



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Twentieth Congress
First Regular Session
HOUSE BILL NO. **9407**

**Introduced by Ako Bicol Partylist Representatives Jan Franz Norbert Joselito Almario
Chan and Alfredo A. Garbin, Jr.**

EXPLANATORY NOTE

Long-term casual employees in government offices have rendered years, if not decades, of dedicated public service. Despite their experience and contributions, many remain without civil service eligibility and permanent status, resulting in insecurity of tenure and limited access to benefits.

This proposed measure seeks to address this inequity by granting civil service eligibility to casual employees who have demonstrated long and continuous service, that is, ten (10) years for national government agencies and fifteen (15) years for local government units. In recognition of their service, the bill also provides for the creation of special permanent positions tailored to their current functions, ensuring both institutional continuity and fairness.

To balance meritocracy and fiscal responsibility, the positions created under this Act are co-terminus with the incumbent and shall be automatically abolished upon vacancy due to promotion, resignation, or death.

This measure promotes stability in government service, rewards loyalty and competence, and enhances the overall efficiency of public administration.

In view of the foregoing, the immediate passage of this bill is earnestly sought.



JAN FRANZ NORBERT JOSELITO A. CHAN

Representative

Ako Bicol Partylist



ALFREDO A. GARBIN, JR.

Representative

Ako Bicol Partylist



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**AN ACT GRANTING CIVIL SERVICE ELIGIBILITY TO LONG-TERM CASUAL
EMPLOYEES IN GOVERNMENT, CREATING SPECIAL PERMANENT POSITIONS,
PROVIDING FOR APPROPRIATIONS, AND FOR OTHER PURPOSES**

*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 “*Civil Service Eligibility for Long-Term Casual Employees Act.*”

SECTION 2. Declaration of Policy. – It is hereby declared the policy of the State to promote efficiency, continuity, and stability in the civil service, and to recognize the valuable contributions of long-term casual employees who have demonstrated competence, dedication, and integrity in public service. Consistent with the constitutional principle of merit and fitness, the State shall provide a fair and reasonable pathway toward civil service eligibility and security of tenure for qualified long-term casual employees.

SECTION 3. Merit and Fitness Principle. – Nothing in this Act shall be construed as dispensing with the constitutional requirement that appointments in the civil service shall be made only according to merit and fitness, as far as practicable, by competitive examination.

The grant of eligibility under this Act shall be subject to:

- (a) Evaluation by the Civil Service Commission of the employee's competence, integrity, and fitness for permanent appointment;
- (b) Administration of a competency-based assessment instrument by the Civil Service Commission, which may take the form of a written examination, structured oral interview, performance demonstration, or a combination thereof, designed to measure the knowledge, skills, and abilities required for the position;
- (c) Submission of a comprehensive performance portfolio covering the employee's service record; and
- (d) Compliance with applicable qualification standards prescribed by the Civil Service Commission.

The eligibility granted under this Act shall be deemed a special civil service eligibility consistent with analogous statutory eligibilities recognized under existing law.

SECTION 4. Definition of Terms. – For purposes of this Act, the following terms shall be defined as follows, consistent with the Administrative Code of 1987, Civil Service Commission (CSC) issuances, and Department of Budget and Management (DBM) rules:

- (1) "*Casual Appointment*" refers to an appointment issued only for essential and necessary services where there are no available eligible persons, and shall be effective for a period not exceeding one (1) year, pursuant to Book V, Title I, Subtitle A of the Administrative Code of 1987 and pertinent CSC rules;
- (2) "*Casual Employee*" refers to a government personnel holding a Casual Appointment, whose employment is non-permanent in nature but whose services are necessary or desirable to the usual business or functions of the agency, in accordance with CSC Memorandum Circulars governing appointments;
- (3) "*Continuous Service*" refers to government service rendered without interruption, including periods of authorized leave with pay and other similar authorized absences, and excluding separations not attributable to the fault of the employee, subject to CSC rules and jurisprudence;

- (4) *"Eligibility"* refers to the civil service eligibility conferred by the CSC which qualifies an individual for permanent appointment to positions in the career service, pursuant to the 1987 Constitution, the Administrative Code of 1987, and CSC eligibility regulations;
- (5) *"Plantilla of Personnel"* refers to the document reflecting the authorized staffing pattern of an agency, including the number of positions, item numbers, salary grades, and corresponding compensation, as approved by the DBM pursuant to budgeting, accounting, and compensation laws and regulations;
- (6) *"Special Permanent Item or Special Plantilla Position"* refers to a position created under this Act within the Plantilla of Personnel of an agency, authorized by the DBM, and co-terminus with the incumbent, for purposes of recognizing and regularizing qualified casual employees;
- (7) *"Co-terminus with the Incumbent"* refers to a position whose tenure is limited to the period during which the incumbent remains in office, and which is automatically abolished upon the incumbent's separation from the service due to promotion, resignation, retirement, or death, consistent with CSC and DBM rules; and
- (8) *"Qualification Standards"* refers to the minimum requirements for a position, including education, training, experience, and eligibility, as prescribed by the CSC under existing laws and regulations.

SECTION 5. Coverage. – This Act shall apply to all casual employees in the national government agencies (NGAs) and local government units (LGUs) who have rendered continuous and satisfactory service for the period required under this Act.

This Act shall apply only to casual employees occupying first-level and second-level positions whose functions are regular and necessary to the operations of the agency. Job Order workers, Contract of Service workers, primarily confidential employees, coterminous employees, and employees holding primarily policy-determining positions are excluded from the coverage of this Act.

SECTION 6. Grant of Civil Service Eligibility. – Casual employees covered under this Act may be granted civil service eligibility by the Civil Service Commission (CSC), subject to evaluation and compliance with applicable qualification standards, under the following conditions:

- (a) Casual employees in National Government Agencies who have rendered at least five (5) years of continuous and satisfactory service; and

- (b) Casual employees in Local Government Units who have rendered at least seven (7) years of continuous and satisfactory service.

The grant of eligibility under this Act shall not be automatic and shall remain subject to the determination by the Civil Service Commission that the employee possesses the merit, fitness, competence, and qualifications necessary for permanent appointment.

To qualify under this Act, the employee must:

- (1) Have obtained at least a 'Very Satisfactory' performance rating in the four (4) most recent semestral rating periods, or the equivalent thereof under the applicable performance management system, immediately preceding the application;
- (2) Meet the education, training, and experience requirements prescribed by the Civil Service Commission for the position; and
- (3) Have no final and executory administrative or criminal conviction involving moral turpitude, grave misconduct, dishonesty, corruption, or conduct prejudicial to the best interest of the service. Provided, that the existence of a pending administrative or criminal case involving any of the foregoing offenses shall not be a ground for outright denial, but shall be a ground for the Civil Service Commission to hold the application in abeyance until final resolution thereof. Provided, further, that the employee shall disclose any such pending case in the application, and failure to disclose shall be a ground for denial or revocation of eligibility.

The determination of 'substantially comparable positions' under this Section shall be made by the Civil Service Commission, based on the nature of duties, level of responsibility, and qualification requirements of the position. The employee shall have the right to appeal such determination in accordance with existing Civil Service Commission rules on appeals

The eligibility granted under this Act shall apply only to the employee's present position or to substantially comparable positions as may be determined by the Civil Service Commission.

SECTION 7. Creation of Special Permanent Positions. – There shall be created a Special Permanent Item or Special Plantilla Position in the office where the qualified casual employee is currently assigned, subject to the approval of the Department of Budget and Management (DBM). Provided, That the creation of such position shall not result in the automatic expansion of the regular plantilla beyond the incumbent concerned.

Such position shall:

- (a) Be co-terminus with the incumbent occupying the same;
- (b) Correspond to the nature of duties and responsibilities currently being performed by the employee; and
- (c) Be included in the agency's Plantilla of Personnel upon approval by the DBM.

The Special Permanent Item created under this Act shall be deemed personal to the qualified employee and shall not create a vested right to future occupancy by any successor. The creation of the position shall be subject to existing qualification standards prescribed by the Civil Service Commission (CSC), except as to eligibility which is granted under this Act.

The DBM, in coordination with the CSC, shall establish the necessary guidelines and procedures for the evaluation, approval, and funding of such positions, consistent with budgeting, compensation, and position classification laws and rules.

The DBM shall act on applications for the creation of Special Permanent Items under this Act within ninety (90) days from receipt of the complete documentary requirements from the requesting agency. Approval shall not be unreasonably withheld where funding is available within the existing appropriations of the agency concerned, or where alternative funding sources have been duly identified. In the event that the DBM fails to act within the prescribed period, the requesting agency may elevate the matter to the Office of the President for appropriate action. Such inaction shall not prejudice the rights of the qualified employee under this Act.

SECTION 8. Funding and Appropriations. – The amount necessary for the implementation of this Act, including the salaries and benefits corresponding to the Special Permanent Items created, shall be charged against the current appropriations of the respective agencies concerned.

Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act. Implementation of this Act shall be subject to existing budgeting, accounting, and auditing laws, rules, and regulations.

SECTION 9. Abolition of Special Permanent Positions. – The Special Permanent Item or Special Plantilla Position created under this Act shall be deemed automatically abolished upon the occurrence of any of the following:

- (a) Promotion of the incumbent to another position;
- (b) Resignation, retirement, or separation from government service; or
- (c) Death or permanent disability of the incumbent.

No replacement shall be appointed to the abolished position.

SECTION 10. Implementing Rules and Regulations. – Within ninety (90) days from the effectivity of this Act, the Civil Service Commission (CSC), in coordination with the Department of Budget and Management (DBM) and the Department of the Interior and Local Government (DILG), shall promulgate the necessary rules and regulations for the effective implementation of this Act.

SECTION 11. Transitory Provisions. – Within one (1) year from the effectivity of this Act, all covered agencies shall identify and submit to the CSC and DBM a list of qualified casual employees who meet the requirements under this Act.

Priority shall be given to those who have completed the required years of continuous service as of the effectivity of this Act.

Pending the approval of Special Permanent Items, qualified employees shall continue in their respective positions without diminution of pay or benefits.

The Civil Service Commission shall act upon complete applications within ninety (90) days from submission.

SECTION 12. Compliance and Reporting. – Within one (1) year from the effectivity of this Act, the Civil Service Commission, in coordination with the Department of Budget and Management, shall submit an annual report to Congress on the implementation of this Act, including the number of employees granted eligibility and the number of Special Permanent Items created.

SECTION 13. Penalties. – Any public officer who willfully and unjustifiably refuses to implement the provisions of this Act or deliberately obstructs the processing of qualified employees under this Act shall be subject to administrative liability in accordance with existing civil service laws, rules, and regulations.

SECTION 14. Separability Clause. – If any provision of this Act is declared unconstitutional or invalid, the remaining provisions shall not be affected thereby.

SECTION 15. Repealing Clause. – All laws, decrees, executive orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 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,