

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Twentieth Congress
First Regular Session

HOUSE BILL NO. **5865**



Introduced by **Representative RAYMOND ADRIAN SALCEDA**

AN ACT
PROVIDING FOR THE MANDATORY COVERAGE OF GOVERNMENT
AUXILIARIES UNDER THE SOCIAL SECURITY SYSTEM, APPROPRIATING
FUNDS THEREFOR AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Government auxiliary services/personnel in the government are an invaluable resource for the life of the State and for the delivery of essential public services in the basic level including Barangay Secretaries, Barangay Treasurers, Barangay Tanods, Barangay Health Workers, Barangay Nutrition Scholars, Lupong Tagapamayapa, and job order or contract-of-service personnel attached by the local and national government units.

They are the frontline implementers of national and local programs, from public health and sanitation to peace and order, community welfare and disaster relief; in the pandemic, natural disasters and public emergency situations, the community-based workers were among the first responders, often for great personal risk, even though they received low or irregular income. However, although their work is public and necessary for the conduct of government, the reality is that the majority of government auxiliary services are not members of the formal social protection mechanisms such as the Social Security System (SSS). Where they are employed, they are usually volunteers, job order workers or contracted service providers outside of government's traditional plantilla jobs, so they have no right to the benefits and security as regular employees of government.

This lack of institutional protection exposes thousands of these workers and their families to economic vulnerability. Without access to sickness, disability, maternity, or retirement benefits, they face uncertainty despite years, often decades of faithful public service. Such exclusion contradicts the constitutional guarantee that the State shall afford full protection to labor, local and overseas, organized and unorganized, and shall promote social justice in all phases of national development.

For example, although various legislative measures have been introduced in Congress to recognize certain groups among the government's auxiliaries, the legal base for that recognition is fragmented and incomplete.

- Republic Act No. 7305, or the *Magna Carta of Public Health Workers*, covers some categories of health personnel but not barangay based or volunteer workers not under regular appointment.
- Senate Bill No. 2838, the *Magna Carta of Barangay Health Workers* recently passed by the Senate, seeks to professionalize BHWs, but it does not extend its coverage to other barangay auxiliary services or job order personnel; and
- Senate Bill No. 470, House Bill No. 201 of 1997, Barangay Officials and Volunteer Workers' Social Security Benefits Act, is still pending for enactment.

Without any comprehensive policy, barangay officials, BHWs, BNS, tanods and job order workers continue to depend on honoraria, stipends or allowances without regular access to formal retirement/insurance mechanisms.

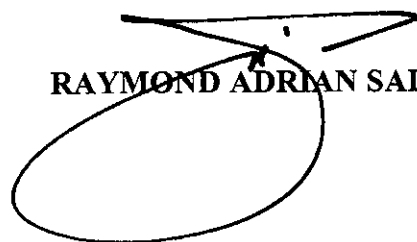
That is why this bill aims to institutionalize mandatory coverage of all government auxiliary agencies under the Social Security System (SSS), pursuant to **Republic Act No. 11199** or the *Social Security Act of 2018*, to which contributions may be fully subsidised by the national government and to ensure that all persons who perform essential public functions of the State, regardless of employment status or regional designation, should have equitable social protection.

Based on the principle of guaranteeing security of individual benefits, the provision of this measure also promotes administrative efficiency and inter-agency coordination through the setting up of a central database of government auxiliaries under joint management of the DILG, the SSS and the Civil Service Commission in order to foster transparency, streamline the enrollment process and develop policy making capability at the local level for human resource development.

As an additional aspect of the program, the bill provides for a periodic review of contribution rates and adequacy of benefits to maintain the program's long-term sustainability and accountability provisions for agencies or LGUs who fail to register or remit contributions on behalf of covered workers.

In essence this is a measure of justice and recognition, for it recognises that the participation of government auxiliary bodies is not mere peripheral activity but an essential partner in the management process and by giving them the same level of protection as the ordinary staff of government it reinforces the principle that public service, whatever its form, deserves protection, dignity and reward.

In view of this, it is now particularly calling for the adoption of this measure at once.


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

SECTION 1. *Short Title.* – This Act shall be known as the “*Government Auxiliary Social Security Coverage Act.*”

SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to promote social justice and inclusive protection to all persons rendering public service, regardless of employment status. The State recognizes the vital role of government auxiliaries in governance and community development and shall ensure their inclusion in the national security system.

SEC. 3. *Definition of Terms.* – As used in this Act: the term “*Government Auxiliaries*” shall refer to individuals engaged by national or local government units who render public service but are not considered regular government employees. This shall include, but not limited to:

- (a) Punong Barangay and Barangay Officials;
- (b) Barangay Appointees
 - (i) Barangay Secretaries,
 - (ii) Barangay Treasurers,
 - (iii) Barangay Tanods,
 - (iv) Barangay Health Workers,
 - (v) Barangay Nutrition Scholars,
 - (vi) Lupong Tagapamayapa; and
- (c) Job Order and Contract of Service personnel engaged by national agencies, local government units (LGUs), or government-owned and -controlled corporations (GOCCs)

SEC. 4. *Mandatory Coverage under the SSS.* – All Government Auxiliaries, as defined under this Act, are compulsory covered under the Social Security System (SSS) adopted by Republic Act No. 11199, also known as the “Social Security Act of 2018.”

They shall be entitled to regular SSS benefits, in particular sickness, maternity, disability, retirement, death, and funeral benefits, as existing provisions of Republic Act No. 11199, as amended, may provide.

SEC. 5. *Minimum Monthly Salary Credit (MSC)* – The monthly contribution shall be based on the minimum Monthly Salary Credit (MSC) as provided for in the latest SSS Contribution Table, regardless of whether the member’s honorarium or allowance is below the said minimum.

SEC. 6. *Qualification for Lifetime Pension.* – A Government Auxiliary Member is qualified to receive a lifetime monthly pension if they have reached the age of sixty (60), met the other retirement conditions under the Social Security Act of 2018, and paid a total of at least one hundred twenty (120) monthly contributions prior to the semester of retirement.

SEC. 7. *Funding of Contributions.* – The national government shall fully subsidise both employer’s and the employee’s share of the SSS contributions of all covered government auxiliaries. In coordination with the SSS and the Department of the Interior and Local Government (DILG), the Department of Budget and Management (DBM), shall determine an appropriate funding mechanism and ensure that said contributions are timely and continuous.

For personnel stationed in barangays, the DILG may issue guidelines on consolidation and submission of official listings of covered auxiliary services for registration and compliance with the SSS.

SEC. 8. *Registration and Database of Covered Auxiliaries.* – A centralized database of all government auxiliary bodies prescribed by this Act shall be established and maintained by the DILG in coordination with the SSS and the Civil Service Commission (CSC).

This database shall be regularly updated and used for monitoring compliance, benefit administration, and policy formulation.

SEC. 9. *Periodic Review and Adjustment of Contributions.* – The SSS, in consultation with the DBM and the Department of Finance (DOF), shall review every three (3) years the adequacy of contribution rates and benefit levels applicable to government auxiliaries to ensure fiscal sustainability and equity of benefits.

SEC. 10. *Coordination with Local Government Units.* – All LGUs shall assist in the identification, enrollment, and monitoring of Government Auxiliaries within their jurisdiction. The DILG shall issue the applicable directives to facilitate compliance with and full integration with the existing barangay and local personnel systems.

SEC. 11. *Implementing Rules and Regulations (IRR).* – The Social Security Commission shall jointly formulate and prepare the rules and regulations with the Local Government Units, Civil Service Commission, DILG, DBM necessary to implement the provisions of this Act. All rules and regulations so formulated shall be liberally construed in favor of the Government Auxiliaries so as to give them the greatest degree of benefits that can be derived from this Act.

SEC. 12. *Appropriations.* – Such amount required for the initial implementation of this Act shall be charged against the current appropriations of the concerned agencies and thereafter such amounts as may be required for the continued implementation of the Act shall be included in each year's General Appropriations Act (GAA).

SEC. 13. *Separability Clause.* – If any part or provision of this Act is declared unconstitutional, the remaining provisions not affected thereby shall remain in full force and effect.

SEC. 14. *Penalty for Non-Compliance.* – Any government agency, LGU or liable officer, for any reason which does not justify the absence of failure to comply with the registration, reporting or remittance requirements of this Act without justification shall be administratively liable under all existing civil service laws, rules, and regulations.

SEC. 15. *Repealing Clause.* – All laws, decrees, orders, and issuances inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 16. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,