



Republic of the Philippines  
**Department of Agriculture**  
*Office of the Secretary*  
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**DEPARTMENT CIRCULAR**

No. 03

Series of 2019

**SUBJECT : UPDATED IMPLEMENTING RULES AND REGULATIONS OF PRESIDENTIAL DECREE NO. 1435 "AUTHORIZING THE BUREAU OF SOILS TO SUPERVISE, REGULATE AND CONTROL THE ESTABLISHMENT AND OPERATIONS OF ALL SOIL LABORATORIES IN THE PHILIPPINES"**

**WHEREAS**, the Bureau of Soils and Water Management as the nationally mandated authority on soils and water management for agriculture under EO 292, is responsible for formulating measures and guidelines for the effective utilization of soil and water resources as vital agricultural resources to attain food security, food safety, and environmental stability;

**WHEREAS**, PD No. 1435 signed on 10 June 1978 authorized the Bureau of Soils to supervise, regulate, and control the establishment and operations of all soil laboratories in the Philippines;

**WHEREAS**, PD 1435 further provides that there is a need to standardize soil testing methodologies, integrate and coordinate soil laboratory activities for maximum efficient utilization of resources and the Bureau of Soils, as the agency responsible for the maintenance and operation of soil laboratories throughout the country, possesses the technical expertise and facilities to adequately execute such services;

**WHEREAS**, Section 3 of PD 1435 authorized the Bureau of Soils to issue or to promulgate rules and regulations to implement and carry out the purpose and provisions of this Decree. In this regard, Administrative Order No. 12 series of 1982 was promulgated;

**WHEREAS**, a number of promulgations affecting soil laboratories such as PD 1586<sup>1</sup>; PD 1866<sup>2</sup>; RA 6969<sup>3</sup>; RA 8749<sup>4</sup>; RA 9165<sup>5</sup>; RA 9275<sup>6</sup>; RA 9516<sup>7</sup>; RA 10657<sup>8</sup>; DENR AO 2014-

<sup>1</sup> Establishing an Environmental Impact Statement System, including other Environmental Management Related Measures and for other purposes

<sup>2</sup> Codifying the Laws on Illegal/Unlawful Possession, Manufacture, Dealing in, Acquisition or Disposition of Firearms, Ammunition or Explosives, and Imposing Stiffer Penalties for Certain Violations Thereof and for Relevant Purposes

<sup>3</sup> An Act to Control Toxic Substances and Hazardous and Nuclear Wastes, Providing Penalties for Violations thereof, and for other Purposes

<sup>4</sup> Clean Air Act of 1999

<sup>5</sup> Comprehensive Dangerous Drugs Act of 2002

<sup>6</sup> Philippine Clean Water Act of 2004

<sup>7</sup> An Act Further Amending the Provisions of PD 1866

<sup>8</sup> Chemistry Profession Act

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012<sup>9</sup>; Department of Agriculture Administrative Order No. 26, series of 2007<sup>10</sup> and Department of Agriculture (DA) Order No. 4, series of 2017<sup>11</sup> were henceforth issued which provide new requirements and policy directions involving operation of laboratories, including soil laboratories;

**WHEREAS**, to better respond to the requirements of the recent issuances and properly address current needs and challenges, the Implementing Rules and Regulations for PD 1435 as embodied in Administrative Order No. 12 series of 1982, needs to be updated;

**NOW, THEREFORE, I, EMMANUEL F. PIÑOL**, Secretary of Agriculture, by the powers vested in me by law, hereby issue this Department Circular providing for the updated Implementing Rules and Regulations of PD 1435.

## SECTION 1 SCOPE AND COVERAGE

- a. This Circular provides the updated Implementing Rules and Regulations (IRR) of PD 1435, taking into account recent laws, regulations, policy directions, and other related issuances to better respond to current and emerging needs and challenges related to the operations and services of soil laboratories for agricultural purposes.
- b. This Circular covers all government and private laboratories analyzing soil for agricultural purposes. This shall include mobile soil laboratories.
- c. This Circular also covers international soil laboratories operating in the Philippines owned by international companies that are operating or providing analytical services in the Philippines. International soil laboratories shall be considered in the same category as private soil laboratories.

## SECTION 2 DEFINITION OF TERMS

For purposes of this Circular, the following terms shall be defined as follows:

- a. *Accredited Proficiency Testing Provider* is an organization with ISO/IEC 17043 accreditation which takes responsibility for all tasks in the development and operation of a proficiency testing scheme.
- b. *Audit* refers to a systematic and functionally independent examination to determine whether activities and related results comply with planned objectives.
- c. *Bureau of Soils* shall mean the Bureau of Soils and Water Management, hereinafter referred to as BSWM, pursuant to Executive Order 116 issued on January 30, 1987.

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<sup>9</sup> Revised Guidelines for Pollution Control Officer Accreditation

<sup>10</sup> Guidelines on the Procedures and Technical Requirements for the Issuance of a Certification Allowing the Safe Re-use of Wastewater for Purposes of Irrigation and Other Agricultural Uses

<sup>11</sup> Department Policy on Rationalizing and Strengthening Department of Agriculture National and Regional

- d. *Certified Reference Material (CRM)* is a reference material issued by an ISO 17034 accredited organization characterized by a metrologically valid procedure for one or more specified properties, accompanied by a certificate of analysis that provides the value of the specified property, its associated uncertainty, and a statement of metrological traceability.
- e. *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<sup>12</sup>.
- f. *License to Operate Soil Laboratory (LTO-SL)* refers to the recognition through a document issued by the Bureau of Soils and Water Management to a soil laboratory that complies with the requirements prescribed by BSWM pursuant to PD 1435 and other relevant laws and regulations.
- g. *Licensing by the BSWM* refers to the process by which the Bureau of Soils and Water Management approves an application of a person, corporation, cooperative, or other juridical persons, for authority to operate a laboratory involved in the analysis of soil for agricultural purposes.
- h. *Parameter* means one of a set of measurable factors, such as temperature or pressure, that defines a system and determine a range of variations.
- i. *Proficiency Testing (PT)* is the evaluation of participant performance against pre-established criteria by means of interlaboratory comparisons. It is used to demonstrate competency and validate a laboratory's measurement process by comparing results to the results of a reference laboratory and other participant laboratories.
- j. *Quality Control Material (QCM)* is a reference material intended for internal laboratory quality control. It is a material or substance one or more of whose property values are sufficiently homogeneous, stable and well established to be used for maintaining or monitoring measurement processes. This includes both Quality Reference Material (QRM) and Internal Reference Material (IRM).
- k. *Registered Chemical Technician* refers to any person who assists in the routine work of chemical analysis, chemical synthesis, and sale of chemicals and chemical equipment/apparatus and who is duly registered with the Board of Chemistry of the Professional Regulation Commission; provided further, that they work or practice under the supervision of a registered Chemist
- l. *Registered Chemist* refers to any person who is engaged in the professional practice of Chemistry, duly registered with the Board of Chemistry of the Professional Regulation Commission.
- m. *Soils Laboratories* are laboratories that analyze soil and have the capacity to determine the minimum set of parameters required to evaluate soil fertility. These parameters are pH, soil organic carbon (SOC), nitrogen (N), phosphorus (P), and potassium (K).

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<sup>12</sup> PRC Resolution No. 2000-663 series of 2000 (Board of Agriculture)

- n. *Soil Test Databank* is a repository of information on soil test reports and other information of soil laboratories that are organized in a way that facilitates storage, retrieval, and processing in support to policy formulation and planning, as well as for monitoring soil health and provision of site-specific interventions by concerned offices of the Department of Agriculture.
- o. *Soil Test Report* is a document issued to certify the results of soil analysis.
- p. *Technical Evaluation* is the process of evaluating applications for License to Operate Soil Laboratory including the conduct of on-site inspections for the validation of information provided in the applications.
- q. *Technical Evaluation and Audit Team* refers to the team established by the BSWM for the purpose of conducting technical assessment and evaluation of soil laboratories in relation to their application for a license to operate a soil laboratory. The Technical Evaluation and Audit Team is also responsible for the conduct of audits of soils laboratories as prescribed by the guidelines prepared by the BSWM.
- r. *Test method* is a concise description of an orderly procedure for determining a property or constituent of a material, an assembly of materials or a product. All details on regarding apparatus, test specimen, procedure, and calculations needed to achieve satisfactory precision and bias should be included in a test method.

### SECTION 3

#### IMPLEMENTING RULES AND REGULATIONS ON THE ADDITIONAL POWERS AND FUNCTIONS OF THE BUREAU OF SOILS AND WATER MANAGEMENT

Pursuant to Section 2 of PD 1435, the Bureau of Soils and Water Management shall have the following additional powers and functions so as to be able to carry out the objectives of this Decree. In accordance with Section 3 of PD 1435, the updated Implementing Rules and Regulations (IRR) for each additional power are provided below.

##### A. Formulate and set comprehensive guidelines for the establishment of soil laboratories in the Philippines

**Rule 3A.1.** The BSWM shall develop and prescribe guidelines and requirements for the establishment of all soil laboratories covered by this Circular. These shall include, among others, guidelines and requirements for laboratory facilities, calibration of equipment and glasswares, qualifications of manpower, and quality assurance measures.

**Rule 3A.2.** A person, corporation, cooperative, government entity, or other juridical persons seeking to establish and operate a soil laboratory shall comply with the prescribed guidelines and requirements.

##### B. Formulate and establish soil testing standards and methodologies

**Rule 3B.1.** The BSWM shall formulate and establish test methods for soil testing based on internationally-accepted standards for the minimum set of parameters to operate a soil laboratory, such as but not limited to- pH, soil organic carbon (SOC), nitrogen (N), phosphorus (P) and potassium (K).

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**Rule 3B.2.** The use of Certified Reference Material (CRM) and Quality Control Material (QCM) shall be required for validation, verification, and quality control purposes.

**Rule 3B.3.** Soil laboratories are encouraged to participate in the Proficiency Testing (PT) offered by accredited PT providers.

**Rule 3B.4.** The BSWM shall assess the proficiency of soil laboratories through interlaboratory comparisons for the determination of the five soil fertility parameters identified (Rule 3B.1).

**C. Supervise and coordinate the technical operations of all private and government soil laboratories**

**Rule 3C.1.** The BSWM shall establish a Technical Evaluation and Audit Team to supervise and coordinate the technical operations of all private and government soil laboratories and ensure that the soil testing standards and methodologies are complied with.

**Rule 3C.2.** The Technical Evaluation and Audit Team shall be responsible for assessing applications for License to Operate Soil Laboratory (LTO-SL) and ensuring compliance with set standards and requirements.

**Rule 3C.3.** The Technical Evaluation and Audit Team shall conduct audit of soil laboratories to determine whether the activities and related results of the latter comply with the requirements. Audit results shall be the basis for renewal of LTO-SL.

**Rule 3C.4.** The BSWM shall ensure that, as required by Republic Act No. 10657 or the Chemistry Profession Act, only duly registered chemists or chemical technicians shall perform chemical analysis.

**Rule 3C.5.** The BSWM shall ensure that personnel certifying results of chemical analyses are Registered Chemists.

**Rule 3C.6.** Results of analysis conducted by the BSWM and by the Regional Soils Laboratories of the DA Regional Field Offices for the purpose of soil nutrient assessment and fertilizer recommendation shall be interpreted by a qualified Agriculturist. All other soil laboratories conducting interpretation of results are encouraged to do likewise.

**D. Assist and integrate the soil testing activities of the private sector with that of the government sector**

**Rule 3D.1.** The BSWM shall develop and implement a mechanism that will promote and facilitate sharing of best practices in soil testing activities between government and private soil laboratories.

**E. Call on any department, bureau, office, agency and instrumentalities of the government in the form of personnel, facilities and other resources as the need arises in the performance of its functions**

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**Rule 3E.1.** As and when needed, the BSWM shall collaborate with relevant government agencies, offices and instrumentalities to strengthen enforcement of regulations and the delivery of services of soil laboratories to the agriculture sector.

**F. Establish data banking system for efficient technological transfer and data utilization**

**Rule 3F.1.** All soil laboratories shall submit soil test reports to the BSWM in a manner and frequency to be prescribed by the BSWM.

**Rule 3F.2.** Soil test reports shall be filed in a soil test databank managed by BSWM for ready retrieval and reference for policy, planning, and as well as for monitoring of soil health and provision of site-specific interventions by concerned offices of the Department of Agriculture.

**G. Grant licenses and impose fees on private soil laboratories**

**Rule 3G.1.** Based on set criteria and procedures, the Director of the BSWM shall grant LTO-SL to persons, natural or juridical, engaged in or who intends to engage in the analysis of soil for agricultural purposes.

**Rule 3G.2.** The BSWM is authorized to impose an application fee based on an officially-approved procedure for estimating the cost of the activities related to the granting and/or renewal of LTO-SL. BSWM shall issue the official schedule of fees accordingly.

**Rule 3G.3.** The LTO-SL shall be in the form prescribed by the BSWM and shall be conspicuously displayed in the soil laboratory throughout its validity period.

**Rule 3G.4.** The LTO-SL shall be valid for three (3) years subject to audit. Application for renewal of LTO-SL shall be submitted not later than ninety (90) days before the expiry of validity.

**Rule 3G.5.** Change in ownership, company name, location and the like shall require new application for LTO-SL.

**Rule 3G.6.** In case of late renewal, an additional 50% of the application fee shall be imposed to private soil laboratories as penalty.

**Rule 3G.7.** In case the laboratory temporarily stops analyzing soil parameters the laboratory is required to inform the BSWM in writing.

**Rule 3G.8.** Government soil laboratories which fail to apply for or renew their LTO-SL shall be dealt with administratively.

**Rule 3G.9.** The BSWM shall deny renewal of and/or revoke LTO-SL based on any of the following grounds:

**3G9.1.** non-compliance with the standards and requirements set by BSWM for establishing and operating a soil laboratory;

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**3G9.2.** violation of any of the provisions of this Circular;

**3G9.3.** engagement in fraudulent or illegal activities such as manufacture of illegal drugs and substance, improvised explosive device, and the like as determined by the proper authorities.

**Rule 3G.10.** The Director of BSWM shall notify the holder of LTO-SL in writing of the grounds for denial or revocation.

**Rule 3G.11.** A request for reconsideration for violations of **3G9.1** and **3G9.2** may be filed by the holder of LTO-SL with the BSWM within fifteen (15) days upon receipt of the written notification mentioned in Rule 3G.10. Likewise, the BSWM shall come up with a decision within 20 days in accordance with Republic Act 11032 otherwise known as the Ease of Doing Business Act of 2018.

**Rule 3G.12.** The order of revocation or denial of LTO-SL shall become final if not contested within fifteen (15) days upon receipt thereof.

**Rule 3G.13.** No request for reconsideration shall be entertained by BSWM in case the denial or revocation is based on Rule 3G9.3. Request for reconsideration shall be with the appropriate authorities.

**Rule 3G.14.** The BSWM shall establish and maintain a database of all soil laboratories that have been issued LTO-SL in the official agency website. The database shall be updated regularly and shall include current status (valid, expired, revoked, and temporarily inactive, etc) for the guidance of the general public.

**H. Perform such other functions as may be necessary to attain the objectives of this Decree**

#### **SECTION 4 IMPLEMENTATION**

- a. The BSWM shall lead the implementation of this Circular under the guidance of the Undersecretary for Policy and Planning, Project Development, R&D, and Regulations and the Undersecretary for Operations and Agri-fisheries Mechanization and the supervisory oversight of the Assistant Secretary for Regulations.
- b. For effective implementation of this Circular, BSWM is hereby directed to organize under its Laboratory Services Division the following functional sections:
  - b.1. Technical Equipment, Instrumentation, and Calibration Section
  - b.2. Regulatory Section
  - b.3. Laboratory Management Information Section
  - b.4. Quality Assurance Section

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- c. The BSWM shall establish a National Soil Laboratory Network and conduct regular meetings and annual general assembly of all LTO-SL holders for the purpose of updating, monitoring, data and information exchange, and capacity-building.
- d. Following Administrative Procedures of the General Appropriations Act, BSWM is further authorized to identify the necessary manpower to perform the tasks of the above sections and propose for the regularization of the manpower in its plantilla position in accordance with existing DBM guidelines.
- e. The BSWM shall prepare and endorse for approval of the Secretary all necessary subsidiary issuances and detailed guidelines to support implementation of the provisions of this Circular.
- f. Any of the provisions of the Circular may be amended and/or updated as the need arises.
- g. All doubts in the interpretation of the provisions of this Circular shall be resolved by BSWM in a manner consistent with the provisions and objectives of PD 1435.
- h. The BSWM shall submit periodic reports to the Secretary regarding the progress of implementation of this Circular.

## **SECTION 5 FUNDING**

The DA through BSWM shall ensure provision of the necessary funding to support the implementation of this Circular and the necessary subsidiary issuances.

BSWM shall submit requirements for additional funding through the DA regular budget process and in accordance with SECTION VII.3 of DA Department Order No. 4, Series of 2017 "Department Policy on Rationalizing and Strengthening DA National and Regional Laboratory Services" and Department Order 10, Series of 2018 "Establishing the institutional link and coordination between the national laboratories of the Bureaus of Animal Industry, Plant Industry, and Soils and Water Management and the Integrated Laboratories of the Field Offices of the Department of Agriculture", for consideration and inclusion in the annual Appropriations Act.

## **SECTION 6 RETENTION OF GRANTS, SUBSIDIES, DONATIONS, OR CONTRIBUTIONS RECEIVED**

Pursuant to Section 4. Appropriations of PD 1435, any provisions of existing law to the contrary notwithstanding, the BSWM may receive and retain for its operation, grant, subsidies, donations, or contributions from any entity.

However, grants or donations from individuals, corporations, and other entities shall not be accepted where the grantor or donor has direct or indirect financial and material interest in any transaction that requires the approval of BSWM or any transaction which may be affected by the function of the agency.

## SECTION 7 TRANSITORY PROVISIONS

The BSWM through its Laboratory Services Division shall develop a transition plan for the implementation of the provisions of this Circular. The transition plan shall be completed within a period of ninety (90) days from the effectivity of this Circular.

## SECTION 8 SEPARABILITY CLAUSE

The provisions of this Circular are hereby declared to be separable, and in the event any one or more provisions are held unconstitutional, the validity of other provisions shall not be affected.

## SECTION 9 REPEALING CLAUSE

All rules and regulations, including those embodied in Administrative Order No. 12 series of 1982, which are inconsistent with the provisions of this Circular are hereby repealed, amended, or modified accordingly.

## SECTION 10 EFFECTIVITY

This Circular shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

**EMMANUEL F. PIÑOL**  
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DEPARTMENT OF AGRICULTURE  
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