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REPUBLIC OF THE PHILIPPINES)
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SENATE

RECEIVED BY: 

P. S. RES. NO. 202

Introduced by Senator Antonio "Sonny" F. Trillanes IV

RESOLUTION

DIRECTING THE COMMITTEE ON CIVIL SERVICE, GOVERNMENT REORGANIZATION AND PROFESSIONAL REGULATION TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE ALLEGED WIDESPREAD PRACTICE OF HIRING TENS OF THOUSANDS OF CONTRACTUAL AND JOB-ORDER EMPLOYEES AND OTHER IRREGULARITIES COMMITTED BY VARIOUS AGENCIES AND INSTRUMENTALITIES OF GOVERNMENT AS WELL AS LOCAL GOVERNMENT UNITS (LGUS), WITH THE END IN VIEW OF ENACTING REMEDIAL LEGISLATION FOR THE CIVIL SERVICE COMMISSION TO FORMULATE GUIDELINES FOR THE HIRING OF CONTRACTUAL AND JOB ORDER PERSONNEL IN THE GOVERNMENT AND ENSURING THE PROTECTION OF THE RIGHTS AND INTEREST OF THE AFFECTED EMPLOYEES

WHEREAS, Article IX, Section 3 of the 1987 Constitution states that, the Civil Service Commission (CSC), as the central personnel agency of the Government, shall establish career service and adopt measures to promote morale, efficiency, integrity, responsiveness, and courtesy in the civil service;

WHEREAS, the same provision states that the CSC, shall strengthen the merit and reward system, integrate all human resources development programs for all levels and ranks, and institutionalize a management climate conducive public accountability;

WHEREAS, Article IX-B, Section 2 (1) of the 1987 Constitution, provides that the Civil Service embraces all branches, subdivisions, instrumentalities and agencies of the Government, including government-owned or controlled corporations with original charters;

WHEREAS, Section 12 (3), Chapter 3, Title I (A), Book V of the Administrative Code of 1987 provides that the Commission shall promulgate policies, standards and guidelines for the Civil Service and adopt plans and programs to promote economical, efficient and effective personnel administration in the government;

WHEREAS, Section 12 (14), Chapter 3, Title I (A), Book V of the Administrative Code of 1987 provides that the Commission shall take appropriate action on all appointments and other personnel matters in the Civil Service;

piecemeal basis and hired through job orders for local projects authorized by the Sanggunian concerned, *without need of approval or attestation by the Civil Service Commission*;

WHEREAS, Section 1, Rule XI of the Revised Omnibus Rules on Appointments and other Personnel Actions, CSC Memorandum Circular No. 40, series of 1998, as amended by CSC Memorandum Circular No. 15, series of 1999, provides that *contracts of services need not be submitted to the Commission* as services rendered thereunder are not considered government service;

WHEREAS, upon receiving reports that the practice of hiring personnel under contracts of services and job orders entered into between government agencies and individuals has been used to circumvent Civil Service rules and regulations particularly its mandate on merit and fitness in public service, the Commission created CSC Resolution No. 02-0790;¹

WHEREAS, CSC Resolution No. 02-0790 dated June 5, 2002 and circularized in Memorandum Circular No. 17 s. 2002 or the Policy Guidelines for Contract of Services was promulgated to provide guidelines for all agencies of the government in formulating its contracts of service and job orders so that the same will be consistent with the precepts of contracts of service and job orders and the constitutional mandate of merit and fitness in the government;²

WHEREAS, through the same resolution, the Civil Service Commission Regional Office (CSCRO) is tasked merely to review the provisions of the contract or job order and if applicable, direct the agency concerned to delete the prohibited stipulations or make revisions thereto;³

WHEREAS, clearly, as of this time, there is very little or no regulation in the hiring of job orders and contractual employees of the Government;

WHEREAS, because of the widespread and unabated practice of hiring job order and contractual employees in National Government Agencies and instrumentalities, as well as by Local Government Units (LGUs), the number of such employees is currently estimated to be in the hundreds of thousands and could run into millions. In one published report, the Department of Local Government (DILG) and the Department of Social Welfare and Development (DSWD) admitted that they have around 100,000 and 12,000 job order and contractual hires, respectively.⁴ In another report, a single city, Davao City, was reported to have more than 11,000 contractual employees.⁵ Other large cities like Quezon City, Manila and Makati are also known to have several thousands of casual, contractual and job order employees.

WHEREAS, to address this anomalous situation and prevent similar conditions from persisting in the Government, to ensure that merit and fitness are still the primary consideration

¹ CSC Resolution 02-0790 under Memorandum Circular No. 17, s. 2002. Retrieved from the CSC website: <http://www.csc.gov.ph/phocadownload/userupload/itduser/res-020790.html.pdf>

² CSC Resolution 02-1480. Retrieved from <http://www.csc.gov.ph/phocadownload/userupload/itduser/res-020480.html.pdf>

³ *Ibid.*

⁴ Job Order, contractual workers of DILG, DSWD to get SSS benefits, by Zinia Dela Peña; PhilStar Online – 27 April 2014; Accessed on 14 October 2016; Website: <http://www.philstar.com/headlines/2014/04/27/1316588/job-order-contractual-workers-dilg-dswd-get-sss-benefits>

⁵ COA questions 11,000 contractual workers. June 2015. Rappler.com. Retrieved from <http://www.rappler.com/nation/96573-coa-report-duterte-contractual-employees>

in the employment of service, and to avoid having any doubts on the validity, regularity and necessity of hiring employees under contract of service and job orders, there is an immediate need to investigate this widespread and unabated practice of hiring of contractual and job order employees in National Government Agencies and instrumentalities as well as in LGUs, and formulate remedial legislation to protect the rights and interest of the workers affected thereby.

NOW THEREFORE, BE IT HEREBY RESOLVED, as it is hereby resolved by the *Philippines Senate*, to direct the Committee on Civil Service, Government Reorganization and Professional Regulation of the Senate to conduct an inquiry, in aid of legislation, on the alleged widespread and unabated practice of hiring of hundreds of thousands, if not millions, of contractual and job order employees in National Government Agencies and instrumentalities and Local Government Units, with the end in view of enacting remedial legislation to protect the rights and interest of the workers affected thereby.

Adopted,


ANTONIO "SONNY" F. TRILLANES IV
Senator