

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4871



Introduced by **CONGRESSMAN 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 all. Furthermore, the Constitution accentuates the right of all workers to *security of tenure*, humane conditions of work, and a living wage.¹

Now that the State is pushing for the abolition of labor contractualization, it is essential for the Philippine government to lead and pave the way to institutionalize this change.

The Government is the largest employer in the country with over 2.3 million workers in its employ, 721, 282 or 31 percent of which comprises the casual, contractual and job order employees of the government.²

At present, non-regular employees are not covered by civil service regulations since the services they render are not considered part of the 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 make non-regular government personnel susceptible to exploitation and abuse.

This bill pushes for the regularization of all casual and contractual employees of the government who have rendered the prescribed years of service in both national and local government.

In view of the foregoing, the passage of this bill is earnestly sought.



ALFRED VARGAS

¹ Article XIII Section 3, 1987 Philippine Constitution

² Inventory of Government Human Resource System from the Civil Service Commission with Print Date: 18 July 2016.

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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:

SECTION 1. Declaration of Policy. - The State shall harness its human resources to cope with the 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 the 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 the said requirement of continuous service may be waived if the service of the official/employee concerned prior to the completion of the said years, was interrupted by not more than three (3) years, taken cumulatively, due to either the abolition of his position, reorganization of the office wherein he was phased out, or 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 incumbent. All covered employees may not be operated 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 vacant 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 (Php100,000.00) or both, at the discretion of the judge, in addition to perpetual disqualification from public office. Said employees may also be administratively charged under civil service laws, rules and regulations.

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

Sec. 7. Repealing Clause. - All laws, decrees, executive orders, rules and regulations or parts thereof contrary to, or inconsistent with this Act, are hereby modified 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,