

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

SEVENTEENTH CONGRESS
Second Regular Session

House Bill No. 8620



Introduced by Representatives Ron P. Salo and Paul P. Hernandez

EXPLANATORY NOTE

The Philippine Government is the country's largest employer. According to the Civil Service Commission data in 2017, the government employs over 2.4 million people. More than 1.5 million of these employees are career service personnel, almost 200,000 comprise the non-career service personnel, and the rest - covering over 660,000 - were hired as contractual or casual workers.

The employees hired on a contractual, casual, or job order basis are not given their full entitlements, as prescribed by the law, because they do not possess the necessary eligibility in order to be qualified for regular status in the government.

The private sector has been pushing for the prohibition of "Endo", or so-called "5-5-5". Under the Labor Code, an employee becomes regularized after six (6) months, unless employed under a specific hiring agreement, as allowed by law. However, this has not been the case for government employees. With over 660,000 employees under contractual, casual or job order status, it would appear that the biggest violator of this basic employee right to be regularized is the government itself.

If the employee in the government has been continuously rehired or have their contract renewed consecutively for a period of three (3) years or more, or been rehired for at least five (5) years even if not continuously, it can be presumed that the employee has been performing functions that are necessary and desirable in furtherance of the government's mandate.

The 1987 Philippine Constitution explicitly provides that the State must endeavor to protect the security of tenure of each employee, which provision applies to both in the public and the private sectors. It is imperative upon Congress to craft the necessary legislation in order to protect this constitutional right.

In this Bill, it is proposed that employees in the government without Civil Service Eligibility, who have rendered at least three (3) years of continuous government service, or at least five (5) years of non-continuous service, and whose appointment status is either contractual, casual or job order, shall be granted Civil Service Eligibility that will qualify them for regular appointment in their current position, consistent with the aforementioned constitutional mandate.

This legislative measure will provide these employees with all the entitlements, as prescribed by law, and give them security of tenure. This will enhance their job motivation, allow them to focus on their jobs, and become even more productive. Ultimately, their regularization will redound to the benefit of the public.

In view of the foregoing, the approval of this bill is urgently sought.


RON P. SALO
KABAYAN Partylist


PAUL P. HERNANDEZ
KABAYAN Partylist

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AN ACT

GRANTING CIVIL SERVICE ELIGIBILITY TO THOSE WHO HAVE RENDERED AT LEAST THREE CONSECUTIVE YEARS OF GOVERNMENT SERVICE, OR AT LEAST FIVE NON-CONSECUTIVE YEARS, WHOSE APPOINTMENT STATUS IS EITHER CONTRACTUAL, CASUAL, OR JOB ORDER.

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

SECTION 1. Short Title. – This Act shall be known as the “Automatic Civil Service Eligibility Act.”

SEC. 2. Automatic Civil Service Eligibility. – Employees in the government without Civil Service Eligibility that have rendered at least three (3) consecutive years of service, or at least five (5) non-consecutive years of service, whose appointment status is either contractual, casual, or job order, shall be granted Civil Service Eligibility that will qualify them for regular appointment in their current position; *Provided, that* they shall be able to meet the performance evaluation standards formulated by the Civil Service Commission in order for them to be eligible to avail of the privilege granted by this Act; *Provided further,* that if they are granted Civil Service Eligibility, they shall not be entitled to any promotion unless they obtain the appropriate eligibility requirement for the higher position; *Provided finally,* that the office where they are currently assigned and the Department of Budget and Management shall create the necessary plantilla position where the grantee of Civil Service Eligibility shall be considered.

SEC. 3. Civil Service Performance Evaluation Standards. – The Civil Service Commission shall formulate the Performance Evaluation Standards that the employee needs to pass in order for them to be eligible to avail of the privilege granted by this Act.

SEC. 4. Implementing Rules and Regulations. – Within ninety (90) days from the effectivity of this Act, the Civil Service Commission and the Department of Budget and Management shall issue the implementing Rules and Regulations for the immediate implementation of this Act.

SEC. 5. Separability Clause. – If any provision of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected shall remain valid.

SEC. 6. Repealing Clause. – All acts, executive orders, administrative orders, proclamations, rules and regulations or parts thereof inconsistent with any of the provisions of this Act are hereby repealed or modified accordingly.

SEC. 7. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved.