

FURTHER AMENDING THE GUIDELINES ON THE RENDITION OF OVERTIME SERVICES IN THE JUDICIARY

ADMINISTRATIVE CIRCULAR No. 34 - 2021, May 19, 2021

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WHEREAS, resolutions, administrative circulars, office orders and other issuances have been issued by the Court or the Chief Justice authorizing the rendition of overtime services on a compensatory basis;

WHEREAS, Administrative Circular No. 25-2012 (A.C. No. 25 - 2012), dated April 11, 2012, provides for the Guidelines on the Rendition of Overtime Services in the Judiciary;

WHEREAS, A.C. No. 25-2012 provides under Item No. 2 that "(t)hese guidelines shall apply to all employees of the Supreme Court up to Chiefs of Division, whether permanent, temporary, coterminous or casual, including those of the Presidential Electoral Tribunal (PET), Judicial and Bar Council (JBC), Philippine Judicial Academy (PHILJA), Mandatory Continuing Legal Education Office (MCLEO), the Court of Appeals, Sandiganbayan, Court of Tax Appeals and all courts in the first and second levels, when applicable."

WHEREAS, Memorandum Order No. 79-2019 (M.O. No. 79-2019), dated November 15, 2019, provides for the Amended Guidelines on the Rendition of Overtime Services in the Office of the Chief Justice and Offices of the Associate Justices of the Supreme Court; while Memorandum Order No. 16-2020, dated February 13, 2020, further amended M.O. No. 79-2019;

WHEREAS, in the light of the ongoing coronavirus disease (COVID-19) pandemic, various alternative work arrangements are being implemented resulting in confusion as to whether or not overtime services with pay may be authorized;

WHEREAS, there is a need to further revise the Guidelines on the Rendition of Overtime Services in the Judiciary to ensure consistency and uniformity as to who may be authorized to render overtime service during the period of community quarantine and receive overtime pay for services rendered;

NOW, THEREFORE, the following guidelines are hereby issued to further amend the Guidelines on the Rendition of Overtime Services in the Judiciary under A.C. No. 25-2012, as follows:

1.

Purpose - These guidelines are issued for overtime services during the period of physical closure of the courts due to community quarantine.

2.

Coverage - These guidelines shall apply to all personnel of offices under the Judiciary except for those in the Office of the Chief Justice and the Offices of Associate Justices, who shall continue to be covered by the revised guidelines under M.O. No. 16-2020; and, the security officers and personnel, maintenance personnel and drivers in the Office of Administrative Services, who by nature of their work may continue to receive overtime pay under a separate approved authority.

3.

Who May be Authorized to Render Overtime Services - All employees up to Chief of Division or equivalent position, whether permanent, temporary, coterminous or casual, who are authorized to physically report at their respective workstations in the court to which they are assigned as part of the skeleton force during the period of General Community Quarantine (GCQ) or modified GCQ (MGCQ).

4.

Entitlement to Overtime Pay - All employees rendering overtime service may be entitled to overtime pay, subject to the following conditions:

a.

The employee shall physically report to his/her workstation in the court to which he/she is assigned during the period of GCQ or MGCQ. In no case shall overtime services be authorized during the period of Enhanced Community Quarantine (ECQ) or modified ECQ (MECQ);

b.

The employee is authorized by the Chief of Office/Service to physically report for work as part of the skeleton force on a particular day and to render overtime service, but in no case shall the number of personnel authorized to render overtime service exceed twenty-five percent (25%) of the incumbent personnel of the concerned office;

c.

Overtime service shall be allowed only on Saturdays, Sundays and holidays for a total of eight (8) hours of service per day, which shall start at 8:00 a.m. and end at 4:00p.m.;

d.

To be entitled to overtime pay, the employee shall have rendered at least four (4) hours of service for the day, which shall start at 8:00a.m.; and,

e.

Meal allowance as a form of or in addition to payment for overtime services shall no longer be allowed.

5.

Policy on Overtime Services - Overtime work should be avoided by adequate planning of work activities; however, in view of the ongoing pandemic which has disrupted the performance of regular routine work and activities, overtime services may be authorized in any of the following instances:

a.

When financial loss to the government will result;

b.

When the Supreme Court will be embarrassed due to its inability to meet its commitments; and

c.

When the purposes for which the work or activity was conceived will be negated.

6.

Procedure - The following procedures shall be observed in the rendition of overtime services:

a.

The Chiefs of Offices/Services shall submit their request for authority for overtime services to be rendered by their respective personnel, specifying therein the tasks to be accomplished during overtime and the period during which overtime services will be rendered, to the Clerk of Court for the Supreme Court and to the Presiding Justice for the Court of Appeals, Sandiganbayan, and the Court of Tax Appeals, for approval.

b.

The actual time of arrival and departure for overtime services shall be indicated in the daily time record, duly certified by the Chief of Office/Service. The overtime pay for the hours rendered shall be computed on the basis of the formula provided in A.C. No. 25-2012.

c.

Claims for overtime pay shall be supported by an accomplishment report duly approved by the Chief of Office/Service. A plain and simple certification will not be accepted. Failure to submit such report may be a ground for the withdrawal or discontinuance of the previously approved authority.

7.

Funding Source - The funding for the overtime pay shall be sourced from Personnel Services allocation in the regular appropriations of the court to which the employee, who is entitled to such payment, belongs.

This Administrative Circular shall be strictly implemented by the Clerk of Court, and the Chiefs of the Office of Administrative Services and the Fiscal Management and Budget Office, Supreme Court, and the concerned officials of the Court of Appeals, the Sandiganbayan, and the Court of Tax Appeals.

Administrative circulars, memorandum orders, office orders and other issuances inconsistent with this administrative circular are hereby revoked.

This Administrative Circular shall take effect immediately.

Issued this 19th day of May, 2021.

(Sgd.)ALEXANDER G. GESMUNDO

Chief Justice

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