

REPUBLIC OF THE PHILIPPINES

House of Representatives

15th CONGRESS

First Regular Session

House Bill No. 3461

Introduced by REP. TEDDY BRAWNER BAGUILAT

EXPLANATORY NOTE

**AN ACT PROVIDING FOR THE MAGNA CARTA FOR ENVIRONMENT AND
NATURAL RESOURCES PERSONNEL**

The 1987 Philippine Constitution specifically Section 16, Article II, laid down the framework for the protection and advancement/promotion of the people's right to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

The right to a clean environment is recognized as a human right in the Philippines, it being a duty imposed upon the State and responsibility required of individuals.

The State shall instill environment consciousness among our people to effectively carry out the different environmental programs and projects of the government essential for the protection, preservation and revival of the quality of the environment and natural resources of the country.

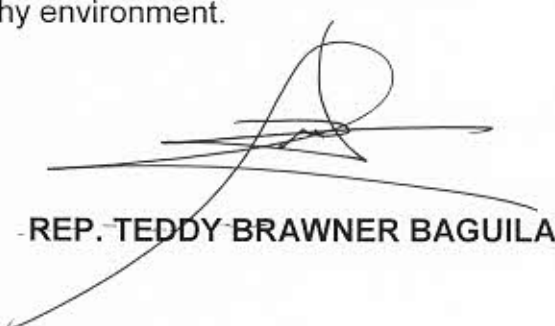
This Bill aims: (a) to promote and improve the health, physical safety, social and economic well-being of the environment and natural resources personnel, their living and working conditions, security and terms of employment; (b) to develop their skills and capabilities in order that they will be more responsive and better equipped to deliver environmental management functions in the attainment of projects and programs; and (c) to encourage those with proper qualifications and excellent abilities to join, contribute their expertise and remain in government service and in the country.

The Environment and Natural Resources (ENR) Personnel includes but is not limited to the personnel of the DENR, its Bureaus, Regional Offices, and attached Agencies, environmental units in the other government agencies and the ecological waste management department of the local government units.

This includes the forest rangers and park rangers that look after our forest and protected areas. A forest ranger guards or has jurisdiction over a very large forest area, around 5,000-10,000 hectares. However, his salary, is not as large as the area he is protecting.

Sa pamamagitan ng Batas na ito, ang dagdag benepisyo para sa isang forest ranger ay malaki ang maitutulong para sa kanyang ikabubuhay. Not only the forest rangers, this will also cover those in the ecological waste management department of local government units.

Passage of this Bill is earnestly sought to encourage those with proper qualifications and excellent abilities to remain in government service and in the country to work together for a clean and healthy environment.



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**AN ACT PROVIDING FOR THE MAGNA CARTA FOR ENVIRONMENT AND
NATURAL RESOURCES PERSONNEL**

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

Sec. 1. Title. This Act shall be known as the "**Magna Carta for Environment and
Natural Resources Personnel.**"

Sec. 2. Declaration of Policy and Objective. The State shall instill environment
consciousness among our people to effectively carry out the different environmental
programs and projects of the government essential for the protection, preservation
and revival of the quality of the environment and natural resources of the country.

Towards this end, this Act aims: (a) to promote and improve the health,
physical safety, social and economic well-being of the environment and natural
resources personnel, their living and working conditions, security and terms of
employment; (b) to develop their skills and capabilities in order that they will be more
responsive and better equipped to deliver environmental management functions in
the attainment of projects and programs; and (c) to encourage those with proper
qualifications and excellent abilities to join, contribute their expertise and remain in
government service and in the country.

Sec. 3. Definition. For purposes of this Act,

"**Department**" shall mean the Department of Environment and Natural Resources.

"**Environment and Natural Resources Personnel or ENR Personnel**" shall mean:

1. all persons who are engaged in the protection of the environment,
environmental management and environment-related work;
2. all persons employed as environment and natural resources officers and
personnel in the environmental and ecological solid waste management
units in all local government units, and administrative and support
personnel employed regardless of their employment status;
3. all persons employed in the environmental units of the national and regional
government agencies and companies owned and operated by the Government
or its political subdivisions and shall include engineers, environmental
management specialists, science research specialists, foresters, forest
and park rangers, marine environmental protection officers and personnel,
and administrative and support personnel employed regardless of their
employment status; and
4. all persons employed in the environmental unit of private
corporations/enterprises including but not limited to pollution control officers
regardless of their employment status; and

1 5. all persons employed with the Department, its Bureaus, Regional Offices and
2 attached Agencies, regardless of employment status, including but not limited to
3 permanent, temporary, contractual service/procurement service/Object 29
4 employment status.

5 **Sec. 4. Coverage.** This Act shall cover all environment and natural resources
6 personnel employed in the government service and private sector regardless of their
7 employment status.

8 **Sec. 5. Recruitment and Qualification.** Recruitment policy and minimum
9 requirements with respect to the selection and appointment of an environment and
10 natural resources personnel shall be developed and implemented by the appropriate
11 government agencies concerned in accordance with policies and standards of
12 the Civil Service Commission: Provided, That in the absence of appropriate eligibles
13 and it becomes necessary in the public interest to fill a vacancy, a temporary
14 appointment shall be issued to the person who meets all the requirements for the
15 position to which he/she is being appointed except the appropriate civil service
16 eligibility: Provided, further, That such temporary appointment shall not exceed twelve
17 (12) months nor be less than three (3) months renewable thereafter but that the
18 appointee may be replaced sooner if (a) qualified civil service eligible becomes
19 available, or (b) the appointee is found wanting in performance or conduct befitting a
20 government employee.

21 **Sec. 6. Merit Promotion and Career System.** The Secretary of Environment and
22 Natural Resources, upon consultation with the proper government agencies
23 concerned and the Environment and Natural Resources workers' organization, shall
24 prepare a uniform career and personnel development plan applicable to all
25 environment and natural resources personnel. Such career and personnel
26 development plan shall include provisions on merit promotion, performance
27 evaluation, in service training grants, job rotation, suggestions and incentive award
28 system.

29 The performance evaluation plan shall consider foremost the improvement of
30 individual employee efficiency and organizational effectiveness: Provided, That each
31 employee shall be informed regularly by his/her supervisor of his/her performance
32 evaluation.

33 The merit promotion plan shall be in consonance with the rules of the Civil Service
34 Commission.

35 **Sec. 7. Code of Conduct.** Within six (6) months from the approval of this Act, the
36 Secretary of Environment and Natural Resources, upon consultation with other
37 appropriate agencies, professional and environment and natural resources worker's
38 organization, shall formulate and prepare a Code of Conduct for ENR personnel,
39 which shall be disseminated as widely as possible.

40 **Sec. 8. Normal Hours of Work.** The normal hours of work of any environment and
41 natural resources personnel shall not exceed eight (8) hours a day or forty (40) hours a
42 week.

43 Hours worked shall include:

44 a) the time during which an environment and natural resources personnel is required
45 to be on active duty or to be at a prescribed workplace; and

46 b) the time during which an environment and natural resources personnel is permitted to
47 work.

c) the time during which an environment and natural resources personnel is required in a place other than the prescribed workplace.

Provided, That, the time when an environment and natural resources worker is placed on "On Call" status shall not be considered as hours worked but shall entitle the environment and natural resources worker to an "On Call" pay equivalent to fifty percent (50%) of his/her regular wage. "On Call" status refers to a condition when environment and natural resources workers are called upon to respond to urgent or immediate need for pollution incidences during emergencies such that he/she cannot devote the time for his/her own use.

An environment and natural resources personnel can also teach or practice their profession after office hours.

Sec. 9. Overtime Work. Where the exigencies of the service so require, any environment and natural resources personnel may be required to render service beyond the normal eight (8) hours a day, inclusive of Saturdays, Sundays or non-working holidays. In such a case, the environment and natural resources personnel shall be paid an additional compensation in accordance with existing laws and prevailing practices

Sec. 10. Work During Rest Day. a) Where an environment and natural resources personnel is made to work on his/her scheduled rest day, he/she shall be paid an additional compensation in accordance with existing laws.

b) Where an environment and natural resources personnel is made to work on any special holiday he/she shall be paid an additional compensation in accordance with existing laws. Where such holiday work falls on the personnel's scheduled rest day, he/she shall be entitled to an additional compensation as may be provided by existing laws.

Sec. 11. Compensation. The existing laws on the salary scale of government employees shall apply in determining the salaries of environment and natural resources personnel. In case of violations of this provision, the ENR personnel concerned shall file the necessary complaint to the Civil Service Commission (CSC) or NLRC through the ENR Management and Consultative Council.

Sec. 12. Leave Benefits for ENR personnel. Environment and natural resources personnel are entitled to all leave benefits and privilege such as but not limited to maternity, paternity, sick leave and vacation leaves, as provided for under existing laws: Provided, That upon separation of ENR personnel from service, they shall be entitled to all accumulated leave credits with pay.

Sec. 13. Highest Basic Salary Upon Retirement. Upon retirement, the Environment and natural resources personnel shall automatically be granted an increase of one (1) salary range or grade higher than his/her basic salary and his/her retirement benefit thereafter, computed on the basis of his/her highest salary received: Provided, That he/she has reached the age and fulfilled service requirements under existing laws.

Sec. 14. Other Benefits. Aside from the benefits received as required under existing laws and executive orders, an environment and natural resources personnel shall receive the following allowances:

1. Honorarium. ENR personnel who rendered services beyond the established irregular workload of ENR personnel whose broad and superior knowledge, expertise or professional standing in a specific field contributes to productivity and

innovativeness shall be entitled to receive honorarium subject to rules to be set by the Department.

2. Hazard Allowance. ENR personnel involved in hazardous undertakings such as, but not limited to conduct of field inspections and air/water/chemical and hazardous waste monitoring and sampling, forest ranger work and assigned in the following units: environmental impact assessment division, environmental quality division, pollution control divisions, environmental protection units, and research and development divisions and other environment and natural resources offices/field offices located in difficult areas which expose them to great danger, contagion, radiation, volcanic activity/eruption, occupational risks or threats to life, shall be compensated with hazard allowances equivalent to at least twenty-five percent (25%) of the monthly basic salary.

3. Subsistence Allowance/Transportation Allowance. ENR personnel who are required to render service in forest/watershed areas, pollution incident sites and other areas, in order, to make their services available at all times, shall be entitled to daily full subsistence allowance for three (3) meals which shall be computed in accordance with prevailing circumstances. Those assigned out of their regular work stations shall be entitled per diem in place of this allowance. Actual transportation allowance shall also be provided to environment and natural resources personnel on field work.

4. Clothing and Laundry Allowance. All ENR personnel shall be entitled to a minimum of One thousand five hundred pesos (PhP 1,500.00) clothing allowance annually, which amount shall be adjusted annually as needed.

In addition to the above, all environment and natural resources personnel who are required to wear uniforms regularly shall be entitled to a minimum of Two hundred fifty pesos (PhP250.00) per month laundry allowance. Provided further, that these rates shall be reviewed periodically and increased accordingly as needed.

5. Housing and Living Quarters Allowance. All environment and natural resources personnel who are transferred to another assignment due to the exigency of the service shall be entitled to free housing within the agency concerned: Provided, that if living quarters are not available within the agency and the personnel has his/her residence outside of fifty (50) kilometer radius from such government facility, he/she shall receive a housing allowance, and: Provided further, that the rate of such housing allowance shall be periodically adjusted for inflation.

For purposes of this Section, the Department of Environment and Natural Resources is authorized to develop housing projects in its own lands, not otherwise devoted for other uses, for ENR personnel in coordination with appropriate government agencies.

6. Longevity Pay. A monthly longevity pay equivalent to ten percent (10%) of the monthly basic pay shall be paid to an ENR personnel for every five (5) years of continuous, efficient and meritorious services rendered as certified by the chief of office concerned, commencing with the service after the approval of this Act.

7. Remote Assignment Allowance. ENR personnel who accept assignments as such in remote areas or isolated stations, which for reasons of far distance or hard accessibility, such positions had not been filled for the last two (2) years prior to the approval of this Act, shall be entitled to an incentive bonus in the form of remote assignment allowance equivalent to fifty percent (50%) of their basic pay, and

1 shall be entitled to reimbursement of the cost of reasonable transportation to and
2 from such remote post or station, upon assuming or leaving such position and
3 during official trips.

4 In addition to the above, such ENR personnel mentioned in the preceding paragraph
5 shall be given priority in promotion or assignment to better areas. Their tour of duties
6 in the remote areas shall not exceed two (2) years, except when there are no
7 positions for their transfer or they prefer to stay in such posts in excess of two (2)
8 years.

9 **8. Medical Examination.** During the tenure of their employment, ENR personnel
10 shall be given a compulsory medical examination once a year and immunization
11 as the case may warrant. The medical examination shall include, but not be limited
12 to:

- 13 a. Complete physical examination;
- 14 b. Routine laboratory, chest x-ray and ECG;
- 15 c. Psychometric examination;
- 16 d. Dental examination; and
- 17 e. Other indicative examination.

18 Provided, that where medical examination shows that medical treatment and/or
19 hospitalization is necessary for those already in government service, the treatment
20 and/or hospitalization including medicines shall be provided free either in a
21 government or a private hospital by the government entity paying the salary of the
22 ENR personnel especially in occupational-health related illness. Provided, further,
23 that the cost of such medical examination and treatment shall be included as
24 automatic appropriation in said agency's annual budget.

25 **9. Personal Protective Equipment.** ENR personnel which regularly conduct field
26 inspection, monitoring and sampling shall be provided by their respective offices with
27 the proper personal protective equipments (PPEs) in accordance with existing laws
28 on occupational health and safety.

29 **Sec. 15. Compensation for Injuries/Illnesses.** ENR personnel shall be protected
30 against the consequences of employment injuries/occupational-related
31 illnesses in accordance with existing laws. Injuries incurred while doing overtime
32 work shall be presumed work-connected.

33 **Sec. 16. Non-DENR ENR Personnel.** ENR Personnel not employed by the
34 Department, who are involved in environmental management and environment and
35 natural resources protection functions, and regardless of their employment status may
36 avail of the benefits of this Act, chargeable against their respective agencies/local
37 government units/offices/private corporations, upon certification of the Secretary of the
38 Department.

39 **Sec. 17. Honorarium for other services.** ENR personnel shall be allowed to render
40 consultancy services to the private sector and shall be entitled to receive such
41 honorarium that may be paid to them by the private entity concerned. Such payments
42 shall be over and above their salary from the government during the period of the
43 consultancy and shall not be considered as double compensation: *Provided*, That the
44 consultancy work will not jeopardize or adversely affect the operations or activities of his
45 originating office: *Provided, further*, That the Secretary of the Department approves
46 such consultancy.

47 **Sec. 18. Exemption from the Attrition Law and Civil Service Rule on**
48 **nepotism.** — Appointment of ENR personnel to positions of research assistant and
49 upwards shall not be covered by the Attrition Law and CSC rule on nepotism in

consideration of the highly technical nature of these positions.

Sec. 19. Rights of an ENR Personnel. ENR personnel shall have the following rights:

1. Protection from discrimination by reason of sex, sexual orientation, age, political or religious beliefs, civil status, physical characteristics/disability or ethnicity;
2. Protection from any form of interference, intimidation, harassment or punishment to include, but not limited to, arbitrary reassignment or termination of service, in the performance of his/her duties and responsibilities.
3. Join, organize, or assist organizations or unions for lawful purposes;
4. Protection from any act that will prevent his/her applying professional interventions that the clients situation may require; and
5. Opportunities for continuing professional growth and development.

Sec. 20. Reassignment of ENR Personnel.

- a) a transfer is a movement from one position to another which is of equivalent rank, level or salary without break in service;
- b) a geographical reassignment, hereinafter referred to as "reassignment," is a movement from one geographical location to another; and
- c) Except in the interest of public service, no transfer or geographical reassignment shall be made or effected without written notice to an environment and natural resources personnel: Provided, That said written notice, stating the reasons for the reassignment, shall be made at least thirty (30) days prior to the date of transfer or reassignment: Provided, further, That, if the environment and natural resources personnel believes that there is no justification for the transfer and/or reassignment, he/she may appeal his/her case to the CSC, which shall cause his/her transfer and/or reassignment to be held in abeyance: Provided, furthermore, That reassignment coinciding with any local or national election shall be made in compliance with Election Code and other existing laws and rules: Provided, finally, That the necessary expenses of the transfer and/or reassignment of the environment and natural resources personnel and his/her immediate family shall be paid for by the agency concerned.

Sec. 21. Married ENR Personnel. Whenever possible, the proper authorities shall take steps to enable married couples, both of whom are ENR personnel, to be employed or assigned in the same office, but not in the same unit. Provided, that it shall not apply to married ENR personnel already assigned in the same office at the time that this Act takes effect.

Sec. 22. Freedom from Interference or Coercion. It shall be unlawful for any person to commit any of the following acts of interference or coercion:

- a) to require as a condition of employment that an ENR personnel shall not join an ENR workers' organization or union or shall relinquish membership therein;
- b) to discriminate in regard to hiring or tenure of employment or any item or condition of employment in order to encourage or discourage membership in any ENR workers' organization or union;
- c) to prevent an ENR personnel from carrying out duties laid upon him/her by his/her position in the organization or union, or to penalize him/her for the action undertaken in such capacity;

1 d) to harass or interfere with the discharge of the functions of the ENR personnel
2 when these are calculated to intimidate or to prevent the performance of his/her
3 duties and responsibilities; and

4 e) to otherwise interfere in the establishment, functioning, or administration of ENR
5 workers' organizations or unions through acts designed to place such
6 organization or union under the control of government authority.

7 **Sec. 23. Freedom from Discrimination.** It shall be unlawful for any person or
8 employer to discriminate against ENR personnel who falls under any of the following:

9 a) ENR Personnel that are Solo Parents; - - - - -

10 b) ENR Personnel that are Benefactors of Senior Citizens. Benefactor shall
11 mean any person related to a Senior Citizen or not who takes care of him/her
12 as a dependent;

13 c) ENR Personnel that are Person with Disabilities (PWD); and

14 d) ENR Personnel that are Benefactors or Parents of a Person with Disabilities
15 (PWD) or Person with Special Needs of Person with Developmental
16 Disorders.

17 **Sec. 24. Human Resource Development.** The Department shall conduct a periodic
18 human resource development/management study into, among others, the following
19 areas:

20 a) Adequacy of facilities and resources to render quality environment and natural
21 resources management functions;

22 b) Opportunities for ENR personnel to grow professionally and develop their
23 potentials and experience a sense of worth and dignity in their work;

24 c) Mechanism for democratic consultations;

25 d) Ways and means of enabling the rank-and-file workers to avail of educational
26 opportunities for personal growth and development;

27 e) Upgrading of working conditions, reclassification of positions and salaries of ENR
28 personnel, regardless of employment status to correct disparity vis-a-vis other
29 professions; and

30 f) Allocation of funds for the participation of ENR personnel in seminars,
31 conferences, conventions and similar activities as part of their continuing
32 professional growth

33 **Sec. 25. Security of Tenure.** — No ENR personnel holding a permanent position shall
34 be terminated except for cause: Provided, That, in the event the environment and
35 natural resources personnel is found to be unjustly dismissed by the CSC or the NLRC;
36 as the case may be, he/she shall be entitled to reinstatement without loss of seniority
37 rights and backwages with twelve per centum (12%) interest to be computed from the
38 time his/her compensation was withheld from him/her up to the time of reinstatement.

39 **Sec. 26. Highest basic salary upon retirement.** — Upon retirement, the ENR
40 personnel concerned shall automatically be granted one (1) salary grade higher than
41 his/her basic salary and his/her retirement benefits shall be computed on the basis of
42 his/her highest salary received.

1 **Sec. 27. Hiring of retired ENR personnel.** — An employee retired under any existing
2 law, who, in the judgment of the governing board or head of a environmental agency,
3 possesses technical qualifications and the capability to undertake environmental
4 management activities, may be rehired on contractual basis without refunding the
5 unexpired portion of the gratuity and accumulated leave benefits received by him from
6 the Government: *Provided*, That no qualified environment and natural resources expert
7 is available to undertake said technical activities.

8 **Sec. 28. Environmental Awards.** - There shall be established an Environment and
9 Natural Resources Awards Committee which shall confer annually the Environment
10 and Natural Resources Awards for outstanding achievement/s and excellence or
11 original contribution to environmental protection/management. The Committee shall
12 promulgate the guidelines in implementing this Section and shall specify the
13 categories of awards to be given and the amount of financial reward for each
14 category.

15 **Sec. 29. Congressional Commission on Environment and Natural**
16 **Resources.** - There is hereby created a Congressional Commission on
17 Environment and Natural Resources (ENVICOM) that shall Oversee the
18 implementation of all the Environment and Natural Resources laws; review and
19 assess, among others, the state of the Philippine environmental security, human
20 resources development in Environment and Natural Resources field; and the
21 implementation of this Act. The Commission shall be composed of five (5) Members
22 of the House of Representatives and five (5) Members of the Senate. It shall be co-
23 chaired by the Chairpersons of the Committee on Environment and Natural
24 Resources of the Senate and the Committees of Ecology and Natural Resources of the
25 Lower House. Such congressional review shall be undertaken at least once every five (5)
26 years.

27 **Sec. 30. Implementing Rules and Regulations.** The Secretary of the Environment
28 and Natural Resources after consultation with appropriate agencies of the
29 Government as well as professional and environment and natural resources workers'
30 organizations or unions, shall formulate and prepare the necessary rules and
31 regulations to implement the provisions of this Act. Rules and regulations issued
32 pursuant to this Section shall take effect thirty (30) days after publication in a
33 newspaper of general circulation.

34 **Sec. 31. Prohibition Against Double Recovery of Benefits.** Whenever other laws
35 provide for the same benefits covered by this Act, the Environment and Natural
36 Resources personnel shall have the option to choose which benefits will be paid to
37 him/her. However, in the event that the benefits chosen are less than that provided
38 under this Act, the ENR personnel shall be paid only the difference.

39 **Sec. 32. Prohibition Against Elimination and/or Diminution.** Nothing in this law shall
40 be construed to eliminate or in any way diminish benefits being enjoyed by an Environment
41 and Natural Resources workers at the time of the effectivity of this Act.

42 **Sec. 33. Penal Provision.** Any person who shall willfully interfere with, restrain or
43 coerce any Environment and Natural Resources personnel in the exercise of his/her
44 rights or shall in any manner commit any act in violation of any of the provisions of
45 this Act, upon conviction, shall be punished by a fine of not less than Twenty
46 thousand pesos (P20,000.00) but not more than Forty thousand Pesos (P40,000.00)
47 or imprisonment of not more than one (1) year or both at the discretion of the court.

48 If the offender is a public official, the court, in addition to the penalties provided in the
49 preceding paragraph, may impose the additional penalty of disqualification from
50 office.

1 **Sec. 34. Funding.** The amount necessary to fully implement this Act shall be
2 provided in the General Appropriations Act (GAA) of the year following its enactment
3 into law under the budgetary appropriations of the DENR, concerned agencies and local
4 government units.

5 **Sec. 35. Annual Report.** The Secretary of the Department shall submit to the
6 Congressional Commission on Environment and Natural Resources an annual report on
7 the implementation of this Act.

8 **Sec. 36. Separability Clause.** The provisions of this Act is declared separable. In
9 the event that any provision hereof is rendered unconstitutional, those that are not
10 affected shall remain valid and effective.

11 **Sec. 37. Repealing Clause.** All laws, presidential decrees, executive orders and
12 their implementing rules, or parts thereof, inconsistent with the provisions of this Act are
13 hereby, repealed; amended or modified accordingly.

14 **Sec. 38. Effectivity.** This Act shall take effect fifteen (15) days after its publication in at
15 least two (2) national newspapers of general circulation.

16 Approved,