



HOUSE OF REPRESENTATIVES

H. No. 9458

BY REPRESENTATIVES REVILLA, YAP (E.), SINGSON-MEEHAN, AGABAS, MACAPAGAL ARROYO, QUIMBO, ZARATE, ERMITA-BUHAIN, BAUTISTA-BANDIGAN, BIAZON, CALDERON, CUA, CUARESMA, DALIPE, DAZA, FARIÑAS I (R.C.), GARCIA (J.E.), GASATAYA, GO (E.C.), GONZAGA, GONZALEZ, HARESCO, LIMKAICHONG, REYES, SAGARBARRIA, SALCEDA, SUAREZ (D.), TEJADA, VIOLAGO, ZUBIRI, ABUEG-ZALDIVAR, BARONDA, BENITEZ, BORDADO, BRAVO, CABATBAT, CARI, DAGOOC, DALOG, DELOSO-MONTALLA, DIMAPORO (A.), DIMAPORO (M.K.), GULLAS, HOFER, LABADLABAD, MACEDA, MALAPITAN, MARIÑO, NATIVIDAD-NAGAÑO, NAVA, OUANO-DIZON, TAMBUNTING, TAN (A.), TIANGCO, TUTOR, CABOCHAN, NIETO, ORDANES, PEÑA, ROBES, ROMULO, TY (A.) AND VERGARA, PER COMMITTEE REPORT NO. 998

AN ACT

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

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

1 **Section 1.** Government employees occupying position items from Division Chief and
2 below, or their equivalent, including those in government-owned or controlled corporations,
3 whether the nature of their employment is permanent, contractual, temporary, or casual, shall
4 be paid night shift differential at a rate not exceeding twenty percent (20%) of the hourly
5 basic rate of the employee, as determined by the head of the agency, for each hour of work

1 performed between the hours of 6:00 in the evening and 6:00 in the morning of the following
2 day: *Provided*, That the night shift differential pay provided under this Act shall be in
3 addition to and shall not in any way diminish whatever benefits and allowances are presently
4 enjoyed by government employees.

5 *Hourly basic rate* refers to basic salary rate per hour derived by dividing the monthly
6 rate by twenty-two (22) working days, and dividing the quotient derived by eight (8) hours.

7
8 Sec. 2. The following government employees are not covered by this Act:

- 9 a) Public health workers who are already covered by R.A. No. 7305, or the "Magna
10 Carta of Public Health Workers;"
- 11 b) Government employees whose schedule of office hours fall between 6:00 in the
12 morning to 6:00 in the evening: *Provided, however*, That services rendered
13 beyond the regular eight hour daily work schedule shall be paid overtime pay in
14 accordance with existing laws, rules and regulations; and
- 15 c) Government employees whose services may be required any time within twenty-
16 four (24) hours of a day such as uniformed personnel of the Armed Forces of the
17 Philippines (AFP), the Philippine National Police (PNP), the Bureau of Jail
18 Management and Penology (BJMP), and the Bureau of Fire Protection (BFP), and
19 others similarly situated, as may be determined by the Civil Service Commission
20 (CSC) and the Department of Budget and Management.

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22 Sec. 3. The Civil Service Commission (CSC) shall, in coordination with the
23 Department of Budget and Management (DBM), promulgate the necessary rules and
24 regulations for the effective implementation of this Act.

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26 Sec. 4. The amount necessary for the initial implementation of this Act shall be
27 funded as follows:

- 28 a) For the national government entities, the amount shall be charged against existing
29 appropriations for the purpose of the departments, bureaus, offices, and agencies
30 concerned. Thereafter, such sums as may be necessary for the continuous
31 implementation of this Act shall be included in the annual General Appropriations
32 Act;

- 1 b) For local government units, the amount shall be charged against their respective
2 funds, subject to the provisions of Sections 325 and 331 of R.A. No. 7160 or the
3 Local Government Code of 1991; and
- 4 c) For government-owned or controlled corporations and their subsidiaries, the amount
5 shall be charged against their respective corporate funds.

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7 *Sec. 5. Separability Clause.* – If any provision or part hereof, is held invalid or
8 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
9 valid and subsisting.

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11 *Sec. 6. Repealing Clause.* – Any law, presidential decree or issuance, executive order,
12 letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with
13 the provisions of this Act is hereby repealed, modified or amended accordingly.

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15 *Sec. 7. Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
16 publication in at least two (2) newspapers of general circulation.

Approved,