

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 5042



Introduced by Hon. John Marvin "Yul Servo" C. Nieto

EXPLANATORY NOTE

The proposed measure seeks to provide for the Magna Carta for Rescue Workers.

It aims to promote and improve the social and economic well-being of rescue workers through better living and working conditions and terms of employment. It aims to develop their skills and capabilities in order for them to be more responsive and better equipped to deliver lifesaving services and programs. Moreover, the proposed measure also aims to encourage those with proper qualifications and excellent abilities to join and remain in government service.

The proposed measure puts into action a system where only qualified rescue workers will be hired for the position. Those employed will be given living and working conditions commensurate to the services they render in the performance of their duties. They will also be given security of tenure and all other benefits as a government employee.

As a manifestation of support to this timely piece of legislation, this representation respectfully refiles this bill, which has constantly been receiving support from the past Congress.


JOHN MARVIN "YUL SERVO" C. NIETO

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AN ACT PROVIDING FOR A MAGNA CARTA FOR RESCUE WORKERS AND FOR OTHER PURPOSES

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

SECTION 1. Title. - This Act shall be known as the "Magna Carta of Rescue Workers".

SEC. 2. Statement of Policy. - It shall be the policy of the State to enhance the implementation of Republic Act 10121 otherwise known as the "Philippine Disaster Risk Reduction and Management Act of 2010" in enacting measures with special reference to the welfare of all rescue workers in the country.

Towards this end, this Act aims to:

- a. Promote and improve the social and economic well-being of the rescue workers, their living and working conditions and terms of employment;
- b. Develop their skills and capabilities in order that they will be more responsive and better equipped to deliver lifesaving services and programs; and
- c. Encourage those with proper qualifications and excellent abilities to join and remain in government service.

SEC. 3. Recruitment and Qualification. - Recruitment policy and minimum requirements with respect to the selection and appointment of a rescue worker shall be developed and implemented by the appropriate government agencies concerned in accordance with policies and standards of the Civil Service Commission: Provided, That in the absence of appropriate "eligibles" and it becomes necessary in the public interest to fill up a vacancy, a temporary appointment shall be issued to the person who meets all the requirements for the position to which he/she is being appointed except the appropriate civil service eligibility: Provided, further, That such temporary appointment shall not exceed twelve (12) months nor be less than three (3) months renewal thereafter but that the appointee may be replaced sooner if (a) qualified civil service eligible becomes available, or (b) the appointee is found wanting in performance or conduct befitting a government employee.

For purposes of this Act, "Rescue Workers" shall mean all persons who are engaged in actual rescue and lifesaving-related work employed in government institutions and agencies and other rescue-related entities owned and operated by the Government or its political subdivisions.

SEC. 4. Performance Evaluation and Merit Promotion. - The National Disaster Risk Reduction and Management Council, upon consultation with the proper government agency concerned, as established under Section 31 of this Act, shall prepare a uniform career and personnel development plan applicable to all public rescue personnel. Such career and personnel development plan shall include provisions on merit promotion, performance evaluation, in service training grants, job rotation, and incentive award system.

The performance evaluation plan shall consider foremost the improvement of individual employee efficiency and organizational effectiveness: Provided, That each employee shall be informed regularly by his/her supervisor of his evaluation. The merit promotion plan shall be in consonance with the rules of the Civil Service Commission.

SEC. 5. Transfer or Geographical Reassignment of Public Rescue Workers.

- 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. a public rescue worker shall not be transferred and or reassigned, except when made in the interest of public service, in which case, the employee concerned shall be informed of the reasons therefore in writing. If the public rescue worker believes that there is no justification for the transfer and/or reassignment, he/she may appeal his/her case to the Civil Service Commission, which shall cause his/her reassignment to be held in abeyance; Provided, That no transfer and/or reassignment whatsoever shall be made three (3) months before any local or national elections: Provided, further, That the necessary expenses of the transfer and/or reassignment of the public rescue worker and his/her immediate family shall be paid for by the Government.

SEC. 6. Security of Tenure. - In case of regular employment of public rescue workers, their services shall not be terminated except for cause provided by law and after due process: Provided, That if a public rescue worker is found by the Civil Service Commission to be unjustly dismissed from work, he/she shall be entitled to reinstatement without loss of seniority rights and to his/her back wages with twelve percent (12%) interest computed from the time his/her compensation was withheld from his/her salary up to the time of reinstatement.

SEC. 7. Discrimination Prohibited. -A public rescue worker shall not be discriminated against with regard to gender, civil status, civil status, creed, religious or political beliefs and ethnic groupings in the exercise of his/her profession

SEC. 8. Administrative Charges. - Administrative charges against a public rescue worker shall be heard by a committee composed of the DRRM Officer of the province where the public rescue worker belongs, as chairperson, a representative of any existing national or provincial public rescue workers' organization, as member, and the other is the direct superior of the public rescue worker. The committee shall submit its findings and recommendations to the Office of Civil Defense being the Secretariat of the National Disaster Risk Reduction and Management Council within thirty (30) days from the termination of the hearings. Where the provincial DRRM officer is an interested party, all the other members of the committee shall be appointed by the National Disaster Risk Reduction and Management Council in

addition to the representative of any existing national or provincial public rescue workers' organization.

SEC. 9. Safeguards in Disciplinary Procedures. - In every disciplinary proceeding, the public rescue worker shall have:

- a. the right to be informed, in writing, of the charges;
- b. the right to full access to the evidence in the case;
- c. the right to defend himself/herself and to be defended by a representative of his/her choice and/or by his/her organization, and adequate time to prepare his/her defense;
- d. the right to confront witnesses presented against him/her and summon witnesses in his/her behalf;
- e. the right to appeal to designated authorities;
- f. the right to reimbursement of reasonable expenses incurred in his/her defense in case of exoneration or dismissal of the charges, and
- g. such other rights that will ensure fairness and impartiality during proceedings.

SEC. 10. Duties and Obligations. - The public rescue worker shall:

- a. perform his/her duty with utmost respect for life, and race, gender, religion, nationality, party policies, and social standing;
- b. discharge his/her duty humanely with conscience and dignity;
- c. remain rescue ready at all times and is ready to deploy in any kinds of emergencies;
- d. be willing to give himself/herself freely to rescue those in peril;
- e. be disciplined, physically fit and mentally tough, trained and proficient in his/her tasks and drills;
- f. always endeavor to maintain a level of health and fitness consistent with the demands of the rescue profession;
- g. actively participate in all in-service training and drills that will enhance his/her capacity;
- h. not consume substance, legal or illegal, that could impair his/her vigilance or judgment;
- i. maintain a strong understanding of the emergency procedures at work;
- j. seek out the injured in any emergency and bring them for proper medication; and
- k. be a believer that nothing is more rewarding than saving a life.

SEC. 11. Code of Conduct. - Within six (6) months from the approval of this Act, the National Disaster Risk Reduction and Management Council, upon consultation with other appropriate agencies, professional and rescue workers' organization, shall formulate and prepare a Code of Conduct for Public Rescue Workers, which shall be disseminated as widely as possible.

SEC. 12. Normal Hours of Work. - The normal hours of work of any public rescue worker shall not exceed eight (8) hours a day or forty (40) hours a week. Hours worked shall include:

- a. all the time during which a public rescue worker is required to be on active duty or to be at a prescribed workplace; and
- b. all the time during which a public rescue worker is permitted to work. Provided, That the time when the public rescue worker is placed on "On Call" status shall not be considered as hours worked but shall entitle the public

rescue worker to an "On Call" pay equivalent to fifty percent (50%) of his/her regular wage. "On Call" status refers to a condition when public rescue workers are called upon to respond to urgent or immediate need for rescue assistance or relief work during emergencies such that he/she cannot devote the time for his/her own use.

SEC. 13. Overtime Work. - Where the exigencies of the service so require, any public rescue worker may be required to render, service beyond the normal eight (8) hours a day. In such a case, the workers shall be paid an additional compensation in accordance with existing laws and prevailing practices.

SEC. 14. Work During Rest Day. -

- a. Where a public rescue worker is made to work on his/her scheduled rest day, he/she shall be paid an additional compensation in accordance with existing laws; and
- b. Where a public rescue worker 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 workers' scheduled rest day, he/she shall be entitled to an additional compensation as may be provided by existing laws.

SEC. 15. Night-Shift Differential. -

- a. Every public rescue worker shall be paid night-shift differential of ten percent (10%) of his/her regular wage for each hour of work performed during the night-shifts; and
- b. Every rescue worker required to work on the period covered after his/her regular schedule shall be entitled to his/her regular wage plus the regular overtime rate and an additional amount of ten percent (10%) of such overtime rate for each hour of work performed between ten (10) o'clock in the evening to six (6) o'clock in the morning.

SEC. 16. Salaries. - In the determination of the salary scale of public rescue workers, the provisions of Republic Act No. 6758 shall govern.

Salary Scale - Salary Scales of public rescue workers shall be provided progression: Provided, That the progression from the minimum to maximum of the salary scale shall not extend over a period of ten (10) years: Provided, further, That the efficiency rating of the public rescue worker concerned is at least satisfactory.

- a. **Equality in Salary Scale** - The salary scales of public rescue workers whose salaries are appropriated by a city, municipality, district, or provincial government shall not be less than those provided for public rescue workers of the National Government;
- b. **Salaries to be paid in Legal Tender.** - Salaries of public rescue workers shall be paid in legal tender of the Philippines or the equivalent in checks or treasury warrants: Provided, however, That such checks or treasury warrants shall be convertible to cash in any national, provincial, city or municipal treasurer's office or any banking institution operating under the laws of the Republic of the Philippines;
- c. **Deductions Prohibited** - No person shall make any deduction whatsoever from the salaries or public rescue workers except under specific provision of law authorizing such deductions: Provided, however, That upon written authority executed by the public rescue worker concerned, (a) lawful dues or fees owing

to any organization/association where such public rescue worker is an officer or member, and (b) premium properly due all insurance policies, retirement and medicare shall be considered deductible.

SEC. 17. Additional Compensation. - Notwithstanding Section 12 of Republic Act No. 6758, rescue workers shall receive the following allowances: hazard allowance, subsistence allowance, longevity pay, laundry allowance and remote assignment allowance.

SEC. 18. Hazard Allowance. - Public rescue workers, who are always exposed to occupational risks or perils to life in the performance of their duties and responsibilities, shall be compensated hazard allowance equivalent to at least twenty-five percent (25%) of the monthly basic salary of rescue workers receiving salary grade 19 and below, and five percent (5%) for rescue workers with salary grade 20 and above.

SEC. 19. Subsistence Allowance. - Public rescue workers who are required to render service in the field during emergencies or calamities in order to make their services available at any and all times, shall be entitled to full subsistence allowance of three (3) meals which may be computed in accordance with prevailing circumstances as determined by the National Disaster Risk Reduction and Management Council in consultation with the Management Rescue Workers' Consultative Councils, as established under Section 30 of this Act.

SEC. 20. Longevity Pay. - A monthly longevity pay equivalent to five percent (5%) of the monthly basic pay shall be paid to a rescue worker 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.

SEC. 21. Laundry Allowance. - All public rescue workers who are required to wear uniforms regularly shall be entitled to laundry allowance equivalent to five hundred pesos (P500.00) per month: Provided, That this rate shall be reviewed periodically and increased accordingly by the National Disaster Risk Reduction and Management Council in consultation with the appropriate government agencies concerned taking into account existing laws and prevailing practices.

SEC. 22. Housing. - All public rescue workers who are in tour of duty and those who, because of unavoidable circumstances are forced to stay in their offices, shall be entitled to free living quarters within the office, or if such quarters are not available, shall receive quarters allowance as may be determined by the National Disaster Risk Reduction and Management Council and other appropriate government agencies concerned: Provided, That this rate shall be reviewed periodically and increased accordingly by the National Disaster Risk Reduction and Management Council in consultation with the appropriate government agencies concerned.

SEC. 23. Medical Examination. - Compulsory medical examination shall be provided free of charge to all public rescue workers before entering the service in the Government or its subdivisions and shall be repeated once a year during the tenure of employment of all public rescue workers: Provided, That where medical examination shows that medical treatment and/or hospitalization is necessary for those already in government service, the treatment and/or hospitalization including medicines shall be provided free either in a government or a private hospital by the government entity paying the salary of the rescue worker: Provided, further, That

the cost of such medical examination and treatment shall be included as automatic appropriation in said entity's annual budget.

SEC. 24. Compensation of Injuries. - Public rescue workers shall be protected against the consequences of employment injuries in accordance with existing laws. Injuries incurred while doing overtime work shall be presumed work-connected.

SEC. 25. Leave Benefits for Public Rescue Workers. - Public rescue workers are entitled to such vacation and sick leaves as provided by existing laws and prevailing practices: Provided, That in addition to the leave privilege, women rescue workers are entitled to such maternity leaves provided by existing laws and prevailing practices: Provided, further, That upon separation of the public rescue workers from services, they shall be entitled to all accumulated leave credits with pay.

SEC. 26. Highest Basic Salary Upon Retirement. - Three (3) months prior to the compulsory retirement, the public rescue worker shall automatically be granted one (1) salary range or grade higher than his/her basic salary and his/her retirement benefits thereafter, computed on the basis of his/her highest salary: Provided, That he/she has reached the age and fulfilled service requirements under existing laws.

SEC. 27. Right to Self-Organization. - Public rescue workers shall have the right to freely form, join or assist organizations or unions for purposes not contrary to law in order to defend and protect their mutual interests and to obtain redress of their grievances through peaceful concerned activities.

However, while the State recognizes the right of public rescue workers to organize or join organization, public rescue workers on-duty cannot declare, stage or join any strike or cessation of their service in the interest of public welfare and safety.

SEC. 28. 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 a public rescue worker shall not join a rescue 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 rescue workers' organization or union;
- c. to prevent a rescue worker 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;
- d. to harness or interfere with the discharge of the functions of the rescue worker when these are calculated to intimidate or to prevent the performance of his/her duties and responsibilities; and
- e. to otherwise interfere in the establishment, functioning, or administration of rescue workers organization or unions through acts designed to place such organization or union under the control of government authority,

SEC. 29. Consultation With Rescue Worker's Organization. - In the formulation of national policies governing the social security of public rescue workers, professional and rescue workers organizations or unions as well as other appropriate government agencies concerned shall be consulted by the National Disaster Risk Reduction and Management Council. For this purpose, Management

Rescue Worker's Consultative Councils for national, regional and other appropriate levels shall be established and operationalized.

SEC. 30. Human Resource Development Management Study. - The National Disaster Risk Reduction and Management Council shall conduct a periodic human resource development/management study into, among others, the following areas:

- a. adequacy of facilities and supplies to render quality rescue and lifesaving services to the client population;
- b. opportunity for rescue workers to grow and develop their potentials and experience a sense of worth and dignity in their work. Public rescue workers who undertake postgraduate studies in a degree course shall be entitled to an upgrading in their position or raise in pay: Provided, That it shall not be more than every two (2) years;
- c. mechanisms for democratic consultation in government institutions;
- d. staffing patterns and standard of health care to ensure that the people receive-quality care. Existing recommendations on staffing and standards of health care shall be immediately and strictly enforced;
- e. ways and means of enabling the rank-and-file workers to avail of education opportunities for personal growth and development; and
- f. upgrading of working conditions, reclassification positions and salaries of public rescue workers to correct disparity vis-a-vis other professions such that positions requiring longer study to upgrade and given corresponding pay scale; and
- g. assessment of the national policy on exportation of skilled rescue human resource to focus on how these resources could instead be utilized productively for the country's needs.

There is hereby created a Congressional Commission Oversight Committee to review and assess human resource development, particularly on continuing professional education and training and the other areas described above. The Commission shall be composed of five (5) members of the House of Representatives and five (5) members of the Senate. It shall be co-chaired by the chairperson of the Committee on Safety of both houses. It shall render a report and recommendation to Congress which shall be the basis for policy legislation in the field of safety. Such a congressional review shall be undertaken once every five (5) years.

SEC. 31. Rules and Regulations. - The National Disaster Risk Reduction and Management Council after consultation with appropriate agencies of the Government as well as professional and rescue workers' organizations or unions, shall formulate and prepare the necessary rules and regulations to implement the provisions of this Act. Rules and regulations issued pursuant to this section shall take effect thirty (30) days after publication in a newspaper of general circulation.

SEC. 32. Prohibition Against Double Recovery of Benefits. - Whenever other laws provide for the same benefits covered by this Act, the public rescue worker shall have the option to choose which benefits will be paid to him/her. However, in the event that the benefits chosen are less than that provided under this Act, the worker shall be paid only the difference.

SEC. 33. Prohibition Against Elimination and or Diminution. - Nothing in this law shall be construed to eliminate or in any way diminish benefits being enjoyed by public rescue workers at the time of the effectivity of this Act.

SEC. 34. Appropriations. - The amount needed by the National Disaster Risk Reduction and Management Council shall submit be appropriated from the funds of the National Treasury not otherwise appropriated. Hereafter such sum as maybe needed for the continued operation of the NDRRMC shall be included in the annual General Appropriations Act.

SEC. 35. Penal Provision. - Any person shall willfully interfere with, restrain or coerce any public rescue worker in the exercise of his/her rights or shall in any manner any act in violation of any of the provisions of this Act, upon conviction, shall be punished by a fine of not less than TEN THOUSAND PESOS (PHP 10,000.00) or an imprisonment of not more than one (1) year and one day or both at the discretion of the court.

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

SEC. 36. Separability Clause. - If any provision of this Act is declared invalid, the remainder of this Act or any provision not affected thereby shall remain in force and effect.

SEC. 37. Repealing Clause. - All laws, presidential decrees, executive orders and their implementing rules, inconsistent with the provisions of this act are hereby repealed, amended or modified accordingly.

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

Approved,