



Republic of the Philippines
House of Representatives
Quezon City



EIGHTEENTH CONGRESS
Third Regular Session

House Bill No. 9929

Introduced by REPRESENTATIVE ERIC L. OLIVAREZ

EXPLANATORY NOTE

In the Philippines, contractual and casual employees are being employed year after year. Unfortunately, for a significant number of people, they remain to be contractual and casual employees without attaining regularization. This means that these employees only enjoy security of tenure throughout the duration of their respective contracts.

Article XII, Section 3 of the Philippine Constitution states that:

Section 3. The State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment for all.

x x x “

Full protection of labor includes security of tenure. Security of tenure means that employees can only be dismissed for just or authorized causes. Needless to say, contractual and casual employees who have been continuously employed year after year deserve to have security of tenure not only throughout the duration of each contract that they enter but to have security of tenure in their respective jobs in general. The fact that they have rendered government service in the same positions means that said positions of those employees who are covered by this Act are necessary for the efficient operation of the government.

The intention of this Bill is to provide security of tenure to those contractual and casual employees who have rendered years of service in the government subject to the qualifications that shall be set forth in the provisions of this Act and the corresponding Implementing Rules and Regulations that shall be issued.

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

Eric C. Olivarez
ERIC OLIVAREZ



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1
2 **“AN ACT PROVIDING FOR SECURITY OF TENURE FOR ALL**
3 **CASUAL AND CONTRACTUAL EMPLOYEES OF THE**
4 **GOVERNMENT WHO HAVE RENDERED THE PRESCRIBED**
5 **YEARS OF SERVICE IN THE NATIONAL GOVERNMENT**
6 **AND THE LOCAL GOVERNMENT UNITS,**
7 **AND FOR OTHER PURPOSES”**
8

9 *Be it enacted in the Senate and the House of Representatives of the Republic of the*
10 *Philippines in Congress assembled:*

11 **SECTION 1. *Short Title.*** – This Act shall be known as the “*The*
12 *Security of Tenure for Casual and Contractual Employees Act of 2021*”.

13 **SECTION 2. *Declaration of Policy.*** – It shall be the declared policy
14 of the State to afford full protection to labor, local and overseas, organized
15 and unorganized, and promote full employment and equality of
16 employment for all.

17 Towards this end, the State shall create measures to provide
18 employees who have rendered the required number of years in
19 government service the security of tenure in order to protect their
20 interests.

1 **SECTION 3. *Security of Tenure for Long-time casual and contractual***
2 ***employees.*** – Subject to the provisions of the Constitution and applicable
3 civil service laws, rules and regulations, it is hereby mandated that
4 casual and contractual government employees who have rendered at
5 least five (5) years of continuous service in national government
6 agencies or at least ten (10) years of continuous service in local
7 government units as of the date of the approval of this Act be entitled to
8 security of tenure: *Provided*, that said continuity requirement may be
9 waived if the services of the employee concerned prior to the completion
10 of said years was interrupted by not more than three (3) years, taken
11 cumulatively, due to either abolition of position, reorganization of the
12 office wherein the position was phased out or reduction in force:
13 *Provided further*, That in the case of employees who have been
14 employed in the same government agency in any capacity, the said
15 requirement of continuous service may likewise be waived if the
16 interruption of their service is not more than eighteen (18) months, taken
17 cumulatively so long as the minimum requirement is met.

18 For purposes of this Act, security of tenure shall mean that a
19 covered contractual or casual employee under this Act shall not be
20 removed from government service except for just or authorized causes.

21 **SECTION 4. *Status of Covered Employees and Affected***
22 ***Positions.*** – All of the positions affected by this Act currently held by the
23 covered employees under this Act shall be deemed necessary for the
24 efficient operation of the government and shall be marked as co-terminus
25 with the incumbent. As a result, all covered employees shall not be
26 separated or terminated from the said position except for just or lawful
27 cause and with due process of law nor can their positions be abolished
28 except when the same is vacated by their incumbents.

29 **SECTION 5. *Implementing Rules and Regulations.*** – The Civil
30 Service Commission, in consultation with the Department of Budget and
31 Management (DBM), shall issue the rules and regulations necessary to
32 implement the provisions of this Act. Said implementing rules and
33 regulations shall be promulgated within ninety (90) days after the approval
34 of this Act.

35 **SECTION 6. *Penal Provisions*** - Any government employee who
36 shall apply for entitlement to security of tenure under the provisions of this
37 Act on the basis of false claims and/or documents as well as any

1 government officer or employee who will make or issue false certifications,
2 attestations, endorsements and/or spurious documents in relation to any
3 such application shall suffer the penalty of imprisonment of one (1) to
4 three (3) years or a fine in amount up to one hundred thousand pesos
5 (P100,000.00) or both, at the discretion of the courts, in addition to
6 perpetual disqualification from any position in the government service.
7 The government agency concerned shall not be precluded from filing the
8 appropriate administrative charges under existing civil service laws, rules,
9 and regulations.

10 **SECTION 7. *Separability Clause.*** – If any provision of this Act is
11 declared invalid or unconstitutional, the other provisions not affected
12 thereby shall remain valid and subsisting.

13 **SECTION 8. *Repealing Clause.*** – All acts, executive orders,
14 memorandum circulars/guidelines and other issuances or parts thereof,
15 which are inconsistent with this Act, are hereby repealed or modified
16 accordingly.

17 **SECTION 9. *Effectivity.*** – This Act shall take effect fifteen (15)
18 days after its publication in the Official Gazette or in two (2) newspapers
19 of general circulation

20 **APPROVED.**