



MC No. 19, s. 2007

MEMORANDUM CIRCULAR

TO : ALL HEADS OF CONSTITUTIONAL BODIES;
DEPARTMENTS, BUREAUS AND AGENCIES OF THE
NATIONAL GOVERNMENT; LOCAL GOVERNMENT UNITS;
GOVERNMENT-OWNED OR CONTROLLED
CORPORATIONS WITH ORIGINAL CHARTERS; STATE
UNIVERSITIES AND COLLEGES; AND LOCAL COLLEGES
AND UNIVERSITIES

SUBJECT : Amendment of the Qualification Standards for Agriculturist Positions

Republic Act No. 8435, otherwise known as the "Agriculture and Fisheries Modernization Act of 1997" dated December 22, 1997, prescribes measures to modernize the agriculture and fisheries sectors of the country in order to enhance their profitability, and prepare said sectors for the challenges of globalization through an adequate, focused and rational delivery of necessary support services.

Pursuant to RA 8435, the Professional Regulation Commission (PRC), in its Resolution No. 2000-663 dated May 15, 2000, created the Board of Agriculture to govern the administration and conduct of licensure examination for, and the registration and licensing of, agriculturists for purposes of professionalizing the agriculture sector.

Section 3(c), Article III of the Rules and Regulations Implementing PRC Resolution No. 2000-663 defined "agriculturist," as follows:

"(c) Agriculturist – refers to a person who is technically qualified and competent to practice the agriculture profession and who has been issued a certificate of registration and professional license as agriculturist by the Board and the Commission."

Item 1, Section 54 Article XIII of the same Rules provides that "No person shall practice the profession of agriculture in the Philippines unless he has a valid certificate of registration as Agriculturist."

To conform to the provisions of RA 8435, the Commission issued Resolution No. 07-1243 dated June 22, 2007 amending the education and eligibility requirements of the following Agriculturist positions prescribed in the 1997 Revised Qualification Standards Manual:

- Agriculturist I SG 11
- Agriculturist II SG 15
- Agriculturist B SG 12
- Agriculturist A SG 14
- Senior Agriculturist SG 18
- Supervising Agriculturist SG 20/22
- Chief Agriculturist SG 22/24

The existing education and eligibility requirements of the abovementioned positions are amended as follows:

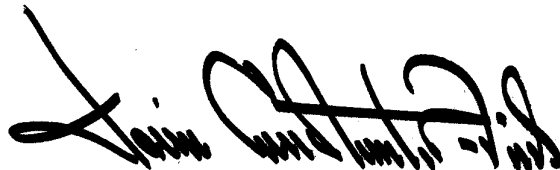
Education: Bachelor's degree in Agriculture (General Course) or Bachelor of Science in Agriculture with relevant field of specialization

Eligibility: RA 1080 (Agriculturist)

New appointees to Agriculturist positions should meet the qualification requirements including the required RA 1080 (Agriculturist) eligibility for permanent appointment thereto.

Incumbents of Agriculturist positions who do not possess RA 1080 (Agriculturist) eligibility but were appointed under permanent status prior to the enactment of RA 8435 may still be considered for promotion to higher Agriculturist positions.

All rules, regulations and issuances which are inconsistent herewith are hereby repealed, amended or modified accordingly.



KARINA CONSTANTINO-DAVID
Chairman

13 September 2007

*QS 2007:QS-mcamendment-agriculturist position
RCL/DBB/FCT/alice
Doc#*

CSC Re No. 07-1243 published in the Manila Standards on August 22, 2007



QUALIFICATION STANDARDS

Re: Amendment of the Qualification Standards
for Agriculturist Positions

X-----X

RESOLUTION NO. 071243

WHEREAS, the Civil Service Commission (CSC) under Section 12 (1), Chapter 3, Title I (A), Book V of Executive Order No. 292, the Administrative Code of 1987, is empowered to administer and enforce the constitutional and statutory provisions on the merit system for all levels and ranks in the Civil Service;

WHEREAS, Section 12 (3) of the same Law, mandates the CSC to promulgate policies, standards and guidelines for the Civil Service and adopt plans and programs to promote economical, efficient and effective personnel administration in the government;


WHEREAS, Section 22 (2), Chapter 5 of the same Law, also mandates the CSC to approve qualification standards established, administered and maintained by the departments or agencies with assistance of CSC;

WHEREAS, in line with its authority, the Civil Service Commission established the qualification standards for all positions in the government which are provided in the 1997 Revised Qualification Standards Manual approved under CSC Resolution No. 097-0404 dated January 24, 1997 and issued and circularized through CSC Memorandum Circular No. 1, s. 1997;

WHEREAS, the Commission pursuant to Section 4, Rule IV of the Omnibus Rules Implementing Book V of Executive Order No. 292 is likewise authorized to review and update whenever necessary the established qualification standards; ➔

WHEREAS, in the 1997 Revised Qualification Standards Manual, the education and eligibility requirements for the Agriculturist positions are Bachelor's degree relevant to the job and Career Service (Professional)/Second Level Eligibility, respectively; hence, a number of employees who possess said qualifications have been appointed thereto under permanent status;

WHEREAS, RA 8435, otherwise known as the "Agriculture and Fisheries Modernization Act of 1997" dated December 22, 1997 prescribes measures to modernize the agriculture and fisheries sectors of the country in order to enhance their profitability, and prepare said sectors for the challenges of globalization through an adequate, focused and rational delivery of necessary support services;

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JUSTINA O. AMPER
Supervising Personnel Specialist
Commission Secretariat and Liaison Office
Civil Service Commission

WHEREAS, Section 75 of RA 8435 provides that “[T]here shall be created an Agriculture and Fisheries Board in the PRC to upgrade the Agriculture and Fisheries profession.”

WHEREAS, pursuant to RA 8435, the Professional Regulation Commission (PRC) in its Resolution No. 2000-663 dated May 15, 2000, created the Board of Agriculture to govern the administration and conduct of licensure examination for, and the registration and licensing of, agriculturists;

WHEREAS, Section 3(c) Article III of the Rules and Regulations Implementing PRC Resolution No. 2000-663 defined an “agriculturist,” as follows:

“(c) Agriculturist – refers to a person who is technically qualified and competent to practice the agriculture profession and who has been issued a certificate of registration and professional license as agriculturist by the Board and the Commission.”

WHEREAS, Item 1, Section 54 Article XIII of the same Rules provides that “No person shall practice the profession of agriculture in the Philippine unless he has a valid certificate of registration as Agriculturist.”

WHEREAS, to conform to the above stated provisions of PRC Resolution No. 2000-663, there is a need to amend the education and eligibility requirements of the following Agriculturist positions prescribed in the 1997 Revised Qualification Standards Manual:

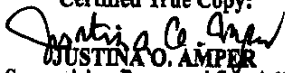
- | | |
|-----------------------------|----------|
| ○ Agriculturist I | SG 11 |
| ○ Agriculturist II | SG 15 |
| ○ Agriculturist B | SG 12 |
| ○ Agriculturist A | SG 14 |
| ○ Senior Agriculturist | SG 18 |
| ○ Supervising Agriculturist | SG 20/22 |
| ○ Chief Agriculturist | SG 22/24 |

NOW, THEREFORE, the Commission resolves to amend the existing education and eligibility requirements for the abovementioned positions to read as follows:

Education: Bachelor’s degree in Agriculture (General Course) or Bachelor of Science in Agriculture with relevant field of specialization.

Eligibility: RA 1080 (Agriculturist)

RESOLVED FURTHER, that upon the approval of this Resolution, new appointees to Agriculturist positions should meet the required RA 1080 (Agriculturist) eligibility for permanent appointment thereto;

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Supervising Personnel Specialist
Commission Secretariat and Liaison Office
Civil Service Commission



RESOLVED FURTHERMORE, that incumbents of Agriculturist positions who do not possess RA 1080 (Agriculturist) eligibility but were appointed under permanent status prior to the enactment of RA 8435 may still be considered for promotion to higher Agriculturist positions.

All rules, regulations and policies which are inconsistent herewith are deemed repealed, amended or modified accordingly.

This Resolution shall take effect 15 days after its publication in a newspaper of general circulation.

Quezon City, **JUN 22 2007**



KARINA CONSTANTINO-DAVID
Chairman



CESAR D. BUENAFLOR
Commissioner



MARY ANN FERNANDEZ-MENDOZA
Commissioner

SUBJECT TO THE
COMMENT HEREIN
ATTACHED.

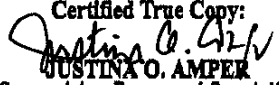
Attested by:



JUDITH D. CHICANO
Director IV
Commission Secretariat and Liaison Office

qssd2007:qs-agriculturistpositionresolution-may1607
RCL/DBB/FC/alice

CSC Re No. 07-1243 published in the Manila Standards on August 22, 2007

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Supervising Personnel Specialist
Commission Secretariat and Liaison Office
Civil Service Commission

**Amendment to the Qualification Standards
of Agriculturist Positions**

X-----X

COMMENTS

Upon careful perusal of the proposed policy resolution, "Amendment to the Qualification Standards for Agriculturist Positions", I am conveying my comments and disagreement on particular provisions of the policy.

Section 22, Chapter 5, Title I-A, Book V of Executive Order No. 292 provides as follows:

"Section 22. Qualification Standards. – (1) A qualification standard expresses the minimum requirements for a class position in terms of education, training and experience, civil service eligibility, physical fitness, and other qualifications required for successful performance. The **degree of qualifications** of an officer or employee **shall be determined by the appointing authority** on the basis of the qualification standard for the particular position. (underscoring supplied)

xxx...

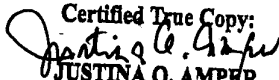
(2) The **establishment, administration and maintenance** of qualification standards **shall be the responsibility of the department or agency, with the assistance and approval of the Civil Service Commission** and in consultation with the Wage and Position Classification Office." (underscoring supplied)

As clearly enunciated in the above provisions of the law, it is the department or agency concerned which is responsible for the establishment, administration and maintenance of the qualification standards. The same provision of the law explicitly states that the Civil Service Commission shall provide assistance and approve the qualification standards established by the department or agency.

Relatedly, the 3rd WHEREAS clause of the proposed resolution cited such legal imperative. However, the 4th WHEREAS clause stands contrary to the very provision of the law, the passage of which reads as follows:

"WHEREAS, in line with its authority, **the Civil Service Commission established the qualification standards** for all positions in the government which are provided in the 1997 Revised Qualification Standards Manual approved under CSC Resolution No. 097-0404 dated January 24, 1997 and issued and circularized through CSC Memorandum Circular No. 1, s. 1997;"

The 4th WHEREAS claims authority for the CSC to establish qualification standards for all positions in the government.

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Civil Service Commission

Thus, under Section 4, Rule IV of the Omnibus Rules Implementing Book V of Executive Order No. 292, it is provided that the "Commission shall adopt qualification standards for service-wide positions in the first and second levels and shall review and update, whenever necessary those already established."

Certainly, it is not within the powers and functions of the CSC to review and update qualification standards. The law clearly provides that the function of the CSC is to provide assistance to the departments or agencies in the establishment of the qualification standards and approve them. Whether or not the approval of the qualification standards by the CSC is a subservient or proactive/assertive act is something which may necessarily be determined through a further perusal on the intent of the law.

It may be pointed out that establishment and consequent amendment of established qualification standards must be appropriately and lawfully initiated by the department or agency. The CSC has no authority to establish qualification standards of departments or agencies.

It is well-settled rule that a mere administrative fiat cannot supersede a fundamental law, as "the water shouldn't rise above its source." The aforesaid rule and proposed amendment to the qualification standards of Agriculturist positions clearly run counter to the law.

Additionally, qualification standards may be **prescribed by authority of the law** as discussed in the preceding paragraphs; or, **provided by the law**, e.g. Local Government Code of 1991 which prescribes the qualifications for the position of Accountant as follows:

"Section 474. Qualifications, Powers and Duties. (a) No person shall be appointed accountant unless he is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, and a certified public accountant. He must have acquired experience in the treasury or accounting service for at least five (5) years in the case of the provincial or city accountant, and three (3) years in the case of the municipal accountant.

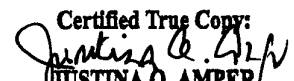
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In this instance, neither the appointing authority nor the Civil Service Commission is authorized to establish and/or approve qualification standards for this particular position.

Finally, the proposed policy decreed that "incumbents of Agriculturist positions who do not possess Agriculturist eligibility (RA 1080) but were appointed under permanent status prior to the enactment of RA 8435 may still be considered for promotion to higher Agriculturist positions."

While incumbents of Agriculturist positions who were appointed as permanent should maintain their status after the passage of RA 8435, it is my position that they should no longer be promoted to higher positions without the necessary eligibility of agriculturist. Incumbents may have a vested right to their current position and permanent status which the government must accordingly guarantee. Nevertheless, such right is not vested to future promotions.


CESAR D. BUENAFLOR
Commissioner

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