



Republic of the Philippines
Province of Cavite
City of Bacoor

5th SANGGUNIANG PANLUNGSOD

COMMITTEE ON ETHICS, APPOINTMENTS AND GOVERNMENT REORGANIZATION

COMMITTEE HEARING REPORT

CEAGR-PCO-2023-132

Office of the Sangguniang Panglungsod
Received: **13 NOV 2023**
Date: **13 NOV 2023**
Time: **8:20am**

Subject: *An ordinance regulating the engagement, work and termination of job orders and contract of services of employees of the various departments and offices of the local government of the City of Bacoor, Cavite and imposing penalties for violations hereof.*

The above mentioned subject matter underwent first reading on November 06, 2023 during the 67th Regular Session of the Sangguning Panlungsod. The said proposed ordinance was referred by the Presiding Officer Hon. Rowena Bautista Mendiola to the Committee on Ethics, Appointments, and Government Reorganization.

The Committee on Ethics, Appointments and Government Reorganization sent out invitations to the resource persons and conducted a committee hearing on November 11, 2023 at the MSBR Conference Room at 10:00 a.m.

FINDINGS:

Republic Act No. 7160 also known as the Local Government Code, Section 18 provides that local government units shall have the power and authority to establish an organization that shall be responsible for the efficient and effective implementation of their development plans, program objectives and activities.

There are no laws regulating the engagement of work or termination of job order employees working for the various departments and offices of the local government of the City of Bacoor, Cavite.

Due to the lack of regulatory framework, many job order employees adopt a cavalier attitude toward their work to the detriment of the city government and the general public.



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Approval of an ordinance regulating the manner by which a job order or a contract worker is engaged, the conditions of such employment, the manner by which such an employee renders work, the nature of such employment, the manner by which such employment be terminated, as well as the legal consequences of such engagement and termination will redound to the benefit of the general public and ensure that the local government of the City of Bacoor shall remain efficient and effective.

RECOMMENDATION:

After a thorough review of all the circumstances and statements from resource persons, the Committee respectfully recommends that the Sangguniang Panlungsod approve the above subject matter.

By motion of Councilor Hon. Reynaldo C. Palabrica, unanimously seconded by the members of the Sangguniang Panlungsod, the above subject matter was **APPROVED** during the 68th Regular Session of the Sangguniang Panlungsod.

WE HEREBY CERTIFY that the contents of the foregoing report are true and correct.

Signed this 13th day of November 2023 at the City of Bacoor, Cavite.



Republic of the Philippines
Province of Cavite
City of Bacoor

5th SANGGUNIANG PANLUNGSOD

Committee on Ethics, Appointments and Government Reorganization



COUN. REYNALDO C. PALABRICA
Chairman



COUN. ALEJANDRO F. GUTIERREZ
Vice Chairman



COUN. ALDE PAGULAYAN
Member



COUN. MICHAEL SOLIS
Member



Republic of the Philippines
Province of Cavite
City of Bacoor

5th SANGGUNIANG PANLUNGSOD

COMMITTEE ON ETHICS, APPOINTMENTS AND GOVERNMENT REORGANIZATION

MINUTES OF COMMITTEE HEARING CEAGR-PCO-2023-132

Office of the Sangguniang Panlungsod
Received by Janet P. Pico
Date: 13 NOV 2023
Time: 8:30am

Subject: *An ordinance regulating the engagement, work and termination of job orders and contract of services of employees of the various departments and offices of the local government of the City of Bacoor, Cavite and imposing penalties for violations hereof.*

1. The committee hearing was called to order at exactly 9:30 a.m. on November 11, 2023, held at the Session Hall of the Sangguniang Panlungsod of the City of Bacoor.
2. The committee hearing was presided by City Councilor Hon. Reynaldo C. Palabrica, Chairman of the Committee on Ethics, Appointments and Government Re-Organization.
3. The Presiding Officer introduced the members of the committee present.

- Hon. Levy Tela - City Councilor
- Hon. Simplicio Dominguez - City Councilor
- Hon. Michael Solis - City Councilor

4. The Presiding Officer introduced to the members of the Honorable Committee the resource persons present

- Natividad Ludwig Ople - Head-HRDRD
- Dra. Ivy Marie Yrastorza - Head-City Health Office
- Atty. Nathaniel De Leon - Representative-Legal Services Office

5. The Presiding Officer stated the concern on Ms. Natividad Ople on section 5 of the proposed ordinance.
6. The Presiding Officer asked the comment of Dra. Ivy Marie Yrastorza regarding the proposed ordinance.
7. Dra. Ivy Marie Yrastorza gave her comment and stated that the City Health Office will outsource a psychiatric clinic for patients.



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8. The Presiding Officer asked Dra. Ivy Marie Yrastorza the amount needed for the funding of the said clinic
9. HR Department Head said that they have already a psychometrician in their office but doest have a psychometric test. She suggested to purchase the said item which will cost at around 100 thousand to 200 thousand pesos
10. The Presiding Officer asked the opinion of the representative of the Legal Services Office.
11. The legal services office representative, Atty. Nathaniel De Leon gave his concern on section 5, paragraph 6 of the proposed ordinance. He added that the provision should be amended. Applicants should undergo mandatory drug testing.
12. The Presiding Officer agreed with the suggestion of Atty. Nathaniel De Leon.
13. Dra. Ivy Marie Yrastorza shared her budget concerns regarding the mandatory drug testing of the 1,800 job order employees.
14. The Presiding Officer took note of all the suggestions and suggested to change the title of the proposed ordinance and include all the amendments mentioned.
15. The Presiding Officer asked the council members for their comments and opinions.
16. There being no matters to be discussed, City Councilor Hon. Levy Tela moved for the adjournment of the committee hearing.
17. Hearing no objection, the Presiding Officer declared that the hearing is adjourned.
18. The committee hearing ended at exactly 10:10 a.m.

Prepared By:


RONALDO M. VERONA
Staff

Attested By:


COUN. REYNALDO C. PALABRICA
Chairman
Committee on Ethics, Appointments and Government Re-Organization



Republic of the Philippines
Province of Cavite
City of Bacoor

5th SANGGUNIANG PANLUNGSOD

Committee on Ethics, Appointments and Government Re Organization

NOTICE OF COMMITTEE HEARING

(PROOF OF RECEIPT)

(Nov. 10, 2023, 9:30 AM)
(SP Session Hall)

Office of the Sangguniang Panlungsod
Received by: Janet Pring
Date: 11/10/23
Time: 8:20 am

Subject: AN ORDINANCE REGULATING THE ENGAGEMENT, WORK AND TERMINATION OF JOB ORDERS AND CONTRACT OF SERVICES OF EMPLOYEES OF THE VARIOUS DEPARTMENTS AND OFFICES OF THE LOCAL GOVERNMENT OF THE CITY OF BACOR, CAVITE AND IMPOSING PENALTIES FOR VIOLATIONS HEREOF. (PCO No. 2023-132) dated (November 6, 2023)

NAME	OFFICE AFFILIATION	CONTACT NUMBER	SIGNATURE/DATE
HON. ALEJANDRO GUTIERREZ	SP	-	CITYSGRO/11/9/23
HON. MICHAEL SOLIS	SP		11/09/23
HON. ALDE PAGULAYAN			11-9-23
Atty. AIMEE TORREFRANCA NERI City Admin	ADMIN OFFICE	481-4142	11/09/23
Atty. KIM R. LOFRANCO CITY LEGAL OFFICER	Legal Office	415	11/09/23 9:50 AM
Ms. NATIVIDAD OPLE HRDMD	HR	481-4143	11/9/23
HON. ROGELIO NOLASCO	SP		11/9/23
HON. SIMPLICIO DOMINGUEZ	SP	5415	11/9/23



Republic of the Philippines
Province of Cavite
City of Bacoor

5th SANGGUNIANG PANLUNGSOD

Committee on Ethics, Appointments and Government Re Organization **ATTENDANCE OF COMMITTEE HEARING**

(Nov. 10, 2023, 9:30 AM)
(SP Session Hall)

Office of the Sangguniang Panlungsod
Received by: *[Signature]*
Date: **13 NOV 2023**
Time: *8:20 AM*

Subject: AN ORDINANCE REGULATING THE ENGAGEMENT, WORK AND TERMINATION OF JOB ORDERS AND CONTRACT OF SERVICES OF EMPLOYEES OF THE VARIOUS DEPARTMENTS AND OFFICES OF THE LOCAL GOVERNMENT OF THE CITY OF BACOR, CAVITE AND IMPOSING PENALTIES FOR VIOLATIONS HEREOF. (PCO No. 2023-132) dated (November 6, 2023)

NAME	OFFICE AFFILIATION	CONTACT NUMBER Email Address	SIGNATURE/DATE
<i>Natividad Ludwig I. Ople</i>	<i>AFROMD</i>	<i>09063417765</i>	<i>[Signature]</i>
<i>Atty. Nathaniel De Leon</i>	<i>OCLS</i>	<i>09175510595</i>	<i>[Signature]</i>
<i>Michael Angelo Arango</i>	<i>CHO - BSHC</i>	<i>0949 9940184</i>	<i>[Signature]</i>
<i>Ivy Marie C. Yantora</i>	<i>CHU</i>	<i>09178240415</i>	<i>[Signature]</i>

PCO 2023-132 – An ordinance Regulating, work and termination of J.O

Office of the Sangguniang Panglungsod
Received by: Maget Pring
Date: 13 NOV 2023
Time: 2:26pm





PCO 2023-132 – AN ORDINANCE REGULATING THE ENGAGEMENT, WORK AND TERMINATION OF JOB ORDERS AND CONTRACT OF SERVICES OF EMPLOYEES OF THE VARIOUS DEPARTMENTS AND OFFICES OF THE LOCAL GOVERNMENT OF THE CITY OF BACCOOR, CAVITE AND IMPOSING PENALTIES FOR VIOLATIONS HEREOF



Republic of the Philippines
Province of Cavite
CITY OF BACCOOR

Office of the Mayor

October 24, 2023

HON. ROWENA BAUTISTA-MENDIOLA
City Vice Mayor
Bacoor Government Center
Bacoor City, Cavite



THRU: Atty. Khalid Atega, Jr.
Sangguniang Panlungsod Secretary

SUBJECT: Endorsement Letter

Dear Hon. Bautista-Mendiola:

I hereby endorse to the esteemed members of the Sangguniang Panlungsod for appropriate action Endorsement Letter No. 754, S. 2023, issued by the Office of the City Legal Service, relative to the draft ordinance for the regulation of engagement, work, and termination of Job Orders and Contract of Service of Employees of various departments and offices in the City of Bacoor.

Attached herewith is the aforementioned endorsement, including its attachments, for your immediate reference.

I trust that you give this matter your utmost consideration.

Sincerely yours,


STRIKE B. REVILLA
City Mayor



[BACK](#)



PROPOSED CITY ORDINANCE NO. ____
Series of 2023

AN ORDINANCE REGULATING THE ENGAGEMENT, WORK, AND TERMINATION OF JOB ORDERS AND CONTRACT OF SERVICES EMPLOYEES OF THE VARIOUS DEPARTMENTS AND OFFICES OF THE LOCAL GOVERNMENT OF THE CITY OF BACOR, CAVITE AND IMPOSING PENALTIES FOR VIOLATIONS HEREOF.

Sponsored by:

WHEREAS, there are no laws regulating the engagement, work, or termination of job order employees working for the various departments and offices of the local government of the City of Bacoor, Cavite;

WHEREAS, due to the lack of a regulatory framework, many job order employees adopt a cavalier attitude toward their work to the detriment of the city government and the general public;

WHEREAS, Section 18 of Republic Act No. 7160 (the "Local Government Code of 1991") provides that local government units shall have the power and authority to establish an organization that shall be responsible for the efficient and effective implementation of their development plans, program objectives, and priorities;

WHEREAS, taxpayers expect local government employees to provide excellent client service regardless of whether they are permanent, contractual, or job order employees;

WHEREAS the Civil Service Commission (CSC), through its Resolution No. 020790, clarifies that contracts of services "are not covered by Civil Service laws, rules, and regulations, but covered by Commission on Audit (COA) rules," which means that even the said agency cannot regulate the manner by which the services of a job order or contract of service employee are engaged, how they work, or how they are terminated;

WHEREAS, Section 11 (1) of Republic Act No. 10160 (the "Charter of the City of Bacoor") empowered the Sangguniang Panlungsod to approve ordinances and pass resolutions necessary for an efficient and effective city government;

WHEREAS, the approval of an ordinance that will regulate the manner by which a job order or contract of service employee is engaged, the conditions of such employment, the manner by which such an employee renders work, the nature of such employment, the manner by which such employment may be terminated, as well as the legal consequences of such engagement and termination will redound to the benefit of the general public and ensure that the local government of the City of Bacoor shall remain efficient and effective;

NOW THEREFORE, upon motion of Hon. _____ duly approved by the 5th Sangguniang Panlungsod of the City of Bacoor, Cavite, be it ordained that

Section 1. Title. This Ordinance shall be known as the "Job Order Employment Regulation Ordinance of the City of Bacoor."

Section 2. Coverage. This Ordinance shall cover the manner by which a job order or contract of service employee of all departments and offices of the local



government of the City of Bacoor, Cavite, is engaged, the conditions of such employment, the manner by which such an employee renders work, the nature of such employment, the manner by which such employment may be terminated, as well as the legal consequences of such engagement and termination.

Section 3. Definition of Terms. The following terms, as used in this Ordinance, shall be defined as:

1. **Appointment** - an essentially discretionary power on the part of the appointing authority and must be performed by him according to his best lights, the only condition being that the appointee should possess the minimum qualifications required by law.
2. **Appointing Authority** - the person or body duly authorized to issue appointments and other human resource actions in the civil service.
3. **Contract of Services** - the engagement of the services of a person, private firm, non-governmental agency, or international organization to undertake a specific work or job requiring special or technical skills not available within the hiring agency to be accomplished within a specific period not exceeding one (1) year.
4. **Conditions of Work** - the rules, requirements, and policies an employer and employee agree to abide by during the employee's service to the city government.
5. **Engagement of Services** - the appointment of an employee.
6. **Employer-Employee Relationship** - the legal link between an employer and an employee.
7. **Job Order Employees** - the hiring of a worker for piece work or intermittent job of short duration not exceeding six months, and pay is on a daily or hourly basis.
8. **Termination of Employment** - the dismissal, firing, or removal from the role of employees of a particular employee.

Section 4. Non-Establishment of Employer-Employee Relationship. The engagement of the services of a job order or contract of services employee, regardless of the type of work to be rendered and the department or office of the city government that will require the services of such employee, creates no "employer-employee" relationship between the City Government and the said employee.

Section 5. Qualifications for Engagement. Only persons who possess the following qualifications shall be engaged as job order or contract of services employees:

1. Must be of legal age but not exceeding 65 years old on the day his/her appointment is signed by either the appointing authority;
2. Must be a resident and registered voter of the City of Bacoor, Cavite at the time of his/her appointment if he/she shall be required to report at the City Hall on a regular basis;
3. Must not have been convicted of any crime prior to his/her appointment;
4. Must not have been found guilty of violating any civil service regulation, city government ordinance, or city government policy prior to his/her appointment;
5. If the job to be performed by the appointee is related to the security of a city government official or of the public, he/she must have passed a neuropsychiatric evaluation conducted by the City Health Office (CHO) and by the Human Resources Development and Management Department prior



- to his/her appointment. Provided that the cost of the said evaluation shall be funded by the City Government;
6. Must have passed a random drug test to be conducted by the CHO prior to his/her appointment;
 7. Must not be related to the appointing authority by affinity or consanguinity up to a fourth civil degree; and
 8. Must have signed a Contract of Employment where the various conditions of his/her employment shall be provided.

Section 6. Procedures for Engaging Job Order or Contract of Service Employees. Only the Mayor or the City Vice Mayor may appoint a job order or contract of service employee for their respective offices. Heads of departments under the Mayor's Office or members of the Sangguniang Panlungsod may request the hiring of job orders or contract of service employees, but the approval of such requests is subject to the following procedures:

1. The number of employees to be engaged is subject to the availability of funds as certified by the City Budget Officer.
2. The request must be in writing and signed by the department head or by the city councilor concerned and must contain a detailed description of what the duties and responsibilities of the employees would be, how the performance of the employee to be engaged shall be measured, how long he/she would work for the city government, and who shall be his/her immediate supervisor in case he/she is engaged.
3. If the request is approved by the City Mayor and/or the City Vice Mayor, the HRDMD and the CHO shall conduct due diligence to make sure that the applicant possesses all the qualifications and none of the disqualifications mandated by this ordinance and by pertinent civil service rules; and
4. Job order and contract of services employees must be engaged based on the needs of the city government and their work performance. Any job order or contract of services employee who fails to meet those two criteria shall not be engaged or, if they are already under the city government's employ, shall be terminated.

Section 7. Penalties. Any job order or contract of services employee who fails to fulfill their official duties commits absenteeism, fails to deliver the job they were engaged to do, commits a crime, or violates any city ordinance, city government policy/regulation, or any civil service regulation while under the employment of the city government, he/she shall be terminated by the appointing authority pursuant to relevant civil service regulations without prejudice to the filing of the appropriate civil, criminal, or administrative actions against him/her.

Section 8. Implementing Regulations. The HRDMD, in consultation with the City Legal Services Office and under the supervision of the City Administrator, shall submit the Implementing Regulations of this Ordinance to the City Mayor for his approval not later than sixty (60) working days after the date of effectivity of this legislation.

Section 9. Repeal. All ordinances, resolutions, and orders inconsistent with the provisions of this Ordinance are deemed repealed upon the date of effectivity of this legislation.



Section 10. Separability. In case any provision of this Ordinance is declared void or unconstitutional by a court of law, the remaining provisions of this legislation not affected by the said judicial declaration shall remain valid.

Section 11. Effectivity. This Ordinance shall take effect immediately after it has been posted in at least three conspicuous places within the Bacoor City Hall and after it has been published at least once in a newspaper of general circulation in the City of Bacoor, Cavite.

APPROVED this ____ day of October 2023 at the City of Bacoor, Cavite.

I hereby certify that the foregoing Ordinance was duly approved in accordance with law

HON. ROWENA BAUTISTA-MENDIOLA
City Vice Mayor/Presiding Officer

Attested by:

ATTY. KHALID A. ATEGA JR.
Sangguniang Panlungsod Secretary

Approved by:

HON. STRIKE B. REVILLA
City Mayor

Date of Approval: _____