

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 5127



Introduced by **ANG PROBINSYANO**
Party-List Representative Alfred Delos Santos

EXPLANATORY NOTE

Subsistence fisherfolk and farmers are those who utilize nearly all their catches and harvest to feed their families. They are usually left with little to no surplus for sale and trade. With hardly enough to make ends meet, subsistence fisherfolk and farmers find it difficult to come up with capital to even increase their outputs and generate income.

Unfortunately, while these two classes of workers are some of the most hardworking individuals, all of them continue to live far below the poverty threshold. The State can help lighten their predicament by supporting them in retirement through the establishment of a retirement benefit system in the interest of promoting social justice.

Under Article XIII, Section 1 of the 1987 Constitution, the legislature has a duty to 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.

It is for the foregoing premises that the approval of this Bill is earnestly sought.

A handwritten signature in black ink, appearing to be "A. Delos Santos".

ALFRED C. DELOS SANTOS
Representative, Ang Probinsyano Party-List

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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 the House of Representatives of the Philippines in Congress assembled:

SECTION 1. *Short Title.* – This Act shall be known as the “Subsistence Farmer and Fisherfolk Pension 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 the following qualifications:

- a) 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 if 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 three (3) sworn statements 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 as an actual farmer or fisherfolk for at least fifteen (15) years, provided that owners or operators of farm lots who are not actually involved in the land preparation, planting, tilling or harvesting shall not be ineligible; and
- k) Not a member of any ancestral tribe, terrorist group, or rebellious organization, and should not have any pending criminal or administrative cases at the time of claiming the benefits.

SECTION 4. Year-Round Application Period. – Subsistence farmers and subsistence fisherfolk meeting the above-mentioned qualifications shall file their applications with the Department of Agriculture and shall identify and set up application desks in far-flung municipalities to increase access. The DA shall also deploy personnel to fishing and farming communities to ensure the dissemination of information and facilitate the application process. Applications shall be received all year round.

SECTION 5. Retirement Benefits. – The qualified subsistence farmer or subsistence fisherfolk shall be entitled to a monthly pension of two thousand pesos (Php 2,000.00) starting from the time of approval of the application for retirement. This amount shall be adjusted every five (5) years pursuant to the recommendation of the National Economic Development Authority (NEDA) subject to approval by the President.

SECTION 6. Death Benefits. — A qualified subsistence farmer or subsistence fisherfolk shall be entitled to five thousand pesos (Php 5,000.00) death benefits to be received by the heirs. This amount shall be adjusted 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 7. *Gender Equality and Sensitivity.* — This Act is not only limited to male subsistence farmers or subsistence fisherfolk. The female gender who qualifies must therefore register as such. Married couples may both register in order to avail of the retirement, death, and survivorship benefits.

SECTION 8. *Survivorship Benefits.* - The widow or widower who was married to 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 9. *Additional Positions and Personnel for the DA.* - For purposes of this Act, the DA shall, in accordance with pertinent civil service rules, create positions and enlist additional personnel to ensure the proper and appropriate implementation of the program under this Act.

SECTION 10. *Appropriations.* - The amount necessary for the effective implementation of this Act shall be charged against the current appropriations for the DA. Thereafter, such amounts as necessary for its continued implementation shall be included in the General Appropriations Act.

SECTION 11. *Implementing Rules and Regulations (IRR).* - The DA, in coordination with relevant government agencies, shall issue rules, regulations, and guidelines necessary to carry out the implementation and purposes of this Act within six (6) months from the date of effectivity.

SECTION 12. *Separability Clause.* - If any provision of this Act shall be declared unconstitutional or invalid, such declaration shall not invalidate other parts thereof which shall remain in full force and effect.

SECTION 13. *Repealing Clause.* - All laws, executive orders, presidential decrees or issuances, letters of instruction, administrative orders, rules, and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SECTION 14. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,