

[DOST, December 15, 2005]

**MAGNA CARTA FOR SCIENTISTS, ENGINEERS, RESEARCHERS,
AND OTHER SCIENCE AND TECHNOLOGY PERSONNEL IN
GOVERNMENT (REPUBLIC ACT NO. 8439)**

Implementing Rules and Regulations As Amended

Background

Pursuant to Section 22 of Republic Act No. 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 February 4, 1998, the following Rules and Regulations, as amended, are hereby adopted to effectively implement the provisions of the Act.

Rule 1
Coverage

SECTION 1. 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 competent pool of expertise that will sustain its drive for total science and technology effectiveness and excellence.

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

In furtherance of this policy, the science and technology community shall ensure the utilization of research and development results to maximize benefits from such endeavors.

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 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 in order to increase the stock of knowledge, and the use of this knowledge 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 applications of scientific and technical knowledge (i.e., library, information and museum services; geological and hydrological surveys; information and communications technology services; meteorological and seismological observations; compilation of routine statistics; testing, precision measurements, calibration, 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, graduate, post-graduate and further training, organized lifelong training for scientists and engineers, and specialized non university higher education.

SECTION 3. Science and Technology (S &T) Personnel - Section 5 of Republic Act No. 8439 classifies S &T personnel in the following categories: (a) S & T managers, supervisors and planners; (b) members of the Scientific Career System; (c) scientists, engineers, and researchers; and (d) DOST technicians and related S & T personnel.

Section 8 of Republic Act No. 8439 provides that government S & T personnel not employed by the Department of Science and Technology (DOST), who are involved in STA may avail of the benefits under this Act upon certification of the DOST Secretary.

Personnel of R & D institutions and other organizations may be classified as S & T personnel provided that their institutions and the units in said institutions to which they belong have, among their major mandates and functions, those relating to science and technology; and provided further, that the personnel's individual functions relate to STA as defined in Section 3 of Republic Act No. 8439.

3.1 S & T Managers, Supervisors and Planners

S & T managers, supervisors and planners are those who are graduate degree holders or have at least ten years of managerial experience or are performing executive, planning and policy-making functions to effectively carry out S & T related activities as defined in Section 3 of Republic Act No. 8439.

3.1.1 S & T Managers are those who are employed in R & D institutions or other organizations conducting STA and who occupy the positions of Secretary, Undersecretary, Assistant Secretary, Executive Director, Director, Regional Director, Deputy Executive Director, Deputy Director, Department Service Chief and other officers of equivalent rank as may be identified by the Career Executive Service Board. S & T managers are those who are directly supervising STA. S & T manager positions are with equivalent salary grades of 27 and above.

3.1.2 S & T Supervisors are those who are employed in R & D institutions or other organizations conducting STA and who occupy the positions of Associate Scientist, Assistant Scientist, Division Chief, Supervising Science Research Specialist and other positions of equivalent rank. S & T supervisors are those who are directly supervising or undertaking STA. S & T supervisor positions are with equivalent salary grades of 22 and above.

3.1.3 S & T Planners are those who are employed in R & D institutions or other organizations conducting STA and who occupy the positions of Planning Officer IV, Project Development Officer IV, Project Evaluation Officer IV, and other positions of equivalent rank and are directly supervising or undertaking S & T planning activities. S & T planner positions are with equivalent salary grades of 22 and above.

3.2 Members of the Scientific Career System

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.

3.3 Scientists, Engineers, and Researchers

Scientists, engineers, and researchers are those who are employed at the Research and Development Institutes and other organizations, who are at least college 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 science and engineering courses shall include, but not limited to, basic/natural sciences and mathematics; engineering and information and communications technology; medical sciences and agricultural geography; library and archival sciences, and scientific and technical documentation.

Scientists, engineers, and researchers are individuals who, as abovementioned spend at least fifty percent of their official time in the conception and application of scientific knowledge, and/or engineering and technological principles, products, processes, methods and systems.

3.4 DOST Technicians and DOST S & T Related Personnel

3.4.1 DOST technicians are persons who operate and maintain technical and scientific equipment, and perform other related task connected with research and the application and 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.

3.4.2 DOST S & T related personnel refer only to all other DOST employees who do not qualify under the preceding sections and are providing support services to S & T personnel and performing functions such as, but not limited to, secretarial, clerical, financial, maintenance work; science teaching and training; information handling, processing, and services; marketing and promotion; statistical work; data gathering; planning; documentation and publication; library services and other scientific and technological services.

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

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

3.4.3.2 Have completed any appropriate technical training which enhances their skills from an institution, including the DOST Technology Training Center and its accredited training institutions, duly recognized by the DOST Secretary and, provided further, that the DOST Secretary shall determine the appropriate training requirements for each position.

SECTION 4. 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 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 - 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 No. 8439, shall be entitled to the benefits provided hereunder.

SECTION 2. Types of Benefits - Notwithstanding Section 12 of Republic Act No., 6758, science and technology personnel defined under Section 5 of R.A. No. 8439, shall receive the following benefits: honorarium, share in royalties, hazard allowance, subsistence allowance, laundry allowance, housing and quarters allowance, longevity pay and medical examination.

2.1 HONORARIUM

S & T personnel who render 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.

2.2 SHARE IN ROYALTIES

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

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

- a. Copyrights and related rights;
- b. Trademarks and service marks;
- c. Geographic indications;
- d. Industrial designs;
- e. Patents;
- f. Layout designs (topographies) of integrated circuits;
- g. Protection and undisclosed information;

2.2.3 S & T scientists, engineers, technologists, researchers and other S & T personnel involved in STA shall be entitled to receive share in royalties subject to the 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.

2.2.4 If the researcher works with a private company and the program of activities currently or 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.

2.3 HAZARD ALLOWANCE

2.3.1 Hazard allowance is a compensation premium, which is generally paid to S & T personnel who are exposed to hazards, directly or indirectly, because of the nature and/or location of their work.

2.3.2 S & T personnel involved in hazardous undertakings or assigned in hazardous workplaces shall be paid hazard allowance equivalent to 15% or 30 % of their monthly basic salary depending on the nature and extent of the hazard involved. If exposure to hazard is direct, the S & T personnel are entitled to hazard allowance equivalent to 30% of their monthly basic salary. If exposure to hazard is indirect, the S & T personnel is entitled to hazard allowance of 15% of their monthly basic salary. Indirectly exposed are those who have frequent interaction with personnel of agencies who are directly exposed to hazards, or from time to time exposed to hazardous workplaces.

2.3.3 Hazardous workplaces cover any of the following:

2.3.3.1 Difficult/distressed or hardship posts characterized by distance, inconvenience of travel due to bad roads and conditions of the terrain, isolation, inaccessibility and extreme weather conditions; remote/depressed areas;

2.3.3.2 Work areas on land, air, and seas that are high danger zones to natural hazards;