

**[ REPUBLIC ACT NO. 8439, December 22, 1997 ]**

**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 science

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 there from 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 percent (10%) to thirty percent (30%) 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) 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