

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

04 JUN 30 P3:12

RECEIVED BY:

S E N A T E

S. No. 255

Introduced by Senator S. R. Osmeña III

EXPLANATORY NOTE

Recent statistics showed that there are 20 million Filipinos living in the uplands and about 10 million hectares of the degraded uplands need to be transformed into productive and ecologically stable area. These Filipinos comprising about 24 percent of the present population of 83 million (2003 estimate from NSO) is a huge sector that needs assistance to improve their socio-economic welfare at the same time help arrest environmental degradation.

One of the logical strategies used in many countries to address this dilemma is the institutionalization of the science and practice of agroforestry and produce a cadre of a new breed of agroforesters whose competencies cuts across the interaction or synergy between the Agriculture and Forestry continuum. Agroforestry is defined as the science, art and practice that deals with the production, management and utilization of woody perennials in combination with other agricultural crops, animals, aquatic and/or other resources either zonally, mixed simultaneously or sequentially for twin purpose of conservation and socio-economic productivity.

The practice of agroforestry in the Philippines has been in existence for centuries and its potentials as a land-use management system have been recognized as indicated by the presence of agroforestry-related program being implemented by at least 147 government and non-government organizations. This has further been enhanced by Executive Order No. 263 issued by former President V. Ramos specifying agroforestry to be the main production technology in the implementation of the community-based forest management program.

As of the year 2003, there are 35 state colleges and universities in the country offering various types of agroforestry curricula at the baccalaureate level (i.e. BS Agroforestry, BS Agroforestry Entrepreneurship, BS Agriculture major in Agroforestry and BS Forestry major in Agroforestry); technical level (2-year terminal Diploma in Agroforestry, and ladderized Diploma in Agroforestry Technology); as well as the graduate level (MS Agroforestry, MS Rural Development cognate in Agroforestry, Ph.D. Crop Production cognate in Agroforestry, post baccalaureate Diploma in Agroforestry, and Master in Forestry major in Agroforestry). These institutions produces 1,275 graduates on average (data based on 15 institutions surveyed, 1998-2002) per year which are employed as follows, 14% are employed in AF-related jobs, 32% are employed in non-AF related jobs, 15% are self-employed and 13% are unemployed. Majority (68%) of them are holding contractual positions.

One of the policy needs that was identified to help alleviate this phenomenon is to have a Board of Agroforestry to institutionalize and professionalize the science and practice of agroforestry in the Philippines. Such a field of study has very unique features which demand specialized competencies that are neither purely agriculture nor forestry.

At present, the Board of Forestry does not accept the agroforestry graduates to take their licensure examination. Recently, the Board of Agriculture and Fisheries created under RA 8435 (AFMA Section 75 in its Implementing Rules and Regulations) has also excluded agroforestry graduates to take examination except with those with majors under the BS Agriculture curriculum. Therefore, there is an apparent disenfranchisement of the agroforestry graduates thereby necessitating the classification of Agroforestry Education as a new Occupational Cluster requiring a separate Board examination.

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



SERGIO OSMEÑA III

Senator

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

04 JUN 30 P3:12

RECEIVED BY:

S E N A T E

S. No. 255

Introduced by Senator S. R. Osmeña III

AN ACT
CREATING THE BOARD OF AGROFORESTRY UNDER THE
PROFESSIONAL REGULATIONS COMMISSION, PROVIDING FOR
MECHANISMS OF IMPLEMENTATION, APPROPRIATING FUNDS AND FOR
OTHER PURPOSES

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

ARTICLE 1. TITLE AND POLICIES

SECTION 1. **Short Title.** – This Act shall be known as the **“Board of Agroforestry Act of 2004”**

SEC. 2. **Declaration of State Policies.** –

a. The State shall, in response to the need of professionalizing the agroforestry occupation and improving the practice of agroforestry, enhance sustainable socio-economic development and protect the environment.

b. The State shall establish and maintain a Board of Agroforestry that shall among other conduct a national board examination to all graduates of a four year degree program in agroforestry or its equivalent, regulate and sustain the practice of the profession for efficient and effective public service.

ARTICLE II. DEFINITION AND SCOPE OF THE PRACTICE OF

AGROFORESTRY

SEC. 3. **Definition of Terms**– For purposes of this Act, the following terms shall mean:

1 a. Board - refers to the Board of Agroforestry (BOA), hereby created as
2 the regulatory body, under the administrative, executive and policy supervision of
3 the Professional Regulations Commission (PRC), for the practice of Agroforestry
4 in the Philippines and tasked with powers, functions and responsibilities herein
5 prescribed;

6 b. Commission - refers to the Professional Regulations Commission
7 (PRC), created under RA No. 8981, otherwise known as the "PRC Modernization
8 Act of 2000";

9 c. Agroforester - refers to any person who have passed the licensure
10 examination for the agroforestry professional administered by the Board/
11 Commission, taken the oath of an Agroforester, and duly registered and issued
12 with a certification of good standing and is allowed under this act to engage in or
13 to perform activities, acts or services constituting the professional practice of
14 agroforestry including those who hold a positions in the government service or
15 teaches subjects in schools, colleges or universities, requiring the knowledge of
16 Agroforestry;

17 d. Agroforestry - refers to the science, art, and practice and business that
18 deals with the production, arrangement and utilization of woody perennials in
19 combination with other agricultural crops, animals, aquatic and/or other
20 resources either zonally, mixed simultaneously or sequentially grown for the twin
21 purpose of conservation and socio-economic productivity;

22 e. Agroforestry professional practice - refers to activities, acts, services or
23 pursuits exclusively performed by BOA/PRC registered and licensed professional
24 agroforesters, the scope thereof is prescribed and/or specified herein;

25 **SEC. 4. *Scope of the Professional Practice of Agroforestry.*** – The
26 practice of Agroforestry under this Act, is a profession that requires the
27 application of competencies, (knowledge, skills and willingness to perform it) in
28 agroforestry as defined in Section 4.c. which embraces acts such as:

1 a. Preparation and certifications of Agroforestry systems and interactive
2 diagnosis and design (D and D approach), feasibility studies, and specifications
3 for the production, harvesting, processing, utilization and marketing of woody
4 perennials and agricultural crops and/or animals for multiple products and
5 services including conservation and cleaner production practices.

6 b. Development of management plans with a step-by-step time-line plans
7 with recommendations on appropriate species and strategies for the unique site;
8 a plan for long- term fertility management; for marketing final products including
9 budget and economic projections; farm and pasture diversification plans of
10 ranches, fruit growers and farms to diversify products and integrate more trees
11 into their plantings, with appropriate species and techniques to support existing
12 crops, reduce expenses and increase the diversity and economic resiliency of the
13 project. These can include animal fodder, windbreaks, mulch banks, shade,
14 integrated timber or native trees, and many other practices;

15 c. Planning and implementation of agroforestry nurseries including seed
16 orchards, tissue-cultured and clonal banks operations; soil and water resources
17 conservation measures; conduct of environmental risk and impact assessments
18 and geospatial analysis and management of resources; wood products
19 manufacturing and marketing;

20 d. Provision related activities or services such as that the conduct of
21 agroforestry experiments, research, extension, development, training or
22 communications; the teaching of subjects in academic institutions and for
23 licensure examinations in conformity with Section II of RA No. 8981; undertaking,
24 supervision and/or administration of studies, programs, stations, centers,
25 community/provincial/regional/national offices of government agencies and
26 institutions requiring agroforestry professionals; technical or management
27 consultants needed by or required of local government units, private
28 corporations, foundations, non-government associations and foreign-assisted
29 projects.

1 e. All agroforestry concerns, projects, business, activities or related
2 services must be certified by a professional Agroforester before such will be
3 accepted by any entities for registration, getting business permits or licenses in
4 municipalities, any financial institutions, legal transactions and the like. Such
5 requirements shall ensure that agroforestry activities will conform to the
6 observance of the requirements of good agroforestry environmental
7 protection/pollution, conservation, health risks and cleaner production practices
8 affecting the natural resources and the ecosystem; Furthermore the certification
9 of and by an Agroforester on projects/businesses is an evidence of careful
10 studies made on the projects in accordance with the Strategic Agriculture and
11 Fisheries Development Zones (SAFDZs), the land use and zoning ordinances,
12 protection of watershed areas, the housing and land use regulations as provided
13 for in RA 8435 and other laws.

14 ARTICLE III. THE BOARD OF AGROFORESTRY

15 SEC. 5. **Powers, Functions and Responsibilities** – the following are
16 the powers, functions and responsibilities of the Board as a collegial body in
17 addition to the pertinent general functions of the Professional Regulations
18 Commission (PRC) under RA No. 8981 otherwise known as the PRC
19 Modernization Act of 2000;

- 20 a) Put up a registry of agroforestry professionals in the country.
- 21 b) Prepare, administer, conduct and check/correct on agroforestry board
22 licensure examinations and other forms of certifications and publish the results in
23 newspapers of wide circulation in accordance with its rules and regulations.
- 24 c) Provide information and other educational materials, promotions and
25 networking services to facilitate the activities of the Board.
- 26 d) To hear, investigate cases, issue summons, subpoena duces tecum to
27 concerned individuals to compel their attendance, and conduct summary
28 proceedings on cases arising from violations of this Act, the rules and regulations
29 promulgated there under and its code of Ethics.

1 e) After due process, to suspend, revoke or reissue, reinstate certificates
2 of registration or licenses for course as provided by the law.

3 f) To adopt and promulgate, subject to the approval of the Commission,
4 implementing rules and regulations of this Act and such rules and regulations as
5 may be necessary including its Code of Ethics to effectively implement the
6 pertinent provisions of this Act and the policies with respect to the regulation and
7 practice of Agroforestry in the Philippines.

8 g) To perform all powers, functions, duties and responsibilities expected
9 of the Board in accordance to and as provided for in RA No. 8981, otherwise
10 known as the PRC Modernization Act of 2000.

11 **SEC. 6. *Composition. Organization and Terms of Office.* –**

12 a. The Board shall be composed of six (6) members with a Chairperson
13 and five (5) members, all of whom shall be appointed by the President of the
14 Philippines upon recommendation from the Commission from at least six (6)
15 qualified nominees endorsed by the accredited professional organization within
16 ninety (90) working days after approval of this Act. They shall receive
17 compensation and all other remunerations, incentives and privileges as provided
18 for by the other Boards under the PRC. The Chairperson as the Executive
19 Officer, presides and may attend meetings at all levels and represent the Board
20 with the Commission and other agencies/ organizations and perform such other
21 activities and functions the Commission may assign.

22 b. The members of the Board shall have a term of office for three (3)
23 years without prejudice for reappointment to another term, but in no case shall
24 he/she serve continuously for more than six (6) years.

25 c. At the expiration of the term of the Chairperson, the most senior of the
26 remaining members of the Board shall assume and perform the duties and
27 functions of and receive the emoluments and entitlements of the Chairperson.
28 The incumbent members of the Board shall continue to serve their respective

1 remaining terms until their successors shall have been appointed and qualified in
2 accordance with this Act.

3 **SEC. 7. *Qualifications of a Member of the Board.*** – A member of the
4 Board shall at the time of his or her appointment, possess the following
5 qualifications:

- 6 a. Must be a natural-born citizen of, and residing in the Philippines;
- 7 b. Must have engaged in or known and recognized expert in the active
8 certified to by the Accredited Professional Organization;
- 9 c. Must not, for a period of at least one year prior to his or her
10 appointment, be connected directly or indirectly with any department, school,
11 Institute or College of Agroforestry of a University or University System, any
12 review classes or centers for agroforestry licensure examination or be an elected
13 officer of the accredited professional organization concerned;
- 14 d. Must never have been convicted of any of the offenses enumerated
15 under RA No. 3815 otherwise known as the Revised Penal Code of the
16 Philippines and RA No. 6713, otherwise known as the Code of Conduct and
17 Ethical Standards for Public Officials and Employees.

18 **SEC. 8. *Disqualification and Removal of Any Member of the Board***
19 ***and Filling-up of Vacancy in the Board.*** – The President of the Philippines,
20 after due process undertaken by, and upon recommendation of the Commission,
21 may disqualify and remove any member of the Board for any of the following
22 offenses:

- 23 a. Unethical, immoral or dishonorable conduct;
- 24 b. Neglect of duties and responsibilities;
- 25 c. Dishonesty or incompetence;
- 26 d. Malpractice; or,
- 27 e. Graft and corruption practices.

28 In cases of vacancy in the Board, the same to the extent of the unexpired portion
29 of the term thereof, shall be filled-up by the President of the Philippines by

1 appointing one from among at least three (3) qualified Professional Agroforester
2 nominees endorsed by the accredited professional organization concerned to,
3 and recommended by, the Commission.

4 ARTICLE IV. GENERAL, PENAL AND OTHER PROVISIONS

5 SEC. 9. **Implementing Rules and Regulations-** Subject to the approval
6 of the Commission, the Board shall adopt and promulgate the implementing rules
7 and regulations (IRR) within ninety (90) working days after their appointment
8 including among others, a code of Ethics for Agroforester, Examination,
9 Registration and licensing mechanisms, to carry out the provisions of this Act,
10 which shall be effective after thirty (30) days following their publication in the
11 official Gazette or in a major daily newspaper of general circulation. The Board
12 may at any time amend, modify or repeal these IRR or any provision thereof in
13 order to ensure the attainment of the objectives of this Act.

14 SEC. 10. **Employment of Agroforester in the Government.** – The
15 success in the implementation of the government-led agroforestry projects relies
16 on the hands of Agroforestry graduates and professionals, thus, there is a need
17 to ensure the placement/employment of these graduates in the government
18 sector:

19 a. It is hereby directed that all municipalities having at least 20% of the
20 total upland area of the municipality shall create at least one (1) plantilla position
21 at the Municipal Agriculturist Office as Agroforestry Officer and at the same time
22 all provinces shall create an Agroforestry Specialist plantilla position at the Office
23 of the Provincial Agriculturist. All the said agroforestry positions shall be occupied
24 by a professional Agroforester as defined in this Act. Whenever necessary,
25 national government agencies concerned in agroforestry-related activities may
26 also create such appropriate positions.

27 b. The Board shall initiate the development of a position classification
28 standards to be led by the Civil Service Commission in collaboration with the
29 Department of Agriculture, Interior and Local Government and Environment and

1 Natural Resources, one year after the approval of this Act in accordance with the
2 Existing Salary Standardization Law.

3 SEC. 11. **Budgetary Allocation and Trust Fund** – This act shall hereby
4 allocate ten million pesos (P10,000,000.00) for the organization, mobilization and
5 the initial year of operation of the Board" program of work to be taken from the
6 General Appropriations Act and five million pesos (P5,000,000.00) yearly
7 thereafter. Further, the Board shall create a revolving trust fund in the initial
8 amount of one million pesos (P1,000,000.00) to be taken from a fifty percent
9 (50%) of professionalization licensure examination or other fees paid by the
10 applicants and the balance from the government safety net appropriations for
11 agriculture.

12 SEC. 12. **Enforcement.** – The Professional Regulation Commission
13 shall be in the enforcement agency of the Board. As such, the Commission shall
14 implement the concerned provisions of this Act, enforce its implementing Rules
15 and Regulations as adopted by the Board conduct investigations or complaints
16 including violations of the Code of Ethics/ Conduct of the profession and
17 prosecute when so warranted. If necessary, the Commission, may seek the
18 assistance of other duly constituted authorities in the enforcement of the law.

19 SEC. 13. **Foreign Reciprocity.** – No foreign professional Agroforester
20 shall be issued a certificate of registration or license to practice the agroforestry
21 profession or consultancy thereof or be entitled to any of the rights and privileges
22 under this Act unless the country of which he is a subject or citizen specifically
23 permits Filipino professional agroforesters to practice within its territorial limits on
24 the same basis as the subjects or citizens of such foreign state or economy.

25 SEC. 14. **Penal Provision.** – Any person who shall practice the
26 agroforestry profession in the Philippines within the meaning of this Act without a
27 Certificate of Registration and/or professional license in accordance herewith, or
28 any person presenting or using his/her own Certificate of Registration or
29 professional licensure of another, or any person giving any false or forged

1 evidence to the Commission in order to secure a professional license, or any
2 person assuming, been conferred such title, or advertising any title description
3 tending to convey the impression that he or she is a registered professional
4 Agroforester, shall, upon conviction, be sentenced by imprisonment or fine, or
5 both, pursuant to the pertinent provisions of the Revised Penal Code of the Civil
6 Service Act, or RA No. 8891 whichever is applicable.

7 SEC. 15. **Repealing Clause** – All existing laws, decrees, rules,
8 regulations, executive orders and other administrative issuances and parts
9 thereof inconsistent with the provision of this Act are hereby repealed,
10 suspended or modified accordingly.

11 SEC. 16. **Separability Clause**. – If any part, section, or provision of this
12 Act shall be declared invalid or unconstitutional, no other part, section or
13 provision thereof shall be affected thereby.

14 SEC. 17. **Effectivity**. – This Act shall take effect fifteen (15) days
15 following its official publications in the Official Gazette or in any two (2)
16 newspapers of general circulations in the Philippines, whichever comes first.

17 Approved,