MANUAL OF REGULATIONS OF THE REGIONAL, PROVINCIAL, MUNICIPAL AND BARANGAY AGRICULTURAL AND FISHERY COUNCIL (AS AMENDED)

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Chapter I
Mandate, Objective, Functions

Article I- Mandate

SECTION 1. The Department of Agriculture, under Executive Order No. 116, is mandated to encourage people's participation in agricultural development through sectoral representation in agricultural policy making bodies so that its policies, plans, and programs are formulated/executed to satisfy their needs. Likewise, it is mandated to use a bottom-up, self-reliant farm systems approach that will emphasize social justice, equity, productivity and sustainability in the use of agricultural resources. Thus, the replication of the National Agricultural and Fishery Council down to the regional, provincial, municipal/city, and barangay levels.

Article II - Objective
SECTION 1. The cardinal objective of these various councils is to act as advisory, monitoring and evaluating body and to link the DA to the LGU to ensure the success of the Department of Agriculture and its attached agencies' programs and activities to serve as a forum for consultative and continuing discussions within the agricultural sector of the national economy.

Article III - Functions and Responsibilities
SECTION 1. The general functions of the local Agricultural and Fishery Councils (AFCs) are as follows:

- To identify and assess the diverse needs and resources of the area, in consultation with government and non-government organizations to bring about a collective efforts in agricultural and rural development;

- To participate in policy assessment and formulation, planning of programs and projects to meet the identified needs in agriculture, fishery, agribusiness and related activities;

- To assist the Department of Agriculture (DA) and its attached agencies AND THE AGRICULTURAL OFFICES OF THE LOCAL GOVERNMENT UNITS' in organizing, monitoring and evaluation of its services.

SECTION 2. The duties and responsibilities of the local AFCs are as follows:

- To conduct regular and special AFC meetings;

- To conduct regular consultations/congresses with various interest groups to identify opportunities available and problems/issues affecting agricultural development in the area.

- To identify and resolve local problems/issues at their respective levels;

- To identify and refer to appropriate legislative bodies issues which will require legislation after consultation with local and national agencies;

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- To monitor and evaluate the implementation of DA and its attached agencies' programs and projects and set-up an effective feedback mechanism to DA and other agencies concerned.

- To submit budgetary requirements in order to undertake the above mentioned duties and responsibilities of the local AFC(s).

Chapter II
Organizational Structure

Article I- Members
SECTION 1. Members — The members of the Regional, Provincial, City Municipal and Barangay Agricultural and Fishery Councils (AFCs) shall be individuals and associations directly and/or indirectly involved in agriculture and fishery and other agriculture/fishery-related activities from the private and the government sector, majority of whom shall come from the former.

In addition to government sector representatives, the composition of each AFC shall be as follows:

- Regional Agricultural and Fishery Council (RAFC) members shall be composed of chairmen of regionwide organizations, Provincial/or City Agricultural and Fishery Council (PAFC/CAFC) Chairmen, and in the absence of representation of a particular sector at this level, an individual can be considered by the RAFC to represent the sector;

- PAFC/or CAFC members shall be composed of chairmen of province wide organizations, Municipal Agricultural and Fishery Council (MAFC)/or City Agricultural and Fishery Council (CAFC) Chairmen, and in the absence of representation of a particular sector at this level, an individual can be considered by the PAFC/CAFC to represent the sector;

- MAFC/or CAFC members shall be composed of chairmen of municipal/citywide organizations, Barangay Agricultural and fishery Council (BAFC) chairmen, and in the absence of representation of a particular sector at this level, an individual can be considered by the MAFC/or CAFC to represent the sector;

- BAFC members shall be composed of chairmen of barangay wide organizations and in the absence of representation of a particular sector at this level, an individual can be considered by the BAFC to represent the sector.

The representatives of the government sector shall be the head of agency being represented.

The representative of the private sector shall mean a farmer entrepreneur, model farmer, civic leader, representative of farmer/fishery associations, people's economic councils, banking institutions, agricultural input suppliers, rice millers, sectoral representatives from crops, livestock, fisheries and the like.

The AFC Chairmen shall, according to his best judgment and discretion, select and nominate the individual members from the private sector who can contribute to the advancement of the council's objectives. All nominees shall be subjected to confirmation by majority of the members of the council.

SECTION 2. Rights of Members — A member of the council shall have the following rights:

- To exercise the right to vote in all matters relating to the affairs of the association, personally or by proxy, provided however, that no proxy or alternate representative of member shall be allowed to vote unless he has written authority to do so;

- To be eligible to any selective or appointive office of the council;

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- To participate in all deliberations/meetings of the council;

- To avail all the facilities and services of the council;

- To examine all the records or books of the council during business hours.

SECTION 3. Duties and Responsibilities of Members — A member shall have the following duties and responsibilities:

- To obey and comply with the rules and policies that may be promulgated by the council from time to time;

- To attend all meetings that may be called by the Chairman or majority of the council members.

SECTION 4. Suspension, Expulsion, Termination and Withdrawal of Membership — Any member of the council may file a written complaint under oath to the Secretariat Coordinator to against a member based on any of, but not limited to, the following grounds:

- When a member has not attended the meeting for three (3) consecutive months without any valid reasons;

- When a member has continuously failed to comply with his obligation;

- When a member has violated any of the provisions of this Manual of Regulations, and

d. For any act or omissions injurious or prejudicial to the interest or welfare of the council.

The Secretariat-Coordinator shall call a special meeting of the members to consider the charges. The affirmative vote of two-thirds (2/3) of the total membership of the council shall be necessary to suspend, expel or terminate the membership of a member.

Any member of the council may, for any reason, withdraw his membership from the council giving a thirty (30) day notice to the Secretariat-Coordinator.

Article II - Officers

SECTION 1. Officers — The officers of the respective councils shall be a Chairman who shall come from the private sector, two vice-chairmen, one coming from the government sector and the other from the private sector, a Treasurer and an Auditor. Except the Vice-Chairman from the government sector who shall be the highest ranking official of the Department of Agriculture/Agriculture office in the locality, all other officers shall be elected directly by the members of their respective councils.

SECTION 2. Term of Office — the term of office of the elected officers shall be for two (2) years, with right to two successive reelection, which shall commence on the first day of January following the day of their election and shall end on the same date two (2) years thereafter when the term of his successor shall begin.

The Vice-Chairman from the government sector shall assume his position for as long as he is the head of office of the Department of Agriculture/Agriculture office at his respective locality.

SECTION 3. Manner and Time of Election — The manner of election shall be by secret ballot, the time of which shall be as follows:

- Barangay Agricultural and Fishery Council (BAFC) — First week of November and every two years thereafter;

- Municipal Agricultural and Fishery Council (MAFC)/or City Agricultural and Fishery Council (CAFC) — Second week of November and every two years thereafter;

- Provincial/or City Agricultural and Fishery Council (PAFC/CAFC) — Third week of November and every two

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years thereafter;

- Regional Agricultural and Fishery Council (RAFC) — Last week of November and every two years thereafter.

SECTION 4. Vacancies — In case of vacancy arising out from any of, but not limited to, the following causes such as death, permanent incapacity, removal, resignation or automatic disqualification, a special election shall be called within fifteen (15) days from the date the vacancy occurs by the majority of the remaining members in a meeting duly called for the purpose. The elected officer shall serve only for the unexpired term of his predecessor, provided that no special election shall be called if the vacancy occurs within two (2) months prior to the date of a regular election.

When the vacancy occurs in the office of the Chairman, the Vice-Chairman for the private sector shall automatically act and serve as chairman for the duration of the unexpired term of his predecessor. As a result of the vacancy in the office of Vice-Chairman, a special election shall be called for that purpose following the procedure outlined in the preceding paragraph.

As to the Vice-Chairman from the government sector, the Officer-in-Charge of the office of which he is representing shall likewise act as the Vice-Chairman until the appointment and assumption of office of his successor has been completed.

SECTION 5. Automatic Disqualification — In case any officer of the council coming from the private sector is appointed or elected in any government position, he shall automatically forfeit his position as officer in the council and a special election in accordance with Section 4 hereof shall be called for that purpose. Provided further, that the councils officers who run for any elective office shall be deemed automatically resigned and could not qualify to be an officer of the council for a year thereafter.

SECTION 6. Leave of Absence — Any officer of the council may, for justifiable reasons, file a leave of absence for a period not exceeding one hundred twenty (120) days at any one time, subject to the approval of the majority of the members of the council. Absences exceeding one hundred twenty (120) days shall automatically render the position vacant in which case, the provisions of Section 4 hereof shall apply.

SECTION 7. Chairman — The Chairman shall be the Chief Executive Officer (CEO) of the council. He shall have the following duties and responsibilities:

- Preside and act as Chairman at all meetings of the council;

- Exercise general supervision and control over the operations internal administration of the council in accordance with the policies set forth by the same;

- Sign all papers, contracts and other documents for and in behalf of the council subject to the policies and guidelines of the council;

- Represent the council in matters/meetings in which representation maybe required or as agreed upon by the members of the council;

- Call special meeting whenever deemed necessary;

- Approve all vouchers and countersign all checks and withdrawals of all funds or payments to be made by the council subject to review and confirmation of the members of the council;

- Furnish the members, at its monthly meetings, comprehensive report of the operations of the council during the preceding month;

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- Perform such other duties as may be required by the council.

SECTION 8. Vice-Chairman from the Government Sector — The Vice-Chairman from the government sector shall be the highest ranking official of the Department of Agriculture/Agricultural offices in the respective locality and in case of provincial/or city offices having a Provincial/or City Agriculturist and a Provincial Veterinarian of the same level, the AFC concerned elects one of them, and in the case of municipalities/or city the Municipal Agriculturist (MA)/City Agriculturist (CA)/Agricultural Technician (AT); and shall principally assist the chairman in the performance of his functions. In addition, he shall have the following duties and responsibilities:

- Coordinate the support of government agencies involved in the council;

- Perform such other functions as may be delegated to him from time to time by the chairman and/or the council, Provided however, that the Vice Chairman for the PAFC/CAFC shall be the highest ranking official of the Provincial/or City Office of Agriculture or its equivalent; the Vice Chairmen of the MAFC/or CAFC shall be the highest ranking official of the Municipal/or City Office of Agriculture or its equivalent; the Vice-Chairmen of the BAFC shall be the agricultural technician assigned thereat.

SECTION 9. Vice-Chairman from the Private Sector — The Vice Chairman from the private sector shall likewise assist the Chairman in the performance of his functions. In addition, he shall have the following duties and responsibilities:

- Coordinate the support of the private sector group in the council;

- Act as Chairman in case of the latter's absence, permanent disability, death, removal, resignation or automatic disqualification;

- Perform such other duties and functions as maybe delegated to him from time to time by the Chairman and/or the council.

SECTION 10. Secretariat-Coordinator — The Vice Chairman from the government sector shall appoint the Secretariat-Coordinator from the Department of Agriculture/Agriculture Office in the locality who shall have following duties and responsibilities:

- Oversee the preparation of the minutes and agenda and record the attendance and proceedings of all meetings of the council;

- Assure that all notices are duly given in accordance with Article III, Section 3 hereof;

- Furnish the Treasurer and other officers and members of the council certified copies of the minutes of the meetings;

- Keep a register of the names and post office addresses of all members and keep on file at all times a complete copy of the laws and executive orders relevant to the creation of the council;

- Keep the seal of the council and when authorized by the council, affix such seal to any paper or document requiring the same;

- In general, perform all duties incidental to the office of the secretariat-coordinator and those that may be assigned to him by the chairman and/or the council.

SECTION 11. Treasurer — The Treasurer shall have the following duties and responsibilities:

- Have custody, control and accountability of private funds and properties of the council.

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- Disburse all administrative expenditures and dispose of them properly under the direction of the chairman and/or the majority of the council members;

- Deposit all private funds in a bank previously authorized by the council, and sign all checks, funds and other similar valuable effects for disbursement of all expenditures and liabilities of the council;

- Issue official receipts for any sum of money or property received by him for the council;

- Render financial reports during monthly meetings, and keep inventories of the books and other properties in the custody of other officers of the council;

- Keep up-to-date the proper books of accounts;

- Keep an accurate and up-to-date membership book with the assistance of the secretariat-coordinator and furnish any officer or member or government agency with a copy of updated and accurate financial statement of the council when so requested;

- Perform such other duties as may be assigned to him by the Chairman and/or the council. He shall post a bond in an amount to be approved by the council.

SECTION 12. Auditor — The Auditor shall have the right to inspect, examine and audit all transactions, financial or otherwise, made by the chairman, other officers, and/or the council itself and shall submit reports thereof to the council at least once a year.

Article III - Meetings
SECTION 1. Monthly/Regular Meetings — The monthly/meetings of the councils shall be held at the respective regional, provincial, city, municipal and barangay offices of the Department of Agriculture/Agriculture Office in the locality on the last Friday of the month at 2:00 o'clock P.M. or at any time and place as maybe determined by the respective councils, unless such day is a legal holiday, in which case it shall be held on the next succeeding business day.

SECTION 2. Special Meetings — Special meetings of the councils maybe called by the Chairman, in case of his absence, by any of the vice-chairmen or upon written request of at least six members of the council whenever necessary;

SECTION 3. Notices — Notices of the time and place of monthly and/special meetings of the councils shall be given either personally or by registered mail, addressed to each member of record at the official address left by such member with the council or at his last known post office address, at least one week before the date set for such meeting. In urgent cases, the notice maybe communicated at least before the meeting, personally or by telephone, or by telegram, if contact is not possible. The notice of every special meeting shall state briefly the purpose of the meeting and no other business shall be acted upon as such meeting except by the consent of all members present therein.

SECTION 4. Quorum — A quorum for any meeting of the members shall consist of a majority of the members and a majority of such quorum may decide at the meeting, except those fundamental matters requiring the affirmative vote of a greater majority.

SECTION 5. Order of Business — The order at the monthly meeting of a council shall be as follows:

- Call to order;

- Roll call;

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- Invocation;

- National Anthem;

- Reading of the minutes of the previous meeting;

- Approval of the minutes from the previous meeting;

- Matters arising from the previous meeting;

- Approval of the agenda;

- Report of the special committees/sectoral committees;

- Report of the different standing committee/PAFC Chairman;

- Report of the treasurer;

- Report of the Chairman;

- Unfinished business;

- New business;

- Other matters;

- Announcement;

- Adjournment.

The order of business at any meeting maybe changed by a vote of the majority of the members present.

SECTION 6. Voting — For every meeting of the members, whether monthly or special, each member shall be entitled to one (1) vote. Voting of proxies or alternates shall be subjected to the requirement prescribed in paragraph a) Section 2, Article of Chapter II hereof.

Chapter III
Electoral Board

Article I - Electoral Board
SECTION 1. Electoral Board — each local council shall elect an electoral board composed of a chairman from the private sector and two members, one from the government sector and the other from the private sector. They shall act independently to insure a free, orderly and honest election of the officers of the council.

SECTION 2. Powers of the Electoral Board — The electoral board shall have the power to adopt rules and regulations necessary to govern election procedures subject to the approval of the council. It shall have the power to decide and settle all contests relative to the conduct of elections as provided for in the rules and regulations.

SECTION 3. Appeals of Decision, Orders or awards — Any decision, order or award by the electoral board is final and executory unless appealed by the aggrieved or both parties within five (5) days upon receipt of such decision, orders or awards to the executive Director, National Agricultural and Fishery Council. Decisions, orders or awards of the latter shall be final and non-appealable.

Chapter IV
Omnibus Provisions

Article I - Miscellaneous Provisions

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SECTION 1. Calendar Year — The calendar year of the council shall be from January 1st to December 31st of each year.

SECTION 2. Seal of the Council — The seal of the council shall be in such form and design as maybe determined by the council.

SECTION 3. Funds — The funds of the council shall be derived from special assessments, gifts, donations, benefits, grants, legacies or devices from persons, natural or juridical, whether from here or abroad.

SECTION 4. Repeals — All guidelines/memoranda and other issuances inconsistent herewith are hereby repealed, amended or modified accordingly.

Article II - Transitory Provisions
SECTION 1. The first regular election of all officers of the different councils under this amended Manual of Regulations shall be held in 1994 as scheduled under paragraphs a), b), c), d) of Section 3, Article II of Chapter II hereof.

SECTION 2. Except the vice-chairman from the government sector, the term of office of elected officers under this amended Manual of Regulations shall commence on January 1, 1995 and shall be for two (2) years, with the right to two (2) successive reelections, or until their successor shall have been duly elected and qualified.

SECTION 3. Electoral Board — The Electoral Board shall be composed of a chairman who shall come from the private sector and two (2) members from the private and government sector. They shall be elected by the members of the council to conduct and supervise the regular/special elections of officers of the council. It shall have the power to adopt rules and regulations to insure a free, honest and orderly election.

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