

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Philippines

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1398



INTRODUCED BY REPRESENTATIVE ALFRED VARGAS

EXPLANATORY NOTE

The Constitution guarantees to promote a just and dynamic social order free from poverty through policies that promote full employment geared towards a rising standard of living and an improved quality of life for all¹. As a matter of fact, the Constitution also recognizes temporary employees of the government as part of the Civil Service and the same shall also be accorded with protection as may be provided for by law².

At present, non-regular employees (a.k.a. job order personnel) are not covered by Civil Service Regulations³ since the services they render are not considered part of government service. Also, most, if not all, of the non-regular employees in the government do not enjoy an employee-employer relationship which excludes them from being covered by the Labor Code. These reasons, in effect, put the non-regular personnel in a limbo -an arena where exploitation is at hand. In fact, it is only the Commission on Audit who looks at the terms and conditions of the contracts entered into by the government and the employee. A common practice in the government is that non-regular employees get a heavier workload as compared to those who have plantilla items -probably because the regulars enjoy a security of tenure and is made to believe that working for the government is characterized with laid-back-ness and mediocrity. To quote one of the many job order personnel that we have interviewed informally:

"Masaya po kami na meron kaming trabaho, ngunit sana naman po ay bigyan din kami ng konting atensyon ng pamahalaan. Alam naman po natin na mas marami tala-gang trabaho ang ibinibigay saamin kasi mga baguhan daw kami. Katunayan, mas mabuti pa po ang mga empleyado ng [mga malls], mayroon silang mga SSS at iba pang benepisyo. Kami ho na nasa gobyerno, wa/a po kaming mga ganun."

¹ Section 9, Article II of the 1987 Philippine Constitution

² Section 2, Article IX-8 of the 1987 Philippine Constitution

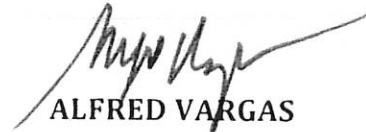
³ Job Order employees not covered by CSC regulations, 2012. Available from:

<<http://www.sunstar.com.ph/pampanga/local-news/2012/12/13/job-order-employees-not-covered-csc-regulations-258052>>. [11 December 2013]

As the largest employer in the country, the government should take the lead in ensuring that its employees are well taken care of and protected from possible exploitation.

The aim of this bill is to address the needs of the non-reg-ular employees in the government. We may not be able to provide them with permanent jobs at this time but by giving them what is due, we can encourage more bright and young minds to (continue to) work for and with the government.

As this is a pressing social contemporary issue, the speedy passage of this bill is earnestly sought.



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**AN ACT GRANTING BENEFITS TO NON-REGULAR EMPLOYEES OF THE
GOVERNMENT, AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 8291,
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. - It is a policy of the State to promote a just and dynamic social order free from poverty through policies that promote full employment geared towards a rising standard of living and an improved quality of life for all.

It is also a policy of the State to protect temporary employees of the government from any form of exploitation.

Section 2. Definition of Terms. - For purposes of this Act, the following terms are hereby defined:

- a) Employer refers to any of the branches, subdivisions, instrumentalities, and agencies of the Government, including local government units and government-owned or controlled corporations with original charters.
- b) Non-regular employee refers to any person directly receiving compensation from an employer as a result of rendering services on official time, including those without employee-employer relationships
- c) Multi-purpose leave refers to a day off a regular schedule of work; this has a monetary value of an employee's daily computation of his/her salary
- d) Wage refers to the daily computation of a non-regular employee's monthly salary. The following shall be the formula to be used in determining the wage:

$$\frac{(\text{monthly salary})}{22\text{days}} = \text{Daily Wage}$$

Section 3. Coverage. - This Act shall cover all the branches, subdivisions, instrumentalities, and agencies of the Government, including local government units and government-owned or controlled corporations with original charters.

Section 4. The following benefits shall be granted to all non-regular employees of the Government:

1. Right to holiday pay. Every non-regular employee shall be paid his/her regular daily wage computation during regular and special holidays: the employer may require an employee to work on any holiday but such employee shall be paid a compensation equivalent to 200% of his regular daily wage rate on regular holidays and 150% on special holidays;
2. Right to 13th month pay. Every non-regular employee shall be entitled to the annual 13th-month pay.
3. Right to multi-purpose leave credits. A non-regular employee shall be entitled to avail of a non-cumulative multi-purpose leave credits of ten (10) days per year. Monetization of these non-cumulative leave credits shall be allowed at the end of each fiscal year, subject to availability of funds/savings of the agency.
4. Right to membership to the National Health Insurance Program (NHIP). All non-regular employees shall be automatic members of the NHIP through the Philippine Health Insurance Corporation and shall be subject to compliance with R. A. 9679.
5. Right to membership to the Home Development Mutual Fund (HDMF)/Pag-IBIG Fund. All non-regular employees shall be automatic members of the HDMF/Pag-IBIG Fund and shall be subject to compliance with R. A. 7432, as amended.
6. Right to membership to the Government Service Insurance System (GSIS). All non-regular employees shall be automatic members of the GSIS and shall be subject to compliance with R. A. 7432, as amended.

Section 5. For purposes of item number 6 of the preceding Section, Paragraph 1 Section 3 of R. A. 8291 is hereby amended to read as follows:

"SECTION 3. Compulsory Membership. - Membership in the GSIS shall be compulsory for all employees receiving compensation who have not reached the compulsory retirement age, irrespective of employment status INCLUDING CONTRACTUALS WHO HAVE NO EMPLOYEE-EMPLOYER RELATIONSHIP, except members of the Armed Forces of the Philippines and the Philippine National Police, subject to the condition that they must settle first their financial obligation with the GSIS[~~and contractuals who have no employer and employee relationship with the agencies they serve~~].

"XXX"

Section 6. Implementing Rules and Regulations. The Civil Service Commission and the Department of Budget and Management, in consultation with the Government Service Insurance System, the Home Development Mutual Fund, and the Philippine Health Insurance Corporation, shall issue within 120 days after the approval of this Act the necessary rules and regulations for the proper implementation of this Act.

Section 7. Separability Clause. If any provision of this Act shall be declared unconstitutional, the remainder of this Act shall remain in force.

Section 8. Repealing Clause. All laws, decrees and other issuances inconsistent with this Act is deemed repealed.

Section 9. Effectivity. This Act shall take effect thirty (30) days after its publication in the Official Gazette or two (2) newspapers of general circulation.

Approved,