Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

18TH CONGRESS
First Regular Session

HOUSE BILL NO. 1334

INTRODUCED BY REPRESENTATIVE MICHAEL L. ROMERO

EXPLANATORY NOTE

The 1987 Philippine Constitution specifically Section 16, Article II, laid down the framework for the protection and advancement/promotion of the people's right to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

The right to a clean environment is recognized as a human right in the Philippines, it being a duty imposed upon the State and responsibility required of individuals.

The State shall instill environment consciousness among our people to effectively carry out the different environmental programs and projects of the government essential for the protection, preservation and revival of the quality of the environment and natural resources of the country.

This House Bill aims: (a) to promote and improve the health, physical safety, social and economic well-being of the environment and natural resources personnel, their living and working conditions, security and terms of employment; (b) to develop their skills and capabilities in order that they will be more responsive and better equipped to deliver environmental management functions and sustainable development of natural resources in the attainment of projects and programs; and (c) to encourage those with proper qualifications and excellent abilities to join, contribute their expertise and remain in government service and in the country.

The Environment and Natural Resources (ENR) Personnel includes but is not limited to the personnel of the DENR, its Bureaus, Regional Offices, and attached Agencies, environmental units in the other government agencies; the
ecological solid waste management and climate change adaptation and disaster risk management departments of the local government units; and units of other government agencies that are involved in environmental management, pollution prevention and rehabilitation works.

This includes the forest rangers and park rangers that look after our forest and protected areas. A forest ranger guards or has jurisdiction over a very large forest area, around 5,000-10,000 hectares. However, his salary, is not as large as the area he is protecting.

Passage of this Bill is earnestly sought to encourage those with proper qualifications and excellent abilities to remain in government service and in the country to work together for a clean and healthy environment.

MICHAEL L. ROMERO, Ph.D.
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AN ACT

PROVIDING FOR THE MAGNA CARTA FOR ENVIRONMENT AND NATURAL RESOURCES PERSONNEL

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

Chapter I. General Provisions

Sec. 1. Title. This Act shall be known as the "Magna Carta for Environment and Natural Resources Personnel."

Sec. 2. Declaration of Policy and Objective. The State shall instill environment consciousness among our people to effectively carry out the different environmental programs and projects of the government essential for the protection, preservation and revival of the quality of the environment and natural resources of the country.

Towards this end, this Act aims: (a) to promote and improve the health, physical safety, social and economic well-being of the environment and natural resources personnel, their living and working conditions, security and terms of employment; (b) to develop their skills and capabilities in order that they will be more responsive and better equipped to deliver environmental management functions and sustainable development of natural resources in the attainment of projects and programs; and (c) to encourage those with proper qualifications and excellent abilities to join, contribute their expertise and remain in government service and in the country.
Chapter II. Definition and Coverage

Sec. 3. Definition. For purposes of this Act, "Department" shall mean the Department of Environment and Natural Resources.

"Environment and Natural Resources Personnel or ENR Personnel" shall mean:

1. all persons who are engaged in the protection of the environment, environmental management, and environment-related work;
2. all persons employed as environment and natural resources officers and personnel in the environmental and ecological solid waste management and climate change adaptation and disaster risk management units in all local government units, and administrative and support personnel employed regardless of their employment status;
3. all persons employed in the environmental units of the national and regional government agencies and companies owned and operated by the Government or its political subdivisions and shall include, but is not limited to engineers, environmental management specialists, science research specialists, ecosystems management specialists, foresters, forest and park rangers, marine environmental protection officers and personnel, and administrative and support personnel employed regardless of their employment status; and
4. all persons employed in the environmental unit of private corporations/enterprises including, but not limited to, pollution control officers (PCOs) regardless of their employment status; and
5. all persons (officials and personnel) employed with the Department, its Bureaus, Regional Offices and attached Agencies, regardless of employment status, including but not limited to permanent, temporary, contractual, contract of service/procurement service/Object 29 employment status.

Sec. 4. Coverage. This Act shall cover all environment and natural resources personnel employed in the government service and private sector regardless of their employment status.

Chapter III. Recruitment, Qualification and Promotion

Sec. 5. Recruitment and Qualification. Recruitment policy and minimum requirements with respect to the selection and appointment of an environment and natural resources personnel shall be developed and implemented by the
appropriate government agencies concerned in accordance with policies and
standards of the Civil Service Commission: Provided, That in the absence of
appropriate eligible 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 he/she is being appointed except
the appropriate civil service eligibility: Provided, further, That such temporary
appointment shall not exceed twelve (12) months nor be less than three (3)
months renewable thereafter 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.

Sec. 6. Merit Promotion and Career System. The Secretary of Environment
and Natural Resources, upon consultation with the proper government
agencies concerned and the Environment and Natural Resources workers’
organization, shall prepare a uniform career and personnel development plan
applicable to all environment and natural resources personnel. Such
career and personnel development plan shall include, but is not limited to,
provisions on merit promotion, performance evaluation, in-service training
grants, education / training / schooling or advance studies (graduate school),
opportunity for or to complete undergraduate studies, job rotation, suggestions
and incentive award system.

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 his/her supervisor of his/her
performance evaluation.

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

Sec. 7. Code of Conduct. Within six (6) months from the approval of this Act,
the Secretary of Environment and Natural Resources, upon consultation with
other appropriate agencies, professional and environment and natural resources
worker’s organization, shall formulate and prepare a Code of Conduct for ENR
personnel, which shall be disseminated as widely as possible.

Chapter IV. Rights and Benefits of ENR Personnel

Sec. 8. Normal Hours of Work. The normal hours of work of any environment
and natural resources personnel shall not exceed eight (8) hours a day or forty (40) hours a week.

Hours worked shall include:

a) the time during which an environment and natural resources personnel is required to be on active duty or to be at a prescribed workplace; and

b) the time during which an environment and natural resources personnel is permitted to work.

c) the time during which an environment and natural resources personnel is required in a place other than the prescribed workplace.

Provided, That, the time when an environment and natural resources worker is placed on "On Call" status shall not be considered as hours worked but shall entitle the environment and natural resources worker to an "On Call" pay equivalent to fifty percent (50%) of his/her regular wage. "On Call" status refers to a condition when environment and natural resources workers are called upon to respond to urgent or immediate need for pollution incidences during emergencies such that he/she cannot devote the time for his/her own use.

An environment and natural resources personnel can also teach or practice their profession after office hours.

**Sec. 9. Overtime Work.** Where the exigencies of the service so require, any environment and natural resources personnel may be required to render service beyond the normal eight (8) hours a day, inclusive of Saturdays, Sundays or nonworking holidays. In such a case, the environment and natural resources personnel shall be paid an additional compensation in accordance with existing laws and prevailing practices

**Sec. 10. Work During Rest Day.** a) Where an environment and natural resources personnel is made to work on his/her scheduled rest day, he/she shall be paid an additional compensation in accordance with existing laws.

b) Where an environment and natural resources personnel is made to work on any special holiday he/she shall be paid an additional compensation in accordance with existing laws. Where such holiday work falls on the personnel's scheduled rest day, he/she shall be entitled to an additional compensation as may be provided by existing laws.
Sec. 11. Compensation. The existing laws on the salary scale of government employees shall apply in determining the salaries of environment and natural resources personnel. In case of violations of this provision, the ENR personnel concerned shall file the necessary complaint to the Civil Service Commission (CSC) or NLRC through the ENR Management and Consultative Council.

Sec. 12. Leave Benefits for ENR personnel. Environment and natural resources personnel are entitled to all leave benefits and privilege such as but not limited to maternity, paternity, sick leave and vacation leaves, as provided for under existing laws: Provided, That upon separation of ENR personnel from service, they shall be entitled to all accumulated leave credits with pay.

Sec. 13. Other Benefits. Aside from the benefits received as required under existing laws and executive orders, an environment and natural resources personnel shall receive the following allowances:

1. Honorarium. ENR personnel who rendered services beyond the established irregular workload of ENR personnel whose broad and superior knowledge, expertise or professional standing in a specific field contributes to productivity and innovativeness shall be entitled to receive honorarium subject to rules to be set by the Department.

2. Hazard Allowance. ENR personnel involved in hazardous undertakings such as, but not limited to conduct of field inspections and air/water/chemical and hazardous waste monitoring and sampling, forest ranger work and assigned in the following units, but not limited to: environmental impact assessment division, environmental quality division, compliance and permitting division, environmental monitoring and enforcement division, mine safety environment and social development division, environment health and safety division, pollution control divisions, conservation and development division, environmental protection units, and environmental research and laboratory services divisions and other environment and natural resources offices/field offices located in difficult areas which expose them to great danger, contagion, radiation, volcanic activity/eruption, occupational risks or threats to life, shall be compensated with hazard allowances equivalent to at least twenty-five percent (25%) of the monthly basic salary.

3. Subsistence Allowance/Transportation Allowance. ENR personnel who are required to render service in forest/watershed areas, pollution incident sites and other areas, in order, to make their services available at all times, shall be entitled to daily full subsistence allowance for three (3)
meals which shall be computed in accordance with prevailing circumstances. Those assigned out of their regular work stations shall be entitled per diem in place of this allowance. Actual transportation allowance shall also be provided to environment and natural resources personnel on field work.

4. **Clothing and Laundry Allowance.** All ENR personnel shall be entitled to a minimum of Six thousand pesos (Php 6,000.00) clothing allowance annually, which amount shall be adjusted annually as needed.

In addition to the above, all environment and natural resources personnel who are required to wear uniforms regularly shall be entitled to a minimum of One thousand pesos (Php1,000.00) per month laundry allowance. Provided further, that these rates shall be reviewed periodically and increased accordingly as needed.

5. **Housing and Living Quarters Allowance.** All environment and natural resources personnel and officials, including, but not limited to Directors and Regional Directors, who are transferred to another assignment due to the exigency of the service shall be entitled to free housing within the agency concerned: Provided, that if living quarters are not available within the agency and the personnel has his/her residence outside of fifty (50) kilometer radius from such government facility, he/she shall receive a housing allowance of not less than Ten thousand pesos (Php 10,000.00), and: Provided further, that the rate of such housing allowance shall be periodically adjusted for inflation.

For purposes of this Section, the Department of Environment and Natural Resources is authorized to develop housing projects in its own lands, not otherwise devoted for other uses, for ENR personnel in coordination with appropriate government agencies.

6. **Longevity Pay.** A monthly longevity pay equivalent to the ten percent (10%) of the monthly basic pay shall be paid to an ENR personnel for the first five (5) years of continuous, efficient and meritorious services rendered as certified by the chief of office concerned, commencing with the service after the approval of this Act.

Further, for every succeeding years of continuous, efficient and meritorious services, the monthly longevity pay equivalent shall be as follows: ten (10)
years – fifteen percent (15%) of monthly basic pay; fifteen (15) years –
twenty percent (20%) of monthly basic pay; twenty (20) years – twenty-five
percent (25%) of monthly basic pay; twenty-five (25) years – thirty percent
(30%) of monthly basic pay; thirty (30) years – thirty-five percent (35%) of
monthly basic pay; thirty-five (35) years – forty percent (40%) of monthly
basic pay; forty (40) years – forty-five percent (45%) of monthly basic pay;
fifty-five (45) years – fifty percent (50%) of monthly basic pay. Said amount
shall be paid over and above the monthly salary of the ENR personnel.

7. Remote Assignment Allowance. ENR personnel who accept assignments
as such in remote areas or isolated stations, which for reasons of far distance
or hard accessibility, such positions had not been filled for the last two (2)
years prior to the approval of this Act, shall be entitled to an incentive bonus
in the form of remote assignment allowance equivalent to fifty percent (50%)
of their basic pay, and shall be entitled to reimbursement of the cost of
reasonable transportation to and from such remote post or station, upon
assuming or leaving such position and during official trips.

In addition to the above, such ENR personnel mentioned in the preceding
paragraph shall be given priority in promotion or assignment to better areas.
Their tour of duties in the remote areas shall not exceed two (2) years, except
when there are no positions for their transfer or they prefer to stay in such
posts in excess of two (2) years.

8. Personal Protective Equipment. ENR personnel which regularly conduct
field inspection, monitoring and sampling shall be provided by their
respective offices with the proper personal protective equipment’s (PPEs) in
accordance with existing laws on occupational health and safety.

9. Medical Examination and Immunization. During the tenure of their
employment, ENR personnel shall be given a compulsory medical
examination once a year and immunization as the case may warrant. The
medical examination shall include, but not be limited to:
   a. Complete physical examination;
   b. Routine laboratory, chest x-ray and ECG;
   c. Psychometric examination;
   d. Dental examination; and
   e. Other indicative examination.

Provided, that where medical examination shows that medical treatment
and/or hospitalization is necessary for those already in government service, the treatment and/or hospitalization including medicines shall be provided free either in a government or a private hospital by the government entity paying the salary of the ENR personnel especially in occupational-health related illness. Provided, further, that the cost of such medical examination and treatment shall be included as automatic appropriation in said agency's annual budget.

10. Medical Examination and Immunization for the Dependents of ENR Personnel. During the tenure of their employment, dependents of ENR personnel shall be given a compulsory medical examination once a year and immunization as the case may warrant. The medical examination shall include, but not be limited to:

   a. Complete physical examination;
   b. Routine laboratory, chest x-ray and ECG;
   c. Psychometric examination;
   d. Dental examination; and
   e. Other indicative examination.

Provided, that the cost of such medical examination and immunization shall be included as automatic appropriation in said agency's annual budget.

Sec. 14. Compensation for Injuries/Illnesses/Death. ENR personnel shall be protected against the consequences of employment injuries/occupational-related illnesses/death in accordance with existing laws. Injuries incurred while doing overtime work shall be presumed work-connected.

Sec. 15. Non-DENR ENR Personnel. ENR Personnel not employed by the Department, who are involved in environmental management and environment and natural resources protection functions, and regardless of their employment status may avail of the benefits of this Act, chargeable against their respective agencies/local government units/offices/private corporations, upon certification of the Secretary of the Department.

Sec. 16. Honorarium for other services. ENR personnel shall be allowed to render consultancy services to the private sector and shall be entitled to receive such honorarium that may be paid to them by the private entity concerned. Such payments shall be over and above their salary from the government during the
period of the consultancy and skill not be considered as double compensation: Provided, That the consultancy work will not jeopardize or adversely affect the operations or activities of his originating office: Provided, further, That the Secretary of the Department approves such consultancy.

**Sec. 17. Exemption from the Attrition Law and Civil Service Rule on nepotism.** — Appointment of ENR personnel to positions of research assistant and upwards shall not be covered by the Attrition Law and CSC rule on nepotism in consideration of the highly technical nature of these positions.

**Sec. 18. Rights of an ENR Personnel.** ENR personnel shall have the following rights:

1. Protection from discrimination by reason of sex, sexual orientation, age, political or religious beliefs, civil status, physical characteristics/disability or ethnicity;
2. Protection from any form of interference, intimidation, harassment or punishment to include, but not limited to, arbitrary reassignment or termination of service, in the performance of his/her duties and responsibilities.
3. Join, organize, or assist organizations or unions for lawful purposes;
4. Protection from any act that will prevent his/her applying professional interventions that the clients’ situation may require; and
5. Opportunities for continuing professional growth and development.

**Sec. 19. Reassignment of ENR Personnel.**

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

b. a geographical reassignment, hereinafter referred to as "reassignment," is a movement from one geographical location to another; and

c. Except in the interest of public service, no transfer or geographical reassignment shall be made or effected without written notice to an environment and natural resources personnel: Provided, That said written notice, stating the reasons for the reassignment, shall be made at least thirty (30) days prior to the date of transfer or reassignment: Provided, further, That, if the environment and natural resources personnel believes that there is no justification for the transfer and/or reassignment, he/she may appeal his/her case to the CSC, which shall cause his/her transfer and/or
reassignment to be held in abeyance: Provided, furthermore, That
reassignment coinciding with any local or national election shall be
made in compliance with Election Code and other existing laws and rules:
Provided, finally, That the necessary expenses of the transfer and/or
reassignment of the environment and natural resources personnel and
his/her immediate family shall be paid for by the agency concerned.

Sec. 20. Married ENR Personnel. Whenever possible, the proper authorities
shall take steps to enable married couples, both of whom are ENR personnel,
to be employed or assigned in the same office, but not in the same unit. Provided,
that it shall not apply to married ENR personnel already assigned in the same
office at the time that this Act takes effect.

Sec. 21. 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 an ENR personnel shall not
join an ENR 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 ENR workers' organization or union;

c. to prevent an ENR personnel from carrying out duties laid upon
him/her by his/her position in the organization or union, or to
penalize him/her for the action undertaken in such capacity;

d. to harass or interfere with the discharge of the functions of the ENR
personnel when these are calculated to intimidate or to prevent the
performance of his/her duties and responsibilities; and

e. to otherwise interfere in the establishment, functioning, or administration
of ENR workers' organizations or unions through acts designed to place
such organization or union under the control of government authority.

Sec. 22. Freedom from Discrimination. It shall be unlawful for any person
or employer to discriminate against ENR personnel who falls under any of the
following:

a. ENR Personnel that are Solo Parents;
b. ENR Personnel that are Benefactors of Senior Citizens. Benefactor shall mean any person related to a Senior Citizen or not who takes care of him/her as a dependent;

c. ENR Personnel that are Person with Disabilities (PWD); and

d. ENR Personnel that are Benefactors or Parents of a Person with Disabilities (PWD) or Person with Special Needs or Person with Developmental Disorders;

Chapter V. Periodic Review Clause

Sec. 23. Human Resource Development. The Department shall conduct a periodic human resource development/management study into, among others, the following areas:

a) Adequacy of facilities and resources to render quality environment and natural resources management functions;

b) Opportunities for ENR personnel to grow professionally and develop their potentials and experience a sense of worth and dignity in their work;

c) Mechanism for democratic consultations;

d) Ways and means of enabling the rank-and-file workers to avail of educational opportunities for personal growth and development;

e) Upgrading of working conditions, reclassification of positions and salaries of ENR personnel, regardless of employment status to correct disparity vis-à-vis other professions; and

f) Allocation of funds for the participation of ENR personnel in seminars, conferences, conventions, physical fitness and sports development program/activities and similar activities as part of their continuing professional growth.

Chapter VI. Security of Tenure and Retirement

Sec. 24. Security of Tenure. — No ENR personnel holding a permanent position shall be terminated except for cause: Provided, That, in the event the
environment and natural resources personnel is found to be unjustly dismissed
by the CSC or the NLRC; as the case may be, he/she shall be entitled to
reinstatement without loss of seniority rights and back wages with twelve per
centum (12%) interest to be computed from the time his/her compensation was
withheld from him/her up to the time of reinstatement.

**Sec. 25. Highest Basic Salary Upon Retirement.** Upon retirement, the
Environment and Natural Resources personnel shall automatically be granted
an increase of one (1) salary range or grade higher than his/her basic salary
and his/her retirement benefit thereafter, computed on the basis of his/her
highest salary received: Provided, That he/she has reached the age and
fulfilled service requirements under existing laws.

**Sec. 26. Hiring of retired ENR personnel.** — An employee retired under any
existing law, who, in the judgment of the governing board or head of a
environmental agency, possesses technical qualifications and the capability to
undertake environmental management activities, may be rehired on contractual
basis without refunding the unexpired portion of the gratuity and
accumulated leave benefits received by him from the Government: Provided, That
no qualified environment and natural resources expert is available to
undertake said technical activities.

**Sec. 27. Environmental Awards.** - There shall be established an Environment
and Natural Resources Awards Committee which shall confer annually the
Environment and Natural Resources Awards for outstanding achievement/s
and excellence or original contribution to environmental protection/management.
The Committee shall promulgate the guidelines in implementing this Section
and shall specify the categories of awards to be given and the amount of
financial reward for each category.

**Chapter VII. Congressional Commission**

**Sec. 28. Congressional Commission on Environment and Natural
Resources.** - There is hereby created a Congressional Commission on
Environment and Natural Resources (ENVICOM) that shall Oversee the
implementation of all the Environment and Natural Resources laws; review
and assess, among others, the state of the Philippine environmental security,
human resources development in Environment and Natural Resources field; and
the implementation of this Act. The Commission shall be composed of five (5)
Members of the House of Representatives and five (5) Members of the Senate. It
shall be co-chaired by the Chairpersons of the Committee on Environment and Natural Resources of the Senate and the Committees of Ecology and Natural Resources of the Lower House. Such congressional review shall be undertaken at least once every five (5) years.

Chapter VIII. Implementing Rules and Regulations

Sec. 29. Implementing Rules and Regulations. The Secretary of the Environment and Natural Resources after consultation with appropriate agencies of the Government as well as professional and environment and natural resources workers' organizations or unions, shall formulate and prepare the necessary rules and regulations to implement the provisions of this Act. Rules and regulations issued pursuant to this Section shall take effect thirty (30) days after publication in a newspaper of general circulation.

Chapter IX. Prohibitions

Sec. 30. Prohibition Against Double Recovery of Benefits. Whenever other laws provide for the same benefits covered by this Act, the Environment and Natural Resources personnel shall have the option to choose which benefits will be paid to him/her. However, in the event that the benefits chosen are less than that provided under this Act, the ENR personnel shall be paid only the difference.

Sec. 31. Prohibition Against Elimination and/or Diminution. Nothing in this law shall be construed to eliminate or in any way diminish benefits being enjoyed by an Environment and Natural Resources workers at the time of the effectivity of this Act.

Sec. 32. Penal Provision. Any person who shall willfully interfere with, restrain or coerce any Environment and Natural Resources personnel in the exercise of his/her rights or shall in any manner commit any act in violation of any of the provisions of this Act, upon conviction, shall be punished by a fine of not less than Fifty thousand pesos (P50,000.00) but not more than Eighty thousand Pesos (P80,000.00) or imprisonment of not more than one (1) year or both at the discretion of the court.

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 disqualification from office.

Chapter X. Transitory Provisions
Sec. 33. Special Treatment for Benefits of ENR Personnel. All benefits received by an Environment and Natural Resources Personnel under this law, including but not limited to, benefits given to rank-and-file employees, whether granted under a collective bargaining agreement or not, fringe benefits and de minimis benefits, are not taxable pursuant to Section 33.C.3 of the Republic Act 8424 (Tax Reform Act of 1997).

Sec. 34. Appropriations/Funding. The amount necessary to fully implement this Act shall be provided in the General Appropriations Act (GAA) of the year following its enactment into law under the budgetary appropriations of the DENR, concerned agencies and local government units.

Additional funding may be sourced from five percent (5%) of the fines and penalties collected by the DENR, Bureaus, Regional Offices, Attached Agencies, Pollution Adjudication Board (PAB).

Private companies with ENR personnel shall allocate their respective funds for their companies' implementation of this Act.

Sec. 35. Annual Report. The Secretary of the Department shall submit to the Congressional Commission on Environment and Natural Resources an annual report on the implementation of this Act.

Chapter XI. Separability and Repealing Clauses

Sec. 36. Separability Clause. The provisions of this Act is declared separable. In the event that any provision hereof is rendered unconstitutional, those that are not affected shall remain valid and effective.

Sec. 37. Repealing Clause. All laws, presidential decrees, executive orders and their implementing rules, or parts thereof, inconsistent with the provisions of this Act are hereby, repealed; amended or modified accordingly.

Chapter XII. Effectivity Clause

Sec. 38. Effectivity. This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved,