

FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)

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SENATE

P.S. Res. No. 862

INTRODUCED BY SENATORS JINGGOY EJERCITO ESTRADA,
PANFILO M. LACSON AND FERDINAND R. MARCOS, JR.

RESOLUTION

DIRECTING THE APPROPRIATE SENATE COMMITTEE/S TO INVESTIGATE, IN AID OF LEGISLATION, THE ALLEGED UNREASONABLE AND UNLAWFUL POLICY OF DISCONTINUING OVERTIME (OT) PAY OF GOVERNMENT EMPLOYEES IN INTERNATIONAL AIRPORTS WHEN IT DISREGARDED THE RELEVANT PROVISIONS OF THE PHILIPPINE IMMIGRATION ACT, TARRIF AND CUSTOMS CODE OF THE PHILIPPINES, QUARANTINE ACT OF 2004 AND EXECUTIVE ORDER NO. 292 AS WELL AS THE SUPREME COURT DECISION, ALL CONCERNING AND RELATING TO THE PAYMENT OF OVERTIME PAY OF CUSTOMS, IMMIGRATION AND QUARANTINE EMPLOYEES IN PHILIPPINE INTERNATIONAL AIRPORTS

Whereas, Section 7 (A) of Commonwealth Act No. 613, otherwise known as the Philippine Immigration Act , provides that immigration employees may be assigned by the Commissioner of Immigration to do overtime work at rates fixed by him when the service rendered is to be paid for by the shipping companies and airlines or other persons served;

Whereas, Section 3506 of Republic Act 1937 or the Tariff and Customs Code of the Philippines similarly provides that Customs employees may be assigned by a Collector to do overtime work rates fixed by the Commissioner of Customs when the service rendered is to be paid by the importers, shippers or other persons served;

Whereas, quarantine services of the Department of Health are mandated by Republic Act No. 9271, otherwise known as the Quarantine Act of 2004, one provision of which provides that reimbursement may be allowed for services performed outside the regular inspection hours, while quarantine OT services of agencies under the Department of Agriculture find its legal basis in Executive Order No. 292 with a similar provision stating that services performed outside office hours shall be chargeable against the parties served;

Whereas, in the consolidated case of Sergio I. Carbonilla et.al. vs. Board of Airlines Representatives (BAR) and of Office of the President, Hon. Cesar V. Purisima vs. Board of Airlines Representatives dated 14 September 2011, the Supreme Court ruled in favor of the validity of overtime pay of customs employees;

Whereas, on 31 July 2012, Finance Secretary Cesar V. Purisima wrote a Memorandum to President Benigno S. Aquino III recommending the discontinuance of charging overtime pay by customs, immigration and quarantine (CIQ) employees against airline companies claiming that such practice is a deterrent to the tourism industry;

Whereas, on 3 August 2012, DOTC Secretary Mar Roxas wrote the Board of Airline Representatives (BAR) and Airline Operators Council (AOC) advising them to stop overtime pay to CIQ employees effective 01 August 2012;

Whereas, this policy clearly contravenes collection and payment of overtime pay from airlines or from "other persons served" by the affected employees as sanctioned by laws and jurisprudence;

Whereas, the claim that the practice of collecting overtime payment from airlines or from those served by the affected employees deters tourism industry is more imagine than real and contradicts the claim of President Benigno Aquino III during his latest SONA of increase in tourist arrivals;


Whereas, there is a need to protect the right of affected employees over overtime pay which has evolved into a vested and proprietary right due to its long standing practice, thus cannot be taken away without violating due process;

NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, that the Senate of the Philippines direct the appropriate Senate Committee/s to investigate, in aid of legislation, the alleged unreasonable and unlawful policy of discontinuing overtime (OT) pay of customs, immigration and quarantine employees in Philippine international airports.

Approved.


JINGGOY EJERCITO-ESTRADA
Senator


PANFILO M. LACSON
Senator


FERDINAND R. MARCOS, JR
Senator