

Republic of the Philippines
HOUSE OF REPRESENTATIVES
QUEZON CITY

19TH Congress
First Regular Session

HOUSE BILL NO. 5405



Introduced by: **HON. LORNA C. SILVERIO**

EXPLANATORY NOTE

No less than twenty (20) typhoons hit the Philippines annually. From January to December of each year, typhoons strike with varying intensities- from mild to the super typhoon types, bringing with it strong winds and rains that destroy and kill. Lives are lost and properties destroyed.

Over the years, with stronger typhoons hitting the country, the national and local governments initiated and implemented various measures to mitigate the impact of the typhoons. National and Local Disaster Risk and Reduction Management departments were organized under the Department of National Defense's overall supervision and administration through the National Disaster Risk Reduction and Management Office. Another agency of the Department of National Defense, the Office of Civil Defense is likewise involved in these concerns.

At the center and heart of the disaster and calamity response however are the calamity workers – the men and women who dedicate their lives, and energy and talent to be of urgent assistance. These individuals are trained to be immediately deployed to areas struck by calamities without always thinking of their own safety and welfare. Often, they are exposed to extreme risks and fatally hurt or killed in the process like the five (5) rescuers of the Bulacan Provincial Disaster Risk Reduction and Management Office who were killed during the height of their rescue efforts towards the communities hit hardest by Typhoon Karding.

While the courage of these men and women are beyond question, a critical question to be asked is: Does government provide for them and their families the needed benefits should their lives be taken away in the course of calamity work. It cannot be denied that the men and women of calamity work have families too who depend on them for survival. What happens when disaster struck and hit the rescue workers like the Bulacan Five?

In view of the foregoing premises, approval of this measure is earnestly sought.


LORNA C. SILVERIO
Representative, 3rd District of Bulacan

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AN ACT PROVIDING A MAGNA CARTA FOR CALAMITY WORKERS AND RESCUERS

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

Section 1. Title. This Act shall be known as the Magna Carta for Calamity Workers.

Section 2. Declaration of Policy. The State shall promote and improve the social and economic well-being of calamity workers, their living and working conditions; and terms of employment. It shall develop their skills and capabilities to make them more responsive to the needs and problems of their communities and better equipped in delivering immediate and timely services and assistance. The State shall likewise encourage those with proper qualifications excellent abilities to apply and remain in disaster and relief assistance work in the government service.

Section 3. Definition of Terms. As used in this Act, the following terms shall mean as follows:

“Calamity Work”- refers to the profession which helps individuals, families, groups, and community develop, improve, maintain or restore their capability for coping with the challenges and difficulties of disasters and calamities through the use of the right methods and interventions.

“NDRRMO” refers to the National Disaster Risk Reduction and Management Office

“DND” refers to the Department of National Defense

“DSWD” refers to the Department of Social Welfare and Development

“DILG” refers to the Department of Interior and Local Government

Section 4. Coverage. This Act shall cover all calamity workers employed by the national and local governments.

Section 5. Recruitment and Qualifications. The selection and appointment of calamity workers shall be in accordance with the merit and fitness principle.

All government calamity work agencies and institutions shall be headed by competent calamity workers except for cabinet. Priority shall be given to ably-trained and experienced workers in filling up calamity work positions in the government.

Section 6. Merit Promotion and Career System. A Calamity Work Management and Consultative Council shall be created to prepare a uniform career and personnel development plan applicable to calamity workers. Such career and personnel development plan shall include provision on merit promotion, performance evaluation, in-service training grants, job rotation incentive awards system and other policies that govern the social security of the calamity workers.

Section 7. Composition. The Calamity Work Management and Consultative Council shall be composed of representatives of the DND, OCD, DILG, DSWD and LGU at the Provincial/ City and Municipal Levels the Secretary of the Department of National Defense or his/her representative shall be the head of the Council.

Section 8. Classification of Calamity Work Personnel. The Calamity Work Management and Consultative Council shall develop a career ladder and classification system for all calamity work positions in government service. Provided, that all position classification shall carry Calamity Worker title.

Section 9. Code of Conduct. All public calamity workers shall be guided by the Calamity Work Code of Ethics as adopted by the National Disaster Risk Reduction and Management Office and as approved by the Council within six months from the effectivity of this Act.

Section 10. Normal Hours of Work. The normal hours of work of any calamity worker shall not exceed eight hours a day or forty (40) hours a week except during disasters and calamities when they will be performing more than the required number of hours. Hours of work shall include the time during which a calamity worker is permitted to work, or the time during which a public calamity worker is required in a place other than prescribed workplace'

Provided; That the time when a calamity worker is placed on "On Call" status shall not be considered as hours worked but shall entitle the calamity worker to an "On Call" pay equivalent to fifty percent (50%) of his/her regular wage. "On Call" status refers to a condition when calamity workers are called upon to respond to urgent or immediate need or relief work during emergencies. Such as that he/she cannot devote the time for his/her own use: Provided, further, that no calamity worker shall be placed in "On Call" status beyond seven days per month. Calamity workers can also teach or practice their profession after office hours.

Section 11. Overtime Work. Where the exigencies of the service so require, any calamity worker may be required to render service beyond the normal eight hours a day, inclusive of Saturdays, Sundays or Non-working Holidays. In such a case, the calamity worker shall be paid an additional compensation in accordance with existing laws.

Section 12. Compensation. The existing law on the salary scale of government employees shall apply in determining the salaries of calamity workers. In case of violations of this provision, the calamity worker concerned shall file the necessary complaint to the CSC or NLRC through the Calamity Work Management and Consultative Council.

Section 13. Leave Benefits. Calamity workers shall be entitled to all benefits and privileges such as but not limited to maternity, paternity, vacation and sick leaves as provided for under existing

laws. Provided: That upon separation of calamity workers from service, they shall be entitled to all accumulated leave credits with pay.

Section 14. Highest Basic Salary upon Retirement. – Upon retirement, a calamity worker shall automatically be granted an increase of one salary grade higher than his/her basic salary and his/her retirement benefits shall be computed on the basis of his/her highest salary received.

Section 15. Other Benefits. – Aside from the benefits received as required under existing laws, and executive order, the calamity worker shall receive the following:

Hazard Allowance- calamity workers assigned in remote and depressed areas, strife-torn or embattled areas, distressed or isolated stations, mental hospitals, leprosaria, areas declared under a state of calamity or emergency which expose them to great danger, volcanic activity/eruption, occupational risks or threats to life shall be compensated with hazard allowance equivalent to at least twenty per centum (20%) of the monthly salary.

Subsistence/ Transportation Allowance. -Calamity workers who are required to render service in communities, institutions hospitals and other calamity work establishments in order to make their service available at all times, shall be entitled to daily full subsistence allowance for three meals which shall be computed according to prevailing circumstances. Those assigned out of their regular work stations shall be entitled to per diem in place of this allowance. Actual transportation allowance shall also be provided to calamity workers on field work.

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

Longevity Pay – A monthly longevity equivalent to five per centum (5%) of his/her latest monthly basic pay shall be paid to a calamity worker for every five years of continuous, efficient and meritorious service rendered as certified by the chief of office concerned, commencing with the service after approval of this Act.

Clothing allowance. - all calamity workers shall be entitled to a minimum of One Thousand Five Hundred Pesos (P1,500.00) clothing allowance annually, which amount shall be adjusted as needed.

Section 16. Compensation from Injuries. -Calamity workers shall be protected against work-related injuries in accordance with the Labor Code and Civil Service Law, as the case may be. Injuries incurred while doing overtime work shall be presumed work-connected.

Section 17. Rights of a Calamity Worker. - Calamity workers shall have the following rights:

Protection from discrimination by reason of sex, sexual orientation, age, political or religious beliefs, civil status, physical characteristics/disability or ethnicity;

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;

Join, organize or assist organizations or unions for lawful purposes;

Protection from any act that will prevent his/her from applying professional interventions that the client's situation may require, and

Opportunities for continuing professional growth and development.

Section 18. Reassignment of Calamity Workers. Except in the interest of public service, no transfer or geographical reassignment shall be made or effected without written notice to a calamity worker. Provided, That said written notice, stating the reasons for the reassignment shall be made at least thirty (30) days prior to the date of transfer or reassignment ; Provided, further , That, if the calamity worker believes that there is no justification for the transfer and/or reassignment:, he/she may appeal his/her case to the CSC, which shall cause his/her transfer and/or reassignment to be held in abeyance; Provided, furthermore, That the necessary expenses of the transfer and/or reassignment of the calamity worker and his/her immediate family shall be paid for by the agency concerned.

Section 19. Married Calamity Workers. -Whenever possible, the proper authorities shall take steps to enable married couples both of whom are calamity workers. to be employed or assigned in the same municipality, but not in the same office. Provided, that it shall not apply to married calamity workers already assigned in the same office at the time this law takes effect.

Section 20. Freedom from Interference or Coercion. - It shall be unlawful for any person to commit any of the following interference or coercion:

To intimidate or force a calamity worker to submit valuable documents that will violate the principles of confidentiality of records agreed upon between him/her and the clientele groups: Provided, That the release of such documents shall be approved by the clients concerned and shall redound to their social well-being, and upon court order;

To prevent a calamity worker from upholding and applying the basic calamity work principles in carrying out the programs and services for the target client groups the office;

To intimidate in order to encourage or discourage membership in any calamity work organization;

To prevent a calamity worker from carrying out his/her duties and functions in calamity work organization or union or to penalize the calamity worker for any lawful action performed in that capacity;

To make calculated harassment and interference with the mention of intimidating or preventing the calamity worker from performing his/her duties and functions;

To make calculated harassment against; or to transfer, penalize or terminate the services of a calamity worker who is carrying out his/her her advocacy function role for and in behalf of his /her clientele groups who are victims of injustice.

Section 21. Human Resource Development. The DND shall conduct a periodic human resource development and management study in the following areas:

Adequate facilities and resources to render impact work service to affected residents;

Opportunities for calamity workers to grow personally and professionally;

Upgrading of working conditions;

Allocation of funds for the participation of calamity workers in seminars, conferences, conventions and similar activities.

Section 22. Security of Tenure. No calamity worker holding a permanent position shall be terminated except for cause; Provided, that in the event the calamity worker is found to be unjustly dismissed by the CSC or the NLRC, as the case may be, he/she shall be entitled to reinstatement without loss of seniority rights and back wages with twelve per centum (12%) interest to be computed from the time his/her compensation was withheld from him/her up to the time of reinstatement.

Section 23. Implementing Rules and Regulations. The Calamity Work Management and Consultative Council, upon consultation with the Chairperson of the Senate Committee on National Defense, shall formulate the necessary rules and regulations, not inconsistent with the provisions of this law, for the implementation of the Magna Carta for Calamity Workers. The rules and regulations shall be promulgated within six months from the effectivity of this Act.

Section 24. Penal Provision. Any person who shall willfully interfere with, restrain or coerce any calamity worker in the exercise of his/her rights or shall in any manner commit any act in violation of any of the provisions of this Act, 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 additional penalty of disqualification from office.

Section 25. Separability Clause. If any provision of this Act is declared unconstitutional or invalid, the remainder thereof not affected hereby shall continue to be in full force and effect.

Section 26. Repealing Clause. All laws, ordinances, rules and regulations, other issuances, or parts thereof which are inconsistent with this law are hereby repealed or modified accordingly.

Section 27. Effectivity. This Act shall take effect fifteen (15) days after its publication in at least two newspapers of general circulation.

Approved,

