

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

THIRTEENTH CONGRESS
First Regular Session

House Bill No. 2863



Introduced by Honorable Renato B. Magtubo

EXPLANATORY NOTE

It is the policy of the State to afford full protection to labor and to extend to everyone the equal protection of the law. Despite this constitutional declaration, however, benefits granted to civilian employees of the government continue to pale in comparison with those received by their uniformed counterparts in the Armed Forces of the Philippines and the Integrated National Police.

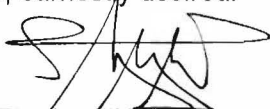
To illustrate, Section 11 of Republic Act 6758, or the Salary Standardization Law 1, not only exempted all allowances and fringe benefits of said uniformed personnel from integration with their base pay but also adopted an over-and-above longevity pay based on ten (10) percent of their monthly basic pay for every five (5) years of service.

In contrast, Congress has abolished all the existing allowances previously enjoyed by most government employees, and though it extended to them longevity pay in the form of step increments under Section 13 (c) of the same salary law, it failed to fix a comparable rate when it chose to pass on to the Civil Service Commission and the Department of Budget and Management its compensation – determining function.

This legislative omission has opened opportunities for the arbitrary and capricious exercise by both CSC and DBM of their delegated powers through CSC-DBM Joint Circular No. 1, s. 1990, CSC Clarificatory Interpretative Ruling of 1990 and DBM Budget Execution Guideline 93-2 which have rendered implementation of Section 13 (c), in so far as it concerns longevity pay, oppressive, confiscatory, absurd and violative of our Constitution's "equal protection" clause.

For example, Section 2 of said joint circular provides for 21 years of continuous satisfactory service in the position for the salary of an employee to reach the maximum 8th step of his/her salary grade, a formula that is way below even the lowest prevailing longevity rate for government tutors computed at 10 years for the same number of steps. Worse, said joint agency issuance, instead of making the longevity pay of government employees at par with that granted public school teachers, did exactly the reverse when it was wrongly held to have repealed Section 16 of RA 4670, the provision of special law governing the computation of longevity pay of the latter, thereby reducing their longevity pay by more than half. And as if this was not enough, the same circular, specifically section 4 thereof, considers length of service only in the incumbent's present position in the computation of longevity pay resulting to wage distortions and pay disparities in cases of promotion. Furthermore, it also pegs longevity pay at 8th step at the maximum, in effect, unjustly denying beneficiaries of the amount due them corresponding to their years of service beyond the equivalent of eighth step. To top it all, CSC, through its Clarificatory Interpretative Ruling of 1990, has made availment of longevity pay by government workers extremely difficult, if not frustratingly, impossible when it deliberately misinterpreted "continuous satisfactory service" to mean service uninterrupted or unbroken by any day of absence or leave without pay in derogation of the more benign intention and spirit of the law.

In view of the foregoing, there is a need for an urgent remedial legislation to address the growing demoralization and restiveness among rank-and file government workers as a result of such injustice and disparity. Immediate passage of this bill is, therefore, earnestly desired.


RENATO "KARENE" B. MAGTUBO
Partylist Representative

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AN ACT

EQUALIZING THE LONGEVITY PAY OF PUBLIC SCHOOL TEACHERS AND GOVERNMENT EMPLOYEES WITH THOSE PAID UNIFORMED PERSONNEL OF THE ARMED FORCES OF THE PHILIPPINES AND THE INTEGRATED NATIONAL POLICE AND, FOR THIS PURPOSE, AMENDING SECTION 16 OF REPUBLIC ACT 4670 AND SECTION 13 (c) OF REPUBLIC ACT 6758, PROVIDING FUNDS THEREFOR.

Be it enacted by the Senate and House of Representatives of the Philippines in Congress Assembled.

Section 1. Section 16 of Republic Act 4670, or "the Magna Carta for Public School Teachers" is hereby amended to read as follows:

" SECTION 16. LONGEVITY PAY AND MERIT INCREASE - PUBLIC SCHOOL TEACHERS, SHALL BE GRANTED MONTHLY LONGEVITY PAY COMPUTED AT TEN (10) PERCENT OF THEIR MONTHLY BASIC PAY FOR EVERY FIVE (5) YEARS OF CONTINUOUS SATISFACTORY SERVICE. PROVIDED, THAT MERIT INCREASES BASED ON OUTSTANDING AND VERY SATISFACTORY PERFORMANCE SHALL CONTINUE TO BE AUTHORIZED AND TREATED SEPARATELY. PROVIDED FURTHER, THAT THE BENEFITS HEREIN PRESCRIBED SHALL NOT PREJUDICE OR BE PREJUDICED BY SIMILAR BENEFITS ALREADY GRANTED OR WILL, HEREINAFTER, BE GRANTED BY LOCAL GOVERNMENT UNITS AND OTHER AGENCIES"

Section 2. Section 13 (c) of Republic Act 6758, or the "Compensation and Position Classification Act of 1989" is hereby amended to read as follows:

"SECTION 13 (C). LONGEVITY PAY AND MERIT INCREASE - ALL GOVERNMENT EMPLOYEES SHALL BE GRANTED MONTHLY LONGEVITY PAY COMPUTED AT TEN (10) PERCENT OF THEIR MONTHLY BASIC PAY FOR EVERY FIVE (5) YEARS OF CONTINUOUS SATISFACTORY SERVICE. PROVIDED, THAT MERIT INCREASES BASED ON OUTSTANDING AND VERY SATISFACTORY PERFORMANCE SHALL CONTINUE TO BE AUTHORIZED AND TREATED SEPARATELY. PROVIDED FURTHER, THAT THE BENEFITS HEREIN PRESCRIBED SHALL NOT PREJUDICE OR BE PREJUDICED BY SIMILAR BENEFITS ALREADY GRANTED OR WILL, HEREINAFTER, BE GRANTED BY LOCAL GOVERNMENT UNITS AND OTHER AGENCIES"

Section 3. The amount necessary to implement the provisions of this Act shall be included in the General Appropriations Act for the year following the approval of this Act.

Section 4 The heads of concerned agencies, in consultation with concerned national government employee's organizations, shall promulgate, not later than 30 days after the approval of this Act, such necessary rules and regulations to implement this Act.

Section 5 All laws, presidential decrees, executive orders, rules and regulations, or parts thereof, inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 6 This Act shall take effect upon its publication in any newspaper of general circulation.