

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

'22 JUL 12 P5:26

SENATE

RECEIVED BY: 

S. B. No. 435

INTRODUCED BY SENATOR RONALD "BATO" DELA ROSA

AN ACT
PROVIDING FOR SECURITY OF TENURE FOR ALL CASUAL AND CONTRACTUAL EMPLOYEE OF THE GOVERNMENT WHO HAVE RENDERED THE PRESCRIBED YEARS OF SERVICE IN THE NATIONAL GOVERNMENT AND THE LOCAL GOVERNMENT UNITS, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

The 1987 Philippine Constitution, Article XIII, Section 3 thereof, states that:

"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. xxx"

Joint Circular No. 1, s. 2017, or the Rules and Regulations Governing COS and JO Workers in the Government", as amended, authorizes all heads of Constitutional bodies, National Government Agencies, Government-owned or Controlled Corporations with original charters, State Universities and Colleges to outsource services through institutional and individual contract of service and job order. Given the imprimatur from the said joint circular, the number of temporary, Job Order (JO) and Contract of Service (COS) in the bureaucracy increased. The government is now known to be the biggest "endo employer".

In fact, as reported out by the Civil Service Commission in 2017, more than twenty-seven per cent (27%) of the 2.4 million government workers equivalent to

660,390 are considered as job-order (JO) or contract of service (COS) employees. This number of temporary workers in the government may now reach the million mark considering that based on the employment report of the Philippine Statistics Authority, there are already 4.1 million workers in the government as of April 2022.

In order to address the perpetual temporary status of our civil servants, the bill provides for the security of tenure for all casual and contractual employees of government 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.

The proposed legislation intends to grant permanent and regular employment to the thousands of personnel who are eligible and have rendered years of sweat and blood in the government service. This is in honor to the many hardworking government employees who have carried out the tasks desirable, necessary and in the service of the Filipino people.

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


RONALD "BATO" DELA ROSA

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



'22 JUL 12 P5:26

SENATE

RECEIVED BY

S. B. No. 435

INTRODUCED BY SENATOR RONALD "BATO" DELA ROSA

AN ACT
PROVIDING FOR SECURITY OF TENURE FOR ALL CASUAL AND CONTRACTUAL EMPLOYEE OF THE GOVERNMENT WHO HAVE RENDERED THE PRESCRIBED YEARS OF SERVICE IN THE NATIONAL GOVERNMENT 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. *Short Title.* – This Act shall be known as the "Security of Tenure for
2 Casual and Contractual Government Employee".

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

7 Sec. 3. *Security of Tenure for Long-time Casual and Contractual Employees;*
8 *Coverage* - Subject to the provisions of the Constitution and applicable civil service
9 laws, rules and regulations, it is hereby mandated that the all incumbent casual and
10 contractual government employees who have rendered at least five (5) years of
11 continuous service in the case of national government agencies or a total of ten (10)
12 years of continuous service in the case of local government units as of the date of the
13 approval of this Act shall be entitled to security of tenure: *Provided,* That said
14 requirement of continuous service may be waived if the service of the
15 official/employee concerned prior to the completion of the said years, was interrupted

1 by not more than three (3) years, taken cumulatively, due to either abolition of his
2 position, reorganization of the office wherein he was phased out, or reduction in force:
3 *Provided, further,* That in the case of officials/employees who have been previously
4 employed in the same government agency in any capacity, the said requirement of
5 continuous service may likewise be waived if the interruption of their service is not
6 more than eighteen (18) months, taken cumulatively, as long as the minimum required
7 period is met.

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

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

20 *Sec. 5. Penal Provisions.* - Any person who shall apply for entitlement to security
21 of tenure under the provisions of this Act on the basis of false claims or documents as
22 well as any government officer or employee who will make or issue false certifications,
23 attestations, endorsements or spurious documents in relation to any such application
24 shall suffer the penalty of imprisonment of one (1) to three (3) years or a fine in
25 amount up to one hundred thousand pesos (P100,000.00) or both, at the discretion
26 of the court, with accessory penalty of perpetual disqualification from public office
27 without prejudice to any administrative action that may be filed under existing civil
28 service laws, rules and regulations.

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

1 *Sec. 7. Repealing Clause.* - All laws, decrees, executive orders, department or
2 memorandum orders and other administrative issuance or parts thereof which are
3 inconsistent with the provisions of this Act are hereby modified, superseded or
4 repealed accordingly.

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

Approved,