



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila



Thirteenth Congress
Second Regular Session

HOUSE BILL NO. 4698

Introduced by Honorable Remedios "Matin" L. Petilla

EXPLANATORY NOTE

Section 2, Paragraph 6, Article 9-B of the 1987 Constitution provides that "temporary government employees shall be given such protection as may be provided by law." Quite a laudable constitutional mandate indeed, but after almost two decades now, this has not departed from being a plain provision. The State has not so far given life and substance to it.

The provision giving protection to government employees as well as teachers with temporary or provisional appointments could not be found in the 1935 and 1973 fundamental laws of the land. Precisely its inclusion in the 1987 Constitution must have been anchored upon valid and compelling reasons and logic by its distinguished framers.

These temporary employees and provisional teachers have the capacity to do the work assigned to them effectively and efficiently. Unfortunately, they are bereft of appropriate eligibility. This notwithstanding, they are appointed because the appointing authority is convinced that they are competent and qualified to discharge the duties and assume the responsibilities of their positions.

Moreover, unlike the eligibles, these non-eligibles are not very choosy of their deployment or place of assignment. Such that on the basis of the

former's formal waiver, the latter are appointed in their stead but on a temporary or provisional basis.

Experience has shown that these temporary employees and provisional teachers are hardworking, efficient and effective, and most often than not, their appointments are renewed. Along the way, however, these group of employees and teachers cannot help but feel anxious and insecure, aware that any time a civil service eligible or teacher's board passer shall become available, they can be replaced. It is in this light that this piece of legislation is being proposed.

I humbly feel that after seven (7) years of satisfactory service in their positions, the status of these government employees and teachers should be protected by granting them permanent appointment, and thus they will be entitled to the rights, benefits and privileges including, but not limited to, retirement benefits of permanent employees or teachers. The bottom line is that they will be relieved of their feeling of anxiety and insecurity like a sword of Damocles hanging over their heads because they will be covered by the protective mantle of the security of tenure clause under the Constitution.

To give commensurate protection to the abovementioned government employees and teachers for their satisfactory service, approval of the bill is earnestly recommended.


REMEDIOS "MATIN" L. PETILLA




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AN ACT
GRANTING SECURITY OF TENURE TO GOVERNMENT
EMPLOYEES AND TEACHERS WHO HAVE RENDERED SEVEN
YEARS OF SERVICE.

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

SECTION 1. Government employees and teachers appointed on a temporary and provisional status, respectively, shall be granted permanent appointment after rendering seven (7) years of satisfactory service in their assigned positions and shall be entitled to all the rights, privileges, and benefits of a government employee or teacher, including but not limited to retirement benefits: *Provided*, That they shall not be entitled to any promotion until they shall have obtained the appropriate eligibility requirements for the higher position.

For the purpose of this Act, government employees appointed on a temporary status are those who meet the education, experience and training requirements for the position they are appointed to but lack the appropriate eligibility and no eligible candidates are available, as certified by the Civil Service Regional Director or Field Officer.

Teachers on provisional status are those who meet the requirements of the position but have not passed the licensure examinations for teachers, and licensed teachers are not available, as certified by the Department of Education.

SEC. 2. The Civil Service Commission shall promulgate rules and regulations to implement this Act consistent with the merit and fitness principle within ninety (90) days after its effectivity.

SEC. 3. All laws, decrees, orders, rules and regulations or parts thereof inconsistent with this Act are hereby amended or repealed accordingly.

SEC. 4. This Act shall take effect immediately upon its approval.

Approved,