

SENATE

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Senate Bill No. 612

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INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

The Filipino farmers and the agricultural development workers are the key players in the agricultural sector, which require government support and assistance. In particular, the agricultural development workers (agriculturists, veterinarians, technologists and other agricultural engineers, aquaculturists extension workers, home extentionists, nutritionists, agricultural technologists and other agricultural technicians) provide the service in the countryside necessary for modernizing Philippine agriculture.

At present, the weak and fragmented agricultural service delivery operating within the Department of Agriculture and Local Government Units hampers the implementation of government agricultural development programs. One of the causes of this problem is that LGUs are financially constrained to hire the needed agricultural development workers and provide them with the necessary support. It is also unfortunate that the Local Government Code of 1991 makes the agricultural positions in the city and the municipal levels optional and not mandatory. Moreover, the position of Provincial / City / Municipal Agricultural Engineer and Provincial Fishery Officer were not even created although these services are essential in accelerating agricultural modernization.

Furthermore, agricultural development workers in the government deserve appropriate position titles, adequate remuneration and other incentives to ensure the responsive and effective delivery of services to the agricultural and fisheries sector. The bill seeks to address these concerns. Its immediate passage is therefore earnestly requested.

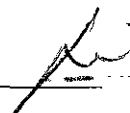

JINGGOY EJERCITO ESTRADA
Senator

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AN ACT
PROVIDING FOR A MAGNA CARTA OF AGRICULTURAL
DEVELOPMENT WORKERS

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

ARTICLE 1

SECTION 1. Title. - This Act shall be known as the "*Magna Carta of Agricultural Development Workers.*"

SEC. 2. Declaration of Policy. - It is hereby declared a policy of State to accelerate the development and modernization of Philippine agriculture and improve the economic and social well-being of agricultural development workers as well as their working conditions and employment status. The State shall likewise develop their skills, knowledge, orientation and capabilities so that they will more responsive and effective in providing the necessary services for countryside development.

SEC. 3. Definition of Terms. -

a. **Agricultural Development Workers-** shall mean all persons who are engaged in agricultural development activities, and all persons employed in the Department of Agriculture including its bureaus and attached agencies, Local Government Units (LGUs) and concerned government and private institutions, and shall include agriculturists, veterinarians, agricultural extension workers, agricultural technicians and operators, allied agricultural professionals, administrative and support personnel employed regardless of their employment status.

b. **Agriculturist** - shall refer to a person who is a graduate of a four year course in agriculture and related course performing any of the specialized activities such as agronomy, horticulture, animal husbandry, entomology, plant pathology, plant-breeding, agricultural economics, agricultural extension and marketing.

c. **Veterinarian** - shall refer to a person registered with the Professional Regulatory Commission performing professional activities on veterinary services such as disease prevention control, animal health care, etc

d. **Agricultural Engineer-** shall refer to a person registered with the Professional Regulatory Commission performing engineering activities in agriculture, particularly in area of farm power and machinery, irrigation and

drainage, soil and water conservation, agricultural buildings and infrastructure, agricultural processing and post harvest facilities.

e. **Aquaculturist** - shall refer to a person who is a graduate of a four year course in fishery and aquaculture and fishery and processing.

f. **Nutritionist** - shall refer to a person registered with the professional Regulation Commission performing activities related to dietary and proper nutrition.

g. **Agricultural Technician** - shall refer to a trained or skilled agricultural worker but not necessarily a college graduate, performing activities such as plant nursery propagator, plant breeder, farm mechanics, etc.

h. **Agricultural Extension Worker** - shall refer to an agriculturist, veterinarian, agricultural engineer, aquaculturist or home extensionist who helps farmers and fishermen in the promotion of agricultural and fishery development plan, programs and projects through the use of extension methodologies, concepts and principles.

i. **CSC** - refers to the Civil Service Commission.

j. **DOLE** - refers to the Department of Labor and Employment.

k. **NLRC** - refers to the National Labor Relations Commission.

l. **DA** - refers to the Department of Agriculture.

m. **LGU** - refers to the Local Government Unit.

ARTICLE II AGRICULTURAL SERVICES CAREER DEVELOPMENT

SEC. 4. Professionalization of Agricultural Services

The State shall support the development and professionalization of agricultural services by providing the necessary compensation and benefits to various agricultural development workers based on their duties, responsibilities and qualifications. For this purpose, the Civil Service Commission in coordination with the Department of Agriculture, Department of Interior and Local Government and the recognized national associations of agricultural development workers shall review the existing functions, responsibilities, position titles and qualifications of the agricultural development workers employed at the Department of Agriculture, Local Government Units and concerned government agencies, and match them with appropriate position titles and compensation: *Provided*, That the following benchmark position titles of and agricultural development workers with corresponding salary grades shall be used.

Position	Salary Grade
Agricultural Technician I	10
Agriculturist I	12
Aquaculturist I	12
Agricultural Engineer I	13
Nutritionist I	12

Veterinarian I	13
Agricultural Technologist	13
City Agricultural Engineer	24
City ,Veterinarian	24
City Agriculturist	24
City Fishery Officer	24
Municipal Agriculturist	24
Municipal Veterinarian	24
Municipal Agricultural Engineer	24
Municipal Fishery Officer	24
Provincial Agricultural Engineer	26
Provincial Agriculturist	26
Provincial veterinarian	26
Provincial Fisher Officer	26

SEC. 5. Mandatory Positions of Agricultural Development - The creation of the following positions is hereby made mandatory in addition to the prescribed positions under the Local Government Code of 1991:

Provincial Agricultural Engineer
 Provincial Agriculturist
 City Agriculturist
 City Agricultural Engineer
 City Veterinarian
 City Fishery and Aquacultural Officer
 Municipal Agriculturist
 Municipal Agricultural Engineer
 Municipal Veterinarian
 Municipal Fishery and Aquacultural Officer

Provided, that in the case of fourth (4th) class LGUs, financial subsidy shall be provided by the National Government for the personnel services needed in the hiring of the above mentioned mandatory positions: *Provided, further* That the funding requirement shall be incorporated in the subsequent annual appropriations of the Department of Agriculture.

SEC. 6. Recruitment and Qualifications.- The selection and appointment of agricultural development workers shall be in accordance with the merit and fitness principles: *Provided*, That he/she has the appropriate civil eligibility and/or professional license, educational qualification, skills and experiences.

SEC 7. 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, and in service training grants, job rotation and incentive awards system.

SEC. 8 Transfer or Geographical Reassignment of Agricultural Officers and Employees. - No transfer of geographical reassignment shall be made or effected without a written notice to the agricultural development workers concerned stating therein the reasons the reasons: *Provided*, That the said written notice shall be made thirty (30) days prior to the date of transfer or reassignment: *Provided, further*, That if the employees 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 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. Hours of Work shall include:

- a. the time the agricultural worker is required to be in active duty or to be at a prescribe workplace;
- b. the time which an agricultural worker is permitted to work;
- c. the time, which an agricultural worker is required to work in place than, prescribed workplace.

SEC. 9. Overtime Work. -Where the exigencies of the service so require, any agricultural development worker, whether in government or non- government service, may be required to render service beyond normal eight (8) hours a day, inclusive of Saturdays and Sundays and non- working holidays. In such, cases, the agricultural development worker shall be given additional compensation in accordance with existing laws on the matter.

SEC. 10. Training and Scholarship Program. - The Department of Agriculture through its scholarship committee and the Agricultural Training Institute shall undertake training and scholarship program for the agricultural development workers, which shall be given adequate budgetary support by the government.

SEC. 11. Married Agricultural Worker. - Whenever possible, the proper authorities shall take steps to enable married couples both of whom are public agricultural development workers, to be employed or assigned in the same municipality.

ARTICLE III INCENTIVES AND REWARDS SYSTEM

SEC. 12. Criteria for Incentives and Rewards. - The reward and incentives system for agricultural development workers provided under this Act, which will encourage them to stay in the service, promote their productivity and reward them for extraordinary performance, shall be given by the governed by the following criteria:

- a. Innovativeness and creativity resulting in productive activities;
- b. Actual performance and accomplishment of established targets;
- c. Extraordinary performance and exemplary quality of Achievements in agriculture, giving rise to new or innovative techniques and productive results;
- d. Quality of work and consistency of performance which is satisfactory for at least two (2) consecutive rating periods, and
- e. Risks faced by nature of work area or place of assignment.

SEC. 13. Forms of Incentives. - Incentive and rewards for agricultural development workers shall be in the form of, but not limited to, the following:

- a. **Honorarium** - form of remuneration for services rendered beyond the established workload of agricultural development workers whose broad and superior knowledge and expertise contribute to agricultural productivity and innovativeness;

b. **Incentive pay** - form of remuneration given to individuals whose services in management, administration, policy making and support contribute to the efficient and effective implementation of the agricultural and fishery programs of the government;

c. **Performance Bonus** - form of remuneration given to agricultural development workers for performance that exceeds established targets; and

d. Other incentives that the Department of Agriculture and Local Government may established.

SEC. 14. Other Compensation and Benefits. - All agricultural development workers shall be entitled to the following additional compensation and benefits:

a. **Representation Allowance and Traveling Allowance** - All Provincial / City / Municipal Agriculturists, Veterinarians, Agricultural Engineers, and Fishery Officers shall be entitled to Representation Allowance and Traveling Allowance (RATA) equivalent to the Department Heads of the Local Government Units.

b. **Hazard Allowance** - All agricultural development workers assigned in difficult areas, strife-torn or embattled areas, distressed or isolated stations, animal/plant/fisher breeding stations, plant nurseries, plantations and demonstration farms, laboratories specifically those handling x-ray, radioisotopes, chemicals, etc. , sea-bored patrols, construction and installation of agricultural infrastructure projects, and other areas declared under a state of calamity or emergency which exposes them to great danger, occupational risks of perils of life shall be compensated with hazard allowance equivalent to at least twenty percent (20%) of the monthly basic salary.

c. **Subsistence Allowance.** - All agricultural development workers who are required to a render services in the communities, institutions, animal and plant breeding 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 shall be entitled to full daily subsistence allowance of three (3) meats, which shall be computed in accordance with the prevailing circumstances.

d. **Longevity Pay** - A longevity pay equivalent to five percent (5%) of the monthly basic pay equivalent to five percent (5%) of the monthly basic pay shall be paid to an agricultural worker for every three (3) years of continuous efficient and meritorious services rendered.

e. **Clothing Allowance-** All agricultural development workers shall be entitled to a clothing allowance in accordance with the approved laws and regulations or as mandated by law.

f. **Housing-** All agricultural development workers who are on tour of duty and those who, because of unavoidable circumstances, are forced to stay in the institution or community with living quarters for free: *Provided*, that if such living quarters are not available; the workers shall housing allowance: *Provided, further*, That said allowance shall be reviewed periodically and adjusted for inflation.

g. **Compensation for injuries**- Agricultural development workers shall be protected against work- related injuries in accordance with the Labor Code as the case may be.

h. **On- Call Pay**- In cases of "on-call" status, the agricultural development worker shall be entitled to an On- Call" pay equivalent to fifty percent (50%) of higher regular wage. "On- Call" status refers to a condition When agricultural office or employee is called upon to respond to an urgent or immediate need or relief work during emergencies such that the agricultural worker cannot utilize his/her time for personal need: *Provided*, that no agricultural worker shall be placed in an "On-Call" Status beyond seven (7) days.

i. **Motor and Vehicle Loan** -All agricultural development workers shall be entitled to avail of the motor and vehicle loan of the Department of Agriculture. The government shall provide adequate budgetary support for this purpose.

ARTICLE IV MISCELLANEOUS PROVISIONS

SEC. 15. Right to Join an Organization - Agricultural development workers shall have the right to freely join organizations or unions for purposes not contrary to law, in order to protect their mutual interests and to seek redress of grievance through peaceful activities.

SEC 16. Freedom from interference or Coercion - It shall be unlawful for a person to commit any of the following acts of interference or coercion:

- a. to require a condition of employment that the agricultural development worker shall join an organization or union;
- b. to discriminate in order to encourage or discourage membership in any agricultural development workers organization or union;
- c. to prevent an agricultural development worker from carrying out his/her duties and functions in his/her organization or union or to penalize him/her for any lawful action performed in that capacity;
- d. to harass or intimidate an agricultural development worker or prevent him/her for performing duties and functions; and
- e. to perform acts that will dismiss the independence and freedom of the union or organization to direct its own affairs.

SEC. 17. Consultation - T he Department of Agriculture shall consult professional and agricultural workers organization or unions in formulating policies to govern the welfare and security of the agricultural development workers

SEC. 18. Human Resources Development - The government and non-government agencies shall conduct human resource development and management study in the following areas:

- a. Adequate facilities and resource to render quality agricultural service to the clientele;
- b. Opportunity for the agricultural development workers to grow and develop their potentials and develop a sense of self-worth and dignity in their work;

- c. Mechanism for democratic consultations
- d. Ways and means of giving rank-and-file agricultural development workers viable opportunities for education, personal growth and development; and
- e. staffing patterns and standards welfare to ensure that they receive quality care.

SEC. 19. Rules and Regulations. - The Secretary of the Department of Agriculture in consultation with DOLE, CSC, NLRC, and DILG and the national organizations of agricultural development workers shall formulate and prepare necessary rules and regulations in implementing the provisions of this Magna Carta.

SEC. 20. Monitoring and Implementation. - The Secretary of the Department of Agriculture shall create a Monitoring Committee, which shall monitor the implementation of the provision of this Act. The committee shall be composed of representatives of the DA, DILG, CSC and the recognized national associations of agricultural development workers: *Provided further*, that the Secretary of Agriculture shall submit semi-annual reports on the status on the implementation of this Act to the Committee of Agriculture and Food of the House of Representatives and the Senate.

SEC. 21. Penal Provisions.- Any person who shall willfully interfere with, restrain or coerce any agricultural development worker in the exercises of his/her rights or shall violate any of the provisions of this Act shall upon conviction, be punished by a fine if 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, shall impose the additional penalties of disqualification from office of such offending public official.

SEC. 22 Funding. - The amount necessary to carry out the provision of this Act shall be included in the General Appropriations Act of the year following its enactment into law and every year thereafter.

SEC. 23 Separability Clause. If any provision of this Act is declared unconstitutional or invalid, the other provision thereof shall not be affected thereby and shall continue to be in full force and effect.

SEC. 24. Repealing Clause. - All laws, decrees, orders, rules, and regulations or other issuances inconsistent with the provision of this Act are hereby repealed, amended or modified accordingly.

SEC. 25. Effectivity. -This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,