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**ROLE OF JOB ORDER EMPLOYEES ON SELECTED OFFICES IN LOCAL
GOVERNMENT UNIT SETTINGS IN THE PROVINCE OF RIZAL**

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ABSTRACT

This paper aims to present different articles that identify the significant role of Job Orders (JO) or the Contract Services (COS), particularly, it aims to identify the Role of Job Order employees or Contract of Service from various international online journals that served as primary resource of this paper. It focuses on the findings and recommendations of this journal. A method, system and program product are disclosed for filling job orders, the method comprising: creating electronically a respective commitment reservation for each of a plurality of workers, with each respective commitment reservation comprising a commitment for the respective worker to work on a prospective job not yet created, with the prospective job having one or more job parameters; receiving electronically a job order subsequent to the creation of one of the commitment reservations, the job order specifying a job with one or more job parameters; matching the job parameters of the job in the job order to the job parameters in one or more of the commitment reservations to obtain a reservation-job match; and, securing automatically based on the results of the matching step the job in the job order to one of the workers with a commitment reservation.

Keywords: Job-Order Employees, Local Government Unit, Province of Rizal ,Role, Selected offices

I. INTRODUCTION

The study focuses on exploring the different aspects surrounding the employment of job orders (JOs) and contract of service (COS) workers in the government, particularly on their working conditions including their rights at work and present situation.

It provides a discussion on various laws, rules and regulations that affects process of hiring and selection and supervision of the abovementioned class of workers. In order to collect relevant and timely data and information that could serve as valuable inputs for the study in drawing a clear picture of the present setting of the condition of job orders and contract of service workers, the researcher conducted a self-administered survey to JOs and COS workers employed in selected national government agencies followed by a brief focused group discussion on their answers.

II. RESULT

The results of the survey have led to the following findings: (1) there are different driving forces and/or motivations why an individual applied as JO or COS worker, although he or she possessed the appropriate qualifications set by laws, nevertheless, becoming a regular employee and a civil servant remains the main goal of the respondents; (2) their entitlement to social security benefits are due to their self-initiative (i.e. voluntary contribution); (3) the services they provide to their respective employers are essential in the provision of public services to stakeholders – this is due to the fact that most of them have their contract renewed multiple times; and (4) regardless of their employment arrangement, they perceived themselves as ‘job orders.’ Hence, the study recommends that there should be initiatives which could help JO, COS workers, and other temporary workers in the government to secure a full and productive regular employment.

Their entitlement to social protection benefits must be taken into consideration, and their services must be given due recognition by the government.

Contract of Service (COS) and Job Order (JO) workers should not be made to perform functions which are part of the job description of the agency’s existing regular employees.

This was stressed by the Civil Service Commission (CSC) as it disclosed the Rules and Regulations Governing Contract of Service and Job Order Workers in the Government which it signed jointly with the Commission on Audit (COA) and the Department of Budget and Management (DBM).

The Joint Circular No. 1, s. 2017 clarifies the nature of COS and Job Order (pakyaw) and addresses issues on the lack of social protection of workers and inequality in benefits and the obscure accountability of COS and Job Order workers due to lack of employee-employer relationship with the hiring agency.

The Joint Circular covers all National Government Agencies, Government-Owned or Controlled Corporations with original charters, State Universities and Colleges, and Constitutional bodies, which avail of the services of COS and Job Order workers.

The circular defined Contract of Service as the engagement of the services of an individual, private firm, other government agency, non-governmental agency or international organization as consultant, learning service provider or technical expert to undertake special project or job within a specific period. It also provides that the term of contract between the agency and the individual contractor shall be for a maximum period of one year, renewable at the option of the Head of the procuring entity, but in no case shall exceed the term of the latter.

Job Orders, on the other hand, refer to piece work (pakyaw) or intermittent or emergency jobs such as clearing of debris on the roads, canals, waterways, etc. after natural/ man-made disasters/occurrences and other manual/trades and crafts services such as carpentry, plumbing, electrical, and the like. These jobs are of short duration and for a specific piece of work.

The Circular defines Job Order as to “piece work (pakyaw) or “intermittent or emergency jobs of short duration and for a specific piece of work.” In consonance with the 2016 Revised Implementing Rules and Regulations of Republic Act No. 9184, otherwise known as the Government Procurement Reform Act, these workers are hired to render services not exceeding six (6) months, and being paid on a daily or hourly basis. On the other hand, the Circular also defines Contract of Service as the “engagement of the services of an individual, private firm, other government agency, non-governmental agency or international organization as consultant, learning service provider or technical expert to undertake special project or job within a specific period.” Moreover, “the term of contract between the agency and the individual contractor shall have a maximum period of one (1) year, renewable at the option of the Head of the procuring entity, but in no case, shall exceed the term of the latter.”

Prior to the Circular, there are pertinent laws, rules, and regulations governing JO and COS workers.

One of them is the Revised Omnibus Rules on Appointments and Personnel Actions. Rule XI, Section

2(a) states that contract of service “covers lump sum work or services such as janitorial, security, or consultancy services where no employer-employee relationship exist”. On the other hand, Section

2(b) of the same rule maintained that “job order covers piece of work or intermittent job of short duration not exceeding six (6) months on a daily basis.”

These workers (JO and COS), unlike those who hold regular positions (plantilla), are not covered by Civil Service laws including its rules and regulations. Because of their exemption in such laws and policies, their services rendered to their employer, regardless of the number of years,

are not credited as government service. However, they perform functions intended to be discharged by regular workers (by virtue of their appointment). This set-up is a deviation from the governing rules promulgated by the CSC2 . Nonetheless, they are strictly bound to adhere with the Code of Conduct and Ethical Standards for Public Officials and Employees. While there are many issuances governing JO and COS worker, the lack of security of tenure remains a central issue, unlike their regular counterparts who have the mantle of protection guaranteed by Law3. This said protection can be found in Section 3 of Article XIII of the 1987 Philippine Constitution which states that, the “State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all.

4 Since this constitutional provision does not mention the type of employment arrangements are guaranteed to be protected, it is presumed that this should be interpreted in its literal meaning, applying the verba legis or the plain meaning rule in interpretation of statutes 5.To address the issue on compensation and benefits, the Joint Circular provides the rules on the payment of services under Individual Contract of Service and Job Order. Individuals hired through Contract of Service shall be paid the prevailing market rates, subject to the provisions of Republic Act No. 9184 (Government Procurement Reform Act) and its Implementing Rules and Regulations.

The Joint Circular provides options to individuals hired through COS to enroll themselves in social benefit programs such as the SSS, PhilHealth, and Pag-IBIG Fund, as self-employed members.

In 2017, CSC released its rules and regulations governing job orders (JO) contract of service (COS)workers in the government through Joint Circular No. 1 s. 2017 (or Circular). The Circular was signed jointly with the Commission on Audit (COA) and the Department of Budget and Management (DBM) clarifying the nature of COS and JO, while addressing the issue of lack of social protection benefits and obscure accountability. However, Section 11.0 (Transitory Provisions) of the Circular has been contested by debates because the renewal of existing contracts

of JO and COS is until 31 December 2018 only. This means starting 2019, the Government is still allowed to hire JO and COS workers, institutionally or individually, but now through private contractors or service providers, which, at present, is governed by the Department of Labor and Employment’s (DOLE) rules and regulations on contracting and subcontracting.

It also directs government agencies to review their functions, systems and procedures, organizational structure, and staffing to determine the appropriate manpower complement for their programs/ activities/projects. Creation of permanent positions may be considered for regular functions, while hiring of casual or contractual personnel may be considered for projects and activities that are temporary in nature, subject to approval of the oversight agencies concerned and to existing budgeting and accounting rules and regulations.
<https://goo.gl/RvAPdy>

A job order may be for products and/or services. In a manufacturing environment, a job order is used to signal the start of a manufacturing process and will most probably be linked to a bill of

material. Hence, the job order will probably state: the quantity of the product to be manufactured, built or fabricated.

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Local government units (LGUs) oversee local governance in 81 provinces, 144 cities, 1,490 municipalities, and 42,028 barangays across the country. LGU officials are responsible for providing direct and basic services to the people and ensuring peace and order within communities. Aug 22, 2012

Rizal, officially the Province of Rizal (Tagalog: Lalawigan ng Rizal), is a province in the Philippines located in the Calabarzon region in Luzon. Its capital is the city of Antipolo. It is about 16 kilometres (9.9 mi) east of Manila.

Region: Calabarzon (Region IV-A)

Area rank: 73rd out of 81

Capital: Antipolo

Named for: José Rizal

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Section 1. **a. Contract of Service-** refers to the engagement of the services of a person, private firm, nongovernmental agency or international organization to undertake a specific work or job requiring special or technical skills not available in the agency to be accomplished within a specific period not exceeding one (1) year. The person engaged performs or accomplishes the specific work or job under his own responsibility and with minimum supervision by the hiring agency. For purposes of this issuance, contract of services shall include the hiring of consultants and personnel engaged to perform work for special projects whether funded by the agency itself or externally funded.

b. Job Order- refers to 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. It is to be understood that the piece work or job to be performed requires special or technical skills not available in the agency and the

same is to be accomplished under the worker's own responsibility and with minimum supervision by the hiring agency.

These jobs are of short duration and for a specific piece of work." ... The CSC added that job order workers shall be paid an amount equivalent to the daily wage or salary of comparable positions in government, plus a premium of up to 20 percent, while contract of service workers should be paid the prevailing market rates. July 27, 2017

b. Institutional Contract of Services- refers to a contract of services entered into between the hiring government agency and a private firm or non-governmental agency, through public bidding or negotiated contracts and subject to pertinent COA rules and regulations.

“Both JO and COS workers should not be made to perform functions which are part of the job description of existing regular employees. They also cannot be designated to positions tasked to control or supervise regular or career employees,” the CSC said.

Moreover, the CSC stressed that the joint circular further protects the rights of JO and COS workers by defining the fair wages that should be paid to said individuals. Item 8 provides that COS workers shall be paid the prevailing market rates, while services of JO workers shall be paid an amount equivalent to the daily wage or salary of comparable positions in government, plus a premium of up to 20%.

TO JOB ORDER AND CONTRACT OF SERVICE WORKERS IN ... have no employer-employee relationship with the government;

A contract for services is a formal, legally binding agreement before a business and a self-employment individual. It differs between an employment contract – known as a contract of service – which is between an employer and an individual who then becomes employed by the company.

LOCAL GOVERNMENT UNIT

Officially local government in the Philippines, often called local government units or LGUs, are divided into three levels – provinces and independent cities; component cities and municipalities; and barangays. ... Sitios and puroks are often led by elected barangay councilors.

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A contract of service or job order which does not cover special or technical skills or where the functions to be performed are clerical or administrative in nature or where the work is also performed by the regular personnel of the agency may be entered only when done in the

exigency of the service and it is not feasible for the agency to hire said services under a casual or contractual appointment

In contracts of service and job orders, there exists no employer-employee relationship between the hiring agency and the persons hired and it should be made clear in their contracts that services rendered thereunder can never be accredited as government service. Furthermore, the persons hired are not entitled to benefits enjoyed by government employees such as PERA, ACA and RATA.

The standard/pro-forma contract of service/job orders must contain an attestation on the part of the person to be hired that he/she is not related within the third degree (fourth degree in the case of LGUs) of consanguinity or affinity with the contracting officer and the appointing authority of the hiring agency; he/she has not been previously dismissed from the service by reason of an administrative case; and he/she has not reached the compulsory retirement age of sixty-five (65).

If the contract of service is for consultancy service, the proviso on compulsory retirement age may not be included.

A job order refers to the job posting or requisition. In Fieldglass, once a candidate has been selected and the terms of the assignment (e.g., start and end dates, hourly billing rate) have been mutually agreed to by the hiring manager and the supplier, the Job Order becomes a Work Order.

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Local government units are institutional units whose fiscal, legislative and executive authority extends over the smallest geographical areas distinguished for administrative and political purposes.

Local government units (LGUs) oversee local governance in 81 provinces, 144 cities, 1,490 municipalities, and 42,028 barangays across the country. LGU officials are responsible for providing direct and basic services to the people and ensuring peace and order within communities

An administrative and political government unit subsidiary to the national government which could itself consist of sub-units as in the case of a province or a municipality.

<https://www.definition-of.com/local+government+unit>

Officially local government in the Philippines, often called local government units or LGUs, are divided into three levels – provinces and independent cities; component cities and municipalities; and barangays. In one area, above provinces and independent cities, is an autonomous region, the Autonomous Region in Muslim Mindanao. Below barangays in some cities and municipalities

are sitios and puroks. All of these, with the exception of sitios and puroks, elect their own executives and legislatures. Sitios and puroks are often led by elected barangay councilors.

Provinces and independent cities are organized into national government regions but those are administrative regions and not separately governed areas with their own elected governments.

According to the Constitution of the Philippines, the local governments "shall enjoy local autonomy", and in which the Philippine president exercises "general supervision". Congress enacted the Local Government Code of the Philippines in 1991 to "provide for a more responsive and accountable local government structure instituted through a system of decentralization with effective mechanisms of recall, initiative, and referendum, allocate among the different local

government units their powers, responsibilities, and resources, and provide for the qualifications, election, appointment and removal, term, salaries, powers and functions and duties of local officials, and all other matters relating to the organization and operation of local units."[1]

Rizal, officially the Province of Rizal (Tagalog: Lalawigan ng Rizal), is a province in the Philippines located in the Calabarzon region in Luzon. Its capital is the city of Antipolo. It is about 16 kilometres (9.9 mi) east of Manila. The province is named after José Rizal, one of the main national heroes of the Philippines. Rizal is bordered by Metro Manila to the west, Bulacan to the north, Quezon to the east, and Laguna to the southeast. The province also lies on the northern shores of Laguna de Bay, the largest lake in the country. Rizal is a mountainous province perched on the western slopes of the southern portion of the Sierra Madre mountain range.

Pasig served as its capital until 1975 when it became a part of the newly-created National Capital Region. A provincial capitol has been in Antipolo since 2009, making it the administrative center. On June 19, 2020, President Rodrigo Duterte signed Republic Act No. 11475, which designated Antipolo as the capital of Rizal.

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Rizal covers a total area of 1,191.94 square kilometres (460.21 sq mi) [9] occupying the northern-central section of the Calabarzon in Luzon. The province is bordered on the north by Bulacan, east by Quezon, southeast by Laguna, south by the Laguna de Bay, and west by Metro Manila.

Located 20 kilometres (12 mi) east of Manila, commuters take approximately an hour to reach the provincial seat which is in Antipolo. Generally hilly and mountainous in terrain, most of the province's southern towns lie in the shores of Laguna de Bay, the country's largest inland body of water. The province has an area of 1,191.94 square kilometres (460.21 sq mi).

[1]government office - an office where government employees work. Job centre - a government office in a town where information about available jobs is displayed and where unemployment benefits are administered. land office - a government office where business relating to public lands is transacted.

The study focuses on exploring the different aspects surrounding the employment of job orders (JO) and contract of service (COS) workers in the government, particularly on their working conditions including their rights at work and present situation. Section II provides a brief overview of employment in the government.

In 2018, the public sector employs 2.5 million workers or 6.2 percent of the total employment (41.2 million workers) in the Philippines. These workers are task to discharge services essential for the implementation of policies, programs and projects of the government for the benefit of the public. Section III provides relevant law, policies, and legislations relevant to employment in the public sector as well as governing JOs and COS working arrangement. The Philippine Constitution enshrines security of tenure for both private and public workers.

For government workers, the Civil Service Commission is the central personnel agency, in which its issuances govern the public sector workers. Section IV discusses the different issues and concerns of JO and COS workers based on different studies. According to literature, the hiring of temporary workers has an impact on productivity and job satisfaction. The results of the survey-interview with JO and COS workers are presented according to themes based on the different aspects of employment in the government. These results were summarized in

Section VI of the study as follows: (1) while there are various motivations that drives an individual to work as JO or COS worker, to be a regular employee is the main goal; (2) the lack of employee-employer relationship with the hiring agency gives rise to lack of social protection

making their access to social security programs as self-initiatory (i.e. voluntary contribution); (3) while JO and

COS workers are hired for a specific job and period, their services are indispensable to their employer (agencies); and (4) JO and COS workers identify their present employment status as “job order”, even if some of them are hired as contract of service workers; and (5) there are identified gaps in the implementation of the present circular governing JOs and COS workers. Finally,

Section VII recommends measures to improve the present or future rules and regulations on the employment of JOs and COS workers to secure a full and productive regular employment in the public sector and for the promotion of their welfare (i.e. access to social security benefits).

Approximately, there are 600,000 JO and COS who are not considered as part of the government service.

Consequently, these workers are not afforded the rights and benefits compared to other government personnel with an employer-employee relationship. Nevertheless, many still opted to be employed under a JO and COS work arrangement.

Generally, the study seeks to explore the issues, concerns, and circumstances surrounding JO and COS workers. Specifically, it aims to achieve the following objectives:

1. To determine the factors that motivate people to apply or be employed as JO and COS workers;
2. To identify the issues, concerns, and challenges surrounding the implementation of rules and regulations governing the employment of JO and COS; and
3. To provide a comprehensive analysis in the legal and policy framework governing the issuance of JO or COS workers and accordingly to recommend policy initiatives and specific proposals (e.g. policy amendments or enactment of new laws) that will enhance existing or future laws and issuances.

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1. To determine the factors that motivate people to apply or be employed as JO and COS workers;
2. To identify the issues, concerns, and challenges surrounding the implementation of rules and regulations governing the employment of JO and COS; and
3. To identify the Role of Job Order’s in Local Government Unit settings.

III. SYNTHESIS

Regularization, is the main goal that motivates an individual to work as public servant. Accepting a JO or COS work is a form of “stepping stone” to acquire a regular employment whether in his/her own agency in which they are employed or other government institution. While JO and COS workers were treated as government employees in terms of duties and responsibilities, supervision and discipline, but still lack the employer- employee relationship with their agency. No other benefits were given to JO and COS. Currently, there is a very visible lack of security of tenure of employees under temporary working arrangements in public sectors.

This is proved by the functions or task entrusted by the agency to the JOs and COS workers, which are considered core or necessary in the delivery of public services. Meanwhile, for JOs and COS,

they perceived their employment, even if they are under a COS worker arrangement, is that they are ‘job orders.’ of services provided by JOs and COS workers to their respective employers (agencies) could somehow lead to a conclusion the presence of employer employee relationship. Their entitlement to the right to security of tenure is deemed given, based on the fact that they are continuously and repeatedly hired which are indicative of the necessity and desirability of their services to the normal course of administrative operations of the agencies.

The challenges and concerns encompassing the different aspects relevant to the employment of JOs and COS workers, whether it involves the legal and policy framework governing them or their implementation in the public sector workplace, could serve as a good starting point to guide and persuade policymakers in crafting laws promoting the right of temporary employees in the public sector which include JOs and COS workers to equal employment opportunities, welfare, self-organization, and self-determination.

Government employees or “civil servants” are those class of workers who discharge services essential for the implementation of policies, programs and projects of the government for the benefit of the public.

Essentially, government employees are employed in the division, subdivision, and instrumentalities of the government (i.e. NGAs including the judiciary, legislative, and the constitutional commissions, GOCCs).

In terms of functions, there are two classification of government employees. First are the “bureaucrats” or those officials of the government appointed by the President to lead and oversee the daily administrative activities of a certain department. The second are the civil servants, whose primary responsibility is to implement and deliver the basic public services to the citizens, under the supervision of these officials.

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Exploring the Case of Job Orders and Contract of Service Workers in the Government

Ivan Cassidy F. Villena

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