



Republika ng Pilipinas
Lungsod Quezon
SANGGUNIANG PANLUNGSOD
(City Council)

PR99-49

24th Regular Session

RESOLUTION NO. ~~SP-112~~, S-99

A RESOLUTION STRONGLY URGING HIS HONOR, MAYOR ISMAEL A. MATHAY, JR., TO RECONSIDER AND DEFER THE CONVERSION OF THE CONTRACTS/APPOINTMENTS OF CONTRACTUAL AND CASUAL/EMERGENCY EMPLOYEES OF THE QUEZON CITY GOVERNMENT INTO CONTRACTS OF SERVICE AND THE REDUCTIONS OF THEIR MONTHLY SALARIES FOR THE PURPOSE OF REVIEWING THE LEGALITY, PROPRIETY AND EQUITY OF SAID CONVERSION.

Introduced by Councilors GODOFREDO T. LIBAN II, JORGE L. BANAL, JESUS C. SUNTAY, NANETTE CASTELO DAZA, VINCENT P. CRISOLOGO, ELIZABETH A. DELARMENTE, WINSTON "Winnie" T. CASTELO, GEORGE M. CANSECO, ERIC Z. MEDINA, ANTONIO L. SIOSON, ENRICO S. SERRANO, MARCIANO P. MEDALLA, WILMA AMORANTO-SARINO, ROMMEL R. ABESAMIS, JULIAN M.L. COSETENG, ALMA F. MONTILLA, ALMARIO E. FRANCISCO and MARVIN C. RILLO.

WHEREAS, government employees are granted incentive pay, mid-year bonus, 13th month pay, ACA/PERA, clothing allowance, productivity pay and other fringe benefits as premium to their loyalty and devotion to duty and to foster their efficiency and productivity;

WHEREAS, contractual and casual/emergency employees of the Quezon City government time and again were granted the said fringe benefits, taking into consideration their continuity and length of service and other requirements as provided in the guidelines for their implementation;

WHEREAS, the conversion of the appointments/contracts of the aforesaid contractual and casual/emergency employees of the Quezon City government on August 16, 1998, deprived them of the above-stated fringe benefits and likewise relegated them to the category of non-government employees without entitlement to government service credits for their services and further stripped them, among others, of GSIS medicare and insurance/retirement coverage, to them and their families' damage and prejudice;

WHEREAS, Civil Service Commission Memorandum Circular (MC) No. 38, Item II-1 (d), among others, provides: "Appointments of casual, emergency or seasonal personnel shall be prepared in the prescribed Plantilla Appointment Form. The practice of issuing Job Orders in hiring casual employees is prohibited." (underscoring supplied);

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WHEREAS, Item V of MC No. 38 provides likewise, thus: "Contract of Services and Job Orders are different from contractual appointment and plantilla appointment of casual employees, respectively, which are required to be submitted to CSC for approval; Contract of Service and Job Orders refer to employment described as follows: (1) The Contract covers lump sum work or services such as janitorial, security or consultancy services where no employer-employee relationship exists." (underscoring supplied) x x x;

WHEREAS, under RA 8291, otherwise known as "The GSIS Act of 1997", an employer-employee relationship exists when: (1) The person was selected and engaged by the employer; (2) The employer pays the salary; (3) The employer has power of dismissal; and (4) The employer has the power to control the means and the result of the work to be done;


WHEREAS, pursuant to Article 3, Sec. 458, 1-(VII) of R.A. 7160, otherwise known as the Local Government Code of 1991, the City Council has the duties, powers and functions to determine the positions and salaries, wages, allowances and other emoluments and benefits of officials and employees paid wholly or mainly from city funds;

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF QUEZON CITY IN SESSION ASSEMBLED, to urge, as it does hereby urge, His Honor, Mayor Ismael A. Mathay, Jr., to reconsider and defer the conversion of the contracts/appointments of contractual and casual/emergency employees of the Quezon City government into Contracts of Service and the reduction of their monthly salaries for the purpose of reviewing the legality, propriety and equity of said conversion.


RESOLVED, FURTHER, that copy of this resolution be furnished to the Civil Service Commission.

ADOPTED: March 2, 1999.


CONNIE S. ANGELES
Vice Mayor
Presiding Officer

ATTESTED:


EUGENIO V. JURILLA
City Council Secretary

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