

Republic of the Philippines
HOUSE OF REPRESENTATIVES

Quezon City
17th CONGRESS
First Regular Session

6677
House Bill No. _____



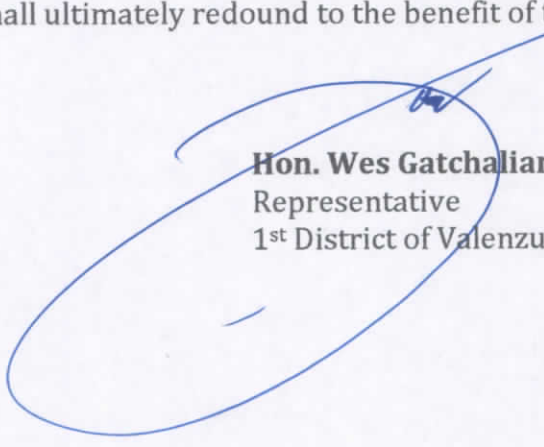
Introduced by Representative Wes Gatchalian

EXPLANATORY NOTE

A government is always the supreme employer in every country, engaging the services of the hundreds of thousands of laborers in the rendition of the services that the people need. Our government is no different. It is a government not only for the people, but a government that is run by people. It is imperative hence to utilize practices that would encourage or promote productivity in its labor force.

In our country, from the northern most island, up to the southernmost coast, the number of government employees who have been working for scores of years without their appointment being made permanent run by the hundreds if not thousands. The time is now ripe for the government to reward its most loyal employees by loosening the requirements for the permanency in service by granting civil service eligibility to those have displayed utmost competency and efficiency in the rendition of their service.

It is also necessary for the government to provide a retirement package for its people that is competitive and lucrative enough to encourage loyalty in the service to the government. A lot of the professional and skilled employees of the government often end up leaving the service for better opportunities elsewhere. By granting an automatic promotion to qualified retiring employees, based on their performance evaluation, the government would be encouraging both loyalty and productivity among its workforce, which shall ultimately redound to the benefit of the people.


Hon. Wes Gatchalian
Representative
1st District of Valenzuela City

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House Bill No. **6677**

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**AN ACT GRANTING CIVIL SERVICE ELIGIBILITY UNDER CERTAIN CONDITIONS
TO GOVERNMENT EMPLOYEES REACHING RETIREABLE AGE WHO WERE
APPOINTED UNDER PROVISIONAL OR TEMPORARY STATUS, AND PROVIDING
FOR AUTOMATIC PROMOTION OF RETIRING GOVERNMENT EMPLOYEES**

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

Section 1. Statement of Policy. – This Act is adopted to enable the following State policies:

- a. It is the policy of the State, as enshrined in our Fundamental Law, to protect the rights of the workers and to promote their welfare.
- b. It is the policy of the State to afford full protection to labor, and to promote full employment and equality of employment opportunities for all.
- c. It is a policy of the State to ensure that workers not only in the private sector, but especially those engaged in public service, are afforded their due opportunity to security of tenure, and as well to the other rights and benefits that are attached to the office that they hold.
- d. It is the policy of the State to encourage loyalty and productivity in its own workforce by rewarding those who are competent, dedicated, and efficient in the rendition of their service to the people.

Section 2. Grant of Civil Service eligibility - All government employees as of the approval of this Act who are holding career civil service positions appointed under provisional or temporary status who have rendered at least a total of ten (10) years of service may be granted the civil service eligibility that will qualify them for permanent appointment to their present positions.

Section 3. Notice of availment – The availment of the civil service eligibility provided under Section 2 of this Act shall not be automatic, and shall be processed by the head of the office to which an applicant belongs only upon the receipt of the formal notice of availment by the applicant employee addressed to the head of his or

her office, and with proof of service of the notice to the Civil Service Commission.

Section 4. Qualification of the applicant for the civil service eligibility - The following are required to qualify for the benefits provided under Section 2 of this Act:

- (a) Filing of the notice of availment;
- (b) Service in the government for at least ten (10) years;
- (c) At least fifty-five (55) years of age at the time of the filing of the notice of availment;
- (d) Must have taken the civil service exam at least once;
- (e) Must have no pending administrative or criminal charges; and
- (f) Must have at least a passing performance rating for the last two (2) semesters prior to the filing of the notice of availment, which shall be based on the Individual Performance Commitment and Review (IPCR) of the applicant. In the absence of the IPCR, the recommendation of the head of the unit to which the applicant belongs shall suffice.

Section 5. Computation of the period of service required for the civil service eligibility grant - The ten (10) year period of service required to avail of the civil service eligibility under this Act shall be computed by including the day the notice of availment was filed to the head of the office, and excluding the first day in the public office of the applicant. The service rendered in another government office, which is different from the office to which the applicant belongs at the time of the filing of the notice of availment may be included in the computation of the required period; provided that the period of service rendered in any elective position shall be excluded from the computation. It is also understood that the interruptions in the service period of the applicant arising from any kind of administrative sanction imposed against him or her shall be deducted from the computation of the period required to avail of the civil service eligibility under this Act.

Section 6. Exclusions for the civil service eligibility grant - Employees holding any of the following are not entitled to the grant of Civil Service eligibility provided under this Act:

- (a) Temporary appointments in the closed career service and highly technical positions, such as those in the scientific career service and faculty and academic staff of state universities and colleges, and foreign service officers;
- (b) Temporary appointments to positions requiring eligibilities resulting from bar or board examinations;

(c) Appointments of military personnel and members of the Philippine National Police; and

(d) Such other similar appointments as may be determined by the Civil Service Commission.

Section 7. Automatic promotion of the salary grade of a retiring government employee – A government employee who will retire from service shall be deemed automatically promoted by one (1) salary grade for purposes of the computation of his or her retirement benefits. The retirement benefits encompassed under this Act shall refer to all the benefits due to the retiree coming from the government, or any of its agencies, instrumentalities, or subdivisions.

Section 8. Inclusions for automatic promotion – The government employee referred to under the next preceding section shall refer to all employees working in the three (3) branches of the governments, constitutional commissions, government-owned and controlled corporations, and in such other agencies, instrumentalities, or subdivisions of government.

Section 9. Exclusions for automatic promotion – It is understood that the benefit of automatic promotion under this Act shall not be applicable to those holding elective positions.

Section 10. Qualification for the automatic promotion – The following are required for an employee to qualify for the benefits provided under Section 8 of this Act:

- (a) Service in the government for at least five (5) years;
- (b) Must have no pending administrative or criminal charges; and
- (c) Must have at least a passing performance rating for the last three (3) semesters prior to the date of retirement, which shall be based on the Individual Performance Commitment and Review (IPCR) of the applicant. In the absence of the IPCR, the recommendation of the head of the unit to which the applicant belongs shall suffice.

Section 11. Computation of the period of service required for the automatic promotion – The five (5) year period of service required for the automatic promotion under this Act shall be computed by including the actual date of retirement of the retiring employee, and excluding the first day in the public office of the employee. The service rendered in another government office, which is different from the office to which the employee belongs at the time of the retirement may be included in the computation of the required period; provided that the period of service rendered in any elective position shall be excluded from the computation. It is also understood that the interruptions in the service period of the employee arising from any kind of administrative sanction imposed against him or her shall be deducted from the computation of the period required for automatic promotion.

Section 12. Automatic review of qualified retirees- The heads of all government agencies, departments, instrumentalities, and subdivisions, exercising administrative functions, shall continuously review the roster of the employees under their supervision who are already reaching the age of retirement, and shall thereafter make the necessary certification as to the list of employees who are qualified to avail of the automatic promotion under this Act. The same review shall also be conducted upon the written request of a retiree.

Section 13. Imprescriptibility Clause – It is understood that the benefits provided under this Act shall be imprescriptible unless otherwise this Act is revised or revoked by a subsequent legislation.

Section 14. The Civil Service Commission shall promulgate the rules and regulations to implement this Act consistent with the merit and fitness principle within thirty (30) days after its effectivity.

Section 15. Repealing Clause. - All other laws, executive orders, presidential decrees, rules and regulations inconsistent with any provisions of this Act are hereby repealed, amended or modified accordingly.

Section 16. Effectivity. - This Act shall take effect fifteen (15) days following its publication in at least two (2) newspapers of general circulation.

Approved,