

**FILE**

A-113-A  
PROV'L  
ORDINANCE

Republic of the Philippines  
PROVINCE OF BENGUET  
La Trinidad

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

REGULAR MEETING, JUNE 5, 2002

PRESENT: HON. EDNA C. TABANDA, Vice-Governor, Presiding Officer  
HON. CRESCENCIO C. PACALSO, Board Member  
HON. MARCIANO T. INSO, SR., Board Member  
HON. LISO L. AGPAS, Board Member  
HON. JOSEPH A. COSENTE, Board Member  
HON. WASING D. SACLA, Board Member  
HON. BENJAMIN C. SAGUID, Board Member  
HON. JOHNNY S. UY, Board Member  
HON. SARIO M. COPAS, Board Member  
HON. DANIO L. BOLISLIS, Board Member  
HON. PEDRO T. ESTEBAN, Liga ng mga Brgy. Pres., Member  
HON. REDENTOR P. EDOC, SKF President, Member

ABSENT: HON. MARVIN D. ATOS, Board Member, on OB  
HON. WILLIAM H. ESTEBAN, PCL President, Member, on OB

PROVINCIAL ORDINANCE NO. 02-76

REQUIRING A CERTIFICATE OF VIABILITY PRIOR TO THE SALE AND  
DISTRIBUTION OF SEED VARIETIES OR PLANTING MATERIALS WITHIN THE  
PROVINCE OF BENGUET

WHEREAS, at least 54% of the labor force of the province depend upon agriculture and agricultural activities as major source of income and livelihood;

WHEREAS, the spate of complaints from farmers and farming communities in the province is attributed to seed varieties or planting materials which were empirically found not viable under varying agricultural and meteorological conditions in this jurisdiction without discounting the inherent defects thereof;

WHEREAS, agricultural products engendered from these seed varieties or planting materials were often characterized by growth defects, premature flowering, poor germination and other unmarketable conditions;

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Of the Sangguniang Panlalawigan of Benguet

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WHEREAS, loss of money and manpower resources are the resultant effects which an ordinary farmer can not hope to cope with considering that the only guarantee given by seed producer/manufacturer is the reimbursement of the cost of seeds;

WHEREAS, the provincial government finds this noxious and inimical to the general welfare of its constituency as it deters efforts to develop the agricultural economy relative to the effects of free international competition engendered by full implementation of the agricultural provisions of the General Agreement on Tariff and Trade (GATT), for which it is called upon to exercise its governmental powers;

WHEREAS, the culprit in this dilemma is, in part, lack of actual site testing of seed varieties or planting materials prior to sale and distribution within the jurisdiction of the province as would be evidenced by a certificate of viability issued by the Office of the Provincial Agriculturist (OPAG), which is within the power of the provincial government to require as it hereby requires prior to the sale and distribution within the province of seed varieties or planting materials;

NOW THEREFORE, be it ordained by the Sangguniang Panlalawigan of Benguet, in session assembled that:

Section 1. Definition of Terms – when used in this Ordinance, the following terms shall mean:

- a.) Viability – adaptability (can grow or thrive in a certain area; can withstand the conditions of the area) and marketability (possesses quality; “meets all the standards for the market”)
- b.) Certification – confirmation by the Office of the Provincial Agriculturist of viability based on actual site testing of seed varieties or planting materials, or based on the actual site testing conducted by other appropriate government agencies such as but not limited to the Bureau of Plant Industry (BPI) and Benguet State University (BSU);
- c.) Seed varieties – refers to all planting materials used for the production of crops (vegetables, root crops and fruit crops);
- d.) Seed distributor – any person, firm, agency, cooperative or corporation engaged in the distribution of seed varieties or planting materials in local seed outlets, and whose supply is obtained directly from the seed manufacturer;

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- e.) Local seed outlets – any person, natural or juridical, engaged in the business of selling seed varieties or planting materials within the Province of Benguet;
- f.) Sale and distribution – marketing of seed varieties or planting materials;
- g.) Actual site testing – system of field testing seed varieties or planting materials under local agricultural and meteorological conditions;
- h.) Seed lot – definite quantity of seeds identified by a lot number or other identification marks, or every portion of the bag or any container, the contents of which uniformly represent the factors which appear in the label within allowable tolerance;
- i.) Agro-meteorological – atmospheric phenomenon/conditions such as wind, moisture, temperature and forecast of weather affecting crop production.

Section 2. No seed variety shall be sold and distributed by any seed distributor through any local seed outlet within the Province of Benguet without a certificate of viability issued by the Office of the Provincial Agriculturist (OPAG); provided, however, that where one variety has several seed lots, a certificate of viability for each seed lot shall be required prior to sale and distribution.

Section 3. The certificate of viability shall be issued only after an actual testing of the seed variety under prevailing agro-meteorological conditions by appropriate government agencies which shall include but not limited to the Bureau of Plant Industry (BPI), Benguet State University (BSU) and Office of the Provincial Agriculturist (OPAG), consistent with their respective mandates in the area of research and development in agriculture.

Section 4. Any person found in violation of this ordinance shall be fined an amount of P5,000.00 or imprisonment not exceeding one (1) year or both, at the discretion of the Court, without prejudice to the right of the provincial government through deputized agents to confiscate objects of the offense still in circulation and not covered by certificate of viability and without prejudice to the victimized farmers to pursue cases in the proper court.

Section 5. The P5,000.00 fine collected shall accrue to the province and the municipality where the crime was committed on a 50-50 sharing scheme.

Section 6. This ordinance shall take effect in accordance with the requirements of the Local Government Code of 1991.

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CARRIED.”

  
CRESCENCIO C. PACALSO  
Board Member

  
MARCIANO T. INSO, SR.  
Board Member

  
EISOL AGPAS  
Board Member

  
JOSEPH A. COSENTE  
Board Member

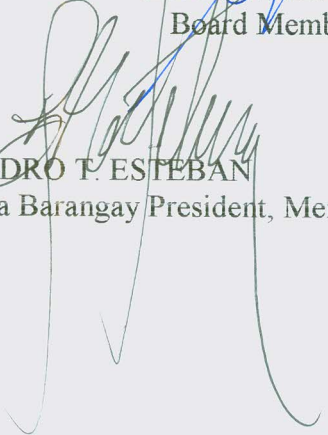
  
WASING D. SACLA  
Board Member

  
BENJAMIN C. SAGUID  
Board Member

  
JOHNNY S. UY  
Board Member


  
SARIO M. COPAS  
Board Member

  
DANIEL L. BOLISLIS  
Board Member

  
PEDRO T. ESTEBAN  
Liga ng mga Barangay President, Member

  
REDENTOR P. EDOC  
SKF President, Member

CERTIFIED CORRECT:

  
NOEL S. SABOG  
SP Secretary

ATTESTED:

  
EDNA C. TABANDA  
Vice-Governor and Presiding Officer

APPROVED:

  
RAUL M. MOLINTAS  
Provincial Governor

Date: JUN 17, 2002

JSU/p