



Office of the Sangguniang Panlungsod

DISTRICT I

CITY ORDINANCE NO. 324-2023 Series of 2023

SENT
HON. CATHERINE SARINO-EVARISTO
City Councilor

HON. MICHAEL E. SOLIS
City Councilor

HON. ADRIELITO G. GAWARAN
City Councilor

HON. VICTORIO L. GUERRERO, JR.
City Councilor

HON. ALEJANDRO F. GUTIERREZ
City Councilor

HON. LEVY M. TELA
City Councilor

DISTRICT II

HON. ROBERTO L. ADVINCULA
City Councilor

HON. REYNALDO D. PALABRICA
City Councilor / President Pro-Tempore

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City Councilor

HON. ROGELIO M. NOLASCO
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HON. ALDE JOSELITO F. PAGULAYAN
City Councilor

HON. SIMPLICIO G. DOMINGUEZ
City Councilor

HON. RAMON N. BAUTISTA
Liga ng mga Barangay President

HON. MAC RAVEN ESPIRITU
SK Federation President

Attested by:
ATTY. KHALID A. ATEGA, JR.
Sangguniang Panlungsod Secretary

Certified by:
HON. ROWENA BAUTISTA-MENDIOLA
City Vice Mayor

Approved by:
HON. STRIKE B. REVILLA
City Mayor

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:

Hon. Reynaldo D. Palabrica

Co-sponsored by:

Hon. Roberto L. Advincula, Hon. Ramon N. Bautista, Hon. Simplicio G. Dominguez, Hon. Mac Raven Espiritu, Hon. Reynaldo M. Fabian, Hon. Adrielito G. Gawaran, Hon. Alejandro F. Gutierrez, Hon. Rogelio M. Nolasco, Hon. Alde Joselito F. Pagulayan, Hon. Michael E. Solis and Hon. Levy M. Tela.

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 Bacor, 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



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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. Reynaldo D. Palabrica 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



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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 not have been convicted of any crime prior to his/her appointment;
3. Must not have been found guilty of violating any civil service regulation, city government ordinance, or city government policy prior to his/her appointment;
4. 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;
5. Must have passed a random drug test to be conducted by the CHO prior to his/her appointment;
6. Must not be related to the appointing authority by affinity or consanguinity up to a fourth civil degree; and
7. Must have signed a Contract of Employment where the various conditions of his/her employment shall be provided.



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8. Residents of and/or registered voters of the City of Bacoor shall be given preference in employment.

Section 6. Procedures for Engaging Job Order of 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 60 working days after the date of



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

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

Certified by:

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: 21 NOV 2023