

FIFTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
FIRST REGULAR SESSION)

HOUSE OF REPRESENTATIVES

House Bill no. 2259

Introduced by Representative Peter M. Unabia

EXPLANATORY NOTE

Transparency and openness in the government service has always been the pillar of a democratic state. People look to government institutions to work on their behalf and provide oversight on matters that significantly impact their quality of life. Government fulfills this role most effectively when its activities are open and transparent to citizens.

Transparency and openness in all government transactions and dealing's strengthen our democracy and promote efficiency in the Government service.

The rationale behind the filing of this Bill is to put an end to the perennial practice of some unscrupulous public officers/employees in deliberately hiding or making unknown to the general public, employment vacancies and opportunities in the public sector for purposes of favoring and prioritizing their relatives and close friends. In fact, some departments and agencies in the government are dubbed as "Department of Family Affairs".

In line with the principle that a "Public Office is a Public Trust", this Bill hopes to repress certain acts of public officers which constitute graft or corrupt practices or which may lead thereto, thus, immediate approval is earnestly sought.


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Representative, 1st District
Misamis Oriental

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AN ACT MANDATING ALL GOVERNMENT OFFICES/ AGENCIES, INCLUDING GOVERNMENT OWNED AND CONTROLLED CORPORATIONS (GOCC'S) AND LOCAL GOVERNMENT UNITS (LGU) TO SUBMIT THE LIST OF VACANT POSITIONS IN THEIR RESPECTIVE OFFICES TO THE NEAREST PUBLIC EMPLOYMENT SERVICE OFFICE (PESO).

Section 1. **Short Title.** - COMPULSORY SUBMISSION AND NOTIFICATION OF VACANT POSITIONS IN THE GOVERNMENT SECTOR.

SECTION 2. **Declaration of Policy.** - It is the declared policy of the government to translate into practical realities the following State policies and mandates in the 1987 Constitution, namely:

- a)"The State shall guarantee equal access to opportunities for public service, and prohibit political dynasties as maybe defined by law. (Sec. 26, Art.II)
- b) The State shall maintain honesty and integrity in the public service and take positive and effective measures against graft and corruption. (Section27,ArtII)

In pursuance of this policy, the government shall actively encourage, promote, induce and accelerate openness and transparency in the public service in order to ensure public trust and accountability, and promote full employment and equality of employment opportunities.

SECTION 3. **Purposes and Objectives.** - It is the purpose and objective of this Act:

- a) To establish the legal framework and mechanism for the integration, coordination, and monitoring of vacant positions in the government sector;
- b) To provide a venue where people could explore government employment options and actually seek assistance they prefer;
- c) Ensure the prompt, timely and efficient delivery of employment service and provision of information relative to government position vacancies.

SECTION 4. **Definition of Terms.** - For purposes of this Act, the following definitions shall apply to the following terms:

(a) "Government sector" - includes the National Government, the Local Governments, the Government owned and controlled corporations, and all other instrumentalities or agencies of the Republic of the Philippines and their branches.

(b) "Personnel Officer (PO) / Human Resource Development Officer (HRDO)"
- means appointive officials and employees, permanent or temporary, who is responsible for hiring and training and placing employees and for setting policies for personnel management;

(c) "Employee" - means any person who is employed in an establishment to do any work for remuneration;

(d) "Employer" - synonymous with government sector;

(e) "PESO"- The Public Employment Service Office, a non-fee charging multi-employment service facility or entity established or accredited pursuant to Republic Act No. 8759 otherwise known as the PESO Act of 1999.

SECTION 5. Notification of Vacancies to PESO.

(1) Upon the effectivity of this act, the personnel officer or HRDO as defined under section 4 (b) in every government sector shall, immediately upon knowledge of the vacancy and BEFORE filling up any vacancy in any employment in the government sector, cause the publication of the same by notifying the PESO regarding such vacancy..

(2) The PO or HRDO in every institution shall immediately furnish the nearest PESO information's in relation to vacancies that have occurred or are about to occur in that establishment.

(3) The manner in which the vacancies referred to in subsection (5)(1) shall be notified to the PESO and the particulars or employments in which such vacancies have occurred or about to occur shall be such as may be prescribed.

Nothing in this section shall be deemed to impose any obligation upon any employer to recruit any person through the PESO to fill any vacancy merely because that vacancy has been notified as such.

SECTION 6. This Act shall not apply in relation to the following vacancies;

- a. any employment the total duration of which is three (3) months or less;
- b. any employment to do unskilled office work;
- c. any employment connected with the executive, legislative and judicial branch of the government INCLUDING Local government Units, GOCC's , whose appointment is of CO- TERMINUS IN NATURE or whose appointments is subject to the pleasure of the appointing authority;
- d. those which are proposed to be filled-up through promotion or by absorption of surplus staff of any branch of the government of the Republic of the Philippines including its instrumentalities;

Section 7. Right of Access to Records of Documents.

- Such officer of Government as may be prescribed by PESO, or any person authorized by said office in writing, shall have access to any relevant record or document in then possession of any employer required to furnish any information under section 5 and may enter at any reasonable time any premises where he believes such record or document to be and inspect or take copies of relevant records or documents or ask any question necessary for obtaining any information required under that section.

SECTION 8. Penalties.

- any PO/HRDO who fails to submit the notice of vacant positions within the period prescribed by the PESO or to the Public Employment Service Offices or violates any sections of this Act shall be punished as follows:
 - a. For the first offense - Fine of P 20,000
 - b. For 2nd offense - Fine of P 50,000
 - c. Every subsequent offense - Fine of 75,000 which may extend to one hundred thousand pesos, at the discretion of the court.

SECTION (9). Cognizance of Offenses.

- No prosecution for any offense under this Act shall be instituted except by or with the sanction of, such officer of Government as may be prescribed in this behalf or any person authorized by that officer in writing.

SECTION (10). Power to make Rules and Regulations.

- (1) The PESO in coordination with the Department of Labor and Employment (DOLE) shall promulgate the necessary rules and regulations as maybe necessary to carry out the purposes of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-
 - (a) The form and manner in which, and the time within which, vacancies shall be notified, and the particulars of employments in which such vacancies have occurred or are about to occur;
 - (b) The form and manner in which, and the intervals at which, information required under section 5 shall be furnished, and the particulars which they shall contain;
 - (c) The officers by whom and the manner in which the right of access to documents and the right of entry conferred by section 7 may be exercised;
 - (d) Any other matter which is to be, or may be, prescribed under this Act.

SECTION 11. Separability Clause.

If any part of this Act is held invalid or unconstitutional, the other parts or provision thereof shall remain valid and effective.

SECTION 12. Repealing Clause.

All laws, decrees, executive orders, rules and regulations, or part thereof, inconsistent with the provisions of this Act are hereby repealed.

SECTION 13. Effectivity Clause.

This Act shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

APPROVED.