



HOUSE OF REPRESENTATIVES

H. No. 6883

BY REPRESENTATIVES DEFENSOR (A.), ESCUDERO, MITRA, MARAÑON, CHATTO, ALCALA, ARROYO (D.), ESTRELLA (R.), BRIONES, LABADLABAD, CHAVEZ, JALA, LAGDAMEO, LIMKAICHONG, TEVES, YAP, ZUBIRI, ARNAIZ, YU, ANTONINO, DIASNES, GATLABAYAN, LAPUS, PIÑOL, SY-ALVARADO, CHIPECO, GUINGONA, PADILLA, FERRER, ALVAREZ (A.), AQUINO, ARENAS, SALVACION, RODRIGUEZ, CODILLA, VILLANUEVA, MANGUDADATU, GONZALES (N.) AND DE GUZMAN, PER COMMITTEE REPORT NO 2418

AN ACT PROVIDING FOR A MAGNA CARTA OF AGRICULTURE AND FISHERY DEVELOPMENT WORKERS

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

1 SECTION 1. *Title.* – This Act shall be known as the “Magna Carta of
2 Agriculture and Fishery Development Workers”.

3 SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of
4 the State to accelerate the development and modernization of Philippine
5 agriculture and improve the economic and social well-being of agriculture and
6 fishery development workers as well as their working condition and
7 employment status. The State shall likewise develop their skills, knowledge,
8 orientation and capabilities so that they will become more responsive and
9 effective in providing the necessary services for countryside development.

1 SEC. 3. *Definition of Terms.* – As used in this Act, the following terms
2 shall be construed to mean as follows:

3 (a) *Agricultural engineer* shall refer to a person registered with the
4 Professional Regulation Commission (PRC) performing engineering activities
5 in agriculture, particularly on areas of farm power and machinery, irrigation
6 and drainage, soil and water conservation, agricultural buildings and
7 infrastructure, agricultural processing and post harvest facilities.

8 (b) *Agricultural extension worker* shall refer to an agriculturist,
9 veterinarian, agricultural engineer, aquaculturist, nutritionist or home
10 extensionist who helps farmers and fishermen in the promotion of agricultural
11 and fishery development plans, programs and projects through the use of
12 extension methodologies, concepts and principles.

13 (c) *Agricultural technician* shall refer to a trained or skilled
14 agricultural worker but not necessarily a college graduate, performing activities
15 such as plant nursery propagator, plant breeder and farm mechanic.

16 (d) *Agriculture and fishery development workers* shall refer to all
17 persons who are engaged in agriculture and fishery development activities and
18 all persons employed in the Department of Agriculture (DA) including its
19 bureaus and attached agencies, local government units (LGUs) and concerned
20 government institutions, and shall include aquaculturists, veterinarians,
21 agricultural engineers, agricultural extension workers, agricultural technicians
22 and operators, and allied agricultural professionals employed regardless of
23 their employment status. They are graduates of either agriculture, fisheries,
24 animal science, animal husbandry or any other related course from a
25 recognized college or university and are holders of appropriate civil service
26 eligibility or its equivalent.

27 (e) *Agriculturist* shall refer to a person who is a graduate of a
28 four (4)-year course in agriculture or any related course performing any of the
29 specialized activities such as agronomy, horticulture, animal husbandry,

1 entomology, plant pathology, plant breeding, agricultural economics,
2 agricultural extension and marketing.

3 (f) *Aquaculturist* shall refer to a person who is a graduate of a
4 four (4)-year course, either in fisheries and aquaculture, or fishery production
5 and processing.

6 (g) *Nutritionist* shall refer to a person registered with the PRC
7 performing activities related to dietary and proper nutrition.

8 (h) *Veterinarian* shall refer to a person registered with the PRC
9 performing professional activities in line with the practice of veterinary
10 medicine such as animal health, disease prevention and control.

11 SEC. 4. *Coverage.* – This Act shall cover all eligible agriculture and
12 fishery development workers, agricultural practitioners in government and all
13 those promoted/appointed as provincial/municipal/city agriculturist and as
14 department heads of the LGUs under Republic Act No. 7160, otherwise known
15 as the Local Government Code of 1991: *Provided,* That the Civil Service
16 Commission (CSC), as the case may be, develops and administers specialized
17 examination for purposes of providing appropriate eligibilities to positions.

18 SEC. 5. *Recruitment and Qualifications.* – The position of municipal
19 or city agriculturist shall be mandatory in LGUs which are predominantly
20 adaptable or engaged in agriculture as determined by the LGU concerned. In
21 areas more adaptable to commercial/industrial purposes, the creation of said
22 positions shall be subject to the approval of the sanggunian concerned. The
23 selection and appointment of agricultural officers/employees shall be in
24 accordance with the merit and fitness principle: *Provided,* That he/she is an
25 eligible agriculture/fishery officer and/or employee.

26 SEC. 6. *Transfer or Geographical Reassignment of Agriculture and*
27 *Fishery Development Workers.* – Except in the interest of public service, no
28 transfer or geographical reassignment shall be made or effected without a
29 written notice to the agriculture and fishery development workers concerned

1 stating therein the reasons for such: *Provided*, That said written notice shall be
2 made thirty (30) days prior to the date of transfer or reassignment: *Provided*,
3 *further*, That if the agriculture and fishery development worker concerned
4 believes that there is no justification for the transfer and/or reassignment, one
5 may appeal one's case to the CSC, which shall cause one's reassignment to be
6 automatically held in abeyance until it rules on the matter: *Provided*,
7 *furthermore*, That, transfer or reassignment coinciding with any local or
8 national election shall be made in compliance with the Election Code and other
9 existing laws and rules: *Provided, finally*, That the necessary expenses for the
10 relocation and/or reassignment of the agriculture and fishery development
11 worker or employee and one's immediate family shall be paid for by the
12 government.

13 SEC. 7. *Safeguards in Administrative Proceedings*. – In every
14 administrative proceeding, an agriculture and fishery development worker shall
15 have:

- 16 (a) The right to be informed of the charges in writing;
- 17 (b) The right to full access to the evidence in the case;
- 18 (c) The right to defend himself/herself or to be defended by a counsel
19 of his/her choice;
- 20 (d) The right to be given adequate time to prepare his/her defense,
21 which shall in no case exceed twenty (20) days;
- 22 (e) The right to appeal to designated authorities;
- 23 (f) The right to confront witnesses presented against him/her and
24 summon witnesses in his/her behalf;
- 25 (g) The right to reimbursement of reasonable expenses incurred in
26 his/her defense in case of exoneration or dismissal of the charges; and
- 27 (h) Such other rights provided by other national agencies and LGUs to
28 its respective officers and employees so as to ensure fairness and impartiality
29 in the proceedings.

1 SEC. 8. *Code of Conduct.* – All agriculture and fishery development
2 workers must be guided by a code of ethics not contrary to law, moral
3 standards, safety, health, public policy and public order. The code of conduct
4 of agriculture and fishery development workers shall be prepared by the
5 Secretary of Agriculture, in consultation with the league of cities/municipalities
6 and the CSC, and shall be issued ninety (90) days after the effectivity of this
7 Act.

8 SEC. 9. *Normal Hours of Work.* – The normal hours of work of any
9 agriculture and fishery development worker shall not exceed eight (8) hours a
10 day or forty (40) hours a week. Hours of work shall include:

11 (a) The time during which the agriculture and fishery development
12 worker is required to be on active duty or to be at a prescribed workplace; and

13 (b) The time during which an agriculture and fishery development
14 worker is required to work in a place other than the prescribed workplace.

15 SEC. 10. *Overtime Work.* – Where the exigencies of the service so
16 require, any agriculture and fishery development worker may be required to
17 render service beyond the normal eight (8) hours a day, inclusive of Saturdays,
18 Sundays and nonworking holidays. In such case, the agriculture and fishery
19 development worker shall be given an additional compensation in accordance
20 with existing laws.

21 SEC. 11. *Married Agriculture and Fishery Development Worker.* –
22 Whenever possible, the proper authorities shall take steps to enable married
23 couples, both of whom are public workers, to be employed or assigned in the
24 same city/municipality.

25 SEC. 12. *Basic Compensation.* – The provisions of Joint Resolution
26 No. 4, series of 2009, entitled, “Joint Resolution Authorizing the President of
27 the Philippines to Modify the Compensation and Position Classification
28 System of Civilian Personnel and the Base Pay Schedule of Military and

1 Uniformed Personnel in the Government, and for Other Purposes”, shall apply
2 in determining the salaries of agriculture and fishery development workers.

3 SEC. 13. *Other Benefits.* – All agriculture and fishery development
4 workers shall be entitled to merit and other personnel and career development
5 programs, hazard pay, clothing allowance and other privileges and benefits
6 subject to the pertinent provisions of Joint Resolution No. 4, series of 2009.

7 SEC. 14. *Retirement Benefits.* – All agriculture and fishery
8 development workers shall be entitled to terminal pay: *Provided, however,*
9 That the number of years rendered by the devolved personnel in the national
10 level shall be paid by the DA upon retirement including the corresponding
11 accrued leave credits, while the services rendered to the LGUs shall be paid by
12 the LGU concerned.

13 SEC. 15. *Housing.* – All agriculture and fishery development workers
14 who are on tour of duty and those who, because of unavoidable circumstances
15 are forced to stay in the regional/field office/agency, community, etc., shall be
16 entitled to free living quarters within the regional/field office/agency. If such
17 quarters are not available, they shall be entitled to housing allowance as may
18 be determined by the appropriate government agencies concerned: *Provided,*
19 That the rate shall be periodically adjusted for inflation.

20 SEC. 16. *Compensation from Injuries.* – Agriculture and fishery
21 development workers shall be protected against work-related injuries in
22 accordance with the Civil Service Law. Injuries incurred while doing overtime
23 work shall be presumed work-connected.

24 SEC. 17. *Right to Join Organizations.* – Agriculture and fishery
25 development workers shall have the right to freely join any organization or
26 union for purposes not contrary to law, in order to defend and protect their
27 mutual interest and to obtain redress of grievances through peaceful concerted
28 activities: *Provided,* That under no circumstance shall government agriculture

1 and fishery development workers join, declare, stage, form any strike or
2 cessation of services.

3 SEC. 18. *Freedom from Interference of Coercion.* – It shall be
4 unlawful for any person to commit any of the following acts of interference or
5 coercion:

6 (a) To require as condition for employment that the agriculture and
7 fishery development worker shall not join an agricultural organization or
8 union;

9 (b) To discriminate in order to encourage or discourage membership in
10 any agriculture and fishery development workers' organization or union;

11 (c) To prevent an agriculture and fishery development worker from
12 carrying out one's duties and functions in the agricultural work organization or
13 union or to penalize him/her for any lawful action performed in that capacity;

14 (d) To harass and interfere with the intention of intimidating or
15 preventing the agriculture and fishery development worker from performing
16 his/her duties and functions; and

17 (e) To perform acts calculated to diminish the independence and
18 freedom of the union or organization to direct its own affairs.

19 SEC. 19. *Consultation.* – The DA shall consult professional and
20 agricultural work organizations or unions in formulating policies to govern the
21 welfare and security of agriculture and fishery development workers.

22 SEC. 20. *Human Resource Development.* – The DA shall conduct
23 human resource development and management studies and make
24 recommendations for appropriate action by the concerned LGU in
25 collaboration with the Department in the following areas:

26 (a) Development and maintenance of adequate facilities and resources
27 to enable agriculture and fishery development workers to render effective
28 services to clientele;

1 (b) Creation of opportunities for agriculture and fishery development
2 workers to grow and develop their potentials and to experience a sense of
3 worth and dignity in their work;

4 (c) Development and continuing improvement of mechanisms for
5 democratic consultation;

6 (d) Ways and means of enabling rank-and-file agriculture and fishery
7 development workers to attain viable education opportunities for personal
8 growth and development; and

9 (e) Constant review and implementation of staffing patterns and
10 qualification standards for agriculture and fishery development workers to
11 ensure that farmers and fisherfolks receive quality services.

12 SEC. 21. *Rules and Regulations.* – Pursuant to Joint Resolution
13 No. 4, the Department of Budget and Management (DBM) is authorized to
14 issue the necessary guidelines, rules and regulations on the grant of Magna
15 Carta benefits authorized for agriculture and fishery development workers to
16 determine those that may be categorized in the total compensation framework.

17 SEC. 22. *Penal Provisions.* – Any person who shall willfully
18 interfere with, restrain or coerce any agriculture and fishery development
19 worker in the exercise of one's right or shall in any matter commit any act in
20 violation of any of the provisions of this Act shall, upon conviction, be
21 punished by a fine of not less than Twenty thousand pesos (P20,000.00) but
22 not more than Forty thousand pesos (P40,000.00) or imprisonment of not more
23 than one (1) year, or both, at the discretion of the court. If the offender is a
24 public official, the court, in addition to the penalties provided in this
25 paragraph, may impose the additional penalty of disqualification from office.

26 SEC. 23. *Funding.* – The amount necessary to carry out the provisions
27 of this Act shall be included in the General Appropriations Act of the year
28 following its enactment into law and every year thereafter.

1 SEC. 24. *Separability Clause.* – If any provision of this Act is
2 declared unconstitutional or invalid, the other provisions thereof not affected
3 thereby shall continue to be in full force and effect.

4 SEC. 25. *Repealing Clause.* – All laws, decrees, orders, rules and
5 regulations or issuances inconsistent with the provisions of this Act are hereby
6 repealed, amended or modified accordingly.

7 SEC. 26. *Effectivity.* – This Act shall take effect fifteen (15) days
8 after its publication in the *Official Gazette* or in a newspaper of general
9 circulation.

 Approved,

○