Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 2004

Introduced by **Honorable EULOGIO "LEO" R. RODRIGUEZ**

EXPLANATORY NOTE

The State recognizes the hard-pressed life and sacrifices made by the subsistence farmers and fisherfolk who continue to thrive, persevere to improve quality of life, and toil each working day in order to make both ends meet, secure a better tomorrow without worries of the basic human needs.

While the pauper status of subsistence farmers and fisherfolk is common knowledge today, the State cannot anymore turn a blind eye to the hardships carried by these classes of workers, and let alone allow them to suffer in retirement. Hence, the State aims to uplift this predicament with the establishment of a retirement benefit system, and making appropriations therefor.

The farmers and the fisherfolk for so long look forward to the enactment of this proposed law, and pray for its full implementation. This act of supporting the subsistence farmers and the fisherfolk in their retirement is a means to deliver social justice for the relief of the retired subsistence farmers and fisherfolk.

The importance of Social Justice is embodied in Article XIII, Section 1 of the 1987 Constitution which states that "*The Congress shall give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good.*"

Through the proposed law, the existence of social justice would be solidified further as the humanization of laws and the equalization of social and economic forces by the state so that justice in its rational and objectively secular conception may at least be approximated.

For the subsistence farmers and fisherfolk of the Philippines, the passage of the proposed law is earnestly being sought.

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AN ACT CREATING FOR THE RETIREMENT BENEFITS FOR SUBSISTENCE FARMERS AND FISHERFOLK, AND APPROPRIATING THE FUNDS

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

Section 1. *Short Title.* – This Act shall be known as the "Subsistence Farmer and Fisherfolk Retirement Act"

Section 2. *Definition of Terms.* - As used in this Code, the following terms and phrases shall mean as follows:

(1) Farmer – a person whose occupation is to tilt, toil, graze, raise, plant, water, fertilize, manage, propagate, burn, recycle, prepare and accustom the land, pond or any territory for purposes of growing plants and animals, harvesting thereof, and earning from the said aforementioned acts or in relation thereof, and such earnings thereof is capable of pecuniary estimation. This encompasses fish farming (pond farming), ranch, growing of livestock for human consumption, hydroponic planting, among others, and excludes virtual and intangible accumulation of assets, and those matters in relation to shares of stocks or shares and other financial instruments whether or not trading to a registered exchange.
(2) Fisherfolk – a person who catches fish for a living or for sport.
(3) Subsistence farmers – farmers that utilize nearly all of the crops or livestock raised to maintain the farmer and the farmer's family, leaving little, if any, surplus for sale or trade.
(4) Subsistence fisherfolk – fisherfolk that utilize all catches of fish, sea products and related goods to maintain the fisherfolk and the fisherfolk's family, leaving little, if any, surplus for sale or trade.

Section 3. *Coverage and conditions.* – This Act shall apply only to the following subsistence farmers and fisherfolk with all of the following applicable conditions:

a. Who are at least sixty (60) years old;
b. Duly Registered with the Department of Agriculture as a subsistence farmer or subsistence fisherfolk;
c. Farmers who own no farmlands;
d. Fisherfolk who own no more than one (1) banca;
e. Practices no other profession;
f. Not gainfully employed with any employer;
g. Not an awardee of any agrarian reform lands;
h. Not a recipient of any government annuity, grant or endowment at the time of claiming of the retirement, death or survivorship benefits;
i. Must submit at least ten (10) sworn statement or affidavits of neighbors within the same barangay stating that the applicant for the retirement, death or survivorship benefits is in fact a bona fide subsistence farmer or subsistence fisherfolk;
j. Must have been registered and actual farmer or fisherfolk for at least fifteen (15) years, provided that owners or operators of farmlots who are not actually involved in the land preparation, planting, tilling or harvesting shall not be illegible; and
k. Not a member of any Ancestral Tribe, terrorist group, rebellious organization, and should not have any pending criminal or administrative cases at the time of claiming of the benefits.

Section 4. *Retirement Benefits.* – The qualified subsistence farmer or subsistence fisherfolk shall be entitled to a monthly pension of Php 5,000.00 starting from the time of approval of the application for retirement. This amount shall be adjusted for every five (5) years pursuant to the recommendation of the National Economic Development Authority (NEDA) and must be approved by the President.

Section 5. *Death Benefits.* – A qualified subsistence farmer or subsistence fisherfolk shall be entitled to Php 10,000.00 death benefits to be received by the heirs. This amount shall be adjusted for every five (5) years pursuant to the recommendation of the National Economic Development Authority (NEDA) and must be approved by the President. This death benefit can be availed of the registered subsistence farmer or subsistence fisherfolk even before reaching the age of sixty (60) years old.

Section 6. *Gender Equality and Sensitivity.* – This Act is not only limited to male subsistence farmer or subsistence fisherfolk. The female gender who qualifies must therefore register as such. Married couples may both registered in order to avail of the retirement, death and survivorship benefits.

Section 7. *Survivorship Benefits.* – The widow or widower who was married with the qualified subsistence farmer or subsistence fisherfolk shall be entitled to 50% of the monthly retirement benefits until the death thereof, and the children if any shall be entitled to the remaining 50% to be divided among themselves, if the age is

eighteen (18) years and below, otherwise no other surviving children shall be entitled to the said benefit.

Section 8. *Retrospective Application.* – This Act shall apply retrospectively beginning from 1 July 2022 the first day of office of the Seventeenth (17th) President of the Republic of the Philippines.

Section 9. *Appropriations.* - The amount necessary for the initial implementation of this Act shall be charged against the current years savings of the Department of Agriculture. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

Section 10. *Duty of the Secretary of the Department of Agriculture.* – The Secretary of the Department of Agriculture shall within six (6) months from the effectivity of this Act issue an Implementing Rules and Regulations (IRR) as to the determination of a reasonable and equitable manner of registering qualified subsistence farmer and subsistence fisherfolk.

Section 11. *Separability Clause.* – If, for reason any section or provision of this Act is declared to be unconstitutional or invalid, the other sections or provisions of this Act which are not affected shall continue in full force effect.

Section 12. *Repealing Clause.* – All acts, laws decrees, executive orders, letters of instructions and regulations or any part thereof which are inconsistent with any provision of this Act are hereby repealed and or modified accordingly.

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

Approved,