

H. NO. 5095  
S. No. 2172

Republic of the Philippines  
Congress of the Philippines  
Metro Manila

Tenth Congress

Third Regular Session

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Begun and held in Metro Manila, on Monday, the twenty-eighth day of  
July nineteen hundred and ninety-seven.

**[REPUBLIC ACT NO. 8439]**

**AN ACT PROVIDING A MAGNA CARTA FOR  
SCIENTISTS, ENGINEERS, RESEARCHERS  
AND OTHER SCIENCE AND TECHNOLOGY  
PERSONNEL IN GOVERNMENT**

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

**SECTION 1. Title.** - This Act shall be known as the "Magna Carta for Scientists, Engineers, Researchers and other S & T Personnel in the Government."

**SEC. 2. Declaration of Policy.** - The State recognizes science and technology as an essential element for the attainment of national development and progress. To attain this objective, it is hereby declared the policy of the State to provide for a program of human resources development in science and technology to achieve and maintain the necessary reservoir of talent and manpower that will sustain its drive for total science and technology mastery.

The State shall establish, promote and support programs leading to the realization of this objective, such as science and engineering scholarship programs, improvement of the quality of science and engineering education, popularization of science culture, and provision of incentives for pursuing careers in science and technology.

### **SEC. 3. *Definition of Terms.***

(a) **Department** - refers to the Department of Science and Technology (DOST) created under Executive Order No. 128.

(b) **Scientific and Technological Activities (STA)** - all systematic activities which are closely concerned with the generation, advancement, dissemination, and application of scientific and technical knowledge in all fields of natural science and technology.

STA may be classified into three broad groups, namely:

(1) **Research and Experimental Development (R & D)** - Any systematic and creative work undertaken in the physical, natural, mathematical and applied sciences by using methods in order to increase the stock of knowledge, and the use of this knowledge in these fields to devise new applications.

(2) **Scientific and Technological Services (STS)** - Activities in support of scientific research and development, dissemination and applications of scientific and technical knowledge (i.e. library, information and museum services; geological and hydrological surveys; meteorological and seismological observations; compilation of routine statistics; testing, standardization and quality control; counseling of clients; patenting and licensing; engineering and technical services); and

(3) **Scientific and Technical Education and Training (STET)** - All activities comprising higher education and training leading to a university degree, post-graduate and further training, organized lifelong training for scientists and engineers, and specialized non-university higher education.

**SEC. 4. *Science and Technology Career System.*** - A career system for science and technology personnel in the service of the government which is patterned after the Scientific Career System (SCS) shall be formulated by the DOST in coordination with the Civil Service Commission.

**SEC. 5. Classification of S & T Personnel.** - S & T personnel may be classified in the following categories:

(a) **S & T managers, supervisors, and planners.** - Those who are graduate degree holders or have at least ten (10) years of managerial experience or are performing executive, planning and policy-making functions to effectively carry out STA related activities as defined in Section 3 of this Act;

(b) **Members of the scientific career system;**

(c) **Scientists, engineers and researchers.** - Those who are at least undergraduate degree holders in any of the natural science and engineering courses and are involved in research and development or other scientific and technological activities; and

(d) **DOST technicians and related S & T personnel.** - Those who obtained at least twelve (12) units in science, engineering and other related courses or any appropriate training as determined by the Secretary of the Department and are providing support services to S & T personnel enumerated in the three (3) preceding sub-sections.

**SEC. 6. Salaries.** - The existing law on salary scales of government employees shall not apply in determining the salary scale of science and technology personnel as defined in Section 5 of this Act. A new salary scale shall be developed by the Department in consultation with the Department of Budget and Management and the Civil Service Commission, subject to the approval of the President.

**SEC. 7. Other Benefits.** - Notwithstanding Section 12 of Republic Act No. 6758, science and technology personnel defined under Section 5 of this Act shall receive the following:

(a) **Honorarium.** - S & T personnel who rendered services beyond the established irregular workload of scientists, technologists, researchers and technicians 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;

**(b) Share In Royalties.** - S & T scientists, engineers, researchers and other S & T personnel shall be entitled to receive share in royalties subject to guidelines of the Department. The share in royalties shall be on a sixty percent-forty percent (60%-40%) basis in favor of the Government and the personnel involved in the technology/activity which has been produced or undertaken during the regular performance of their functions. For the purpose of this Act, share in royalties shall be defined as a share in the proceeds of royalty payments arising from patents, copyrights and other Intellectual property rights;

· If the researcher works with a private company and the program of activities to be undertaken has been mutually agreed upon by the parties concerned, any royalty arising therefrom shall be divided according to the equity share in the research project;

**(c) Hazard Allowance.** - S & T personnel involved in hazardous undertakings or assigned in hazardous workplaces, shall be paid hazard allowances ranging from ten (10%) to thirty (30%) percent of their monthly basic salary depending on the nature and extent of the hazard involved. The following shall be considered hazardous workplaces:

- (1) Radiation-exposed laboratories and service workshops
- (2) Remote/depressed areas
- (3) Areas declared under a state of calamity or emergency
- (4) Strife-torn or embattled areas
- (5) Laboratories and other disease-infested areas

**(d) Subsistence Allowance.** - S & T personnel shall be entitled to full subsistence allowance equivalent to three (3) meals a day, which may be computed and implemented in accordance with the criteria to be provided in the implementing rules and regulations. Those assigned out of their regular work stations shall be entitled to per diem in place of the allowance;

**(e) Laundry Allowance.** - S & T personnel who are required to wear a prescribed uniform during office hours shall be entitled to a laundry allowance of not less than One hundred fifty pesos (P150.00) a month;

**(f) Housing and Quarter Allowance.** - S & T personnel who are on duty in laboratories, research and development centers and other government facilities shall be entitled to free living quarters within the government facility where they are stationed: *Provided*, That the personnel have their residence outside of the fifty (50)-kilometer radius from such government facility;

**(g) Longevity Pay.** - A monthly longevity pay equivalent to five percent (5%) of the monthly basic salary shall be paid to S & T personnel for every five (5) years of continuous and meritorious service as determined by the Secretary of the Department; and

**(h) Medical Examination.** - During the tenure of their employment, S & T personnel shall be given a compulsory free medical examination once a year and immunization as the case may warrant. The medical examination shall include:

- (1) Complete physical examination
- (2) Routine laboratory, Chest X-ray and ECG
- (3) Psychometric examination
- (4) Dental examination
- (5) Other indicated examination

**SEC. 8. Non-DOST S & T Personnel.** - S & T personnel not employed by the Department, who are involved in STA may avail of the benefits under this Act upon certification of the Secretary of the Department.

**SEC. 9. Scholarships and Grants.** - S & T personnel in public and private sectors shall be entitled to avail of scholarship benefits and grants for pursuing undergraduate, graduate, post-graduate or training courses in accordance with a Scholarship Program to be implemented by the Department. Grantees of the program may study within the Philippines or abroad provided that the Department shall provide strict measures to ensure their return to the country to render the service obligation.

Recipients of undergraduate scholarships shall, after graduation, be required to render service in the government for the equivalent number of years that they availed of their scholarships. However, in case where there are no available positions in the government, they may be allowed to work in the private sector.

Scholarship privileges may be on a full-time or part-time basis and shall include tuition fee, book allowance, transportation allowance, monthly stipend, dissertation grants, insurance and the payment of regular salary and other benefits.

For this purpose, the Human Resource Development Council created under Republic Act No. 8248 shall formulate the rules and regulations and implement the Scholarship Program provided in this Act.

**SEC. 10. Honorarium for Other Services.** - Scientists, engineers, researchers, technologists, technicians and other S & T 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 shall 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. 11. Detail to the Private Sector.** - Provisions of existing laws notwithstanding, scientists, engineers, researchers and other S & T related personnel who are employed on a regular basis in the government, whether or not they are conferred any rank under the Scientific Career System, shall hereby be allowed secondment to any private entity whenever such services are required: *Provided*, That the duration of such service with a private entity shall not exceed one (1) year: *Provided, further*, That the detail or secondment of said personnel will not hamper or adversely affect the operations or activities of his originating office: *Provided, finally*, That the head of the agency approves such detail or secondment.

During the period of such secondment, payment of the seconded employee shall be borne by the seconding private entity covered by a contract. The period of secondment shall be used in computing the retirement benefits but not for the commutation of leave credits earned

in the mother agency.

Such secondment shall not likewise affect his security of tenure nor result in the loss of seniority rights subject to guidelines on secondment in the IRR of this Act.

**SEC. 12. *Exemption from the Attrition Law and Civil Service Rule on Nepotism.*** - Appointment of S & T 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. 13. *Provision Against Double Benefits.*** - S & T personnel already receiving the same benefits under any other law shall not be allowed to avail of the benefits under this Act unless they submit in writing their intention to withdraw the benefits already being received and opt for those provided hereunder.

**SEC. 14. *Highest Basic Salary Upon Retirement.*** - Upon retirement, the S & T personnel concerned shall automatically be granted one (1) salary grade higher than his/her basic salary and his/her retirement benefits shall be computed on the basis of his/her highest salary received.

**SEC. 15. *Prohibition Against Diminution and/or Elimination.*** Nothing in this law shall be construed to eliminate or in any way diminish benefits being enjoyed by S & T personnel at the time of the effectivity of this Act.

**SEC. 16. *Hiring of Retired Scientists and Technical Personnel.*** - An employee retired under any existing law, who, in the judgment of the governing board or head of a research agency, possesses technical qualifications and the capability to undertake specific scientific research 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 science and technology expert is available to undertake said scientific activities.

**SEC. 17. *Government Scholars and Training Grantees.*** - Graduates or grantees of government S & T scholarship programs or trainings shall be given temporary waiver of CSC eligibilities for at least two (2) years and preferential access to financial grants from any government agency authorized to extend grants and to loans with easy terms from government financing institutes, for science and technology projects which are viable and in line with the development thrust of the country.

**SEC. 18. *Science and Technology Awards.*** - There shall be established Science and Technology Awards Committee which shall confer annually the Science and Technology Awards for outstanding achievement/s and excellence or original contribution to science and technology. 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.

**SEC. 19. *Congressional Commission on Science and Technology.*** - There is hereby created a Congressional Commission on Science and Technology (S and T COM) to review and assess, among others, the state of the Philippine human resources development in S & T, the state of computerization and information technology in the Philippine economy and society, 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 Science and Technology of both Houses of Congress. Such congressional review shall be undertaken at least once every five (5) years.

**SEC. 20. *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 DOST and concerned agencies.

**SEC. 21. *Annual Report.*** - The Secretary of the Department shall submit to the Congressional Commission on Science and Technology, an annual report of the status of implementation of this Act.

**SEC. 22. *Implementing Rules and Regulations.*** - The Department, in consultation with government and nongovernment agencies involved in STA, shall formulate the implementing rules and regulations to carry out the provisions of this Act.

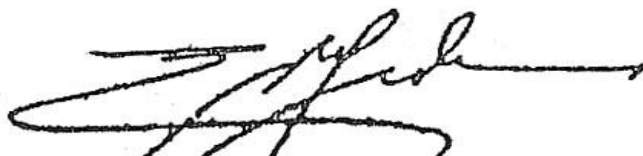
**SEC. 23. *Repealing Clause.*** - All laws, decrees, orders, rules and regulations, or parts thereof, inconsistent with the provisions of this Act are hereby amended or repealed accordingly.

**SEC. 24. *Separability Clause.*** - The provisions of this Act are hereby declared separable. In the event that any provision hereof is rendered unconstitutional, those that are not affected shall remain valid and effective.




**SEC. 25. Effectivity.** - This Act shall take effect immediately after publication in two (2) newspapers of general circulation.

Approved,



**ERNESTO M. MACEDA**  
*President of the Senate*

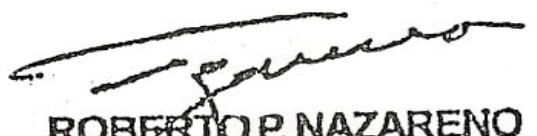


**JOSE DE VENECIA, JR.**  
*Speaker of the House  
of Representatives*

This Act which is a consolidation of House Bill No. 6095 and Senate Bill No. 2172 was finally passed by the House of Representatives and the Senate on December 16, 1997.



**LORENZO E. LEYNES, JR.**  
*Secretary of the Senate*



**ROBERTO P. NAZARENO**  
*Secretary General  
House of Representatives*

Approved: December 22, 1997



**FIDEL V. RAMOS**  
*President of the Philippines*