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

RECEIVED BY: 

SENATE

S.B. No. **2058**

Introduced by Senator EDGARDO J. ANGARA

EXPLANATORY NOTE

The backbone of the Philippine economy remains to be the agriculture and fisheries industry. More than ever before, the country faces the challenge of achieving food security under the looming threat of a global food crisis caused by, among others, spiraling fuel and energy costs and the degradation of the world's natural resources.

Thus, the landmark Agriculture and Fisheries Modernization Act of 1997 (AFMA) provides the policies and plans to the continuing modernization and development of the agriculture and fishery sector amid the ever-changing demands of globalization and food security.

The success of AFMA depends on the men and women who comprise the agriculture and fishery development workers. This bill seeks to accelerate the development and modernization of Philippine agriculture and more importantly, improve the economic and social well-being of agriculture and fishery development workers as well as their working condition and employment status.

The bill affirms the rights of workers identified as follows: (a) security of tenure; (b) prohibition of discrimination; (c) safeguards in administrative privileges; (d) normal working hours and overtime work; (e) training and scholarship; (f) right to join organization; (g) freedom from interference or coercion; and (h) human resource development. The bill also provides for incentives and rewards system.

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


EDGARDO J. ANGARA

10 JUL 26 1962

SENATE

S.B. No. 2058

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Introduced by Senator EDGARDO J. ANGARA

AN ACT
PROVIDING FOR A MAGNA CARTA OF
AGRICULTURE AND FISHERY DEVELOPMENT WORKERS

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

1 **SECTION 1. Title.** - This Act shall be known as the "*Magna Carta of*
2 *Agriculture and Fishery Development Workers.*"

3
4 **SEC. 2. Declaration of Policy.** - It is hereby declared the policy of the State to
5 accelerate the development and modernization of Philippine agriculture and improve the
6 economic and social well-being of agriculture and fishery development workers as well
7 as their working condition and employment status. The state shall likewise develop their
8 skills, knowledge, orientation and capabilities so that they will become more responsive
9 and effective in providing the necessary services for countryside development.

10
11 **SEC. 3. Definition of Term.** - As used in this Act, the following terms shall be
12 construed to mean as follows:

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

18 (b) Agricultural Extension Worker - shall refer to an agriculturist,
19 veterinarian, agricultural engineer, aquaculturist, nutritionist or home extensionist
20 who helps farmers and fishermen in the promotion of agricultural and fishery
21 development plans, programs and projects through the use of extension
22 methodologies, concepts and principles.

1 (c) Agricultural Technician - shall refer to a trained or skilled agricultural
2 worker but not necessarily a college graduate, performing activities such as plant
3 nursery propagator, plant breeder and farm mechanic.

4 (d) Agriculture and Fishery Development Workers - shall mean all persons
5 who are engaged in agriculture and fishery development activities and all persons
6 employed in the, Department of Agriculture including its bureaus and attached
7 agencies, Local Government Units and concerned government institutions, state
8 universities and colleges, vocational and technical schools and training
9 institutions, and shall include aquaculturists, veterinarians, agricultural engineers,
10 nutritionists, agricultural extension workers, agricultural technicians and
11 operators, allied agricultural professionals, administrative and support personnel
12 employed regardless of their employment status. They are graduates of either
13 agriculture, fisheries, animal science, animal husbandry or any other related
14 course from a recognized college or university and are holders of appropriate civil
15 service eligibility or its equivalent.

16 (e) Agriculturist - shall refer to a person who is a graduate of a four (4)
17 year course in agriculture or any related come performing any of the specialized
18 activities such as agronomy, horticulture, animal husbandry, entomology, plant
19 pathology, plant breeding, agricultural economics, agricultural extension and
20 marketing.

21 (f) Aquaculturist - shall refer to a person who is a graduate of a four (4)
22 year course in fisheries and aquaculture, and fishery production and processing.

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

26 (h) Veterinarian - shall refer to a person registered with the Professional
27 Regulation Commission performing professional activities on veterinary services
28 such as disease prevention, control and animal health.

29
30 **SEC. 4. Coverage.** - This Act shall cover all eligible Agriculture and Fishery
31 development workers, agricultural practitioners in government and all those
32 promoted/appointed as provincial/municipal/city agriculturist and as Department Heads
33 of the Local Government Units under Republic Act No. 7160, otherwise known as the
34 Local Government Code of 1991; *Provided, That the Civil Service Commission, as the*
35 *case may be, develops and administers specialized examination for purposes of providing*
36 *appropriate eligibilities to positions.*

37

1 **SEC. 5. *Recruitment and Qualifications.*** - The position of the Municipal
2 Agriculturist shall be mandatory. In the absence of a *Municipal Agriculturist*, the position
3 of the agricultural officer who is occupying the highest position in the municipality shall
4 automatically be converted to *Municipal Agriculturist*. The selection and appointment of
5 agricultural officers/employees shall be in accordance with the merit and fitness
6 principle; Provided, That he/she is an eligible agriculture/fishery officer and/or employee.

7
8 **SEC. 6. *Performance Evaluation and Merit Promotion.*** - The Secretary of
9 Agriculture, upon consultation with the Civil Service Commission and the recognized
10 national associations of agricultural development workers shall prepare a uniform career
11 and personnel development plan applicable to all agricultural and fishery development
12 workers. Such career and personnel development plan shall include provisions on merit
13 promotion, performance evaluation, inservice training grants, job rotation and incentive
14 awards system.

15
16 **SEC. 7. *Composition.*** - The composition of the Agricultural Officers and
17 Employees Consultative Council shall be determined from the list submitted by the
18 Regional Association of Municipality Agricultural Officers and Provincial Agriculturists,
19 throughout the country as well as from the list submitted by the Agriculture and Fishery
20 Council Chairman, Provincial Agriculture and Fishery Council Chairman, Regional
21 Agriculture and Fishery Council Chairman and the National Agriculture and Fishery
22 Council Chairman.

23
24 **SEC. 8. *Transfer of Geographical Reassignment of Agriculture/Fishery***
25 ***Workers*** - Except in the interest of public service, no transfer or geographical
26 reassignment shall be made or effected without a written notice to the
27 agriculture/fisheries development workers concerned stating therein the reasons for such;
28 Provided, That said written notice shall be made at least thirty (30) days prior to the date
29 of transfer or reassignment; Provided, further, That if the agriculture/fishery worker
30 concerned believes that there is no justification for the transfer and/or reassignment,
31 he/she may appeal higher case to the Civil Service Commission, which shall cause his/her
32 reassignment to be held in abeyance; *Provided, furthermore,* That transfer or
33 reassignment coinciding with any local or national election shall be made in compliance
34 with the Omnibus Election Code of the Philippines, as amended, and other existing laws
35 and rules; *Provided, finally,* That the necessary expenses of the transfer and/or
36 reassignment of the agriculture/fishery worker or employee and his/her immediate family
37 shall be paid for by the Government.

38

1 **SEC. 9. Safeguards in Administrative Proceedings.** - In every administrative
2 proceeding, an agriculture/fishery development worker shall have:

3 (a) the right to be informed of the charges in writing;

4 (b) the right to full access to the evidence in the case;

5 (c) the right to defend himself/herself or to be defended by a counsel of
6 his/her choice;

7 (d) the right to be given adequate time to prepare his/her defense, which
8 shall in no case exceed twenty (20) days;

9 (e) the right to appeal to designated authorities;

10 (f) the right to confront witnesses presented against his/her and summon
11 witnesses in his/her behalf;

12 (g) the right to reimbursement of reasonable expenses incurred in his/her
13 defense in case of exoneration or dismissal of the charges; and

14 (h) such other rights provided by other national agencies and local
15 government units to its respective officers and employees so as to ensure fairness
16 and impartiality in the proceedings.

17
18 **SEC. 10. Code of Conduct.** - All agriculture/fishery development workers must
19 be guided by a code of ethics not contrary to law, moral standards, safety, health, public
20 policy and public order. The code of conduct of agriculture/fishery development workers
21 shall be prepared by the Secretary of Agriculture in consultation with the recognized
22 national associations of agricultural development workers.

23
24 **SEC. 11. Normal Hours of Work.** - The normal hours of work of any
25 agriculture/fishery development worker shall not exceed eight (8) hours a day or forty
26 (40) hours a week. Hours of work shall include: (a) the time during which the
27 agriculture/fishery development worker is required to be on active duty or to be at a
28 prescribed workplace; and (b) the time during which an agriculture/fishery development
29 worker is required to work in a place other than the prescribed workplace.

30
31 **SEC. 12. Overtime Work.** - Where the exigencies of the service so require, any
32 agriculture/fishery development worker may be required to render service beyond the
33 normal eight (8) hour workday, inclusive of Saturdays, Sundays and non-working
34 holidays. In such case, the agriculture/fishery development worker shall be given an
35 additional compensation in accordance with existing laws.

36
37 **SEC. 13. On-Call Pay.** - In cases of "On-Call" status, the agriculture/fishery
38 development worker shall be entitled to an "On-Call " pay equivalent to fifty *per centum*

1 (50%) of his/her regular wage. "On-Call" status refers to a condition when an agricultural
2 officer/employee is called upon to respond to urgent or immediate need or relief work
3 during emergencies such that the agriculture/fishery development worker shall not be put
4 on "On-Call" status beyond seven (7) days.

5
6 **SEC. 14. *Married Agriculture/Fishery Development Worker.*** - Whenever
7 possible, the proper authorities shall take steps to enable married couples, both of whom
8 are public workers, to be employed or assigned in the same municipality/city.

9
10 **SEC. 15. *Basic Compensation.*** - The existing law on the salary scale of
11 government employees shall apply in determining the salaries of agriculture/fishery
12 development workers.

13
14 **SEC. 16. *Hazard Allowance.*** - Any agriculture/fishery development worker
15 assigned in difficult areas, strife-torn or embattled areas, distressed or isolated
16 animal/plant/breeding station, and other areas declared under a state of calamity or
17 emergency, which expose them to great danger, volcanic activity/eruption, occupational
18 risks or perils of life, shall be compensated with hazard allowance equivalent to at least
19 twenty per centum (20%) of their monthly basic salary.

20
21 **SEC. 17. *Subsistence Allowance.*** - Any agriculture/fishery development worker
22 who is required to render service in the communities, institutions, animal and plant
23 breeding stations, fish sanctuaries/nurseries, plantation and demonstration farms and
24 other banner programs and project of the Department of Agriculture, in order to make
25 their services available at all times, shall be entitled to full daily subsistence allowance of
26 three (3) meals which shall be computed in accordance with the prevailing circumstances.

27
28 **SEC. 18. *Longevity.*** - A longevity pay equivalent to five per centum (5%) of the
29 monthly basic pay shall be paid to an agriculture/fishery development worker for every
30 three (3) years of continuous, efficient and meritorious services rendered.

31
32 **SEC. 19. *Clothing Allowance.*** - All agricultural employees shall be entitled to a
33 clothing allowance in accordance with the approved laws and regulations or as mandated
34 by law.

35
36 **SEC. 20. *Other Privileges and Benefits.*** - These refer to the privileges and
37 allowances granted by the National Government to the Department of Agriculture
38 officers and employees such as, but not limited to, anniversary bonus, loyalty,

1 productivity pay and amelioration pay. These allowances shall also be granted to the
2 devolved agriculture/fishery development worker and shall be paid by the National
3 Government.

4
5 **SEC. 21. Retirement Benefit.** - All agriculture/fishery workers shall be entitled to
6 terminal pay; Provided, however, That the number of years rendered by the devolved
7 personnel in the national level shall be paid by the Department of Agriculture upon
8 retirement including the accrued leave credits while the services rendered to the Local
9 Government Units shall be paid where they are devolved/assigned regardless of any
10 promotion availed; *Provided, further,* That all government employees, both locally and
11 nationally hired on June 1, 1977 who are covered under Presidential Decree No. 1146
12 dated May 31, 1977, shall not receive any lump sum retirement but will, instead, receive
13 a monthly pension of Two Thousand Seven Hundred Fifty Pesos (P2,750.00) only
14 regardless of the salary received. In view hereof, Presidential Decree No.1146 dated May
15 31, 1977 shall not apply to all officers and employees of the Department of Agriculture as
16 well as to the devolved personnel and those appointed as Agriculturist/Department Head
17 under Republic Act No. 7160, including agricultural practitioners in the government
18 service; *Provided finally,* That under no circumstances shall Presidential Decree No. 1
19 146 dated May 31, 1977 be repealed by this Act.

20
21 **SEC. 22. Housing.** - All agriculture/fishery development workers who are on tour
22 of duty and those who because of unavoidable circumstances are forced to stay in the
23 regional/field office/agency, community, etc. shall be entitled to free living quarters
24 within the regional/field office/agency. If such quarters are not available, he/she shall be
25 entitled to housing allowance as may be determined by the appropriate government
26 agencies concerned; Provided, That the rate shall be periodically adjusted for inflation.

27
28 **SEC. 23. Compensation from Injuries.** - Agriculture/fishery development
29 workers shall be protected against work-related injuries in accordance with the Civil
30 Service Law. Injuries incurred while doing overtime work shall be presumed work-
31 connected.

32
33 **SEC. 24. Right to Join Organizations.** - Agriculture/fishery development
34 workers shall have the right to freely join any organization or union for purposes not
35 contrary to law, in order to defend and protect their mutual interest and to obtain redress
36 of grievances through peaceful concerted activities; Provided, That under no
37 circumstance shall government agriculture and fishery development workers join,
38 declare, stage, or form any strike or cessation of services.

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SEC. 25. Freedom from Interference of Coercion. - It shall be unlawful for any person to commit any of the following acts of interference or coercion:

- (a) to require as condition for employment that the agriculture/fishery development worker shall not join an agricultural organization or union;
- (b) to discriminate in order to encourage or discourage membership in any Agriculture/fishery development workers' organization or union;
- (c) to prevent an agriculture/fishery development worker from carrying out his duties and functions in the agricultural work organization or union or to penalize his/her for any lawful action performed in that capacity;
- (d) to make calculated harassment and interference with the intention of intimidating or preventing the agriculture/fishery development worker from performing his/her duties and functions; and
- (e) to perform acts calculated to diminish the independence and freedom of the union or organization to direct its own affairs.

SEC. 26. Consultation. - The Department of Agriculture shall consult professional and agricultural work organizations or unions in formulating policies to govern the welfare and security of the agriculture and fishery development workers.

SEC. 27. Human Resource Development. - The Department of Agriculture shall conduct human resource development and management studies in the following areas:

- (a) adequate facilities and resources to render quality agriculture and fishery services to the clientele;
- (b) opportunity for the agriculture/fishery development worker to grow and develop his/her potentials and to experience a sense of worth and dignity in his/her work;
- (c) mechanism for democratic consultation;
- (d) ways and means of enabling rank and file agriculture and fishery development workers to attain viable education opportunities for personal growth and development; and
- (e) staffing patterns and qualification standards for agriculture and fishery development workers to ensure that farmers and fisherfolks receive quality services.

SEC. 28. Rules and Regulations. - The Secretary of the Department of Agriculture in consultation with the Department of Labor and Employment, Civil Service Commission, National Labor Relations Commission, Department of Interior and Local

1 Government, and the national organizations of agriculture and fishery development
2 workers shall formulate and prepare the necessary rules and regulations in implementing
3 the provisions of this Magna Carta.

4
5 **SEC. 29. Penal Provisions.** - Any person who shall willfully interfere with,
6 restrain or coerce any agriculture/fishery development worker in the exercise of his/her
7 right or shall in any manner commit any act in violation of any provisions of this Act
8 shall, upon conviction, be punished by a fine of not less than Twenty Thousand Pesos
9 (P20,000.00) but not more than Forty Thousand Pesos (P40, 000,00) or imprisonment of
10 not more than one (1) year, or both, at the discretion of the court. If the offender is a
11 public official, the court, in addition to the penalties provided in the preceding paragraph,
12 may impose the additional penalty of disqualification from office of such offending
13 public official.

14
15 **SEC. 30. Funding.** - The amount necessary to carry out the provisions of this Act
16 shall be included in the General Appropriations Act of the year following its enactment
17 into law and every year thereafter.

18
19 **SEC. 31. Separability Clause.** - If any provision of this Act is declared
20 unconstitutional or invalid, the other provisions thereof not affected thereby shall
21 continue to be in full force and effect.

22
23 **SEC. 32. Repealing Clause.** - All laws, presidential decrees, orders, rules and
24 regulations or issuances inconsistent with the provisions of this Act are hereby repealed,
25 amended or modified accordingly.

26
27 **SEC. 33. Effectivity.** - This Act shall take effect fifteen (15) days after its
28 publication in at least two (2) newspapers of general circulation.

29
30 **Approved,**