

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 9011



Introduced by **BAYAN MUNA** Representative **CARLOS ISAGANI T. ZARATE**

AN ACT
GRANTING SUBSTITUTE CIVIL SERVICE ELIGIBILITY TO REGULAR
EMPLOYEES WHO RENDERED AT LEAST SIX CONTINUOUS MONTHS OF
MERITORIOUS GOVERNMENT SERVICE

EXPLANATORY NOTE

The 1987 Constitution upholds the full protection to labor. Section 3 of Article XIII States that, "the State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all." Likewise, all workers "shall be entitled to security of tenure, humane conditions of work, and a living wage."

Executive Order No 292 or the Revised Administrative Code of 1987 outlined the requirements and standards for recruitment of public employees. Section 21 (1) of Chapter Book V of EO 292 states that "opportunity for government employment shall be open to all qualified citizens and positive efforts shall be exerted to attract the best qualified to enter the service. Employees shall be selected on the basis of fitness to perform the duties and assume the responsibilities of the positions." Section 21 (7) of the same further states that "qualification in an appropriate examination shall be required for appointment to positions in the first and second levels in the career service in accordance with the Civil Service rules..."

Various laws granted special civil service eligibilities outside the career service examinations. The Civil Service Commission (CSC) is granting eleven (11) different eligibilities under special laws to qualified individuals, including Bar/Board Eligibility (RA1080), Barangay Health Worker Eligibility (RA7883), Barangay Nutrition Scholar Eligibility (PD1569), Barangay Official Eligibility (RA 7160), Electronic Data Processing Specialist Eligibility (CSC Res. 90-083), Foreign School Honor Graduate Eligibility (CSC Res. 1302714), Honor Graduate Eligibility (PD907), Sanggunian Member Eligibility (RA 10156), Scientific and Technological Specialist Eligibility (PD 997), Skills Eligibility - Category II (CSC MC 11, s. 1996, as Amended) and Veteran Preference Rating (EO 132/790).¹

¹ <http://www.csc.gov.ph/2014-08-26-07-36-12/eligibilities-granted-under-special-laws-and-csc-issuances.html>

Republic Act No. 6850 signed in 1990 or the Rasul Law granted civil service eligibility to . all government employees holding career civil service positions appointed under provisional or temporary status who have rendered at least a total of seven (7) years of efficient service that will qualify them for permanent appointment to their present positions.

While many public sector employees benefitted from the Rasul Law and special laws granting eligibilities, many more public employees who have rendered years and even decades of service continue to have no civil service eligibilities. Many were hired prior to the institutionalization of the civil service requirements, or were hired in positions not requiring civil service eligibility. These employees have no opportunity for promotions to higher positions requiring civil service eligibility, despite years of service, meritorious performance or mastery of their tasks. According to the Confederation for the Unity, Recognition, and Advancement of Government Employees (COURAGE), most of these employees belong to sub-professional categories in Salary Grades 1 to 3 and have no opportunities to be promoted to higher positions thereto.

Such situation results to low morale among many public employees, especially those who have dedicated their productive years working in the government yet were never qualified for any promotions. Many have retired or would be retiring stuck in their long-held positions forever.

In one public hospital in Metro Manila, when the Department of Health approved new positions for the hospital, several utility workers who have worked for years were disappointed. They could not apply for promotions because they lack civil service eligibility, even as they have met all other qualification requirements for the several new positions, have acquired adequate experience and familiarity to contribute to quality and adequate services to the patients of the hospital.

This Act extends the granting substitute civil service eligibility to all permanent government employees who have rendered at least six continuous months of meritorious services in any government agency or instrumentality. Such will keep many experienced employees in government service and provide them with greater opportunities for promotion and career service development.

Passage of this bill, thus, is earnestly sought.

Approved,


Rep. CARLOS ISAGANI T. ZARATE
Bayan Muna Party-List

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

SECTION 1. *Title.* – This Act shall be known and cited as the “Civil Service Eligibility for Regular Employees in Government Act of 2019.”

SECTION 2. *Declaration of Policy.* – Public employees, being vital components of the State’s human resources, shall be afforded their constitutional rights to security of tenure, full employment and employment opportunities.

Positive efforts shall be exerted by the State to keep and attract the skilled, experienced, and best performing workers to enter the government service.

SECTION 3. *Grant of Substitute Eligibility for Long-Time Regular Government Employees.* Substitute civil service eligibility is hereby granted to all regular employees in government service who were able to render at least six (6) months of continuous meritorious service and/or at least with a satisfactory rating in the government including the national government agencies, LGUs, SUCs and GOCCs and all other government instrumentalities.

As used in this Act, substitute civil service eligibility refers to the qualification acquired by an individual after serving for at least six (6) continuous months in any government agency or instrumentality, for entrance into and promotion in the civil service.

In the case of substitute civil service eligibles, merit and fitness to perform the duties and assume the responsibilities of the position are deemed to have been acquired through the individual's daily performance of his or her work continuously for six (6) months or more and to be recognized by the government agency or instrumentality which utilized his or her services for the said period.

SECTION 4. *Appropriations.* The initial funding required for the implementation of this Act shall be sourced from the budget of the agencies concerned. The funds needed in subsequent years shall be included in the General Appropriations Act.

SECTION 5. *Penalty Clause.* Any violation or circumvention of the provisions of this Act shall make the involved officials of the government agency or instrumentality criminally and administratively liable.

SECTION 6. *Implementing Rules and Regulations.* The Civil Service Commission shall issue the rules and regulations necessary to implement the provisions of this Act within ninety (90) days after its approval.

SECTION 7. *Separability Clause.* Should any provision herein be declared unconstitutional, the remaining provisions not otherwise affected shall be valid and subsisting.

SECTION 8. *Repealing Clause.* – All laws, decrees, orders, rules and regulations or other issuances or parts thereof inconsistent with the provisions of this Act are hereby modified or repealed accordingly.

SECTION 9. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or one (1) newspaper of general circulation.

Approved,