

'19 JUL -4 A9:31

SENATE
S. B. No. 235

RECEIVED



INTRODUCED BY SENATOR RONALD "BATO" DELA ROSA

**AN ACT
PROVIDING FOR SECURITY OF TENURE FOR ALL CASUAL AND
CONTRACTUAL EMPLOYEE OF THE GOVERNMENT WHO HAVE RENDERED
THE PRESCRIBED YEARS OF SERVICE IN THE NATIONAL GOVERNMENT
AND THE LOCAL GOVERNMENT UNITS, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

The 1987 Philippine Constitution, Article XIII, Section 3 thereof, states that:

"The State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all. xxx"

Under Joint Circular No. 1, s. 2017, all heads of Constitutional bodies, National Government Agencies, Government-owned or Controlled Corporations with original charters, State Universities and Colleges may avail of outsources services through institutional and individual contract of service and job order. Because of this, the government is now known to be the biggest endo employer because of a number of temporary and contractual state workers.

As reported out by the Civil Service Commission in 2017, more than twenty-seven per cent of the 2.4 million government workers equivalent to 660,390 are considered as job-order (JO) or contract of service (COS) employees.

The bill provides for the security of tenure for all casual and contractual employees of government who have rendered at least five (5) years of continuous service in the case of national government agencies or a total of ten (10) years of continuous service in the case of local government units.

It is the intention of this proposed legislation to grant permanent and regular employment to the thousands of personnel who are eligible and have rendered years of sweat and blood in the government service. This is in honor to the many hardworking government employees who have carried out the tasks desirable, necessary and in the service of the Filipino people. The bill was co-sponsored by Senator Joseph Victor Ejercito in the seventeenth Congress.

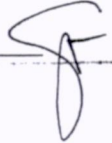
In view of the foregoing, approval of this bill is earnestly sought.


RONALD "BATO" DELA ROSA

'19 JUL -4 A9:31

SENATE
S. B. No. 235

RECEIVED



INTRODUCED BY SENATOR RONALD "BATO" DELA ROSA

AN ACT
PROVIDING FOR SECURITY OF TENURE FOR ALL CASUAL AND CONTRACTUAL EMPLOYEE OF THE GOVERNMENT WHO HAVE RENDERED THE PRESCRIBED YEARS OF SERVICE IN THE NATIONAL GOVERNMENT AND THE LOCAL GOVERNMENT UNITS, AND FOR OTHER PURPOSES

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

1 **SEC. 1.** *Declaration of Policy.* - The State shall harness its human resources to cope
2 with the rapid economic development and population growth. Government workers,
3 being very important components of the State's human resources, shall be given the
4 equal opportunity to quality education, justice and security of tenure.

5
6 **SEC. 2.** - *Security of tenure for long-time casual and contractual employees; Coverage*
7 - Subject to the provisions of the Constitution and applicable civil service laws, rules
8 and regulations, it is hereby mandated that the all incumbent casual and contractual
9 government employees who have rendered at least five (5) years of continuous service
10 in the case of national government agencies or a total of ten (10) years of continuous
11 service in the case of local government units as of the date of the approval of this Act
12 shall be entitled to security of tenure: Provided, That said requirement of continuous
13 service may be waived if the service of the official/employee concerned prior to the
14 completion of the said years, was interrupted by not more than three (3) years, taken
15 cumulatively, due to either abolition of his position, reorganization of the office
16 wherein he was phased out, or reduction in force: Provided, further, That in the case

1 of officials/employees who have been previously employed in the same government
2 agency in any capacity, the said requirement of continuous service may likewise be
3 waived if the interruption of their service is not more than eighteen (18) months, taken
4 cumulatively, so long as the minimum required period is met.

5
6 **SEC. 3. *Status of covered employees and affected positions*** - All of the positions
7 affected by this Act currently held by the covered employees shall be deemed
8 necessary and/or desirable for the efficient operation of the government and shall be
9 marked as co-terminus with the incumbent. All covered employees may not be
10 separated or terminated from the said positions except for just or lawful cause and
11 with due process of law nor can their positions be abolished except when the same
12 are vacated by their incumbents.

13
14 **SEC. 4. *Implementing Rules and Regulations*** - The Civil Service Commission, in
15 consultation with the Department of Budget and Management, shall issue the rules
16 and regulation necessary to implement the provisions of this Act. Said implementing
17 rules and regulations shall be promulgated within ninety (90) days after the approval
18 of this Act.

19
20 **SEC. 5. *Penal Provisions*** - Any government employee who shall apply for entitlement
21 to security of tenure under the provisions of this Act on the basis of false claims and/or
22 documents as well as any government officer or employee who will make or issue
23 false certifications, attestations, endorsements and/or spurious documents in relation
24 to any such application shall suffer the penalty of imprisonment of one (1) to three
25 (3) years or a fine in amount up to one hundred thousand pesos (P100,000.00) or
26 both, at the discretion of the judge, in addition to perpetual disqualification from public
27 office. Said employees may also be administratively charged under existing civil service
28 laws, rules and regulations.

29
30 **SEC. 6. *Separability Clause***. - If any provision of this Act is held as invalid or
31 unconstitutional, the remaining provisions of this Act not otherwise affected shall
32 remain valid and subsisting.

1

2 **SEC. 7. *Repealing Clause.*** - All laws, decrees, executive orders, department or
3 memorandum orders and other administrative issuance or parts thereof which are
4 inconsistent with the provisions of this Act are hereby modified, superseded or
5 repealed accordingly.

6

7 **SEC. 8. *Effectivity Clause.*** - This Act shall take effect fifteen (15) days after its
8 publication in at least two (2) newspapers of general circulation.

Approved,