



**IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 11701
(AN ACT GRANTING NIGHT SHIFT DIFFERENTIAL PAY TO GOVERNMENT
EMPLOYEES INCLUDING THOSE IN GOVERNMENT-OWNED
OR -CONTROLLED CORPORATIONS AND
APPROPRIATING FUNDS THEREFOR)**

Pursuant to Section 3 of Republic Act No. 11701 or An Act Granting Night Shift Differential Pay to Government Employees Including Those in Government-Owned or -Controlled Corporations and Appropriating Funds Therefor, the following implementing rules and regulations are hereby promulgated and adopted:

RULE I. GENERAL PROVISIONS

Section 1. Title.

The rules and regulations contained herein shall be known and cited as “Implementing Rules and Regulations of Republic Act No. 11701.”

Section 2. Scope.

- (a) These Rules shall apply to government employees occupying positions/items from Division Chief and below, or their equivalent, including those in government-owned or –controlled corporations, regardless of the status of their appointment (permanent, temporary, coterminous, substitute, contractual, or casual), with official working hours that fall between 6 p.m. and 6 a.m. of the following day.

Incumbents of Division Chief positions and below or their equivalent, designated as Officers-in-Charge to executive/managerial positions shall also be granted night-shift differential pay when they are still bound to observe the work hours between 6 p.m. and 6 a.m. of the following day.

- (b) The following government employees are not entitled to night shift differential pay:
- i. Government employees whose regular schedule of work fall between 6 a.m. and 6 p.m. The services they rendered beyond the regular eight (8)-hour work schedules shall be compensated in accordance with the existing laws, rules and regulations on overtime services and overtime pay; and
 - ii. Government employees whose services are required, or are on call, twenty-four (24) hours a day such as uniformed personnel of the Armed Forces of the Philippines, the Philippine National Police, the Bureau of Jail Management and Penology, the Bureau of Fire Protection, and others similarly situated, as may be determined by the Civil Service Commission and the Department of Budget and Management.


Bawat Kawani, Lingkod Bayani  

- (c) These Rules shall not be applicable to job order (JO) and contract of service (COS) workers, and others similarly situated, but they shall be covered by COA-DBM Joint Memorandum Circular No. 2, s. 2020, or other similar issuances governing JO and COS workers in the government.

RULE II. DEFINITION OF TERMS

Section 3. Definition of Terms. For purposes of these Rules, the terms hereunder shall be understood as follows:

- (a) **Hourly Basic Rate.** The basic salary rate per hour derived by dividing the basic monthly rate by twenty-two (22) working days, and dividing the quotient derived by eight (8) hours.

$$\text{Hourly basic rate} = [(\text{basic monthly rate}/22 \text{ working days})] / 8 \text{ hours}$$

- (b) **Night-Shift Differential Pay.** Compensation premium granted to covered government employees for the hour/s of work performed between the hours of 6 p.m. and 6 a.m. of the following day.

RULE III. NIGHT-SHIFT DIFFERENTIAL

Section 4. Night-shift differential pay may be granted to government personnel who render services between 6 p.m. and 6 a.m. of the following day, as authorized by the head of agency, at a rate not exceeding twenty percent (20%) of the hourly basic rate of the employee.

In the case of public health workers, their night-shift differential pay shall not be lower than 10% of their hourly basic rate.

Section 5. When the schedule of working hours falls partly between 6 p.m. and 6 a.m., the night-shift differential pay shall be paid for the hour/s of work performed between 6 p.m. and 6:00 a.m. of the following day.

Section 6. When an employee working in a regular night shift, falling between 6 p.m. and 6 a.m., renders services in excess of the regular 8-hour night shift, the excess hours shall be compensated in accordance with the rules and regulations on overtime services and overtime pay.

Section 7. Upon consultation with the employees concerned, the head of agency shall formulate and adopt internal rules and procedures consistent with the provision of these Rules, particularly on determining the night shift differential rate which shall not exceed twenty percent (20%) of the hourly basic rate of the employee and subject to availability of funds.

Section 8. Night-shift differential pay shall be in addition to regular salaries and other emoluments and shall not in any way diminish whatever benefits and allowances are presently enjoyed by government employees.

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RULE IV. FUND SOURCES

Section 9. For national government entities, the amount necessary for the initial implementation of the Act and these Rules shall be charged against existing appropriations for the purpose of the departments, bureaus, offices, and agencies concerned. Thereafter, such sums as may be necessary for the continuous implementation of these Rules shall be included in the annual General Appropriations Act.

Section 10. For local government units, the amount necessary for the initial implementation of the Act and these Rules shall be charged against their respective funds, subject to the provisions of Sections 325 and 331 of Republic Act No. 7160 or the "Local Government Code of 1991".

Section 11. For government-owned or –controlled corporations and their subsidiaries, the amount necessary for the initial implementation of the Act and these Rules shall be charged against their respective corporate funds.

RULE V. FINAL PROVISIONS

Section 12. Separability Clause. – If any provision of these Rules or part hereof is held invalid or unconstitutional, the remainder of the provisions not otherwise affected shall remain valid and subsisting.

Section 13. Repealing Clause. – All orders, rules and regulations, and other issuances, or parts thereof inconsistent with these Rules are hereby repealed, modified, or amended accordingly.

Section 14. Effectivity. – These Rules shall take effect after fifteen (15) days from the date of its publication in two (2) newspapers of general circulation.

Quezon City.


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Chairperson


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Attested By:

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