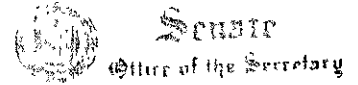


SIXTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



15 MAY 13 P4:26

SENATE
Senate Bill No. 2766

RECEIVED BY: *J.*

Introduced by SENATOR CYNTHIA A. VILLAR

**AN ACT PROVIDING THE DEVELOPMENT AND PROMOTION OF FARM TOURISM
IN THE PHILIPPINES AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

Agritourism is generally defined as activities that include visiting a working farm or any agricultural, horticultural or agribusiness operation to enjoy, be educated or be involved in what is happening at that locale.

Agricultural tourism is a commercial enterprise at a working farm, or ranch or agricultural plant conducted to generate supplemental income for the owner. Agritourism can include on-farm entertainment, activity or product for the visitor. This includes buying produce direct from farm stands or shops, you-pick or self-harvesting of produce, farm stays, farm trail walks, on-farm classes, fairs, festivals, hands-on chores, orchard dinners, youth camps, barn dances, hunting or fishing, horseback riding, feeding and petting farm animals, bed and breakfast, improve health and wellbeing sites, weddings and events venues, relaxation and more. The goal is less about providing a unique vacation and more about fostering a deeper understanding of the farming process through education and hands-on experience.

A sustainable tourism is an opportunity for business development and job creation, as well as for stimulation of investment and support for local services, even in far-flung areas.

Tourism can help promote conservation by raising awareness among visitors through well-designed programs both at the local and national levels.

Tourism can become a force for more sustainable land management by providing additional or alternative forms of livelihood for farmers and rural communities that are dependent on well-maintained natural resources.

Sustainable tourism can provide self-esteem and incentives for maintaining traditional arts and crafts, traditional knowledge, and practices that contribute to the sustainable use of biological diversity.

Tourism can bring tangible economic value to natural and cultural resources. This can result to direct contribution to income for protected areas through entry fees, permits, concessions, etc.,

which can be invested in capacity building programmes for local communities to manage protected areas.

Agritourism is a sunshine industry in many parts of the world including the leisure farms of Taiwan, Tuscany, the quaint Italian country side and the cocoa plantations and spice farms in Grenada in the Caribbean, the innovative, sustainable farming practices in Brazil and the coffee plantations and organic farms in Oahu and Maui in Hawaii, among others.

In the Philippines where most smallholder farms are family-based, farmers need a high enough income to maintain their rural livelihoods and not to move to urban areas in the hope for a better life. The youth are increasingly losing interest in agriculture and are migrating away from rural areas in search for job opportunities in other sectors. In order to provide young farmers with adequate livelihoods, appropriate income, targeted policies, programs and projects are essential.

As a tropical country with an abundance of natural resources, biological diversity and a strong cultural heritage, the Philippines is well-positioned for agri-tourism. At present, the Philippines has a total of 32 agri-tourism sites, including 27 protected areas consisting of strawberry and organic vegetable farms in Benguet, as well as pineapple and coffee plantations in Bukidnon. The Philippines also hosts various events, including farmers' field days and agricultural fairs, which are estimated to be attended by 64,000 tourists each year.

The development, promotion and institutionalization of agri-tourism sites in the farms could offer access to investment, technology and markets making it viable. An enabling environment, including a clear and this legislation and a proper taxation system is crucial for the development of agri-tourism in the country. A socially responsible partnerships with government and with the private sector can play an important role in the promotion of farm tourism industry in the country. The farm needs to have sufficient capacity (staff and infrastructure) to provide basic services such as access to transportation, directional signage, customer assistance, education, among others. In order to maintain a safe and customer friendly business, provision of services and facilities like restrooms becomes necessary. The agri-tourism site should be a safe and accessible environment. The property and facilities should be maintained and in compliance with zoning, health, food safety, and environmental regulations. The agri-tourism site should be a long-term sustainable business.


More than anything farm tourism means additional income for the farmers and their workers and employment to rural families. It can be an avenue to promote healthy, simple food and country lifestyles. It can also be a business model for our young people to appreciate and go into as a vocation.

Thus, the passage of this bill is earnestly sought.


CYNTHIA A. VILLAR

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**AN ACT PROVIDING THE DEVELOPMENT AND PROMOTION OF FARM TOURISM
IN THE PHILIPPINES AND FOR OTHER PURPOSES**

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

- 1 **Section 1. Short Title.** This Act shall be known as the "Farm Tourism Act of 2015".
2
- 3 **Section 2. Declaration of Policy.** Agriculture plays a major role in the country's economic
4 and cultural development. It is therefore the declared policy of the State to
5 provide support to agriculture through appropriate technology and research,
6 and adequate financial assistance, production, marketing and other support
7 services.
8
- 9 Specifically, the State shall seek to promote awareness and understanding of
10 the importance and benefits of agriculture, especially among the youth;
11 promote environment-friendly, efficient and sustainable farm practices; provide
12 alternative recreation facilities and farm tourism activities for families, students
13 and other clientele; promote health and wellness with high-quality farm-
14 produced food, and to generate economic opportunities for the people through
15 farming.
16
- 17 Towards this end, this Act shall establish a comprehensive program for the
18 development and promotion of farm tourism.
19
- 20 **Section 3. Definition of Terms.** As used in this Act, the following terms shall mean a
21 follows:
22
- 23 a). **Farm Tourism** - refers to the practice of attracting visitors and travellers to farm
24 areas for production, educational and recreational purpose. It involves any
25 agricultural-based operation or activity that brings farmers, visitors, or tourists
26 to a farm who want to be educated and trained on farming and its related
27 activities, and provides a venue for outdoor recreation, without necessarily
28 altering the agricultural
29 nature of the land.
30
- 31 b). **Farm Tourism Activity** - refers to any activity in a farm tourism site, whether for
32 educational, recreational, or entertainment purposes, that a participant or
33 group of participants may avail of, without necessarily paying for such. This shall
34 include planting, fruit-picking, floral oil extraction, food production, harvesting

1 vegetables, tasting wine or juices, tending bees, milking cows, watching
2 butterflies, horseback riding, fishing, and other farm activities or pursuits.

- 3
4 c). **Farm Tourism Practitioner** - refers to a farmer, a farmer owner, or a farmers'
5 cooperative or association, engaged in the business of providing farm tourism
6 activities, whether or not for compensation.
7
8 d). **Farm Tourism Operator** - refers to the owner or recognized occupant of the
9 farm or any person who is in charge of running a farm tourism site.
10
11 e). **Farm Tourism Site** - refers to a place where farm tourism activities are carried
12 out.
13
14 f). **Accreditation** - refers to a certification officially recognizing a farm tourism site
15 as having complied with the minimum standards for farm tourism.
16
17 g). **Extension Service Provider (ESP)** - refers to an organization accredited by the
18 Department of Agriculture to undertake training and complementary extension
19 services for farm tourism practitioners or operators.
20
21 h). **Inherent Risks of Farm Tourism Activity** - refers to dangers or conditions that
22 *are integral parts of farm tourism which may cause harm or injury. These*
23 *include certain hazards associated with surface and subsurface conditions,*
24 *natural condition of land, vegetation, waters, behavior of wild and domestic*
25 *animals, weak structures, negligent attitude of participants, and failure to follow*
26 *instructions on the use of farm equipment or to exercise reasonable caution*
27 *while engaged in farm tourism*
28 *activities.*
29
30 i). **Participant** - refers to any person, including other farmers, visitors, travelers
31 and tourists, who engage in a farm tourism activity in a farm tourism site.
32
33 j). **Sustainable agriculture** - refers to the efficient production of safe and high
34 quality agricultural products that protects and improves the natural
35 environment, the social and economic conditions of farmers, their employees
36 and local communities, and safeguards the health and welfare of all farmed
37 species.
38

39 **Section 4. Philippine Farm Tourism Framework for Development.** The Department of
40 Tourism (DOT) in collaboration with the Department of Agriculture (DA), the
41 Tourism Infrastructure and Enterprise Zone Authority or TIEZA, farm tourism
42 practitioners and organizations, local government units (LGUs), and the private
43 sector, shall formulate a six-year farm tourism strategic development plan. The
44 development plan shall serve as a guide in the formulation and implementation
45 of programs and projects for the development and promotion of farm tourism,
46 as envisioned in this Act. The development plan shall likewise provide for the
47 following:
48

- 49 a). **General Criteria for Identification and Designation of Farm Tourism Sites.** -The
50 DOT, in coordination with DA, TIEZA, and concerned LGUs, shall
51 formulate a general set of criteria on any geographic area where a farm tourism
52 site
53 may be established to ensure that the development will encourage more
54 productivity and benefits to the farmers, while likewise ensuring quality
55 experience provided to tourists. The development of the criteria shall encourage
56 the identification and development of different forms of farm tourism such as
57 community-based development, public-private partnership and farm tourism
58 enterprise zones.

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- b). **Educational and Promotional Support.** - The DOT shall provide marketing advice and promotional support to accredited farm tourism sites in the country.
- c). **Investment Promotion and Facilitation.**- The DOT and DTI, shall develop programs that will establish and facilitate links between stakeholders in the farm, tourism industry and government financial institutions (GFIs) and other financial cooperatives. The DOT shall likewise develop and implement programs that shall establish reasonable and innovative investment incentives to attract more Investors and farm tourism practitioners in the farm tourism industry.
- d). **Support and Extension** - The State Universities and Colleges together with the Technical Education and Skills Development Authority (TESDA) and other relevant government agencies shall develop and establish programs that shall promote the adoption of technologies appropriate for farm tourism, provide adequate training and other extension services for farm tourism practitioners and operators, and organizations, and afford them with opportunities for participation in international conventions, workshops and fora.
- e). **Market Promotion and Development.** –The DOT, together with the DTI, shall line-up events for market promotion which includes exploring national and international markets and facilitating the participation of local farm tourism professionals and operators in local and international conferences, trade fairs, and exhibits.
- f). **Establishment of Tourism Farms** – within the scope of the five-year development framework, the DA shall encourage the establishment of at least one (1) tourism farm in every province in the country.

Section 5. Implementing Agency. There is hereby created a Philippine Farm Tourism Industry Development Coordinating Council (PFTIDCC), herein referred to as the Council, administratively attached to the DOT, charged with the main function of coordinating the activities of the various agencies and instrumentalities to ensure the development and promotion of farm tourism in the country. If ever practicable and required, the Chairman of the Council shall submit an annual report to both Houses of Congress on the status of the implementation of the Act.

The Council shall have the following specific functions:

- a). Prepare and implement a Comprehensive National Farm Tourism Industry Development Plan;
- b). Recommend to the DA and DOT the areas that are prime for farm tourism but require infrastructure projects such as farm to market roads;
- c). Encourage the establishment of at least one (1) tourism farm in every province;
- d). Launch and pursue a nationwide educational campaign to help realize the policies and provisions of this Act;
- e). Establish and maintain a comprehensive farm tourism information system;
- f). Formulate and implement farm tourism research and development projects, such as, but not limited to , organic farming, aqua culture, duckweed culture, livestock and poultry raising, aimed at increasing, resource productivity,

1 improving resource efficiency, and ensuring the long-term sustainability of the
2 country's farm tourism program;

3
4 g). Provide for the registration, accreditation and issuance of identification cards to
5 farm tourism professionals and operators;

6
7 h). Assist the LGUs in developing their technical capability in the development,
8 management, regulation, conservation, and protection of farm tourism sites;

9
10 i). Provide avenues for quality trainings, seminars, conventions, workshops among
11 others;

12
13 j). Monitor and review farm tourism agreements between Filipino citizens and
14 foreigners who seek to invest in the farm tourism sector;

15
16 k). Establish cooperation among farm tourism stakeholders, financial institutions,
17 government agencies, non-government organizations, people's organizations
18 and other liked-minded institutions and individuals in terms of partnerships and
19 linkages;

20
21 l). *Enforce all laws, formulate and enforce all rules and regulations government the*
22 *conservation and management, protection and utilization of farm tourism sites.*

23
24 **Section 6. Council Composition.** The Philippine Farm Tourism Industry Development
25 Coordinating Council {PFTIDCC} shall be composed of the following:

26
27 a). Secretary of the Department of Tourism as Chairman;

28 b). Secretary of the Department of Agriculture as Vice-Chairman;

29 c). Representative from a State College or University (SUC) as recommended by the
30 *Commission of Higher Education*;

31 d). Representative from the Technical Education and Skills Development Authority
32 or TESDA;

33 f). Representative from the League of Provinces of the Philippines; and

34 g). Two (2) representatives from farm tourism associations/organizations
35 recognized by the DA or DOT.

36
37 The Council shall meet every three months and may hold special meetings,
38 whenever the need arises, to consider urgent matters upon the call of the
39 Chairman or any five (5) Council members.

40
41 The Council may create steering committees and technical working groups as it
42 may deem necessary, and it may call upon other government agencies and
43 private groups as needed.

44
45 **Section 7. Council Secretariat.** The Tourism Infrastructure and Enterprise Zone Authority
46 (TIEZA) shall provide secretariat and technical support to the Council.

47 *This shall be without prejudice to the designation by the Council of such*
48 *additional staff members from among its members as it may deem necessary*
49 *for the proper discharge of its functions and responsibilities.*

50
51 **Section 8. Strict Adherence with Environmental Laws.** The utilization of and development
52 of all farm tourism sites under this Act shall be regulated by the DENR pursuant
53 to all laws and statutes on the utilization and protection of natural resources
54 and the environment, and must strictly comply with the land use plan approved
55 by the local government unit concerned and the requirements imposed by
56 existing DENR rules, regulations and other issuances, taking into consideration
57 the sustainable use and development of the farm tourism sites.

58

1 **Section 9. Incentives and Tax Exemptions.** Duly accredited farm tourism professionals and
2 operators are entitled to incentives and tax exemptions pursuant to the
3 following provisions of the law:
4

- 5 a). Section 24 of Republic Act 10068 or the Organic Agriculture Act of 2010;
- 6 b). Section 62 of Republic Act 6938 or the Cooperative Code of the
7 Philippines;
- 8 c). Section 133 (m) and (n) of Republic Act 7160 or the Local Government
9 Code of 1991;
- 10 d). Section 109 of RA 8435 or the Agriculture and Fisheries Modernization
11 Act of 1997, as amended by Republic Act 9281;
- 12 e). Chapter 3 (Credit) of Republic Act 8435 or the Agriculture and Fisheries
13 Modernization Act of 1997;
- 14 f). Article 2 of the Agri-Agra Reform Credit Act of 2009; and
- 15 g). Sections 7, 8, 9 and 10 of Republic Act 9178 or the Barangay Micro
16 Business Enterprises (BMBE's) Act of 2002.

17
18 **Section 10. Registration and Accreditation of Farm Tourism Operations.** The Council shall
19 provide guidelines and criteria in the registration of farm tourism operations.
20 The DOT shall assess the application and endorse the result to the Council for
21 approval. The registration shall be on a voluntary basis. There is no fee for
22 registration and the list will be made available to the public by the Council. All
23 registered operations will be promoted by the DA and DOT in conjunction with
24 all other tourism and rural development promotions . Registration is valid for
25 five (5} years.
26

27
28 **Section 11. Warning Signage at Farm Tourism Locations.**
29

30 1) Every farm tourism professional must post and maintain signs that contain
31 the warning notice specified in subsection (3) of this section. The sign must
32 be placed in a clearly visible location at the entrance to the farm tourism
33 location and at the site of the farm tourism activity. The warning notice
34 must consist of a sign in black letters with each letter to be a minimum of
35 *one inch in height. Every written contract entered into by a farm tourism*
36 *professional for the providing of professional services, instruction, or the*
37 *rental of equipment to a participant, whether or not the contract involves*
38 *farm tourism activities on or off the location or at the site of the farm*
39 *tourism activity, must contain in clearly readable print the warning notice*
40 *specified in subsection (2) of this section.*
41

42 2). The signs and contract described in subsection (1) of this section must
43 contain the following notice of warning:
44

45 "Warning: Under Philippine law, there is no liability for an injury
46 to or Death of a participant in a farm tourism activity conducted
47 at this farm tourism location if such injury or death results from
48 the inherent risks of the farm tourism activity. Inherent risks of
49 farm tourism activities include, among others, risks of injury
50 inherent to land, equipment, and animals, as well as the potential
51 for you to act in a negligent manner that may contribute to your
52 injury or death. You are assuming the risk of participating in this
53 farm tourism activity."
54

55 3). All registered operations shall provide to participants a written description of
56 the registered farm tourism activities upon request.
57

1 This signage provides that participants are assuming responsibility of any
2 inherent risk. This act does not limit the liability of willful or wanton conduct by
3 any farm tourism operators. Failure to comply with the requirement concerning
4 warning signs and notices provided in this subsection will prevent a farm
5 tourism professional from invoking the privileges of immunity provided in
6 Section 12 in this Act.

7
8 **Section 12. Liability of Farm Tourism Practitioner and Operators**

9
10 A farm tourism practitioner and operator is not liable for injury to or death of a
11 participant resulting from the inherent risks of farm tourism activities; Provided,
12 that the necessary safety measures as may be required by law or implementing
13 rules and regulations are complied with.

14
15 However, a farm tourism practitioner or operator can be held liable for any of
16 the following acts:

17
18 a). commission of an act or omission or negligence of willful or wanton disregard
19 for the safety of the participant, which consequently causes injury, damage, or
20 death to the participant.

21
22 b). any act or omission, when, despite actual knowledge of or reasonable
23 presumption of the possession of knowledge about a dangerous condition on
24 the land, facilities, or equipment used in the activity, or the dangerous
25 propensity of a particular animal used in such activity and does not make the
26 danger known to the participant, which causes injury, damage, or death to the
27 participant.

28
29 Any limitation on legal liability afforded by this Section to a farm tourism
30 professional is in addition to any other limitations of legal liability otherwise
31 provided by law.

32
33 **Section 13. Injury to Trespassers on Agricultural Lands.** A farm tourism operator shall not
34 be held liable for negligence that results in the death of, injury to, or damage to
35 a person who has engaged or is engaging in conduct on the property of the
36 farm tourism operator that is unlawful under either Section 14 or Section 15 of
37 this Act or under Section 2 of the Republic Act 3815 or the Revised Penal Code
38 of the Philippines.

39
40 **Section 14. Posting of Signs on Farm Tourism Sites.** Signs prominently placed not more
41 than one hundred fifty (150) meters apart along, and at each corner of the
42 boundaries of the farm, in letters of not less than three (3) inches in height, the
43 words "NO TRESPASSING" and in addition thereto the name/s of the farm
44 tourism professional and/or operator.

45
46 **Section 15. Removing of Notices on Farm Tourism Sites.** It is unlawful for any person to
47 willfully remove, destroy, mutilate, or commit any act designed to remove,
48 mutilate, or reduce the legibility or effectiveness of any posted notice placed by
49 the farm tourism professional and/ or operator pursuant to the provisions in
50 this Act or as provided by law.

51
52 **Section 16. Implementing Rules and Regulations.** The Philippine Farm Tourism Industry
53 Development Coordinating Council (PFTIDCC) is hereby given full power and
54 authority to promulgate such rules and regulations within six (6) months from
55 the enactment of this Act.

- 1 **Section 17.** **Separability Clause.** If any part or provision of this Act is declared
2 unconstitutional or invalid, other parts or provisions thereof which are not
3 affected thereby shall continue to be in full force and effect.
4
- 5 **Section 18.** **Repealing Clause.** All laws, decrees, executive orders, rules and regulations and
6 other issuances or parts thereof, inconsistent with the provisions of this Act, are
7 hereby repealed or modified accordingly.
8
- 9 **Section 19.** **Effectivity Clause.** This Act shall take effect fifteen (15) days after its publication
10 in the Official Gazette or in two (2) national newspapers of general circulation.
11
12
- 13 **Approved,**