



Republic of the Philippines
Supreme Court
Office of the Court Administrator
Manila

OCA CIRCULAR NO. 206-2018

TO : ALL JUDGES AND CLERKS OF COURT OF THE FIRST AND SECOND LEVEL COURTS

SUBJECT : GUIDELINES ON THE RENDITION OF COMPENSATORY OVERTIME SERVICES IN THE FIRST AND SECOND LEVEL COURTS IN THE CONDUCT OF CONTINUOUS TRIAL IN ACCORDANCE WITH THE SUPREME COURT EN BANC RESOLUTION DATED 5 JUNE 2018 (RE: ADOPTING THE GUIDELINES FOR CONTINUOUS TRIAL OF CRIMINAL CASES IN PILOT COURTS)

In accordance with the 5 June 2018 Resolution in **A.M. No. 15-06-10-SC** (*Re: Adopting the Guidelines for Continuous Trial of Criminal Cases in Pilot Courts*), the Court *En Banc* **RESOLVED** to **APPROVE** the **Guidelines on the Rendition of Compensatory Overtime Services in the First and Second Level Courts in the Conduct of Continuous Trial**, as proposed by the Office of the Court Administrator thru the Technical Working Group on the Revision/Upgrading of the Guidelines on the Rendition of Overtime Services in the Judiciary, the relevant portions of which are reproduced herein as follows:

1. General Purpose

- 1.1 In compliance with Joint Circular No. 1, series of 2015, of the Civil Service Commission and the Department of Budget and Management, rendition of overtime services shall be authorized only when extremely necessary, such as when a particular work or activity cannot be completed within the regular work hours and that non-completion of the same will: (a) cause financial loss to the government or its instrumentalities; (b) embarrass the government due to its inability to meet its commitments; or (c) negate the purposes for which the work or activity was conceived.
- 1.2 As a general rule, the remuneration for overtime services shall be through Compensatory Time-off (CTO) and overtime pay may be authorized only in exceptional cases when the application of CTO for all overtime hours would adversely affect the operations of the agency. Needless to state, with the advent of judicial reforms, particularly the

implementation of the guidelines for continuous trial, availment of CTOs in lieu of overtime pay may adversely hamper the operations of the court as well as the administration of justice.

2. Specific Purpose

2.1 These guidelines shall be the basis for the payment of authorized overtime services, in addition to availment of CTO, for personnel in the first- and second-level courts who render overtime services in the conduct of continuous trial.

3. Coverage

3.1 These guidelines shall apply to employees of the first- and second-level courts with salary grade not higher than SG-25, whether permanent, temporary, coterminous or casual. Those hired through a "*Contract of Service*"² are expressly excluded from the coverage of these guidelines.

3.2 However, to ensure productivity and compliance with the guidelines on continuous trial, contractual Court Stenographers³ shall also be properly compensated for the authorized overtime services they will render in the conduct of continuous trial, by way of an expense allowance at a fixed hourly rate. The expense allowance is intended to cover their "***expense and meal allowances***" as a means to compensate the authorized overtime services they will render.

3.3 Court personnel designated as security escorts of judges who are already paid compensatory overtime pay are excluded from the coverage.

4. Activities for which Overtime Pay may be Granted:

4.1 In cases where trial continues beyond regular office hours, or after 4:30 P.M (in the National Capital Judicial Region) or 5:00 P.M. (outside the National Capital Judicial Region), to comply with the guidelines on continuous trial.

All other authorized overtime services that are rendered by the personnel and officers of the first- and second-level courts shall be governed by the provisions on Non-Compensatory Overtime Service under Administrative Circular No. 25-2012.

² As defined under Item No. 5.1 of CSC-COA-DBM Joint Circular No. 1, s. 2017, Contract of Service refers to the engagement of the services of an individual, among others, to undertake special project or job within a specified period.

³ The services of the workers hired under a "contract of service" are not creditable as government service; and hence, they are not entitled to the benefits enjoyed by government employees, such as leave and overtime pay.

5. Request for Authority to Render Compensatory Overtime Services

5.1 All requests for compensatory overtime service shall be made by the Presiding Judge and must be submitted to and approved by the Executive Judge before actual service of overtime is rendered.

In the case of a single-sala court, the request shall be submitted to the Deputy Court Administrator who has supervision over the area, thirty (30) days before the actual service of overtime, for the approval thereof.

5.2 The request for compensatory overtime service shall state therein the following:

- a. Purpose for which overtime will be rendered
- b. Tasks to be completed
- c. Period of time during which compensatory overtime services will be rendered;
- d. List of employees who will render overtime work with their corresponding work assignment and responsibilities.

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

6. Who Shall be Allowed to Render Compensatory Overtime Services

1. Branch Clerk of Court or Legal Researcher
2. Court Stenographer, including those hired under a "Contract of Service"
3. Court Interpreter
4. Clerk-in-Charge of criminal cases
5. Process Server or Utility Worker

7. Limitations on Compensatory Overtime Services and Overtime Pay

7.1 Only employees who arrive on or before the start of the workday shall be allowed to render overtime work with pay. Hence, the employees who report late for work on a particular day shall not be allowed to render overtime service on that day. The period of overtime services shall not be used to offset undertime.

7.2 Employees who are on flexible time schedule are not qualified to render compensatory overtime services.

7.3 Employees are only allowed to render overtime service from Monday to Thursday, in accordance with the schedule of continuous trial.

- 7.4 Compensatory overtime services shall start at 5:00 P.M. for the NCJR courts and 5:30 P.M. for courts outside the NCJR, and shall not exceed three (3) hours of that particular day.
- 7.5 Overtime service rendered for less than one (1) hour is not compensable.
- 7.6 The total Compensatory Overtime Pay of an employee in a year shall not exceed 50% of his/her total basic salary for the year. 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. (Paragraph 10.6 of the CSC-DBM Joint Circular No. 1, series of 2015)
- 7.7 The total amount of Compensatory Overtime Pay to be paid shall not exceed 5% of the Court's total Personnel Services (PS) Budget for a given year. (Paragraph 10.7 of the CSC-DBM Joint Circular No. 1, series of 2015)

8. Reportorial Requirements

- 8.1 At the end of every pay period, no overtime pay shall be processed unless the following documents are submitted to the Office of Administrative Service of the Office of the Court Administrator (OAS-OCA) to support the payroll:
- a. Authority to Render Overtime Services as approved by the Executive Judge;
 - b. Detailed Accomplishment Report, *i.e.* extent/scope of the work that has been completed, duly noted by the Presiding Judge;
 - c. Daily Time Record indicating the actual time of arrival and departure for regular office hours and for overtime work; and
 - d. Proof of submission of periodic reports as required by the Revised Guidelines for Continuous Trial of Criminal Cases.

9. Computation of Overtime Pay

The rate of overtime pay shall be in accordance with the provisions of the CSC-DBM Joint Circular No. 1, series of 2015, summarized as follows:

Hourly rate shall be computed using the following formula:

$$\text{Hourly Rate} = \frac{\text{Actual Salary per Month}}{22 \text{ Working days} \times 8 \text{ Work Hours}}$$

Overtime Pay shall be computed as follows:

- A. For ordinary working days: 125% of the Hourly Rate
OT Pay = 1.25 x HR x Number of Hours Rendered

10. Computation of Expense Allowance for Contractual Court Stenographers

A Contractual Court Stenographer who is authorized to render overtime services in the conduct of continuous trial shall be compensated by way of an expense allowance at a fixed hourly rate of Seventy-Five Pesos (P75.00), subject to the same conditions and limitations in the entitlement of compensatory overtime pay, and reportorial requirements to be submitted to the Office of Administrative Services, Office of the Court Administrator (OAS-OCA) to support the payroll.

11. Funding Source

The funding source for overtime services shall come from the Lower Court appropriations, subject to availability of funds.

12. Miscellaneous Provisions

The Executive Judge, Presiding Judge, or Branch Clerk of Court, together with the Financial Management Office and OAS-OCA, shall be responsible for the proper implementation of the provisions of these guidelines and to ensure that the same will not be misused or abused.

These guidelines are aimed at supplementing Administrative Circular No. 25-2012 to entitle the authorized personnel of the courts of the first-level and second-level courts to receive compensatory overtime pay.

For your information, guidance and strict compliance.

21 September 2018


JOSE MIDAS P. MARQUEZ
Court Administrator