

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



Senate
Office of the Secretary

'16 OCT 10 P2:53

SENATE
SENATE BILL NO. 1193

RECEIVED

BY: 

Introduced By Senator Joseph Victor G. Ejercito

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

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

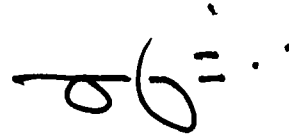
It has been claimed that the government is the biggest endo employer. We have an enormous number of temporary state workers or contractual workers. According to the report of the Civil Service Commission in 2010, there are 131,193 positions out of the 1.26 government workforce. This accounts to more than one tenth or 10.4% of the labor pool of the government. The various temporary workers in the government are in the form of "job order", "emergency hiring", and "Memorandum of Agreement" among others.

We cannot force the private sector to end the practice of contractualization, "endo" or "5-5-5" if the government cannot clean its own background.

Hence, the proposed legislation aims to make it accessible to the large number of casuals and contractuels the right to security of tenure as enshrined in the Constitution. It is the intention of the bill to grant permanent and regular

employment to the thousands of personnel who are eligible and have rendered years of desirable and necessary work in government service.


Hence, the passage of this bill is earnestly.

A handwritten signature in black ink, appearing to read 'J. V. Ejercito', with a horizontal line extending to the left of the first letter.

JOSEPH VICTOR G. EJERCITO

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*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
3 workers, being very important components of the State's human resources, shall be
4 given the equal opportunity to quality education, justice and security of tenure.

5

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

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

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

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

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

30

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

4

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

9

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

12

13 *Approved,*