Republic of the Philippines
HOUSE OF THE REPRESENTATIVES
Quezon City
EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 869

Introduced by: REPRESENTATIVE CONRADO M. ESTRELLA III

AN ACT AMENDING CERTAIN SECTIONS OF RA 10068 OR THE ORGANIC AGRICULTURE ACT OF 2010

EXPLANATORY NOTE

The Philippines is blessed and known to be a fertile agricultural ground more especially because of the ideal interplay of sunlight, rainfall and temperature that often defines a successful agricultural yield.

The country, however, is not exempted from the rapid changes brought about by modernization which is gradually overarching to almost all its entirety including our prized field of Agriculture. These changes have introduced new developments in almost all the facets of farming – principles, methods and equipment – to the point that the upshots are too overwhelming and disadvantageous and, thus, creating long-term negative impacts on the environment and to the country’s food security.

This piece of legislation, therefore, aims to realign back our existing Organic Agriculture Act with its primordial purpose of promoting the country’s food security and sufficiency through Organic Agriculture/Farming while promoting the restoration and preservation of our environment.

Impressively, Organic Farming, in contrast to its modern match, is a three-pronged mechanism. First, it can largely bring about environmental restoration by eliminating hazards from and issues caused by the use of chemicals and pesticides and, at the same time, environmental refurbishment by building healthy soils. Secondly, Organic Farming can help the State address the constitutional mandate requiring it to ensure the availability of adequate, safe and nutritious food for the people through the use of natural and farm-based resources. And lastly, Organic Farming is a low-cost but efficient alternative way of farming. Thus, this shall provide a feasible solution to problems besetting our smallholder farmers such as their lack of financial and technical capacities and the insufficiency of supply of organic inputs or fertilizers. Therefore, should organic farming be put into place, through this legislation, it is so likely that smallholder farmers and related private sectors shall be more encouraged to participate in bringing Philippine Farming at its best.

This legislation, therefore, strongly seeks to promote, propagate and develop further ORGANIC FARMING and other sustainable agricultural practices that may thrive in this very challenging time of modernization and technology.

Thus, the approval of this bill is urgently requested.

CONRADO M. ESTRELLA III
AN ACT AMENDING CERTAIN SECTIONS OF RA 10068 OR THE ORGANIC AGRICULTURE ACT OF 2010.

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

Section 1. Section 2 on Declaration of Policy is hereby amended to read as follows:

It is hereby declared the policy of the State to promote, propagate, develop further and implement the practice of ORGANIC FARMING AND OTHER SUSTAINABLE AGRICULTURE PRACTICES in the Philippines that will cumulatively condition and enrich the fertility of the soil, increase farm productivity AND FARMERS’ INCOMES, reduce pollution and destruction of the environment, prevent the depletion of natural resources, further protect the health of farmers, consumers, and the general public, (AND) save on imported farm inputs AND PROMOTE FOOD SELF SUFFICIENCY. Towards this end, a comprehensive program for the promotion of community-based organic agriculture systems, which include, among others, farmer-produced purely organic fertilizers such as compost, (pesticides) BIO-PESTICIDES and other farm inputs, together with a nationwide educational and promotional campaign for their use and processing.

LIKewise, A NATIONWIDE EDUCATIONAL AND AWARENESS CAMPAIGN AMONG CONSUMERS ON THE BENEFITS OF CONSUMING ORGANIC PRODUCTS TO BOOST LOCAL PRODUCTION OF ORGANIC FOOD AND NON-FOOD PRODUCTS, as well as adoption of organic agriculture system as a viable alternative shall be undertaken.

The State recognizes and supports the central role of the farmers, indigenous people and other stakeholders at the grassroots in this program.

Section 2. Section 3 on Definition of Terms is hereby amended to read as follows:

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(0) PARTICIPATORY GUARANTEE SYSTEMS (PGS) ARE LOCALLY FOCUSED QUALITY ASSURANCE SYSTEMS THAT ARE ACTUALLY PRACTICING ORGANIC AGRICULTURE, THEY CERTIFY PRODUCERS BASED ON ACTIVE PARTICIPATION OF PRODUCERS AND FARMERS ACTUALLY PRACTICING ORGANIC AGRICULTURE, AND ARE BUILT ON A FOUNDATION OF TRUST, SOCIAL
NETWORKS AND KNOWLEDGE EXCHANGE.

(P) SMALL FARMERS ARE DEFINED AS THOSE CULTIVATING NOT MORE THAN FIVE (5) HECTARES OF LAND AND/OR ARE ENGAGED AS SMALL POULTRY/LIVESTOCK RAISERS DEFINED AS THOSE RAISING NOT MORE THAN THE FOLLOWING:

- POULTRY – 1,000 POULTRY LAYERS OR 5,000 BROILERS
- SWINE – 10 SOW LEVEL OR 20 FATTENERS
- CATTLE – 10 FATTENERS OR 5 BREEDERS
- DAIRY – 10 MILKING COWS
- GOAT – 50 HEADS

(Q) AGRIBUSINESS REFERS TO AGRICULTURE-RELATED ACTIVITIES THAT PUT FARMERS, PROCESSORS, DISTRIBUTORS AND CONSUMERS WITHIN A SYSTEM THAT PRODUCES, PROCESSES, TRANSPORTS, MARKETS AND DISTRIBUTES AGRICULTURAL PRODUCTS.

Section 3. Section 4 on Coverage is hereby amended to read as follows:

Coverage. - The provisions of this Act shall apply to the development and promotion of organic agriculture and shall include, but not limited to, the following:

(c) Promotion and encouragement of the establishment of facilities, equipment and processing plants that would accelerate the production and commercialization of organic fertilizers, (pesticides) BIO-PESTICIDES, (herbicides) BIO-HERBICIDES (and other commercialization of organic fertilizers, pesticides, herbicides) and other appropriate farm inputs; and

(d) Implementation of organic agricultural programs, projects and activities, including the provision and delivery of support services with focus on the farmers, PRIORITIZING SMALL FARMERS AND THEIR ORGANIZATIONS and other stakeholders.

Section 4. Section 7 on the Composition of the NOAB is hereby amended to read as follows:

The NOAB shall consist of:

(a) The Secretary of Agriculture, or his duly authorized permanent representative, with a rank of Undersecretary, as Chairperson;

(j) A representative each from the NGOs involved in sustainable agriculture for at least three (3) years; agricultural colleges and universities; and private sector or agribusiness firms INVOLVED OR PRACTICING IN ORGANIC AGRICULTURE FOR THE LAST THREE YEARS; as members.

(K) TWO REPRESENTATIVES OF THE NATIONAL PGS FORMED TO BE CHOSEN AMONGST THEMSELVES.

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The representatives of small farmers and NGOs and of agricultural colleges and universities shall be chosen by the Secretaries of Agriculture and Science and Technology, respectively, from among nominees submitted by their respective national organizations. These representatives must represent farmers organizations nationwide, actually and actively practicing, promoting organic and other sustainable agriculture practices, conversant in organic agriculture and committed to the policies and programs provided under this Act. The three seats given to small farmers shall be chosen from the livestock and crop sectors, which will have one (1) and two (2) seats respectively.

Section 5. Section 8 on Organization of the NOAB is hereby amended to read as follows:

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The Chairperson shall call the members of the NOAB, or a majority thereof if not all have been designated, to a meeting to organize themselves and prescribe its rules and procedure for the attainment of this Act. A majority of all the members of the NOAB shall constitute a quorum. The members of the NOAB shall meet at least once every quarter after its organization.

Section 6. Section 10 on Bureau of Agriculture and Fisheries Product Standards (BAFPS) of the DA is hereby amended to read as follows:

The BAFPS of the DA shall be strengthened and empowered in terms of establishing functional divisions and incremental staffing to serve as the national technical and administrative secretariat of the NOAB with the member agencies providing additional staff support as the need arises. The BAFPS, acting as the secretariat of the NOAB, will coordinate the implementation of national organic agriculture program promulgated by the NOAB. It will be the primary administrator of the program and responsible to maintain a database and showroom of all available organic products and technologies in the market, which can be accessed readily by the public.

Section 7. A new provision on Participatory Guarantee Systems is hereby inserted after Section 10, The Bureau of Agriculture and Fisheries Product Standards (BAFPS) of the DA:

SECTION 11. A PARTICIPATORY GUARANTEE SYSTEMS. PARTICIPATORY ORGANIC CERTIFICATIONS FROM ASSOCIATIONS OR GROUPS, WHO ARE ACTUALLY PRACTICING ORGANIC AGRICULTURE, ORGANIZED FOR THIS PURPOSE WILL BE PROMOTED AND ACCEPTED. PRODUCTS CERTIFIED BY THESE GROUPS CAN ONLY BE TRADED IN THE DOMESTIC MARKET.

AN ASSOCIATION OR GROUP UNDER THE PGS MUST ADHERE TO PHILIPPINE NATIONAL STANDARD FOR ORGANIC AGRICULTURE AND THE FOLLOWING BASIC ELEMENTS AS DESCRIBED BY THE INTERNATIONAL FEDERATION OF ORGANIC AGRICULTURAL MOVEMENT (IFOAM):

1. SHARED VISION
2. PARTICIPATORY
3. TRANSPARENCY
4. TRUST – INTEGRITY BASED APPROACH
5. LEARNING PROCESS
6. HORIZONTALITY

LIKEWISE, ASSOCIATIONS OR GROUPS UNDER THE PGS MUST ADOPT THE FOLLOWING FEATURES:

i. NORMS CONCEIVED BY THE STAKEHOLDERS THROUGH A DEMOCRATIC AND PARTICIPATORY PROCESS, BUT ALWAYS IN ACCORDANCE WITH THE COMMONLY UNDERSTOOD SENSE OF WHAT CONSTITUTES AN ORGANIC PRODUCT. THE NORMS SHOULD STIMULATE CREATIVITY, WHICH IS A CHARACTERISTIC OF ORGANIC FARMERS, INSTEAD OF INHIBIT IT;

ii. GRASSROOTS ORGANIZATION: THE PARTICIPATORY CERTIFICATION SHOULD BE PERCEIVED AS A RESULT OF A SOCIAL DYNAMIC, BASED ON AN ACTIVE ORGANIZATION OF ALL STAKEHOLDERS.

iii. IS APPROPRIATE TO SMALLHOLDER AGRICULTURE, BECAUSE THE PARTICIPATORY NATURE AND HORIZONTAL STRUCTURE OF THE PROGRAMS ALLOWS FOR MORE APPROPRIATE AND LESS COSTLY MECHANISMS OF CERTIFICATION AND ACTUALLY HIGHLIGHTS AND CELEBRATES AND ENCOURAGES CONSUMERS TO SEEK OUT SMALLHOLDERS;

iv. PRINCIPLES AND VALUES THAT ENHANCE THE LIVELIHOODS AND WELL BEING OF FARMING FAMILIES AND PROMOTE ORGANIC AGRICULTURE.

v. DOCUMENTED MANAGEMENT SYSTEMS AND PROCEDURES – THERE MAY BE MINIMAL PAPERWORK REQUIRED OF FARMERS BUT THERE WILL BE WAYS IN WHICH THEY ARE EXPECTED TO DEMONSTRATE THEIR ORGANIC COMMITMENT AND INTEGRITY. THESE WAYS SHOULD BE DOCUMENTED BY THE PGS.

vi. PROVIDE MECHANISMS TO VERIFY FARMER’S COMPLIANCE TO THE ESTABLISHED NORMS, WHICH IS ABLE TO STIMULATE PARTICIPATION, ORGANIZATION, AND WHICH ALLOW A LEARNING PROCESS FOR ALL THE STAKEHOLDERS.

vii. PROVIDE MECHANISMS FOR SUPPORTING FARMERS TO PRODUCE ORGANIC PRODUCTS AND BE CERTIFIED AS ORGANIC FARMERS, TO INCLUDE FIELD ADVISORS, NEWSLETTERS, FARM VISITS, WEB SITES ETC.

viii. SHOULD HAVE A BOTTOM-LINE DOCUMENT, FOR EXAMPLE A FARMER’S PLEDGE STATING HIS/HER AGREEMENT WITH THE ESTABLISHED NORMS.

ix. INTRODUCE SEALS OR LABELS PROVIDING EVIDENCE OF ORGANIC STATUS.

x. DEFINE A CLEAR AND PREVIOUSLY DEFINED CONSEQUENCES FOR FARMERS NOT COMPLYING WITH STANDARDS, ACTIONS RECORDED IN A DATA BASE OR MADE PUBLIC IN SOME WAY.

B. REGISTRATION. A PGS SHALL BE REGISTERED BEFORE THE BAFPS ONLY IF
IT HAS AT LEAST 5 MEMBERS COMING FROM DIFFERENT FARMS IN THE LOCALITY WHO ARE ACTUALLY PRACTICING ORGANIC AGRICULTURE.

ITS REGISTRATION SHALL BE RENEWED EVERY THREE YEARS. BAFPS SHALL APPROVE OR DENY THE REGISTRATION CERTIFICATE WITHIN 15 DAYS OF ANY APPLICATION SUBMITTED BY ANY PGS. THE BAFPS SHALL NOT CHARGE ANY REGISTRATION OR APPLICATION FEES.

A PGS MAY BEGIN TO OPERATE ONCE IT IS RECOGNIZED BY THE SANGGUNIAN PANGRAYAN OR PANGLUNGSOD.

C. ORGANIZATIONAL LEVELS.

1. Core Group. Every PGS should at least have 4 farmers from a combination of either crops and/or livestock sectors or both that live in the same municipality or city that regularly interact with each other. 1 member of the academe or from the department of education (gradeschool or highschool professor teaching technology and livelihood education) and the LGU agriculturist/veterinarian as an independent member. The LGU agriculturist/veterinarian is installed as a member to make sure every PGS is practicing the proper organic standards. Each core group will have the following duties and responsibilities:

   i. DEVELOP AN UNDERSTANDING OF THE ORGANIC STANDARDS;
   ii. MAKE SURE FARM PRACTICES ARE COMPLIANT;
   iii. MAKE A PLEDGE THAT THEY UNDERSTAND AND ADHERE TO THE ORGANIC STANDARDS;
   iv. PARTICIPATE IN APPRAISALS/INSPECTIONS OF MEMBER FARMS. AT LEAST A MAJORITY OF THE MEMBERS OF THE CORE GROUP SHOULD BE PRESENT TO SIGN OFF ON EACH APPRAISAL;
   v. INITIATE KEY FIELD TRAININGS TO MEMBER FARMERS AND RESIDENTS IN THEIR LOCALITY TO PROMOTE ORGANIC AGRICULTURE;
   vi. ATTEND PROVINCIAL PGS MEETINGS, SHARE INFORMATION AND IMPROVE THE CAPACITY OF THE GROUP OF THE WHOLE;
   vii. RECOMMEND WHICH FARMS WILL BE CERTIFIED;
   viii. TAKE ACTIONS ON DEFAULTS/NON-COMPLIANCE AS PER SANCTION GUIDELINES TO BE PROVIDED BY THE BAFPS AND PROVINCIAL PGS; AND
   ix. ASSIST DEFAULTING AND NON-COMPLIANT MEMBERS TO REGAIN CERTIFICATION STATUS.

2. Provincial PGS. This can be formed by the provincial local government or by the different core groups that will recognize, promote organic agriculture and implement training programs to its members.

3. National PGS. A national PGS should be composed of an unlimited
NUMBER OF PROVINCIAL PGS, NGOS, CONSUMER GROUPS, AND A REPRESENTATIVE FROM THE DEPARTMENT OF AGRICULTURE, WHICH WILL COORDINATE NATIONAL TRAINING PROGRAMS / WORKSHOPS; ACCREDIT PROVINCIAL PGS; MAINTAIN DATABASE OF ORGANIC PRACTITIONERS AND FARMS; AND COORDINATE NATIONAL LEVEL EDUCATION, OUTREACH AND MARKETING ABOUT ORGANIC AGRICULTURE.

D. PROMOTION. THE BAFPS SHALL ACTIVELY PROMOTE AND FIND ASSOCIATIONS OR GROUPS WHO PRACTICE ORGANIC AGRICULTURE TO BE REGISTERED AS PGS AS DEFINED IN THIS LAW. THE BAFPS SHALL MAKE SURE THAT EACH PROVINCE IN THE COUNTRY HAS A PGS. EVERY PGS SHALL TRAIN AND PROMOTE ORGANIC AGRICULTURE IN THEIR SPECIFIC LOCALITIES TO STRENGTHEN AND BOOST THE NUMBER OF ORGANIC FARMS BY AT LEAST 1% ANNUALLY PER PROVINCE MEASURED BY AREA CULTIVATED.

E. TRAINING AND INSPECTION. THE BAFPS IS MANDATED TO TRAIN AND CONDUCT RANDOM INSPECTIONS TO MAKE SURE ALL PGS’ FORMED ARE COMPLIANT WITH THE PHILIPPINE NATIONAL STANDARDS ON ORGANIC AGRICULTURE. BAFPS SHALL KEEP A RECORD OF COMPLIANT PGS’ IN THE COUNTRY AND SHALL PUBLISH SUCH LIST AT LEAST ONCE A YEAR.

F. INCENTIVES. ANY ORGANIC AGRICULTURE ENTITY / FARMER AND ORGANIC INPUT PRODUCER CERTIFIED TO BE COMPLIANT FOR A PERIOD OF 5 YEARS BY A REGISTERED PG WOULD BE ELIGIBLE FOR A FULL GOVERNMENT SUBSIDY OF THE COST FOR AN INTERNATIONAL CERTIFICATION ACCREDITATION PER SCOPED.

G. PENALTIES. ANY PGS FOUND TO HAVE ISSUED A CERTIFICATION TO A FARM OR PRODUCER FOUND TO BE NOT IN COMPLIANT WITH ANY OF THE PHILIPPINE NATIONAL STANDARDS ON ORGANIC AGRICULTURE SHALL BE PENALIZED AS FOLLOWS:

1. FIRST OFFENSE, WRITTEN WARNING.
2. SECOND OFFENSE, SUSPENSION OF ACCREDITATION.

SECTION (14) 12. Functions, Duties and Responsibilities of the BAFPS. xxx
SECTION (12) 13. Work Plan. xxx
SECTION (13) 14. Organic Agriculture and Protection of the Environment. xxx
SECTION (14) 15. Local Executive Committees. xxx
SECTION (15) 16. Accreditation of Organic Certifying Body. xxx

Section 8. Section 16 on the Registration of Organic Food and Organic Input Producers is hereby amended to read as follows.

Section (16) 17. All organic food and input establishments must register with the director, BAFPS, registration under this section shall begin within ninety (90) days of the enactment of this Act. Each such registration shall be submitted to director through an electronic portal and shall contain such information as the director by guidance may determine to be appropriate. Such registration shall contain the following information:

(a) The name, address and emergency contact information of each organic food or
Section 9. Section 17 on the Labeling of Organic Produce is hereby amended to read as follows:

Section (47) 18. Labeling of Organic Produce. - The label of organic produce shall contain the name, logo or seal of the organic certifying body and the accreditation number issued by the BAFPS. (Only third party certification is allowed to be labeled as organically produced.) THE ORGANIC LABEL SHALL ALSO INCLUDE THE TRADE NAME AND ORIGIN ADDRESS OF THE PRODUCE.

PRODUCTS FROM THIRD-PARTY CERTIFIED AND GUARANTEED ORGANIC PRODUCTION SYSTEMS, INCLUDING PGS SHALL BE ALLOWED TO BE LABELLED AND SOLD AS ORGANIC.

ALL OTHER PRODUCTS, NON-CERTIFIED PRODUCTS AND FIRST-PARTY CERTIFIED PRODUCTS, SHALL BE PROHIBITED FROM BEING LABELLED AS ORGANIC.

Section 10. Section 19 on Availability of Trading Post for Organic Inputs is hereby amended to read as follows:

Section (49) 20. Availability of Trading Post for Organic Inputs. - Local chief executives shall establish, as far as practicable, at least one (1) trading post for organic inputs for every LGU in the area of jurisdiction. THE AREA SHOULD BE IN AN AREA STRATEGICALLY LOCATED I.E., AT THE PUBLIC MARKET AREA, CENTERS OF TRADING AND LOCAL BUSINESS ACTIVITIES.

Section 11. Separability Clause. If any provisions of this Act is declared invalid or unconstitutional, the other provisions not affected thereby shall remain in full force and effect.

Section 12. Repealing Clause. - All laws, presidential decrees, executive orders, presidential
proclamations, rules and regulations or parts thereof contrary to or inconsistent with this Act are hereby repealed or modified accordingly.

Section 13. Effectivity. - This Act shall take effect fifteen (15) days following its publication in at least two (2) newspapers of general circulation or in the Official Gazette, whichever comes first.

Approved.