


THIRTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES }
Second Regular Session

6 JUN -7 1914

SENATE

S. No. 2327

RECEIVED BY: 

INTRODUCED BY HON. MANNY VILLAR

EXPLANATORY NOTE

Filipino farmers and the agricultural development workers either in government or non-government services are the key players in the agricultural sector which require government support and assistance.

At present, the weak and fragmented agricultural service delivery hampers the implementation of government agricultural development programs. One of the cause of this problem is the LGU's are financial constraints to hire the needed agricultural development workers and provide them with the necessary support.

This bill seeks to address these concerns. Its immediate passage is therefore earnestly requested.


MANNY VILLAR


THIRTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
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DATE
OF THE SECRETARY

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S. No. 2327; RECEIVED BY: 

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AN ACT PROVIDING FOR A MAGNA CARTA OF AGRICULTURAL OFFICERS AND EMPLOYEES

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

SECTION 1. Title. - This act shall be known as the "Magna Carta of Agricultural Officers and Employees."

Sec. 2. Definition of Terms - As used in this Act, the following terms shall be construed to mean as follows:

(a.) Agricultural Officer - refers to a person who is a graduate of agriculture, fisheries, animal science, animal husbandry or any other related course from a recognized college or university and is a holder of a first grade civil service eligibility or its equivalent, currently holding a supervisory position in the local government units for at least three (3) years for a municipal agricultural officer or those appointed as agriculturist and as Department Head under RA 7160 and at least five (5) years for a city agricultural officer. He must be a citizen of the Philippines with good moral character.

(b.) Agricultural Employee - is a person who is a graduate of Agriculture, Fisheries, Animal Science, or Animal Husbandry or any other agriculture- related course from any recognized college or university and is a holder of an appropriate civil service eligibility and is employed at the Department of Agriculture or devolved to the local government units whose functions and duties are related to agriculture and must be a citizen of the Philippines with good moral character.

(c.) Agricultural Extension Work - refers to the profession which helps farmers, fisher folks, homemakers, (RIC), youths (4-H - dub) and other interested parties in the promotion of agricultural development plans, programs and projects in agriculture through the use of extension, methodologies, concepts and principles upon request.

(d.) Practitioner - is a citizen of the Philippines with good moral character who is a graduate of Agriculture employed in a government or non-government agency or in a private institution whose actual duties and functions are related to agriculture.

(e.) CSC - refers to the Civil Service Commission

(f.) the right to cross-examine witnesses incurred in his/her defense in case of exoneration or dismissal of the charges.

(g.) NLRC - refers to the National Labor Relations Commission

(h.) DA - refers to the Department of Agriculture

(i.) LGU - refers to the Local Government Unit

Sec. 3. Declaration of Policy - The state shall promote the agriculture sector being the backbone of the country and likewise improve the economic and well-being of the agricultural officers/employees as well as their standard of living and elevate their working conditions and employment status. Th' state shall likewise develop the agricultural officers/employees' skills, knowledge, orientations and capabilities in order that they will be more responsive to the needs of the farmers, fisher folks, homemakers (RIC), youths (4-H Club) and other interested parties as well as better equip the agricultural officers/employees to deliver their basic services and programs to their clientele. Lastly, the state shall encourage those with proper qualifications and excellent abilities to remain in agricultural extension work either in government or non-government services.

Sec. 4. Coverage - This act shall cover all eligible Agricultural Officers/Employees as well as all agricultural practitioners in government or non-government service and all those promoted/appointed as municipal/city agriculturist and as Department Heads of the Local Government Units under RA 7160.

Sec. 5. Recruitment and Qualifications - The selection and appointment of agricultural officers/employees shall be in accordance with the merit and fitness principle; provided, that he/she is an eligible agricultural officer and/or employee: Provided, further, that the Civil Service Commission or the Department of Labor and

Employment, as the case may be, develops and administers specialized examination for purposes of providing appropriate eligibilities to positions.

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

Sec. 7. Composition. - The composition of the Agricultural Officers and Employees Consultative Council shall be determined from the list submitted by the Regional Association of Municipal/City Agricultural Officers, Provincial Agriculturists, throughout the country as well as from the list submitted by the Agriculture and Fishery Council Chairman, Provincial Agriculture and Fishery Council Chairman, Regional Agriculture and Fishery Council Chairman and the National Agriculture and Fishery Council Chairman.

Sec. 8. Transfer of Geographical Reassignment of Agricultural Officers/Employees - No transfer or geographical reassignment shall be made are effected without a written notice to the agricultural development workers concerned stating therein the reasons for such Provided, That said written notice shall be made thirty (30) days prior to the date of transfer or reassignment: Provided, further, That if the employee concerned disagrees with the order of transfer or reassignment, he/she may appeal said order with the Civil Service Commission or the Department of Labor and Employment, as the case may be: Provided, further, That, pending appeal, such transfer or reassignment shall be held in abeyance: Provided, furthermore, That no transfer and/or reassignment whatsoever shall be made three (3) months prior to any local or national elections. Provided, finally, that the necessary expenses of the transfer and/or reassignment of the agricultural worker or employee and his/her immediate family shall be paid by the Government.

Sec. 9. Safeguards in Administrative Proceedings - in every administrative proceeding an Agricultural officer/employee shall have:

- (a) the right to be informed of the charges;
- (b) the right to full access on evidence against him or/her;

- (c) the right to defend himself/herself or by a counsel of his/her choice;
- (d) the right to be given adequate time to prepare his/her case, which shall in no case exceed twenty (20) days;
- (e) the right to appeal to designated authorities;
- (f) the right to cross-examine witnesses and to processes of production of witnesses;
- (g) the right to reimbursement for reasonable expenses incurred in his/her defense in case of exoneration or dismissal of the charges; and
- (h) such other right provided by other national agencies and local government units to its respective officers and employees so as to ensure fairness and impartiality in the proceedings.

Sec. 10. Code of Conduct. - All agricultural workers must be guided by a code of ethics not contrary to law, morals, society, health, public policy and public order. The code of conduct of agricultural development workers shall be prepared by the Secretary of Agriculture in consultation with the recognized national associations of agricultural development workers.

Sec. 11. Normal Hours of Work. - The normal hours of work of any agricultural officer and employee shall not exceed eight (8) hours or forty (40) hours a week.

Hours of work shall include: (a) the time the agricultural officer/employee is required to be on active duty or to be at a prescribed workplace; (b) the time which an agricultural officer/employee is required to work in a place other than the prescribed workplace.

Sec. 12. Overtime Work - Where the exigencies of the service so require, any agricultural officer/employee, whether in the government or non-government service, may be required to render service beyond the normal eight (8) hours a day, inclusive of Saturdays, Sundays and non-working holidays. In such case, the agricultural officer/employee shall be given an additional compensation in accordance with existing laws on the matter.

Sec. 13. On-Call Pay. - In cases of "On-Call" status, the agricultural officer/employee shall be entitled to an "On-Call" pay equivalent to fifty per centum (50%) of his/her regular wage. "On-Call" status refers to a condition when an agricultural officer/employee is called upon to respond to urgent or immediate need or relief work during emergencies such that the agricultural officer/employee shall be put on "On-Call" status beyond seven (7) days.

Sec. 14. Married Agricultural Officer and Employee. - Whenever possible, the proper authorities shall take steps to enable married couples, both of who are public workers, to be employed or assigned in the same municipality/city.

Sec. 15. Basic Compensation. - After the effectivity of this Act, the salaries of the Agricultural Officer/Employee shall be:

(a) for the Municipality/City Agricultural Officer a Salary of Grade 24 shall be allocated to the said position with an equivalent rank as Department Head of the Local Government Unit where (s)he is devolved or assigned and with a salary rate adopting the National Pay Plan.

(b) for Agricultural Technologies (As) - their salary grades and positions shall be upgrade to Salary Grade 18; and likewise adopting the National Pay Plan.

(c) for Agricultural Development Specialist (ADS) - their salary grades shall be upgraded to Salary Grade 20.

(d) all devolved Agricultural Officers/Employees shall be granted a step increment and shall be paid by the National Government.

Provided, however, that the National Government shall augment the necessary funds to cover any deficit in the adopted national pay plan for the above-mentioned positions in the Municipalities/Cities/Provinces.

Sec. 16. Representation Allowance and Traveling Allowance. - All Municipal/City Agricultural Officers shall be entitled to Representation Allowance and Traveling Allowance (RATA) equivalent to the National Government positions. Provided, however, that any deficit shall be augmented by the National Government.

Sec. 17. Hazard Allowance. - Any agricultural officer/employee assigned in difficult areas, strife-torn or embattled areas, distressed or isolated animal/plant/breeding station, handling x-rays, radioisotope's, chemical, etc., sea-borne patrols and other areas declared under a state of calamity or emergency, which expose them to great danger volcanic activity/eruption, occupational risks or perils of life, shall be compensated with hazard allowance equivalent to at least twenty per centum (20%) of their monthly basic salary.

Sec. 18. Subsistence Allowance. - Any Agricultural Officer/Employee who is required to render service in the communities, institutions, animal and plant breeding

stations, fish sanctuaries/nurseries, plant nurseries, plantation and demonstration farms and other banner programs and projects of the Department of Agriculture in order to make their services available at all times, shall be entitled to full daily subsistence allowance of three (3) meals which shall be computed in accordance with the prevailing circumstances.

Sec. 19. Longevity Pay. - A longevity pay equivalent to five per centum (5%) of the monthly basic pay shall be paid to an agricultural officer/employee for every three (3) years of continuous, efficient and meritorious services rendered.

Sec. 20. Clothing Allowance - All agricultural employees shall be entitled to a clothing allowance in accordance with the approved law and regulations or as mandated by law.

Sec. 21. Other Privileges and Benefits. - These refer to the privileges and allowance granted by the National Government to the Department of Agricultural Officers and Employees such as anniversary bonus, loyalty, productivity pay and amelioration pay. These allowances shall also be granted to the devolved agricultural officers and employees and shall be paid by the National Government.

Sec. 22. Retirement Benefits. - All agricultural officers and employees shall be entitled to terminal pays. Provided, however, that the number of years rendered by the devolved personnel in the national level shall be paid by the Department of Agriculture upon retirement including the accrued leave credits. Whereas, the services rendered to the Local Government Units shall be paid where they are devolved/assigned regardless of any promotion availed. Provided, further, that under Presidential Decree 1146, all government employees both, locally and nationally hired on the first day of June 1977, shall not receive any lump sum retirement but instead, a monthly pension of Two Thousand Seven Hundred Fifty Pesos (P2, 750.00) only regardless of the salary received. In view hereof, this decree shall not be applicable to all officers and employees of the Department of Agriculture as well as the devolved personnel and those appointed as agriculturist/Department Head under RA 7160, including agricultural practitioners in the government service. Provided, that under no circumstances PD 1146 shall be repealed by this Act "Magna Carta of Agricultural Officers and Employees".

Sec. 23. Housing. - All agricultural officers and employees who are on tour of duty and those, because of unavoidable circumstances are forced to stay in the institution, community, etc. living quarters or such quarters are not available, (s)he be

entitled to free living quarters: Provided, that if such living quarters are available, the agricultural officers and employees shall receive housing allowances: Provided, further, that the rate shall be reviewed periodically in view of an increase.

Sec. 24. Compensation for Injuries. - Agricultural Officers and employees shall be protected against work-related injuries in accordance with the Labor Code of the Civil Code Law as the case may be.

Sec. 25. Right to Join Organizations. - Agricultural Officers and employees shall have the right to freely join organizations or union for purposes not contrary to law, in order to defend and protect their, mutual interest and to obtain redress of grievances through peaceful concredited activities provided; that under no circumstances shall government agricultural officer/employee' be allowed to join declare, stage, form any strike or cessation of services.

Sec. 26. Freedom from Interference of Coercion. - it shall be unlawful for any person to commit any of the following acts of interference or coercion:

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

Sec. 27. Consultation. - The Department of Agriculture shall consult professional and agricultural work organizations or unions in formulating policies to govern the agricultural security of the agricultural officers and employees.

Sec. 28. Human Resource Development. - The government and non-government agencies that conduct human resource development and management study in the following areas:

- (a) adequate facilities and resources to render quality agricultural services to the clientele;
- (b) opportunity for the agricultural officer/employee to grow and develop his/her potentials and to experience a sense of worth and dignity in his/her work;
- (c) mechanism for democratic consultation;
- (d) ways and means of enabling rank and file agricultural employees to attain viable education opportunities for personal growth and development; and
- (e) staffing patterns and standards of agricultural officers/employees welfare to ensure that people receive quality care.

Sec. 29. Rules and Regulations. - The management and Agricultural Officers and Employees Organization or Union Consultative Council shall formulate and prepare necessary rules and regulations in implementing the provisions of the Magna Carta, in coordination with DOLE, CS, NLRC, LGUs and DA.

Sec. 30. Penal Provisions. - Any person who shall willfully interfere with, restrain or coerce any agricultural officer/employee in the exercise of his/her right or shall in any manner commit any act in violation of any of the provisions of this Act upon conviction, shall be punished by a fine of not less than Twenty Thousand Pesos (P20, 000.00) but not more than Forty Thousand Pesos (P40, 000.00) or imprisonment of not more than one (1) year or both at the discretion of the court. If the offender is a public official, the court, in addition to the penalties provided in the preceding paragraph, may impose the additional penalty of disqualification from office of such offending public official.

Sec. 31. Separability Clause. - If any provision from this Act is declared unconstitutional or invalid, the remainder thereof not affected thereby shall continue to be in full force and effect.

Sec. 32. Repealing Clause. - All laws, decrees, orders, rules and regulations or other Issuance inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

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

Approved,