

[PRESIDENTIAL DECREE NO. 1144, May 30, 1977]

CREATING THE FERTILIZER AND PESTICIDE AUTHORITY AND ABOLISHING THE FERTILIZER INDUSTRY AUTHORITY

WHEREAS, it is a Government policy to provide adequate assistance to the agricultural sector in line with national objective of increasing food production;

WHEREAS, fertilizer and pesticides as vital inputs in food production and must be supplied in adequate quantities at reasonable costs.

WHEREAS, improper pesticide usage presents serious risks to users, handlers, and the public in general because of the inherent toxicity of these compounds which are, moreover, potential environmental contaminants;

WHEREAS, there is a need to educate the agricultural sector on the benefits as well as the hazards of pesticide use so that it can utilize pesticides properly to promote human welfare while avoiding dangers to health and environmental pollution;

WHEREAS, the fertilizer and pesticide industries have much in common in terms of clientele, distribution channels, system of application in farmers' fields, and technical supervision by the same farm management technicians under the government's food production program;

WHEREAS, the foregoing considerations make it desirable to have one agency to regulate fertilizer importation, manufacture, formulation, distribution, delivery, sale, transport and storage as well as pesticide labeling, distribution, storage, transportation, use and disposal;

WHEREAS, the Fertilizer Industry Authority was created by Presidential Decree No. 135, dated 22 February 1973, and amended by Presidential Decree Nos. 517 and 669, dated 19 July 1974 and 11 March 1975 respectively, in order to regulate, control and develop the fertilizer industry but does not include the pesticide industry in its jurisdiction;

WHEREAS, there is an urgent need to create a technically-oriented government authority equipped with the required expertise to regulate, control and develop both the fertilizer and the pesticide industries;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby decree and order the following:

SECTION 1. *Creation of the Fertilizer and Pesticide Authority.* - The Fertilizer and Pesticide Authority, hereinafter referred to as the FPA, is hereby created and attached to the Department of Agriculture for the purpose of assuring the agricultural sector of adequate supplies of fertilizer and pesticide at reasonable prices, rationalizing the manufacture and marketing of fertilizer, protecting the public from the risks inherent in the use of pesticides, and educating the agricultural sector in the use of these inputs.

SEC. 2. *Abolition of the Fertilizer Industry Authority.* - The Fertilizer Industry Authority created under Presidential Decree 135, dated 22 February 1973, as

amended by Presidential Decree 517 and 669, dated 19 July 1974 and 11 March 1975 respectively, is hereby abolished.

The FPA shall assume such appropriations, assets and liabilities and hire such personnel of the FIA as may be determined by its Board of Directors; Provided, that such assumption is made within sixty (60) days from the effectivity of this decree.

SEC. 3. Definitions. - For the purpose hereof, the terms herein below shall be understood to mean as follows:

(a) "Pesticide" - any substance or product, or mixture thereof, including active ingredients, adjuvants, and pesticide formulations, intended to control, prevent, destroy, repel or mitigate directly or indirectly, any pest. The term shall be understood to include insecticide, fungicide, bactericide, nematocide, herbicide, molluscicide, avicide, rodenticide, plant regulator, defoliant, desiccant and the like.

(b) "Fertilizer" - includes any substance solid or liquid or any nutrient element or elements organic or inorganic singly or in combination with other materials, applied directly to the soil for the purpose of promoting plant growth, increasing crop yield or improving their quality.

(c) "Other agricultural chemicals" - shall mean chemicals, chemical inputs and chemical compounds not herewith covered by the definition of fertilizer and pesticide but utilized by the agricultural sector.

(d) "Handlers" - shall mean exporters, importers, manufacturers, formulators, distributors, suppliers, wholesalers, dealers, repackers, commercial applicators, warehousemen, and retailer of fertilizers, fertilizer inputs, pesticide and other agricultural inputs.

(e) "Tolerance Level" - shall mean the maximum amount of pesticides, as determined by the FPA, which may be allowed to remain in any raw agricultural produce at any stage between harvesting and consumption.

(f) "Imminent Hazard" - shall mean a situation which exists when the continued use of a pesticide will likely result in unreasonable adverse effects on the public and/or the environment or will involve unreasonable hazards to the survival of a specie declared endangered by the appropriate authorities.

SEC. 4. Board of Directors. - The powers and functions of the FPA shall be vested in and exercised by a Board of Directors which shall be composed of the following officials or their representatives:

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| 1. Secretary of Agriculture | Chairman |
| 2. Secretary of Industry | Member |
| 3. Secretary of Finance | Member |
| 4. Secretary of Trade | Member |
| 5. Governor, Central Bank | Member |
| 6. President, Philippine National Bank | Member |
| 7. Director, Bureau of Plant | Member |

Industry

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| 8. Commissioner, Pollution Control Commission | Member |
| 9. Administrator, Food & Drug Administration | Member |

The members of the Board shall elect a Vice-Chairman who shall act as Chairman in case of the absence, inability or temporary incapacity of the Chairman.

SEC. 5. Organization. - The FPA is empowered to determine and create its organizational structure in order to achieve its objectives, including the number, positions and salaries of its officers and employees.

The Board is empowered to create the positions of Administrator, Deputy Administrator for Fertilizer, Deputy Administrator for Pesticides, and other subordinate officials as may be required.

The Board shall appoint all the officers of the FPA, establish a compensation scheme including allowances and benefits, working hours and such other conditions of employment as it may deem proper, discipline and/or removed for cause, and exercise such other powers over its personnel as may be necessary for the efficient operation of the FPA.

SEC. 6. Powers and Functions. - The FPA shall have jurisdiction, on over all existing handlers of pesticides, fertilizers and other agricultural chemical inputs. The FPA shall have the following powers and functions:

I. Common to Fertilizers, Pesticides and other Agricultural Chemicals.

1. To conduct an information campaign regarding the safe and effective use of these products;
2. To promote and coordinate all fertilizer and pesticides research in cooperation with the Philippine Council for Agriculture and Resources Research and other appropriate agencies to ensure scientific pest control in the public interest, safety in the use and handling of pesticides, higher standards and quality of products and better application methods;
3. To call upon any department, bureau, office, agency or instrumentality of the government, including government-owned or controlled corporations, or any officer or employee thereof and on the private sector, for such information or assistance as it may need in the exercise of its powers and in the performance of its functions and duties;
4. To promulgate rules and regulations for the registration and licensing of handlers of these products, collect fees pertaining thereto, as well as the renewal, suspension, revocation, or cancellation of such registration or licenses and such other rules and regulations as may be necessary to implement this Decree;
5. To establish and impose appropriate penalties on handlers of these products for violations of any rules and regulations established by the FPA;
6. To institute proceedings against any person violating any provisions of this Decree and/or such rules and regulations as may be promulgated to implement the provisions of this Decree after due notice and hearing.
7. To delegate such selected privileges, powers or authority as may be allowed by law to corporation, cooperatives, associations or individuals as may presently