

Republic of the Philippines

**BANGSAMORO AUTONOMOUS REGION IN MUSLIM MINDANAO
BANGSAMORO TRANSITION AUTHORITY
Second Regular Session**

BTA Bill No. 56

Bangsamoro Autonomous Region in Muslim Mindanao
Parliament
BILLS AND INDEX DIVISION

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Introduced by MP ROMEO K. SEMA

Co-Authors: Atty. Rasol Mitmug Jr., MP Jose Lorena, MP Randolph Parcasio, MP Ubaida Pacasem MP Hatimil Hassan, MP Muslimin Jakilan, MP Aida Silongan, MP Eddie Alih, MP Abdullah Hashim, MP Suwaib Oranon, MP Ali Salik

“AN ACT PROVIDING FOR CIVIL SERVICE ELIGIBILITY AND PERMANENT APPOINTMENT TO ALL EMPLOYEES IN THE BANGSAMORO GOVERNMENT UNDER CASUAL AND CONTRACTUAL, JOB ORDER, CONTRACT OF SERVICE, MEMORANDUM OF AGREEMENT/MEMORANDUM ORDER OF UNDERSTANDING AND SIMILAR CONTRACTS WHO HAVE RENDERED AT LEAST THREE (3) YEARS OF SATISFACTORY GOVERNMENT SERVICE”.

Be it enacted by the Bangsamoro Transition Authority in Parliament assembled:

SECTION 1. Short Title. - This Act shall be known as the “**Bangsamoro Public Service Eligibility Equivalency Act (BPSEEA)**.”

SECTION 2. Declaration of Policy. - The Bangsamoro Government upholds the Constitutional guarantee on the right to security of tenure of all workers in private and public sectors and shall afford full employment opportunity, social protection and decent work to public sector employees.

SECTION 3. Coverage. - Notwithstanding the provisions of the contract of job orders (JO), contract of services (COS), memorandum of agreement (MOA), memorandum of understanding (MOU) and similar contracts that deny the existence of employer-employee relationship but not in a consultancy arrangement, all incumbent casual and contractual employees in the Bangsamoro Government who perform substantive and/or front-line functions as prescribed in the agency’s mandate; or provide staff or technical support functions to key and technical positions; or perform clerical, human

resource management, financial management, records management, custodial and other related functions; and have rendered at least three (3) years of continuous and satisfactory service shall be considered civil service eligible for purposes of permanent appointment to their current or similar position or posting; *Provided*, that continuous service shall include repeated contract engagement whether for long or short term at intervals of not more than one (1) year; *Provided further*, that satisfactory service rating shall be for at least two (2) consecutive performance evaluation cycle based on approved performance standards.

Contractual employees in the government service referred to in this Act shall mean those who lack or are unable to acquire civil service eligibility and include employees engaged as JO, COS, MOA, MOU, or under similar contracts that deny the existence of employer-employee relationship but exclude consultants under a consultancy agreement.

SECTION 4. Submission of Requests for Organization, Staffing, Compensation and Position Classification. - Within ninety (90) days from the issuance of the implementing rules and regulations of this Act, the concerned Bangsamoro agencies, government-owned and controlled corporations (GOCCs), State or Local Universities and Colleges (SUCs/LUCs), and Local Government Units (LGUs), after consultation with the existing employees' union, association or organization, shall submit requests for organization, staffing, compensation and position classification to the Ministry of Finance, Budget and Management (MFBM) covering the qualified employees under this Act with complete requirements as provided by existing rules on budget request. The MFBM shall, after determination of the completeness of the requirements, approve the requests.

SECTION 5. Prohibition of JOs, COS and Similar Engagement. – Three years after the enactment of this Act, or upon approval of all requests for organization, staffing, compensation and position classification, whichever comes earlier, Bangsamoro agency, SUCs/LUCs or LGUs shall not engage, except in consultancy agreement, employees under contracts that deny the existence of employer-employee relationship to perform work, services or functions as enumerated in Section 2 of this Act; *Provided*, that all casuals, JOs and employees engaged under similar contracts who have obtained the qualifications during said periods shall be eligible for appointment to permanent position as provided in Section 3 hereof.

SECTION 6. Penalty. – Agency heads and other officials who approved or participated to the approval of JOs, COS or other similar contracts in violation of this Act shall be held administratively liable under existing laws, Republic Act No. 3019 also known as the *Anti-Graft and Corrupt Practices Act*, or rules on administrative discipline governing the public service.


SECTION 7. Implementing Rules and Regulations. – The Civil Service Commission (CSC) for the BARMM and the MFBM, with full participation of public sector federations, confederations or organizations operating within the BARMM, shall issue the implementing rules and regulations for this Act within ninety (90) days after its approval.

SECTION 8. Separability Clause. - If, for any reason, part of this Act shall be rendered unconstitutional or invalid, other parts or provisions hereof which are not thereby affected shall continue to be in effect and full force.

SECTION 9. Repealing Clause. - All orders, rules and regulations, issuances or any part thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SECTION 10. Effectivity Clause. - This Act shall take effect fifteen (15) days after publication in the Official Gazette or in at least (2) newspapers of general circulation.

Author:


MP Romeo K. Sema
Member of Parliament