

REPUBLIC OF THE PHILIPPINES  
HOUSE OF REPRESENTATIVES  
Quezon City

SEVENTEENTH CONGRESS  
First Regular Session

House Bill No. 1136



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Introduced by **MAGDALO Party-List Representative**  
**HON. GARY C. ALEJANO**

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**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.

This measure was filed by the Magdalo Party-List in the 16<sup>th</sup> Congress and was referred to the Committee on Appropriations. It was consolidated under House Bill 6268. However, both the House of Representatives and Senate failed to act on it.

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

  
HON. GARY C. ALEJANO

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

*Be it enacted by the Senate and House of Representative 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, temporary  
3 or casual, shall be paid night shift differential at a rate not exceeding twenty per centum (20%) of  
4 the hourly basic rate of the employee for each hour of work performed between ten o'clock in  
5 the evening and six o'clock in the morning: *Provided,* That the night shift differential pay  
6 provided under this Act shall be in addition to and shall not in any way diminish whatever  
7 benefits and allowances being presently enjoyed by government employees.

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

10  
11           **SEC. 2.** The following government employees are not covered by this Act:

- 12           a) Public health workers who are already covered by Republic Act No. 7305; and  
13           b) Government employees whose services are required or are on call twenty-four (24)  
14           hours a day such as the uniformed personnel of the Armed Forces of the Philippines

1 (AFP), the Philippine National Police (PNP), the Bureau of Jail Management and  
2 Penology (BJMP), and the Bureau of Fire Protection (BFP).

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

7  
8 **SEC. 4.** The amount necessary for the effective implementation of this Act shall be  
9 funded as follows:

10 a) For the national government entities, the initial amount shall be charged from the  
11 savings generated from the different departments; bureaus, offices, and agencies. Thereafter,  
12 such sum as maybe necessary for the continuous implementation of this Act shall be included in  
13 the annual General Appropriations Act.

14 b) For local government units, the amount shall be charged against their respective funds.

15 c) For government-owned or controlled corporations and their subsidiaries, the amount  
16 shall come from their respective corporate funds.

17  
18 **SEC. 5.** All laws, decrees, orders, rules and regulations, and other issuances or parts  
19 thereof inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

20  
21 **SEC. 6.** This Act shall take effect fifteen (15) days after publication in at least two (2)  
22 national newspapers of general circulation.

Approved,