

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



19TH CONGRESS
First Regular Session

HOUSE BILL NO. 823

Introduced by Honorable 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.

A handwritten signature in black ink, appearing to read 'Michael L. Romero', with a horizontal line underneath.

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.

1 **Chapter II. Definition and Coverage**

2 **Sec. 3. Definition.** For purposes of this Act,

3 **“Department”** shall mean the Department of Environment and Natural
4 Resources.

5
6 **“Environment and Natural Resources Personnel or ENR Personnel”** shall
7 mean:

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

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

33 **Chapter III. Recruitment, Qualification and Promotion**

34 **Sec. 5. Recruitment and Qualification.** Recruitment policy and minimum
35 requirements with respect to the selection and appointment of an environment
36 and natural resources personnel shall be developed and implemented by the

1 appropriate government agencies concerned in accordance with policies and
2 standards of the Civil Service Commission: Provided, That in the absence of
3 appropriate eligible and it becomes necessary in the public interest to fill a
4 vacancy, a temporary appointment shall be issued to the person who meets all
5 the requirements for the position to which he/she is being appointed except
6 the appropriate civil service eligibility: Provided, further, That such temporary
7 appointment shall not exceed twelve (12) months nor be less than three (3)
8 months renewable thereafter but that the appointee may be replaced sooner if
9 (a) qualified civil service eligible becomes available, or (b) the appointee is found
10 wanting in performance or conduct befitting a government employee.

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

21 The performance evaluation plan shall consider foremost the improvement
22 of individual employee efficiency and organizational effectiveness: Provided, That
23 each employee shall be informed regularly by his/her supervisor of his/her
24 performance evaluation.

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

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

32 **Chapter IV. Rights and Benefits of ENR Personnel**

33 **Sec. 8. Normal Hours of Work.** The normal hours of work of any environment

1 and natural resources personnel shall not exceed eight (8) hours a day or forty
2 (40) hours a week.

3 Hours worked shall include:

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

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

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

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

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

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

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

28 b) Where an environment and natural resources personnel is made to work on
29 any special holiday he/she shall be paid an additional compensation in
30 accordance with existing laws. Where such holiday work falls on the personnel's
31 scheduled rest day, he/she shall be entitled to an additional compensation as
32 may be provided by existing laws.

1 **Sec. 11. Compensation.** The existing laws on the salary scale of government
2 employees shall apply in determining the salaries of environment and natural
3 resources personnel. In case of violations of this provision, the ENR personnel
4 concerned shall file the necessary complaint to the Civil Service Commission
5 (CSC) or NLRC through the ENR Management and Consultative Council.

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

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

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

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

33 **3. Subsistence Allowance/Transportation Allowance.** ENR personnel
34 who are required to render service in forest/watershed areas, pollution
35 incident sites and other areas, in order, to make their services available at
36 all times, shall be entitled to daily full subsistence allowance for three (3)

1 meals which shall be computed in accordance with prevailing
2 circumstances. Those assigned out of their regular work stations shall be
3 entitled per diem in place of this allowance. Actual transportation allowance
4 shall also be provided to environment and natural resources personnel on
5 field work.

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

9 In addition to the above, all environment and natural resources personnel
10 who are required to wear uniforms regularly shall be entitled to a minimum
11 of One thousand pesos (PhP1,000.00) per month laundry allowance.
12 Provided further, that these rates shall be reviewed periodically and
13 increased accordingly as needed.

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

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

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

33 Further, for every succeeding years of continuous, efficient and meritorious
34 services, the monthly longevity pay equivalent shall be as follows: ten (10)

1 years – fifteen percent (15%) of monthly basic pay; fifteen (15) years –
2 twenty percent (20%) of monthly basic pay; twenty (20) years – twenty-five
3 percent (25%) of monthly basic pay; twenty-five (25) years – thirty percent
4 (30%) of monthly basic pay; thirty (30) years – thirty-five percent (35%) of
5 monthly basic pay; thirty-five (35) years – forty percent (40%) of monthly
6 basic pay; forty (40) years – forty-five percent (45%) of monthly basic pay;
7 forty-five (45) years – fifty percent (50%) of monthly basic pay. Said amount
8 shall be paid over and above the monthly salary of the ENR personnel.

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

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

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

26 **9. Medical Examination and Immunization.** During the tenure of their
27 employment, ENR personnel shall be given a compulsory medical
28 examination once a year and immunization as the case may warrant. The
29 medical examination shall include, but not be limited to:

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

35 Provided, that where medical examination shows that medical treatment

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

8 **10. Medical Examination and Immunization for the Dependents of ENR**

9 **Personnel.** During the tenure of their employment, dependents of ENR
10 personnel shall be given a compulsory medical examination once a year and
11 immunization as the case may warrant. The medical examination shall
12 include, but not be limited to:

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

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

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

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

32 **Sec. 16. Honorarium for other services.** ENR personnel shall be allowed to
33 render consultancy services to the private sector and shall be entitled to receive
34 such honorarium that may be paid to them by the private entity concerned. Such
35 payments shall be over and above their salary from the government during the

1 period of the consultancy and skill not be considered as double compensation:
2 *Provided*, That the consultancy work will not jeopardize or adversely affect the
3 operations or activities of his originating office: *Provided, further*, That the
4 Secretary of the Department approves such consultancy.

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

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

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

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

- 23 a. a transfer is a movement from one position to another which is of
24 equivalent rank, level or salary without break in service;
- 25 b. a geographical reassignment, hereinafter referred to as "reassignment,"
26 is a movement from one geographical location to another; and
- 27 c. Except in the interest of public service, no transfer or geographical
28 reassignment shall be made or effected without written notice to an
29 environment and natural resources personnel: *Provided*, That said written
30 notice, stating the reasons for the reassignment, shall be made at least thirty
31 (30) days prior to the date of transfer or reassignment: *Provided, further*,
32 That, if the environment and natural resources personnel believes that
33 there is no justification for the transfer and/or reassignment, he/she may
34 appeal his/her case to the CSC, which shall cause his/her transfer and/or

1 reassignment to be held in abeyance: Provided, furthermore, That
2 reassignment coinciding with any local or national election shall be
3 made in compliance with Election Code and other existing laws and rules:
4 Provided, finally, That the necessary expenses of the transfer and/or
5 reassignment of the environment and natural resources personnel and
6 his/her immediate family shall be paid for by the agency concerned.

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

12 **Sec. 21. Freedom from Interference or Coercion.** It shall be unlawful for
13 any person to commit any of the following acts of interference or coercion:

- 14 a. to require as a condition of employment that an ENR personnel shall not
15 join an ENR workers' organization or union or shall relinquish
16 membership therein;
- 17 b. to discriminate in regard to hiring or tenure of employment or any item or
18 condition of employment in order to encourage or discourage membership
19 in any ENR workers' organization or union;
- 20 c. to prevent an ENR personnel from carrying out duties laid upon
21 him/her by his/her position in the organization or union, or to
22 penalize him/her for the action undertaken in such capacity;
- 23 d. to harass or interfere with the discharge of the functions of the ENR
24 personnel when these are calculated to intimidate or to prevent the
25 performance of his/her duties and responsibilities; and
- 26 e. to otherwise interfere in the establishment, functioning, or administration
27 of ENR workers' organizations or unions through acts designed to place
28 such organization or union under the control of government authority.

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

- 32 a. ENR Personnel that are Solo Parents;

- 1 b. ENR Personnel that are Benefactors of Senior Citizens. Benefactor shall
2 mean any person related to a Senior Citizen or not who takes care of
3 him/her as a dependent;
- 4 c. ENR Personnel that are Person with Disabilities (PWD); and
- 5 d. ENR Personnel that are Benefactors or Parents of a Person with
6 Disabilities (PWD) or Person with Special Needs or Person with
7 Developmental Disorders;

8 **Chapter V. Periodic Review Clause**

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

- 12 a) Adequacy of facilities and resources to render quality environment and
13 natural resources management functions;
- 14 b) Opportunities for ENR personnel to grow professionally and develop their
15 potentials and experience a sense of worth and dignity in their work;
- 16 c) Mechanism for democratic consultations;
- 17 d) Ways and means of enabling the rank-and-file workers to avail of
18 educational opportunities for personal growth and development;
- 19 e) Upgrading of working conditions, reclassification of positions and salaries
20 of ENR personnel, regardless of employment status to correct disparity vis-
21 a-vis other professions; and
- 22 f) Allocation of funds for the participation of ENR personnel in seminars,
23 conferences, conventions, physical fitness and sports development
24 program/activities and similar activities as part of their continuing
25 professional growth.

26 **Chapter VI. Security of Tenure and Retirement**

27 **Sec. 24. Security of Tenure.** — No ENR personnel holding a permanent
28 position shall be terminated except for cause: Provided, That, in the event the

1 environment and natural resources personnel is found to be unjustly dismissed
2 by the CSC or the NLRC; as the case may be, he/she shall be entitled to
3 reinstatement without loss of seniority rights and back wages with twelve per
4 centum (12%) interest to be computed from the time his/her compensation was
5 withheld from him/her up to the time of reinstatement.

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

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

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

27 **Chapter VII. Congressional Commission**

28 **Sec. 28. Congressional Commission on Environment and Natural**
29 **Resources.** - There is hereby created a Congressional Commission on
30 Environment and Natural Resources (ENVICOM) that shall Oversee the
31 implementation of all the Environment and Natural Resources laws; review
32 and assess, among others, the state of the Philippine environmental security,
33 human resources development in Environment and Natural Resources field; and
34 the implementation of this Act. The Commission shall be composed of five (5)
35 Members of the House of Representatives and five (5) Members of the Senate. It

1 shall be co-chaired by the Chairpersons of the Committee on Environment and
2 Natural Resources of the Senate and the Committees of Ecology and Natural
3 Resources of the Lower House. Such congressional review shall be undertaken at
4 least once every five (5) years.

5 **Chapter VIII. Implementing Rules and Regulations**

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

13 **Chapter IX. Prohibitions**

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

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

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

30 If the offender is a public official, the court, in addition to the penalties provided in
31 the preceding paragraph, may impose the additional penalty of disqualification
32 from office.

33 **Chapter X. Transitory Provisions**

1 **Sec. 33. Special Treatment for Benefits of ENR Personnel.** All benefits
2 received by an Environment and Natural Resources Personnel under this law,
3 including but not limited to, benefits given to rank-and-file employees, whether
4 granted under a collective bargaining agreement or not, fringe benefits and de
5 minimis benefits, are not taxable pursuant to Section 33.C.3 of the Republic Act
6 8424 (Tax Reform Act of 1997).

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

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

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

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

19 **Chapter XI. Separability and Repealing Clauses**

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

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

26 **Chapter XII. Effectivity Clause**

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

29 Approved,