

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 9016



Introduced by Representative ROBERT ACE S. BARBERS

EXPLANATORY NOTE

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

This bill seeks to promote and improve the well-being and economic welfare of the men and women of the Philippine Drugs Enforcement Agency by providing them with acceptable living and working conditions, better terms of employment, and career opportunities in order to effectively **carry** out their mandate.

The Philippine Drug Enforcement Agency was created by virtue of Republic Act No. 9165 or the Comprehensive Dangerous Drugs Act of 2002. They are responsible for the efficient and effective law enforcement of all the provisions on any dangerous drugs and/or controlled precursor and essential chemical as provided in R.A. 9165.

The PDEA, as the lead agency in the government's anti-drug campaign, exposes its personnel to dangerous situations, especially now that many drug syndicates are affected by the administration's all-out war against illegal drugs. It is unfortunate that despite the critical role they play in the society, their economic well-being and professional development are afforded little attention as per existing law.

In return for ensuring that our nation is safe from the dangers of illegal drugs, this bill seeks to ensure that PDEA agents are provided sufficient compensation and accorded avenues for professionalization.

In view of the foregoing, the passage of this bill is earnestly sought.

REP. ROBERT ACE S. BARBERS
2nd District, Surigao del Norte

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Be it 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 are adopted:

- a. Board – refers to the Dangerous Drugs Board
- b. Drug Enforcement Officer (DEO) – 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 Drugs 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.

Chapter Four Duties and Responsibilities

SEC. 5. Powers and Duties of the PDEA. – Incidental to its mandate, the PDEA shall:

- (a) Implement or cause the efficient and effective implementation of the national drug control strategy formulated by the Board thereby carrying out a national drug campaign program which shall include drug law enforcement, control and prevention campaign with the assistance of concerned government agencies;
- (b) Undertake the enforcement of the provisions of Article II of R.A. 9165 relative to the unlawful acts and penalties involving any dangerous drug and/or controlled precursor and essential chemical and investigate all violators and other matters involved in the commission of any crime relative to the use, abuse or trafficking of any dangerous drug and/or controlled precursor and essential chemical as provided for in the Act and the provisions of Presidential Decree No. 1619;
- (c) Administer oath, issue subpoena and subpoena duces tecum relative to the conduct of investigation involving the violations of R.A. 9165;
- (d) Arrest and apprehend as well as search all violators and seize or confiscate, the effects or proceeds of the crimes as provided by law and take custody thereof, for this purpose the prosecutors and enforcement agents are authorized to possess firearms, in accordance with existing laws;
- (e) Take charge and have custody of all dangerous drugs and/or controlled precursors and essential chemicals seized, confiscated or surrendered to any national, provincial or local law enforcement agency, if no longer needed for purposes of evidence in court;
- (f) Establish forensic laboratories in each PNP Office in every province and city in order to facilitate action on seized or confiscated drugs, thereby hastening its destruction without delay;
- (g) Recommend to the DOJ the forfeiture of properties and other assets of persons and/or corporations found to be violating the provisions of R.A. 9165 and in accordance with the pertinent provisions of the Anti-Money-Laundering Act of 2001;
- (h) Prepare for prosecution or cause the filing of appropriate criminal and civil cases for violation of all laws on dangerous drugs, controlled precursors and

- essential chemicals, and other similar controlled substances, and assist, support and coordinate with other government agencies for the proper and effective prosecution of the same;
- (i) Monitor and if warranted by circumstances, in coordination with the Philippine Postal Office and the Bureau of Customs, inspect all air cargo packages, parcels and mails in the central post office, which appear from the package and address itself to be a possible importation of dangerous drugs and/or controlled precursors and essential chemicals, through on-line or cyber shops via the internet or cyberspace;
 - (j) Conduct eradication programs to destroy wild or illegal growth of plants from which dangerous drugs may be extracted;
 - (k) Initiate and undertake the formation of a nationwide organization which shall coordinate and supervise all activities against drug abuse in every province, city, municipality and barangay with the active and direct participation of all such local government units and nongovernmental organizations, including the citizenry, subject to the provisions of previously formulated programs of action against dangerous drugs;
 - (l) Establish and maintain a national drug intelligence system in cooperation with law enforcement agencies, other government agencies/offices and local government units that will assist in its apprehension of big-time drug lords;
 - (m) Establish and maintain close coordination, cooperation and linkages with international drug control and administration agencies and organizations, and implement the applicable provisions of international conventions and agreements related to dangerous drugs to which the Philippines is a signatory;
 - (n) Create and maintain an efficient special enforcement unit to conduct an investigation, file of charges and transmit of evidence to the proper court, wherein members of the said unit shall possess suitable and adequate firearms for their protection in connection with the performance of their duties: Provided, that no previous special permit for such possession shall be required;
 - (o) Require all government and private hospitals, clinics, doctors, dentists and other practitioners to submit a report to it, in coordination with the Board, about all dangerous drugs and/or controlled precursors and essential chemicals which they have attended to for data and information purposes;
 - (p) Coordinate with the Board for the facilitation of the issuance of necessary guidelines, rules and regulations for the proper implementation of R.A. 9165;
 - (q) Initiate and undertake a national campaign for drug prevention and drug control programs, where it may enlist the assistance of any department, bureau, office, agency or instrumentality of the government, including government-owned and or –controlled corporations, in the anti-illegal drugs drive, which may include the use of their respective personnel, facilities, and resources for a more resolute detection and investigation of drug-related crimes and prosecution of the drug traffickers; and
 - (r) Submit an annual and periodic reports to the Board as may be required from time to time, and perform such other functions as may be authorized or required under existing laws and as directed by the President himself/herself or as recommended by the congressional committees concerned.

TITLE II ORGANIZATIONAL COMPONENT AND STRUCTURE

Chapter One Organization

SEC. 6. Organizational Set-up. - The Director General of the PDEA shall be responsible for the necessary changes in the 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.

SEC. 7. The Office of the Director General. – The Office of the Director General shall be responsible for the general administration and management of PDEA. It shall direct and control the utilization of PDEA's resources for the accomplishment of its mission in accordance with R.A. 9165.

SEC. 8. The Office of the Deputy Director General for Administration. – The Office of the Director General for Administration (ODDGA) shall assist the Director General in the general supervision of the various administrative functions of PDEA. It has functional supervision over the following Services/Offices:

- (a) Administrative and Human Resource Service
- (b) Financial Management Service
- (c) Internal Affairs Service
- (d) Logistics Management Service
- (e) PDEA Academy

SEC. 9. The Office of the Deputy Director General for Operations. - The Office of the Director General for Operation shall assist the Director General (ODDGO) in the general supervision of the various operational functions of PDEA. The ODDGO functional supervisions over the following Services/Offices:

- (a) Compliance Service
- (b) Intelligence and Investigation Service
- (c) International Cooperation and Foreign Affairs Service
- (d) Laboratory Service

- (e) Legal and Prosecution Service
- (f) Plans and Operations Service
- (g) Preventive Education and Community Involvement Service
- (h) Special Enforcement Service
- (i) Regional Offices

Chapter Two PDEA Officers

SEC. 10. The Director General and the Deputies Director General. – The PDEA shall be headed by a Director General with the rank of Secretary, who shall be responsible for the general management and administration of the same. The Director General shall be appointed by the President of the Republic of the Philippines and he/she shall perform such other duties as may be assigned to him/her. He must possess adequate knowledge, training and experience in handling dangerous drugs and in any of the following field: law enforcement, law, medicine, criminology, psychology or social work;

The Director General shall be assisted in the performance of his/her duties and responsibilities by two (2) deputies director general with the rank of Undersecretary: one deputy director general for administration and one deputy director general for operations. The two (2) deputies general shall be appointed by the President upon the recommendation of the Board. The deputies director general shall possess the same qualifications as those of the Director General. The Director General and his/her deputies general shall receive salaries, compensation and other benefits as prescribed by law.

SEC. 11. Key Officers – The Services under Operations shall be headed by Service Directors with the rank of Director III assisted by Deputy Directors with the rank of Director II. The Regional Offices, also under Operations, shall be headed by Regional Directors with the rank of Director III assisted by Assistant Regional Directors with the rank of Director II. The Services under Administration shall be headed by Service Directors with the rank of Director III assisted by Deputy Directors with the rank of Director II.

SEC. 12. Other Officers. – PDEA personnel holding or designated to a position with Salary Grade of 18 to 25 shall be considered an officer of PDEA and shall be entitled to the rights and privileges appurtenant to such distinction.

Chapter Three Rights of PDEA Personnel

SEC. 13. PDEA personnel shall have the following rights:

- a. Protection from discrimination by reason of sex, sexual orientation, age, political or religious beliefs, civil status, physical characteristics/disability, or ethnicity;
- b. 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.
- c. Join, organize or assist organizations or unions for lawful purposes:

While the States recognizes the right of public social workers to organize or join any such organization, for the purpose of this section, the exercise of such right

shall be in conformity with the rules particularly provided for Public Sector Unionism. For this Section, lawful purposes shall refer to collective negotiations, mutual aid, interest, cooperation and protection.

- d. Protection from any act that will prevent him/her from applying professional interventions that the client's situation may require;
- e. Opportunities for continuing professional growth and development; and
- f. PDEA personnel can teach or practice their profession after office hours pursuant to Civil Service Law and Rules.

TITLE III ADMINISTRATIVE AND HUMAN RESOURCE RULES AND POLICES

Chapter One Career Development Program

SEC. 14. Career Development Program. – In order to ensure that the Agency is run by officials and employees with a commendable level of professionalism, competence, commitment to service, transparency, respect for human dignity and integrity, a well-rationalized career development program shall be provided by PDEA. The programs shall serve as the basis for all career and personal development activities of PDEA.

This applies to all personnel of PDEA with appropriate qualifications, attitude and drive for professionalism who wish to assume positions of higher responsibility through promotion based on the principle of merit, fitness, equality and transparency and also address protest related to promotion. Equal opportunity to all DEOs and personnel in terms of training/schooling, wherein AHRS shall have an updated database to prevent the repetition of training/schooling to those who already undergone same training/schooling.

Chapter Two Merit and Promotion Plan

SEC. 15. Merit and Promotion Plan. - A Merit and Promotion plan shall be promulgated by PDEA based on applicable laws, and rules, regulations and standards set by the Commission to ensure that every employee is given fair and equal opportunity in career advancement particularly in promotion.

Promotion shall be primarily based on merits and fitness. No spot promotion shall be allowed. Outstanding performance or accomplishment of personnel shall only be considered as additional point and should not be the sole basis of promotion.

Chapter Three Performance Evaluation System

SEC. 16. Performance Evaluation. – The performance of PDEA personnel shall be governed by the Strategic Performance Management System (SPMS) under Memorandum Circular No. 6 series of 2006 dated March 19, 2012 issued by the Commission and/or by subsequent laws.

Under the SPMS, incentive scheme shall be performance-based integrating the personnel and organizational performance. Civil servants and the government institutions shall be rewarded accordingly on their exemplary performance.

Hence, PDEA shall adopt reasonable policies, rules and regulations necessary to carry out the objectives of the SPMS.

Chapter Four **The PDEA Academy and its Training Programs**

SEC. 17. Mission of the PDEA Academy. – To train and develop Drug Enforcement Officers and personnel of PDEA into professional, dynamic, excellence-driven and accountable public servants who can effectively and efficiently enforce laws against illegal drugs.

SEC. 18. 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 shall 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 their eventual 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 shall be 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.

Skills enhancement trainings and seminars are short-term trainings that shall primarily aim to improve knowledge and hone the participants' skills in specific areas or fields. These shall include the Airport Interdiction Training, Tactical Lifesavers Course, SWAT Training, Continuing Seminar on Anti-Illegal-Drug Operations and Investigation, Security Seminar, Seminar on Barangay Drug Clearing Operations for Chiefs of Police, Seminar on Revised Rules on Administrative Cases in the Civil Service, Stress Management Seminar, PDEA Fire and Earthquake Preparedness Seminar, Trainers' Training on Scientific Method of Processing Fingerprints, PDEA Anti-Illegal-Drug Law Seminar for Legal Officers / Trainers' Training on Case Monitoring, Capability Enhancement Training on Anti-Illegal-Drug Operations for BJMP (Trainers' Training), Regional Marksmanship Training, Firearms Proficiency Training for Agents, Firearms Proficiency Training for Admin-Technical Personnel, Seaport Interdiction Training, PDEA Intelligence Research and Analysis Training, Tradecraft Training, and Case Officers Course.

Foreign Sponsored Trainings shall refer to training programs sponsored by foreign counterparts, in which the PDEA Academy shall take charge of the training management. These training programs shall, comprise, but not limited to, the Instructor Development Course, Baker Piston Counternarcotics Training, Clandestine Laboratory Investigation Course, and Tactical Safety and Survival Seminar.

**TITLE IV
COMPENSATION AND BENEFITS**

**Chapter One
Status, Salaries and Allowances**

SEC. 19. 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. 20. 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 (P2,000.00) per month, or as provided by subsequent laws, to supplement their salaries due to rising cost of living.

SEC. 21. 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 not exceeding Five Thousand Pesos (P5,000.00); Provided, that said personnel shall serve for another six (6) months from the day said allowance is received.

SEC. 22. Cultural and Athletic Costume or Uniform. - An amount not exceeding One Thousand Five Hundred Pesos (Php1,500.00) 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. 23. Hazard Duty Pay. - All PDEA personnel shall be entitled to hazard duty pay equivalent to thirty percent (30%) of the basic salary monthly salary.

SEC. 24. Combat Pay. - DEOs and other personnel exposed to hardship and 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 (25%) of basic monthly salary. Combat pay shall only be granted for the duration of such assignment.

SEC. 25. 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	P11,000.00	P11,000.00
(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 of Personnel	5,000.00	5,000.00

SEC. 26. Longevity Pay. - PDEA personnel shall be entitled to an increase of 10% of 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 the government service: Provided, that the maximum longevity pay shall not exceed fifty percent (50%) of the basic monthly salary.

SEC. 27. Special Counsel Allowance. - Lawyer-personnel, including those designated to assume the duties of a legal officer and those in the legal staff of departments, bureaus, offices or agencies of the National Government deputized by the Office of the Solicitor General to appear in court as special counsel in collaboration with the Solicitor General or prosecutors concerned, are hereby authorized an allowance of One Thousand Fifty Pesos (P1,250.00) for each appearance or attendance of hearing except pursuant to a motion for extension, chargeable to savings in the appropriations of their respective offices, but not exceeding Four Thousand Pesos (P4,000.00) per month. Provided, That the special counsel allowance shall not be granted to lawyer-personnel appearing before quasi-judicial and administrative agencies.

SEC. 28. 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. 29. Quarters Allowance. - Officers who are 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.

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. 30. 13th and 14th Month Pay and Cash Gift. – Officers and employees shall be entitled to mandatory 13th and 14th month pay equivalent to the monthly basic compensation received by an employee, computed pro-rata according to the number of months within a year that the employee has rendered service to the employer and a cash gift amounting to five thousand pesos (Php5,000.00) or the amount which may be prescribe by subsequent laws.

SEC. 31. Performance Based Bonus. – personnel may be granted performance-based bonus based on AO 25 series 2011 or the Inter-Agency Task Force on the Harmonization of National Government Performance Monitoring, Information and Reporting Systems issuances with the monetary bonus based on the percentage of salary (50%, 57.5% and 65%) upon compliance of the conditions set by EO 201 or by subsequent issuances. Personnel are entitled if they render minimum of three (3) and maximum of nine (9) months with satisfactory rating and shall be prorated corresponding with the length of service.

SEC. 32. Productivity Enhancement Incentive. – personnel may be entitled to productivity enhancement incentive equivalent to either Php5,000 or one month basic salary upon compliance of the conditions prescribed under Executive Order 181 or as may be provided by subsequent laws.

SEC. 33. Anniversary Bonus. - PDEA personnel shall be entitled to anniversary bonus in existence amounts to Php3,000.00 and another Php3,000.00 for every five (5) succeeding years.

SEC. 34. Loyalty Award. - is granted to an employee who has completed at least ten (10) years of continuous and satisfactory service in the government. Continuous service refers to the actual service rendered since the appointment of the employee concerned, including the period or periods covered by any previously approved leave.

The loyalty award shall consist of cash bonus as follows:

10 th year	-	from P5,000.00 to P 10,000.00
15 th year	-	from P2,500.00 to P 5,000.00
20 th year	-	from P2,500.00 to P 5,000.00
25 th year	-	from P2,500.00 to P 5,000.00
30 th year	-	from P2,500.00 to P 5,000.00
35 th year	-	from P2,500.00 to P 5,000.00
40 th year	-	from P2,500.00 to P 5,000.00

SEC. 35. 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 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:

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

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 honoraria, 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. 36. Medical and Dental Examinations and Stress Debriefing. - an 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. 37. Health Insurance Program. - the provision of a 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.

SEC. 38. 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.

Chapter Two Leave Benefits

SEC. 39. Leave of Absence. – PDEA personnel shall have the right not to report for work with or without pay as may be provided under Rule XVI of the Omnibus Rules implementing Book V of the Administrative Code of 1987 (EO 292), other existing laws and subsequent laws including but not limited to:

- a. Vacation Leave – refers to leave of absence of fifteen (15) days for a given year granted to official and employee for personal reasons, the approval of which is contingent upon the necessities of the service.
- b. Mandatory Leave – refers to the five (5) days of the vacation leave in a year which an employee has the right to avail otherwise, the same shall not be considered spent and shall not be carried over in the succeeding years. However, if the employee needs to report to work on the scheduled mandatory leave due to the exigency of service, a certification for such shall be issued to the employee and the leave shall be allowed to be carried over in the succeeding years.
- c. Sick Leave – refers to the leave of absence of fifteen (15) days granted on account of sickness or disability on the part of the employee concerned or any member of his immediate family. If not used, it may be carried over in the succeeding years.
- d. Maternity leave – refers to sixty (60) days leave where every married or unmarried woman in the government service who has rendered an aggregate of two (2) or more years of service. In addition to her vacation and sick leave, she is entitled to maternity leave of sixty (60) calendar days with full pay. For those who have rendered one (1) year or more but less than two (2) years of service shall be computed in proportion to their length of service, provided that those who have served for less than one (1) year shall be entitled to sixty (60) days maternity leave with have pay. Enjoyment of maternity leave cannot be deferred but it should be availed of either before or after the actual period of delivery in a continuous and uninterrupted manner, not exceeding sixty (60) calendar days. It maybe granted every instance of pregnancy irrespective of its frequency (non-cumulative/non-commutative)
- e. 3 Days Special Privilege Leaves – leave of absence, which employee may avail of for a maximum of three (3) days annually over and above the vacation, sick, maternity and paternity leave to mark personal milestones and/or attend to filial and domestic responsibilities.
- f. 7 Days Paternity Leave – Every married male government employee for the first four deliveries of his legitimate spouse with whom he is cohabiting; the definition of "delivery" includes either childbirth or miscarriage. Married male employee with more than one (1) legal spouse shall be entitled for an absolute maximum of four (4) deliveries regardless of whichever spouse gives birth (non-cumulative).
- g. Terminal Leave – money value of the accumulated leave credits of an employee based on the highest salary rate received prior to or retirement date/voluntary separation.

- h. Study Leave – PDEA personnel shall be entitled to study leave not exceeding six (6) months with pay to qualified officials and employees to help them prepare for their bar or board examinations or complete their master's degree. For completion of master's degree, the study leave shall not exceed four (4) months. A female employee who is on study leave with pay is not entitled to avail of maternity leave benefits.
- i. Relocation Leave – a special leave privilege granted to an official/employee whenever he/she transfer residence or to a new place of assignment.
- j. Calamity Leave – a special emergency leave to those who are directly affected by disaster/natural calamities.
- k. Solo Parent Leave – a special leave benefits of seven (7) days granted to solo parent pursuant to the provision and implementing rules and regulations of the Solo Parent's Welfare Act of 2000 also known as Republic Act No. 8972 or as may be amended by subsequent laws.
- l. Rehabilitation Leave for Job-Related Injuries. Applications of officials and employees for leave of absence on account of wounds or injuries incurred in the performance of duty must be made on the prescribed form, supported by the proper medical certificate and evidence showing that the wounds or injuries were incurred in the performance of duty. The head of department/agency concerned shall direct that absence of an employee during his period of disability thus occasioned shall be on full pay, but not to exceed six (6) months. He shall also authorize the payment of medical attendance, necessary transportation, subsistence and hospital fees of the injured person. Absence in the case contemplated shall not be charged against sick leave or vacation leave, if there are any. (Section 55, CSC MC No.41 S. 1998).
- m. Special Leave for Women (Magna Carta Leave for Women) – special leave benefits of two (2) months granted to women who have undergone surgery caused by gynecological disorders pursuant to the provision and implementing rules and regulations of Magna Carta of Women Under R.A. 9710.
- n. Leave Without Pay – refers to all absences of an employee in excess of his accumulated vacation or sick leave earned shall be without pay. When an employee had already exhausted his sick leave credits, he can use his vacation leave credited but not the other way around.
- o. **10 Days Leave (Anti-Violence against women and their children act of 2004)** - any women employee in the government service regardless of employment status, who is a victim of violence and/or whose child is also a victim of violence whose age is below eighteen (18) or above eighteen (18) but unable to take care of himself/herself (non-cumulative and not convertible to cash).
- p. **Indefinite Leave** - an indefinite sick leave of absence shall be granted to PDEA personnel when the nature of the illness demands a long treatment that will exceed six (6) months at the least.

SEC. 40. Cumulation and Commutation of Leave Credits – vacation and sick leaves shall be cumulative and any part thereof which may not be taken within the calendar year in which earned may be carried over the succeeding years. The employee may use the cumulated leave credits in the succeeding years or have it commuted to the corresponding monetary value.

SEC. 41. Monetization of Leave Credits. – An employee may be paid in advance under prescribed limits and subject to specified terms and conditions of the money value of leave credits of an employee upon his request without actually going on leave.

Chapter Three Work Hours and Duty System

SEC. 42. Working Hours for DEOs. – Due to the nature of their functions, DEOs do not have regular working hours. They conduct their anti-illegal drug operations any time of the day and night. In this connection, PDEA shall be allowed to establish reasonable rules covering the working hours of DEOs including the corresponding rest days to be submitted for approval of the Commission.

SEC. 43. Normal Working Hours for Non-DEOs. – The normal work hours for non-DEO personnel shall not exceed more than eight (8) hours a day or forty (40) hours a week. Hours worked shall include: (a) all the time during which the personnel is required to work or to be at his prescribed workplace; (b) all the time during the personnel is permitted to work; and, all the time the personnel is required to attend official business outside workplace including the time going to and from said business.

SEC. 44. Flexible Time. – Flexible working hours may be allowed, upon the discretion of the Director General, to rank and file employees up to division chief level subject to existing rules of the Civil Service Commission.

SEC. 45. Duty System. – Considering the irregular hours of operations of PDEA, a duty system shall be allowed. DEOs with salary grade 15 and above shall be tasked, on rotation basis, as Officer of the Day in any given day including Saturdays, Sundays and holidays, to primarily respond on any eventuality which may arise during his tour of duty.

SEC. 46. Time-off for Duty Rendered. – DEOs performing duty under the preceding section shall be allowed one (1) day off for regular working days and two (2) days off for weekends and holidays. The time off shall be spent in the next working day. However, if, in the exigency of service, he shall be required to report for work in his time-off, he may spend his time-off in any other day: Provided, his office shall certify that he is not able to use his time-off due to exigency of service.

SEC. 47. Overtime Work. – In the exigency of service, non-DEO personnel may be required to render service beyond the normal working hours: Provided, further, that such overtime work is requested in writing by the office to which the personnel belongs and coursed thru the AHRS and FMS for approval of the Director General, PDEA. Provided, finally, compensatory time off shall be granted in lieu of the overtime pay as provided in the Civil Service Law.

SEC. 48. Compensation for Rest Day, Saturday, Sunday and Official Non-Working Holidays. – In addition to overtime work, non-DEO personnel may be required to render service on his rest day, Saturday, Sunday and official non-working holidays: Provided, that he shall be paid additional compensation in accordance with existing laws but not to exceed fifty percent (50%) of the monthly basic pay: Provided, further, that such work rendered is requested in writing by the office to which the personnel belongs and coursed thru the AHRS and FMS for approval of the Deputy Director General for Administration. Provided, finally, that should the Agency be unable to pay the additional compensation of the employee who rendered work, compensatory time off shall be granted as provided in the Civil Service Law.

Chapter Four Retirement Program

SEC. 49. Optional Early Retirement for DEOs. – A DEO may opt to retire upon reaching the age of fifty-five (55) and be paid retirement benefits in accordance with existing law: Provided, that he has rendered at least fifteen (15) years of government service.

Provided, further, that those who have availed of this benefit shall not be allowed re-entry, in any capacity, to PDEA.

SEC. 50. Compulsory Retirement for DEOs. – Upon attainment of the age of fifty-six (56), a DEO shall retire from service and be paid retirement benefits in accordance with existing law: Provided, that those who have compulsorily retired shall not be allowed re-entry, in any capacity, to PDEA.

SEC. 51. Optional Early Retirement for Non-DEOs. – Upon attainment of the age of sixty (60), non-DEOs including those occupying director positions may opt to retire from service and be paid retirement benefits in accordance with existing law: Provided, That in the case of officers occupying the positions of Director II or Director III, the Commission may allow his retention in the service for an un-extendible period of one (1) year; Provided, further, That those who have compulsorily retired shall not be allowed re-entry, in any capacity, to PDEA.

SEC. 52. Compulsory Retirement for Non- DEOs. – Upon attainment of the age of sixty-five (65), non-DEOs including those occupying director positions shall retire from service and be paid retirement benefits in accordance with existing law: Provided, that those who have compulsorily retired shall not be allowed re-entry, in any capacity, to PDEA.

SEC. 53. 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 DEOs.

Chapter Five Provident Fund

SEC. 54. 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. 55. 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. 56. 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. 57. 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 of not more than Five Hundred (Php500.00) per member per meeting. Provided, That the total per diem per member for the whole month shall not exceed One Thousand Five Hundred Pesos (Php1,500.00).

TITLE V TRANSITORY PROVISIONS

SEC. 58. 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. 59. 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. 60. 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 (P20,000.00) but not more than forty thousand pesos (P40,000.00) 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 abovementioned 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. 61. 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. 62. 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. 63. Proviso on prohibition against diminution and/or elimination. - means 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 effectivity of this Act.

SEC. 64. Effectivity. – This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved.