


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



23 JAN 18 P5:47

**SENATE**  
S. No. 1703

RECEIVED BY: 

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**Introduced by SENATOR RAMON BONG REVILLA, JR.**

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**AN ACT**  
**PROVIDING FOR THE GRANT OF SECURITY OF TENURE FOR ALL CASUAL AND CONTRACTUAL EMPLOYEES OF THE GOVERNMENT WHO HAVE RENDERED THE PRESCRIBED LENGTH OF SERVICE 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"*

The 1987 Constitution provides that the appointment in the civil service shall be made according to merit and fitness and that, civil servants, in the performance of their duties and responsibilities, shall be entitled to security of tenure, humane work condition and a living wage.

Despite the fixed term appointment as provided by civil service rules and regulations, many of the casual and contractual government employees have been continuously appointed to government service with some staying in the service for more than five years. According to the Inventory of Government Human Resources as of June 30, 2022, there are a total of 2,462,534 workers in the government and 642,077 or roughly 26% of the total government workforce is comprised of Job Order and Contract of Service (JOCOS) personnel.

The government has been active in enacting security of tenure legislation for workers in the private sector. SBN 1826: Security of Tenure and End of Endo Act of 2018 was passed in the 17th Congress on 3<sup>rd</sup> reading, and in the 18<sup>th</sup> Congress the measure was also refiled. Similar bills have been filed for the benefit of "endo" workers in the government but it did not gain similar traction as the ones filed for the private

sector. Government workers, being very important components of the State's human resources, shall be given equal opportunity to quality education, justice and security of tenure.

In the interest of fairness, the government should also apply the same policy and address the issues on the lack of security of tenure of its casual and contractual employees and consider the same for its job order personnel.

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


  
**RAMON BONG REVILLA, JR.**  


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*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

1 Section 1. *Short Title.* - This Act shall be known as the "Civil Service Security of  
2 Tenure Act of 2023."  
3

4 Sec. 2. *Declaration of Policy.* The State upholds the Constitutional guarantee on  
5 the right to security of tenure of all workers. Government workers, being vital  
6 components of the State's human resources, shall be accorded security of tenure and  
7 afforded all opportunities to exercise their constitutionally guaranteed right to  
8 organisation and collective bargaining.  
9

10 Sec. 3. *Grant of Security of Tenure; Coverage.* - Subject to the provisions of the  
11 Constitution and other applicable civil service laws, rules and regulations, all  
12 incumbent casual and contractual government employees who have rendered at least  
13 five (5) years of continuous service in the case of national government employees, or  
14 ten (10) years of continuous service in the case of local government units as of the  
15 date of approval of this Act, shall be considered for the grant of security of tenure.  
16

17 Sec. 4. *Selection Process of Casual and Contractual Employees.* - Casual and  
18 contractual employees who meet the requisite length of service shall undergo the  
19 screening process as prescribed in the Merit Selection Plan of the agency or as  
20 determined by the pertinent selection board or hiring authority.

1           Sec. 5. *The Grant of Security of Tenure in the Public Sector.* - The hiring of the  
2 following employees shall not be allowed:

- 3           a. Casual employees subject to existing civil service laws, rules and regulations;  
4           and  
5           b. Workers in the government under contract of service or job order, except in  
6           the following instances:  
7           i. Hiring under contract of service of consultants, learning service  
8           providers, and/or other technical experts to undertake special project or  
9           job within a specified period: *Provided, however,* That the project or job  
10           is not part of the regular functions of the agency, or the expertise is not  
11           available in the agency, or it is impractical or more expensive for the  
12           government agency to directly undertake the service provided by the  
13           individual or institutional contractor;  
14           ii. Hiring of job order workers in emergency or intermittent work which are  
15           not part of the regular functions of the agency; and  
16           iii. Services provided by contractors under institutional contract of service,  
17           such as janitorial, security, consultancy and other support functions.

18           *Provided, further,* That contract of service and job order workers shall not, in any  
19 case, be made to perform functions which are part of the job description of the  
20 agency's existing regular employees and designated to positions exercising control or  
21 supervision over regular and career employees."

22  
23           Sec. 6. *Status of covered employees and affected positions.* – All of the positions  
24 affected by this Act currently held by the covered employees shall be deemed  
25 necessary and/or desirable for the efficient operation of the government and shall be  
26 marked as co-terminus with the incumbent. All covered employees may not be  
27 separated or terminated from the said positions, except for just or lawful cause and  
28 with due process of law nor can their positions be abolished, except when the same  
29 are vacated by their incumbents.

30  
31           Sec. 7. *Separability Clause.* - If any provision of this Act is declared invalid or  
32 unconstitutional, other provisions hereof which are not affected thereby shall remain  
33 in full force and effect.

34  
35           Sec. 8. *Repealing Clause.* - All laws, decrees, letters of instruction, resolutions,  
36 orders or parts thereof which are inconsistent with the provisions of this Act are hereby  
37 repealed, modified or amended accordingly.

38  
39           Sec. 9. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its  
40 publication either in the Official Gazette or two (2) newspapers of general circulation  
41 in the Philippines.

*Approved,*