

SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



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SENATE

S. No. 642

RECEIVED BY: 

Introduced by Senator Antonio "Sonny" F. Trillanes IV

**AN ACT
GRANTING NIGHT SHIFT DIFFERENTIAL PAY TO THE GOVERNMENT
EMPLOYEES INCLUDING THOSE IN GOVERNMENT-OWNED OR
CONTROLLED CORPORATIONS AND APPROPRIATING FUNDS THEREFOR**

EXPLANATORY NOTE

Generally, government employees work for eight (8) hours between 6 a.m. to 6 p.m. Services rendered beyond the regular eight hour work schedules are paid overtime pay in accordance with existing laws and rules and regulations. There are government employees, however, whose regular working hours fall between 6:00 p.m. to 6:00 a.m. of the next day.

The work at night is more strenuous than work done during the day, hence, the former deserves greater compensation. It is a universal fact that the normal work is performed during the day and the work done at night is exceptional and justified only on grounds of inevitable necessity. Hygienic, medical, moral, cultural, and socio-biological reasons, moreover, show that night work entails various inconveniences and when there is no alternative but to perform it, it is only just that the laborer should earn greater salary than the ordinary work so as to compensate the laborer to some extent for the inconvenience.

This bill seeks to provide incentives to government employees who work late at night until the wee hours of the morning when they are supposed to be asleep. Under this bill, government employees, including those in government-owned and controlled corporations, shall be paid night shift differential pay at a rate not exceeding twenty per centum (20%) of the hourly basic rate of the employees for each of work performed between ten o'clock in the evening and six o'clock in the morning.

In recognition of their unselfish service, approval of this bill is highly recommended.


ANTONIO "SONNY" F. TRILLANES IV
Senator

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

1 **SECTION 1.** Government employees, including those in government-owned or
2 controlled corporations, whether their nature of employment is permanent, contractual,
3 temporary or casual, shall be paid night shift differential at a rate not exceeding twenty
4 percent (20%) of the hourly basic rate of the employee for each hour of work performed
5 between ten o'clock in the evening and six o'clock in the morning: Provided, That the night
6 shift differential pay provided under this Act shall be in addition to and shall not in any way
7 diminish whatever benefits and allowances being presently enjoyed by government
8 employees.

9
10 "Hourly basic rates" refers to basic salary rate per hour derived by dividing the
11 monthly rate by twenty-two (22) working days and dividing the quotient derived by eight (8)
12 hours.

13
14 **SEC. 2.** The following government employees are not covered by this Act:

- 15 a) Public health workers who are already covered by Republic Act No. 7305; and
16
17 b) Government employees whose services are required or are on call twenty-four
18 (24) hours a day such as the uniformed personnel of the Armed Forces of the
19 Philippines (AFP), the Philippine National Police (PNP), the Bureau of Jail
20 Management and Penology (BJMP), and the Bureau of Fire Protection (BFP).

21
22 **SEC. 3.** The Civil Service Commission, in coordination with the Department of
23 Budget and Management, shall promulgate the necessary rules and regulations for the
24 effective implementation of this Act.

25
26 **SEC. 4.** The amount necessary for the effective implementation of this Act shall be
27 funded as follows:

- 28 a) For the national government entities, the initial amount shall be charged from the
29 savings generated from the different departments; bureaus, offices, and agencies.

1 Thereafter, such sum as maybe necessary for the continuous implementation of
2 this Act shall be included in the annual General Appropriations Act (GAA);
3

4 b) For local government units, the amount shall be charged against their respective
5 funds; and
6

7 c) For government-owned or controlled corporations and their subsidiaries the
8 amount shall come from their respective corporate funds.
9

10 **SEC. 5.** All laws, decrees, orders, rules and regulations, and other issuances or parts
11 thereof inconsistent with the provisions of this Act are hereby repealed or amended
12 accordingly.
13

14 **SEC. 6.** This Act shall take effect fifteen (15) days after publication in the Official
15 Gazette or in at least two (2) national newspapers of general circulation.

Approved,