

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

52

House Bill No. _____



Introduced by MAGDALO Party-List Representative
HON. MANUEL DG. CABOCHAN III

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.


MANUEL DG. CABOCHAN III
Representative
Magdalo Para sa Pilipino Party-List

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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
2 cope 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 equal
4 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 laws,
8 rules 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 in the
10 case of national government agencies or a total of ten (10) years of continuous service in the
11 case of local government units as of the date of the approval of this Act shall be entitled to
12 security of tenure: Provided, That said requirement of continuous service may be waived if
13 the service of the official/employee concerned prior to the completion of the said years, was
14 interrupted by not more than three (3) years, taken cumulatively, due to either abolition of his
15 position, reorganization of the office wherein he was phased out, or reduction in force:
16 Provided, further, That in the case of officials/employees who have been previously
17 employed in the same government agency in any capacity, the said requirement of continuous
18 service may likewise be waived if the interruption of their service is not more than eighteen
19 (18) months, taken cumulatively, so long as the minimum required period is met.

20
21 **SEC. 3. *Status of covered employees and affected positions.*** - All of the positions
22 affected by this Act currently held by the covered employees shall be deemed necessary
23 and/or desirable for the efficient operation of the government and shall be marked as co-
24 terminus with the incumbent. All covered employees may not be separated or terminated
25 from the said positions except for just or lawful cause and with due process of law nor can
26 their positions be abolished except when the same are vacated by their incumbents.

1 **SEC. 4. *Implementing Rules and Regulations.*** - The Civil Service Commission, in
2 consultation with the Department of Budget and Management, shall issue the rules and
3 regulation necessary to implement the provisions of this Act. Said implementing rules and
4 regulations shall be promulgated within ninety (90) days after the approval of this Act.
5

6 **SEC. 5. *Penal Provisions.*** - Any government employee who shall apply for
7 entitlement to security of tenure under the provisions of this Act on the basis of false claims
8 and/or documents as well as any government officer or employee who will make or issue
9 false certifications, attestations, endorsements and/or spurious documents in relation to any
10 such application shall suffer the penalty of imprisonment of one (1) to three (3) years or a
11 fine in amount up to one hundred thousand pesos (P100,000.00) or both, at the discretion of
12 the judge, in addition to perpetual disqualification from public office. Said employees may
13 also be administratively charged under existing civil service laws, rules and regulations.
14

15 **SEC. 6. *Separability Clause.*** - If any provision of this Act is held as invalid or
16 unconstitutional, the remaining provisions of this Act not otherwise affected shall remain
17 valid and subsisting.
18

19 **SEC. 7. *Repealing Clause.*** - All laws, decrees, executive orders, department or
20 memorandum orders and other administrative issuance or parts thereof which are inconsistent
21 with the provisions of this Act are hereby modified, superseded or repealed accordingly.
22

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

Approved,