

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. **5846**



Introduced by HONORABLE SCOTT DAVIES S. LANETE, M.D.

EXPLANATORY NOTE

Article II, Section 18 of the 1987 Philippine Constitution "affirms labor as a primary social economic force." It also enjoins the State to "protect the rights of workers and promote their welfare."

Workers in the government sector, specifically those contracted under job-order basis, deserve the protection enjoined by the Constitution. The most persistent problem these job-order employees suffer from is the lack of security of tenure. The lack of security of tenure, in effect, causes the politicization of mostly blue-collar jobs that, in the first place, should not be politicized. Appointing authorities are normally the heads of Local Government Units or the co-terminous public officials in the Executive Department. As these appointing authorities are usually replaced after each election, so does the job-order employees under them. Therefore, job-order employees mainly depend on the tenure of their appointing authorities. They are often tied on a tight leash as any disfavor they commit, such as failure to support their appointing authority during elections, would automatically result in the non-renewal of their contracts. As a method of wielding power, appointing authorities have engaged in the practice of job-contracting almost all positions in the government, with the end in view of using these positions for political reasons. In the end, it is the hard-working public sector employees who suffer.

Thus, it is high time for the Philippines to adopt strict measures in ensuring that all employees in the public sector be protected in their rights by giving them security of tenure and shield them from politics which has no relevance with their work. By prohibiting and regulating job-contracting in the government, the representation fervently believes that the problem will be solved. As long as job-contracting is allowed in the public sector, government employees' labor rights will continue to be abused.

Therefore, the passage of this bill is urgently needed.



SCOTT DAVIES S. LANETE, M.D.
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Third District, Province of Masbate

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**AN ACT REGULATING THE HIRING OF WORKERS
THROUGH CONTRACT OF SERVICE AND JOB ORDER ARRANGEMENT
IN THE GOVERNMENT**

SECTION 1. Title. This Act shall be known as the "Anti-Contract of Service and Job Order in the Government Act of 2017".

SECTION 2. Coverage. This Act shall apply to all branches, subdivisions, instrumentalities and agencies of the Government, including local government units, government-owned or controlled corporations with original charters, and state universities and colleges.

SECTION 3. Contract of Service and Job Order. Work or regular function that is necessary and essential to the agency, or work performed by the permanent personnel of the agency shall not be contracted out through a contract of service or job order arrangement.

Any person engaged to perform work or regular function that is necessary and essential to the agency, or work performed by the permanent personnel of the agency shall be considered as a permanent employee of the agency.

Engagement of workers through contract of service or job order shall be allowed only for (a) work or function that is not necessary and essential to the agency concerned, or (b) work performed by the permanent personnel of the agency.

Workers directly engaged by the agency through contract of service or job order shall be entitled to all the benefits due the permanent employee of the agency. Their services shall be considered as government service.

SECTION 4. Administrative Sanctions. Any officers or employees of any branches, subdivisions, instrumentalities and agencies of the Government, including local government units, government-owned or controlled corporations with original charters, and state universities and colleges who violate the preceding section shall, after due process, be dismissed from service with forfeiture of retirement benefits and perpetual disqualification from government service.

SECTION 5. Rules and Regulations. - The Civil Service Commission and Department of Budget and Management shall promulgate the necessary implementing rules and regulations within ninety (90) days from the effectivity of this Act.

SECTION 6. Repealing Clause. - All laws, decrees, rules, and regulations or parts thereof, which are contrary to or inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 7. Separability Provisions. - If any provision of this law or the application thereof to any person or circumstance, is held invalid, the remainder of this law, or the application of such provision or part to other persons or circumstances, shall not be affected thereby.

SECTION 8. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved.