

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 8279



Introduced by Representative Edgar Mary S. Sarmiento

EXPLANATORY NOTE

Among the fundamental policies of the State is to safeguard the integrity of its territory and the well being of its citizenry particularly the youth, from the harmful effects of dangerous drugs on their physical and mental well-being, and to defend the same against acts or omissions detrimental to their development and preservation.

Such huge task is entrusted to the men and women of the Philippine Drug Enforcement Agency since 2002, upon the enactment of Comprehensive Dangerous Drugs Act of 2002 (RA no. 9165). In carrying out this sworn duty, these men and women risk their lives thwarting drug traffickers, who have resources to conduct their illegal trade at all cost.

On 2 October 2017, PDEA Agent Mark Anthony Ventura was shot dead in Tuguegarao City, Cagayan. The ambush is suspected to be work-related, considering that he was on his way to attend a Court duty when he was ambushed. On 24 February 2018, three PDEA agents were seriously burnt during an operation when the malefactor they were chasing set himself on fire.

These recent incidents are just two of the many incidents involving PDEA agents, highlighting that these agents are actually exposed to graver perils and work-related hazards. Such exposure to danger and the intensity of their duties necessitate that they be provided with acceptable living and working conditions, better terms of employment, the needed additional pays and allowances, and career opportunities in order that they may be able to effectively carry out their mandate.

The passage of this bill shall ensure that PDEA agents are well provided with the abovementioned benefits to alleviate the consequences of the hazards they face. Agents will also be provided with the proper expert trainings to better equip them in fulfilling their duties. The benefits and compensation provided to PDEA agents will also encourage those already in the agency to stay and the general public to be part of PDEA.

In view thereof, approval of this measure is earnestly sought.


EDGAR MARY S. SARMIENTO
Representative, 1st District, Samar

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**AN ACT INSTITUTING THE MAGNA CARTA OF BENEFITS FOR THE OFFICERS AND
PERSONNEL OF THE PHILIPPINE DRUG ENFORCEMENT AGENCY**

Be enacted by the Senate and House of Representatives in Congress assembled:

TITLE I
THE PHILIPPINE DRUG ENFORCEMENT AGENCY

Chapter One
Preliminary Provisions

SEC. 1. Title. - This Act shall be known as the "Magna Carta of the Drug Enforcement Officers and Other Personnel of the Philippine Drug Enforcement Agency."

Chapter Two
General Provisions

SEC. 2. Declaration of Policy. - It is the policy of the State to safeguard the integrity of its territory and the well being of its citizenry particularly the youth, from the harmful effects of dangerous drugs on their physical and mental well-being, and to defend the same against acts or omissions detrimental to their development and preservation. Such huge task is entrusted to the men and women of the Philippine Drug Enforcement Agency. In carrying out this sworn duty, these men and women risk their lives against drug traffickers who have all the resources to conduct their illegal trade at all cost.

It is hereby declared to be the policy of the State to protect the social and economic welfares of these men and women. Towards this end, the state shall provide these men and women with decent standard of living by providing them acceptable living and working conditions, better terms of employment and career opportunities in order that they may be able to effectively carry out their mandate.

SEC. 3. Definition of Terms. - For purposes of this Act, the following definitions area adopted:

- a. Board - refers to the dangerous Drugs Board

- b. Drug Enforcement Officer – refers to an employee who, by virtue of his/her position in the Agency, is directly engaged in the conduct of anti-illegal drug operations such as Intelligence Officer, Security Officer, Special Investigator, Investigation Agent or are assigned at the National Headquarters/Services performing other functions and other positions which may be created in the future with functions related or similar to that of the afore cited positions
- c. PDEA – refers to the Philippine Drug Enforcement Agency
- d. Personnel – refers to other personnel who are not Drug Enforcement Officers occupying plantilla positions under the PDEA Organizational and Staffing Pattern approved by the Department of Budget and Management
- e. R.A. 9165 – refers to Republic Act No. 9165 or "The Comprehensive Dangerous Dugs Act of 2002"
- f. The Commission – refers to the Civil Service Commission
- g. GSIS – refers to the Government Service Insurance System
- h. The Ombudsman – refers to the Office of the Ombudsman
- i. IRR – shall mean Implementing Rules and Regulations

Chapter Three Mandate

SEC. 4. Mandate. – The PDEA shall be responsible for the efficient and effective law enforcement of all the provisions on any dangerous drug and/or controlled precursor and essential chemical as provided in R.A. 9165.

TITLE II ORGANIZATIONAL COMPONENT AND STRUCTURE

Chapter One Organization

SEC. 5. Organizational Set-up. – The Director General of the PDEA shall be responsible for the necessary changes in organizational set-up.

For purposes of carrying out its duties and powers, the PDEA shall have the following Services, namely: Administrative and Human Resource; Compliance; Financial Management; Internal Affairs; Intelligence and Investigation; International Cooperation and Foreign Affairs; Laboratory Service; Legal and Prosecution; Plans and Operations; Logistics Management; Preventive Education and Community Involvement; Special Enforcement Service, Medical and Dental Services; and, the subsequent service or office which may be created by subsequent laws.

The PDEA shall establish and maintain regional offices in the different regions of the country which shall be responsible for the implementation of R.A. 9165 and as well as its policies, programs and projects.

Chapter Two The PDEA Academy and Its Training Programs

SEC. 6. Mission of the PDEA Academy. – The primary Mission of the PDEA Academy shall be to train and develop Drug Enforcement Officers and personnel of PDEA

to be professional, dynamic, excellence-driven and accountable public servants who can effectively and efficiently enforce laws against illegal drugs.

SEC. 7. Training Programs of the PDEA Academy. – The PDEA Academy includes training programs classified as Career Courses, Specialized Courses, Skills Enhancement Trainings and Seminars, and Foreign Sponsored Trainings.

Career Courses are training programs that aim to enhance the competencies of the participants in conducting anti-illegal drug operations, and their leadership and management skills. These shall be in preparation for possible promotion to higher position. These shall refer to the Drug Enforcement Officers Basic Course (DEOBC), PDEA Leadership Course, and PDEA Management Course.

Specialized courses are training programs that are designed to provide the foundation of knowledge and skills needed in the performance of duty in a particular PDEA occupational specialty. These shall refer to the DEO Anti-Illegal Drug Intelligence Course, DEO Anti-Illegal Drug Investigation Course, PDEA Community-Based Anti-Illegal Drug Advocacy Course, PDEA Custodial Officers Course, Drug Forensic Chemists Basic Training Course, PDEA Evidence Custodians Course, Security Officers Course, and Administrative Officers Course.

TITLE III COMPENSATION AND BENEFITS

Chapter One Status, Salaries and Allowances

SEC. 8. Basic Salary. – The salary of PDEA Officers and other personnel shall be based on the Salary Standardization Law.

Basic salary shall exclude personnel economic relief allowance, uniform/clothing allowance, quarters allowance, hazard duty pay, hardship pay and other allowances as may be provided by existing laws.

SEC. 9. Personnel Economic Relief Allowance (PERA). – Officers and other personnel of PDEA, whether occupying regular, contractual or casual positions, shall be entitled to personnel economic relief allowance (PERA) in the amount of Two Thousand Pesos (P 2,000.00) per month, or as provided by subsequent laws, to supplement their salaries due to rising cost of living.

SEC. 10. Uniform or Clothing Allowance. – PDEA Officers and other personnel, whether occupying regular, contractual or casual positions, who have been in the service for at least six (6) months shall be entitled to uniform or clothing allowance in the amount provided by the Department of Budget and Management; Provided, the said personnel shall serve for another six (6) months from the day said allowance is received. "Provided further that if the said personnel resigns from service within the said 6-month period, he/she shall refund part of the uniform or clothing allowance in proportion to the remaining months provided that the UCA for the year released is in the form of cash."

SEC. 11. Cultural and Athletic Costume or Uniform. – An amount not exceeding One Thousand Five Hundred Pesos (Php 1,500.00) or as provided by subsequent laws per employee-participant in a year may be used for the purchase of costume or uniform and other related expenses in the conduct of cultural and athletic activities chargeable against the agency appropriations authorized in the General Appropriations Act for MOOE.

SEC. 12. Hazard Duty Pay. – All PDEA personnel shall be entitled to hazard duty pay equivalent to ten to thirty percent (10% to 30%) of the basic monthly salary, depending on the position or classification of employees and their degrees of exposure to risks, to be identified further in the IRR.

SEC. 13. Combat Pay. – All PDEA employees exposed to combat situations or actually assigned to and performing their duties and responsibilities in strife-torn or embattled areas as determined and certified by the Secretary of National Defense or by his authorized representative shall be entitled to twenty-five percent of basic salary as Combat Pay. Combat pay shall only be granted for the duration of such assignment.

SEC. 14. Representation and Transportation Allowances. – The following officers, while in the actual performance of their respective functions, are hereby authorized monthly commutable representation and transportation allowances, charged against appropriations authorized for the purpose at the rates indicated below or as prescribed by subsequent laws:

OFFICER	RA	TA
(a) Director General	P 11, 000.00	P 11, 000.00
(b) Deputy Director General for Administration/Operation	10, 000.00	10, 000.00
(c) Service and Regional Directors	9, 000.00	9, 000.00
(d) Deputy Service Director or Assistant Regional Director	7, 500.00	7, 500.00
(e) Division Chiefs as identified in the Personal Services and Itemization and Plantilla Personnel	5, 000.00	5, 000.00

SEC. 15. Longevity Pay. – PDEA personnel shall be entitled to longevity pay of 10% of his/her basic monthly salary for every five (5) years of continuous, efficient, and meritorious service in the government, which shall be computed from the personnel's first appointment in PDEA. Provided, the maximum longevity pay shall not exceed fifty percent (50%) of the basic monthly salary.

SEC. 16. Special Counsel Allowance. – Lawyer-personnel, including those designated to assume the duties of a legal officer are hereby authorized an allowance of Two Thousand Five Hundred (P 2,500.00) for each appearance or attendance of hearing except pursuant to a motion for extension. Provided, the aggregate allowance per month shall not exceed fifty percent (50%) of the lawyer's basic salary per month or as prescribed by subsequent laws. Provided further, That the special counsel allowance shall not be granted to lawyer-personnel appearing before quasi-judicial and administrative agencies.

SEC. 17. Subsistence Allowance. – Drug Enforcement Officers shall be entitled to subsistence allowance of three (3) meals in a day which shall be computed in accordance with prevailing circumstances.

Administrative and technical personnel shall be entitled to subsistence allowance of one (1) meal which shall likewise be computed in accordance with prevailing circumstances.

SEC. 18. Quarters Allowance. – Officers transferred from one assignment to another by virtue of PDEA policies on reshuffling or rotation of personnel and do not own houses or other types of residence therein shall be provided quarters within the office premises.

Where there is not enough space to be used as quarters, monthly allowance shall be provided to the entitled officers, based on existing rental fees in the area of assignment for a period of 6 months.

Other officers and personnel not entitled under the above circumstances may be allowed to use government quarters provided they shall be charged the corresponding cost of rentals subject to the applicable rules.

SEC. 19. Education Allowance. – To compensate for educational cost incurred by officers and personnel who are transferred or assigned to a Region which is not his/her region of origin. This is applicable to the first two dependent children of the officer/personnel up to Senior High School.

SEC. 20. Medical Allowance. – All PDEA personnel shall be provided with medical allowance of not less than 15,000 per year for any illness or injury requiring hospitalization. This amount may also be used by the dependents of the personnel for any illness or injury requiring hospitalization.

SEC. 21. Relocation Allowance. – Any personnel of the Agency reassigned to a new Regional Office or from RO reassigned to National Office shall be entitled to an allowance for packing and shipping of furniture, household goods and personal effects. The amount shall also cover at least one (1) month accommodation rental for temporary shelter while settling in the new assignment.

SEC. 22. Anniversary Bonus. – PDEA personnel shall be entitled to anniversary bonus for each milestone year, starting on the 15th anniversary and every 5 years thereafter, in the amount of P3,000 or as may be provided by subsequent laws.

SEC. 23. Seminar and Other Professional Fees. – Subject to the availability of funds, fees for relevant seminars, as well as professional membership fees for lawyers, registration fees, and related miscellaneous expenses incurred in completing the mandatory continuing legal education (MCLE) course shall be borne by the PDEA; Provided, that the lawyer whose lifetime membership fees/dues to the Integrated bar of the Philippines (IBP) have been paid up for reimbursed by the PDEA, shall maintain his or her service in the PDEA for at least five (5) years; Provided, further, that should the lawyer resign or in any manner sever his or her service from the Office, he or she shall be required to reimburse the paid up IBP membership dues/fees in pro rata.

Professional membership, registration fees including those for mandatory continuing professional education (CPE), and related miscellaneous expenses of other employees holding positions for which a professional license is required by the office shall also be borne by the PDEA.

SEC. 24. Instructor's Duty Pay. – PDEA officers and other personnel serving as lecturers, resource persons, subject matter experts or facilitators in Agency-related training programs, seminars and other related activities within or outside the Agency, whose job description do not include such functions, shall be entitled to Instructor's Duty Pay (IDP) equivalent to two (2) times their hourly rates based on their monthly salaries at 21 work days in a month and 8 hours per day as illustrated by the following formula:

$$\text{IDP} = \frac{\text{Basic Salary}}{21 \text{ Days}} \times 8 \text{ Hours} \times \text{Actual SME Hours Rendered}$$

In addition to the IDP, the above-said officers and other personnel shall be entitled to travelling and other expenses incidental thereto subject to existing rules and regulations. However, where such officer or personnel shall have been paid IDP, he shall no longer be entitled to honoraria.

The Agency will come up with the IDP policy guidelines for PDEA. This would include guidelines on Instructor's incentive pay and allowances, qualification and selection of instructors and list of courses/training where instructors should be given IDP.

SEC. 25. Medical and Dental Examinations and Stress Debriefing. – Annual medical and dental examinations shall be provided to every employee at the expense of PDEA. This shall be included in the annual budget of PDEA in the General Appropriations Act.

Appropriate stress debriefing and management programs shall likewise be provided to DEOs in a regular basis or as needed.

SEC. 26. Health Insurance Program/Healthcare Services through a Health Maintenance Organization. – the provision of reliable and immediate medical attention when the need arises in times of illness or injury through health insurance promotes the morale and welfare as well as the feeling of security of personnel. This will also make them more productive, responsible and healthy employees which would be beneficial to the Agency in its anti-drug campaign. Issued health card will cover the annual medical and dental examination of personnel. Expenses for the mandatory annual executive check-up of PDEA Officials and Employees shall be on the account of PDEA.

SEC. 27. Medical Examination. – During the tenure of their employment, PDEA personnel shall be given a compulsory free medical examination once a year and immunization as the case may warrant. The medical examination shall include:

- (1) Complete Physical Examination, and
- (2) Routine Laboratory, Chest X-Ray and ECG.

SEC. 28. Survivorship Benefits. – Upon the death of PDEA Officials and employees, the surviving legitimate spouse and dependent or in their absence, the surviving parents of said officials/employees shall be entitled to receive on a monthly basis

all the retirement benefits that the deceased official/employees was receiving or entitled to receive at the time of death under the provisions of the applicable retirement laws. A "dependent" means a legitimate, illegitimate, or legally adopted child, who is chiefly dependent upon the above-enumerated deceased officials/employees if such dependent is not more than twenty-one (21) years of age, unmarried and not gainfully employed or if such dependent, regardless of age, is incapable of self-support because of mental or physical defect. The surviving legitimate spouse shall continue to receive such retirement benefits during his or her lifetime or until he or she remarries; Provided, that if the surviving legitimate spouse is receiving benefits under the existing retirement laws, the surviving legitimate spouse shall only be entitled to the difference between the amount provided for in this act and the benefits the surviving spouse has been receiving; Provided, further, that said benefits shall be granted to all aforementioned members of PDEA who died or retired prior to the effectivity of this Act.

SEC. 29. Grant of Special Allowance. – Any law to the contrary, notwithstanding, the Director General, Deputies Director General and Directors shall be granted allowances to be determined by the Director General.

The grant of special allowances shall be implemented uniformly in such sums and amounts and up to the extent only that can be supported by the funding source. Provided, that each grant of the said special allowance shall not exceed One Hundred Percent (100%) of the basic salary of employees as provided in Republic Act No. 6758, otherwise known as the Salary Standardization Law: Provided, further, that said special allowances shall be exempt from income tax.

Chapter Two Retirement Program

SEC. 30. Optional Early Retirement for PDEA Personnel. – A personnel may opt to retire upon reaching the age of 56 provided that he has rendered at least 15 years of government service and be paid retirement benefits in accordance with the existing law. Provided, that those who availed of this benefit shall not be allowed re-entry, in any capacity to PDEA.

SEC. 31. Compulsory Retirement for PDEA Personnel. – Upon attainment of the age of 65, personnel shall retire from service and be paid retirement benefits in accordance with the existing law. Provided, that those who have compulsory retired shall not be allowed re-entry in any capacity to PDEA.

SEC. 32. Consultation with the GSIS. – In the promulgation of the IRR of this Act, consultation with the GSIS shall be made in order to establish a retirement scheme deemed applicable and appropriate for the retirement of PDEA personnel.

Chapter Two Provident Fund

SEC. 33. Provident Fund. – PDEA shall be allowed to set up a Provident Fund, which shall be used for loaning operations and other purposes beneficial to all members as may be approved by its governing body.

SEC. 34. Fees Collected from Issuance of Licenses and/or Permits. – All fees collected from the issuance of licenses and permits by the Compliance Service including the fines imposed in relation thereto shall accrue to the Provident Fund. These shall be deposited with the National Treasury, to be recorded in its books of accounts as trust receipts.

SEC. 35. Service Fees. – Service fees collected by PDEA for the payment of any obligation through authorized deductions shall be deposited with the National Treasury, to be recorded in its books of accounts as trust receipts. The same shall be used exclusively for the operations of the Provident Fund.

SEC. 36. Per Diem for the Members of the Governing Board. – Per diem may be allowed for the members of the governing board of the Provident Fund on not more than Five Hundred (Php 500.00) per member per meeting. Provided, that the total per diem per member for the whole month shall not exceed One Thousand Five Hundred Pesos (Php1,500).

TITLE IV TRANSITORY PROVISIONS

SEC.37. Implementing Rules and Regulations. – PDEA shall formulate and prepare the Implementing Rules and Regulations of this Act within ninety (90) days from approval of the latter. The IRR shall be immediately published in any newspaper of general circulation or through other means the PDEA deem sufficient in order to give general notice to the public and shall take effect fifteen (15) days after publication.

SEC.38. Budgetary Requirements. – The PDEA Director General shall submit to the Congress, thru the Commission and the Department of Budget and Management, the annual budgetary requirements to implement the provisions of this Act and subsequent IRR. In no case shall the budgetary requirements of this Act for any given year be less than that of the previous year.

SEC.39. Penal Provision. – Any person who shall willfully interfere with, restrain or coerce any PDEA personnel in the exercise of his/her rights or shall in any manner commit any act in violation of any of the provisions of the Magna Carta, upon conviction, shall be punished by a fine of not less than twenty thousand pesos (P20,000) but not more than forty thousand pesos (P40,000) or imprisonment of not more than one year, or both at the discretion of the court. If the offender is a public official, the court, in addition to the above mentioned penalties may impose the appropriate accessory penalty. The filing of the criminal action is without prejudice to the right of the offended party to file the appropriate administrative and/or civil charges against the offender.

SEC.40. Separability Clause. – In the event that, for any reason, any provision of this Act is declared to be unconstitutional or invalid, the other sections or provisions hereof which are not affected thereby shall continue to be in full force or effect.

SEC.41. Repealing Clause. – All laws, decrees, orders, rules and regulations or parts thereof which are inconsistent with or contrary to the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC.42. Provision prohibition against diminution and/or elimination. – Nothing in this Act, shall be construed to eliminate or in any way diminish benefits being enjoyed by PDEA personnel at the time of the affectivity of this Act.

SEC.43. Effectivity. – This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved.