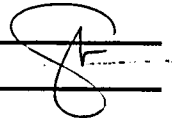

Introduced by **SENATOR VICENTE C. SOTTO III**



**AN ACT
INSTITUTING THE MAGNA CARTA FOR NON-UNIFORMED
PERSONNEL IN 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.

Moreover, this proposed measure seeks to improve the social and economic well-being of all NUP as well as to 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.

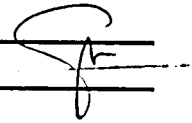
It is high time we value all the hardworking and dedicated NUP serving in the Armed Forces of the Philippines, Philippine National Police, Bureau of Jail Management and Penology, Department of National Defense, Bureau of Fire Protection, Bureau of Corrections, Philippine Coast Guard, and the National 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.



VICENTE C. SOTTO III

Introduced by **SENATOR VICENTE C. SOTTO III**



**AN ACT
INSTITUTING THE MAGNA CARTA FOR NON-UNIFORMED
PERSONNEL IN UNIFORMED AGENCIES**

*Be it enacted by the Senate and the House of Representatives of the
Philippine Congress assembled:*

1 Chapter One
2 Preliminary Provisions

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

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

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

21 SEC. 4. Definition of Terms.

22 a) Non-uniformed personnel - all civilian employees in the military and
23 other uniformed agencies of the government

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

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

11 Chapter Two
12 Recruitment, Human Resource Development and Policies

13 SEC. 5. Recruitment and Qualification. – Recruitment policy and
14 minimum requirements with respect to the selection and appointment of a
15 non-uniformed personnel shall be developed and implemented by the
16 appropriate government agencies concerned in accordance with policies and
17 standards of the Civil Service Commission: Provided, That in the absence of
18 appropriate eligible, as certified by the highest official in charge of human
19 resource management, and it becomes necessary in the public interest to fill
20 a vacancy, a temporary appointment shall be issued to the person who meets
21 all the requirements for the position to which he/she is being appointed
22 except the appropriate civil service eligibility: Provided, further, That such
23 temporary appointment shall not exceed twelve (12) months nor be less than
24 three (3) months renewal thereafter but that the appointee may be replaced
25 sooner if (a) qualified civil service eligible becomes available, or (b) the
26 appointee is found wanting in performance or conduct befitting a government
27 employee.

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

33 SEC. 7. Human Resource Development for Non-Uniformed Personnel. –
34 There shall be established a Human Resource Development Program for non-
35 uniformed personnel in the military and all uniformed agencies of the
36 government. Human Resource Development Programs for non-uniformed
37 personnel including, but not limited to, the provisions on merit promotion,
38 performance evaluation, in service training grants, incentive and award
39 system, job rotation, cross-posting overseas and local scholarships, training
40 grants, incentive award system, and such other similar services and human
41 resource development interventions, including programs on the job training,
42 counseling, coaching, job rotation, secondment, job swapping etc. shall be
43 developed by the concerned agencies in consultation with and with the

1 concurrence of the accredited employees' organizations. The program shall
2 conform to the rules and regulations of the CSC.

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

9 The performance evaluation plan shall consider foremost the
10 improvement of individual employee efficiency and organizational
11 effectiveness: Provided, That each employee shall be informed regularly by
12 his/her supervisor of his/her performance evaluation.

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

15 SEC. 9. Sustaining the Professionalization of the non-uniformed
16 personnel. – To sustain the professionalization of non-uniformed personnel,
17 training shall be done intensively and extensively. The cost of Continuing
18 Professional Development as required by the PRC shall be shouldered by the
19 concerned uniformed agencies.

20 SEC. 10. Local Training Programs. – Local training programs aimed at
21 enhancing the professional growth of non-uniformed personnel shall be
22 established and maintained. Such local training programs, undertaken in
23 coordination with other governmental and non-governmental agencies, shall
24 provide managerial; technical; administrative and operational courses such
25 as logistics and fiscal management, including training on professional
26 services and criminal procedures.

27 SEC. 11. Transfer or Geographical Reassignment of Non-Uniformed
28 Personnel.

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

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

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

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

3 SEC. 12. Married couples / Domestic partnerships. – Whenever
4 possible, the proper authorities shall take steps to enable married couples,
5 both of whom are non-uniformed personnel, to be employed or assigned in
6 the same locality, but not in the same workplace.

7 SEC. 13. Solo parents. – In accordance with RA 8972, the proper
8 authorities shall take steps to enable solo parents to be employed or assigned
9 in the same locality of his/her residence.

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

13 SEC. 14. Security of Tenure. – Non-uniformed personnel shall be
14 assured security of tenure. Their services shall not be terminated except for
15 just cause provided by law and after due process. Provided, that if a non-
16 uniformed personnel is found by the Civil Service Commission to be unjustly
17 dismissed from work, he/she shall be entitled to reinstatement without loss
18 of seniority rights and to his/her back wages with twelve percent (12%)
19 interest or the prevailing legal interest rate at the time of his reinstatement
20 whichever is higher computed from the time his/her compensation was
21 withheld from his/her up to time of reinstatement; social security
22 contributions/obligations/penalties and all other benefits.

23 SEC. 15. Prohibition against Discrimination. – A non-uniformed
24 personnel shall not be discriminated against with regard to age, sexual
25 orientation, gender identity and expression, disability, civil status, creed,
26 religious or political beliefs and ethnic groupings in the exercise of his/her
27 employment.

28 SEC. 16. No Understaffing/Overloading of Non-Uniformed Personnel. –
29 There shall be no understaffing or overloading of non-uniformed personnel.
30 The ratio of non-uniformed personnel to workload shall be such as to
31 reasonably effect a sustained delivery of public service at all times without
32 overworking the non-uniformed personnel and over-extending his/her duty
33 and service. In excess of minimum working hours, the non-uniformed
34 personnel shall be entitled to payment of overtime pay, night differential,
35 holiday/rest day pay.

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

39 SEC. 17. Duties and Obligations. – All non-uniformed personnel shall:

40 (a) discharge his/her duty humanely with conscience and dignity;

1 (b) perform his/her duty with utmost respect for life; and race, gender,
2 religion, nationality, party policies, social standing or capacity to pay.

3 SEC. 18. Code of Conduct. – Within six (6) months from the approval of
4 this Act, the military and other uniformed agencies upon consultation with
5 other appropriate agencies and non-uniformed personnel organizations,
6 whether registered or accredited, shall formulate and prepare a Code of
7 Conduct for Non-Uniformed Personnel, which shall be disseminated as widely
8 as possible.

9 SEC. 19. Safeguards in Disciplinary Procedures. – In every disciplinary
10 proceeding, the non-uniformed personnel shall have;

- 11 (a) the right to be informed, in writing, of the charges;
12 (b) the right to full access to the evidence in the case;
13 (c) the right to defend himself/herself and to be defended by a
14 representative of his/her choice and/or by his/her organization, adequate
15 time being given to the non-uniformed personnel for the preparation of
16 his/her defense;
17 (d) the right to confront witnesses presented against him/her and
18 summon witnesses in his/her behalf;
19 (e) the right to appeal to designated authorities;
20 (f) the right to reimbursement of reasonable expenses incurred in his/her
21 defense in case of exoneration or dismissal of the charges; and
22 (g) such other rights as will ensure fairness and impartiality during
23 proceedings.

24 SEC. 20. Normal Hours of Work. – The normal hours of work of any
25 non-uniformed personnel shall not exceed eight (8) hours a day or forty (40)
26 hours a week.

27 Chapter Three
28 Right to Self-Organization

29 SEC. 21. Freedom of Association. – All non-uniformed personnel shall
30 have the right to freely and without previous authorization to establish and
31 join organizations of their choosing, whether local or national to further and
32 defend their interests.

33 SEC. 22. Freedom from Interference or Coercion. – It shall be unlawful
34 for any person to commit any of the following acts of interference or coercion:

35 (a) to require as a condition of employment that a non-uniformed
36 personnel shall not join a workers' organization or union or shall relinquish
37 membership therein;

38 (b) to discriminate in regard to hiring or tenure of employment or any item
39 or condition of employment in order to encourage or discourage membership
40 in any workers' organization or union;

1 (c) to prevent a non-uniformed personnel from carrying out duties laid
2 upon him/her by his/her position in the organization or union, or to penalize
3 him/her for the action undertaken in such capacity;

4 (d) to harness or interfere with the discharge of the functions of the non-
5 uniformed personnel when these are calculated to intimidate or to prevent the
6 performance of his/her duties and responsibilities; and

7 (e) to otherwise interfere in the establishment, functioning, or
8 administration of a non-uniformed personnel organization or unions through
9 acts designed to place such organization or union under the control of
10 government authority.

11 SEC. 23. Consultation with the Non-uniformed Personnel
12 Organizations. – Organizations or unions of non-uniformed personnel shall
13 be consulted in the formulation of national, regional and local policies that
14 impact their working conditions and social security. For this purpose, social
15 dialogue mechanisms at the national, regional and other appropriate levels
16 should be institutionalized. Non-uniformed personnel organizations should
17 be represented in all relevant labor-management committees.

18 Chapter Four
19 Status, Salaries and Allowances

20 SEC. 24. Status of non-uniformed personnel. – All non-uniformed
21 personnel shall be considered employees of the national government and shall
22 draw their salaries therefrom. Provided, that non-uniformed personnel in
23 Metropolitan Manila, chartered cities, component cities and other
24 municipalities shall be provided with monetary and non-monetary incentives
25 by the local government unit concerned subject to the availability of funds.

26 SEC. 25. Salary Scale. – Salary scales of non-uniformed personnel shall
27 be the same as the salary scale of uniformed personnel.

28 SEC. 26. Criteria for Salary. – The salaries of all non-uniformed
29 personnel shall correspond to the following criteria:

30 a) Salary shall be comparably equal to those paid in other occupations
31 or professions requiring equivalent or similar qualifications, training and
32 abilities regardless of rank positions;

33 b) Salary scale shall ensure that the lowest rank and position receive
34 an amount which will ensure him and his family to afford a reasonable and
35 decent standard of living; and basic monthly salary shall exclude the
36 subsistence allowance, cost of living allowance, 2 quarters allowance, clothing
37 allowance, hazard pay, amelioration pay, health care pay and all other
38 allowances as may be provided under existing laws.

1 SEC. 27. Payment of Salary. – The salaries of non-uniformed personnel
2 shall be paid in legal tender of the Philippines or the equivalent in checks or
3 treasury warrants; *Provided, however*, that such checks or treasury warrants
4 shall be convertible to cash in any national, provincial, city or municipal
5 treasurer’s office or any banking institution operating under the laws of the
6 Republic of the Philippines.

7 Salaries shall be released on time and without undue delay. No
8 deduction whatsoever shall be allowed from the salaries due to all non-
9 uniformed personnel except under specific provisions of applicable laws
10 authorizing such deduction.

11 SEC. 28. Overtime Work. – Where the exigencies of the service so
12 require, any non-uniformed personnel may be required to render service
13 beyond the normal eight (8) hours a day. In such case, the workers shall be
14 paid an additional compensation in accordance with existing laws and
15 prevailing practices.

16 SEC. 29. Work During Rest Day. –

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

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

25 SEC. 30. Night-Shift Differential. –

26 (a) Every non-uniformed personnel shall be paid night-shift differential of
27 ten percent (10%) of his/her regular wage for each hour of work
28 performed during the night-shifts.

29 (b) Every non-uniformed personnel required to work on the period covered
30 after his/her regular schedule shall be entitled to his/her regular wage plus
31 the regular overtime rate and an additional amount of ten percent (10%) of
32 such overtime rate for each hour of work performed between ten (10) o’clock
33 in the evening to six (6) o’clock in the morning.

34 SEC. 31. Hazard Allowance. – All non-uniformed personnel shall be
35 given hazard allowances equivalent to at least twenty-five percent (25%) of the
36 monthly basic salary of workers receiving salary grade 19 and below, and five
37 percent (5%) for workers with salary grade 20 and above.

38 SEC. 32. Subsistence Allowance. – Non-uniformed personnel shall be
39 entitled to full subsistence allowance of three (3) meals which may be
40 computed in accordance with prevailing circumstances.

1 SEC. 33. Longevity Pay. – A monthly longevity pay comparable to the
2 longevity pay of uniformed personnel shall be paid to all non-uniformed
3 personnel for every five (5) years of continuous, efficient, and meritorious
4 services rendered as certified by the chief of office concerned, commencing
5 from the original attested appointment of each non-uniformed personnel.

6 SEC. 34. Laundry Allowance – All non-uniformed personnel who are
7 required to wear uniforms regularly shall be entitled to laundry allowance
8 equivalent to one thousand pesos (Php 1000.00) per month: Provided, that
9 this rate shall be reviewed periodically and increased accordingly in
10 consultation with appropriate agencies and the non-uniformed personnel
11 organizations taking into account existing laws and prevailing practices.

12 SEC. 35. Rice Subsidy. – All non-uniformed personnel shall be entitled
13 to one (1) sack of rice per month or its monetary equivalent.

14 SEC. 36. Housing. – All non-uniformed personnel who are on tour of
15 duty and those who, because of unavoidable circumstances are forced to stay
16 in their workplace, shall be entitled for free living quarters within their
17 workplaces, or if such quarters are not available, shall receive quarters
18 allowance: Provided, That this rate shall be reviewed periodically and
19 increased accordingly in consultation with appropriate government agencies
20 and the non-uniformed personnel organizations concerned.

21 SEC. 37. Salaries based on the Cost of Living. – The salaries of non-
22 uniformed personnel shall be based on the prevalent cost of living. Salaries
23 shall automatically follow changes in the cost-of-living index determined after
24 due consultation with the appropriate government agencies and non-
25 uniformed personnel organizations.

26 SEC. 38. Clothing/Uniform Allowance. – Non-uniformed personnel
27 shall be entitled to uniform allowance equivalent to six thousand (P6000.00)
28 pesos per year. Provided, That this rate shall be reviewed periodically and
29 increased accordingly taking into account existing laws and prevailing
30 practices.

31 Chapter Five
32 Health Measures and Programs

33 SEC. 39. Medical Examination. – Compulsory pre-employment and
34 annual medical examinations shall be provided free of charge to all non-
35 uniformed personnel during the tenure of employment. The cost of such
36 medical examination shall be included as automatic appropriation in said
37 entity's annual budget.

38 SEC. 40. Physical and Mental Fitness Programs. – All public safety
39 agencies shall formulate policies and guidelines on physical fitness and sports
40 development programs.

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

3 Chapter Seven
4 Retirement

5 SEC. 50. Early Retirement Program. – Any non-uniformed personnel
6 who has reached the age of fifty five (55) years may avail of this program and
7 be paid separation benefits in accordance with prevailing scheme: Provided,
8 That he/she has rendered at least fifteen (15) years of continuous service in
9 the agency. Provided, further, That those who have availed of this benefit shall
10 not be allowed to re-entry into the said agency.

11 SEC. 51. Compulsory Retirement. – Compulsory retirement shall be
12 upon the attainment of age 65 years old.

13 SEC. 52. Highest Basic Salary Upon Retirement. – A retired non-
14 uniformed personnel shall automatically be granted one (1) salary range or
15 grade higher than his/her basic salary and his/her retirement benefit
16 thereafter, computed on the basis of his/her highest salary, which shall be
17 given in effect three (3) months prior to the compulsory retirement: Provided,
18 that the personnel has reached the age and fulfilled service requirements
19 under existing laws.

20 Chapter Eight
21 Grievances and Dispute Settlement

22 SEC. 53. Complaints and Grievances. – Every non-uniformed personnel
23 shall have the right to present his/her complaints and grievances to his/her
24 superior officers for the immediate redress thereof.

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

28 SEC. 54. Dispute Settlement. – Each agency shall put in place their
29 own dispute settlement systems and procedures. The composition of which
30 should ensure the representation of the accredited employees' organization.

31 Chapter Nine
32 Miscellaneous Provisions

33 SEC. 55. Implementing Rules and Regulations. The military and all
34 other uniformed agencies shall jointly formulate and prepare the rules and
35 regulations with the uniformed personnel organizations necessary to
36 implement the provisions of this Act. All rules and regulations so formulated
37 shall be liberally construed in favor of the non-uniformed personnel so as to
38 give him/her the greatest degree of benefits that can be derived from this Act.

1 Rules and regulations implementing this Act shall take effect fifteen (15) days
2 after publication in a paper of general circulation.

3 SEC. 56. Budget. The military and agencies shall submit to Congress
4 the annual budget to implement the provisions of this Act which shall be
5 included in the General Appropriations Act. In no case shall the budget
6 implementing this Act allotted for a given fiscal year be less than that of the
7 previous fiscal year.

8 SEC. 57. Penal Provision. – Any person shall willfully interfere with,
9 restrain or coerce any non-uniformed personnel in the exercise of his/her
10 rights or shall in any manner act in violation of any of the provisions of this
11 Act, upon conviction, shall be punished by a fine of not less than Five hundred
12 Thousand Pesos (PHP500,000.00) but not more than One Million Pesos (PHP
13 1,000,000.00) or imprisonment of up to six (6) years or combination of both.

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

17 SEC. 58. Interpretation. – Nothing in this Act shall be construed to
18 prejudice and diminish whatever benefits non-uniformed personnel is entitled
19 to receive under existing laws.

20 SEC. 59. Separability Clause. – In the event that any portion or
21 provision of this Act be declared unconstitutional, the validity and effectivity
22 of the other provisions of this Act shall not be affected.

23 SEC. 60. Repealing Clause. – All laws, decrees, executive orders, rules
24 and regulations and other issuances inconsistent with this Act are deemed
25 repealed, amended, or modified accordingly.

26 SEC. 61. Effectivity. – The provisions of this Act shall take effect fifteen
27 (15) days after its complete publication in the Official Gazette or in a
28 newspaper of general circulation.

Approved,