

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

SIXTEENTH CONGRESS
First Regular Session

House Bill No. _____

442



Introduced by
ACT TEACHERS Party-List Representative Antonio L. Tinio

EXPLANATORY NOTE

The practice of hiring public school teachers and higher education teaching personnel on contracts of service or job orders is all too common. Local governments, the Department of Education (DepEd), and public higher education institutions resort to this practice primarily to deal with growing student enrolments in the context of acute shortages of regular teaching items funded by the national budget.

Contract of service or service contract refers to the engagement by a government agency of the services of a person to undertake a specific work or job requiring special or technical skills not available in the agency, to be accomplished within a specific period not exceeding one year. *Job order* refers to a contract whereby a worker is hired by a government agency to do piece work or intermittent job of short duration not exceeding six (6) months, and paid on a daily or hourly basis.

There are currently around 80,000 teachers, hired in such a manner, working at all levels of our public education system. As of August 2011, local governments hired 49,530 teachers, most of them through contracts of service or job orders, to augment the DepEd's regular teaching force. The DepEd itself hired 19,063 "volunteer teachers" for its Kindergarten program, all of them on one-year contracts of service. According to the Philippine Association of State Universities and Colleges, there are 13,075 part-time faculty (48.14% of the total faculty) in 103 state universities and colleges (SUCs) during the academic year 2011-2012. A significant portion of these are on contracts of service or job orders even though they perform the same tasks as regular faculty.

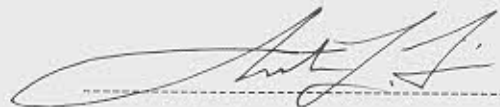
Having no employer-employee relationship with the institutions that hired them, teachers on contracts of service or job orders experience exploitative and discriminatory compensation, benefits, and working conditions. Although possessing the same qualifications as their regularly-employed counterparts, they receive lower pay, enjoy none of the benefits, have no job security, and are deprived of their right to unionize. DepEd's "volunteer" kindergarten teachers receive a measly honorarium from P3,000 to P6,000 per

month. Locally-paid teachers earn as little as P275 per day or P5,000 per month, while university instructors on contracts of service or job orders typically earn around P8,500 a month. They are also denied benefits such as Personnel Economic Relief Allowance (PERA), Cost of Living Allowance (COLA), Representation and Transportation Allowance (RATA), mid-year bonus, productivity incentive, Christmas bonus and cash gifts, and the social security coverage provided by the Government Service Insurance System and PhilHealth. Having no security of tenure, they are often rehired on the same terms, year in and year out.

Hiring teachers through contracts of service or job orders is contrary to Article XIV, Section 5(5) of the 1987 Constitution ("the State shall...ensure that teaching will attract and retain its rightful share of the best available talents through adequate remuneration and other means of job satisfaction and fulfillment") and existing laws, including Republic Act 4670 (*The Magna Carta of Public School Teachers*) that are intended to protect the status of the teaching profession.

This bill prohibits the hiring of teachers at all levels through contracts of service or job orders to carry out the duties and functions of regular teaching staff, with the exception of faculty in post-secondary education institutions where the required highly specialized or technical expertise cannot be provided by the regular teaching staff. This measure also imposes the administrative sanction of dismissal from the public service with cancellation of eligibility, forfeiture of retirement benefits, and the perpetual disqualification for reemployment in the government service on any government official or employee who violates said prohibition.

Approval of this bill is earnestly sought.

A handwritten signature in black ink, appearing to read 'Antonio L. Tinio', is written over a horizontal dashed line.

ANTONIO L. TINIO

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

SIXTEENTH CONGRESS
First Regular Session

House Bill No. 442

Introduced by
ACT TEACHERS Party-List Representative Antonio L. Tinio

AN ACT
PROHIBITING THE HIRING OF TEACHERS IN THE PUBLIC SECTOR
THROUGH CONTRACTS OF SERVICE OR JOB ORDERS

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

SECTION 1. *Definitions.* *Contract of service or service contract* refers to the engagement by a government agency of the services of a person to undertake a specific work or job requiring special or technical skills not available in the agency, to be accomplished within a specific period not exceeding one (1) year.

Job order refers to a contract whereby a worker is hired by a government agency to do piece work or intermittent job of short duration not exceeding six (6) months, and paid on a daily or hourly basis.

In either case, the contracts do not establish an employer-employee relationship, services rendered are not considered government service, and the worker therefore does not enjoy the benefits enjoyed by government employees, such as Personnel Economic Relief Allowance, Cost of Living Allowance, Representation and Transportation Allowance, mid-year bonus, productivity incentive, Christmas bonus, and cash gifts.

For purposes of this Act, contracts of service and job orders shall include similar arrangements, regardless of designation, where no employer-employee relationship exists between the hiring agency and the worker.

SECTION 2. *Coverage.* This Act shall apply to teachers employed in public schools in the kindergarten, elementary, and secondary levels, as well as in public post-secondary education institutions, including State Universities and Colleges (SUCs), Local Universities and Colleges (LUCs), and technical-vocational schools.

SECTION 3. *Prohibition.* No teacher shall be hired to carry out the duties and functions of regular teaching staff, either on a full-time or part-time basis, through contracts of service or job orders, *Provided*, that post-secondary education institutions requiring teachers with highly specialized or technical expertise, which cannot be provided by their regular teaching staff, are exempt from the prohibition on contracts of service.

SECTION 4. *Administrative Liability.* Any government official or employee who violates the previous section shall be dismissed from the service with cancellation of eligibility, forfeiture of retirement benefits, and the perpetual disqualification for reemployment in the government service.

SECTION 5. *Implementing Rules and Regulations.* The Department of Education, Commission on Higher Education, Technical Education and Skills Development Authority, and Department of Budget and Management shall issue implementing rules and regulations within thirty (30) days from the effective date of this Act.

SECTION 6. *Repealing Clause.* All laws, decrees, resolutions, orders, or ordinances or parts thereof inconsistent with this Act are hereby repealed, amended or modified accordingly.

SECTION 7. *Effective Date.* This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in one newspaper of general circulation.

Approved,