


'19 JUL 24 A9 :49

SENATE

S. B. NO. 709

RECEIVED 

Introduced by **SENATOR JOEL VILLANUEVA**

**AN ACT
PROVIDING FOR A PERMANENT APPOINTMENT TO ALL
CASUAL AND CONTRACTUAL EMPLOYEES OF THE
GOVERNMENT WHO HAVE RENDERED THE PRESCRIBED
YEARS OF SERVICE AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

The 1987 Constitution explicitly provides that workers shall be entitled to security of tenure, humane conditions of work, and a living wage (Article XIII, Section 3). This is a fundamental right guaranteed by the 1987 Constitution for all workers.

Despite this constitutional guarantee, the right to security of tenure is one that has yet to be fully realized by all Filipino workers. With regard the workers in the private sector, the Senate, during the Seventeenth Congress, passed the landmark bill strengthening the protection of workers in the private sector to security of tenure.

Meanwhile, previous bills on strengthening protection to public sector workers have not achieved the same success. According to the Civil Service Commission (CSC), more than 27% of the 2.4 million government workers, or 660,390, were "job order" (JO) or "contract of service" (COS) employees.¹

In order to address this, the Commission on Audit, CSC and the Department of Budget and Management issued Joint Administrative Order (JAO) No. 1, Series of 2017, as amended by JAO No. 1, Series of 2018, which regulates the hiring of workers hired under the category of "job orders"

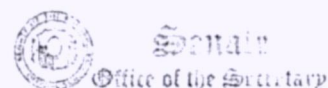
¹ 2018, July 17. "More contractual workers in gov't." Retrieved from: <https://newsinfo.inquirer.net/1010972/more-contractual-workers-in-govt> (date last accessed: July 11, 2019).

and "contracts of service," and allows agencies to renew existing contracts until December 31, 2020. It further provides that existing qualified contract of service and job order workers must be considered for appointment by the government agencies to their vacant positions subject to existing Civil Service Laws and rules and agency CSC-approved Merit Selection Plan.

Despite these efforts, however, a considerable number of workers in the government still experience "endo" and the Constitutional guarantee to security of tenure remains elusive to them. This bill seeks to address this issue by ensuring that casual and contractual employees of the government who have rendered exemplary service are given security of tenure. Under this bill, all incumbent casual and contractual government employees who have rendered at least five (5) years of exemplary and continuous service in the national government and six (6) years of service in the case of local government units, shall be entitled to permanent appointment, subject to the requirements of the Constitution, relevant civil service laws and the Merit Selection Plan of the concerned agency.

The immediate passage of this bill is earnestly sought.


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

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

6

7 **SEC 2. Permanent Appointment for Long-Time Casual and Contractual**
8 **Employees of National Government Agencies and Local Government Units.** –
9 Subject to the provisions of the Constitution and applicable civil service laws, rules
10 and regulations and the provisions of this Act, all incumbent casual and contractual
11 government employees who have rendered at least five (5) years of continuous,
12 exemplary and outstanding service in the case of national government agencies, or
13 a total of six (6) years of continuous, exemplary and outstanding service in the case
14 of local government units as of the date of the approval of this Act shall be entitled
15 to security of tenure.

16

17 **SEC. 3. Computation of Length of Service.** – The requirement of continuous
18 service may be waived if the service of the official/ employee concerned prior to the
19 completion of the said years was interrupted by not more than two (2) years, taken
20 cumulatively, due to either abolition of his position, reorganization of the office
21 wherein he was phased out, or reduction in force: *Provided further*, that in the case
22 of officials/employees who have been previously employed in the same government
23 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 six (6) months, taken
2 cumulatively, so long as the minimum required period is met.

3

4 **SEC. 4. Selection Process of Casual and Contractual Employees.** – Casual
5 and contractual employees who meet the requisite length of service shall undergo
6 the screening process as prescribed in the Merit Selection Plan of the agency or as
7 determined by the pertinent selection board or hiring authority.

8

9 **SEC. 5. Security of Tenure of Covered Employees and Affected Positions.** –
10 All covered employees may not be separated or terminated from the said positions
11 except for just or lawful cause as contained in the applicable civil service laws and
12 issuances, and with due process of law, nor can their positions be abolished except
13 when the same is vacated by their incumbents or due to a *bona fide* rationalization
14 plan; *Provided*, That nothing herein shall prevent the concerned national
15 government agency or local government unit from assigning or transferring its
16 employees, or otherwise decide on personnel movement and other actions.

17

18 **SEC. 6. Implementing Rules and Regulations.** – The Civil Service Commission,
19 in consultation with the Department of Budget and Management and other relevant
20 stakeholders, shall issue the rules and regulations necessary to implement the
21 provisions of this Act within ninety (90) days from the approval of this Act.

22

23 **SEC. 7. Penal Provisions.** – Any government employee who shall apply for
24 entitlement to security of tenure under the provisions of this Act on the basis of false
25 claims and/or documents, and any government officer or employee who shall make
26 or issue false certifications, attestations, endorsements and/or spurious documents
27 in relation to any such application shall suffer the penalty of imprisonment of one (1)
28 year to three (3) years or a fine of up to One Hundred Thousand Pesos
29 (Php100,000.00) or both, at the discretion of the court, without prejudice to any
30 criminal, civil or administrative action that may be filed against him/her. The
31 concerned government employee shall also suffer the accessory penalty of absolute
32 perpetual disqualification from public office.

33

34 **SEC. 8. Separability Clause.** – If any provision of this Act is held invalid or
35 unconstitutional, the remaining provision of this Act not otherwise affected shall
36 remain valid and subsisting.

37

38 **SEC. 9. Repealing Clause.** – All laws, decrees, executive orders, department or
39 memorandum orders and other administrative issuance or parts thereof which are
40 inconsistent with the provisions of this Act are hereby modified, superseded or
41 repealed accordingly.

42

43 **SEC. 10. Effectivity Clause.** This Act shall take effect fifteen (15) days after its
44 publication in the Official Gazette or in at least two (2) newspapers of general
45 circulation.

46

47 **Approved,**