

THIRTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

'04 JUN 30 P11:17

SENATE

RECEIVED BY: 

S. No. 802

INTRODUCED BY HON. MANUEL B. VILLAR, JR.


EXPLANATORY NOTE

The recent international tides stress the coming into reality of globalization, the need for a more efficient, and effective management of our country's foreign relations. Thus, the exigency to respond to a variety of international issues and at the same time, ensuring that our national interests are best protected and promoted.

Foreign relations is a dynamic system that must respond to the needs of our times. This readily means that our laws should continuously undergo the process of evolution, which are refining and re-tuning to the fast-growing needs of our people. Therefore, amendments both to the spirit and intent of the Foreign Service Act of 1991 are fitting thing to consider.

This bill proposes an omnibus amendment to the Foreign Service Act of 1991 in order to improve the quality of the diplomatic service. We believe that this can be done by ensuring the employment of only "the cream of the crop" in the Foreign Affairs. To put this objective into action, we propose to provide a better compensation package to our diplomats. Amendments will also include proposal for reorganization of the structure of the Department of Foreign Affairs to enable it to respond to the arduous assignments for the conduct of our foreign relations. Among others, we have included in the bill are provisions for accountability, a more rationale structuring of the functional offices, recruitment system, promotion and assignments.

Approval of this bill is earnestly called for.


MANUEL B. VILLAR, JR.
Senator

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OFFICE OF THE SECRETARY

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**AN ACT AMENDING REPUBLIC ACT NO. 7157, OTHERWISE KNOWN AS
THE "FOREIGN SERVICE ACT OF 1991" AND FOR OTHER PURPOSE**

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. This Act shall be referred to as the "Revised Philippine Foreign Service Act of 2004."

SEC. 2. Section 4, par. (a) and the last paragraph of the "Philippine Foreign Service Act of 1991" is hereby amended to read as follows:

Sec. 4. Objective. - The main objective of this Act is to reorganize and strengthen the Philippine Foreign Service in order to: (a) Upgrade the qualifications of the Career Foreign Service Corps and THEIR STATUS AS CAREER EXECUTIVE SERVICE OFFICERS CAREER, and thereby enable its officers and employees to serve effectively the interests of the Republic of the Philippines abroad;

In pursuance of the foregoing -objective, the principle of nondiscrimination with respect to sex, creed, language, AND ethnic [identity] ORIGINS [and religion] shall be strictly enforced.

SEC. 3. Section 5, paragraph (m) of the same Act is amended to read as follows:

Sec. 5. Definition of Terms. - when used in this Act, the term: : I
Paragraphs (a) to (1) are retained as is.

(m) "Principal Office" - means the head of a consulate or consulate general AND OTHER OFFICES, BRANCH OR EXTENSION OFFICES OF THE DEPARTMENT OR EMBASSY of the Philippines.

SEC. 4. Section 6 of the same Act is amended to read as follows:

Sec. 6. Undersecretaries. - Upon the recommendation of the Secretary, the President shall appoint [three (3)] FOUR (4) undersecretaries to advise and assist in CONSULAR WORK AND HAS SERVED IN TIC DEPARTMENT FOR AT LEAST TWELVE (12) YEARS, MAY CONTINUE TO RECEIVE THE PAY AND ALLOWANCES OF THE FSSO RANK; PROVIDED, FURTHER, THAT THE RANK AND TITLE SHALL BE COTERMINOUS WITH THE FOREIGN ASSIGNMENT. PERSONNEL APPOINTED IN ANY CAPACITY IN THE DEPARTMENT, BUT NOT TO A POSITION DEFINED UNDER SEC. 7 OF THIS ACT SHALL NOT BE GIVEN RANKS OR DESIGNATION SIMILAR TO CATEGORIES IN THAT SECTION, SHALL SERVE IN THE HOME SERVICE; SHALL NOT BE QUALIFIED FOR FOREIGN ASSIGNMENT, AND SHALL BE COTERMINOUS IN THE SERVICE WITH THE SECRETARY.

SEC. 6 Section 9 of the same Act is hereby amended to read as follows:

Sec. 9. Designations of Foreign Service Officers in the Home Office. - A chief of mission shall be designated by the Secretary as assistant secretary when assigned to head any of the [eleven (11)] FOURTEEN (14) principal offices of the Department. These offices are: Office of American Affairs; Office of Asia and Pacific Affairs; Office of European Affairs; Office of Middle East and African Affairs; Office of [Administration, Protocol and] Personnel AND ADMINISTRATIVE Services; Office of Fiscal Management; Office of ASEAN Affairs; Office of United Nations and International Organizations AFFAIRS; Office of Consular Affairs; Office of Legal Affairs; [and] Office of Policy Planning and Coordination; OFFICE OF PROTOCOL, OFFICE OF INSPECTOR GENERAL AND OFFICE OF PUBLIC AFFAIRS III. [The Director of the Foreign Service Institute shall be also have the title of assistant secretary.] TIE HEAD OF THE FOREIGN SERVICE INSTITUTE SHALL ALSO HAVE THE TITLE OF DIRECTOR-GENERAL AND THE EQUIVALENT RANK OF UNDERSECRETARY.

Chiefs of mission designated as assistant secretaries shall retain their items as chiefs of mission. The post of assistant secretary shall be reserved for career chiefs of mission: [Provided, however, That all incumbent assistant secretaries who are non-career officials shall continue to hold office until June 30, 1992 unless sooner removed by the President. Thereafter, only career officials may be appointed assistant secretaries.]

A career minister may be designated as executive director of an office.

A foreign service officer, class I, may be designated as division director.

A foreign service officer, class II, may be designated as assistant division director.

A foreign service officer, class III, may be designated as assistant division director.

A foreign service officer, class IV, may be designated as assistant division director.

A foreign service officer in any class, including chiefs of mission and career ministers, may be designated as special assistant to the Secretary or the

A foreign service officer below the rank of the chief of mission may be designated as principal assistant in any office.

Any assignment in the home office requiring a rank higher than the actual rank of the officer assigned shall be in an acting capacity.

SEC. 7. The first paragraph of Section 14 of the same Act is hereby amended to read as follows:

Sec. 14. Initial Appointment of Foreign Service Officers. - Consistent with the goal of developing and strengthening the Career Foreign Service Corps, recruitment into the ranks of foreign service officers shall be exclusively through open competitive examinations to determine the competence, fitness and aptitude of a candidates for foreign service work. No person shall be eligible for appointment as a foreign service officers unless he has passed these examinations and demonstrated ICI his loyalty to the Republic of the Philippines and adheres to the principles of the Constitution. The President shall extend initial appointments of foreign service officers exclusively from the list submitted by the Secretary containing the names of those who passed the examinations. Such initial appointments shall be to the lowest rank of foreign service officer, class IV. Any person who, after having passed the examinations, declines to accept an initial appointment as foreign service officer within a period of [one (1) year] THREE (3) YEARS from the date he was offered the appointment shall be required to take and pass examinations again in order to be eligible for an initial appointment.

All appointments of foreign service officers shall be to a class and not to a particular post.

SEC. 8. Section 15 of the same Act is hereby amended to read as follows:

Sec. 15. Internship Program. - [Immediately following their appointments as foreign service officers, class IV, the individuals concerned shall undergo a one-year cadetship. The program shall consist of (6) months intensive classroom instructions on all aspects of consular and diplomatic duties and responsibilities. The next six (6) months shall be cover an on-the-job training.] SUCCESSFULLY EXAMINEES WHO JOIN THE DEPARTMENT SHALL BE APPOINTED AS CADET FOREIGN SERVICE OFFICERS, WITH THE SAME SALARY AS FOREIGN SERVICE OFFICER, CLASS IV, AND UNDERGO A ONE-YEAR TRAINING PROGRAM. THIS PROGRAM SHALL CONSIST OF SIX (6) MONTHS INTENSIVE CLASSROOM INSTRUCTIONS ON ALL ASPECTS OF CONSULAR AND DIPLOMATIC DUTIES AND RESPONSIBILITIES. THE NEXT SIX (6) MONTHS SHALL COVER THE ON-THE-JOB TRAINING, WHICH WILL INCLUDE SERVING IN A DEPARTMENT OR POST EXTENSION OFFICE. ONLY UPON SATISFACTORY COMPLETION OF THE CADETSHIP PROGRAM WILL THE EXAMINEE BE COMMISSIONED AS FOREIGN SERVICE OFFICER, CLASS IV, PROVIDED, HOWEVER, THAT THE ONE (1) YEAR CADETSHIP PROGRAM SHALL BE COUNTED IN THE THREE (3) YEARS HOME SERVICE PRIOR TO FOREIGN ASSIGNMENT.

SEC. 9. The second paragraph of Section 16 of the same Act is hereby deleted:

Sec. 16. Ambassadorial Appointments. - The President shall nominate and, with the consent of the Commission on Appointments, appoint ambassador extraordinary and plenipotentiary to head embassies and permanent missions. All ambassadorial appointments shall be to a particular post only.

[Career foreign service officers may be appointed by the President as ambassadors extraordinary and plenipotentiary and shall retain their items originally held prior to their appointments after their tour of duty as ambassadors extraordinary and plenipotentiary: Provided, however, That, during their tour of duty as ambassadors extraordinary and plenipotentiary, they shall not be promoted to the next higher rank.]

SEC. 10. Section 19 of the same Act is hereby amended to read as follows:

Sec. 19. Appointments. - The Secretary shall appoint all foreign service staff officers and foreign service staff employees in accordance with the Civil Service rules and regulations. Recruitment on the foreign service staff officer level shall be made through a competitive examination open to personnel of the Department and outsiders, the successful candidates of which shall be certified by the Board of Foreign Service Examinations for appointment by the Secretary. THE EXAMINATION MAY BE GIVEN ONCE EVERY SIX (6) MONTHS FROM WHICH A LIST OF SUCCESSFUL EXAMINEES SHALL FORM THE ROSTER OF CANDIDATES QUALIFIED AND CERTIFIED BY THE BOARD OF FOREIGN SERVICE EXAMINATION FOR APPOINTMENT TO THE RANKS OF FOREIGN SERVICE STAFF OFFICER. NO PERSONNEL OF THE DEPARTMENT OR OUTSIDER SHALL BE APPOINTED TO A POSITION OR PROMOTED TO A VACANCY IN THE FOREIGN SERVICE STAFF OFFICER LEVEL UNLESS HE/SHE HAS PASSED THE EXAMINATION FOREIGN SERVICE STAFF OFFICER.

SEC. 11. Add a new Section 19 and to read as follows:

SEC. 20. CADETSHIP PROGRAM. - IMMEDIATELY FOLLOWING THEIR APPOINTMENT AS FOREIGN SERVICE STAFF EMPLOYEE, THE INDIVIDUAL CONCERNED SHALL UNDERGO A CADETSHIP PROGRAM WHICH SHALL BE ONE (1) YEAR FOR NEW ENTRANTS TO THE SERVICE AND SIX (6) MONTHS FOR PERSONNEL WHO ARE PROMOTED AND APPOINTED TO THE NEXT HIGHER RANKS OF THE FOREIGN SERVICE STAFF OFFICER LEVEL.

SEC. 12. Section is hereby amended as Section 21 to read as follows:

Sec. [20] 21. Civil Service Eligibility. - No person shall be appointed foreign service staff officer or foreign service staff employee unless he is a civil service eligible: Provided, however, That priority shall be given to those who passed the examinations for foreign service staff officers and foreign service staff employees conducted by the Board of Foreign Service Examinations. PROVIDED, FURTHER, THAT THE FOREIGN SERVICE STAFF OFFICER EXAMINATION SHALL HAVE EQUIVALENT CIVIL SERVICE ELIGIBILITY COMMENSURATE WITH THE RANK FOR WHICH THE EXAMINATION IS GIVEN: PROVIDED, FINALLY, THAT THE FOREIGN SERVICE STAFF OFFICERS OF FOREIGN SERVICE STAFF EMPLOYEES WHO PASS A PROFESSIONAL EXAMINATION SUCH AS THE BAR OR THE BOARD OF ACCOUNTANCY OR SIMILAR EXAMINATION, SHALL BE DEEMED TO HAVE PASSED THE EXAMINATION FOR PROMOTION OF THE HIGHEST RANK OF THE FOREIGN SERVICE STAFF OFFICER AND MAY BE PROMOTED ACCORDINGLY TO THE NEXT HIGHER RANKS.

SEC. 13. Section 21 and 22 of the same Act is hereby renumbered as Section 22 and 23 respectively.

SEC. 14. Section 23 is hereby amended and renumbered as Section 24 to read as follows:

Sec. [23] 24. Compulsory Retirements. - All officers and employees of the Department who have reached the age of sixty-five (65) shall be compulsorily and automatically retired from the Service: Provided, however, That [all incumbent non-career chiefs of mission who are seventy (70) years old and above shall continue to hold office until June 30, 1992 unless sooner removed by the appointing authority.] FOREIGN SERVICE STAFF OFFICERS, WHO HAVE REACHED THE HIGHEST SALARY GRADE OF THE RANK MAY BE RETIRED WITH A PROMOTION TO FOREIGN SERVICE OFFICER, CLASS 111. Non-career appointees who shall serve beyond the age of sixty-five (65) years shall be entitled to retirement benefits.

SEC. 15. Section 23, Sec. 24 and Sec. 25 of the same Act are hereby renumbered as Section 24, Sec. 25 and Sec. 26, respectively.

SEC. 16 Section 26 of the same Act is hereby amended and renumbered as Section 27 to read as follows:

Sec. [26] 27. Foreign Service Officers Promotion List. - On the basis of recommendations made by the Board of Foreign Service Administration, the Secretary shall, from time to time, furnish the President with the names of career service officers qualified for appointment to the next higher class, from foreign service officer, class IV, to chief of mission, class 1. THE NAME, RANK, SENIORITY AND HOME OFFICE AND FOREIGN SERVICE ASSIGNMENTS OF CAREER FOREIGN SERVICE OFFICERS QUALIFIED FOR APPOINTMENT TO THE NEXT HIGHER RANK OR CLASS SHALL BE INDICATED IN A LINEAL ROSTER PREPARED IN ACCORDANCE WITH SEC. 54 OF THIS ACT AND WHICH SHALL BE PUBLISHED ANNUALLY. THE LIST OF CAREER SERVICE OFFICERS RECOMMENDED FOR PROMOTION SHALL BE MADE PUBLICLY AVAILABLE BEFORE THEY ARE SUBMITTED TO THE PRESIDENT FOR APPROVAL.

SEC. 17. Section 27 of the same Act is hereby amended and renumbered and Section 28 to read as follows:

Sec. [27.] 28. Cumulative Number of Years of Service in Each Class. - a. The Secretary may determine a standard performance based on merit for each class which must be met before any foreign service officer may become eligible for promotion to a higher class. All foreign service officers shall be required to render satisfactory service continuously for a minimum period of three (3) years in each class and for the total cumulative period computed at three (3) years for each class before they become eligible for promotion to the next higher class:

Provided, however, That foreign service officers who have shown exceptional and meritorious qualities and have rendered exemplary service IN THE DEPARTMENT OR WHILE ON DETAIL OR SECONDMENT TO OTHER BRANCH OR AGENCIES OF THE GOVERNMENT may be promoted to the next higher rank as an exception hereof. PROVIDED, FURTHER, THAT EACH AND EVERY PROMOTION BASED ON EXCEPTIONAL, MERITORIOUS AND EXEMPLARY PERFORMANCE OR SERVICE SHALL BE SUBSTANTIALLY SUPPORTED AND SHALL MEET SCRUTINY AND BE JUSTIFIED BEFORE THE COMMISSION ON APPOINTMENTS.

SEC. 18. Section 28 and Sec. 29 of the same Act are hereby amended and renumbered as Sec. 29 and 30, respectively

SEC. 19. Section 30 of the same Act is hereby amended and renumbered as Sec. 31 to read as follows:

Sec. [30] 31. Lateral Entry.-- xxx

(a) xxx

(b) xxx

[(c) His reappointment shall be confirmed by the Commission on Appointments; and] [(d)] (e) The rank to which he is being reappointed shall [not be higher] BE ONE RANK BELOW than that of his successful co-examinees who have joined by the Service immediately after being offered the appointment.

(f) HIS RE-APPOINTMENT SHALL NOT REQUIRE CONFIRMATION BY THE COMMISSION ON APPOINTMENTS. PROVIDED THAT THE REAPPOINTMENT OF SUCCESSFUL EXAMINEES WHO OPTED FOR LATERAL ENTRY PRIOR TO THE EFFECTIVITY OF THIS ACT SHALL NOT REQUIRE CONFIRMATION BY THE COMMISSION ON APPOINTMENTS.

SEC. 20. A new Section 31 of the same act is hereby renumbered as Sec. 32.

SEC. 21. Add a new Section 33 to read as follows:

SEC. 33. PROMOTION TO AND WITHIN THE RANKS OF FOREIGN SERVICE STAFF OFFICER. - PROMOTION TO THE RANKS OF FOREIGN SERVICE STAFF OFFICER SHALL BE IN ACCORDANCE WITH SEC. 19 OF THIS ACT. NO PERSONNEL MAY BE PROMOTED TO ANY OF THE RANKS OF FOREIGN SERVICE STAFF OFFICER UNLESS HE/SHE PASSED THE OPEN COMPETITIVE EXAMINATION FOR THAT RANK.

SEC. 22. Section 32 of the same Act is renumbered as Section 34 and is hereby amended to read as follows:

Sec. [32.] 34. Senior Staff Officers. - Personnel who have attained the highest rank in the staff service and have rendered service in that position continuously for a period of five (5) years and a cumulative period totaling at least fifteen (15) years shall be eligible for promotion in salary and allowances equivalent to the maximum salary and allowances of foreign service officer, class: Provided, That they shall have consistently received a minimum efficiency rating of "very satisfactory" throughout those years of service. Thereafter, for every additional six (6) years of continuous very satisfactory service, they shall be eligible for promotion in salary and allowances equivalent to the minimum salary and allowances of the next higher class of foreign service officer UP TO THE HIGHEST SALARY GRADE OF A FOREIGN SERVICE OFFICER, CLASS III.

SEC. 23. Sec. 33, Sec. 34 and Sec. 35 are hereby renumbered as Sec. 35, 36 and 37, respectively.

SEC. 24. Section 36 is renumbered as Section 38 and is hereby amended to read as follows:

Sec. [36.] 38. Initial Service in the Home Office. - Except for non-career chiefs mission appointed by the President, no member of the Career Foreign Service Corps shall be assigned to any post abroad unless he has rendered continuous and satisfactory service in the home office for at least three (3) years [including undertaking an intensive familiarization program of Philippine conditions, urban and rural.]

SEC. 25. A new section is added as Section 39 and shall read as follows:

SEC. 39. FOREIGN ASSIGNMENT. - THERE SHALL BE A LINEAL ROSTER OF FOREIGN SERVICE OFFICERS, FOREIGN SERVICE STAFF OFFICERS AND FOREIGN SERVICE STAFF EMPLOYEES QUALIFIED FOR FOREIGN ASSIGNMENT WHICH MAY BE USED AS A PRIMARY BASIS FOR SELECTING THOSE WHO WILL BE ASSIGNED TO FOREIGN SERVICE POSTS. PERSONNEL NOMINATED FOR FOREIGN ASSIGNMENT SHALL BE ISSUED THEIR ASSIGNMENT ORDERS AT LEAST THREE (3) MONTHS BEFORE THE ACTUAL EFFECTIVITY OF SUCH ASSIGNMENTS TO PROVIDE FOR ADEQUATE PERIOD OF FURTHER TRAINING AND PREPARATION FOR THE SPECIFIC ASSIGNMENT. THE TRAVEL ORDER WILL BE ISSUED AT THE END A MINIMUM OF SATISFACTORY PERFORMANCE IN THE THREE (3) MONTHS TRAINING PERIOD.

SEC. 26. Section 37 is renumbered as Section 40 and paragraph (d) of the same section is hereby to read as follows:

Sec. 37. Tour of Duty. - Subject to the exigencies of the service:

(a) xxx

(b) xxX

(c) xxx

(d) Any foreign service officer, foreign service staff officer or employee on assignment abroad may be recalled to the home or dismissed from the Service at any time for unsatisfactory performance as certified by the head of post and approved by the Secretary upon recommendation of the Board of Foreign Service Administration; SUBJECT TO DUE PROCESS AND FULL INVESTIGATION OF ALLEGATION BEFORE SUCH RECALL OR DISMISSAL MAY BE EFFECTED TO PROTECT THE CONSTITUTIONAL AND ADMINISTRATIVE RIGHTS OF THE RECALLEE ;and

(e) xxx.

SEC. 27. Sec. 38, Sec. 39, Sec. 40, Sec. 41, Sec. 42, Sec. 43, Sec. 44, Sec. 45, Sec. 46, of the same Act are hereby renumbered as Sec. 41, Sec. 42, Sec. 43, Sec. 44, Sec. 45, Sec. 46, Sec. 47, Sec. 48 and Sec. 49 of this Act.

SEC. 28. Section 47 of the same Act is hereby renumbered as Section 50 and is hereby amended to read as follows:

Sec. [47.] 50 Functions. - The Board shall conduct examinations and nominate to the President, through the Secretary, successful candidates for appointments as foreign service officers, class VI. It shall receive and screen applications for the foreign service officer (FSO) examinations.

The Board shall prescribe the academic training and practical experiences required of candidates and determine the subjects on which the written and oral examinations shall be held. THE PRACTICAL EXPERIENCE MUST INCLUDE AT LEAST EIGHTEEN (18) MONTHS OF EMPLOYMENT IN ANY PUBLIC OR

PRIVATE AGENCY OR ENTERPRISE OR SELF-EMPLOYMENT. The Board shall prepare, conduct and grade the written examinations and certify to the Secretary for oral examinations those candidates who obtained a general average of seventy-five percent (75%) or higher. ANY EXAMINEE WHO RECEIVES A COMPOSITE GRADE OF EIGHTY PERCENT (80%) OR HIGHER IN BOTH THE WRITTEN AND ORAL EXAMINATION SHALL BE CERTIFIED TO THE SECRETARY AS QUALIFIED FOR APPOINTMENT AS FOREIGN SERVICE OFFICER, CLASS IV. In the preparation of questions and the grading of examination papers on any subject, the Board may request, through the secretary of the department concerned, the assistance of any competent officer in the government service. THE BOARD SHALL ALSO CONDUCT THE EXAMINATION REQUIRED BY SEC. 29 OF THIS ACT FOR PROMOTION TO THE RANK OF CAREER MINISTER. THE BOARD MAY REQUEST A PUBLIC OR PRIVATE AGENCY TO PREPARE AND CONDUCT A PORTION OF THE EXAMINATION. ANY EXAMINEE WHO OBTAINED A COMPOSITE GRADE OF SEVENTY-FIVE PERCENT (75%) IN THE EXAMINATION SHALL BE CERTIFIED TO THE SECRETARY AS QUALIFIED FOR PROMOTION TO THE RANK OF CAREER MINISTER. THE- RESULT OF THE EXAMINATION SHALL BE THE SOLE BASIS FOR PROMOTION.

SEC. 29. Section 48 is renumbered as Section 51 and is hereby amended to read as 20 follows:

Sec. [48.] 51. Qualifications of Applicants. - Foreign service officer (FSO) examinations shall be open to those who are citizens and permanent residents of the Philippines. No person, of either sex, married to an alien may take the examinations without the written consent of the Secretary. Applicants must be holders of a four-year bachelor's degree, below thirty-six (36) years old, and physically and psychologically fit: Provided, That any person who is holding a position of responsibility in the Department or the Institute for at least two (2) years AND ANY PERSON HOLDING A POSITION OF RESPONSIBILITY IN ANY OTHER GOVERNMENT AGENCY FOR AT LEAST FOUR (4) YEARS prior to the date of examination and who is otherwise qualified to take the examinations may do so, regardless of the maximum age limit prescribed.

SEC. 30. Section 50 is renumbered as Section 53 and is hereby amended to read as follows:

Sec. [50.] 53. Composition. - There shall be a Board of Foreign Service Administration to be composed of one (1) of the Undersecretaries, as Chairman, and the two (2) other Undersecretaries and the Assistant Secretaries of the different offices in the Department, including the Director of the Institute, AND THE PRESIDENT AND VICE PRESIDENT OF THE DEPARTMENT OF FOREIGN AFFAIRS PERSONNEL ASSOCIATION, as FULL members.

SEC. 31. Section 51 of the same Act is hereby renumbered as Sec. 54 and the second paragraph is amended to read as follows:

Sec. 51. Functions. - xxx

The Board shall keep a lineal roster of all chiefs of mission, career ministers, foreign service officers, foreign service staff officers and foreign service staff employees strictly in the order of their ranks and seniority in each rank or class, based on their respective dates of appointment. In submitting recommendations for promotions to the President, through the Secretary, the Board shall base its recommendations on the efficiency ratings and seniority of the officers and employees concerned [.] AND TAKE INTO CONSIDERATION MERITORIOUS OR EXEMPLARY PERFORMANCE. THE BOARD SHALL KEEP A LINEAL ROSTER OF ALL OFFICERS AND EMPLOYEES INDICATING PREVIOUS ASSIGNMENTS, ADDITIONAL TRAINING AND SERVICES WHICH SHALL STRICTLY BECOME THE BASIS FOR RECOMMENDATION FOR FOREIGN ASSIGNMENT.

SEC. 32. Section 52 and 53 are hereby renumbered as Section 55 and 56 respectively.

SEC. 33. Section 54 of the same Act is renumbered as Section 57 and the last paragraph is hereby amended to read as follows:

Sec. 54. Disciplinary Actions. - In the investigation of administrative cases against officers and employees of the Department, the applicable rules and regulations and guidelines promulgated by the Civil Service Commission shall be strictly observed.

No officer or employee of the Department shall be subjected to disciplinary action or otherwise be removed or separated from the Service except for cause as provided for by law in accordance with requirements of due process. Disciplinary action may be taken against an officer or an employee only by the appropriate disciplinary authority, to wit:

(a) xxx

(b) xxx

No officer or employee of the Department facing administrative charges shall be effectively suspended or otherwise prevented from exercising his normal duties and functions, unless so ordered by appropriate disciplinary authority on grounds provided for by law.

In the interest of harnessing all the human resources in the Department, no officer or employee shall be "frozen" or "floated" or otherwise deprived of an assignment, duties or functions appropriate to his rank and position, except [for justifiable reasons.] ON GROUNDS PROVIDED FOR BY LAW.

SEC. 34. Sec. 55, Sec. 56 and Sec. 57 are renumbered as Sec. 58, Sec. 59 and Sec. 60 of this Act, respectively.

SEC. 35. Section 58 of the same Act is renumbered as Sec. 61 and is hereby amended to read as follows:

Sec. 58. Operations. - The Institute shall continue to operate under its own charter. The Director of the Institute shall be a senior career chief of mission with the title of assistant secretary. THE HEAD OF THE INSTITUTE SHALL BE A SENIOR CAREER CHIEF OF MISSION WITH THE TITLE OF DIRECTOR-GENERAL AND THE EQUIVALENT RANK OF UNDERSECRETARY.

SEC. 36. Sec. 59 is hereby renumbered as Sec. 62 of this Act. .

SEC. 37. Title IX, Section 60 of the same Act is hereby deleted and Section 61 is renumbered as Section 63:

SEC: 38. Section 62 is renumbered as Section 64 and is hereby amended to read as follows:

Sec. [62.] 64. Membership in the Government Service Insurance System.- All permanent officers and employees of the Service who are citizens of the Philippines shall have compulsory insurance coverage under the rules and regulations governing the same: Provided, however, That the President upon recommendation of the Secretary may, as soon as practicable, submit for enactment by Congress a foreign affairs retirement and disability system, taking into account the difficulties of foreign service personnel in setting aside sufficient savings to take care their eventual retirement in the Philippines due to old age or some other disability, with the increased burden of establishing a home in the Philippines after completion of their tour of duty abroad. PROVIDED FURTHER, THAT THE PRESIDENT UPON THE RECOMMENDATION OF THE SECRETARY

SHALL ESTABLISH A FOREIGN AFFAIRS HOUSING SYSTEM, SIMILAR TO THAT ALREADY SET UP FOR OTHER GOVERNEMENT AGENICES, TO ENABLE FOREIGN SERVICE PERSONNEL TO MEET THE INCREASED BURDEN OF ESTABLISHING A HOME IN THE PHILIPPINES.

SEC. 39. Section 63 is renumbered as Section 64 and paragraph (f) of the same section is hereby amended to read as follows:

Sec. [63.] 64 System of Allowances. - The President upon recommendation of the Secretary shall recommend to Congress the establishment of a system of allowances for foreign service personnel which shall be subject to periodic review and shall include the following:

(a) xxx

(b) xxx

(c) xxx

(d) xxx

(e) xxx

(f) Education allowance. - To compensate for additional educational cost incurred by officers and employees assigned abroad for legal dependent children not exceeding three (3) in number who are enrolled in the primary and elementary grades and high school [where free public education is absent;]

(g) xxx

(h) xxx

SEC. 40. Section 64 is renumbered as Sec. 66 of this Act.

SEC. 41. Section 65 is renumbered as Section 67 and is hereby amended to read as follows:

Sec. [65.] 67. Living Quarters Allowance. - Commutable living quarters allowable shall be granted to officers [or] AND employees in the Service assigned abroad who are citizens of the Philippines. Such allowance may cover the rental or quarters including utilities, telephone and other maintenance expenses which may be revised as to amounts not more often than once a year with the approval of the President.

On transfer from post, allowances shall cease at the end of the month following departure therefrom. Commutable living quarters allowance shall be granted at a per annum rate and shall be commuted and paid monthly beginning on the first day of the month following the arrival of the payee at his post of assignment: Provided, however, That the suitability of said quarters in each post shall be officially certified under oath by the chief of mission or principal officer:

Provided, further, That the equivalent of said allowance corresponding to the first three (3) months following arrival at post shall be paid immediately upon its accrual. On transfer from post, allowances shall cease at the end of the month following departure therefrom. PROVIDED, FINALLY, THAT THE RATE OF SUCH ALLOWANCE SHALL BE DETERMINED FROM THE LEGAL STATUS OF THE PERSONNEL FROM THE TIME OF DEPARTURE FOR THE ASSIGNMENT.

No living quarters allowance shall be paid to persons occupying government-owned, furnished and heated quarters. No allowance shall be paid for quarters occupied free or under arrangements with other parties permitting direct or indirect gain to the claimant or his family.

If a person entitled to living quarters allowance occupies quarters owned by him, his wife HUSBAND or children, he shall be entitled to a quarters allowance equal to fifty percent (50%) of the rental value of the quarters[.] BUT NOT TO EXCEED THE FULL

RATE OF QUARTERS ALLOWANCE ALLOWABLE FOR THE RANK. The chief of mission or principal officer, as the case may be, jointly with the administrative officer shall certify under their official oaths the rental value on the face of the cash voucher.

Lease contracts entered into by any officer or employee assigned abroad should contain a "Diplomatic Clause" whereby the tenant should be reassigned to another post or is recalled to the home office. In case of detail of the officer or employee from his post of assignment (detail to the home office excluded), the quarters allowance shall cease to accrue from the first day of the month following the date of his departure unless it can be shown that the rented quarters used as his residence has been retained at the post of assignment and the rentals thereof are continued, but in no case shall the allowance continue beyond three (3) months without the prior approval of the Secretary. If the officer or employee own the quarters occupied by him, payment of the allowance shall cease immediately unless otherwise authorized by the Secretary.

In case officer or employee is on home leave, the allowance shall cease to accrue from the first day of the month following the date of his departure from his post, unless it can be shown that the rented quarters used as residence has been retained at the post of assignment, but in no case shall the allowance continue beyond three (3) months. This regulation shall apply also in cases where extended leaves of absence are taken in any other emergency cases necessitating departure from the post of assignment unless otherwise authorized by the President upon recommendation of the Secretary. If the officer or employee owns the house occupied by him, the allowance shall be discontinued.

IN NO CASE SHALL QUARTERS BE OFFICIALLY CERTIFIED AS SUITABLE UNLESS IT IS COMMENSURATE TO THE RANK OF THE OFFICER OR EMPLOYEE DEEMED SUITABLE ACCORDING TO THE SIZE OF THE QUARTERS AND THE NUMBER OF OCCUPANTS. IN CASE QUARTERS HAVE BEEN CERTIFIED BUT IS FOUND NOT COMMENSURATE TO THE RANK OF THE OFFICER OR EMPLOYEE DEEMED SUITABLE ACCORDING TO THE SIZE OF THE QUARTERS AND THE NUMBER OF OCCUPANTS. IN ACSE QUARTERS HAVE BEEN CERTIFIED BUT IS FOUND NOT COMMENSURATE TO THE RANK AND OCCUPANCY RATION THEREOF, THE CERTIFYING OFFICERS AND THE OCCUPANT OF THE QUARTERS SHALL BE SUBJECTED TO DISCIPLINARY ACTION.

SEC. 42. Section 66 is renumbered as Section 68 of this Act.

SEC. 43. Section 67 is renumbered as Section 69 and is hereby amended to read as follows:

Sec. [67.] 69. Adjustment OF LIVING QUARTERS AND [in the] Overseas Allowance. - A permanent committee is hereby created, consisting of the Secretary as Chairman and, as members, the Secretary of Budget and Management and the Governor of the [Central Bank], BANGKO SENTRAL NG PILIPINAS, with the objectives of compiling information on foreign currency exchange rate fluctuations and price levels abroad and of recommending periodic adjustments in the amount of LIVING QUARTERS ALLOWANCES AND overseas allowance to foreign service personnel of the National Government in each foreign service post: Provided, That official United Nations consumer indices shall be specifically considered in the committee's evaluation: Provided, further, That the adjustments shall be made not more often than once a year:

Provided, furthermore, That the implementation shall be subject to the availability of funds.

SEC. 44. Section 70 is renumbered as Sec. 72 of this Act.

SEC. 45. Section 71 is renumbered as Sec. 73 and is amended to read as follows:

Sec. [71.] 73. Clothing Allowance. - Clothing allowance may be granted to officers and employees of the Service assigned abroad who are citizens of the Philippines not more often than once every twelve (12) months, the rates of which shall be determined by the Department.

SEC. 46. Section 72 is renumbered as Sec. 74 and is hereby amended to read as follows:

Sec. [72.] 74. Education Allowances. - Education allowance may be granted to officers and employees assigned abroad who are citizens of the Philippines of their legal dependent children not exceeding three (3) in number, who are enrolled in the primary, elementary and high school levels. [This grant shall not, however, be payable in respect to post where free educational is provided for.]

The allowance may be granted as reimbursement of actual costs within such maximum amounts as shall be fixed by the Secretary and the Department of Budget and Management, with the approval of the President, per school year of each child [subject to presentation of receipts and other evidence of payment of matriculation, tuition, books and other school fees].

SEC. 48. Section 82 is renumbered as Section 81 and is hereby amended to read as follows:

Sec. [82.] 84. Foreign Service Compensation Plan. - The provisions of Executive Order No. 4-95 and P.D. No. 1285, both issued in 1978, as well as the provisions of other acts, decrees, orders, letters of implementation, letters of instruction, and rules and regulations which are not inconsistent with the aforementioned order and decree shall apply with respect to the foreign service compensation plan of the Department. For purposes of implementing this title the Home office shall be considered a separate host [.] **WITH ALL PERSONNEL ENTITLED TO SUCH ALLOWANCES THE APPLICABILITY AND RATES OF RATES SHALL BE IMMEDIATELY DETERMINED BY THE SECRETARY.**

SEC. 49. Section 83, Sec. 84, Sec. 85, Sec. 86, Sec. 87 and Sec. 88 of the same Act are hereby renumbered as Sec. 85, Sec. 86, Sec. 87, Sec. 88, Sec. 89, and Sec. 90..

Sec. 50. If any section or part of this Act shall be declared as unconstitutional or invalid by competent authority, the remaining sections or parts of this Act shall not be affected.

SEC. 51. All other acts, executive orders, presidential decrees, rules and regulations which are inconsistent with any of the provisions of this Act are hereby repealed or accordingly.

SEC 52. This Act shall take effect fifteen (15) days after the complete publication in the Official Gazette or in any two newspapers of general circulation.

Approved.