

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

'04 JUN 30 P3:08

RECEIVED BY: 

SENATE
S. No. 247

Introduced by Senator S. R. Osmeña III

EXPLANATORY NOTE

In the year 2000, agriculture accounted for 19% of the Philippines' Gross National Product (GNP) AND 36.5% of employment. Filipino farmers who are the key players in this important industry obtain government assistance and support mainly through agricultural development workers. Agriculturists, veterinarians, agricultural engineers, aquaculturists, extension workers, extensionists, nutritionists, agricultural technologists and other agricultural technicians maintain the government's linkages to farmers all over the country in pursuing the modernization of Philippine agriculture.

The delivery of services to farmers had been left considerably weakened and fragmented by the devolution of certain government functions to the local level and the ensuing coordination problems between the Department of Agriculture and Local Government Units (LGUs). Confronted with financial constraints, LGUs often dispense with the hiring of agriculturists at the city and municipal levels because these positions are optional in the Local Government Code of 1991. At the provincial level, the positions of Provincial/City/Municipal Agricultural Engineer, and Provincial Fishery Officer were not even created.

This bill seeks to affirm the rights of agricultural workers with provisions for their career development as a way of acknowledging their important role in agricultural modernization.

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


SERGIO OSMEÑA III
Senator

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AN ACT
PROVIDING FOR A MAGNA CARTA FOR AGRICULTURAL DEVELOPMENT
WORKERS

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

ARTICLE I

TITLE OF THE ACT AND DEFINITION OF TERMS

SECTION 1. **Title.** – This Act shall be known as the “**Magna Carta of
Agricultural Development Workers.**”

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.

SEC. 3. **Definition of Terms.** -

a) *Agricultural Development Workers* – shall mean all persons who are
engaged in agricultural development activities and all persons
employed in the Department of Agriculture including its bureaus and
attached agencies. Local Government Units (LGUs) and concerned
government and private institutions, and shall include aquaculturists,

1 veterinarians, agricultural engineers, nutritionists, agricultural
2 extension workers, agricultural technicians and operators, allied
3 agricultural professionals, administrative and support personnel
4 employed regardless of their employment status.

5 b) *Agriculturist* – shall refer to a person who is a graduate of a four year
6 course in agriculture or any related course performing any of the
7 specialized activities such as agronomy, horticulture, animal
8 husbandry, entomology, plant pathology, plant breeding, agricultural
9 economics, agricultural extension and marketing.

10 c) *Veterinarian* – shall refer to a person registered with the Professional
11 Regulation Commission performing professional activities on
12 veterinary services such as disease prevention control, animal health
13 care, etc.

14 d) *Agricultural Engineer* – shall refer to a person registered with the
15 Professional Regulation Commission performing engineering activities
16 in agriculture, particularly on areas of farm power and machinery,
17 irrigation and drainage, soil and water conservation, agricultural
18 buildings and infrastructure, agricultural processing and post harvest
19 facilities.

20 e) *Aquaculturist* – shall refer to a person who is a graduate of a four year
21 course in fisheries and performing activities on fisheries and
22 aquaculture and fishery production and processing.

23 f) *Nutritionist* – shall refer to a person registered with the Professional
24 Regulation Commission performing activities related to dietary and
25 proper nutrition.

26 g) *Agricultural Technician* – shall refer to a trained or skilled agricultural
27 worker but not necessarily a college graduate, performing activities
28 such as plant/nursery propagator, plant breeder, farm mechanic, etc.

1 h) *Agricultural Extension Worker* – shall refer to an agriculturist,
2 veterinarian, agricultural engineer, aquaculturist, nutritionist or home
3 extensionist who helps farmers and fishermen in the promotion of
4 agricultural and fisheries development plans, programs and projects
5 through the use of extension methodologies, concepts and principles.

6 i) *CSC* – refers to the Civil Service Commission.

7 j) *DOLE* – refer to the Department of Labor and Employment.

8 k) *NLRC* – refers to the National Labor Relations Commission.

9 l) *DA* – refers to the Department of Agriculture.

10 m) *LGU* – refers to the Local Government Unit.

11 ARTICLE II

12 AGRICULTURAL SERVICE CAREER DEVELOPMENT

13 SEC. 4. ***Professionalization of Agricultural Services.*** – The State shall
14 support the development and professionalization of agricultural services by
15 providing the necessary compensation and benefits to various agricultural
16 development workers based on their duties, responsibilities and qualifications.
17 For this purpose, the Civil Service Commission in coordination with the
18 Department of Budget and Management, Department of Agriculture, Department
19 of Interior and Local Government and the recognized national associations of
20 agricultural development workers shall review the existing functions,
21 responsibilities, position titles and qualifications of the agricultural development
22 workers employed at the Department of Agriculture. Local Government Units
23 and concerned government agencies, and match the with appropriate position
24 titles and compensation. *Provided*, That the following benchmark position titles
25 of agricultural development workers with corresponding salary grades shall be
26 used.

27 <u>Position</u>	<u>Salary Grade</u>
28 Agricultural Technician I	10
29 Agriculturist I	12

1	Aquaculturist I	12
2	Nutritionist I	12
3	Veterinarian I	13
4	Agricultural Engineer I	13
5	<i>Agricultural Technologist</i>	15
6	City Agricultural Engineer	24
7	City Veterinarian	24
8	City Agriculturist	24
9	City Fishery Officer	24
10	Municipal Agriculturist	24
11	Municipal Veterinarian	24
12	Municipal Agricultural Engineer	24
13	Municipal Fisheries Officer	24
14	Provincial Agricultural Engineer	26
15	Provincial Agriculturist	26
16	Provincial Veterinarian	26
17	Provincial Fisheries Officer	26

18 **SEC. 5. *Mandatory Positions of Agricultural Development Workers***

19 ***in the Local Government Units.*** – The creation of the following position is
20 hereby made mandatory in addition to the prescribed position under the Local
21 Government Code of 1991:

- 22 Provincial Agricultural Engineer
- 23 Provincial Fisheries and Aquacultural Officer
- 24 City Agriculturist
- 25 City Agricultural Engineer
- 26 City Veterinarian
- 27 City Fisheries and Aquacultural Officer
- 28 Municipal Agriculturist
- 29 Municipal Agricultural Engineer

1 Municipal Veterinarian

2 Municipal Fisheries and Aquacultural Officer

3 *Provided*, That in the case of fourth (4th) class LGUs, financial subsidy
4 shall be provided by the national government for the personnel services needed
5 in the hiring of the above mentioned mandatory position: *Provided, further*, That
6 the funding requirement shall be incorporated in the annual appropriations of the
7 Department of Agriculture.

8 SEC. 6. **Recruitment and Qualifications.** – The selection and
9 appointment of agricultural development workers shall be in accordance with the
10 merit and fitness principle: *Provided*, That he/she has the appropriate civil
11 service eligibilities and/or professional license, educational qualification, skills
12 and experiences.

13 SEC. 7. **Performance Evaluation and Merit Promotion.** – The
14 Secretary of Agriculture upon consultation with the Civil Service Commission
15 and the recognized national associations of agricultural development workers
16 shall prepare a uniform career and personnel development plan applicable to all
17 agricultural development workers. Such career and personnel development plan
18 shall include provisions on merit promotion, performance evaluation, in-service
19 training grants, job rotation and incentives awards system.

20 SEC. 8. **Transfer of Geographical Reassignment of Agricultural**
21 **Officers and Employees.** – No transfer or geographical reassignment shall be
22 made or effected without a written notice to the agricultural development worker
23 concerned stating therein the reason for such: *Provided*, That said written notice
24 shall be made thirty (30) days prior to the date of transfer or reassignment:
25 *Provided, further*, That if the employee concerned disagrees with the order of
26 transfer or reassignment, he/she may appeal said order with the Civil Service
27 Commission or the Department of Labor and Employment, as the case may be:
28 *Provided, further*, That pending appeal, such transfer or reassignment shall be
29 held in abeyance: *Provided, furthermore*, That no transfer or reassignment

1 whatsoever shall be made three (3) months prior to any local or national
2 elections: *Provided, finally,* That the necessary expenses of the transfer and/or
3 reassignment of the agricultural worker or employee and his/her immediate
4 family shall be paid by the Government.

5 SEC. 9. ***Security of Tenure.*** – An agricultural worker holding a
6 permanent position shall not be terminated except for cause: *Provided,* That in
7 the event the agricultural development worker is found to be unjustly dismissed
8 by the Civil Service Commission, he/she shall be entitled to reinstatement
9 without loss of seniority rights and backwages with twenty per centum (20%)
10 interest to be computed from the time compensation is withheld up to the
11 reinstatement.

12 However, if the agricultural worker does not desire to be reinstated,
13 he/she shall be entitled to backwages and separation pay with twenty per
14 centum interest

15 SEC. 10. ***Discrimination Prohibited.*** – An agricultural worker shall not
16 be discriminated by reason of creed, sex, political belief, civil status, and ethnic
17 grouping in the exercise of his/her profession.

18 SEC. 11. ***No Understaffing and/or Overloading of Agricultural***
19 ***Workers.*** – There shall be no understaffing and/or overloading of agricultural
20 workers. The ratio of staff to clientele shall be such as to reasonably effect a
21 sustained quality of agricultural service at all times without overworking the
22 agricultural development workers and over-extending their services.

23 Only qualified professional and eligible agricultural workers shall occupy
24 the agriculturist and other agriculture-related positions in all government
25 agricultural agencies and institutions and/or government-owned and controlled
26 corporations: *Provided,* That the government shall allocate the necessary funds
27 for the hiring of additional agricultural development workers in cases of over-
28 loading of personnel in specific areas of assignment.

1 SEC. 12. **Safeguards in Administrative Proceedings.** – In every
2 administrative proceeding, an Agricultural Worker shall have:

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

17 SEC. 13. **Code of Conduct.** – All agricultural worker must be guided by a
18 code of ethics not contrary to law, morals, safety, health, public policy and public
19 order. The code of conduct of agricultural development workers shall be
20 prepared by the Secretary of Agriculture in consultation with the recognized
21 national associations of agricultural development workers.

22 SEC. 14. **Normal Hours of Work.** – The normal hours of work of an
23 agricultural development worker shall not exceed eight (8) hours a day or forty
24 (40) hours a week.

25 Hours of work shall include:

- 26 a) the time the agricultural workers is required to be on active duty or to
27 be at a prescribe workplace;
- 28 b) the time which an agricultural worker is permitted to work;

1 c) the time which an agricultural worker is required to work in a place
2 other than the prescribed workplace.

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

9 SEC. 16. **Training and Scholarship Program.** – The Department of
10 Agriculture through its scholarship committee and the Agricultural Training
11 Institute shall undertake trainings and scholarship program for the agricultural
12 development workers, which shall be given adequate budgetary support y the
13 Government.

14 SEC. 17. **Married Agricultural Worker.** – Whenever possible, the proper
15 authorities shall take steps to enable married couples both of whom are public
16 agricultural development workers, to be employed or assigned in the same
17 municipality.

18 ARTICLE III

19 INCENTIVES AND REWARDS SYSTEM

20 SEC. 18. **Criteria for Incentives and Rewards System.** – The reward
21 and incentive system for agricultural development workers provided under this
22 Act, which will encourage them to stay in the service, promote their productivity
23 and reward them for extraordinary performance shall be governed by the
24 following criteria:

- 25 a) *Honorarium* – form of remuneration for services rendered beyond the
26 established workload of agricultural development workers whose
27 broad and superior knowledge and expertise contribute to agricultural
28 productivity and innovativeness;

- 1 b) *Incentive pay* – form of remuneration given to individuals who services
2 in management, administration, policy making and support contribute
3 to the efficient and effective implementation of the agricultural and
4 fisheries programs of the government;
- 5 c) *Performance Bonus* – form of remuneration given to agricultural
6 development workers for performance that exceeds established
7 targets; and
- 8 d) Other incentives that the Department of Agricultural and Local
9 Government may establish.

10 **SEC. 20. *Other Compensation and Benefits.*** – All agricultural
11 development workers shall be entitled to the following additional compensation
12 and benefits:

- 13 a) *Representation Allowance and Traveling Allowance* – All
14 Provincial/City/Municipal Agriculturist, Veterinarians, Agricultural
15 Engineers, and Fisheries Officers shall be entitled to Representation
16 Allowance and Travelling Allowance (RATA) equivalent to the
17 Department Head of the Local Government Units.
- 18 b) *Hazard Allowance* – All agricultural development workers assigned
19 in difficult areas, strife-torn or embattled areas, distressed or isolated
20 stations, animal/plant/fisheries breeding station, plant nurseries,
21 plantations and demonstration farms, laboratories especially those
22 handling x-rays, radioisotopes, chemicals, etc., sea-borne patrols,
23 construction and installation of agricultural infrastructure projects,
24 and other areas declared under a state of calamity or emergency
25 which exposes them to great danger, occupational risks of perils of
26 life shall be compensated with hazard allowance equivalent to at
27 least twenty per centum (20%) of the monthly basic salary.
- 28 c) *Subsistence Allowance* – All agricultural development worker who
29 are required to render services in the communities, institutions,

1 animal and plant breeding nurseries, plantations and demonstration
2 farms and other barrier programs and projects of the Department of
3 Agricultural in order to make their services available at all times,
4 shall be entitled to full daily subsistence allowance of three (3)
5 meals, which shall be computed in accordance with the prevailing
6 circumstances.

7 d) *Longevity Pay* – A longevity pay equivalent to five per centum (5%)
8 of the monthly basic pay shall be paid to an agricultural worker for
9 every (3) years of continuous, efficient and meritorious services
10 renders.

11 e) *Clothing Allowance* – All agricultural development workers shall be
12 entitled to a clothing allowance in accordance with the approved
13 laws and regulations or as mandated by law.

14 f) *Housing* – All agricultural workers who are in tour of duty and those
15 who, because of unavoidable circumstances, are forced to stay in
16 the institution or community with living quarters shall be entitled to
17 such quarter for free: *Provided*, That if such living quarters are not
18 available, the workers shall receive housing allowances: *Provided*,
19 *further*, That said allowance shall be reviewed periodically and
20 adjusted for inflation.

21 g) *Compensation for inquiries* – Agricultural development workers shall
22 be protected against work-related injuries in accordance with the
23 Labor Code or the Civil Code as the case may be.

24 h) *On-Call Pay* – In cases of “On-Call” status, the agricultural
25 development worker shall be entitled to an “On-Call” pay equivalent
26 to fifty per centum (50%) of his/her regular wage. “On-Call” status
27 refer to a condition when an agricultural officer or employee is called
28 upon to respond to an urgent or immediate need or relief work
29 during emergencies such that the agricultural worker cannot utilize

1 his/her time for personal needs: *Provided*. That no agricultural
2 worker shall be placed in an "On-Call" status beyond seven (7) days.

- 3 i) *Motor and Vehicle Loan* – All agricultural development workers shall
4 be entitled to avail of the motor and vehicle loan of the Department
5 of Agriculture. The government shall provide adequate budgetary
6 support for this purpose.

7 ARTICLE IV

8 MISCELLANEOUS PROVISIONS

9 SEC. 21. ***Right to Join Organizations.*** – Agricultural development
10 workers shall have the right to freely join organizations or unions for purposes
11 not contrary to law, in order to protect their mutual interest and to seek redress
12 of grievances through peaceful concerted activities.

13 SEC. 22. ***Freedom from Interference or Coercion.*** – It shall be unlawful
14 for any person to commit any of the following acts of interference or coercion.

- 15 a) to require as a condition of employment that the agricultural
16 development worker shall not join an organization or union;
17 b) to discriminate in order to encourage or discourage membership in
18 any agricultural development workers organization or union;
19 c) to prevent an agricultural development worker from carrying out his
20 duties and functions in his/her organization or union or to penalize
21 him/her for any lawful action performed in that capacity;
22 d) to harass or intimidate an agricultural development worker or prevent
23 him/her from performing duties and functions; and
24 e) to perform acts that will diminish the independence and freedom of
25 the union or organization to direct its own affairs.

26 SEC. 23. ***Consultation.*** – The Department of Agriculture shall consult
27 professional and agricultural workers organizations or unions in formulating
28 policies to govern the welfare and security of the agricultural development
29 workers.

1 SEC. 24. **Human Resource Development.** – The Government and non-
2 government agencies shall conduct human resource development and
3 management studies in the following areas:

- 4 a) Adequate facilities and resources to render quality agricultural service
5 to the clientele;
- 6 b) Opportunity for the agricultural development workers to grow and
7 develop their potentials and develop a sense of self-worth and dignity
8 in their work;
- 9 c) Mechanisms for democratic consultation;
- 10 d) Ways and means of giving rank-and-file agricultural development
11 workers viable opportunities for education, personal growth and
12 development; and
- 13 e) Staffing patterns and standards of welfare for agricultural
14 development workers welfare to ensure that they receive quality care.

15 SEC. 25. **Rules and Regulations.** – The Secretary of the Department of
16 Agriculture in consultation with DOLE, CSC, NLRC, DILG and the national
17 organizations of agricultural development workers shall formulate and prepare
18 necessary rules and regulations in implementing the provisions of this Magna
19 Carta.

20 SEC. 26. **Monitoring of Implementation.** – The Secretary of Agriculture
21 shall create a Monitoring Committee which shall monitor the implementation of
22 the provisions of this Act. The committee shall be composed of representatives
23 of the DA, DILG, CSC and the recognized national associations of agricultural
24 development workers: *Provided, further,* That the Secretary of Agriculture shall
25 submit semi-annual reports on the status of the implementation of this Act to the
26 Committee on Agriculture and Food of the House of Representatives and the
27 Senate.

28 SEC. 27. **Penal Provisions.** – Any person who shall willfully interfere
29 with, restrain or coerce any agricultural development worker in the exercise of

1 his/her rights or shall violate any of the provisions of this Act shall upon
2 conviction, be punished by a fine of not less than Twenty Thousand Pesos
3 (P20,000.00) but not more than Forty Thousand Pesos (P40,000.00) or
4 imprisonment of not more than one (1) year, or both, at the discretion of the
5 court.

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

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

12 SEC. 29. **Separability Clause.** If any provision of this Act is declared
13 unconstitutional or invalid, the other provisions thereof affected thereby shall
14 continue to be in full force and effect

15 SEC. 30. **Repealing Clause.** - All laws, presidential decrees, executive
16 orders, rules and issuances or parts thereof inconsistent with the provisions of
17 this Act are hereby repealed or modified accordingly.

18 SEC. 4. **Effectivity.** This Act shall take effect fifteen (15) days after its
19 publication in two (2) newspapers of general circulation

20 Approved,