

**[DOST MAGNA CARTA FOR SCIENTISTS,
ENGINEERS, RESEARCHERS AND OTHER SCIENCE
AND TECHNOLOGY PERSONNEL IN GOVERNMENT,
April 02, 1998]**

**(REPUBLIC ACT 8439) IMPLEMENTING RULES AND
REGULATIONS**

BACKGROUND

Pursuant to Section 22 of Republic Act No. (R.A.) 8439, otherwise known as the Magna Carta for Scientists, Engineers, Researchers and Other Science and Technology Personnel in Government approved on December 22, 1997 which took effect on January 20, 1998, the following Rules and Regulations are hereby adopted to effectively implement the provisions of the Act.

Rule I

Coverage

SECTION 1. Declaration and 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 the 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.

SECTION 2. Definition of Terms

2.1 Department

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

2.2 Scientific and Technological Activities (STA)

Scientific and Technological Activities refer to 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.

2.3 STA are classified into three broad groups, namely:

2.3.1 Research and Experimental Development (R & D)

Research and Experimental Development is 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;

2.3.2 Scientific and Technological Services (STS)

Scientific and technological services refer to activities in support of scientific research and development, dissemination and application 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

2.3.3 Scientific and Technical Education and Training (STET)

Scientific and technical education and training refer to all activities comprising higher education and training leading to a university degree, post-graduate and further training, organized life-long training for scientists and engineers, and specialized non-university higher education.

SECTION 3. Scientific and Technical (S&T) Personnel

3.1 Scientific and technical personnel shall include S&T managers, supervisors and planners; members of the Scientific Career System; scientists, engineers and researchers; and DOST technicians and DOST S&T-related personnel.

SECTION 4. Classification of S & T Personnel

S & T personnel are classified in the following categories:

4.1 S & T Managers, Supervisors and Planners

4.1.1 S & T managers, supervisors and planners are 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 Republic Act No. 8439.

4.1.1.1 S & T Managers are those who are employed in R & D institution or other organizations conducting STA and are occupying the positions of Secretary, Undersecretary, Assistant Secretary, Executive Director, Deputy Executive Director, Department Service Chief and other officers of equivalent rank as may be identified by the Career Executive Service Board. These positions are with salary grades 27 to 31.

4.1.1.2 S & T Supervisors are those who are employed in R & D institutions or other organizations conducting STA and are occupying the positions of Associate Scientist, Assistant Scientist, Division Chief, Supervising Science Research Specialist and other positions of equivalent rank. These positions are with salary grades 22 and 26.

4.1.1.3 S&T Planners are those who are employed in R & D institutions or other organizations conducting STA and are occupying the positions of Planning Officer IV, Project Development Officer IV and are essentially discharging supervisory functions. These positions are with salary grade 22.

4.2 Members of the Scientific Career System

4.2.1 Members of the Scientific Career System are those who have been conferred the rank of scientist in the Scientific Career System pursuant to Executive Order Nos. 784 and 901 dated 17 March 1982 and 19 July 1983, respectively.

4.3 Scientists, Engineers and Researchers

4.3.1 Scientists, engineers and researchers are 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. Natural sciences shall include, but not limited to astronomy, bacteriology, biochemistry, biology, botany, chemistry, computer sciences, entomology, geology, geophysics, mathematics, meteorology, mineralogy, nutrition, oceanography, physical geography, physics and zoology.

4.3.2 Scientists, engineers and researchers are individuals who, as above mentioned, spend at least fifty percent (50%) of their official time in the conception and creation of new scientific knowledge, and engineering and technological principles, products, processes, methods and systems.

4.4 DOST Technicians and DOST S & T - Related Personnel

4.4.1 DOST Technicians are persons who control, operate and maintain technical and scientific equipment, and perform other related tasks connected with research and the application of concepts and operational methods in the fields of engineering and natural sciences. They have acquired their technical competencies either through baccalaureate degree program or on-the-job learning or completion of relevant technical-vocational education and training courses.

4.4.2 DOST S&T-related personnel refer only to all other DOST employees who do not qualify under the preceding Sub-sections 4.1, 4.2 and 4.3, and are providing support to S&T personnel and performing functions such as, but not limited to, secretarial, clerical, financial, maintenance work, science teaching and training, information dissemination, and other scientific and technological services.

4.4.3 DOST technicians and DOST S&T-related personnel must possess any of the following qualifications:

4.4.3.1 Have at least 12 units in natural science, engineering and other related courses; or

4.4.3.2 Completed any appropriate technical training which enhances his/her skill from an institution, including the DOST Technology Training Center, duly recognized by the DOST Secretary. Provided further, that the DOST Secretary shall determine the appropriate training requirements for each position.

SECTION 5. Exemption from the Attrition Law and Civil Service Rule on Nepotism

5.1 Appointment of S&T personnel to positions of research assistant and upwards shall not be covered by the Attrition Law and Civil Service Commission (CSC) rule on nepotism in consideration of the highly technical nature of these positions.

Rule II

Benefits

SECTION 1. Who Are Entitled

1.1 S&T personnel who occupy plantilla positions whether permanent or temporary, on full-time or part-time basis, and contractual, casual or emergency positions charged to lump-sum appropriations now existing or hereafter created provided that they conform with the provisions of Section 5 of Republic Act 8439, shall be entitled to the benefits provided hereunder

SECTION 2. Types of Benefits

2.1 Notwithstanding Section 12 of Republic Act No. 6758, science and technology personnel defined under Section 5 of R.A. 8439, shall receive the following benefits: honorarium, share of royalties, hazard allowance, subsistence allowance, laundry allowance, housing and quarters allowance, longevity pay and medical examination.

SECTION 3. Honorarium

3.1 S&T personnel who rendered services beyond the established regular workload, 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 set by the Department.

3.2 Honorarium is a form of remuneration for services rendered beyond the regular workload of the following S&T personnel:

3.2.1 those whose broad superior knowledge, expertise or professional standing in a specific field contributes significantly to S&T and R&D;

3.2.2 those whose services in management, administration or support capacities contribute to the effective operation or management of S&T and R&D projects.

3.2.3 those assigned to special projects of inter-agency/department or inter-committee nature or which are not among the regular functions of the personnel/agency; and

3.2.4 those requested to organize, speak, lecture or act as resource persons in seminars, workshops, conferences, symposia, trainings and classroom sessions.

3.3 Other Provisions

3.3.1 Funds for payment of honorarium shall be included in the appropriations of the funding agency.

3.3.2 For foreign-funded projects, the provisions pertinent to payments of honorarium shall be followed as provided in the Memorandum of Agreement (MOA)/Memorandum of Understanding (MOU) between the parties concerned. In cases where the honorarium rates are not specified, those prescribed in these rules shall apply.

3.3.3 The rates of payment of honorarium to DOST personnel and DOST-assisted projects shall be subject to the approval of the Secretary of the Department upon the recommendation of the agency head.

3.3.4 Honorarium rates for non-DOST funded S&T projects shall follow the rates formulated by the funding agency but, as much as possible, shall be in harmony with DOST rates.

SECTION 4. Share of Royalties

4.1 Share in royalties shall be defined as a share in the proceeds of royalty payments arising from patents, copyrights and other intellectual property rights.

4.2 Intellectual property rights as presently defined in the Intellectual Property Code shall consist of the following:

4.2.1 Copyrights and related rights;

4.2.2 Servicemarks;

4.2.3 Geographic indications;

4.2.4 Industrial designs;

4.2.5 Patents;

4.2.6 Layout designs of integrated circuits;

4.2.7 Protection of undisclosed information; and

4.2.8 Innovations of inventions and utility models.

4.3 S&T personnel shall be entitled to receive share in royalties subject to the guidelines of the Department. The share in royalties shall be on a sixty (60%) to forty (40%) percent 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.