

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**TWENTIETH CONGRESS**  
First Regular Session

**House Bill No. 928**



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Introduced by **Hon. Bernadette S. Barbers**

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

**EXPLANATORY NOTE**


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. No. 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, immediate approval of this bill is earnestly sought.

  
**HON. BERNADETTE S. BARBERS**  
2<sup>nd</sup> District, Surigao del Norte

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*Be it enacted by the Senate and House of Representatives of the Philippines 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 those who 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 for 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 dangerous 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 issues 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 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 for 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 of and have custody, or destroy 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 Republic Act No. 9160, otherwise known as the “Anti-Money Laundering Act of 2001”, As Amended;
- (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 non-governmental 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 investigations, file charges, and transmit evidence to the proper courts, 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 cases involving 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, and rules and regulations for the proper implementation of R.A. 9165;
- (q) Initiate and undertake a national campaign for drug prevention and 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 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 or as maybe 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, and submit the same, to the Department of Budget and Management (DBM) and/or the Office of the President for evaluation and approval.

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 offices which may be created by later laws.

The PDEA shall establish and maintain regional offices in the different regions and provincial/National Capital Region (NCR) district offices in the different provinces/cities of the country which shall be responsible for the implementation of R.A. 9165, as amended, and the PDEA policies, programs and projects in their respective areas.

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

**SEC. 8.** *The Office of the Deputy Director-General for Administration.* – The Office of the Deputy Director-General for Administration (ODDGA) shall assist the Director-General in the general supervision of the various administrative functions of the 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 Deputy Director-General for Operations (ODDGO) shall assist the Director-General (ODG) in the general supervision of the various operational functions of the PDEA. The ODDGO shall have functional supervision 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 Undersecretary, 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. The Director-General 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 Assistant Secretary: one Deputy Director-General for administration and one Deputy Director-General for operations. The two (2) Deputies Director-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 Director-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.

### **Chapter Three Rights of PDEA Personnel**

**SEC. 12.** 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 re-assignment 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 State 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 citizen’s or complainant’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 the Civil Service Law and pertinent Rules.

## **TITLE III ADMINISTRATIVE AND HUMAN RESOURCE RULES AND POLICES**

### **Chapter One Career Development Program**

**SEC. 13.** *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 rational career development program shall be provided by the PDEA. The programs shall serve as the basis for all career and personal development activities of the PDEA.

This shall apply to all personnel of the 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 to address protests related to promotion. Equal opportunity to all drug enforcement officers or DEOs and personnel in terms of training/schooling, wherein the Administrative and Human Resource Service or AHRS shall have an updated data-base in order to prevent the repetition

of training/schooling to those who have already undergone the same training/schooling.

## **Chapter Two Merit and Promotion Plan**

**SEC. 14. *Merit and Promotion Plan.*** – A Merit and Promotion plan shall be promulgated by the 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 merit 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 for promotion.

## **Chapter Three Performance Evaluation System**

**SEC. 15. *Performance Evaluation.*** – The performance of PDEA personnel shall be governed by the Strategic Performance Management System or 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, the 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.16. *Mission of the PDEA Academy.*** – To train and develop Drug Enforcement Officers and the personnel of PDEA into becoming professional, dynamic, excellence-driven, and accountable public servants who can effectively and efficiently enforce laws against dangerous drugs.

**SEC.17. *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-dangerous-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 duties in a particular PDEA occupational specialty. These shall refer to the DEO Anti-Dangerous-Drug Intelligence

Course, DEO Anti-Dangerous-Drug Investigation Course, PDEA Community- Based Anti-Dangerous-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-Dangerous-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-Dangerous-Drug Law Seminar for Legal Officers / Trainers' Training on Case Monitoring, Capability Enhancement Training Anti-Dangerous-Drug Operations for BJMP (Trainers' Training), Regional Marksmanship Training, Firearms Proficiency Training for Agents, Firearms Proficiency Training for Administrative and 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 shall not be not limited to, the Instructor Development Course, Baker Piston Counter-narcotics Training, Clandestine Laboratory Investigation Course, and Tactical Safety and Survival Seminar.

## **TITLE IV COMPENSATION AND BENEFITS**

### **Chapter One Status, Salaries and Allowances**

**SEC.18. *Basic Salary.*** – The compensation of the PDEA officers and other personnel shall be covered by the Salary Standardization Law.

The entry level salary of PDEA personnel shall be not lower than Salary Grade 11.

**SEC.19. *Hazard Duty Pay.*** – PDEA personnel exposed to occupational hazards or elements, or hazardous jobs involving high risk of losing life, limbs, or likely deterioration shall be entitled to hazard duty pay subject to the approved terms and conditions of the Office of the President (OP) and the Rules and Regulations prescribed under Budget Circular or B.C. No. 2005-4 dated July 13, 2005 and such other guidelines issued by the DBM.

**SEC. 20. *Subsistence Allowance.*** – Drug Enforcement Officers shall be entitled to subsistence allowance at a rate to be determined by the Department of Budget and Management (DBM) under specific laws, rules and regulations.

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. 21. *Annual Medical and Dental Examinations.*** – Annual free medical and dental

examinations shall be provided to every employee in accordance with Section 6, of RA 11223, or the "Universal Health Law", including 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.22. *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 an official or an 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 in caring for any member of his immediate family who has sickness or disability. 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, the maternity leave 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 half 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 may be granted every instance of pregnancy irrespective of its frequency (non-cumulative/non-commutative).
- e. **3 Days Special Privilege Leave** - 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 employees with more than one (1) legal spouse shall be entitled to 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 immediately prior to the 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 benefit of seven (7) days granted to a solo parent pursuant to the provisions 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 provided for 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 the 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 provisions 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 woman 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, or eighteen (18) years old or above 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.23. 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.24. *Monetization of Leave Credits.*** – An employee may be paid in advance, under prescribed limits and subject to specified terms and conditions, the money value of leave credits of an employee, upon his/her request without actually going on leave.

### **Chapter Three Work Hours and Duty System**

**SEC.25. *Working Hours for DEOs.*** – Due to the nature of their functions, DEOs do not have regular working hours. They conduct their anti-dangerous-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 to, and for approval of the Commission.

**SEC.26. *Normal Working Hours for Non-OEOs.*** – 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 which the personnel is permitted to work; and, (c) all the time the personnel is required to attend official business outside workplace, including the time going to and from said business.

**SEC.27. *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.28. *Duty System.*** – Considering the irregular hours of operations of the PDEA, a duty system shall be allowed. DEOs with salary grade 15 and above shall be tasked, on rotation basis, as Officers of the Day in any given day including Saturdays, Sundays and holidays, to primarily respond on any eventuality which may arise during his/her tour of duty.

**SEC.29. *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 the service, he/she shall be required to report for work in his/her time-off, he/she may spend his time-off in any other day: Provided, his/her office shall certify that he/she is not able to use his/her time-off due to the exigency of the service.

**SEC.30. *Overtime Work.*** – In the exigency of the service, non-DEO personnel may be required to render service beyond the normal working hours: Provided, 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, further, that compensatory time-off shall be granted in lieu of the overtime pay as provided in the Civil Service Law.

**SEC.31. *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/her rest day, Saturday, Sunday and official non-working holidays: Provided, that he/she 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.32. *Optional Retirement.*** – The age of retirement and benefits shall be in accordance with existing laws. Provided, that those who have availed of this benefit shall not be allowed re-entry, in any capacity, to the PDEA.

**SEC.33. *Compulsory Retirement for PDEA Personnel.*** – Upon attainment of the age of 65, personnel shall retire from the 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 the PDEA.

**SEC.34. *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 the 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/her 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 the PDEA.

**SEC.35. *Compulsory Retirement for Non- DEOs.*** – Upon attainment of the age of sixty-five (65), non-DEOs including those occupying director positions shall retire from the 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 the PDEA.

**SEC.36. *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.

## **TITLE V TRANSITORY PROVISIONS**

**SEC. 37. *Implementing Rules and Regulations.*** - PDEA shall formulate and prepare the Implementing Rules and Regulations of this Act within ninety (90) days from approval of the latter. The IRR shall be immediately published in any newspaper of general circulation and shall take effect fifteen (15) days after publication.

**SEC. 38. *Appropriations.*** The initial amount necessary for the implementation of this Act shall be charged against the current year's appropriations of the PDEA. Thereafter, such amount shall be included in the Annual General Appropriations Act.

**SEC.39. Penal Provision.** - Any person who shall willfully interfere with, restrain or coerce any PDEA personnel in the exercise of his/her rights or shall in any manner commit any act in violation of any of the provisions of this 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 above-

mentioned penalties may impose the appropriate accessory penalty. The filing of the criminal action is without prejudice to the right of the offended party to file the appropriate administrative and/or civil charges against the offender.

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

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

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

**SEC.43. *Effectivity.*** - This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

*Approved,*