

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **5727**



Introduced by HONORABLE STRIKE B. REVILLA

EXPLANATORY NOTE

Presidential Decree No. 442, or the Labor Code of the Philippines, as amended, defines night shift differential as “not less than 10% of his regular wage for each hour of work performed between 10 o’clock in the evening and 6 o’clock in the morning.” This wage-related benefit is given to private employees as mandated by the Labor Code.

However, not all government employees do not enjoy such benefit. Most of the government employees who work beyond the usual working hours are only paid overtime pay. Public sector employees also deserve the benefit we give to their private counterparts. This bill seeks to institutionalize the Night Differential Pay for government employees including government-owned or controlled corporations.

This proposed measure seeks to recognize government employees’ unselfish service, and in this light, consideration of this bill is earnestly sought.



REP. STRIKE B. REVILLA
2nd District, Cavite

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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 Congress assembled:

SECTION 1. Government employees under Salary Grade 1 to Salary Grade 24, including those in government-owned or controlled corporations, whether their nature of employment is permanent, contractual, temporary, or casual, shall be paid night shift differential at a rate not exceeding twenty percent (20%) of the hourly basic rate of the employee, as determined by the head of the agency, for each hour of work performed between the hours of 6:00 p.m. and 6:00 a.m. of the following day: *Provided*, That the night shift differential pay provided under this Act shall be in addition to and shall not in any way diminish whatever benefits and allowances being presently enjoyed by government employees.

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

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

- a) Government employees whose schedule of office hours fall between 6:00 a.m. to 6:00 p.m. Services rendered beyond the regular eight hour work schedules are paid overtime pay in accordance with existing laws, rules and regulations; and,
- b) Government employees whose services are required, or are on call, twenty-four (24) hours a day such as uniformed personnel of the Armed Forces of the Philippines (AFP), the Philippines National Police (PNP), the Bureau of Jail Management and Penology (BJMP), and the Bureau of Fire Protection (BFP),

and others similarly situated, as may be determined by the Civil Service Commission and the Department of Budget and Management.

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

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

- a) For the National government entities, the amount shall be charged against existing appropriations for the purpose of departments, bureaus, offices, and agencies concerned;
- b) For local government units, the amount shall be charged against their respective funds; and,
- c) For government-owned or controlled corporations and their subsidiaries, the amount shall come from their respective corporate funds.

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

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

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

Approved,