

FOURTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*Second Regular Session* )

9 FEB -3 P6:20

SENATE

RECEIVED BY

S. B. NO. **3039**

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**Introduced by SENATOR EDGARDO J. ANGARA**

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**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**  
Senator

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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 Agriculture and  
2 Fishery Development Workers.”

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

10  
11           **SEC. 3. Definition of Terms.** – 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 Professional  
14 Regulation Commission performing engineering activities in agriculture, particularly  
15 on areas of farm power and machinery, irrigation and drainage, soil and water  
16 conservation, agricultural buildings and infrastructure, agricultural processing and  
17 post harvest facilities.

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

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

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

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

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

25  
26 (g) *Nutritionist* – shall refer to a person registered with the Professional Regulation  
27 Commission performing activities related to dietary and proper nutrition.

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

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

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

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

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

22  
23           **SEC. 8. Transfer of Geographical Reassignment of Agriculture/Fishery Workers** –  
24 Except in the interest of public service, no transfer or geographical reassignment shall be made  
25 or effected without a written notice to the agriculture/fisheries development workers concerned  
26 stating therein the reasons for such; *Provided*, That said written notice shall be made at least  
27 thirty (30) days prior to the date of transfer or reassignment; *Provided, further*, That if the  
28 agriculture/fishery worker concerned believes that there is no justification for the transfer and/or  
29 reassignment, he/she may appeal his/her case to the Civil Service Commission, which shall cause  
30 his/her reassignment to be held in abeyance; *Provided, furthermore*, That transfer or  
31 reassignment coinciding with any local or national election shall be made in compliance with the  
32 Omnibus Election Code of the Philippines, as amended, and other existing laws and rules;  
33 *Provided, finally*, That the necessary expenses of the transfer and/or reassignment of the  
34 agriculture/fishery worker or employee and his/her immediate family shall be paid for by the  
35 Government.

36  
37           **SEC. 9. Safeguards in Administrative Proceedings.** – In every administrative  
38 proceeding, an agriculture/fishery development worker shall have:

- 1 (a) the right to be informed of the charges in writing;  
2 (b) the right to full access to the evidence in the case;  
3 (c) the right to defend himself/herself or to be defended by a counsel of his/her choice;  
4 (d) the right to be given adequate time to prepare his/her defense, which shall in no case  
5 exceed twenty (20) days;  
6 (e) the right to appeal to designated authorities;  
7 (f) the right to confront witnesses presented against him/her and summon witnesses in  
8 his/her behalf;  
9 (g) the right to reimbursement of reasonable expenses incurred in his/her defense in case  
10 of exoneration or dismissal of the charges; and  
11 (h) such other rights provided by other national agencies and local government units to  
12 its respective officers and employees so as to ensure fairness and impartiality in the  
13 proceedings.  
14

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

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

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

34 **SEC. 13. On-Call Pay.** – In cases of “On-Call” status, the agriculture/fishery  
35 development worker shall be entitled to an “On-Call “ pay equivalent to fifty *per centum* (50%)  
36 of his/her regular wage. “On-Call” status refers to a condition when an agricultural  
37 officer/employee is called upon to respond to urgent or immediate need or relief work during

1 emergencies such that the agriculture/fishery development worker shall not be put on “On-Call”  
2 status beyond seven (7) days.

3  
4 **SEC. 14. *Married Agriculture/Fishery Development Worker.*** – Whenever possible, the  
5 proper authorities shall take steps to enable married couples, both of whom are public workers,  
6 to be employed or assigned in the same municipality/city.

7  
8 **SEC. 15. *Basic Compensation.*** – The existing law on the salary scale of government  
9 employees shall apply in determining the salaries of agriculture/fishery development workers.

10  
11 **SEC. 16. *Hazard Allowance.*** – Any agriculture/fishery development worker assigned in  
12 difficult areas, strife-torn or embattled areas, distressed or isolated animal/plant/breeding station,  
13 and other areas declared under a state of calamity or emergency, which expose them to great  
14 danger, volcanic activity/eruption, occupational risks or perils of life, shall be compensated with  
15 hazard allowance equivalent to at least twenty *per centum* (20%) of their monthly basic salary.

16  
17 **SEC. 17. *Subsistence Allowance.*** – Any agriculture/fishery development worker who is  
18 required to render service in the communities, institutions, animal and plant breeding stations,  
19 fish sanctuaries/nurseries, plantation and demonstration farms and other banner programs and  
20 project of the Department of Agriculture, in order to make their services available at all times,  
21 shall be entitled to full daily subsistence allowance of three (3) meals which shall be computed in  
22 accordance with the prevailing circumstances.

23  
24 **SEC. 18. *Longevity.*** – A longevity pay equivalent to five *per centum* (5%) of the  
25 monthly basic pay shall be paid to an agriculture/fishery development worker for every three (3)  
26 years of continuous, efficient and meritorious services rendered.

27  
28 **SEC. 19. *Clothing Allowance.*** – All agricultural employees shall be entitled to a clothing  
29 allowance in accordance with the approved laws and regulations or as mandated by law.

30  
31 **SEC. 20. *Other Privileges and Benefits.*** – These refer to the privileges and allowances  
32 granted by the National Government to the Department of Agriculture officers and employees  
33 such as, but not limited to, anniversary bonus, loyalty, productivity pay and amelioration pay.  
34 These allowances shall also be granted to the devolved agriculture/fishery development worker  
35 and shall be paid by the National Government.

36  
37 **SEC. 21. *Retirement Benefits.*** – All agriculture/fishery workers shall be entitled to  
38 terminal pay; *Provided, however,* That the number of years rendered by the devolved personnel

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

13  
14 **SEC. 22. *Housing.*** – All agriculture/fishery development workers who are on tour of  
15 duty and those who because of unavoidable circumstances are forced to stay in the regional/field  
16 office/agency, community, etc. shall be entitled to free living quarters within the regional/field  
17 office/agency. If such quarters are not available, he/she shall be entitled to housing allowance as  
18 may be determined by the appropriate government agencies concerned; *Provided*, That the rate  
19 shall be periodically adjusted for inflation.

20  
21 **SEC. 23. *Compensation from Injuries.*** – Agriculture/fishery development workers shall  
22 be protected against work-related injuries in accordance with the Civil Service Law. Injuries  
23 incurred while doing overtime work shall be presumed work-connected.

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

30  
31 **SEC. 25. *Freedom from Interference of Coercion.*** – It shall be unlawful for any person  
32 to commit any of the following acts of interference or coercion:

- 33 (a) to require as condition for employment that the agriculture/fishery development  
34 worker shall not join an agricultural organization or union;  
35 (b) to discriminate in order to encourage or discourage membership in any  
36 agriculture/fishery development workers' organization or union;

1 (c) to prevent an agriculture/fishery development worker from carrying out his duties and  
2 functions in the agricultural work organization or union or to penalize him/her for any  
3 lawful action performed in that capacity;

4 (d) to make calculated harassment and interference with the intention of intimidating or  
5 preventing the agriculture/fishery development worker from performing his/her duties  
6 and functions; and

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

9  
10 **SEC. 26. Consultation.** – The Department of Agriculture shall consult professional and  
11 agricultural work organizations or unions in formulating policies to govern the welfare and  
12 security of the agriculture and fishery development workers.

13  
14 **SEC. 27. Human Resource Development.** – The Department of Agriculture shall  
15 conduct human resource development and management studies in the following areas:

16 (a) adequate facilities and resources to render quality agriculture and fishery services to  
17 the clientele;

18 (b) opportunity for the agriculture/fishery development worker to grow and develop  
19 his/her potentials and to experience a sense of worth and dignity in his/her work;

20 (c) mechanism for democratic consultation;

21 (d) ways and means of enabling rank and file agriculture and fishery development  
22 workers to attain viable education opportunities for personal growth and  
23 development; and

24 (e) staffing patterns and qualification standards for agriculture and fishery development  
25 workers to ensure that farmers and fisherfolks receive quality services.

26  
27 **SEC. 28. Rules and Regulations.** – The Secretary of the Department of Agriculture in  
28 consultation with the Department of Labor and Employment, Civil Service Commission,  
29 National Labor Relations Commission, Department of Interior and Local Government, and the  
30 national organizations of agriculture and fishery development workers shall formulate and  
31 prepare the necessary rules and regulations in implementing the provisions of this Magna Carta.

32  
33 **SEC. 29. Penal Provisions.** – Any person who shall willfully interfere with, restrain or  
34 coerce any agriculture/fishery development worker in the exercise of his/her right or shall in any  
35 manner commit any act in violation of any provisions of this Act shall, upon conviction, be  
36 punished by a fine of not less than Twenty Thousand Pesos (P20,000.00) but not more than Forty  
37 Thousand Pesos (P40,000.00) or imprisonment of not more than one (1) year, or both, at the  
38 discretion of the court. If the offender is a public official, the court, in addition to the penalties



1 provided in the preceding paragraph, may impose the additional penalty of disqualification from  
2 office of such offending public official.

3  
4 **SEC.30. *Funding.*** – The amount necessary to carry out the provisions of this Act shall  
5 be included in the General Appropriations Act of the year following its enactment into law and  
6 every year thereafter.

7  
8 **SEC. 31. *Separability Clause.*** – If any provision of this Act is declared unconstitutional  
9 or invalid, the other provisions thereof not affected thereby shall continue to be in full force and  
10 affect.

11  
12 **SEC. 32. *Repealing Clause.*** – All laws, presidential decrees, orders, rules and  
13 regulations or issuances inconsistent with the provisions of this Act are hereby repealed,  
14 amended or modified accordingly.

15  
16 **SEC. 33. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in  
17 at least two (2) newspapers of general circulation.

18  
19 *Approved,*