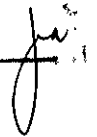




SIXTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

'13 JUL -1 P3:44

SENATE

RECEIVED BY: 

S. No. 161

Introduced by Sen. Antonio "Sonny" F. Trillanes IV

Explanatory Note

Section 3 of Article XIII of the 1987 Constitution expressly provides:

"Section 3. 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.

"It shall guarantee the rights of all workers to self-organization, collective bargaining and negotiations, and peaceful concerted activities, including the right to strike in accordance with law. They shall be entitled to security of tenure, humane conditions of work, and a living wage. They shall also participate in policy and decision-making processes affecting their rights and benefits as may be provided by law."

Casual and contractual employees who have rendered many years of continuous service to the Government and the public are entitled to security of tenure, a right which is not only part of our labor statutes and jurisprudence but which is inscribed in the fundamental law itself, the 1987 Constitution. The fact that the government has created casual and contractual positions and keeps appointing people to the said positions year after year proves that the said positions are clearly necessary or desirable to the orderly and efficient operation of the concerned agencies; *and*, the fact that these agencies keep appointing the same individuals to these casual or contractual positions year after year necessarily implies that, at the very least, the said employees meet the minimum qualification standards for the said positions and are able to effectively perform the functions of the said positions.

Thus, the passage of this bill would merely institutionalize the right to security of tenure of casual and contractual employees of the government who have served for substantial periods of time, as provided in the 1987 Constitution.

In view of the foregoing, the passage of this measure is earnestly sought.


ANTONIO "SONNY" F. TRILLANES IV
Senator

SIXTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



'13 JUL -1 P3 :44

SENATE

S. No. **161**

RECEIVED BY: *ja*

Introduced by Sen. Antonio "Sonny" F. Trillanes IV

AN ACT
PROVIDING FOR SECURITY OF TENURE FOR ALL CASUAL AND CONTRACTUAL EMPLOYEES OF THE GOVERNMENT WHO HAVE RENDERED THE PRESCRIBED YEARS OF SERVICE IN THE NATIONAL GOVERNMENT AGENCIES 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 **SECTION 1. Declaration of Policy.**- The State shall harness its human resources to cope with
2 the rapid economic development and population growth. Government workers, being very
3 important components of the State's human resources, shall be given the equal opportunity to
4 quality education, justice and security of tenure.

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

1 waived if the interruption of their service is not more than eighteen (18) months, taken
2 cumulatively, so long as the minimum required period is met.

3

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

10

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

15

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

24

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

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

4
5 **SEC. 8. *Effectivity Clause.*** - This Act shall take effect fifteen (15) days after its
6 publication in at least two (2) newspapers of general circulation.

Approved,