

Republic of the Philippines
HOUSE OF REPRESENTATIVES

TWENTIETH CONGRESS
First Regular Session

House Bill No. 126



Introduced by **REP. MARIA RACHEL J. ARENAS**

AN ACT
INSTITUTING THE MAGNA CARTA FOR ALL NON-UNIFORMED WORKERS IN THE
MILITARY AND ALL OTHER UNIFORMED AGENCIES

EXPLANATORY NOTE

The passage of the Joint Resolution No. 1 Authorizing the Increase in Base Pay of the Military and Uniformed Personnel (MUP) in the Government, and for Other Purposes on January 1, 2018 which took into account prevailing economic realities and the need to create professionalism, exemplary performance and commitment to service had inadvertently overlooked the morale and welfare of the Non-Uniformed Personnel (NUP) in the military and other uniformed agencies of the government. NUP refers to all civilian employees in the military and uniformed agencies of the government.

While it is important to recognize the critical role of the MUP in maintaining national security and peace and order and their exposure to high-risk environments in the performance of duty, it is also equally important to recognize the invaluable role of NUP in providing administrative and other support services that allow the former to perform their duties and responsibilities. NUP especially rank and file employees assigned in the provincial and municipal/city offices provide services round the clock in support of the operational functions of the MUP. Likewise, their lives are also exposed to high-risk environments as there have been instances of NUP getting caught up in crossfires and ambushes – and even taken as hostages.

Both the uniformed and non-uniformed personnel work together in order to fulfill the mandates of their agencies and one cannot function effectively without the other.

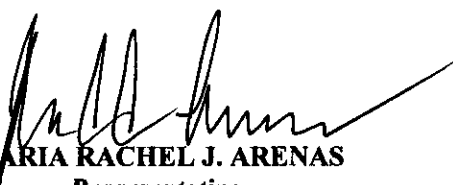
This bill seeks to address the longstanding issues of our civilian employees in the military and uniformed agencies who have quietly suffered from low pay, long work hours, unsafe working conditions and lack of benefits, social protection and job security for years even as they quietly fulfill their duties as partners of uniformed personnel in protecting the lives of the Filipino people.

The proposed bill seeks to improve the social and economic well-being of all NUP of as well as ensure that their rights are protected. Ensuring decent work for all NUP is integral in realizing quality and effective public safety services for all. As our public safety and security issues – from pandemics, disasters, climate change, crime to other emerging threats – become more complex and daunting, we need now more than ever to enact a law that

would strengthen the workforce of our uniformed and public safety agencies. The passage of the bill will help professionalize our public safety workforce, boost employee morale and ensure accountability and responsiveness of our institutions.

It is high time we value all the hardworking and dedicated NUP serving in the Armed Forces of the Philippines, Philippine National Police, Bureau of Jail Management and Penology, Department of National Defense, Bureau of Fire Protection, Bureau of Corrections, Philippine Coast Guard, and the National Mapping and Resource Information Authority (NAMRIA). This bill seeks to finally uphold the dignity of our country's unsung heroes in the field of public safety and military services.

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



MARIA RACHEL J. ARENAS
Representative

3rd District of the Province of Pangasinan

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

Chapter One: Preliminary Provisions

SEC. 1. Short Title. This Act shall be known as the "Magna Carta for Non-Uniformed Personnel."

SEC. 2. Declaration of Policies. It is hereby declared to be the policy of this Act to promote and improve the social and economic wellbeing of all non-uniformed personnel in the military and other uniformed agencies of the government and ensure that their rights are protected. Decent work for all non-uniformed personnel is integral in ensuring the efficiency and effectiveness of all uniformed agencies in the performance of their roles and services to the public. Social dialogue is the primary approach to ensure transparency, accountability, decent work and quality public services for all.

SEC. 3. Coverage. This Act shall apply to all non-uniformed personnel in uniformed agencies. As used in this Act, the term "non-uniformed personnel" shall mean all civilian employees in the military and all other uniformed agencies of the government including the Armed Forces of the Philippines, Philippine National Police, Bureau of Jail Management and Penology, Department of National Defense, Bureau of Fire Protection, Bureau of Corrections, Philippine Coast Guard, and the National Mapping and Resource Information Authority (NAMRIA).

SEC. 4. Definition of Terms.

Non-uniformed personnel - all civilian employees in the military and other uniformed agencies of the government

Uniformed agencies – government agencies and institutions responsible in ensuring peace, order and security and protecting the people from crimes, disasters and other potential dangers and threats including law enforcement, firefighting, civil defense, correctional services, medical and emergency services as well as other government agencies with uniformed personnel.

Workplace - means the office, premises or work site, where the workers are habitually employed and shall include the office or place where the workers, who have no fixed or definite work site, regularly report for assignment in the course of their employment

Chapter Two: Recruitment, Human Resource Development and Policies

SEC. 5. Recruitment and Qualification. – Recruitment policy and minimum requirements with respect to the selection and appointment of a non-uniformed personnel 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 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) a qualified civil service eligible becomes available, or (b) the appointee is found wanting in performance or conduct befitting a government employee.

SEC. 6. Screening and Selection for Appointment. - Applicants for the non-uniformed personnel positions shall undergo a screening process to be conducted by a duly constituted Selection and Promotion Board based on qualification standards set forth by the respective agencies in accordance with CSC Laws.

SEC. 7. Human Resource Development for Non-Uniformed Personnel. – There shall be established a Human Resource Development Program for non-uniformed personnel in the military and all uniformed agencies of the government. Human Resource Development Programs for non-uniformed personnel including, but not limited to, the provisions on merit promotion, performance evaluation, in-service training grants, incentive and award system, job rotation, cross-posting overseas and local scholarships, training grants, incentive award system, and such other similar services and human resource development interventions, including programs on the job training, counseling, coaching, job rotation, secondment, job swapping etc. shall be developed by the concerned agencies in consultation with and with the concurrence of the accredited employees' organizations. The program shall conform to the rules and regulations of the CSC.

SEC. 8. Rationalized Promotion System. - There shall be a system of promotion for non-uniformed personnel which shall be based on merit and fitness on the available vacant positions in the agency's staffing pattern. Such system shall be gender fair and shall ensure that women non-uniformed personnel of the agency shall enjoy equal opportunity for promotions as that of men.

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/her performance evaluation.

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

SEC. 9. Next of Kin Privilege. - Qualified next of kin of retired or deceased non-uniformed personnel shall be given priority in recruitment and hiring.

SEC. 10. Sustaining the Professionalization of the non-uniformed personnel. - To sustain the professionalization of non-uniformed personnel, training shall be done intensively and extensively. The cost of Continuing Professional Development as required by the PRC shall be shouldered by the concerned uniformed agencies.

SEC. 11. Local Training Programs. - Local training programs aimed at enhancing the professional growth of non-uniformed personnel shall be established and maintained. Such local training programs, undertaken in coordination with other governmental and non-governmental agencies, shall provide managerial; technical; administrative and operational courses such as logistics and fiscal management, including training on professional services and criminal procedures.

SEC. 12. Transfer or Geographical Reassignment of Non-Uniformed Personnel.

(a) a transfer is a movement from one position to another which is of equivalent rank, level or salary without break in service;

(b) a geographical reassignment, hereinafter referred to as "reassignment," is a movement from one geographical location to another; and

(c) a non-uniformed personnel 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 non-uniformed personnel 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 non-uniformed personnel and his/her immediate family shall be paid for by the Government.

The Criteria for transfer or geographical reassignment shall be determined in the IRR.

SEC. 13. Married couples / Domestic partnerships. – Whenever possible, the proper authorities shall take steps to enable married couples, both of whom are non-uniformed personnel, to be employed or assigned in the same locality, but not in the same workplace.

SEC. 14. Solo parents. - In accordance with RA 8972, the proper authorities shall take steps to enable solo parents to be employed or assigned in the same locality of his/her residence.

Family members or relatives of non-uniformed personnel up to fourth degree of affinity and consanguinity shall not be assigned in the same workplace.

SEC. 15. Security of Tenure. – Non-uniformed personnel shall be assured security of tenure. Their services shall not be terminated except for just cause provided by law and after due process. Provided, that if a non-uniformed personnel 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 or the prevailing legal interest rate at the time of his reinstatement whichever is higher computed from the time his/her compensation was withheld from his/her up to time of reinstatement ; social security contributions/obligations/penalties and all other benefits.

SEC. 16. Prohibition against Discrimination. – A non-uniformed personnel shall not be discriminated against with regard to age, sexual orientation, gender identity and expression, disability, civil status, creed, religious or political beliefs and ethnic groupings in the exercise of his/her employment.

SEC. 17. No Understaffing/Overloading of Non-Uniformed Personnel. – There shall be no understaffing or overloading of non-uniformed personnel. The ratio of non-uniformed personnel to

workload shall be such as to reasonably effect a sustained delivery of public service at all times without overworking the non-uniformed personnel and over-extending his/her duty and service. In excess of minimum working hours, the non-uniformed personnel shall be entitled to payment of overtime pay, night differential, holiday/rest day pay.

In line with the above policy, substitute officers or employees shall be provided in place of officers or employees who are on leave for over three (3) months.

SEC. 18. Duties and Obligations. – All non-uniformed personnel shall:

- (a) discharge his/her duty humanely with conscience and dignity;
- (b) perform his/her duty with utmost respect for life; and race, gender, religion, nationality, party policies, social standing or capacity to pay.

SEC. 19. Code of Conduct. – Within six (6) months from the approval of this Act, the military and other uniformed agencies upon consultation with other appropriate agencies and non-uniformed personnel organizations, whether registered or accredited, shall formulate and prepare a Code of Conduct for Non-Uniformed Personnel, which shall be disseminated as widely as possible.

SEC. 20. Safeguards in Disciplinary Procedures. – In every disciplinary proceeding, the non-uniformed personnel; 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, adequate time being given to the non-uniformed personnel for the preparation of 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 as will ensure fairness and impartiality during proceedings.

SEC. 21. Normal Hours of Work. – The normal hours of work of any non-uniformed personnel shall not exceed eight (8) hours a day or forty (40) hours a week.

Chapter Three: Right to Self-Organization

SEC. 22. Freedom of Association. - All non-uniformed personnel shall have the right to freely and without previous authorization both to establish and to join organizations of their choosing, whether local or national to further and defend their interests.

SEC. 23. 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 non-uniformed personnel shall not join a 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 workers' organization or union;
- (c) to prevent a non-uniformed personnel from carrying out duties laid upon him/her by his/her position in the organization or union, or to penalize him/her for the action undertaken in such capacity;
- (d) to harness or interfere with the discharge of the functions of the non-uniformed personnel 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 a non-uniformed personnel organization or unions through acts designed to place such organization or union under the control of government authority.

SEC. 24. Consultation with the Non-uniformed Personnel Organizations. – Organizations or unions of non-uniformed personnel shall be consulted in the formulation of national, regional and local policies that impact their working conditions and social security. For this purpose, social dialogue mechanisms at the national, regional and other appropriate levels should be institutionalized. Non-uniformed personnel organizations should be represented in all relevant labor-management committees.

Chapter Four: Status, Salaries and Allowances

SEC. 25. Status of non-uniformed personnel. – All non-uniformed personnel shall be considered employees of the national government and shall draw their salaries therefrom. Provided, that non-uniformed personnel in Metropolitan Manila, chartered cities, component cities and other municipalities shall be provided with monetary and non-monetary incentives by the local government unit concerned subject to the availability of funds.

SEC. 26. Salary Scale. – Salary scales of non-uniformed personnel shall be the same as the salary scale of uniformed personnel.

SEC. 27. Criteria for Salary. – The salaries of all non-uniformed personnel shall correspond to the following criteria:

- a) Salary shall be comparably equal to those paid in other occupations or professions requiring equivalent or similar qualifications, training and abilities regardless of rank positions;
- b) Salary scale shall ensure that the lowest rank and position receive an amount which will ensure him and his family to afford a reasonable and decent standard of living; and basic monthly salary shall exclude the subsistence allowance, cost of living allowance, 2 quarters allowance, clothing allowance, hazard pay, amelioration pay, health care pay and all other allowances as may be provided under existing laws.

SEC. 28. Payment of Salary. – The salaries of non-uniformed personnel 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.

Salaries shall be released on time and without undue delay. No deduction whatsoever shall be allowed from the salaries due to all non-uniformed personnel except under specific provisions of applicable laws authorizing such deductions: Provided, That written authority of the non-uniformed personnel concerned shall first be obtained.

SEC. 29. Overtime Work. – Where the exigencies of the service so require, any non-uniformed personnel may be required to render service beyond the normal eight (8) hours a day. In such case, the workers shall be paid an additional compensation in accordance with existing laws and prevailing practices.

SEC. 30. Work During Rest Day. –

a) Where a non-uniformed personnel is made to work on his/her scheduled rest day, he/she shall be paid an additional compensation in accordance with existing laws.

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

SEC. 31. Night-Shift Differential. –

(a) Every non-uniformed personnel 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.

(b) Every non-uniformed personnel 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. 32. Hazard Allowance. – All non-uniformed personnel shall be compensated hazard allowances equivalent to at least twenty-five percent (25%) of the monthly basic salary of workers receiving salary grade 19 and below, and five percent (5%) for workers with salary grade 20 and above.

SEC. 33. Subsistence Allowance. – Non-uniformed personnel shall be entitled to full subsistence allowance of three (3) meals which may be computed in accordance with prevailing circumstances.

SEC. 34. Longevity Pay. – A monthly longevity pay comparable to the longevity pay of uniformed personnel shall be paid to all non-uniformed personnel for every five (5) years of continuous, efficient and meritorious services rendered as certified by the chief of office concerned, commencing with the original attested appointment of each non-uniformed personnel.

SEC. 35. Laundry Allowance – All non-uniformed personnel who are required to wear uniforms regularly shall be entitled to laundry allowance equivalent to one thousand pesos (Php 1000.00) per month: Provided, that this rate shall be reviewed periodically and increased accordingly in consultation with appropriate agencies and the non-uniformed personnel organizations taking into account existing laws and prevailing practices.

SEC. 36. Rice Subsidy. – All non-uniformed personnel shall be entitled to 1 sack/month or its monetary equivalent.

SEC. 37. Housing. – All non-uniformed personnel who are on tour of duty and those who, because of unavoidable circumstances are forced to stay in their workplace, shall be entitled for free living quarters within their workplaces, or if such quarters are not available, shall receive quarters allowance: Provided, that this rate shall be reviewed periodically and increased accordingly in consultation with appropriate government agencies and the non-uniformed personnel organizations concerned.

SEC. 38. Cost of Living Allowance. – The salaries of non-uniformed personnel shall be based on the prevalent cost of living. Salaries shall automatically follow changes in the cost-of-living index determined after due consultation with the appropriate government agencies and non-uniformed personnel organizations.

SEC. 39. Clothing Allowance. – Non-uniformed personnel shall be entitled to clothing allowance equivalent to three hundred (P300.00) pesos per month: Provided, that this rate shall be reviewed periodically and increased accordingly taking into account existing laws and prevailing practices.
Per month:

SEC. 40. Uniform Allowance. – Non-uniformed personnel shall be entitled to uniform allowance equivalent to eight thousand (P8000.00) pesos per year. Provided, that this rate shall be reviewed periodically and increased accordingly taking into account existing laws and prevailing practices.

Chapter Five: Health Measures and Programs

SEC. 41. Medical Examination. – Compulsory pre-employment and annual medical examinations shall be provided free of charge to all non-uniformed personnel during the tenure of employment: 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 non-uniformed personnel: Provided, further, That the cost of such medical examination and treatment shall be included as automatic appropriation in said entity's annual budget.

SEC. 42. Physical and Mental Fitness Programs. – All public safety agencies shall formulate policies and guidelines on physical fitness and sports development programs.

SEC. 43. Hospitalization Expenses. – If any non-uniformed personnel suffers any injury or becomes ill in the performance of his/her official duties, the hospitalization expenses of such personnel shall be shouldered by the office where he/she belongs from the concerned agency's appropriations.

SEC. 44. Compensation For Injuries. – Non-uniformed personnel shall be protected against the consequences of employment injuries in accordance with existing laws.

Chapter Six: Leaves and Other Benefits

SEC. 45. Vacation Leave. – All non-uniformed personnel who has rendered at least one year of service shall earn fifteen (15) days vacation leave credits every year.

SEC. 46. Sick Leave. – A fifteen (15) day sick leave credits shall be granted to all non-uniformed personnel for every year of service.

An indefinite sick leave of absence shall be granted to an ailing non-uniformed personnel whose nature of illness demands a long treatment that will exceed one year at the least.

SEC. 47. Mandatory Leave. - A non-uniformed personnel is entitled to a mandatory leave with full pay for seven (7) days which is not chargeable to his/her leave credits regardless of any situation or event.

SEC. 48. Maternity Leave. - All qualified female non-uniformed personnel are entitled to maternity leave benefits as mandated in national laws.

SEC. 49. Paternity Leave. - All qualified male personnel shall be entitled to paternity leave as mandated in national laws.

SEC. 50. Study Leaves. - In addition to the leave privileges enjoyed under this Act and other existing laws, non-uniformed personnel shall be entitled to study leaves not exceeding one (1) year with pay, regardless of the field of study chosen by the employee.

SEC. 51. Christmas and New Year's Break. - All non-uniformed personnel shall be granted seven (7) days break during the Christmas and New Year seasons for them to spend time for their families.

SEC. 52. Scholarship Privileges for Dependents. - Under the Free Higher Education Act, surviving children of the deceased or permanently incapacitated non-uniformed personnel shall be given priority in the availment of scholarships up to college in a non-exclusive institution, subject to the policies on the tuition of said institution.

Subsidies shall also be provided to scholars for their books, transportation, stipend and lodging.

Chapter Seven: Retirement

SEC. 53. Early Retirement Program. - Any non-uniformed personnel who has reached the age of fifty five (55) years may avail of this program and be paid separation benefits in accordance with prevailing scheme: Provided, That he/she has rendered at least fifteen (15) years of continuous service in the agency. Provided, further, That those who have availed of this benefit shall not be allowed to re-entry into the said agency.

SEC. 54. Compulsory Retirement. - Compulsory retirement shall be upon the attainment of age 65 years old:

SEC. 55. Highest Basic Salary Upon Retirement. - A retired non-uniformed personnel shall automatically be granted one (1) salary range or grade higher than his/her basic salary and his/her retirement benefit thereafter, computed on the basis of his/her highest salary, which shall be given in effect three (3) months prior to the compulsory retirement: Provided, that the personnel has reached the age and fulfilled service requirements under existing laws.

SEC. 56. Gratuity Pay. - All non-uniformed personnel shall be entitled to gratuity pay computed as follows: last drawn salary (basic+PERA) x number of years of service rendered.

Chapter Eight: Grievances and Dispute Settlement

SEC. 57. Complaints and Grievances. - Every non-uniformed personnel shall have the right to present his/her complaints and grievances to his/her superior officers for the immediate redress thereof.

The exercise of this right shall not be used as a ground for discrimination nor as bar for the exercise of other privileges, rights, and benefits afforded by law.

SEC. 58. Dispute Settlement. – Each agency shall put in place their own dispute settlement systems and procedures. The composition of which should ensure the representation of the accredited employees' organization.

Chapter Nine: Final Provisions

SEC. 59. Implementing Rules and Regulations. - The military and all other uniformed agencies shall jointly formulate and prepare the rules and regulations with the uniformed personnel organizations necessary to implement the provisions of this Act. All rules and regulations so formulated shall be liberally construed in favor of the non-uniformed personnel so as to give him/her the greatest degree of benefits that can be derived from this Act. Rules and regulations implementing this Act shall take effect fifteen (15) days after publication in a paper of general circulation.

SEC. 60. Budget. - The military and agencies shall submit to Congress the annual budget to implement the provisions of this Act which shall be included in the General Appropriations Act. In no case shall the budget implementing this Act allotted for a given fiscal year be less than that of the previous fiscal year.

SEC. 61. Penal Provision. – Any person shall willfully interfere with, restrain or coerce any non-uniformed personnel in the exercise of his/her rights or shall in any manner act in violation of any of the provisions of this Act, upon conviction, shall be punished by a fine of not less than Five hundred Thousand Pesos (PHP 500,000.00) but not more than One Million Pesos (PHP 1,000,000.00) or imprisonment of up to six (6) years or combination of both.

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. 62. Interpretation. - Nothing in this Act shall be construed to prejudice and diminish whatever benefits non-uniformed personnel is entitled to receive under existing laws.

SEC. 63 Separability Clause. - In the event that any portion or provision of this Act be declared unconstitutional, the validity and effectivity of the other provisions of this Act shall not be affected.

SEC. 64. Repealing Clause. - All laws, decrees, executive orders, rules and regulations and other issuances inconsistent with this Act are deemed repealed, amended, or modified accordingly.

SEC. 65. Effectivity. - The provisions of this Act shall take effect after fifteen (15) days of completion of publication in a newspaper of general circulation.

Approved.