Republic of the Philippines Congress of the Philippines

Aletro Alanila

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[REPUBLIC ACT NO. 11511]

AN ACT AMENDING REPUBLIC ACT NO. 10068 OR THE ORGANIC AGRICULTURE ACT OF 2010

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

SECTION 1. Section 2 of Republic Act No. 10068, otherwise known as "An Act Providing for the Development and Promotion of Organic Agriculture in the Philippines and for Other Purposes", is hereby amended, to read as follows:

"SEC. 2. Declaration of Policy. – It is hereby declared the policy of the State to promote, propagate, develop further and implement the practice of organic agriculture in the Philippines that will cumulatively condition and enrich the fertility of the soil, increase farm productivity and farmers' incomes, reduce pollution and destruction of the environment, prevent the depletion of natural resources, encourage the participation of indigenous organic farmers in promoting their sustainable practices, further protect the health of farmers, consumers, and the general public, save on imported farm inputs and promote food self-sufficiency. Towards this end, a comprehensive program for the promotion of community-based organic agriculture systems which include, among others, farmerproduced organic soil amendments, bio-control agents and other farm inputs, together with a nationwide educational and promotional campaign for their use and processing shall be established.

Likewise, a nationwide educational and awareness campaign among consumers on the benefits of consuming organic products to boost local production of organic food and non-food products, as well as the adoption of organic agricultural system as a viable alternative shall be undertaken.

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SEC. 2. Section 3 of Republic Act No. 10068 is hereby amended, to read as follows:

"SEC. 3. Definition of Terms. - For purposes of this Act, the following terms shall be defined as follows:

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(c) Organic production system is a system designed to:

(1) Enhance biological diversity within the whole system;

(2) Increase soil biological activity;

(3) Maintain long-term soil fertility;

x x x;

(h) Certification is the procedure by which a government agency or an organic certifying body (OCB) provides written or equivalent assurance that farms, or production and processing systems, conform to organic standards as mandated in this Act. (i) Accreditation is the procedure by which a government agency having jurisdiction formally recognizes the competence of an OCB to provide inspection and certification services. This shall be solely and exclusively exercised by the designated agency or agencies in this Act, pursuant to the mandates stated herein.

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(o) Inspection is the examination of farms, food and non-food products, food control systems, raw materials, processing, distribution and retailing, including in-process and finished product testing, in order to verify that they conform to the requirements for being organic. Inspection includes the examination of the production and processing systems.

(p) Organic bio-control agents refer to organisms and their associated metabolites as well as naturally occurring substances that control pests and diseases. These are classified as botanicals, macrobials, microbials, and semiochemicals.

(q) Organic Certifying Body (OCB) refers to a legal entity accredited by a government agency to perform inspection and certification activities. It is responsible for verifying that a product sold or labeled as "organic" is produced, processed, prepared, or handled according to relevant guidelines.

(r) Organic soil amendments refer to all the products within the scope of the Philippine national standard, i.e. organic fertilizers, compost/soil conditioner, microbial inoculants, and organic plant supplements that are added to the soil to improve its physical properties.

(s) Participatory Guarantee System (PGS) refers to a locally-focused quality assurance system which is developed and practiced by people actually engaged in organic agriculture. It is built on a foundation of trust, social network and knowledge exchange. It is used to certify producers and farmers as actual and active practitioners of organic agriculture. (t) PGS group refers to a legal association or cooperative of registered farmer members and other stakeholders in a participatory guarantee system.

(u) Core PGS group refers to the basic grouping unit in the PGS.

(v) Participatory Organic Certificate refers to a documentary proof that a core PGS group is compliant with the requirements, standards and norms of organic farming/agriculture. It shall be issued by a government agency or by an authorized OCB, after the conduct of an investigation and certification activity on the application for certification by the core PGS group. It shall have a validity of three (3) years.

(w) Small farmer/fisherfolk refers to those utilizing not more than five (5) hectares of land for the single purpose of, or a combination of the following purposes for, agricultural crop production, including rice and corn, aquaculture, and poultry/ livestock raising: *Provided*, That poultry/livestock raising shall not have more than the following:

• Poultry – 1,000 poultry layers or 5,000 broilers

• Swine/native pigs - 10 sow level or 20 fatteners

• Cattle - 10 fatteners or 5 breeders

• Dairy – 10 milking cows

• Goat, sheep and other small ruminants – 50 heads

• Other animals permitted to be raised, the limits of which are to be determined by the National Organic Agriculture Board (NOAB).

(x) Organic value chain refers to agriculturerelated activities that put farmers, processors, distributors and consumers within a system that produces, processes, transports, markets and distributes organic agricultural products." SEC. 3. Section 4 of Republic Act No. 10068 is hereby amended, to read as follows:

"SEC. 4. Coverage. – The provisions of this Act shall apply to the development and promotion of organic agriculture and shall include, but not limited to, the following:

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(c) Promotion and encouragement of the establishment of facilities, equipment and processing plants that would accelerate the production and commercialization of organic fertilizers, bio-control agents, organic soil amendments and other appropriate farm inputs; and

(d) Implementation of organic agricultural programs, projects and activities, including the provision and delivery of support services with focus on the farmers, prioritizing small farmers/fisherfolk and their organizations and other stakeholders."

SEC. 4. Section 7 is hereby amended, to read as follows:

"SEC. 7. Composition of the NOAB. – The NOAB shall consist of the following members:

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(d) The Director General of the Technical Education and Skills Development Authority, or his/her duly authorized permanent representative;

(e) The Secretary of Agrarian Reform, or his/her duly authorized permanent representative;

(f) The Secretary of Trade and Industry, or his/her duly authorized permanent representative;

(g) The Secretary of Health, or his/her duly authorized permanent representative;

(h) Three (3) representatives from the small farmers;

(i) One (1) representative from the NGOs involved in organic agriculture for at least three (3) years;

(j) One (1) representative from agricultural colleges and universities;

(k) One (1) representative from the private sector in the organic value chain;

(1) One (1) representative from the national association of PGS groups, to be chosen from among and by themselves: *Provided*, That the representative is a small farmer;

(m) One (1) representative from a national organization of local government units (LGUs) actually engaged in organic agriculture; and

(n) One (1) qualified representative from the indigenous organic farmers.

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The representatives of small farmers and NGOs, and of agricultural colleges and universities, shall be chosen by the Secretaries of Agriculture and Science and Technology, respectively, from among nominees submitted to the agency concerned by their respective national organizations. These representatives must represent their respective organizations at least from the provincial level, actually and actively practicing and promoting organic agriculture practices, be conversant in organic agriculture and committed to the policies and programs provided under this Act. The three (3) seats given to small farmers shall be chosen from the crops and livestock sectors, which will have two (2) seats and one (1) seat, respectively.

An appointed/elected member of the board can only serve a single term of three (3) years, without reappointment. Should the member fail to complete his/her term, the replacement or successor shall only serve the unexpired portion of the term.

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SEC. 5. Section 8 is hereby amended, to read as follows:

"SEC. 8. Organization of the NOAB. -

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The Chairperson shall call the members of the NOAB, or a majority thereof if not all have been designated, to a meeting to organize themselves and prescribe its rules and procedures for the attainment of the objectives of this Act. A majority of all the members of the NOAB shall constitute a quorum. The NOAB shall meet at least once every quarter after its constitution.

x x x."

SEC. 6. Sections 10 and 11 of Republic Act No. 10068 are hereby repealed and a new Section 10 is hereby inserted, to read as follows:

"SEC. 10. National Organic Agriculture Program - National Program Coordinating Office (NOAP-NPCO). - To manage the effective implementation of the National Organic Agriculture Program, the Department of Agriculture (DA), Office of the Secretary, shall be strengthened and empowered in terms of establishing a functional office, to be known as the National Organic Agriculture Program - National Program Coordinating Office (NOAP-NPCO). It shall serve as the planning and administrative secretariat of the NOAB, and as the coordinating office of the Program."

SEC. 7. Section 12 of Republic Act No. 10068 is hereby amended and renumbered as Section 11 of this Act, to read as follows:

"SEC. 11. Work Plan. - In line with the National Organic Agriculture Program, the NOAP-NPCO shall submit to the Board for approval the following:

x x x."

SEC. 8. A new Section 12 is hereby inserted after the new Section 11, to read as follows:

"SEC. 12. Bureau of Agriculture and Fisheries Standards (BAFS). – The BAFS of the DA shall be restructured, strengthened and empowered to support the objectives of this Act. It shall provide technical assistance to the NOAB and the NOAP-NPCO. The BAFS, in addition to its existing functions and responsibilities, shall perform the following functions, duties and responsibilities for purposes of this Act:

(a) Formulate and update standards relevant to organic agriculture;

(b) Issue accreditation to OCBs;

(c) Conduct inspections on compliance of PGS groups with the Philippine National Standards (PNS) for organic agriculture, and publish at least once a year the list of compliant PGS groups;

(d) Issue registration of organic inputs, such as organic soil amendments and organic bio-control agents;

(e) Issue registration of integrated organic farms with multiple commodities/production and of organic input producers;

(f) Rule on the appeal of farm/farmowner on decisions made by OCBs and the concerned municipal/city PGS groups on inspection and certification issues; and

(g) Perform such other functions, duties and responsibilities as may be necessary to implement this Act."

SEC. 9. Section 15 of Republic Act No. 10068 is hereby amended and renumbered as Section 13 of this Act, to read as follows:

"SEC. 13. Accreditation of OCB. – The BAFS is hereby designated and authorized to grant official accreditation to an OCB or entity. The BAFS is tasked to formulate the necessary rules and procedures in the accreditation of OCBs performing third-party certification, or granting certification as part of the PGS: *Provided*, That there shall be at least one (1) accredited OCB, performing third-party certification, each in Luzon, Visayas and Mindanao, or in case of only one (1) OCB performing third-party certification is accredited, it shall have at least one (1) satellite office or processing unit each in Luzon, Visayas and Mindanao."

SEC. 10. A new Section 14 is hereby inserted, to read as follows:

"SEC. 14. Participatory Guarantee System (PGS). -

(a) Basic Principles. The PGS shall be the mechanism by which small farmers/fisherfolk, their farms/associations/cooperatives shall be certified as engaged in organic agriculture and as producers of organic agriculture products. The participatory organic certification from a government agency or OCBs, organized in accordance with this Act, shall be promoted and accepted. The products certified through the PGS shall be traded only in the domestic market, unless covered by an international certification or a mutual recognition agreement.

An association or group under the PGS shall adhere to the PNS for organic agriculture.

Further, associations or groups under the PGS shall adopt the following features and characteristics:

(i) Existence of organic agriculture norms conceived by the organic agriculture stakeholders, norms that are appropriate to smallholder agriculture;

(ii) Grassroots organization: the participatory certification should be perceived as a result of a social dynamic, based on the active participation of all stakeholders:

(iii) Existence of principles and values that enhance the livelihoods and well-being of farming families and promote organic agriculture; (iv) Documented management systems and procedures;

(v) Provision of mechanisms to verify farmer's compliance to established norms;

(vi) Provision of mechanisms for supporting farmers to produce organic products and be certified as organic farmers, which shall include field advisors, newsletters, farm visits, web sites, among others;

(vii) Existence of a bottom-line document, such as a farmer's pledge, that shall state his/her agreement to the established norms;

(viii) Introduction or use of seals or labels providing evidence of organic status; and

(ix) Existence of a clear and previously defined set of recommendations and measures against farmers who fail to comply with standards.

(b) Legal Personality. The core PGS group shall be registered with the municipality/city where the PGS group is predominantly located. It shall secure a mayor's permit from said municipality/city, possession of which shall suffice as proof of registration and the grant of legal personality, which however shall be limited only to PGS transactions.

The national organization of LGUs actually engaged in organic agriculture shall also secure a legal personality for purposes of accreditation by the BAFS.

Any other OCB shall secure a mayor's permit from the municipality/city where it intends to operate and possession of which shall suffice to grant them legal personality for purposes of accreditation by the BAFS.

(c) Certification. The BAFS shall provide the guidelines for the certification of farms, pursuant to the provisions of this Act.

A farm/farmowner applying for certification as an organic agriculture practitioner shall join a PGS group in the same municipality/city where his/her farm is located, or with a PGS group in a municipality/city within the same province to which he/she, as the farmowner, regularly interacts or conducts business with.

The farm/farmowner shall apply for a participatory organic certificate with a core PGS group of the PGS group where the farm belongs; or with a national organization of LGUs initiating organic agriculture practices, a member of which is the municipality/city where the PGS group is located; or with any private group or organization actually engaged in organic agriculture and operating in that municipality/city; any of which is accredited as an OCB.

The decision of any of the abovementioned OCBs shall be appealable to the BAFS: *Provided*, That the BAFS shall rule on the appeal within thirty (30) days from its receipt. Otherwise, the appealed decision shall be considered reversed.

The withdrawal of membership in the PGS group shall mean forfeiture of the privilege for the farm/farmowner to use the participatory organic certificate.

In case a member of the core PGS group representing a farm applies for renewal of certification with the same core PGS group, the member of the core PGS group must inhibit himself/herself before the application for renewal can be considered.

(d) Accreditation. The BAFS shall provide the guidelines for accreditation.

A registered core PGS group shall apply for accreditation with the BAFS. A core PGS group shall be accorded accreditation by the BAFS only if it has at least five (5) members, coming from different farms within the municipality/city or within the province, certified and actually practicing organic agriculture. The BAFS shall extend technical and financial support to a core PGS group in its application for accreditation.

For purposes of this section, the BAFS is hereby authorized to certify five (5) individual farms as a core PGS group: *Provided*, That once such core PGS group is accredited to certify, it can subsequently certify as organic agriculture compliant other core PGS groups: *Provided*, *further*, That the authorization to certify shall be deemed revoked when the core membership becomes less than five (5) or any of the minimum five (5) member farms becomes noncompliant to organic agriculture standards.

A national organization of LGUs actually initiating or engaged in organic agriculture; or any private group or organization actually engaged in organic agriculture, as direct farm producer, as a promoter/advocate of the ways, methods and principles of organic agriculture, or as a marketer of organic agriculture produce; may also apply for accreditation as an OCB.

The BAFS shall issue its decision on the application for accreditation by a core PGS group or any qualified entity applying for accreditation within sixty (60) days from the submission of the complete requirements. Failure to render decision within such period shall be deemed an approval of the application for accreditation as an OCB. The BAFS shall not charge any application fee.

(e) Organizational Levels.

(1) The Core PGS Group. Every core PGS group should have at least five (5) members, composed of farmers from a combination of both the crops and livestock sectors. It may add to its membership farmers from other sectors in agriculture, NGOs, people's organizations, buyers of organic agriculture products, suppliers of organic inputs, among others, who all live or operate within the province and regularly interact with the concerned PGS group.

Each core PGS group shall have the following duties and responsibilities:

(i) Develop an understanding of the organic standards;

(ii) Make sure farm practices are compliant;

(iii) Make a pledge that they understand and adhere to the organic standards;

(iv) Conduct inspection and certification activities of member farms. At least a majority of the members of the core PGS group who joined in the actual inspection and certification activity should sign on the truthfulness of the findings of the inspection and certification activity;

(v) Recommend which farms will be certified;

(vi) Initiate key field trainings for farmermembers and residents in their locality to promote organic agriculture;

(vii) Attend municipal/provincial PGS meetings and share information;

(viii) Take actions on defaults/noncompliance as per sanction guidelines to be provided by the BAFS, OCBs and municipal/city PGS groups; and

(ix) Assist defaulting and noncompliant members to regain certification status.

(2) Municipal/City PGS Group. The municipal/ city PGS group shall be composed of the following: 1) one (1) representative for each core PGS group in the municipality/city; and 2) one (1) representative from a regional agricultural state university or college (SUC) or local private agricultural educational institution: *Provided*, That there should be at least two (2) core PGS groups in the municipality/city before a municipal/city PGS group can be established.

The municipal/city PGS group shall conduct its business and affairs based on the majority decision of the members present, after having secured a quorum.

The municipal/city PGS group shall have the following powers, duties and responsibilities:

(i) Together with the BAFS, develop or update and implement the PGS, as provided in this Act;

(ii) Ensure that compliant farmer members continue to comply with all the requirements of the applicable PNS for organic agriculture and relevant regulatory requirements;

(iii) Maintain a registry of core PGS groups operating within its area of jurisdiction, which shall be forwarded to the BAFS on year-end for the latter's national database;

(iv) Together with the OCB involved in the inspection and certification activity, and in coordination with the BAFS, issue participatory organic certificate and the "PGS guaranteed organic" label/mark to compliant small farmer/fisherfolk and/or their farm/association/cooperative; and

(v) Submit regularly to the BAFS a list of certified small farmer/fisherfolk and/or their farm/association/cooperative.

In case a municipal/city PGS group has yet to be established, the BAFS, in coordination with the LGU concerned, shall assume the powers, duties and responsibilities of this group.

(3) Provincial and National PGS group. It shall be the option of the PGS groups to form their aggrupation at the provincial and national levels. They shall receive the financial and technical assistance, support and guidance of the departments in the NOAB and the DA-BAFS in this regard. The provincial governments shall encourage and support the formation and activities of these PGS groups in the different provinces, cities and municipalities within their jurisdiction.

(f) Promotion. The NOAB shall actively promote, search and recognize associations or groups that have been practicing organic agriculture through the PGS, in accordance with this Act. The NOAB shall ensure that each province in the country has a PGS group. Every PGS group shall conduct trainings and promote organic agriculture. (g) Training and Inspection. The Agricultural Training Institute (ATI) shall, in close coordination with the BAFS, make available the required training program on organic agriculture standards and processes for PGS groups applying for BAFS accreditation. The BAFS shall conduct random inspections to ensure that PGS groups are all compliant with the PNS for organic agriculture. The BAFS shall keep a record of compliant PGS groups in the country and shall publish a list of such compliance at least once a year.

(h) Incentives. Any small farmer/fisherfolk or their farms/associations/cooperatives engaged in organic agriculture or any organic input producer, certified by its core PGS group or any OCB, accredited under this section, to be compliant for a period of five (5) years, without any offense or infraction, shall be eligible for a full government subsidy of the cost for an international certification for one (1) year: Provided, That they shall export their products. Further, so long as the same entities maintain their status of compliance, they shall be invited and given, for free, prime location in any government agency-initiated or sponsored trade and business marketing gathering of Filipino products, for the purpose of displaying and selling their own organic products."

SEC. 11. Section 13 of Republic Act No. 10068 is hereby renumbered as Section 15.

SEC. 12. Section 14 of Republic Act No. 10068 is hereby amended and renumbered, to read as follows:

"SEC. 16. Local Executive Concerns. – Every provincial governor shall, insofar as practicable $x \times x$.

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Local government units shall coordinate with the DA-Bureau of Plant Industry for the establishment and/or strengthening of local organic seed centers in order to increase farmers' adoption to organic agriculture. The municipalities and cities are hereby enjoined to enact ordinances that shall protect organic farming zones and organic farming practices.

x x x."

SEC. 13. Section 16 of Republic Act No. 10068 is hereby repealed and replaced with a new Section 17, to read as follows:

"SEC. 17. Registration of Organic Producers, Produce, Inputs, and Organic Processed Food. – The BAFS of the DA shall be responsible for the registration of integrated organic farms and organic inputs such as organic soil amendments and organic bio-control agents. The Bureau of Plant Industry (BPI) of the DA shall be responsible for the registration of organic seeds, planting materials, and crops.

Further, the Bureau of Animal Industry (BAI) of the DA shall be responsible for the registration of organic apiculture farms, livestock and poultry and its feeds. The Bureau of Fisheries and Aquatic Resources (BFAR) of the DA shall be responsible for the registration of organic fisheries and aquaculture resources and organic aquaculture feeds.

The BAFS, BPI, BAI, and BFAR of the DA shall come up with a single unified set of rules and regulations for the registration of organic produce and inputs.

The Food and Drug Administration (FDA) of the Department of Health (DOH) shall be responsible for the product registration of organic processed food. It shall formulate its rules and regulations for the registration of organic pre-packaged and processed food."

SEC. 14. Section 17 of Republic Act No. 10068 is hereby amended and renumbered, to read as follows:

"SEC. 18. Labeling of Organic Produce. – The label of organic produce shall contain the name, logo or seal of the OCB and the accreditation number issued by the BAFS. The organic label/mark shall also include the trade name, as defined by pertinent domestic property rights laws, and the address of origin of the produce.

Products which are certified and guaranteed by third-party organic certification system and the PGS shall be allowed to be labelled and sold as organic." SEC. 15. Section 18 of Republic Act No. 10068 is hereby renumbered accordingly.

SEC. 16. Section 19 of Republic Act No. 10068 is hereby repealed and a new section is inserted, to read as follows:

"SEC. 20. Market Development and Trade Promotion. – The agribusiness and marketing assistance service of the DA, in collaboration with other relevant agencies, shall develop and implement market development and trade promotion programs for organic agriculture, including, but not limited to, the following:

(a) Development of marketing agenda for organic agriculture;

(b) Establishment, ensuring sustainability and monitoring of organic trading posts and stalls/outlets: *Provided*, That these trading posts and stalls/outlets are strategically located in an area such as in the public market and in other centers of trading and local business activities;

(c) Development of market information system;

(d) Promotion of organic food, non-food and input products; and

(e) Facilitation of market matching activities."

SEC. 17. Sections 20 to 24 of Republic Act No. 10068 are hereby renumbered accordingly.

SEC. 18. Section 25 of Republic Act No. 10068 is hereby amended and renumbered, to read as follows:

"SEC: 26. Appropriations. - x x x: =

The Department of Budget and Management shall include annually in the President's program of expenditure for submission to and approval by Congress One billion pesos (P1,000,000,000.00) for the promotion and development of the national Organic Agriculture Program, allocated as follows:

Thirty-five percent (35%) for shared facilities;

Twenty-five percent (25%) for seeds development/planting materials and animals distribution and feeds for aquaculture, soil amendments and bio-control agents;

Twenty percent (20%) for extension and training;

Five percent (5%) for socialized credit;

Five percent (5%) for small scale irrigation system;

Five percent (5%) for research and development; and

Five percent (5%) for marketing and promotion.

x x x."

SEC. 19. Section 26 is hereby amended and renumbered, to read as follows:

"SEC. 27. Penal Provisions and Other Penalties. – Any person who willfully and deliberately:

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(c) mislabels or claims that the product is organic when it is not in accordance with the existing standards for Philippine organic agriculture or this Act shall, upon conviction, be punished by imprisonment of not less than one (1) month nor more than six (6) months, or a fine of not more than Fifty thousand pesos (P50,000.00), or both, at the discretion of the court. If the offender is a corporation or a juridical entity, the official who ordered or allowed the commission of the offense shall be punished with the same penalty. If the offender is in the government service, he/she shall, in addition, be dismissed from office: *Provided*, That any OCB found to have issued a certification to a farm or producer established to be not compliant with any of the PNS for organic agriculture or with the provisions of this Act, shall be penalized by the BAFS as follows:

(1) First offense. Written warning.

(2) Second offense. Suspension of accreditation."

SEC. 20. Section 27 of Republic Act No. 10068 is hereby amended and renumbered as Section 28, to read as follows:

> "SEC. 28. Implementing Rules and Regulations. – The NOAB shall adopt rules and regulations to implement the provisions of this Act within ninety (90) days from the effectivity of this Act and submit the same to the COCAFM. In the drafting of the implementing rules and regulations, the Department of Finance (DOF) shall be consulted in connection with the tax incentive provided under Section 25 hereof."

SEC. 21. Sections 28 to 32 are hereby renumbered accordingly.

SEC. 22. Separability Clause. – If any provision of this Act is declared invalid or unconstitutional, the other provisions not affected thereby shall remain in full force and effect.

SEC. 23. Repealing Clause. - All laws, presidential decrees, executive orders, presidential proclamations, rules and regulations or parts thereof contrary to or inconsistent with this Act are hereby repealed or modified accordingly. SEC. 24. *Effectivity.* – This Act shall take effect fifteen (15) days following its publication in at least two (2) newspapers of general circulation or in the *Official Gazette*.

Approved. hand JAY Q. VELASCO LORD ALLA Speaker of the House

of Representatives

VICENTE ¢. SOTTO III President of the Senate

This Act which is a consolidation of Senate Bill No. 1318 and House Bill No. 6878 was passed by the Senate of the Philippines on October 13, 2020 and the House of Representatives in a special session on October 16, 2020.

JOCELIA BIGHANI C. SIPIN Secretary General House of Representatives

minder

MYRA MARIE D. VILLARICA Secretary of the Senate

Approved: DEC 2 3 2020

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RODRIGO ROA DUTERTE President of the Philippines

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