

OCA CIRCULAR NO. 119-2012, November 06, 2012

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TO : ALL JUDGES AND PERSONNEL OF THE REGIONAL TRIAL COURTS, SHARI'A DISTRICT COURTS, METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS IN CITIES, MUNICIPAL TRIAL COURTS, MUNICIPAL CIRCUIT TRIAL COURTS AND SHARI'A CIRCUIT COURTS

SUBJECT :

GUIDELINES ON THE RENDITION OF OVERTIME SERVICES IN THE JUDICIARY

Quoted hereunder is Administrative Circular No. 25-2012 dated April 11, 2012 of then Chief Justice Renato C. Corona, Re: Guidelines on the Rendition of Overtime Services in the Judiciary:

"ADMINISTRATIVE CIRCULAR NO. 25 - 2012

"GUIDELINES ON THE RENDITION OF OVERTIME
SERVICES IN THE JUDICIARY

"WHEREAS, the following Circulars were issued regarding rendition of overtime services:

- a) Memorandum Circular No. 08-2004 (Revising the amended guidelines on the Rendition of Overtime Services to update the Amended guidelines on the Rendition of Overtime Services approved on October 19, 2001;
- b) Administrative Circular No. 44-2004 (Adopting Effective Measures to Reduce Expenditures and Increase Savings in Appropriations in the Judiciary); and
- c) Administrative Circular No. 18-2005 (Adopting as part of the Judiciary's Austerity Program Joint Circular No. 2, s. 2004 of the Civil Service Commission (CSC) and Department of Budget and Management (DBM) on Non-Monetary remuneration for overtime service rendered) as well as guidelines on its implementation;

"WHEREAS, the Court in its resolution dated December 2, 2008 in A.M. No. 08-11-8-SC (Re: Payment of Expense Allowance to Committees, Lecturers and Similar Service Providers and Overtime Workers) declared among others, that effective January 2009, overtime work shall be paid in accordance with rules on overtime pay in government; and, in a subsequent resolution dated July 7, 2009, under paragraph (b) (iii) that overtime pay shall be paid in accordance with Budget Circular No. 10.

"WHEREAS, pursuant to the same resolution, the Fiscal Management and Budget Office (FMBO) and Office of Administrative Services (OAS) were directed among others, to jointly draft the rules and guidelines on overtime pay under the policy of avoiding needless overtime work;

"WHEREAS, in the resolution dated January 17, 2012 in A.M. No. 08-11-8-SC, the Court approved the revised draft Guidelines on the Rendition of Overtime Services in the Judiciary submitted by the FMBO and OAS.

"NOW THEREFORE, the following guidelines are hereby issued to reiterate and/or update guidelines on

rendition of overtime services:

1. Purpose

These guidelines shall be the basis for the:

- a) payment of authorized overtime services; and
- b) availment of compensatory time off in lieu of overtime pay for rendering overtime services

for uniformity and consistency in its application

2. Coverage

These 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.

3. Definition of Terms

Compensatory Overtime Credit (COC) refers to the accrued number of hours an employee earns as a result of services rendered beyond regular working hours, and/or those rendered on Saturdays, Sundays, Holidays or scheduled days off without the benefit of overtime pay.

Compensatory Time Off (CTO) refers to the number of hours or days an employee is excused from reporting for work with full pay and benefits. It is a non-monetary benefit provided to an employee in lieu of overtime pay.

4. Policy on Overtime

Overtime work should be avoided by adequate planning of work activities. It should not be resorted to in the performance of regular routine work and activities except when unforeseen events and emergency situations will result in any of the following:

- 4.1 Cause financial loss to the government;
- 4.2 Embarrass the Supreme Court due to its inability to meet its commitments; and
- 4.3 Negate the purpose for which the work or activity was conceived.

5. Activities for which Overtime Services may be Authorized:

- 5.1 Completion of infrastructure and other projects with set deadlines;
- 5.2 Work involving the preparation for and administration of Bar Examinations, where existing personnel are not adequate to handle such work during regular days;
- 5.3 Seasonal work such as budget preparation and rendition of annual reports to meet scheduled deadlines;
- 5.4 Preparation of special financial accountability reports required occasionally by central monitoring agencies like the Congress of the Philippines, the Senate, the Office of the President, Commission on Audit, Department of Budget and Management and National Economic Development Authority;
- 5.5 Implementation of special program/projects embodied in directives and authorizations, and with specific dates to complete which are in the nature of additional work of personnel with their regular duties;
- 5.6 Services rendered by drivers and other immediate staff of officials authorized to have such staff support when they are required to keep the same working hours of their superiors. Request for overtime will be

renewable every 6 months;

5.7 Rendition of skeletal force on Saturdays by all officials and employees of the Judiciary under Administrative Circular No. 2-99 dated January 15, 1999 which is subject to Compensatory Time-Off;

5.8 Services rendered by Security Guards beyond their hours of duty in conventions, seminars, fora, and symposia. Certification of their overtime services shall be signed by the Head of Office/Organization who hosted/facilitated the aforesaid activity; and

5.9 Other services which the Chief Justice may deem to require overtime work.

6. Request for Authority to Render Overtime Services

6.1 For compensatory overtime services

All requests for compensatory overtime services shall be made by the Chief of Office and must be submitted to the Chief Justice/Presiding Justices for approval before actual service of overtime is rendered.

6.2 For non-compensatory overtime services

Pursuant to A.C. No. 18-2005 (Adopting as Part of the Judiciary's Austerity Program Joint Circular No. 2, s. 2004 of the CSC and DBM on non-monetary remuneration for overtime services rendered), the heads of offices/units shall approve the requests of their respective personnel to render non-compensatory overtime services.

For the lower courts, requests for rendition of overtime services on weekdays, scheduled workdays, Sundays or holidays as well as for those who will render skeletal force on Saturdays pursuant to AC No. 2-99, corollary with OCA Circular No. 48-2007, shall be approved by the Executive Judges.

6.3 Both requests shall state therein the following:

- Purpose for which overtime will be rendered;
- Tasks to be completed;
- Date and Time of commencement and completion; and
- List of employees who will render overtime with their corresponding work assignment and responsibilities. The number of personnel who will render overtime services shall depend upon the size and objective of the project.

Exceptions to non-compensatory overtime services. - The Chief Justice may, at his discretion and if justified by compelling reasons, authorize exceptions to the application of non-monetary remuneration for overtime services rendered.

7. Who will be Authorized to Render Overtime Services

All employees up to Chief of Division, whether permanent, temporary, coterminous or casual.

8. General Provisions on Overtime Services

Employees are required to render forty (40) hours of work in a week. However, they may be required to render overtime services in the exigency of the service when work has to be done beyond office hours due to compelling reasons and emergency situations.

8.1 Overtime services shall be from 5:00 p.m. to 8:00 p.m. on weekdays and 8:00 a.m. to 4:00 p.m. on Saturdays, Sundays and Holidays.

8.2. Overtime work beyond the number of hours herein authorized for overtime services on weekdays and

Saturdays, Sundays and holidays may be authorized in the interest of the service for extremely urgent reasons in connection with activities enumerated under Paragraph 5.

8.3 With respect to personnel in the Supreme Court who voluntarily extend their working hours to finish urgent tasks without overtime pay, a written authority from the Chief of Office or Judicial Staff head must be submitted to the Office of Administrative Services, copy furnished the Security Division, for information and guidance.

9. Provisions on Compensatory Overtime Services

9.1 Overtime work with pay shall be allowed (a) when so required by the Chief Justice or Associate Justices but only for a maximum of three (3) personnel for each of their offices; (b) for the official drivers of the Chief Justice and Associate Justices; (c) for the drivers and other immediate staff of officials authorized to have such staff support when they are required to keep the same working hours of their superiors; (d) for security guards beyond their hours of duty in conventions, seminars, fora, symposia; and (e) at the discretion of the Chief Justice and if justified by compelling reasons.

9.2 Requests for overtime shall be renewable every six (6) months.

9.3 Overtime pay shall not be granted unless the concerned personnel shall have rendered the regular work for the day. Hence, if the employees reported late for work on a particular day, they will not be allowed to render the extra hours of work/overtime service on that day.

9.4 For all intents and purposes, except as may be authorized under par. 8.2, extra hours of work/overtime services shall be rendered for the following maximum number of hours:

- a) three (3) hours on weekdays, which shall start at 5:00 p.m. and end at 8:00 p.m., and
- b) eight (8) hours on Saturdays, Sundays, and Holidays, which shall start at 8:00 a.m. and end at 4:00 p.m.

9.5 The actual time of arrival and departure for overtime services should be indicated in the daily time record. The Chief of Office shall certify that the overtime service was actually rendered. The overtime pay for the hours rendered shall be computed on the bases of the formula provided hereunder.

9.6 Report of accomplishment. - At the end of every pay period, a report as to the extent of the work that has been accomplished/completed must support the payroll to the satisfaction of the approving authority. No overtime pay will be processed unless the report of accomplishment of every employee is attached to the payroll. Failure to submit such report may be a ground for the withdrawal or discontinuance of the previously approved authority.

9.7 Amount of overtime pay

The rate of overtime pay shall be in accordance with Budget Circular No. 10 dated March 29, 1996, computed as follows:

Hourly Rate shall be computed by the following formula:

Actual Hourly Rate (H.R.) =

Actual Salary Per Month
22x8

Overtime pay shall be computed as follows:

A. For ordinary working days: Plus 25% of the hourly rate (0.25 x H.R.)

Overtime pay = $1.25 \times \text{H.R.} \times \text{No. of Hours Rendered}$

B. For rest days and holidays: Plus 50% of the hourly rate ($0.50 \times \text{H.R.}$)

Overtime pay = $1.50 \times \text{H.R.} \times \text{No. of Hours Rendered}$

The total overtime of an employee for the year shall not exceed 50% of his/her annual basic salary. If overtime service is rendered on a regular basis, the total overtime pay to be received per month shall not exceed 50% of the monthly basic salary.

9.8 Meal allowance as a form of payment of overtime services shall no longer be allowed.

10. Funding Source

The funding source for overtime services shall come from the Maintenance and Other Operating Expenses (MOOE 969-Other Services)

11. Provisions on Non-Compensatory Overtime Service

In lieu of overtime pay, compensatory time off (CTO) corresponding to the number of hours earned as a result of services rendered beyond regular working hours, may be availed of.

11.1 Computation of Compensatory Overtime Credits (COC)

The COC is expressed in number of hours, computed as follows: For overtime services rendered on weekdays or scheduled work days: ,

$\text{COC} = \text{number of hours of overtime services} \times 1.0$

For overtime services rendered on weekends, holidays or scheduled days off:

$\text{COC} = \text{number of hours of overtime services} \times 1.5$

11.2 Accrual and Use of COCs

a) each employee may accrue not more than forty (40) hours of COCs in a month. In no instance, however, shall the unexpended balance exceed one hundred twenty (120) hours.

b) the COCs should be used as time-off within the year these are earned until the immediately succeeding year. Thereafter, any unutilized COCs are deemed forfeited.

11.3 Limitation on the use of COCs

a) The COCs cannot be used to offset undertime/s or tardiness incurred by the employee during regular working days.

b) The COCs earned are non-commutative and/or non cumulative

11.4 Effect on Personnel Movement

a) In cases of resignation, retirement, or separation from the service, the unutilized COCs are deemed forfeited.

b) In case of detail, secondment or transfer to another agency, the COCs earned in one agency cannot be transferred to another agency.

c) In case of promotion, except when promoted to a position not qualified to receive overtime pay under previous issuances, the employee will retain his or her accrued COC.

11.5. Issuance of Certificate of COCs Earned

An employee who has earned COC shall be granted a Certificate of COC earned duly approved and signed by the Administrative/Personnel Officer as the case may be. The certificate indicates the number of hours of earned COC by the employee in a month. The certificate would be issued at the end of each month.

11.6 Availment of CTO

- a) The CTO may be availed of in blocks of four (4) or eight (8) hours.
- b) The employee may use the CTO continuously up to a maximum of five (5) consecutive days per single availment, or on staggered basis within the year.
- c) Employees who were granted COC shall request their Chief of Office on the schedule of availment of the CTO. The said schedule shall be submitted to the Administrative Office. In the exigency of the service, however, the schedule may be recalled and subsequently rescheduled by the Chief of the Office of the employee within the year.

12. Procedures

The following procedures shall be observed in the rendition of overtime services and/or availment of compensatory time off:

- a) The Administrative Office shall be furnished with a copy of the approved authority to render overtime services.
- b) The employee renders overtime services as stipulated in the approved authority.
- c) The Administrative Office through the Leave Division prepares a summary of overtime services rendered in a month, and computes the equivalent COCs, for the purpose of the issuance of the COC Certificate.
- d) The Chief of Administrative Office or the duly authorized Officer issues the Certificate of COCs, specifying the number of COCs earned in a month.
- e) The employees who have acquired the Certificate of COC shall request their Chiefs of Offices on the schedule of availment of the CTO. The approved request shall then be submitted to the Leave Division, Administrative Office, which shall record the availment of the CTO of the employee.
- f) The employee avails of the CTO.

13. Duties and Responsibilities

a) Heads/Chiefs of Offices

1. The Heads/Chiefs of Offices shall recommend to the Chief Justice, Presiding Justice, Executive Judge, as the case may be, the employees who will be authorized to render overtime services beyond their regular working hours in accordance with these guidelines.
2. Grant certificate of COC earned, through the Administrative/Personnel Office, concurrently setting safeguard measures to prevent any form of fraud and/or duplicity.
3. Approve/disapprove schedule of CTO as requested by the employee without compromising the delivery of public service.
4. Ensure proper implementation of these guidelines and accordingly act on violations or irregularities committed.

b.) Employees

1. Observe properly the procedures in earning of COC and availing of CTO.

2. Request approval from the Head/Chief of Office on the availment schedule of CTO.

3. Monitor the balance of earned COCs vis-a-vis CTOs availed of.

c. Administrative/Personnel Office Concerned

1. Reflect on the time card the application for CTO filed by employee.

2. Submit to the Head/Chief of Offices concerned a monthly report on summary of overtime services rendered and the equivalent COCs and report critical incidents or observations.

3. Recommend measures to improve the implementation of the guidelines on the grant of COCs and availment of the CTOs.

14. Certificate of Compensatory Overtime Credit (COC)

FRONT

Certificate of COC Earned

This certificate entitles Mr./Ms to (number of hours) of Compensatory Overtime Credits.

Administrative/Personnel Officer

Date Issued:

Valid Until:

BACK

No. of Hours of Earned COCs/Beginning Balance

Date of CTO

Used COCs

Remaining COCs

Remarks

Approved By: Claimed:

Administrative/Personnel Officer Leave Division

Date Date

"This Administrative Circular shall be strictly implemented by the FMBO and OAS and by the concerned officials in the Office of the Court Administrator, the Court of Appeals, the Sandiganbayan and the Court of Tax Appeals.

"All prior administrative circulars, orders and other issuances inconsistent with this administrative circular are hereby revoked.

"This Administrative Circular shall take effect upon its issuance.

"Issued this 11th day of april 2012.

(Sgd.) RENATO C. CORONA
Chief Justice

For the lower court employees, the procedures in the rendition of overtime services and availment of Compensatory Time-Off (CTO) outlined in OCA Circular No. 48-2007 dated May 10, 2007 shall be maintained and the Certificate of Compensatory Overtime Credit (COC) Earned shall be:

Name:

Office:

PERIOD MO/YR

DATE OF CTO

Certificate of COC Earned

EARNED/USED/REMAINING/VALIDITY

Approved By:

OCA Chief of Office
Office of Administrative Services

Certified Correct:

SC Chief Judicial Staff Officer
Employees' Leave Division, OAS, OCA

Note:Adm. Circular No. 25-2012, 11.2a-xxx...In no instance, however, shall the unexpended balance exceed one hundred twenty (120) hours.

Please Be guided accordingly.

November 6, 2012.

(SGD.) JOSE MIDAS P. MARQUEZ
Court Administrator

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