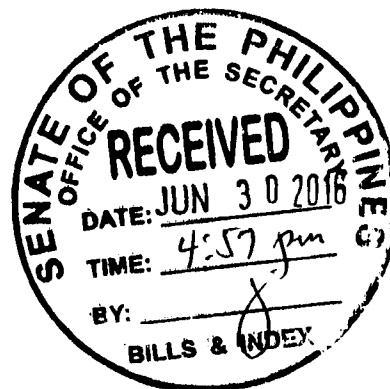


SEVENTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



S E N A T E

Senate Bill No. 143

INTRODUCED BY SENATOR CYNTHIA VILLAR

**AN ACT ESTABLISHING THE NATIONAL CROP PROTECTION PROGRAM,
CREATING THE PHILIPPINE CROP PROTECTION AGENCY BY CONSOLIDATING
THE DISPARATE CROP PROTECTION, QUARANTINE AND PEST MANAGEMENT
EFFORTS, ACTIVITIES, AND AGENCIES, INTO A HOLISTIC AND INTEGRATED
SERVICE TO PROMOTE THE SUSTAINABILITY AND GREATER PRODUCTIVITY OF
THE PHILIPPINE AGRICULTURE SECTOR, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

The 1987 Constitution declares that - the State shall promote sound agricultural development and agrarian reform; and that: all sectors of the economy and all regions of the country shall be given optimum opportunities to develop. The State recognizes that these can be achieved by way of improving agricultural productivity and sustainability in order to contribute to the country's food security.

Increasing crop protection efficiencies will lead to greater farm income which directly contribute to the reduction and eradication of extreme rural poverty and hunger, and increasing the standards of living of farmers.

In view of the incidence of crop infestations in recent years, the need for safeguarding and protecting the crops sector from the risk of fast spreading plant diseases, invasive plant species, and insect and other biological pests, as well as the malpractices in the use of chemicals and new technologies, has become a vital concern to the agricultural sector at large.

The Philippine coconut industry faced probably its worst problem in decades when the coconut scale insect or *aspidiotus destructor* (CSI) infestation affected more than 1.2 million coconut trees in the CALABARZON in 2010 and increased to about 2,699,872

trees infested in August, 2014. The pest starts with the yellowing of the lowermost leaves, followed by the drying of all the leaves, leaving only the youngest leaf green and ultimately the death of the tree. The CALABARZON area supplies 42 percent of the country's total coconut production. This infestation has had a huge damaging effect on the livelihood of many farmers and on the coconut industry. Coconut and its products contribute an annual average of 5.79 percent to the country's gross value added (GVA) and 1.14 percent to the gross national product (GNP). The country earns US \$1billion in 2011. There are about 328,516 coconut farmers in the region whose livelihood was threatened by the scale insect outbreak. This does not include the thousands who make a living from the other parts of the coconut tree. Those who process cooking oil, livestock feeds, ropes, vinegar, handicraft, choir and furniture.

According to the Bureau of Agricultural Statistics (BAS), annual production of coconut dropped by 3.3 percent, from 15.86 million metric tons (MT) in 2012 to 15.34 million MT last year.

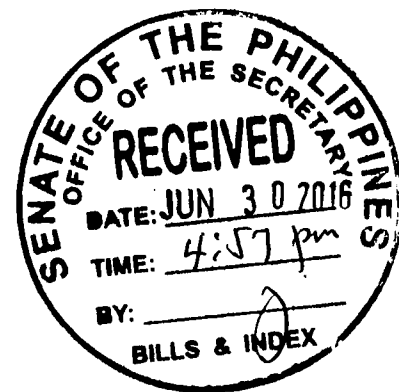
There is an urgent need to consolidate the government efforts in crop protection and integrate the disparate government programs and support agencies into a coherent, efficient, and a more effective force in combating threats to the crop production sector.

This will greatly support the well-being of the country's farmers and allied agriculture producers. This will also contribute to strengthen the country's capability in terms of dealing with international trade issues in agricultural commodities.



CYNTHIA A. VILLAR
Senator

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



S E N A T E

Senate Bill No. 143

INTRODUCED BY SENATOR CYNTHIA VILLAR

AN ACT ESTABLISHING THE NATIONAL CROP PROTECTION PROGRAM, CREATING THE PHILIPPINE CROP PROTECTION AGENCY BY CONSOLIDATING THE DISPARATE CROP PROTECTION, QUARANTINE AND PEST MANAGEMENT EFFORTS, ACTIVITIES, AND AGENCIES, INTO A HOLISTIC AND INTEGRATED SERVICE TO PROMOTE THE SUSTAINABILITY AND GREATER PRODUCTIVITY OF THE PHILIPPINE AGRICULTURE SECTOR, AND FOR OTHER PURPOSES

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

- 1
2 SECTION 1. *Short Title.* – This Act shall be known as the “PHILIPPINE CROP PROTECTION
3 ACT OF 2016.”
4
5 SECTION 2. *Declaration of Policy.* –The State shall promote sound agricultural development and
6 shall assist all regions of the country in gaining optimum opportunities for better growth by way
7 of improving agricultural productivity and sustainability in order to contribute the country’s food
8 security, efforts at eradicating extreme rural poverty and hunger, and in raising the standards of
9 living of farmers. The State recognizes the vital importance of safeguarding and protecting the
10 crop production sector from the risks of fast spreading plant diseases, invasive plant species,
11 insects and other biological pests, as well as malpractices in the use of chemicals and new
12 technologies in agriculture crop production; and of consolidating and integrating the disparate and
13 uncoordinated government programs and support agencies into a coherent, efficient, and more
14 effective machinery in combating threats to the sector.
15
16 SECTION 3. *Definition of Terms*– For purposes of this Act, the following terms and expressions
17 shall have the corresponding significance, to wit:
18 1. *active substances* – substances or micro-organisms having a general or specific effect
19 on harmful organisms, as well as on plants or plant products;

- 1 2. *crop protection* - refers to specialized and science-based actions, activities, methods and
2 techniques insafeguarding and protecting the crop production sector from the risks of
3 fast spreading plant diseases, invasive plant species, and insect and other biological
4 pests, as well as malpractices in the use of chemicals and new technologies in
5 agriculture crop production.
- 6 3. *genetically modified organisms* – organisms whose genetic material have been altered
7 in a way other than by combining naturally or re-combination (insofar as it concerns
8 plant protection);
- 9 4. *harmful organisms* – organisms harmful to plants and plant products, including but not
10 limited to viruses, mycoplasmas and other pathogens;
- 11 5. *plants* – living plants, fruit (in a botanical sense) and vegetables (except for those
12 which are frozen), tubers, bulbs, rhizomes, tuberous bulbs, cut flowers, branches with
13 leaves, felled trees with leaves, stem cultures and seeds;
- 14 6. *plant products* – products of plant origin, unprocessed or having undergone simple
15 preparation (milled, dried or pressed);
- 16 7. *plant (or crop) protection materials* – biological or chemical (pesticides) materials
17 which are intended for combating of harmful organisms or reduction of the negative
18 impact thereof, and can affect plant life-processes (except for plant nutrition) towards
19 the protection of plant products, destruction of undesirable plants, destruction of parts
20 of plants, and restriction and prevention of the growth of undesirable plants;
- 21 8. *plant pest* — any form of plant or animal life, or any pathogenic agent, including
22 insects, mammals, arthropods, snails and other forms of animal life capable of causing
23 injury to agricultural crops, plants and/or plant products
- 24 9. *pesticide residues* – active substances (one or more) found, as a result of the use of
25 chemical plant protection materials, in or on plants and plant products or in the
26 environment, as well as their metabolites, and products of decomposition or chemical
27 reactions.

28
29 SECTION 4. *Scope.* – This Act shall provide a framework for the consolidation and integration of
30 the various government structures, programs, activities and efforts in the protection of agricultural
31 crop production and plant bio-security, including but not limited to (1) regulation of entry,
32 movement and quarantine of plants, seeds and other harmful organisms that could threaten the
33 health and sustainability of agricultural crops and Philippine flora; (2) research and development
34 on crop protection materials; (3) declaration of plant pest emergencies, prevention of spread of
35 plant diseases, and control of outbreaks; (4) information, education, communication and extension
36 activities on crop protection; and (5) coordination, organization, and description of the
37 responsibilities of the various stakeholders in crop protection programs of the government.
38

39 SECTION 5.– *Creation of the Philippine Crop Protection Agency.* There is hereby created the
40 Philippine Crop Protection Agency, hereinafter referred to as PCPA, to which shall be transferred
41 and which shall subsume under it the powers, responsibilities, organization and personnel, assets,
42 and functions of the following offices, units, and services, to wit:

- 1
2 1. The National Crop Protection Center, created under Presidential Decree No. 936;
3 2. The regional crop protection centres of the Bureau of Plant Industry, also created under
4 P.D. 936;
5 3. The Plant Quarantine Service of the Bureau of Plant Industry, created under P.D. 1433;
6 and
7 4. The Pesticide-related functions and units of the Fertilizer and Pesticides Authority, created
8 under P.D. 1144
9

10 The PCPA shall:

- 11
12 a) be attached to the Department of Agriculture and shall be under the policy and
13 administrative supervision of the department Secretary;
14 b) have its principal place of business in Metro Manila and endeavour to have satellite or
15 branch offices in every region of the country;
16 c) exercise all the general powers conferred by law upon legal persons as are incidental or
17 conducive to the attainment of the objectives of this Act;
18 d) have a board of directors upon to which the powers of the Agency shall be vested, to be
19 composed of five (5) members including:
20 o the Secretary of Agriculture, who shall act as the chairman of board
21 o two (2) members from crop production stakeholders to be appointed by the
22 President, to represent (1) the small hold farmers and (2) agribusiness groups;
23 o the Director of the Bureau of Plant Industry
24 o the Director of the Bureau of Agriculture Research
25 o a science expert in crop protection to be appointed by the President
26 o the Director-General of the Agency who shall act as Vice-Chairman

27 The PCPA Board shall approve all the policies, systems, protocols and organizational re-
28 engineering of the Agency. It shall also affirm the programs that will be implemented by
29 the Director-General.
30

31 SECTION 6. *Powers and Functions* – In order to rationalize and consolidate the crop protection
32 programs and policies of the government, the Philippine Crop Protection Agency shall have the
33 following powers and functions:
34

35 1) Regulatory powers

- 36 ▪ to ensure that the plant protection measures and plant protection materials do not have
37 an adverse effect on human health, animals and the environment
38 ▪ to carry out phytosanitary control and determine phytosanitary measures;

- 1 ▪ to determine exceptions regarding such plants, plant products and harmful organisms
2 as are intended for the needs of science, research or varietal selection;
- 3 ▪ to carry out of plant protection measures to eliminate or restrict the spread of harmful
4 organisms and to reduce the negative impact thereof
- 5 ▪ to carry out supervision and control of the circulation of pesticides and other hazardous
6 plant protection chemicals;
- 7 ▪ to prevent the accumulation of pesticide residues in the products produced, in the soil
8 and in water above the permissible norms;
- 9 ▪ to prohibit entry and restrict movements of plants, seeds, unprocessed plant products,
10 as well as pesticides and chemicals banned in other territories that have high potential
11 of threatening agricultural crops and plants in the country;
- 12

13 2) Crop Protection Surveillance

- 14 ▪ to regulate the activities of natural persons or legal persons in the field of plant
15 protection in order to prevent the import, introduction and spread of harmful organisms
16 in the territory
- 17 ▪ to maintain a registry of plant protection materials and ensure the evaluation,
18 registration and re-registration of these materials;
- 19 ▪ to establish and maintain a registry of those persons who are involved in the growing
20 of plants subject to phytosanitary control, as well as in the processing, storage,
21 packaging, trade, import and export of plants and plant products;
- 22 ▪ to carry out examination of plants, provide land users (owners) with information on the
23 appearance and spread of harmful organisms, and also on the plant protection measures
24 to be taken;
- 25 ▪ to implement disposal of plant resources and assets declared as high risk or can threaten
26 plants and crops in the country
- 27 ▪ to coordinate with counterpart offices in other countries as well as UN food agencies
28 with respect to crop protection measures, policies and information exchanges
- 29

30 3) Crop Protection Support systems

- 31 ▪ to study biological and ecological factors of the organisms harmful to and competitive
32 with plants
- 33 ▪ to carry out research on harmful organisms and plant protection measures to restrict the
34 spread of such organisms, and carry out an analysis of the risk of the spread of plant
35 quarantine organisms.
- 36 ▪ to determine procedures on the research of harmful organisms, genetically modified
37 organisms and plant protection materials and trials;

- 1 ▪ to enter into partnerships with private sector laboratories that can assist in technical
2 scientific studies on crop protection measures;
- 3 ▪ to enter into partnerships with state colleges and universities, other government
4 agencies such as the Agriculture Training Institute (ATI) and the Technical Education
5 and Skills Development Authority (TESDA) for capability building programs
- 6 ▪ to involve provincial agriculturists as well as barangay-based farmers and stakeholders
7 in crop protection networks as sources of information.

9 4) Pest Emergency Response

- 10 ▪ to specify and implement restrictions on the movement and trade of plants and plant
11 products identified to have plant pests;
- 12 ▪ to officially declare the appearance of a plant pest emergency in any province or region,
13 based on determination that the pest incidence will reduce the regional production of a
14 particular crop by at least 1% or the provincial production of a particular crop by at
15 least 2%.
- 16 ▪ to formulate and carry out protocols on pest emergency response;
- 17 ▪ to recommend to the regional disaster agency and local government units, based on the
18 documented reports on extent of crop damage, the declaration of state of calamity to
19 enable the concerned agencies provide direct assistance to the farmers and stakeholders
20 affected by crop infestation;
- 21 ▪ to detect the appearance of harmful organisms, to forecast development thereof;
- 22 ▪ to determine the plant quarantine measures for individual cases and in specific places;
- 23 ▪ to regulate movement of persons, conveyances and plant materiel in affected areas;
- 24 ▪ to deputize police, military and, if necessary, farmers and civil society groups to
25 enforce outbreak protocols in controlling pest outbreaks;
- 26 ▪ to implement disposal of affected plant resources and assets

27
28 SECTION 7. *Organization and Personnel Complement.* The PCPA shall be headed by a Director-
29 General with a rank of undersecretary, who shall be the agency's Chief Executive Officer (CEO)
30 and who shall have the following responsibilities:

- 31
32 1) to carry out and implement the four major missions of the agency;
- 33 2) to formulate the relevant strategies, plans, and programs as well as organizational
34 development that will ensure the effectiveness of the missions of agency;
- 35 3) to regularly report on the state of crop protection in the various regions of the country for
36 all the major crop commodities in each region;

- 1 4) to manage and administer the affairs, and operations of the Agency with efficiency,
2 integrity and transparency;
- 3 5) to ensure the hiring of technically competent scientists and highly capable, qualified
4 personnel;
- 5 6) to cause the filing of charges and prosecute violations under this Act and other relevant
6 laws, including but not limited to, P.D. 1433.

7 The PCPA Board shall authorize the initial organization of the appropriate offices and units, and
8 personnel requirements of the Agency, subject to the appropriate Civil Service rules and
9 guidelines. Personnel who may be affected by the abolition of positions shall be eligible for early
10 retirement benefits at 1.5 times their basic salary for every year of service in government, in
11 addition to other benefits allowed by law, provided that those who will avail of this program will
12 not be eligible for re-employment in the Agency.

13
14 SECTION 8. *Funding.* For its initial year of operations, the amount of FIFTY (Php50,000,000.00)
15 million Pesos is hereby authorized to be set aside and transferred from the current year's budget
16 of the Office of the Secretary of the Department of Agriculture, together with the corresponding
17 budgets of the offices and units absorbed into the Agency. Subsequent budgetary requirements for
18 the Agency's requirements shall be incorporated in the provisions for the Department of
19 Agriculture in the annual general appropriations act.

20
21 SECTION 9. *Emergency Measures and Fund.* There shall be a standby-by fund in the amount of
22 Five Hundred Million (P500, 000,000.00) pesos at the Department of Agriculture at any given
23 time, ear marked for Crop/Pest Emergency response. This shall be used for prevention of the
24 spread, treatment, control, and management of emergency situation(s) and which may include, the
25 use of, mechanical, biological and other available measures. In the event that the fund is not
26 sufficient for the year, the PCPA can request for augmentation from the National Disaster Relief
27 Reduction Management Fund provided for under the Philippine Disaster Risk Reduction
28 Management Act of 2010 or Republic Act 10121.

29
30 SECTION 10. *Authority to Call for Support in during Crop Pest-related Emergencies.* The PCPA
31 is hereby designated as the overall coordinating authority in the event of any crop or plant
32 infestation. In officially declared pest emergency situations, the PCPA may call for assistance and
33 support from other government agencies to provide the prescribed regulatory, surveillance,
34 quarantine information gathering and other relevant activities to ensure the effective
35 implementation of preventative and pest-curtailment measures. The PCPA head shall have the
36 authority to call for the creation of a pest emergency response task force and may call upon key
37 officials of the following agencies at the region in which the appearance of plant emergency
38 conditions is declared, including: the DILG, PNP, DA, DENR, regional DRRRMC, Provincial
39 governors and/or Provincial Agriculturists, Congressional Representative of the affected district,
40 Mayors of the affected municipalities/cities, crop science experts from the country's state
41 universities.

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SECTION 11. *Penalty Clause* –Any person, company or corporation who violates the provisions of this Act, including the remaining provisions of the P.D. 1433, or forges, counterfeits, alters, defaces and destroys any document issued by virtue of this Act shall be fined an amount not more than One Million (PhP 1,000,000.00) for individual persons and up to ten million (PhP10,000,000) for corporations or by imprisonment for the person (all involved managing officers in the case of a corporation) from prison correctional to prison mayor, or both, at the discretion of the Court.

SECTION 12. *Repealing Clause*. PD. 936, together with Sections 9, 18, 19, 20, 21 and 22 of P.D. 1433 and the relevant provisions of P.D.1144 relating to the pesticides are hereby repealed. The powers and functions of the Director of Plant Industry under P.D. 1433 are transferred to the Managing Director of PCPA. All other laws, executive orders, rules and regulations, or parts thereof, inconsistent herewith are hereby repealed or modified accordingly.

SECTION 13. *Implementing Rules and Regulations*. Within three months from the effectivity of this Act, the Secretary of Agriculture shall form an ad hoc Task Force to be composed of representatives from the Bureau of Plant Industry, Bureau of Agriculture Research, two representatives from the crop production stakeholders, and a science expert in crop protection to formulate the Implementing Rules and Regulations within the ensuing period of three months. Two representatives of the Congressional Commission on Agriculture and Fisheries Modernization shall join the meetings of the ad hoc Task Force as observers.

SECTION 14. *Separability Clause* - The provision of this Act are hereby declared to be separable. If any provision of this Act shall be held unconstitutional, the remainder of the Act not otherwise affected shall remain in full force and effect.

SECTION 15. *Effectivity*. - This Act shall take effect upon its publication in the Official Gazette.