



Republic of the Philippines
Department of Agriculture
BUREAU OF SOILS AND WATER MANAGEMENT
SRDC Bldg., Elliptical Road corner Visayas Avenue,
Diliman, Quezon City

MEMORANDUM CIRCULAR

NO. 33
SERIES OF 2020

SUBJECT : GUIDELINES FOR THE IMPLEMENTATION OF THE P.D. NO. 1435 ON THE ISSUANCE OF LICENSE TO OPERATE-SOIL LABORATORY (LTO-SL) AS AUTHORIZED IN ACCORDANCE WITH SECTION 3 OF THE DEPARTMENT CIRCULAR NO. 03 SERIES OF 2019 ON THE UPDATED IMPLEMENTING RULES AND REGULATIONS OF P.D. NO. 1435

1. RATIONALE


In accordance with Section 3 of Presidential Decree (P.D.) No. 1435, the Bureau of Soils and Water Management (BSWM) is authorized to issue or to promulgate rules and regulations to implement and carry out the purpose and provisions of the Department Circular No. 03 series of 2019 on the Updated Implementing Rules and Regulations (IRR) of P.D. No. 1435.

The Section 3 of the updated IRR identified the following additional powers and functions of the BSWM, to wit: a) formulate and set comprehensive guidelines for the establishment of soil laboratories in the Philippines; b) formulate and establish soil testing standards and methodologies; c) supervise and coordinate the technical operations of all private and government soil laboratories; d) assist and integrate the soil testing activities of the private sector with that of the government sector; 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; f) establish data banking system for efficient technological transfer and data utilization; g) grant licenses and impose fees on private soil laboratories; and h) perform such other functions as may be necessary to attain the objectives of P.D. 1435.

The procedures and list of criteria in assessing the applicant soil laboratory (SL) shall be based on the compliance to the existing regulatory laws and statutory bodies such as Professional Regulation Commission (PRC), Philippine National Police (PNP), Philippine Drug Enforcement Agency (PDEA), Department of Environment and Natural Resources (DENR), Laguna Lake Development Authority (LLDA), Republic Act (R.A.) 10657, otherwise known as the Chemistry Profession Act and RA 1080 for other professionals. Technical competence in testing operation of the laboratories shall be based on internationally accepted standard, ISO/IEC 17025:2017; and Section 3 of the Updated IRR of P.D. 1435.

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2. PURPOSE OF ISSUANCE OF LICENSE TO OPERATE-SOIL LABORATORY (LTO-SL)

The BSWM License to Operate-Soil Laboratory (LTO-SL) supports the BSWM's lead role as mandated under P.D. 1435 on the supervision, regulation and control of all soil laboratories (SLs) in the country. Through the issuance of licenses to other SLs, the BSWM carries out its role as stipulated under Section 3 of the Department Circular No. 03 series of 2019 on the Updated IRR of P.D. No. 1435.

These guidelines cover all private and government SLs that provides analytical services at the minimum but not limited to five soil fertility parameters: pH, Soil Organic Carbon (SOC), Nitrogen (N), Phosphorous (P), and Potassium (K).

3. DEFINITION OF TERMS

3.1. Accredited Proficiency Testing (PT) Provider

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 PT scheme.

3.2. Agriculturist

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.

3.3. Audit

Audit refers to a systematic and functionally independent examination to determine whether activities and related results comply with planned objectives.

3.4. Certified Reference Material (CRM)

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 specified property, its associated uncertainty and a statement of metrological traceability.

3.5. Internal Reference Material (IRM)

Internal Reference Material (IRM) is any reference material developed by specific laboratory using ISO Guide 80 and is intended only for its internal use.


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3.6. License to Operate-Soil Laboratory (LTO-SL)

License to Operate-Soil Laboratory (LTO-SL) is a recognition through a document issued by the BSWM to an SL that complies with the requirements prescribed by BSWM pursuant to PD 1435 and other relevant laws and regulations (*Reference: Section 2, letter f - PD 1435 IRR*).

3.7. Licensed Soil Laboratory

Licensed Soil Laboratory refers to all competent laboratories in the Philippines that are approved by BSWM to conduct soil fertility analysis in support to the implementation of P.D. 1435 Rules and Regulations. An LTO-SL shall be issued to the laboratories only if they comply with the guidelines and requirements provided by BSWM.

3.8. Parameter

Parameter is one of a set of measurable factors, such as temperature or pressure, that defines a system and determine a range of variations.

3.9. Proficiency Testing

Proficiency Testing (PT) is the evaluation of participant performance against pre-established criteria by means of inter-laboratory 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.

3.10. Quality Control Material (QCM)

Quality Control Material (QCM) is 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).

3.11. Quality Reference Material (QRM)

Quality Reference Material (QRM) is any reference material developed based on ISO 17043 and used by the laboratory for its internal use.

3.12. Registered Chemical Technician

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


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Regulation Commission; provided further, that they work or practice under the supervision of a registered Chemist.

3.13. Registered Chemist

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.

3.14. Soil Laboratories (SLs)

Soil 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).

3.15. Soil Test Databank

Soil Test Databank is a repository of information of soil test reports and other information of SLs 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.

3.16. Technical Evaluation

Technical Evaluation is the process of evaluating applications for LTO-SL including the conduct of on-site inspections for the validation of information provided in the applications.

3.17. Technical Evaluation and Audit Team (TE&AT)

Technical Evaluation and Audit Team (TE&AT) 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 SL. The TE&AT is also responsible for the conduct of audits of soil laboratories as prescribed by the guidelines prepared by the BSWM.

3.18. Test Method

Test method is a concise description of an orderly procedure for determining a property or constituent of a material, and 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.


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3.19. List of Acronyms

Acronym	Meaning
BIR	Bureau of Internal Revenue
BSWM	Bureau of Soils and Water Management
CRM	Certified Reference Material
DA	Department of Agriculture
DENR	Department of Environment and Natural Resources
DOF-NTRC	Department of Finance-National Tax Research Center
DTI	Department of Trade and Industry
EMB	Environmental Management Bureau
FPA	Fertilizer and Pesticide Authority
IEC	International Electro-technical Commission
IRR	Implementing Rules and Regulations
ISO	International Organization for Standardization
LTO-SL	License to Operate Soil Laboratory
P.D.	Presidential Decree
PEZA	Philippine Economic Zone Authority
PNP	Philippine National Police
PPE	Personal Protective Equipment
PRC	Professional Regulation Commission
PT	Proficiency Testing Provider
QCM	Quality Control Material
RA	Republic Act
SEC	Securities and Exchange Commission
SL	Soil Laboratories
SOC	Soil Organic Carbon
SOP	Standard Operating Procedure
TE&AT	Technical Evaluation and Audit Team


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4. SCOPE OF LICENSE TO OPERATE SOIL LABORATORY (LTO-SL) *(Reference: Rule 3A.2 and 3B.1)*

The guidelines for LTO-SL formulated by the BSWM shall encompass any person, corporation, cooperative, government entity or other juridical persons seeking to establish an SL as a way to show their technical competence in analysis of soil fertility parameters such as, but not limited to pH, SOC, N, P, K. This includes all government, private (local and international) and mobile SLs operating in the Philippines. International SLs shall be considered in the same category as private SLs *(Reference: Section 1)*.

5. GRANTING OF LICENSE AND VALIDITY

5.1. The applicant shall be issued an LTO-SL upon satisfactorily completing all the requirements specified in these Guidelines. The LTO-SL Certificate shall be valid for three (3) years unless earlier revoked or cancelled. *(Reference: Rule 3G.4a)*.

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

6. REQUIREMENTS FOR NEW APPLICATION FOR LTO-SL *(Reference: Rule 3A.1)*

6.1. Documentary Requirements

The applicant laboratory shall provide the BSWM, through the TE&AT *(Reference: Rule 3C.2)*; with the following documents:

6.1.1. Application Documents

a. Duly accomplished and notarized BSWM prescribed application form signed by the Head of the Organization/Agency or authorized representative

6.1.2. Legal Documents

6.1.2.1. For Government Laboratories and State Universities and Colleges

a. Document for the establishment of the institution or laboratory through policy issuances and legal instruments such as: Memorandum of Agreement, Executive Orders, Republic Act, among others.

6.1.2.2. For Private Laboratories (Sole proprietorship)

a. Registration certificate from DTI.


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- b. Mayor's / Business permit issued by the city or municipality where the laboratory is located or a Permit to Operate from the PEZA for SLs under Exclusive Economic Zones or Areas.
- c. Tax Clearance per E.O. 398 s. 2005, as finally reviewed and approved by the BIR.

6.1.2.3. For Private Laboratories (Corporations)

- a. Registration certificate from SEC, CDA, DTI.
- b. Mayor's/Business permit issued by the city or municipality where the laboratory is located or a Permit to Operate from the PEZA for SLs under Exclusive Economic Zones or Areas.
- c. Tax Clearance per E.O. 398 s. 2005, as finally reviewed and approved by the BIR.

6.1.2.4. For International Soil Laboratory

- a. Memorandum of Agreement with the Government
- b. Registration certificate from SEC.
- c. Mayor's/Business permit issued by the city or municipality where the laboratory is located or a Permit to Operate from the PEZA for SLs under Exclusive Economic Zones or Areas
- d. Tax Clearance per E.O. 398 s. 2005, as finally reviewed and approved by the BIR.

6.1.3. Technical Documents for Evaluation (for all SLs)

- 6.1.3.1. Organizational and functional chart of the laboratory including its position in its parent organization; if any, and job description of its technical and support personnel
- 6.1.3.2. Accreditation/Recognition record of Laboratory from statutory and regulatory entities, if any (e.g. PRC, PNP, PDEA, FPA, DENR, ISO/IEC 17025)
- 6.1.3.3. Soil test report forms
- 6.1.3.4. Equipment calibration and maintenance program of the laboratory
(Reference: Rule 3A.1)
- 6.1.3.5. List of reference literatures available in the laboratory
- 6.1.3.6. Quality assurance program of the laboratory
- 6.1.3.7. Test method including method validation or method verification report
- 6.1.3.8. Floor plan of laboratory and related facilities


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6.2. Technical Evaluation and Audit Requirements (for all SLs)

6.2.1. Manpower Requirement (*Reference: Rule 3A.1*)

- 6.2.1.1. As required by RA 10657, the Chemistry Profession Act, only a registered chemist heads the chemical laboratory. In the case that the laboratory performs other types of analysis such as physical/mechanical, microbiological, metallurgical, clinical and others, the chemistry section must be supervised by a licensed chemist and the personnel performing chemical analysis are licensed Chemists or Chemical Technicians and those certifying chemical analysis results are licensed Chemists. (*Reference: RA 10657 IRR, PD 1435 Rule 3C.4 and 3C.5*).
- 6.2.1.2. The interpretation of results of analysis for purpose of soil nutrient assessment and fertilizer recommendation shall be done by a qualified licensed Agriculturist; as it is done by BSWM and the Regional Soil Laboratories of DA Regional Field Offices (*Reference: Rule 3C.6*)

6.2.2. Physical Layout of the Laboratory Facility

The physical layout is aligned with the ISO/IEC 17025:2017 and the DA Integrated Laboratory Masterplan. Further, the Physical Layout of the Laboratory Facility shall ensure its compliance to the following Presidential Decree No. 1096 otherwise known as the National Building Code and its IRR, Presidential Decree No. 1185 otherwise known as the Fire Code and its IRR, and Republic Act No. 1378 otherwise known as the National Plumbing Law.

- 6.2.2.1. The laboratory shall be housed in a permanent building constructed of strong materials.
- 6.2.2.2. The laboratory shall have adequate running water supply and regular electric power supply and provisions for emergency power source.
- 6.2.2.3. The laboratory shall establish effective separation of areas with incompatible activities (e.g. separate rooms for soil sample reception, preparation and storage)
- 6.2.2.4. Workrooms shall be well ventilated with adequate provisions for either natural or artificial lighting.
- 6.2.2.5. The working space shall correlate with the volume and type of analysis to be undertaken including provisions for periods of peak workload.
- 6.2.2.6. The laboratory shall include sufficient benchtop area for processing samples, storage space for chemicals, glassware, portable and fixed equipment. and an adequate, appropriate area for cleaning glassware and sterilizing materials.


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- 6.2.2.7. The laboratory shall ensure separation to incompatible laboratory activities.
- 6.2.2.8. The laboratory shall have provisions for safety in the laboratory work area and its personnel by having emergency exits and egress, emergency eyewash, shower, medical kit, fire extinguishers, fume hoods and PPE.

6.2.3. Equipment and Apparatus (*Reference: ISO/IEC 17025*)

- 6.2.3.1. The laboratory shall be equipped with laboratory instruments, apparatus and other equipment required for the conduct of testing which include sampling, physical testing, sample preparation, extraction, clean-up, assay determination, processing and analysis of test data and storage as specified in their documented sampling and test procedures.
- 6.2.3.2. The laboratory shall ensure that all analytical instruments, equipment and apparatus used in the analysis of soil samples are calibrated and maintained (*Reference: Rule 3A.1*). Maintenance and calibration records of these equipment shall be kept and updated and must be available upon request of BSWM TE&AT (*Reference: Rule 3C.2 and 3C.3*).

6.2.4. Test Methods

- 6.2.4.1. The laboratory shall only use the test methods authorized by BSWM, which includes the following:
- a. BSWM approved methods on soil fertility parameters such as, but not limited to: pH, SOC, N, P, and K. (*Reference: Rule 3B.1*)
 - b. In-house developed test methods or modified from standard methods for analysis of soil fertility parameters provided these are properly documented and validated. Validation shall be done but not limited to the determination of performance characteristics such as precision, accuracy, reproducibility, limit of detection, limit of quantitation, linearity and range. The procedures shall include details of statistical analysis when deriving these performance characteristics.
 - c. Methods published either at the international, regional or national-level standards, or by reputable technical organizations, or cited in relevant scientific texts or journals, or as specified by the manufacturer of the equipment provided that the laboratory can properly perform such methods by ensuring that it can achieve the required performance through method verification.
- 6.2.4.2. All test methods shall be properly documented.


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6.2.5. Quality Control / Quality Assurance (QC/QA) *(Reference: Rule 3B.1)*

- 6.2.5.1. The laboratory shall perform the adequate quality control for each batch of analysis which shall include among others:
- Replicate test samples
 - Replicate spike control samples, if applicable
 - Method blanks; and
 - Use of CRM or QCM at least once a year
- 6.2.5.2. Statistical correlation of results for different characteristics of an item
- 6.2.5.3. Use of quality control charts
- 6.2.5.4. Intra-laboratory comparison or inter-laboratory participation

6.2.6. Laboratory Procedures

- 6.2.6.1. The laboratory shall have documented SOP and work instructions for the receipt and custody flow of samples, monitoring of environmental conditions, turnover of samples, assignment of analysis, analyst reporting, checking of results, preparation of laboratory test report, storage and filing of requests for analysis test reports, disposal of test solutions and samples. The SOPs shall include the relevant forms used in the different processes involved. The SOPs shall also ensure traceability of samples.
- 6.2.6.2. The laboratory shall have documented procedures for customer feedback and other means for purposes of improving the management system, laboratory activities and customer service.

7. PROCEDURE IN THE ISSUANCE OF LTO-SL

7.1. Assessment of the Applicant Laboratory

7.1.1. Submission of Complete Documentary Requirements and Payment of Processing Fee

The applicant laboratory must submit all the documentary requirements listed in Section 6.1 in electronic copy via email. Upon assessment of the completeness of the documents, the BSWM shall perform the following:

- Advise the applicant half working day after receipt of the electronic copy via email to submit four (4) hard copies and an electronic copy saved in rewritable CD of the documentary requirements. These copies shall then be forwarded by the receiving unit to the members of the BSWM TE&AT in preparation for the conduct of the audit of the applicant laboratory;

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- b. Assign a unique identification number to the application or request, which shall serve as the identifying number for all subsequent transactions between the BSWM and the applicant laboratory regarding the subject application or request;
- c. Issue an acknowledgment receipt to the applicant laboratory signifying acceptance of the complete application or request containing the unique identification number indicated therein as reference for all subsequent transactions, the seal of the agency, the name of the responsible officer or employee, his/her unit and designation, and the date and time of receipt of such request or application. Should the applicant submit an online application, the acknowledgment receipt of the application shall be sent likewise via email.

The applicant shall pay the BSWM LTO-SL Processing Fee in the amount of Twenty-Four Thousand Twenty-Three and 35/100 pesos only (PhP24,023.35) to the following account details:

ACCOUNT NAME: BSWM PD1435 (for application to LBP)
ACCOUNT NUMBER: 777777

The BSWM shall not process deficient or incomplete applications, or requests, and shall only process an application or request if it is complete.

7.2. Audit of the Applicant Laboratory

7.2.1. Ocular Inspection / Site Visit

Upon the receipt of the BSWM TE&AT of the complete documentary requirements, an ocular inspection/site visit shall be scheduled six working days after receipt of the complete and duly acknowledge documentary requirements.

During the one working day ocular inspection, exclusive of travel time, the BSWM TE&AT shall validate the veracity of the data and information contained in the documentary requirements and evaluate the compliance of the laboratory to the BSWM LTO-SL Guidelines.

7.2.2. Consolidation and Review of Data and Information

The BSWM TE&AT shall consolidate and make a summary of the Laboratory Assessment Reports by the BSWM TE&AT within one and a half days. Based on the reports and data and/or information available, the BSWM TE&AT shall recommend to the BSWM Director the issuance/non-issuance of the LTO-SL to the applicant laboratory.


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7.3 Evaluation of the Applicant Laboratory

7.3.1. Compliant Laboratory

For applicant laboratory that has shown full compliance based on the assessment and audit of the requirements as stated in Section 6 of these Guidelines, the BSWM TE&AT shall proceed with the issuance of LTO-SL **one working day** after the approval of the recommendation for issuance.

7.3.2. Non-Compliant Laboratory

If the BSWM TE&AT found the non-compliance of the applicant laboratory to the requirement(s) for the issuance of license, the BSWM TE&AT shall not issue the LTO-SL. A Notice of Denial indicating the reason/s for the disapproval shall be issued and a suspension of operation of laboratory for a maximum of six months shall be recommended. The applicant laboratory may request for re-evaluation on or before the six-month suspension period for the issuance of LTO-SL. Further to this, the applicant laboratory shall undergo again the application process and will pay the processing fee indicated in Section 7.1.1 of these Guidelines.

If the applicant laboratory is still found to be non-compliant after the six-month grace period, the personnel of the applicant laboratory shall then be recommended to undergo capacity building in accordance with the prescribed training module/s prepared by the Laboratory Services Division of BSWM.

Depending on the nature of the non-compliance, the applicant laboratory will be recommended for the issuance and/or non-issuance of LTO-SL based on the Rule 3G.9 of the updated IRR.

7.4. Issuance of LTO-SL

The Director of BSWM shall issue LTO-SL to persons, natural, juridical, engaged in or who intends to engage in the analysis of soil for agricultural purposes. (*Reference: Rule 3G.1*) The certificate shall, among others, contain the following information: Company/Institution Name, Managing Head/Owner Name, Complete Address of the Soil Laboratory (*prior to the scope of validity of LTO-SL from Reference: Rule 3G.5*). The LTO-SL shall not be transferable.

The applicant laboratory if found compliant shall pay Forty-Five Thousand One Hundred Seventy-Two and 58/100 pesos only (PhP45,172.58) for the issuance of LTO-SL which includes a regulatory fee throughout the validity of its license.


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The BSWM shall release the decision on the issuance of the LTO-SL to the applicant laboratory within 20 working days or as provided for and in accordance with Republic Act 11032 otherwise known as the Ease of Doing Business Act 2018. *(Reference: Rule 3G.11b)*

The applicant SL shall be automatically granted a LTO-SL if the SL is accredited with ISO/ IEC 17025:2017 and granted with a Certificate to Operate Laboratory under the R.A 10657, otherwise known as the Chemistry Law.

7.5. **Monitoring and Surveillance of Recognized Soil Laboratories**

The BSWM shall maintain the Directory of all Licensed SLs in a Soil Test Data Bank maintained by BSWM TE&AT.

The BSWM shall institute monitoring mechanisms within the period of effectivity of the License to ensure that the Licensed SLs continuously comply with the requirements. As such, the licensed SLs shall provide semi-annual progress report to the BSWM including any changes in the organizational structure, manpower, scope of analysis, among others.

The BSWM shall conduct periodic monitoring and surveillance visits as follows:

- a. Annual laboratory inspection;
- b. Facilitate inter-laboratory comparison and/or proficiency testing.

7.6. **Handling of Non-Compliance and Violation of the Provision/s of PD No. 1435 and its Implementing Rules and Regulations**

- 7.6.1. The Director of BSWM shall notify the holder of LTO-SL in writing of the grounds for denial or revocation or suspension. *(Reference: Rule 3G.10)*
- 7.6.2. A request motion for reconsideration for violations of 7.3.2.a and 7.3.2.b may be filed by the holder of LTO-SL with the BSWM within fifteen (15) days upon receipt of the written notification mentioned in 7.6.1. *(Reference: Rule 3G.11a)*
The motion for reconsideration may be only availed by the holder of the LTO-SL if the ground of revocation or suspension is one of the following per section 7.7 a and b.
- 7.6.3. The order of revocation or suspension of LTO-SL shall become final if not contested within fifteen (15) days upon receipt thereof. *(Reference: Rule 3G.12)*
- 7.6.4. No request for reconsideration shall be entertained by BSWM in case the revocation or suspension is based on 7.7.c/ *(Reference: Rule 3G.13a)*


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- 7.6.5. Request for reconsideration for 7.7.c shall be with the appropriate authorities (PNP, PDEA, DENR - EMB and the like) *(Reference: Rule 3G.13b)*

7.7. Revocation and Suspension of the LTO-SL

The BSWM have the right to revoke or suspend the LTO-SL, or require the laboratory on the following grounds:

- a. Non-compliance with the standards and requirements set by BSWM for establishing and operating SL *(Reference: Rule 3G9.1)*
- b. Violation of any of the provisions of P.D. 1435 IRR *(Reference: Rule 3G9.2)*
- c. 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. *(Reference Rule 3G9.3)*

8. RESPONSIBILITIES OF LICENSED SOIL LABORATORIES

8.1. Compliance to LTO-SL Requirements

The licensed SL shall continuously comply with the Guidelines of BSWM of the P.D. 1435 (LTO-SL) and other requirements that are specified by BSWM. The Licensed SL shall guarantee continuous compliance with the provisions of these Guidelines, other pertinent laws and issuances, and other subsequent requirements as may be directed and required by the BSWM.

8.2. Cooperation of Licensed Laboratory

- 8.2.1. The licensed SL shall coordinate and cooperate with BSWM; through its TE&AT *(Reference: Rule 3C.1)* for the latter to perform the duties conveniently during audit and surveillance visits.
- 8.2.2. The Licensed Laboratory shall:
 - a. Submit soil test reports to BSWM TE&AT in a manner and frequency prescribed by BSWM *(Reference: Rule 3F.1)*;
 - b. During audit, provide access to the BSWM TE&AT to the following: premises, records, analysis and results and allow their staff to be interviewed by BSWM TE&AT. *(Reference: Rule 3C.3)*
 - c. Conduct tests required by BSWM *(Reference: Rule 3B.1)*
 - d. Inform the BSWM TE&AT in case it temporarily stops analyzing soil parameters *(Reference: Rule 3G.7)*.


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8.2.3. **Membership to the National Soil Laboratory Network (NASOLAN) of the Philippines**

A licensed SL shall automatically be a member of the National Soil Laboratory Network (NASOLAN) of the Philippines for the period of validity of its license. *(Reference: Rule 3D.1 and Section 4C)*

8.2.4. **Publication of the Compliant and Non-Compliant SLs**

It is the responsibility of the SL to inform the public on the status of their LTO-SL consistent with the BSWM's publication of the list of compliant and non-compliant SLs.

8.3. **Quality Assurance Measures**

8.3.1. Practice usage of CRM, QCM for validation, verification and quality control purposes for the laboratory analyses of soil fertility parameters. *(Reference: Rule 3B.2);*

8.3.2. The Laboratory shall participate in inter-laboratory comparisons facilitated by the BSWM for the determination of the soil fertility parameters. *(Reference: Rule 3B.4)*

8.3.3. The Laboratory is also encouraged to participate in the PT offered by accredited PT providers whenever recommended by the BSWM. *(Reference: Rule 3B.3)*

8.4. **Visibility of LTO-SL**

8.4.1. The BSWM shall publish in appropriate medium such as the agency website the list of compliant soil laboratories.

8.4.2. The Licensed SL shall post in a strategic location within its premises the valid LTO-SL. *(Reference: Rule 3G.3)*

9. **ESTABLISHMENT OF THE SOIL TEST DATABANK**

9.1. The BSWM shall establish and maintain a Soil Test Databank where soil test reports submitted by Licensed SLs will be stored for faster retrieval which will serve as reference for policy, planning and monitoring of soil health provision of site-specific interventions by concerned offices of the Department of Agriculture. *(Reference: Rule 3F.2)*

9.2. The Soil Test Databank shall also serve as a database of all SLs that have been issued LTO-SL in the official website of the BSWM. *(Reference: Rule 3G.14a)*


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- 9.3. The database shall be updated regularly and shall include the current status of the license of the SL as follows:
- Valid
 - Expired
 - Suspended
 - Revoked

for the guidance of the general public. (*Reference: Rule 3G.14b*)

- 9.4. The information gathered and maintained by the BSWM for the Soil Test Databank shall only be used as a tool necessary for the Bureau to carry out its regulatory duties on the operations of SLs in the country, as well as for the effective utilization of soil and water resources to attain food security, and environmental stability. As per Section 4c of the RA No. 10173 (Data Privacy Act of 2012); the act does not apply on the following: information necessary in order to carry out the functions of public authority which includes the processing of personal data for the performance by the independent, central monetary authority and law enforcement and regulatory agencies of their constitutionally and statutorily mandated functions.

10. RENEWAL OF LTO-SL

10.1. Assessment of the Applicant Laboratory

Submission of Complete Documentary Requirements and Payment of Processing Fee

The applicant laboratory must submit all the documentary requirements listed in this Section. Upon assessment of the completeness of the documents, the BSWM shall advise the applicant to submit three (3) hard copies and an electronic copy of the documentary requirements and pay the BSWM LTO-SL Processing Fee in the amount of Six Thousand Three Hundred Fifty-Seven and 55/100 pesos only (Php PhP6,357.55).


10.1.1. Renewal Application Documents

- Request letter for renewal addressed to the BSWM Director;
- Photocopy of previously issued LTO-SL; and
- Duly accomplished and notarized BSWM prescribed renewal form.

10.1.2. Legal Documents

10.1.2.1 For Private Laboratories (Sole proprietorship)

- Registration certificate from DTI.


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- b. Mayor's / Business permit issued by the city or municipality where the laboratory is located. or equivalent document for Exclusive Economic Zones or Areas.
- c. Tax Clearance per E.O. 398 s. 2005, as finally reviewed and approved by the BIR.

10.1.2.2 For Private Laboratories (Corporations)

- a. Registration certificate from SEC, CDA, DTI.
- b. Mayor's / Business permit issued by the city or municipality where the laboratory is located. or equivalent document for Exclusive Economic Zones or Areas.
- c. Tax Clearance per E.O. 398 s. 2005, as finally reviewed and approved by the BIR.

10.1.3. Technical Documents and Technical Records for Evaluation (for all SLs)

- 10.1.3.1. Updated organizational and functional chart of the laboratory including its position in its parent organization; if any, and job description of its technical and support personnel
- 10.1.3.2. Updated accreditation/recognition record of Laboratory from statutory and regulatory entities, if any (e.g. PRC, PNP, PDEA, FPA, DENR, ISO/IEC 17025)
- 10.1.3.3. Updated laboratory test report forms
- 10.1.3.4. Updated equipment calibration and maintenance program of the laboratory
(Reference: Rule 3A.1)
- 10.1.3.5. Updated list of reference literatures available in the laboratory
- 10.1.3.6. Updated quality assurance program of the laboratory
- 10.1.3.7. Updated validation report of test methods
- 10.1.3.8. Updated floor plan of laboratory and related facilities
- 10.1.3.9. Inter-laboratory Proficiency Test results from previous 2 years participation prior to renewal date. It shall reach the standard quality of z-score: ≤ 2 or based on the set criteria of the laboratory for the assessment of PT z-score.
(Reference Rule 3B.4) For parameters with failed results from the standard, correction and corrective action reports with sufficient evidence/s that such non-conformity and the like are already resolved shall be provided.
- 10.1.3.10. Proof of membership and participation to annual meetings of the Philippine Soil Network *(Reference: Rule 3D.1, Rule 3E and Section 4C)*

10.2 Technical Evaluation and Audit Requirements

The BSWM TE&AT shall assess the Technical Evaluation and Audit requirements of the laboratory applying for LTO-SL renewal based on those stipulated on Section 6.2.1. to Section 6.2.6. of these Guidelines.


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10.3. Issuance of Renewed LTO-SL

The Director of BSWM shall issue LTO-SL to persons, natural, juridical, engaged in or who intends to engage in the analysis of soil for agricultural purposes. (*Reference: Rule 3G.1*) The certificate shall, among others, contain the following information: Company/Institution Name, Managing Head/Owner Name, Complete Address of the Soil Laboratory (*prior to the scope of validity of LTO-SL from Reference: Rule 3G.5*). The LTO-SL shall not be transferable.

The applicant laboratory if found compliant shall pay stated in Section 7.4 of these Guidelines for the issuance of LTO-SL which includes a regulatory fee throughout the validity of its license.

Application for renewal of LTO-SL shall be submitted not later than ninety (90) days before the expiry of validity. (*Reference: Rule 3G.4b*)

In the case of late renewal, an additional 50 percent of the processing fee in the amount of Three Thousand One Hundred Seventy-Eight and 78/100 Pesos only PhP3,178.78 shall be imposed to private soil laboratories as penalty. (*Reference: Rule 3G.6*)

The BSWM shall release the decision on the issuance of the LTO-SL to the applicant laboratory within 20 working days or as provided for and in accordance with Republic Act 11032 otherwise known as the Ease of Doing Business Act 2018. (*Reference: Rule 3G.11b*)

11. CONFIDENTIALITY CLAUSE

All information gained by BSWM and its authorized agents in processing, granting, maintenance and renewal of the LTO-SL will be treated as confidential between BSWM and the applicant laboratory. Such information will be handled on a strict "need to know" basis and will not be divulged without written instructions from the Licensed SL. The BSWM TE&AT shall be made aware of and abide of this requirement of confidentiality. Moreover, the BSWM shall sign a Confidentiality Agreement with the Licensed SL assuring that all laboratory information such as data and test reports shall not be disclosed or released to others without consent or approval from the Licensed SL.

12. REVOCATION CLAUSE

The BSWM reserves the right to amend, alter, add or delete any part of these Guidelines, if in its assessment, such alterations, amendments and additions are deemed reasonable and necessary.

In the event of such alterations, amendments and additions a subsequent Memorandum Circular shall be published in two (2) newspapers of general circulation. All participating laboratories shall be notified thru an official letter signed by the BSWM Director and given a


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reasonable amount of time shall be given to them to fully adopt and comply with the altered terms and conditions of these Guidelines.

13. SEPARABILITY CLAUSE AND REPEALING CLAUSE

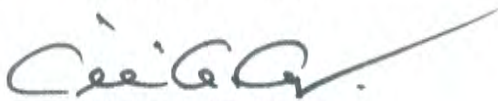
Should any provision or paragraph of these Guidelines be declared unconstitutional or contrary to law, the other provisions or part thereof which is/are not affected thereby shall continue to be in full force and effect.

All prior issuances, guidelines, rules, regulations, or parts thereof, which are inconsistent with any provision of this Circular are hereby revoked, amended, or modified accordingly.

14. EFFECTIVITY

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


Done this 27th day of October 2020.


WILLIAM D. DAR, Ph.D.
Secretary

DEPARTMENT OF AGRICULTURE

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