

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE RESOLUTION No. 50



Introduced by

ACT Teachers Party-List Rep. FRANCE L. CASTRO,
BAYAN MUNA Party-List Rep. CARLOS ISAGANI T. ZARATE,
Rep. FERDINAND GAITE and Rep. EUFEMIA C. CULLAMAT,
GABRIELA Women's Party Rep. ARLENE D. BROSAS,
and KABATAAN Party-List Rep. SARAH JANE I. ELAGO

RESOLUTION

CALLING FOR AN URGENT INQUIRY IN AID OF LEGISLATION INTO CIVIL SERVICE COMMISSION-COMMISSION ON AUDIT-DEPARTMENT OF BUDGET AND MANAGEMENT JOINT CIRCULAR 1, SERIES OF 2017 WHICH INSTITUTIONALIZES AGENCY HIRING IN THE CIVIL SERVICE AND WILL CAUSE A MASSIVE LAYOFF OF JOB ORDER AND CONTRACT OF SERVICE WORKERS IN GOVERNMENT BY END OF 2020

WHEREAS, the lack of guidelines governing contracts of service and job orders in the public service allowed government agencies to hire workers on job orders (JOs) and contracts of service (COSs) even for functions and duties which should be done by regular employees. This abusive practice led to the circumvention of the constitutional rights of government personnel to regular employment, security of tenure, living wage, and self-organization, among others;

WHEREAS, as of the latest Civil Service Commission (CSC) Inventory of Government Human Resources (IGHR) in 31 August 2017, there are now 660,390 JO and COS workers in the civil service. This is an increase of nearly 11% in just one year, from the CSC's previous tally of 595,162 in July 2016;

WHEREAS, the 2017 IGHR shows that 27% or more than one-fourth of the entire workforce in government are workers deprived of job security, decent salaries, and benefits, making government the biggest user of "endo" workers;

WHEREAS, on 15 June 2017, the CSC, Commission on Audit (COA), and the Department of Budget and Management (DBM) issued Joint Circular 1 entitled "Rules and Regulations Governing Contracts of Service and Job Order Workers in the Government";

WHEREAS, however, instead of ending “endo” in government, this circular will institutionalize in the civil service the practice of agency hiring. Through Provision 6.1 of the Joint Circular, “government agencies may avail of outsourced services through institutional contract of service...for lump sum work or services to perform janitorial, security, consultancy, and other support functions for a maximum period of one (1) year”;

WHEREAS, “institutional contracts of service” is no different from agency hiring which has caused the proliferation of endo in the private sector. Agency hiring allows companies to outsource labor from other firms even for its core functions or activities which are necessary and desirable in the usual trade or business of the employer, which, under the Labor Code, should be performed by regular employees;

WHEREAS, the Joint Circular also contains several loopholes that will encourage widespread outsourcing of government personnel. One loophole is Provision 7.1 that permits hiring through COS if it is “impractical or more expensive for the government agency to directly undertake the service provided by the individual or institutional contractor” and for “support services” such as “janitorial, security, driving, data encoding, equipment and grounds maintenance and other services that support the day to day operations of the agency”;

WHEREAS, another is Provision 7.2 that allows agencies to hire JOs for “emergency or intermittent work,...and manual tasks such as carpentry, plumbing, painting, electrical, and the like which are not part of the regular functions of the agency”;

WHEREAS, in the circular, there is no commitment on the part of the DBM that it will create new positions to grant regular positions to qualified COS and JO workers. At best, the issuance merely gives government a limited discretion—“The creation of permanent positions may be considered...subject to evaluation of the DBM/Governance Commission for GOCCs”;

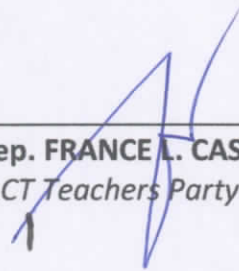
WHEREAS, in experience, and with the lack of sufficient number of items for regular positions, these loopholes are already used as excuse to hire COS and JO personnel for vital and day-to-day functions, such as Department of Social Welfare and Development’s staff implementing the 4Ps, so-called “emergency instructors” in state universities and colleges, data encoders in the Philippine Statistics Authority and various divisions in government offices, and cleaning and maintenance staff;

WHEREAS, certainly, it will always be “too expensive” for government agencies to resort to COS hiring rather than to create permanent positions, and cheaper to just use outsourced personnel rather than provide for the salaries and benefits of regular employees;

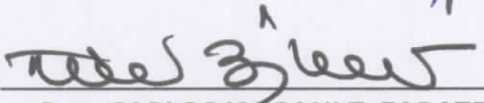
WHEREAS, even as amended by Joint Circular 1, series of 2018 Joint Circular 1 will also soon cause the massive layoff of about half a million JO and COS workers. Under Provision 11, all existing contracts of individual JO and COS personnel will be terminated on December 31, 2020, after which, only institutional contracts of service will be entered into.

NOW, BE IT RESOLVED, that the House of Representatives conduct an urgent inquiry in aid of legislation into the Civil Service Commission-Commission on Audit-Department of Budget and Management Joint Circular 1, series of 2017 which institutionalizes agency hiring in the civil service and will cause a massive layoff of job order and contract of service workers in government by end of 2018.

Adopted,



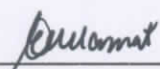
Rep. **FRANCE L. CASTRO**
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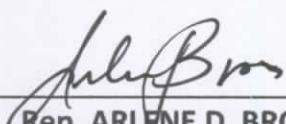
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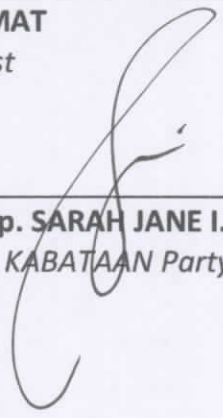
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