

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

House Bill No. **1728**



Introduced by **Rep. ANGELO MARCOS BARBA**
2nd District, Ilocos Norte

EXPLANATORY NOTE

This proposed measure seeks to establish a Magna Carta for all non-uniformed personnel in the military and other uniformed agencies of the government. These agencies include the Armed Forces of the Philippines (AFP), Philippine National Police (PNP), Bureau of Jail Management and Penology (BJMP), Department of National Defense (DND), Bureau of Fire Protection (BFP), Bureau of Corrections (BuCor), Philippine Coast Guard (PCG), Philippine Drug Enforcement Agency (PDEA), and the National Mapping and Resource Information Authority (NAMRIA). To this end, this legislation aims to champion the rights of non-uniformed personnel, to promote and improve their social and economic well-being, and to ensure that their rights are protected, particularly in the workplace.

From concretely defining their employment status, asserting their right of the security of tenure, among advocating for improvement in their salaries and promotion in their place of work, to reestablishing other appropriate benefits as deemed needed, this measure overall aims to be a tangible proposal to directly address the needs and defend the rights of non-uniformed personnel as partners and co-public servants of those in uniformed service.

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



ANGELO MARCOS BARBA

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

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

CHAPTER I
GENERAL PROVISIONS

SECTION 1. Short Title. – This Act shall be known as the “*Magna Carta for Non-Uniformed Personnel.*”

SECTION 2. Declaration of Policy. – It is hereby declared the policy of the State to promote and improve the social and economic well-being of all non-uniformed personnel in the military and other uniformed agencies of the government. Towards this end, the State shall ensure that their rights are protected in a working environment that is conducive to work with efficiency and effectiveness.

SECTION 3. Coverage. – This Act shall apply to all non-uniformed personnel in the military and uniformed agencies. As used in this Act, the term “non-uniformed personnel” shall mean all civilian employees in the Armed Forces of the Philippines (AFP), and all other uniformed agencies of the government, including the Philippine National Police (PNP), Bureau of Jail Management and Penology (BJMP), Department of National Defense (DND), Bureau of Fire Protection (BFP), Bureau of Corrections (BUCor), Philippine Coast Guard (PCG), Philippine Drug Enforcement Agency (PDEA), and the National Mapping and Resource Information Authority (NAMRIA).

SECTION 4. Definition of Terms. – As used in this Act:

- a. *Non-uniformed personnel* refers to all civilian employees in the military and other uniformed agencies of the government, including the AFP, PNP, BJMP, DND, BFP, BUCor, PDEA, and NAMRIA;

- b. *Uniformed agencies* refers to 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;
- c. *Workplace* refers to the office, premises or worksite, 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;
- d. *Geographical reassignment*, hereinafter referred to as “reassignment,” refers to a movement from one geographical location to another which does not involve a reduction in rank, status, or salary;
- e. *Transfer* refers to the movement from one position to another which is of equivalent rank, level, or salary without break in service, involving the issuance of an appointment.

CHAPTER II RECRUITMENT, HUMAN RESOURCE DEVELOPMENT, AND POLICIES

SECTION 5. *Recruitment and Qualification.* – The 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 (CSC); *Provided*, That in the absence of eligible applicant 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 one is being appointed, except the appropriate civil service eligibility; *Provided, further*, That such temporary appointment shall not exceed twelve (12) months 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

SECTION 6. *Duties and Obligations.* – All non-uniformed personnel shall:

- a. discharge one’s duty humanely with conscience and dignity;
- b. perform one’s duty with utmost respect for life and race, gender, religion, nationality, or social standing, or capacity to pay.

SECTION 7. *Screening and Selection for Appointment.* – Applicants for the non-uniformed personnel positions shall undergo a screening process to be conducted by a duly constituted Human Resource Merit Promotion and Selection Board (HRMPSB) based on qualification standards set forth by the respective agencies in accordance with CSC Law, rules and regulations;

Provided, furthermore, That the HRMPSB shall assist the appointing authority in the judicious and objective selection of candidates for appointment in the agency in accordance with the approved Agency Merit Selection Plan (MSP); *Provided, finally,* That the appointing authority shall be guided by the report of HRMPSB's assessment from among top five (5) candidates or less, deemed most qualified for appointment to the vacant position, depending on the number of candidates.

SECTION 8. 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.

SECTION 9. 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. The Human Resource Development Program shall be managed by its respective Non-Uniformed Personnel Affairs Office manned by Non-Uniformed Personnel and to be established under its respective Administrative, Personnel or Human Resource Management Services, Human Resource Development Program for non-uniformed personnel including 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.

SECTION 10. 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 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 the supervisor of the performance evaluation.

The merit promotion plan shall be in consonance with the rules of the CSC.

SECTION 11. 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 (CPD), as required by the Professional Regulation Commission (PRC), shall be shouldered by the concerned uniform agencies.

SECTION 12. *Local Training Programs.* – The local training programs aimed at enhancing the professional growth of non-uniformed personnel shall be established and maintained. Such local training programs shall be undertaken in coordination with other governmental and non-governmental agencies, and shall provide managerial, technical, administrative, and operational courses, such as logistics and fiscal management, including training on professional services and legal procedures.

SECTION 13. *Transfer or Geographical Reassignment of Non-Uniformed Personnel.* – Non-uniformed Personnel shall not be transferred or reassigned, except when made in the interest of exigency of public service, in which case, the employee concerned shall be informed of the reasons therefore in writing. The non-uniformed personnel can appeal to the CSC the transfer or reassignment; *Provided*, That no transfer or reassignment whatsoever shall be made three (3) months before any local or national elections.

The criteria for transfer or geographical reassignment shall be defined in the Implementing Rules and Regulations (IRR) of this Act.

SECTION 14. *Solo Parents.* – The proper authorities, in accordance with Republic Act No. 8972 (R.A. No. 8972), otherwise known as the “Solo Parents Welfare Act of 2000”, shall take steps to enable or allow solo parents to be employed or assigned in the same locality of ones’ residence.

SECTION 15. *Prohibition against Discrimination.* – A non-uniformed personnel, in the exercise of employment, shall not be discriminated with regard to age, sexual orientation, gender identity and expression, disability, civil status, religious or political beliefs, and ethnic groupings.

SECTION 16. *Prohibition against Understaffing and Overloading of Non-Uniformed Personnel.* – In accordance with the CSC and the Department of Budget and Management (DBM) Joint Circular on Policies and Guidelines on Overtime Services and Overtime Pay for Government Employees, there shall be neither understaffing nor 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 services at all times without overworking the non-uniformed personnel and overextending the duty and service.

In excess of minimum working hours, the non-uniformed personnel shall be entitled to payment of overtime pay, night differential, holiday, or rest pay day.

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.

SECTION 17. *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.

SECTION 18. *Safeguards in Disciplinary Procedures.* – In every disciplinary proceeding, non-uniformed personnel shall have the right to:

- a. Be informed, in writing, of the charges filed against his/her person;
- b. Be granted full access to the evidence in the case;
- c. Defend oneself and to be defended by a representative of one's or organization's choice, adequate time being given to the non-uniformed personnel for the preparation of the defense;
- d. Confront witnesses presented against the person and summon witnesses in one's behalf;
- e. Appeal to designated authorities; and
- f. Such other rights that will ensure fairness and impartiality during proceedings.

CHAPTER III RIGHT TO SELF-ORGANIZATION

SECTION 19. *Freedom of Association.* – All non-uniformed personnel shall have the right to freely, and without prior authorization, to establish and to join organizations of their choice, whether local or national, to further defend their interests.

SECTION 20. *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 its given duties to the organization or union, or to penalize the same for the action taken 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 one's duties and responsibilities; and
- e. To otherwise interfere in the establishment, functioning, or administration of a non-uniformed personnel organizations or unions

through acts designed to place such organization or union under the control of government authority.

In no case shall existing laws, rules, and regulations requiring employees' organizations to register, petition for accreditation, or to register collective negotiation agreements be interpreted as interference or coercion.

SECTION 21. *Consultation with the Non-Uniformed Personnel Organizations.* – The 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 shall be institutionalized. The non-uniformed personnel organizations shall be represented in all relevant labor management committees.

CHAPTER IV EMPLOYMENT STATUS, SALARIES, AND ALLOWANCES

SECTION 22. *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 may be provided with monetary and non-monetary incentives by the LGU concerned where one is assigned, subject to the availability of funds.

SECTION 23. *Salary Scale.* – Salary scales of non-uniformed personnel shall be the same as the salary scale of uniformed personnel. The salaries of all non-uniformed personnel shall be based on the following:

- 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 them and their family to afford a reasonable and decent standard of living; and basic monthly salary shall exclude the subsistence allowance, cost of living allowance, two (2) quarters allowance, clothing allowance, hazard pay, amelioration pay, health care pay, and all other allowances as may be provided under existing laws.

SECTION 24. *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 provision of applicable laws authorizing such

deductions; *Provided*, That written authority of the non-uniformed personnel concerned shall first be obtained.

SECTION 25. *Overtime Work.* – In 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 the existing budgeting, accounting, and auditing rules and regulations of the government.

SECTION 26. *Work during Rest Day.* –

- a. Wherein a non-uniformed personnel is made to work on a scheduled rest day, one shall be paid an additional compensation in accordance with existing laws; and
- b. Wherein a non-uniformed personnel is made to work on any special holiday, one shall be paid an additional compensation in accordance with existing laws. Further, even when such holiday work falls on the worker's scheduled rest day, one shall be entitled to an additional compensation as may be provided by existing laws.

SECTION 27. *Night Shift Differential.* –

- a. Every non-uniformed personnel shall be paid night shift differential in accordance with the DBM Budget Circular;
- b. Every non-uniformed personnel required to work on the period covered after ones' regular schedule shall be entitled to an overtime pay in accordance with the existing budgeting, accounting, and auditing rules and regulations of the government.

SECTION 28. *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.

SECTION 29. *Subsistence allowance.* – Non-uniformed personnel shall be entitled to full subsistence allowance of three (3) meals which may be computed in accordance with the existing rules and regulations of the government.

SECTION 30. *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.

SECTION 31. *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 1,000.00) per month: *Provided*, That this rate shall be reviewed periodically and increased accordingly in

consultation with appropriate agencies and the non-uniformed personnel taking into account existing laws and prevailing practices.

SECTION 32. *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.

CHAPTER V HEALTH MEASURES AND PROGRAMS

SECTION 33. *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 or hospitalization, or both is necessary for those already in government services, including medicines, shall be provided free either in a government or a private hospital by the government entity who pays 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 the said agency's annual budget.

SECTION 34. *Physical and Mental Fitness Programs.* – All public safety agencies shall formulate policies and guidelines on physical fitness and sports development programs.

SECTION 35. *Hospitalization Expenses.* – If any non-uniformed personnel suffers any injury or becomes ill in the performance of one's official duties, the hospitalization expenses of such personnel shall be compensated by the office concerned.

SECTION 36. *Compensation for Injuries.* – Non-uniformed personnel shall be protected against the consequences of employment injuries in accordance with existing laws.

CHAPTER VI LEAVES AND OTHER BENEFITS

SECTION 37. *Vacation Leave.* – All non-uniformed personnel is entitled to a vacation leave as mandated in the CSC Omnibus Rules on Leave.

SECTION 38. *Sick Leave.* – All non-uniformed personnel is entitled for a sick leave as mandated in the CSC Omnibus Rules on Leave.

SECTION 39. *Mandatory Leave.* – A Non-Uniformed Personnel is entitled to a mandatory leave with full pay for five (5) working days chargeable to one's leave credits in accordance to the CSC Law, rules, and regulations.

SECTION 40. *Maternity Leave.* – All qualified female Non-Uniformed personnel are entitled to maternity leave benefits as mandated in the CSC Omnibus Rules on Leave.

SECTION 41. *Paternity Leave.* – All qualified male personnel shall be entitled to paternity leave in accordance to CSC Law, rules, and regulations.

SECTION 42. *Study Leave.* – 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 six (6) months with pay, subject regardless of the field of study chosen by the employee.

SECTION 43. *Scholarship Privileges for Dependents.* – Republic Act No. 10931, otherwise known as the “Universal Access to Quality Tertiary Education Act” provides the 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 VII RETIREMENT

SECTION 44. *Early Retirement Program.* – Any non-uniformed personnel who has reached the age of sixty (60) years may avail of this program and shall be paid separation benefits in accordance with applicable laws; *Provided*, That the person has rendered at least fifteen (15) years of continued service in the agency; *Provided, further*, That those who have availed of this benefit shall not be allowed re-entry into the said agency; *Provided, finally*, That the employee who opt to retire under this program may be hired as consultant in accordance with the provisions of existing laws.

SECTION 45. *Compulsory Retirement.* – Compulsory retirement shall be upon the attainment of age of sixty (65) years.

SECTION 46. *Highest Basic Salary Upon Retirement.* – A retired non-uniformed personnel shall automatically be granted one (1) salary grade higher than the basic salary and the retirement benefit thereafter, computed on the basis of one’s 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.

SECTION 47. *Gratuity Pay.* – All non-uniformed personnel shall be entitled to gratuity pay, which shall be computed using the Non-Uniformed Personnel’s last drawn salary, the basic salary plus the Personnel Economic Relief Allowance (PERA), multiplied by the number of years of service rendered.

CHAPTER VIII GRIEVANCES AND DISPUTE SETTLEMENT

SECTION 48. *Complaints and Grievances.* – Every non-uniformed personnel shall have the right to present complaints and grievances to the superior officers for the immediate redress thereof.

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

SECTION 49. *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 IX FINAL PROVISIONS

SECTION 50. *Implementing Rules and Regulations.* – Within ninety (90) days from the enactment of this Act, in consultation with the CSC and DBM, the military and all other uniformed agencies shall jointly formulate the implementing rules and regulations (IRR) of this Act. The said IRR shall be liberally construed in favor of the non-uniformed personnel so as to give the same the greatest degree of benefits that can be derived from this Act.

SECTION 51. *Appropriations.* – The amount necessary to carry out the provisions of this Act shall be included in the annual General Appropriations Act of the uniformed agencies.

SECTION 52. *Penal Provision.* – Any person shall willfully interfere with, restrain, or coerce any non-uniformed personnel in the exercise of one's 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 perpetual disqualification from office.

SECTION 53. *Interpretation.* – Nothing in this Act shall be construed to prejudice and diminish whatever benefits non-uniformed personnel is entitled to receive under existing laws.

SECTION 54. *Separability Clause.* – In case any provision of this Act is declared unconstitutional, the other provisions shall remain in effect.

SECTION 55. *Repealing Clause.* – All laws, decrees, orders, rules and regulations, or parts thereof, inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 56. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in at least two (2) newspapers of general circulation.

Approved,