Philippine Association of the Municipal and City  
11 Agriculturists. Another composition of the council shall be also taken from the  
12 lists submitted by the municipal, city, provincial, regional and national agriculture  
13 and fishery council chairman throughout the country.

14 SEC. 8. *Transfer or Geographical Reassignment of Agricultural Officers*  
15 *and Employees.* – No transfer or geographical reassignment shall be made or  
16 effected without a written notice to the agricultural officers and employees  
17 concerned stating therein the reasons for such. *Provided,* That said written  
18 notice shall be made thirty [30] days prior to the date of transfer or reassignment:  
19 *Provided, further,* That if the employee concerned disagrees with the order of  
20 transfer or reassignment he/she may appeal said order the Civil Service  
21 Commission or the Department of Labor and Employment, as the case may be.  
22 *Provided, further,* That no transfer and/or reassignment whatsoever shall be  
23 made three (3) months prior to any local or national election. *Provided, finally,*  
24 That the necessary expenses of the transfer and/or reassignment of the  
25 agricultural officers and/or employees and his/her immediate family shall be paid  
26 for by the government.

27 SEC. 9. *Security of Tenure.* – Agricultural officer and employee holding  
28 a permanent position shall not be terminated except for a cause; provided, in the  
29 event the Agricultural Officer or Employee is found to be unjustly dismissed by

1 the Civil Service Commission or National Labor Relations Commission as the  
2 case may be, he/she shall be entitled to reinstatement without loss of seniority  
3 rights and backwages with twenty [20%] per centum interest to be computed  
4 from time his/her compensation is withheld from him/her to the time of  
5 reinstatement.

6 However, if the agricultural officer or employee does not desire to be  
7 reinstated, he/she shall be entitled to backwages and separation pay with twenty  
8 [20%] per centum interests.

9 SEC. 10. *Discrimination Prohibited.* – An agricultural officer and  
10 employee shall not be discriminated by reason of creed, sex, political beliefs, civil  
11 status, and ethnic groupings in the exercise of his/her profession.

12 SEC. 11. *No Understaffing and/or Overloading of Agricultural Officers*  
13 *and Employees.* – There shall be no understaffing and/or overloading of  
14 agricultural officers and employees. The ratio of staff to clientele shall be such  
15 as to reasonable effect a sustained quality agricultural service at all times without  
16 overworking the agricultural officers and employee and overextending his/her  
17 services. Only professional and eligible agricultural officers and employees shall  
18 occupy the agricultural positions in all agricultural agencies and institutions of the  
19 government agencies and/or government-owned and controlled corporations.

20 SEC. 12. *Safeguards in Administrative Proceedings.* – In every  
21 administrative proceeding, an Agricultural Officer and employee shall have:

- 22 a) the right to be informed of the charges;
- 23 b) the right to full access on evidences against him/her
- 24 c) the right to defend himself/herself or by a counsel of his/her choice;
- 25 d) the right to be given adequate time to prepare his/her case, which shall  
26 in no case exceed twenty (20) days;
- 27 e) the right to appeal to designate authorities;
- 28 f) the right to cross-examine witnesses and to processes for production  
29 of witnesses;



1 g) the right to reimbursement for reasonable expenses incurred in his/her  
2 defense in case of exoneration or dismissal of the charges;

3 h) such other rights provided by the other national agencies and local  
4 government units to its respective officers and employees so as to ensure  
5 fairness and impartiality in the proceedings.

6 SEC. 13. *Code of Conduct.* – All agricultural officer and employee must  
7 be guided by its code of ethics not contrary to law, moral, safety, health, public  
8 policy and public order.

9 SEC. 14. *Normal Hours of Work.* – The normal hours of work of any  
10 agricultural officer and employee shall not exceed eight (8) hours a day or forty  
11 (40) hours a week.

12 Hours of work shall include: (1) the time the agricultural office and  
13 employee is required to be in active duty or to be at a prescribed workplace; (b)  
14 the time which an agricultural officer and employee is permitted to work; (c) the  
15 time which an agricultural officer and employee is required to work in a place  
16 other than prescribed workplace.

17 SEC. 15. *Overtime Work.* – Where the exigencies of the service so  
18 require, any agricultural officer and employee, whether in the government or non-  
19 government service, may be required to render service beyond the normal eight  
20 (8) hours a day, inclusive of Saturdays, Sundays and non-working holidays. In  
21 such case, the agricultural officer and employee shall be paid an additional  
22 compensation in accordance with existing laws on the matter.

23 SEC. 16. *On-Call Pay.* – In case of “On-Call” status, the agricultural  
24 officer and employee shall be entitled to an “On-Call” pay equivalent to fifty  
25 percent (50%) of his/her regular wage. “On-Call status refers to a condition when  
26 an agricultural officer and employee are called upon to respond to urgent or  
27 immediate need or relief work during emergencies such that the agricultural  
28 officer or employee cannot utilize his/her time for personal needs: *Provided, That*

1 no agricultural officer and employee shall be placed in "On-Call" status beyond  
2 seven (7) days.

3 SEC. 17. *Married Agricultural Officer and Employee.* – Whenever  
4 possible, the proper authorities shall take steps to enable married couple or  
5 couples, both of whom are public workers to be employed or assigned in the  
6 same municipality.

7 SEC. 18. *Basic Compensation.* – After the effectivity of this Act, the  
8 salaries of an agricultural officer and employee shall be:

9 (a) For the Municipality/City Agriculturist or Agricultural Officer – Their  
10 salaries shall be equated to the salaries of the Department Heads of the Local  
11 Government Units where they are devolved or assigned but not lower than  
12 Salary Grade 24;

13 (b) For Agricultural Technologies (ATs) devolved to the Local Government  
14 Units shall be upgraded to Salary Grade 18;

15 (c) For Agricultural Development Specialists (ADS) – Their salary grades  
16 shall be upgraded to Salary Grade 20;

17 Based on the principle on equality of salary scale, the salaries of devolved  
18 Agricultural officials and employees whose salaries are appropriated by LGUs  
19 shall not be less than those provided for Agricultural Officers and Employees of  
20 the National Government. The amount necessary to pay the difference between  
21 the salary rates received by the national paid and local paid Agricultural Officers  
22 and Employees of equivalent position shall be subsidized by the national  
23 government.

24 SEC. 19. *Representation Allowance and Travelling Allowance.* – All  
25 Municipal/City/Provincial Agricultural Officers shall be entitled to Representation  
26 Allowance and Travelling Allowance (RATA) equivalent to the Department Heads  
27 of the LGUs where they are devolved / assigned.

28 SEC. 20. *Hazard Allowance.* – Any agricultural officer or employee  
29 assigned in difficult areas, strife-torn or embattled areas, distressed or isolated

1 stations, animal / plant / fishery breeding stations, plant nurseries, plantations  
2 and demonstration farms, laboratories specifically those handling x-rays,  
3 radioisotopes, chemicals, sea-borne patrols and other areas declared under a  
4 state of calamity or emergency which exposes them to great danger, volcanic  
5 activity/eruption, occupational risks of perils of life shall be compensated with  
6 hazard allowance equivalent to at least twenty per centum (20%) or the monthly  
7 basic salary.

8       SEC. 21. *Subsistence Allowance.* – Any Agricultural officer and  
9 employee who are required to render services in the communities, institutions,  
10 animal and plant breeding stations, fish sanctuaries/fishery nurseries, plant  
11 nurseries, plantations and demonstration farms and other banner programs and  
12 projects of the Department of Agriculture in order to make their services available  
13 at all times, should be entitled to full subsistence allowance of three (3) meals  
14 which shall be computed in accordance with prevailing circumstances.

15       SEC. 22. *Longevity Pay.* – A Longevity pay equivalent to five percent  
16 (5%) of the monthly basic pay shall be paid to an agricultural officer and  
17 employee for every three (3) years of continuous, efficient and meritorious  
18 services rendered.

19       SEC. 23. *Clothing Allowance.* – All agricultural officers and employees  
20 shall be entitled for a clothing allowance in accordance with the approved laws  
21 and regulations or as mandated by law.

22       SEC. 24. *Housing.* – All agricultural officer and employee who are in tour  
23 of duty and those who, because of unavoidable circumstances to stay in the  
24 institution or community, etc. living quarters or such quarters are not available,  
25 he/she shall be entitled to free living quarters: *Provided*, That if such living  
26 quarters are not available, the agricultural officer and employee shall receive  
27 housing allowance: *Provided, further*, That the rate of which shall be received  
28 periodically in view of an increase.

1           SEC. 25. *Compensation for Injuries.* – Agricultural Officer and Employee  
2 shall be protected against work-related injuries in accordance with the Labor  
3 Code of the Civil Code Law as the case may be.

4           SEC. 26. *Right to Join Organization.* – Agricultural Officer and Employee  
5 shall have the right to freely join organizations or union for purposes not contrary  
6 to law, in order to defend and protect their mutual interest and to obtain redress  
7 of grievances through peaceful concerted activities: *Provided,* That under no  
8 circumstances shall government agricultural officer and employee be allowed to  
9 join, declare, stage, form any strike or cessation of services.

10          SEC. 27. *Freedom from Interference or Coercion.* – It shall be unlawful  
11 for any person to commit any of the following act interference or coercion:

12           a) to require as condition of employment that the agricultural officer and  
13 employee shall not join an agricultural organization or union;

14           b) to discriminate in order to encourage or discourage membership in any  
15 agricultural officer and employee organization or union;

16           c) to prevent an agricultural officer and employee from carrying out his  
17 duties and functions in the agricultural work organization or union or to penalize  
18 the agricultural officer and employee for any lawful action performed in that  
19 capacity;

20           d) to make calculated harassment and interference with the intention of  
21 intimidating or preventing the agricultural worker from performing his/her duties  
22 and functions; and

23           e) to perform acts calculated to diminish the independence and freedom  
24 of the union or organization to direct its own affairs.

25          SEC. 28. *Consultation.* – The Department of Agriculture shall consult  
26 professional and agricultural work organizations or unions in formulating policies  
27 to govern the agricultural security of the agricultural officers and employees.

1           SEC. 29. *Human Resource Development.* – The government and non-  
2 government agencies shall conduct human resource development and  
3 management study in the following areas:

4           a) Adequate facilities and resources to render qualify agricultural service  
5 to the clientele;

6           b) Opportunity for the agricultural officer and employee to grow and  
7 develop their potentials and experience a sense of worth and dignity in their  
8 work;

9           c) Mechanisms for democratic consultations;

10          d) Ways and means of enabling rank and file agricultural officer and  
11 employee viable educational opportunities for personal growth and development;  
12 and

13          e) Staffing patterns and standards of agricultural officer and employee  
14 welfare to ensure the people receive quality care.

15          SEC. 30. *Professionalization of Agriculture Graduate.* – There is hereby  
16 created and Agriculture Board of Examiners in the Professional Regulation  
17 Commission to Upgrade the Aquaculture profession.

18          Those who have passed the Civil Service Examination for Agriculture and  
19 have served the industry in either private or public capacity for not less than five  
20 (5) years shall automatically be granted eligibility by the Board of Examiners.

21          The first board of examination for Bachelor of Science in Agriculture  
22 graduates shall be conducted within one (1) year from the approval of this Act.

23          SEC. 31. *Rules and Regulations.* – The Management and Agricultural  
24 Officers and Employees Organization or Union Consultative Council shall  
25 formulate and prepare necessary rules and regulations in implementing the  
26 provisions of the Magna Carta, in coordination to the DOLE, CSC, NLRC, LGUs  
27 and the DA.

28          SEC. 32. *Penal Provisions.* – Any person who shall willfully interfere  
29 with, restrain or coerce any agricultural officer and employee in the exercise of

1 his/her rights or shall in any manner commit any act in violation of any of the  
2 provisions of this Act, upon conviction, shall be punished by a fine of not less  
3 than twenty thousand pesos (P20,000.00) or imprisonment of not more than one  
4 (1) year or both at the discretion of the court.

5       If the offender is a public official, the court, in addition to the penalties  
6 provided in the preceding paragraph, may impose the additional penalty of  
7 disqualification from office of such offending public official.

8       SEC. 33. *Separability Clause.* – If any portion, section or provisions of  
9 this Act is declared unconstitutional, invalid, such sections or parts not affected  
10 thereby shall remain in force and effect.

11       SEC. 34. *Repealing Clause.* – All laws, decrees, executive orders, rules  
12 and regulations, or parts hereof inconsistent with the provision of this Act are  
13 hereby repealed, amended or modified accordingly.

14       SEC. 35. *Effectivity.* – This Act shall take effect fifteen (15) days after its  
15 publication in the *Official Gazette* or in at least two (2) newspapers of general  
16 circulation whichever comes earlier.

Approved,