

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1529



Introduced by Representative Roman T. Romulo

**AN ACT
TO REQUIRE EACH AGENCY OF THE GOVERNMENT TO ESTABLISH AND
IMPLEMENT A POLICY UNDER WHICH EMPLOYEES SHALL BE
AUTHORIZED TO TELECOMMUTE, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

In recent years, technology has advanced to the point that historically inefficient procedures have become efficient and successful. These technological breakthroughs have made the world smaller in numerous ways. It is now possible to connect with people, loved ones and coworkers alike, with the simple touch of a virtual button, thanks to numerous improvements in information and communications technology and networking. People can now collaborate and contribute from the comfort of their own homes or other locations other than the traditional workplace. It's critical to be open to changes or developments in the traditional workplace, especially when the situation calls for it.

Telecommuting is a work arrangement in which employees are not required to work from a central location. This flexible work arrangement has once been perceived as inconvenient, from the standpoint of management, where the usual manner of measuring one's productivity is the hours spent in the workplace, as well as the workers whose resources are located in the workplace. It used to be effective only in certain industries, where the nature of the work allowed such an arrangement. However, as previously stated, we are now faced with the fact that the true measure of a person's productivity is the output produced rather than the hours spent at work.

In fact, these ratiocinations can be gleaned from Republic Act No. 1165, or the Telecommuting Act, signed into law by President Rodrigo R. Duterte on December 20, 2018. This is a legislative and executive fiat which places its approval on such an arrangement for employees in the private sector. It provides the employers the

option to offer a telecommuting program (work from home arrangement) to their employees voluntarily or as a result of a Collective Bargaining Agreement. Among others, it provides that the particular terms and conditions will be agreed upon by both parties and in any case shall not be less than the minimum standards set by law.

Currently, there is no law which provides for Telecommuting in the public sector. We are here precisely to address and fill that void. Section 3 of Article XIII of the Constitution 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."* This is the guiding principle by which we assess the developments in technology and recognize that alternative arrangements, such as this, are not only possible but can be effective in many industries, including the public sector. Protection to labor includes the well-being of our workforce. There is no reason to not legislate and allow a practice which protects our people while maintaining or reinvigorating their productivity.

There is no need for further elaboration on the necessity of this legislation in the context of the current COVID-19 crisis. Our workers will be able to sustain their livelihood and contribute their productivity while maintaining their safety. Through this measure, telecommuting will be institutionalized with the proper measures to ensure that the protocols observed in the status quo can be complied with in terms of security and quality.

In view of the foregoing, the approval of this measure is earnestly sought.



ROMAN T. ROMULO
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Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

1 SECTION 1. **Short Title.** -This Act shall be known as the "Telecommute Act for the Public
2 Sector."

3
4 SEC. 2. **Declaration of Policy.** - It is hereby declared the policy of the State to innovate on
5 certain work practices and promote flexible work options especially in times of local and
6 national emergency. As such, under this Act, each government agency shall be required to
7 establish telecommuting as a viable work option and for such purpose, implement policies
8 under which employees of different government agencies shall be authorized to
9 telecommute.

10
11 SEC. 3. **Definitions.** - For purposes of this Act:

12
13 (a) **Employee** refers to any such person currently employed in any government
14 agency.

15
16 (b) **Government Agency** refers to any of the various units of the Government,
17 including a department, bureau, office, instrumentality, or government-owned or
18 controlled corporations, or a local government or a distinct unit therein.

19
20 (c) **Telecommute** refers to a work flexibility arrangement under which an
21 employee performs the duties and responsibilities of such employee's position,
22 and other authorized activities, from an approved worksite other than the location
23 from which the employee would otherwise work. This shall include work from
24 home.

25
26

1 SEC. 4. ***Government Agencies Telecommuting Requirement*** -
2
3

4 A) Telecommuting Policy
5

6 1) Not later than 180 days after the date of enactment of this Act, each
7 government agency shall establish a policy under which eligible employees of the
8 government agency may be authorized to telecommute. The government agency
9 shall determine the eligibility for all employees to participate in telecommuting
10 and notify the employees of their eligibility to telecommute.
11

12 2) An employee may not telecommute under a policy established under
13 this Act if the employee has been officially disciplined for being absent without
14 permission for more than 5 days in any calendar year or the employee has been
15 officially disciplined for violations of RA. No. 6713 also known as the "Code of
16 Conduct and Ethical Standards for Public Officials and Employees."
17
18

19 B) The policy described under subsection (A) shall
20

21 1) ensure that telecommuting does not diminish employee performance or
22 agency operations;
23

24 2) require a written agreement that
25

26 a) is entered into between the government agency and an
27 employee authorized to telecommute, that outlines the specific
28 work arrangement that is agreed to; and
29

30 b) is mandatory in order for any employee to participate in
31 telecommuting;
32

33 3) provide that the agreement for the employee to telecommute shall be
34 terminated upon notice to the employee if the performance of that
35 employee does not comply with the terms of the written agreement
36 between the government agency and that employee;
37

38 4) not apply to any employee of the department whose official duties
39 require to be at work on a daily basis, such as direct handling of secure
40 materials determined to be inappropriate for telecommuting by the agency
41 head, or on-site activity that cannot be handled remotely or at an alternate
42 worksite, except in emergency situations as may be determined by the
43 government agency; and
44

45 5) be incorporated as part of the continuity of operations plans of the
46 agency in the event of an emergency.
47

1 **SEC. 5. *Training and Monitoring.* -**
2

3 A) Each government agency shall ensure that an interactive telecommute training
4 program is provided to employees eligible to participate in the telecommute program of
5 the agency and to all managers of telecommuters. Except as provided under subsection
6 (B), an employee must have successfully completed the interactive telecommute training
7 program before said employee enters into a written agreement to telecommute described
8 under section 4(8)(2).
9

10 All telecommuters and non-telecommuters shall be treated the same for purposes
11 of periodic appraisals of job performance, training, rewarding, reassigning, promoting and
12 removing employees, providing work requirements or other acts involving managerial
13 discretion.
14

15 When determining what constitutes diminished employee performance, the
16 agency shall consult the guidelines as provided for by the Strategic Performance
17 Management System (SPMS) of the Civil Service Commission.
18

19 B) Each government agency may provide for an exemption from the training
20 requirements under subsection (A), if the head of that department determines that the
21 training would be unnecessary because the employee is already telecommuting under a
22 work arrangement in effect before the date of enactment of this Act.
23

24 **SEC. 6. *Guidelines on Purchasing Computer Systems.* -** Not later than 120 days after the
25 enactment of this Act, each government agency shall issue department guidelines
26 requiring the purchase of computer systems that enable and support telecommuting,
27 unless the head of the agency determines that there is a mission- specific reason not to do
28 so.
29

30 **SEC. 7. *Telecommute Website.* -** The Department of Information and Communications
31 Technology (DICT) shall maintain a central telecommute website which shall include
32 telecommute links, announcements, telecommute guidelines developed by the Civil
33 Service Commission and other related websites
34

35 **SEC. 8. *Telecommute Managing Officer.* -**
36

37 A) Designation.-The head of each government agency shall appoint a
38 Telecommute Managing Officer. The Telecommute Managing Office shall be established
39 within the human resource department or a comparable department with similar
40 functions.
41

42 B) Duties.-The Telecommute Managing Officer shall.
43

44 1) be devoted to policy development and implementation related to
45 agency telecommute programs;
46

47 2) serve as-

1
2 a) an advisor for agency leadership, including the head of the
3 human resource department or a comparable department with
4 similar functions;

5
6 b) a resource for telecommuting managers and employees; and
7

8 c) a primary agency point of contact for the Civil Service
9 Commission and the DICT on telecommute matters; and
10

11 3) perform other duties as the applicable delegating authority may assign.
12

13 C) Status within agency.-The Telecommute Managing Officer of a government
14 agency shall be a senior official of the agency who has direct access to the head of
15 the agency.
16

17 **SEC. 9. Reports.-**
18

19 A) Reports by the Civil Service Commission.
20

21 1) Submission of reports.-Not later than 18 months after the date of
22 enactment of this Act and on an annual basis thereafter, the Chairman of the
23 Civil Service Commission, in consultation with the human resource offices of
24 each government agency shall -
25

26 a) submit a report addressing the telecommute programs of each
27 government agency to:
28

29 i) the Committee on Civil Service and Government and
30 Reorganization of the Senate; and
31

32 ii) the Committee on Civil Service and Professional
33 Regulation of the House of Representatives; and
34

35 b) transmit a copy of the report to the Department of Budget and
36 Management
37

38 2) Contents.-Each report submitted under this subsection shall include:
39

40 a) the degree of participation by employees of each government agency
41 in telecommuting during the period covered by the report and the degree
42 of participation in each bureau, division, or other major administrative
43 unit of that agency, including
44

45 i) the total number of employees in the agency;
46

47 ii) the number and percent of employees in the agency who are

1 eligible to telecommute; and

2
3 iii) the number and percent of eligible employees in the agency
4 who are telecommuting

5
6 I) 3 or more days per pay period;

7
8 II) 1 or 2 days per pay period;

9
10 III) once per month; and

11
12 IV) on an occasional, episodic, or
13 short-term basis;

14
15 b) the method for gathering telecommute data in each agency;

16
17 c) if the total number of employees telecommuting is 10 percent
18 higher or lower than the previous year in any agency, the reasons for the
19 positive or negative variation;

20
21 d) the agency goal for increasing participation to the extent practicable
22 or necessary for the next reporting period, as indicated by the percent of
23 eligible employees telecommuting in each frequency category described
24 under subparagraph (A)(2)(iii);

25
26 e) an explanation of whether the agency met the goals for the last
27 reporting period and, if not, what actions are being taken to identify and
28 eliminate barriers to maximizing telecommute opportunities for the next
29 reporting period;

30
31 f) an assessment of the progress each agency has made in meeting
32 agency participation rate goals during the reporting period, and other
33 agency goals relating to telecommute, such as the impact of telecommute
34 on.

35
36 i) emergency readiness;

37 ii) energy use;

38 iii) recruitment and retention;

39 iv) performance;

40 v) productivity; and

41 vi) employee attitudes and opinions regarding telecommuting; and

42 vii) the best practices in agency telecommute programs.

43
44 B) Chief Human Resource Officer Reports.

45
46 1) *In general.*-Each year the chief human resource officer of each
47 government agency, in consultation with the Telecommuting Managing

1 Officer of that agency shall submit a report to the Civil Service Commission
2 on agency management efforts to promote telecommuting.
3

4 **SEC. 10. *Implementing Rules and Regulations.***
5

6 A) Agency Consultation with the Civil Service Commission.-Each government
7 agency shall consult with the Civil Service Commission in developing telecommute
8 policies.
9

10 B) Guidance and Consultation.-The Civil Service Commission shall
11

12 1) provide policy and policy guidance for telecommuting in the areas of pay
13 and leave, agency closure, performance management, official worksite,
14 recruitment and retention, and accommodations for employees with
15 disabilities; and
16

17 2) assist each agency in establishing appropriate qualitative and
18 quantitative measures and telecommuting goals.
19

20 C) Telecommute Security Guidelines.-
21

22 1) In general.-The Secretary of the Department of Information and
23 Communications Technology, shall issue guidelines not later than 180 days
24 after the enactment of this Act to ensure the adequacy of information and
25 security protections for information and information systems used while
26 telecommuting.
27

28 2) Contents.-Guidelines issued under this subsection shall, at a
29 minimum, include requirements necessary to-
30

31 a) control access to agency information and information systems;
32

33 b) protect agency information (including personally identifiable
34 information) and information systems;
35

36 c) limit the introduction of vulnerabilities;
37

38 d) protect information systems not under the control of the
39 agency that are used for telecommuting;
40

41 e) safeguard wireless and other telecommunications capabilities
42 that are used for telecommuting; and
43

44 f) prevent inappropriate use of official time or resources that
45 violates the Code of Conduct and Ethical Standards for Public
46 Officials and Employees.
47

1 SEC. 11. **Appropriations.**- The amount necessary for the implementation of the
2 provisions of this Act shall be charged to the annual appropriated funding of the
3 respective government agencies covered by this Act. Thereafter, any such amounts
4 necessary for the effective implementation of this Act shall be included in the
5 appropriations for each government agency in the General Appropriations Act.
6

7 SEC. 12. **Separability Clause.**- If any provision, section, or part of this Act shall be
8 declared unconstitutional or invalid, such judgment shall not affect, invalidate, or impair
9 any other provisions, sections, or parts thereof.
10

11 SEC. 13. **Repealing Clause.**- All laws, decrees, orders, rules and regulations, or portions
12 thereof, inconsistent with this Act are hereby repealed or modified accordingly.
13

14 SEC. 14. **Effectivity.**- This Act shall take effect fifteen (15) days after its publication in
15 the Official Gazette or in at least two (2) newspapers of general circulation.
16

17 *Approved,*