

Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
First Regular Session

House Bill Number **2988**

HOUSE OF REPRESENTATIVES

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Introduced by Representative ROLANDO G. ANDAYA, JR.

EXPLANATORY NOTE

The 1987 Constitution guarantees full protection of workers' rights, affording them security of tenure, humane work conditions and a living wage. The State also guarantees full employment and equality of employment opportunities for all.

Despite these Constitutional guarantees, the government has not been sincere in its commitment to protect workers' rights. Being the biggest employer, the government hires the largest number of personnel who do not have security of tenure. As of 2016, there are almost 130,000 casual and contractual employees in the government which make almost 10% of the entire bureaucracy. Some of these public servants have rendered service for most of their lives but are not entitled to benefits and privileges such as those accorded to career employees.

The mere fact that these same personnel are being appointed to the same positions year after year only means that they possess the minimum qualifications required of their jobs, and more importantly, their services are necessary to the efficient operation of the agencies they work for.

This is an injustice to State workers that should be corrected without delay. Immediate approval of this measure is requested.


ROLANDO G. ANDAYA, JR.

Republic of the Philippines
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SEVENTEENTH CONGRESS
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House Bill Number 2988

Introduced by Representative ROLANDO G. ANDAYA, JR.

**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:

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

SEC. 2. Security of Tenure for Long-Time Casual and Contractual Employees Coverage. – Subject to the provisions of the Constitution and applicable civil service laws, rules and regulations, it is hereby mandated that all incumbent casual and contractual government employees 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 as of the date of the approval of this Act shall be entitled to security of tenure: Provided, that said requirement of continuous service may be waived if the service of the officials/employees concerned prior to the completion of the said years, was interrupted by not more than three (3) years, taken cumulatively, due to either abolition of their positions, reorganization of the office wherein they were phased out, or due to reduction in force: Provided, further, That in the case of officials/employees who have been previously employed in the same government agency in any capacity, the said requirement of continuous service may likewise be waived if the

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

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

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

SEC. 5. Penal Provisions. – Any government employee who shall apply for entitlement to security of tenure under the provisions of this Act on the basis of false claims and/or documents, as well as any government officer or employee who will make or issue false certifications, attestations, endorsements and/or spurious documents in relation to any such application shall suffer the penalty of imprisonment of one (1) to three (3) years or a fine in amount up to One Hundred Thousand Pesos (₱100,000.00) or both, at the discretion of the judge, in addition to perpetual disqualification from public service. Said employees may also be administratively charged under existing civil service laws, rules and regulations.

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

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

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

Approved,