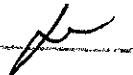


**THIRTEENTH CONGRESS OF THE  
REPUBLIC OF THE PHILIPPINES**  
*Second Regular Session*

6 JUN -7 2010

**SENATE**

S. No. 2351

RECEIVED BY: 

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INTRODUCED BY HON. MANNY VILLAR

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**EXPLANATORY NOTE**

The principle of decentralization has been proven to be solid and efficacious in the quest for development. It has given flesh to the idea of empowerment and efficiency. It has, in its promise, effects that are far-reaching and thoroughly felt throughout the nation.

This is precisely what mandated the enactment of RA 7160 or the Local Government Code of 1991 where functions are devolved from the national to the local government units.

Through a landmark body of legislation, the Code is not exempt from shortcomings and is therefore subject to amendments.

One such provision involves the devolution of Department of Agriculture (DA) personnel to respective LGUs. It is an unfortunate fact that the devolved positions of the Municipal Agriculturist's Office are only optional, and not mandatory as recognized by the Code.

It is because of this that the delivery of basic agriculture services, the implementation of GATT safety nets to the countryside and rural areas and the morale and welfare of the devolved agriculture offices and employees are compromised.

This bill seeks to make mandatory the creation and establishment of the Municipal Agriculturist's Office and provides DA field personnel with the basic salary increases they rightfully deserved.

Agriculture is the engine which will propel the country to an industrialized nation. Our farmers and agricultural workers are the backbone of the country. If we are to realize our collective dreams in this context, we must accord proper deference and recognition to the role our agricultural personnel play in our nation's journey to development.

In view of the above considerations, the immediate passage of this bill is recommended.


  
**MANNY VILLAR**

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

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

SECTION 1. Title.—This Act shall be known as the “**MAGNA CARTA OF AGRICULTURAL OFFICERS AND EMPLOYEES.**”

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

(a) *Agricultural Officer*—is a person who is a graduate of agriculture or any related course from a recognized college or university and a holder of a first grade civil service eligibility or its equivalent, currently holding a supervisory position at the Department of Agriculture or devolved to the local government units for at least three (3) years for a municipal agricultural officer and at least five (5) years for a city agricultural officer and must be a citizen of the Philippines with good moral character.

(b) *Agricultural Employee*—is a person who is a graduate of agriculture of any recognized college or university or any related course in agriculture and a holder of an appropriate civil service eligibility and is employed at the Department of Agriculture or devolved to the local government units whose function 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 and fishermen in the promotion of agricultural development plans, programs and projects in agriculture through the use of extension methodologies, concepts and principles.

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

(e) *CSC*—refers to the Civil Service Commission.

(f) *DOLE*—refers to the Department of Labor and Employment.

(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.

SECTION. 3. *Declaration of Policy.*— The State shall promote the agricultural sector being the backbone of the country and likewise improve the economic and social well-being of the agricultural officers and employees, their standard of living as well as elevate their working conditions and employment status. The State shall likewise develop the agricultural officers and employees skills, knowledge, orientations and capabilities in order that they will be more responsive to the needs of the farmers and fishermen as well as better equipped them to deliver their basic service 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 service.

SECTION. 4. *Coverage.*— This Act shall cover all eligible Agricultural Officers and Employees as well as all agricultural practitioners in the government or non-government service.

SECTION. 5. *Recruitment and Qualifications.* - The selection and appointment of agricultural officers and employees shall be in accordance with the merit and fitness principle: *Provided*, That he/she be an eligible agricultural officers and employees: *Provided, further*, That the Civil Service Commission or the Department of Labor and Employment, as the case may be, develop and administer specialized examination for purposes of providing appropriate eligibilities to positions.

SECTION. 6. *Performance Evaluation and Merit Promotion.*—The Management Agricultural Consultative Council shall prepare a uniform career and personnel development plan applicable to all agricultural officers and employees. Such career and personnel development shall include provisions on merit promotion, performance evaluation, in-service training grants, job rotation and incentive awards system.

SECTION. 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 the lists submitted by the Municipal Agriculture and Fishery Council Chairmen, provincial Agriculture and Fishery Council Chairmen, Regional Agriculture and Fishery Council Chairmen and the National Agriculture and Fishery Council Chairman of the country.

SECTION. 8. *Transfer of Geographical Reassignment of Agricultural Officers and Employees.*-- No transfer or geographical reassignment shall be made or effected without a written notice to the agricultural officers and employees 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 for 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 officers and/or employees and his/her immediate family shall be paid for by the government.

SECTION. 9. *Security of Tenure.*— No agricultural officer and employee holding a permanent position shall not be terminated except for a cause: *Provided,* in the event the Agricultural Officer or Employee is found to be unjustly dismissed by the Civil Service Commission or the National Labor Relations Commission as the case may be, he/she shall be entitled to reinstatement without loss of seniority rights and backwages with twenty (20%) per centum interest to be computed from the time his/her compensation is withheld from him/her to the time of reinstatement. However, if the agricultural officer or employee does not desire to be reinstated, he/she shall be entitled to backwages and separation pay with twenty (20%) per centum interest.

SECTION. 10. *Discrimination Prohibited.*— An agricultural officer and employee shall not be discriminated by reason of creed, sex, political beliefs, civil status, and ethnic groupings in the exercise of his/her profession.

SECTION. 11. *No Understaffing and/or Overloading of Agricultural Officers and Employees.*— There shall be no understaffing and/or overloading of agricultural officers and employees. The ratio of staff to clientele shall be such as to reasonable effect a sustained quality agricultural service at all times without overworking the agricultural officers and employees and over— extending his/her services. Only professional and eligible agricultural officers and employees shall occupy the agricultural positions in all agricultural agencies and institutions of the government agencies and/or government—owned and controlled corporations.

SECTION. 12. *Safeguards in Administrative Proceedings.*— In every administrative proceeding, an Agricultural Officer and employee shall have:

- (a) the right to be informed of the charges;
- (b) the right to full access on evidences against him/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 for 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 rights provided by the other national agencies and local government units to its respective officers and employees so as to ensure fairness and impartiality in the proceedings.

SECTION. 13. *Code of Conduct.*— All agricultural officer and employee must be guided by its code of ethics not contrary to law, moral, safety, health, public policy and public order.

SECTION. 14. *Normal Hours of Work.*- The normal hours of work of any agricultural officer and employee shall not exceed eight (8) hours a day or forty (40) hours a week.

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

SECTION. 15. *Overtime Work.*— Where the exigencies of the service so require, any agricultural officer and 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 and employee shall be paid an additional compensation in accordance with existing laws on the matter.

SECTION. 16. *On—call Pay.*— In cases of “On—Call” status, the agricultural officer and employee shall be entitled to an “On— Call” pay equivalent to fifty (50%) per centum of his/her regular wage. “On—Call” status refers to a condition when an agricultural officer and employee are called upon to respond to urgent or immediate need or relief work during emergencies such that the agricultural officer or employee cannot utilize his/her time for personal needs: *Provided*, That no agricultural officer and employee shall be placed in “On—Call” status beyond seven (7) days.

SECTION. 17. *Married Agricultural Officer and Employee.* -- Whenever possible, the proper authorities shall take steps to enable married couple or couples, both of whom are public workers to be employed or assigned in the same municipality.

SECTION. 18. *Basic Compensation.*— After the effectivity of this Act, the salaries of the Agricultural Officer and Employee shall be:

- (a) For the Municipal/city Agricultural Officers—Their salaries shall be equated to the salaries of the Department Heads of the Local Government Units where they are devolved or assigned but not lower than Salary Grade 24;
- (b) For Agricultural Technologists (AT5)—Their salary grades shall be upgraded to Salary Grade 18; and
- (c) For Agricultural Development Specialists (ADS)—Their salary grades shall be upgraded to Salary Grade 20.

SECTION. 19. *Representation Allowance and Traveling Allowance.*— All Municipal/city Agricultural Officers shall be entitled to Representation Allowance and Traveling Allowance (RATA) equivalent to the Department Heads of the Local Government Units where they are devolved/assigned.

SECTION. 20. *Hazard Allowance.*- Any agricultural officer and employee assigned in difficult areas, strife—torn or embattled areas, distressed or isolated stations, animal/plant/fishery breeding stations, plant nurseries, plantations and demonstration farms, laboratories specifically those handling x—rays, radioisotopes, chemical etc., sea—borne patrols and other areas declared under a state of calamity or emergency which exposes them to great danger, volcanic

activity/eruption, occupational risks or perils of life shall be compensated with hazard allowance equivalent to at least twenty (20%) per centum or the monthly basic salary.

SECTION. 21. *Subsistence Allowance.*— Any agricultural officer and employee who are required to render services in the communities, institutions, animal and plant breeding stations, fish sanctuaries/fishery nurseries, plant nurseries, plantations and demonstration farms and other banner programs and projects of the Department of Agriculture in order to make their services available at all times, should be entitled to full subsistence allowance of three (3) meals which shall be computed in accordance with prevailing circumstances.

SECTION. 22. *Longevity Pay.*— A longevity pay equivalent to five (5%) per centum of the monthly basic pay shall be paid to an agricultural officer and employee for every three (3) years of continuous, efficient and meritorious services rendered.

SECTION. 23. *Clothing Allowance.*— All agricultural officers and employees shall be entitled for a clothing allowance in accordance with the approved laws and regulations or as mandated by law.

SECTION. 24. *Housing.*— All agricultural officer and employee who are in tour of duty and those who, because of unavoidable circumstances are forced to stay in the institution, community, etc. living quarters or such quarters are not available, he/she shall be entitled to free living quarters: *Provided*, That if such living quarters are not available, the agricultural officer and employee shall receive housing allowances: *Provided, further*, That the rate of which shall be reviewed periodically in view of an increase.

SECTION. 25. *Compensation for Injuries.*— Agricultural officer and employee shall be protected against work—related injuries in accordance with the Labor Code of the Civil Code Law as the case may be.

SECTION. 26. *Right to Join Organization.*— Agricultural officer and employee 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 concerted activities: *Provided*, That under no circumstances shall government agricultural officer and employee be allowed to join, declare, stage, form any strike or cessation of services.

SECTION. 27. *Freedom from Interference or Coercion.*— It shall be unlawful for any person to commit any of the following acts interference or coercion:

- (a) to require as condition of employment that the agricultural officer and 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 an agricultural officer and 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.

SECTION. 28. *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.

SECTION. 29. *Human Resource Development.*— The government and non—government agencies shall conduct human resource development and management study in the following areas:

- (a) Adequate facilities and resources to render quality agricultural service to the clientele;
- (b) Opportunity for the agricultural officer and employee to grow and develop their potentials and experience a sense of worth and dignity in their work;
- (c) Mechanisms for democratic consultations;
- (d) Ways and means of enabling rank and file agricultural officer and employee viable educational opportunities for personal growth and development; and
- (e) Staffing patterns and standards of agricultural officer and employee welfare to ensure the people receive quality care.

SECTION. 30. *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 to the DOLE, CSC, NLRC, LGUs and the DA.

SECTION. 31. *Penal Provisions.*— Any person who shall willfully interfere with, restrain or coerce any agricultural officer and employee in the exercise of his/her rights 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.

SECTION. 32. *Separability Clause.*— If any provision of this Act is declared unconstitutional or invalid, the remainder thereof not affected thereby shall continue to be in full force and effect.

SECTION. 33. *Repealing Clause.*— All laws, decrees, orders, rules and regulations or other issuances inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SECTION. 34. *Effectivity.*—*This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.*

Approved,