


13th Congress of the Republic)
of the Philippines)
First Regular Session)

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SENATE

RECEIVED BY: 

S. No. 1142

Introduced by Senator Aquilino Q. Pimentel, Jr.

EXPLANATORY NOTE

This bill seeks to codify all laws and relevant issuances governing the civil service into a single, comprehensive statute. The goal is to finally have an ultimate legal authority on the Philippine Civil Service System.

The Civil Service traces its history to the ancient Middle Eastern River civilizations and to China which established an effective and centralized civil service. The Chinese civil service system gave the Chinese Empire stability for over 2,000 years. It has served as a model for the civil service systems in many countries, the Philippines included.


Over the years, the Philippine Civil Service evolved through the passage of laws by Congress, Executive issuances and rules and regulations issued by the Civil Service Commission. The last major piece of legislation dealing with the Civil Service was Executive Order 292, the Administrative Code of 1987.

Sadly, the pieces of legislation governing the Philippine Civil Service remain scattered in different laws, decrees, and letters of instructions and executive orders. The absence of a comprehensive civil service law has sometimes caused confusion among civil servants, to say the least. Many laws overlap and some have become obsolete.

There is an urgent need to update and gather all civil service and related laws to address the ever changing needs of the times.

Hence, this proposed Civil Service Code seek to address deeply rooted problems besetting the public service such as graft and corruption, red-tape, violations of government employee rights and the merit system, among other things.

The immediate passage of this bill is earnestly requested.


AQUILINO Q. PIMENTEL, JR.

13th Congress of the Republic)
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SENATE
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AN ACT
ESTABLISHING A CIVIL SERVICE CODE OF THE PHILIPPINES
AND FOR OTHER PURPOSES

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

BOOK I. GENERAL PRINCIPLES

Title I - Policies on Civil Service System

Chapter 1. Declaration of Policy

SECTION 1. *Short Title.* - This Act shall be known as the "Civil Service Code of the Philippines".

SEC. 2. *Declaration of Policy.* -

- (a) The state recognizes the primary and enduring role of the civil service system in implementing the laws, managing public affairs, and ensuring the delivery of public services.
- (b) The state shall provide the enabling environment that will promote its integrity, independence, productivity and excellence.
- (c) It is the policy of the State to promote the Constitutional mandate that:
 - (1) Appointments in the civil service system shall be made only on the principle of merit and fitness;
 - (2) Public office being a public trust, public officers and employees must be accountable to the people and live the principles of utmost responsibility, integrity, loyalty, efficiency, patriotism, justice and modesty in serving the people;

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1	(3) Employment opportunities in the civil service system shall be equally available to all qualified citizens;	2
3	(4) No public officer and employee shall be disciplined, suspended or dismissed except for cause and after observing due process of law, or for non-disciplinary causes;	4
5	(5) The Civil Service Commission, being the central personnel agency of the government, shall administer the civil service system and provide policies and guidelines on the recruitment and selection, utilization, training and discipline of public officers and employees;	6
7	(6) The right to self-organization, collective negotiation and peaceful concerted activities, including the right to strike in accordance with the provisions of this code, shall be guaranteed and respected;	9
8	(7) Equal pay for work of equal value shall be guaranteed; and	10
9	(8) Actions on personnel matters shall be decentralized, with the different departments and other offices or agencies of the government delegating to their regional offices or other similar units, powers and functions.	11
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24	Sec. 3. Terms Defined. - With reference to the civil service system and as used in this Code, the following terms shall be construed to mean as follows:	24
25		25
26		26
27	(a) Agency refers to any department, bureau, office, commission, administration, board, committee, institute, government-owned or -controlled corporation with original charter, state university and college, and local government unit.	27
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31		31
32	(b) Appointing authority refers to the person or body authorized by law to make appointments in the civil service system.	32
33		33
34		34
35	(c) Appointment refers to the document issued by the appointing authority allowing the appointee to occupy the position stated therein and to perform its functions and receive the corresponding compensation. It could also refer to the selection by the appointing authority of an individual who is to exercise the functions of the position.	35
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41	(d) Career Executive Service (CES) refers to the strong, stable, competent, well-trained and highly motivated corps of career public managers that will provide effective support to national development.	41
42		42
43		43
44		44
45	(e) CESB refers to the Career Executive Service Board.	45
46		46
47	(f) Career Executive Service Officer (CESO) refers to a person who has been conferred a CES rank.	47
48		48
49		49
50	(g) Chairperson refers to the Chairman of the Civil Service Commission.	50
51		51
52	(h) Civil service refers to persons employed to carry out public services, in all branches, agencies, subdivisions and instrumentalities of government, including government-owned and -controlled corporations with original	52
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1 charters or created under special laws, local government units, and state
2 universities and colleges.

3
4 (i) *Civil service eligible* refers to a person who passed a civil service
5 examination or is granted civil service eligibility by law or by the Civil
6 Service Commission.

7
8 (j) *Civil service system* refers to the policies, regulations, procedures,
9 practices and ethics that govern the manner in which laws are executed
10 and implemented, public affairs are managed and public services are
11 delivered in all branches, agencies, subdivisions and instrumentalities of
12 government, government-owned and -controlled corporations with
13 original charters or created under special laws, local government units,
14 state universities and colleges.

15
16 (k) *Class* refers to all positions in the civil service system that are sufficiently
17 similar as to duties and responsibilities and require similar qualifications
18 that can be given the same title and salary and for all administrative and
19 compensation purposes, be treated alike.

20
21 (l) *Commission* refers to the Civil Service Commission.

22
23 (m) *Commissioner* refers to either of the two (2) other members of the
24 Commission.

25
26 (n) *Consultant* refers to the person engaged under a consultancy contract by
27 reason of expertise not readily available from career personnel, to
28 perform highly specialized functions for a short duration, with a definite
29 output, having no employer-employee relation with the contracting
30 agency.

31
32 (o) *Department* refers to any of the departments in the Executive branch,
33 Congress, the Judiciary and any of the constitutional commissions.

34
35 (p) *Disciplining authority* refers to the person or body authorized to suspend,
36 dismiss or discipline public officers and employees in the civil service
37 system.

38
39 (q) *Eligibility* refers to the qualification acquired by an individual after
40 passing a civil service examination or granted by law or by the
41 commission, for entrance into and promotion in the career service.

42
43 (r) *Employee* refers to any person employed in the civil service system of
44 whatever category or class up to division chief level.

45
46 (s) *Employee organization* refers to any employee organization, union,
47 association, federation, confederation, society or alliance duly registered
48 in accordance with the provisions of this Code.

49
50 (t) *Examination* refers to the test conducted by the Commission or any
51 agency authorized by law for the purpose of determining merit and
52 fitness for appointment in the civil service system.

53

- 1 (u) *Grievance* refers to an employee's complaint regarding working
2 conditions, working relationships or employment status.
3
- 4 (v) *Grievance procedure* refers to the mechanisms of resolving employee
5 grievances and complaints.
6
- 7 (w) *Highly technical position* refers to a position which requires the occupant
8 to possess skill or training in a supreme or superior degree, like that of a
9 scientist.
10
- 11 (x) *Job order* refers to a contract of service of individuals or groups paid
12 under a lump sum appropriation for a short duration having no
13 employer-employee relation with the government.
14
- 15 (y) *Merit system* refers to an organized mechanism by which the selection,
16 utilization, compensation, training, retention and discipline of employees
17 in the service are governed by comparative merit and achievement.
18
- 19 (z) *Personnel action* refers to any movement of personnel in the civil service
20 system.
21
- 22 (aa) *Policy-determining position* refers to a position which vests in the occupant
23 the power to formulate policies for the government or any of its agencies,
24 subdivisions, or instrumentalities, like that of a member of the cabinet.
25
- 26 (bb) *Position* refers to a job title with a defined set of duties and
27 responsibilities to be performed by an individual either on full-time or
28 part-time basis.
29
- 30 (cc) *Primarily confidential position* refers to a position where the occupant
31 enjoys more than the ordinary confidence of the appointing power but
32 bears such close intimacy which relieves the latter from misgivings of
33 betrayal of personal trust on confidential matters, like that of a private
34 secretary.
35
- 36 (dd) *Public officers* as distinguished from employees, refer to those whose
37 functions are managerial or executive in nature and above the division
38 chief level invested by law with a portion of the sovereignty of the state.
39
- 40 (ee) *Qualification standards* refer to the minimum requirements for a class of
41 position expressed in terms of education, training, experience, civil
42 service eligibility, physical fitness and other qualities required by the job.
43
- 44 (ff) *Rank-and-file* refers to employees occupying positions in the first and
45 second levels.
46
- 47 (gg) *Reorganization* refers to the process of restructuring an agency's
48 organizational and functional set-up with the view of making it more
49 economical, effective, efficient and responsive to the needs of the public.
50
- 51 (hh) *Solo parent* refers to any individual who falls under any of the categories
52 as enumerated in R.A. 8972, otherwise known as the Solo Parents
53 Welfare Act of 2000.
54

- 1 (ii) *Strike*, for purposes of this code, refers to a concerted action of an
2 accredited employee organization which will result in temporary work
3 stoppage without total disruption of public service.
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7 Chapter 3. Rights and Obligations of Public Officers, and Employees in the Civil
8 Service System
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11 SEC. 4. *Rights.* - Public officers and employees in the civil service system
12 shall have the right to:

- 13
14 (a) Security of tenure;
15
16 (b) Exercise the authority attendant to their positions;
17
18 (c) Enjoy leave, welfare, retirement and other benefits and services;
19
20 (d) Self-organization or to form and join unions, associations, federations,
21 confederations or societies for purposes not contrary to law;
22
23 (e) For rank-and-file employees of accredited organizations to collectively
24 negotiate for terms and conditions of employment in accordance with
25 existing laws and the right to engage in a strike in accordance with the
26 provisions of this code; and
27
28 (f) Enjoy such other rights provided by law.
29

30
31 SEC. 5. *Obligations.* - Public officers and employees in the civil service
32 system shall:
33

- 34 (a) Uphold and defend the Constitution and laws of the Republic of the
35 Philippines;
36
37 (b) Take and subscribe to an oath before assumption of office;
38
39 (c) Be accountable at all times to the people, and serve them with utmost
40 responsibility, integrity, loyalty and efficiency, act with patriotism and
41 justice and lead modest lives;
42
43 (d) Discharge their duties faithfully and maintain the required level of
44 productivity of their positions for the benefit of the public;
45
46 (e) Submit upon assumption to duty and as often as may be prescribed by
47 law, a sworn statement of assets, liabilities and net worth and disclosure
48 of business interests and financial transactions;
49
50 (f) Identify and disclose, to the best of their knowledge, their relatives in
51 government, in the manner and frequency as may be prescribed by law,
52 rules and regulations; and
53

- 1 (g) Undertake programs of self-development to improve their performance
2 and levels of service.
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6 Title II - Scope of the Civil Service System
7

8 Chapter 1. Positions in the Civil Service System
9

10
11 SEC. 6. *Coverage.* - The civil service system embraces all branches,
12 agencies, subdivisions and instrumentalities of government, state universities and
13 colleges, government-owned and -controlled corporations with original charters or
14 created under special laws, and local government units.
15
16

17 SEC. 7. *Administration of the Civil Service System.* - As the central
18 personnel agency of the government, the Commission, shall establish a career service,
19 administer the civil service system, adopt measures to promote morale, efficiency,
20 competency, integrity, honesty, responsiveness, progressiveness, courtesy and gender
21 sensitivity, strengthen the merit and rewards system, integrate all human resource
22 development programs for all levels and ranks therein and institutionalize a
23 management climate that promotes good working conditions and public
24 accountability.
25
26

27 SEC. 8. *Categories of Positions.* - Positions in the civil service system
28 shall be categorized as career and non-career.
29
30

31 SEC. 9. *The Career Service.* - The career service shall be characterized by
32 (a) entrance based on merit and fitness to be determined, as far as practicable, by
33 competitive examinations or on highly technical qualifications; (b) opportunity for
34 advancement to higher career positions; and (c) security of tenure which is also based
35 on performance, mechanics of which shall be formulated by the Commission.
36
37

38 SEC. 10. *Positions Included in the Career Service.* - Positions in the career
39 service include the following:
40

41 (a) Open career positions - appointment to which requires qualification in
42 an appropriate examination or other modes in accordance with law;
43

44 (b) Closed career positions - positions that are scientific or highly technical
45 in nature, which maintain their own merit systems, such as the
46 following:
47

48 (1) Faculty and academic staff of state universities and colleges or
49 scientific and technical positions in scientific or research
50 institutions;
51

52 (2) Career Executive Service;
53

1 (3) Career officers, other than those in the career executive service,
2 who are appointed by the President, such as the foreign service
3 officers in the Department of Foreign Affairs, the judges and
4 justices in the Judiciary and the prosecutors in the prosecution
5 services;

6
7 (4) Uniformed and commissioned personnel of the Philippine
8 National Police;

9
10 (c) Permanent laborer, whether skilled, semi-skilled, or unskilled.

11
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13 **SEC. 11.** *Classes of Positions in the Career Service.* - Positions in the
14 career service shall be grouped as follows:

15
16 (a) First Level - includes clerical, trades, crafts and custodial positions
17 whether in a non-supervisory or supervisory capacity;

18
19 (b) Second Level - includes professional, highly technical, scientific or other
20 highly specialized positions in a supervisory or non-supervisory capacity
21 requiring at least a baccalaureate degree or its equivalent as determined
22 by the Commission; and

23
24 (c) Third Level - includes the highest-level positions in the career service as
25 determined in the Position Classification and Compensation System.

26
27 Except as otherwise provided in this Code, entrance to the first two levels shall
28 be through competitive or special examinations to be given by the Commission.
29 Entrance to the third level shall be based on qualification requirements prescribed by
30 the Commission through the CESB. Entrance to a higher level does not require
31 previous qualification in the lower level.

32
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34 **SEC. 12.** *The Non-Career Service.* - The non-career service shall be
35 characterized by merit and fitness to be determined by (a) modes other than those of
36 the usual tests utilized for the career service; (b) tenure which is limited to a period
37 specified by law; (c) tenure which is coterminous with that of the appointing authority
38 or subject to his/her pleasure or which is limited to the duration of a specific project
39 for which purpose of employment was made; and (d) the primarily confidential nature
40 of the position.

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43 **SEC. 13.** *Positions Included in the Non-Career Service.* - The non-career
44 service shall include the following:

45
46 (a) Elective officers and their personal and primarily confidential staff;

47
48 (b) Department heads and other officers of Cabinet rank who occupy their
49 positions at the pleasure of the President and their personal and
50 primarily confidential staff;

51
52 (c) Chairpersons and members of constitutional commissions and other
53 commissions, boards and other bodies with fixed terms of office and
54 their personal and primarily confidential staff;

- 1
2 (d) Non-career undersecretaries and non-career assistant secretaries and
3 their personal and primarily confidential staff;
4
5 (e) Contractual personnel or those whose employment is in accordance with
6 a special contract for a maximum period of one year to undertake a
7 specific work or job which requires special knowledge and/or technical
8 skills not available in the employing agency;
9
10 (f) Those whose positions may be declared as personal and primarily
11 confidential by the Commission; and
12
13 (g) Emergency, casual and seasonal personnel.
14
15
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17 Title III - The Civil Service Commission

18 Chapter 1. Composition, Duties and Functions 19 20 21

22 SEC. 14. *Composition.* - The Commission shall be composed of a
23 Chairperson and two (2) Commissioners.
24
25

26 SEC. 15. *Qualifications of the Chairperson and Commissioners.* - The
27 Chairperson and Commissioners shall be natural-born citizens of the Philippines, and
28 at the time of their appointment are at least thirty-five (35) years of age with proven
29 capacity for public administration and must not have been candidates for any elective
30 position in the elections immediately preceding their appointment.
31

32 As far as practicable, one of them must be a lawyer and the composition of the
33 Commission must be gender balanced.
34
35

36 SEC. 16. *Terms of Office.* - The Chairperson and Commissioners shall be
37 appointed by the President subject to confirmation by the Commission on
38 Appointments for a term of seven (7) years without reappointment. In no case shall
39 any member be appointed or designated in a temporary or acting capacity.
40 Appointment to any vacancy shall be only for the unexpired term of the predecessor.
41
42

43 SEC. 17. *Compensation.* - The salaries of the Chairperson and the
44 Commissioners shall be fixed by law and shall not be decreased during their tenure.
45
46

47 SEC. 18. *Prohibition.* - No Member of the Commission shall, during their
48 tenure, hold any other office or employment except when expressly provided by law.
49 Neither shall he/she engage in the practice of any profession or in the active
50 management or control of any business which in any way be affected by the functions
51 of his/her office, nor shall he/she be financially interested, directly or indirectly, in
52 any contract with, or in any franchise or privilege granted by the government, any of
53 its subdivisions, agencies, or instrumentalities, including government-owned or
54 controlled corporations.

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3 SEC. 19. *Powers and Functions of the Commission.* - The Commission
4 shall have the following powers and functions:

- 5
6 (a) Administer and enforce the constitutional and statutory provisions and
7 such other mandatory provisions of law on the merit system for all levels
8 and ranks in the civil service system;
9
10 (b) Prescribe, enforce and amend rules and regulations for carrying into
11 effect the provisions of this Code and other pertinent laws which shall
12 become effective thirty (30) days from the date of publication in the
13 Official Gazette or in a national newspaper of general circulation;
14
15 (c) Promulgate its own rules concerning pleadings and practice before it or
16 any of its offices, which shall not diminish, increase or modify
17 substantive rights;
18
19 (d) Promulgate policies, standards and guidelines for the civil service
20 system and adopt plans and programs to promote ethical, efficient and
21 effective personnel administration in the government including
22 innovative systems and mechanisms to ensure feedback from the public;
23
24 (e) Formulate policies and regulations for the administration, maintenance
25 and implementation of Position Classification and Compensation
26 system;
27
28 (f) Render decisions, orders, opinions or rulings on civil service matters
29 which shall be binding on heads of departments and agencies and
30 immediately executory and notwithstanding any law to the contrary,
31 may be brought only to the Supreme Court on *certiorari*;
32
33 (g) Discipline CES members for cause after due process;
34
35 (h) Control, supervise and coordinate civil service examinations. Any entity
36 or public officer in government may be called upon by the Commission
37 to assist in the preparation and conduct of the said examinations. Such
38 assistance includes, but is not limited to, the provision of personnel and
39 security, the use of buildings and facilities, as well as the transportation
40 of examination materials;
41
42 (i) Grant civil service eligibility to qualified applicants based on civil service
43 examination results, performance, training, education, qualifications and
44 other similar standards, subject to the guidelines it may prescribe;
45
46 (j) Prescribe all forms for civil service examinations, appointments, reports
47 and such other forms as may be required by law and the rules and
48 regulations of the Commission;
49
50 (k) Declare, when appropriate, positions in the civil service system as
51 primarily confidential, highly technical or policy-determining;
52
53 (l) Formulate, administer and evaluate programs relative to the recruitment
54 and selection, development and retention of a qualified and competent

1 work force in the public service, including administration, development
2 and evaluation of training, scholarship and retirement programs;

- 3
- 4 (m) Resolve administrative cases and other civil service matters brought
5 before it directly or on appeal, including disciplinary matters, contested
6 appointments or personnel actions. The decisions, orders or ruling of the
7 Commission may be brought by the aggrieved party to the Supreme
8 Court only on *certiorari*;
- 9
- 10 (n) Issue subpoena *ad testificandum* (process directing the attendance of
11 witness) and/or subpoena *duces tecum* (process directing the production
12 of documentary evidence);
- 13
- 14 (o) Deputize public officers and employees of the Commission and of other
15 departments and agencies to investigate and hear cases and to submit
16 their findings and recommendations to the Commission;
- 17
- 18 (p) In the exercise of its quasi-judicial functions, punish for contempt, direct
19 and indirect, public officers, employees and other persons for refusal or
20 failure to comply with the decisions, orders, rulings or processes and
21 proceedings of the Commission;
- 22
- 23 (q) Delegate any power or function of the Commission to its regional or field
24 offices;
- 25
- 26 (r) Review decisions and actions of its offices;
- 27
- 28 (s) Enforce and execute its decisions, orders and rulings, and for this
29 purpose, deputize any national or local law-enforcement agency or
30 instrumentality of the government which shall act under the direct and
31 immediate supervision of the Commission;
- 32
- 33 (t) Act on all appointments and other personnel matters in the civil service
34 system;
- 35
- 36 (u) Inspect and audit the personnel actions and programs of the
37 departments, agencies, bureaus, offices and instrumentalities of
38 government, state universities and colleges, government-owned and -
39 controlled corporations with original charters or created under special
40 laws, local government units;
- 41
- 42 (v) Prescribe rules and policies on employee organizations and regulate
43 employee-management relations including the settlement of disputes;
- 44
- 45 (w) Prescribe and enforce rules and regulations to promote and ensure safe,
46 healthy and proper working conditions for employees;
- 47
- 48 (x) Formulate and administer programs that will foster an honest, graft-free
49 public service;
- 50
- 51 (y) Reorganize or effect changes in its organization, within the limits of its
52 appropriations, including the creation, merger or consolidation, splitting
53 or division and abolition of offices and positions; and
- 54

- 1 (z) Exercise all powers and perform the functions properly belonging to a
2 central personnel agency.
3

4
5 **SEC. 20. *Duties and Responsibilities of the Chairperson and the***
6 ***Commissioners.*** - -
7

- 8 (a) The Chairperson and the two Commissioners shall be responsible for the
9 effective exercise of the rule-making, policy-formulation and
10 adjudicative functions of the Commission. They shall promote the
11 development of a creative, productive and competitive workforce.
12

- 13 (b) The Chairperson shall be the chief executive officer and shall perform the
14 following functions:

- 15
16 (1) Execute and administer the internal policies, decisions, orders,
17 and resolutions approved by the Commission;
18
19 (2) Direct and supervise the operations and internal administration of
20 the Commission;
21
22 (3) Sign appointments of subordinate public officers and employees
23 made by the commission and enforce decisions on administrative
24 discipline involving them;
25
26 (4) Submit the annual budget of the Commission to Congress for its
27 approval;
28
29 (5) Transmit to the President, rules and regulations adopted by the
30 Commission which require presidential attention including
31 annual and other periodic reports;
32
33 (6) Delegate authority, in whole or in part, to other public officers
34 and employees of the Commission, in accordance with the rules
35 and regulations of the Commission; and
36
37 (7) Perform such other functions as may be provided by law.
38
39
40

41 **Chapter 2. Organization and Structure**
42

43
44 **SEC. 21. *Offices in the Commission.*** - The Commission shall have the
45 following offices:
46

- 47 (a) Office of the Assistant Commissioners;
48
49 (b) Commission Secretariat;
50
51 (c) Office for Legal Affairs;
52
53 (d) Examination, Recruitment, and Placement Office;
54

- 1 (c) Personnel Policies and Standards Office;
2
3 (f) Human Resource Development Office;
4
5 (g) The Civil Service Institute;
6
7 (h) Personnel Relations Office;
8
9 (i) Public Assistance and Information Office;
10
11 (j) Personnel Records Management Office;
12
13 (k) Office for Planning;
14
15 (l) Office for Financial and Assets Management ;
16
17 (m) Office for Personnel Management;
18
19 (n) Regional Offices/Field Offices; and
20
21 (o) Internal Audit Service.
22
23

24 **SEC. 22.** *The Office of the Assistant Commissioners.* - The Office of the
25 Assistant Commissioners (OACs) shall provide technical support to the Commission
26 in the areas of research, policy review and program development. This office shall
27 also handle special projects and maintain external linkages as may be deemed
28 necessary by the Commission.
29
30

31 **SEC. 23.** *The Commission Secretariat.* - The Commission Secretariat
32 (COMSEC) shall take charge of programming and coordinating regular and special
33 meetings of the Commission. Its function includes efficient information management
34 and maintenance of all records, decisions, policies, pronouncements and issuances of
35 the Commission.
36

37 COMSEC shall also be the main liaison between Central Office and the
38 Regional Offices. This function includes coordination of all transactions of the Central
39 offices with the Regional offices.
40
41

42 **SEC. 24.** *The Office for Legal Affairs.* - This office shall provide the
43 Commission with legal advice and assistance in the exercise of its rule-making, policy-
44 formulation, prosecution, quasi-judicial and other functions.
45
46

47 **SEC 25.** *The Examination, Placement and Recruitment Office.* - The
48 Examination, Placement and Recruitment Office (ERPO) shall take charge of
49 developing, enhancing, controlling, supervising and coordinating pertinent schemes
50 in the granting of civil service eligibility such as but not limited to administration of
51 Civil Service examinations. It shall also take charge of formulating programs, policies,
52 standards and guidelines in the certification and placement of civil service eligibles.
53
54

1 SEC. 26. *The Personnel Policies and Standards Office.* - The Personnel
2 Policies and Standards Office (PPSO) shall take charge of the formulation and periodic
3 review of qualification-, performance- and promotion-standards within the context of
4 the merit and rewards policies of the various closed and open career systems.
5

6 It shall also develop policies, programs and regulations relative to performance
7 management, as well as the inspection and audit of personnel mechanisms in the
8 government agencies.
9

10 It shall administer, maintain and implement the position classification &
11 compensation system.
12
13

14 SEC. 27. *The Human Resource Development Office.* - The Human
15 Resource Development Office (HRDO) shall formulate, administer and evaluate HRD
16 programs and policies relative to the development and retention of a qualified and
17 competent work force in the public service. It shall also be responsible for the
18 innovation and modeling of best-practiced development interventions to enhance
19 capacities and reinforce service values of public servants.
20
21

22 SEC. 28. *The Civil Service Institute.* - This office shall be responsible for
23 the design and administration of the Commission's human resource development and
24 training programs.
25
26

27 SEC. 29. *The Personnel Relations Office.* - The Personnel Relations Office
28 (PRO) shall take charge of all inter- and intra-public sector union concerns such as
29 employee relation standards, conciliation, registration and accreditation of unions
30 including advocacy work. It shall also serve as the secretariat for the Public Sector
31 Labor Management Council (PSLMC), and conduct research and training on public
32 sector unionism, as well as design and develop public sector labor education
33 programs.
34
35

36 SEC. 30. *The Public Assistance and Information Office.* - The Public
37 Assistance Information Office (PAIO) shall take charge of managing an effective
38 information exchange system between the Commission and its internal and external
39 publics. Its function includes maintaining strong linkages with media
40 institutions/practitioners as well as undertaking special projects, such as the CSC
41 anniversary celebration and the Honor Awards Program, necessary in carrying-out its
42 dual role of information dissemination as well as feedback generation on operations,
43 programs and thrusts of the Commission.
44
45

46 SEC. 31. *The Personnel Records Management Office.* - The Personnel
47 Records Management Office (PRMO) shall formulate and implement policies,
48 standards and regulations pertaining to the storage, maintenance, security control, and
49 disposal of government personnel records and other related civil service documents.
50 Management of such records includes maintenance of the resource center for
51 computer-based information, the library, the archives, and the museum of the
52 Commission.
53

1 PRMO shall also be responsible for the management of incoming and outgoing
2 communications of the Commission.
3

4
5 **SEC. 32. *The Office for Planning.*** - The Office for Planning (OP) shall be
6 responsible for the formulation, implementation and monitoring of the long-term
7 Strategic Plans of the Commission. It shall provide technical support and assistance to
8 the Commission on organizational planning, benchmarking and research and in the
9 development of work programs and projects of the different Commission offices
10 consistent with its mandate.
11

12 The Office for Planning shall also oversee the formulation and management of
13 the Information Technology Plan that shall serve as the blueprint for the development,
14 implementation, and maintenance of communication and information systems vital to
15 the internal operations of the CSC as well as to the decision-making functions of the
16 Commission.
17

18
19 **SEC. 33. *The Office for Financial and Assets Management.*** - The Office for
20 Financial Assets and Management (OFAM) shall take charge of ensuring sound fiscal
21 and asset management consonant with the annual, supplemental and special budgets
22 of the Commission as contained in the General Appropriations Act.
23

24
25 **SEC. 34. *The Office for Personnel Management.*** - The Office for Personnel
26 Management (OPM) shall take charge of formulating the development plan of the
27 Commission, which includes sound policies on personnel management in the areas of
28 recruitment and selection, employee welfare and discipline in the Commission.
29

30
31 **SEC. 35. *The Regional Offices/Field Offices.*** - The Regional Offices shall
32 enforce Civil Service rules, policies and standards on personnel management within
33 their respective regional jurisdictions. They shall provide technical advice and
34 assistance to government offices and agencies regarding personnel administration
35 such as but not limited to examination and placement, career development,
36 appointments, filing/resolution of legal cases, audit, and other functions delegated by
37 the Commission.
38

39
40 **SEC. 36. *The Internal Audit Service.*** - The Internal Audit Service (IAS)
41 shall oversee the periodic evaluation of existing methods and procedures, including
42 financial systems, in the Commission and on the basis of such, formulate plans and
43 programs relative to fiscal discipline, and management improvement and productivity
44 of the Commission.
45

46 47 48 **Chapter 3. The Career Executive Service** 49

50
51 **SEC. 37. *The Career Executive Service.*** - A strong, stable, competent, well
52 trained and highly motivated corps of career public managers that will provide
53 effective support to national development shall constitute the Career Executive Service
54 (CES). Entry and advancement in the CES shall be based on merit and fitness which

1 shall include integrity, demonstrated managerial and executive competence,
2 leadership and interpersonal qualities, technical expertise and other pertinent
3 qualifications.
4

5 The CES shall be governed by a separate merit system characterized by rank
6 rather than position; compensation based on rank and advancement to a higher rank
7 on the basis of executive and technical expertise.
8
9

10 **SEC. 38. *Membership.*** - A person who meets such managerial experience,
11 executive competence, and other requirements prescribed by the Commission through
12 the CESB, shall be conferred appropriate rank and shall be included in the register of
13 Career Executive Service Officers (CESOs).
14
15

16 **SEC. 39. *Career Executive Service Board.*** - The Career Executive Service
17 Board (CESB) shall be an attached agency of the Commission. It shall be responsible
18 for the development, maintenance and administration of the Career Executive Service.
19
20

21 **SEC. 40. *Composition of the Career Executive Service Board.*** - The CESB
22 shall be composed of the following: the Chairperson of the Commission as
23 Chairperson; the President of the Development Academy of the Philippines, ex-officio
24 member; the Dean of the University of the Philippines-National College of Public
25 Administration and Governance, ex-officio member; the president or duly designated
26 representative of a nationwide association of career executive service officers; the
27 president or duly designated representative of a nationwide association of personnel
28 managers; and, two (2) other members who shall be appointed by the President of the
29 Republic, and one of whom must be a retired CESO, both with terms of three (3) years.
30

31 Members of the CESB shall be provided with per diems and allowances as
32 determined by the Commission.
33
34

35 **SEC. 41. *The Career Executive Service Secretariat.*** - The Career Executive
36 Service Board (CESB) shall be assisted by the Career Executive Service Secretariat. It
37 shall be headed by an Executive Director and assisted by a Deputy Executive Director,
38 both of whom shall be appointed by the CESB, and shall be responsible for the
39 implementation of the policies, rules, regulations, decisions, directives of the CESB.
40
41

42 **SEC. 42. *Rank Classification of Members of the Career Executive Service.*** -
43 Members of the CES shall be classified according to rank based on their personal
44 proven competence, qualifications, broad levels of responsibility and other relevant
45 considerations as determined by law and rules of the Board.
46
47

48 **SEC. 43. *Conferment of Appropriate Rank in the CES.*** - Conferment to
49 appropriate rank in the CES shall be made by the President upon recommendation of
50 the CESB. The issuance of appointments to appropriate ranks shall be made by the
51 department or agency heads.
52
53

1 SEC. 44. *Personnel Mechanisms.* - The CESB shall develop policies, design
2 standards and personnel mechanisms for the Career Executive Service.
3

4
5 SEC. 45. *Compensation.* - Members of the CES shall be compensated
6 according to rank in accordance with the CES compensation plan and shall be
7 provided with attractive salaries, fringe benefits and reasonable allowances to be paid
8 by the employing agency. A CESO assigned to a CES position shall enjoy an added
9 premium based on his/her rank and shall be granted a higher premium as his/her
10 rank increases. However, in case a CESO occupies a CES position not appropriate to
11 his/her rank, said officer shall receive the higher compensation. In no case shall a
12 CESO receive compensation lower than that corresponding to the rank.
13

14
15 SEC. 46. *Mobility.* - CESOs may be assigned to any CES position.
16

17
18 SEC. 47. *CES Resource List.* - The CESB shall establish a CES resource list
19 drawn from CESOs who may be cross-posted in various agencies to undertake special
20 works or unique assignments within a specified timeframe, without diminution of
21 compensation.
22

23 The CESB shall institutionalize systems for the promotion of core values in the
24 CES, career development of its members, including cross-posting and mobility.
25

26 CESOs who may be involuntarily separated from their assignments shall, as far
27 as practicable, be given new assignments commensurate to their qualifications.
28

29
30 SEC. 48. *Administration of a Compensation Plan.* - The CESB shall
31 prepare, administer and periodically review a compensation plan for the CES, to
32 maintain the high standard of public service and the quality of officers in the CES.
33

34 Salaries, allowances and other benefits of CES officers shall be provided by the
35 employing agency at rates in accordance with the CES Compensation Plan.
36

37
38 SEC. 49. *Security of Tenure.* - CESOs shall enjoy performance-based
39 security of tenure and shall not be removed from service except for cause and after
40 due process.
41

42
43 SEC. 50. *Discipline.* - Investigation and adjudication of administrative
44 complaints against members of the CES shall be governed by the provisions of this
45 Code.
46

47
48 SEC. 51. *Career Undersecretary and Assistant Secretary.* - At least 50% of
49 the total number of positions of Undersecretary and Assistant Secretary shall be career
50 with each level accordingly represented.
51

52 The President shall appoint CESOs to both career and non-career
53 Undersecretary and Assistant Secretary positions.
54

1 Assignments to CES positions lower than assistant secretaries shall be made by
2 the head of agency or the appointing authority concerned and such shall be subject to
3 the approval by the commission.
4

1 BOOK II. PERSONNEL POLICIES AND STANDARDS

2
3 Title I - On Employment

4
5 Chapter 1. Recruitment

6
7
8 SEC. 52. *Policy.* - Recruitment in the civil service system shall be made on
9 the basis of merit and fitness to perform the duties and assume the responsibilities of
10 the position, to be determined as far as practicable by competitive examination
11 administered by the Commission. Every Filipino citizen shall have equal access to or
12 opportunities for public service regardless of, among others, religious belief, color, sex,
13 sexual-orientation, regional origin or ethnic affiliation. Measures shall be adopted to
14 include qualified members of indigenous cultural communities, and other minority
15 groups and differently-abled persons for recruitment and selection.
16

17
18 SEC. 53. *Kinds and Frequency of Civil Service Examinations.* -
19 Examinations may be written, oral, physical, testimonial based on performance or
20 skills or a combination of these types. Examinations may take into consideration
21 experience, education, aptitude, capacity, knowledge, character, physical fitness and
22 other attributes of the applicant as may be determined by the Commission.
23

24 The Commission shall administer competitive examinations for all levels in the
25 career service and grant corresponding civil service eligibilities to passers of the same.
26

27 The Commission shall conduct civil service examinations as often as the
28 exigency of the service requires. Civil service special examinations may be conducted
29 upon request of a particular department or agency, subject to rules and regulations
30 promulgated by the Commission.
31

32
33 SEC. 54. *Qualifications of Applicants to Civil Service Examinations.* -
34 Admission to civil service examinations shall be limited to citizens of the Philippines
35 who satisfactorily meet the requirements prescribed by the Commission.
36

37
38 SEC. 55. *Rating of Examination Papers and Civil Service Eligibility.* -
39 Unless otherwise prescribed by the Commission, every examinee who obtains a
40 general rating of at least eighty (80%) percent shall be granted civil service eligibility.
41

42
43 SEC. 56. *Simultaneous Release of Examination Results.* - The results of
44 an examination held in various locations on the same date shall be released
45 simultaneously.
46

47 SEC. 57. *Registers of Civil Service Eligibles.* - The Commission shall
48 maintain a register of qualified eligibles for each category of examination actually
49 available for appointment. The register shall be the basis for certification and
50 appointment in the civil service system.
51

52
53 SEC. 58. *Bar or Board Examinations as Eligibility.* - Successful examinees
54 of bar or board examinations requiring completion of baccalaureate degrees or courses

1 requiring not less than seventy-two (72) units of collegiate subjects or its equivalent as
2 well as those registered under their respective boards to practice their professions
3 without examination, shall automatically be considered civil service eligibles. Their
4 eligibilities shall be effective upon the release of examination results or the date of
5 registration, as the case may be, by the Supreme Court or the Professional Regulation
6 Commission.

7
8
9 **SEC. 59. *Effectivity and Imprescriptibility of Civil Service Eligibility.*** -
10 Eligibilities resulting from civil service, bar or board examinations shall be effective on
11 the date of the release of examination results. Other eligibilities granted by the
12 Commission shall be effective on the date of the grant.

13
14 Civil service eligibilities shall be imprescriptible.

15
16
17 **SEC. 60. *Invalidation of Civil Service Examination Results.*** - The
18 Commission shall have the authority to invalidate civil service examination results
19 based on statistical improbability and other forms of irregularity as determined by the
20 Commission.

21
22
23 **SEC. 61. *Responsibilities in the Conduct of Examinations.*** - The
24 Commission may call upon all departments and agencies to extend the necessary
25 support and assistance, and to make available such personnel, buildings,
26 transportation, communication and such other facilities, that may be needed in the
27 administration of the examinations.

28
29
30 **SEC. 62. *Printing, Storage, Transportation and Distribution of***
31 ***Examination Materials.*** - The printing, storage, transportation and distribution of
32 examination materials shall be under the exclusive supervision and control of the
33 Commission. The Commission shall determine and provide the necessary security
34 measures for this purpose.

35
36
37 **SEC. 63. *Examining Committees, Examiners and Investigators.*** - The
38 Commission may deputize persons to act as members of examining committees,
39 examiners or investigators to perform such duties as the Commission may require. In
40 the performance of such duties, they shall be under the exclusive control and
41 supervision of the Commission. Such persons so deputized may be given allowances
42 or per diem for their services to be paid out of funds allocated for the particular
43 examination and at a rate to be determined by the Commission. Expenses for
44 specialized examinations shall be allocated by the requesting department or agency.

45
46
47
48 **Chapter 2. Selection and Appointment**

49
50
51 **SEC. 64. *Selection Process.*** - Each department or agency shall evolve its
52 own selection process in accordance with standards and guidelines set by the
53 Commission.

1 A Personnel Selection Board for all levels shall be established in each
2 department or agency to assist the appointing authority in the judicious evaluation
3 and selection of personnel. The board shall be established in accordance with
4 standards and guidelines set by the Commission.

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SEC. 65. *Requisites for Appointment.* - Employment in the government service shall be made through appointment in accordance with the provisions of the Constitution, this Code, other laws and the rules and standards prescribed by the Commission.

SEC. 66. *Merit and Fitness in Appointment.* - Appointment in the civil service system shall be made only according to merit and fitness to be determined, as far as practicable, by competitive examination, except to positions which are policy determining, primarily confidential, or highly technical.

SEC. 67. *Who May Appoint.* - Appointment in the civil service system shall be issued only by those authorized by the Constitution or by law including those appointed in an acting capacity. Those who are designated cannot exercise the power to appoint.

SEC. 68. *Qualifications for Appointment.* - Appointment in the civil service system shall be limited to citizens of the Philippines who are at least eighteen (18) years of age and who meet the qualifications and none of the disqualifications prescribed for the position.

SEC. 69. *Effectivity of Appointment.* - An appointment shall take effect immediately upon its issuance by the appointing authority. If the appointee has assumed the duties of the position, he/she shall be entitled to receive salary at once without awaiting the approval of his/her appointment by the Commission. Such appointment cannot be withdrawn or cancelled by the appointing authority and shall remain in full force and effect unless disapproved by the Commission. However, an appointment issued through fraudulent means or in violation of law, shall be void from the beginning.

In the case of temporary appointment, the twelve (12) month period of its effectivity shall be reckoned from the date of issuance of the appointment and not from the date the appointee assumes the duties of the position.

No public officer or employee shall allow a person to render service without a copy of the appointment duly issued by the appointing authority. Those who allow such service in violation of this Section shall be personally liable for the salaries of the person concerned. Moreover, the services rendered by the said person shall not be credited as government service.

If the appointee does not assume office within thirty (30) days from date of receipt of approved appointment, said appointment shall be deemed automatically cancelled.

1 If the appointee is not allowed to assume office by the appointing authority in
2 spite of the Commission's approval of the appointment, the appointing authority shall
3 be held liable for contempt of the Commission. This is without prejudice to his
4 liability under RA 3019 (*Anti-Graft and Corrupt Practices Act*) and other criminal and
5 administrative sanctions.
6
7

8 **SEC. 70. *Appointment Form.*** - An appointment shall be issued in the form
9 prescribed by the Commission.
10

11
12 **SEC. 71. *Submission of Appointments and Oaths of Office.*** - All
13 appointments in the civil service system, except those issued by the President and
14 those of the Armed Forces of the Philippines, shall be submitted to the Commission for
15 approval not later than thirty (30) days from the date of issuance thereof. Such
16 approval shall be indicated below the signature of the appointing authority; otherwise,
17 it shall be made effective thirty (30) days prior to the date of submission to the
18 Commission.
19

20 Copies of appointments and oaths of office of those appointed by the President
1 shall be submitted to the Commission for record purposes.
22

23
24 **SEC. 72. *Merit Promotion Plan.*** - Each department or agency shall
25 establish a Merit Promotion Plan, in accordance with standards and guidelines
26 prescribed by the Commission.
27

28
29 **SEC. 73. *Appropriate Civil Service Eligibility.*** - Appropriate civil service
30 eligibility shall be required for permanent appointment to positions in the career
31 service in accordance with the standards set by the Commission. Whenever there is a
32 qualified civil service eligible willing and actually available for appointment, no
33 appointment shall be issued to a person who is not an eligible, even in a temporary
34 capacity. However, a temporary appointment may be issued to eligibles who lack any
35 of the other requirements for appointment or, to non-eligibles who meet all the other
36 mandatory requirements for a particular position.
37

38 A person with a civil service eligibility acquired by passing an examination
39 shall be qualified for a position requiring a lower level eligibility if he/she possesses
40 the other requirements for appointment to such position.
41

42
43 **SEC. 74. *Qualification Standards.*** - Qualification standards shall be used:
44 (a) as a basis for civil service examinations for positions in the career service; (b) as a
45 guide in appointment and other personnel actions; (c) in the adjudication of protests
46 against appointment; (d) in determining training needs; and (e) as an aid in inspection
47 and audit of the agencies' personnel work programs.
48

49 Qualification standards shall be administered so as to continually provide
50 incentives to public officers and employees towards professional growth.
51

52 The establishment, administration and maintenance of qualification standards
53 shall be the responsibility of the department or agency concerned, as promulgated by
54 the Commission.

Chapter 3. Status of Appointment

SEC. 75. *Appointment Status.* - The status of an appointment shall be:

- (a) *Permanent* - an appointment issued to a person who meets all the qualification requirements of the position. In no case shall a person who meets all the requirements for permanent appointment be issued a temporary appointment except to occupational groups of positions requiring additional or special qualifications, in which case, prior clearance to issue temporary appointment shall first be secured from the Commission. In case an appointment is erroneously issued, the Commission shall make the necessary rectification.

Whenever there is a qualified civil service eligible willing and actually available for appointment as certified by the Commission, a non-eligible shall not be appointed even in a temporary capacity to any vacant position in the career service.

- (b) *Temporary* - an appointment issued to a person who does not meet eligibility or any of the other qualification requirements of the position: Provided, that there are no qualified eligibles willing and actually available for appointment and that the appointment shall not exceed twelve (12) months.

A temporary employee shall not be removed except for cause during the one (1) year period; Provided, that he/she may be replaced at any time within the same period, only by a qualified civil service eligible. In the latter case, the appointing authority shall recall the temporary appointment and appoint the qualified civil service eligible.

- (c) *Substitute* - an appointment issued to a person who has all the qualifications for permanent appointment but shall occupy a temporary vacancy while the regular occupant thereof is on an approved leave of absence for at least one month, on a scholarship grant, on secondment, out on official business, or is unable to perform the duties for at least a month.

- (d) *Coterminous* - an appointment issued to a person whose entrance and continuity in the service is: (1) based on the trust and confidence of the appointing authority or of the head of the organizational unit where he/she is assigned; (2) limited by the duration of the project; or (3) co-existent with the life span of the agency or office created.

- (e) *Contractual* - an appointment issued to a person for services in accordance with a special contract to undertake a specific work requiring special or technical skills unavailable in the employing agency, to be accomplished within one year. The contractual employee shall perform the specific work under his/her own responsibility with minimum direction and supervision from the hiring agency. No contractual appointments corresponding to plantilla positions shall be issued.

1 (f) *Casual* - an appointment issued to a person for services in an emergency
2 or during a peak work period to positions which do not have regular
3 items in the plantilla of personnel of the department or agency. A casual
4 appointment shall not exceed twelve (12) months.
5

6 Casual employees who have been in the service for an aggregate
7 of three (3) years who meet all the qualification requirements of existing
8 staffing pattern positions shall be absorbed as regular employees in
9 accordance with the budgetary limitations set by law and rules to be
10 promulgated by the Commission.
11

12 (g) *Provisional* - an appointment issued to a teacher who meets all the
13 requirements of the position except the eligibility but shall not exceed
14 twelve (12) months.
15

16 In no case shall temporary, provisional, contractual and casual appointments
17 exceed an aggregate number of three (3) years in the same position except in
18 meritorious cases as determined by the Commission.
19

20
21 **SEC. 76. *Job Orders/Contract of Services and Consultancy.*** - The
22 appointing authority may enter into service contracts such as job orders/contract of
23 services and consultancies wherein no employer-employee relation exists which
24 contract shall be submitted to the Commission within thirty (30) days from execution
25 of the contract for monitoring and record purposes.
26

27
28 **SEC. 77. *Rationalizing Casual, Contractual Services, Consultancy, and***
29 ***Job Orders/Contract of Services.*** - The Commission shall formulate policies in order
30 to systematize and rationalize the hiring and expenditures for consultancy, casual
31 and contractual services.
32
33
34

35 Chapter 4. On Personnel Actions

36
37
38 **SEC. 78. *Personnel Action.*** - denotes the movement of personnel within
39 the civil service system. It shall include original appointment, promotion, transfer,
40 reinstatement, reemployment, reappointment, renewal, change of status, upgrading or
41 reclassification, demotion and other related action. Personnel actions shall be in
42 accordance with the rules, standards and regulations promulgated by the
43 Commission.
44

45 A vacancy may be filled up by any of the following personnel actions: original
46 appointment, promotion, transfer, renewal, demotion, reemployment and
47 reappointment.
48

49
50 **SEC. 79. *Original Appointment.*** - refers to the initial entry into the career
51 service or non-career service.
52

53 The appointee shall undergo a probationary period of six (6) months during
54 which he/she shall undergo a thorough assessment of his/her performance and

1 conduct. His/her services can be terminated anytime during said period for
2 unsatisfactory conduct or want of capacity. The order of termination shall be served
3 through personal notice or through constructive notice and shall no longer be
4 appealable.
5
6

7 **SEC. 80. *Promotion.*** - is the movement of an employee to a higher
8 position within the same department or agency with corresponding increase in
9 duties and responsibilities, usually accompanied by an increase in salary.
10

11 The pendency of an administrative case against any public officer or employee
12 shall not be a bar to promotion.
13
14

15 **SEC. 81. *Transfer.*** - is the movement of an employee from one agency to
16 another or from one position to another within the same agency which may involve a
17 position of higher, equivalent or lower rank, level or salary, without break in the
18 service. Transfer requires the issuance of an appointment.
19
20

21 **SEC. 82. *Reinstatement.*** - is the automatic restoration of a person to a
22 position from which he/she was illegally separated with back salaries including
23 allowances and benefits except representation and transportation allowances (RATA)
24 and uniform allowance not to exceed five (5) years reckoned retroactively from the
25 date of actual reinstatement.
26
27

28 **SEC. 83. *Reemployment.*** - is the appointment of a person who has been
29 previously appointed to a position in the government service after separation
30 therefrom. Reemployment presupposes gap in the service.
31
32

33 **SEC. 84. *Reappointment.*** - is the issuance of an appointment during
34 reorganization, devolution, or similar events. Reappointment presupposes no gap in
35 the service.
36
37

38 **SEC. 85. *Renewal.*** - is the subsequent appointment issued immediately
39 upon the expiration of a temporary, contractual or casual appointment, if a qualified
40 eligible is not willing and actually available, as certified by the Commission. Renewal
41 presupposes no gap in the service.
42
43

44 **SEC. 86. *Demotion.*** - is the movement from one position to another
45 within the same department or agency involving the issuance of an appointment with
46 diminution in duties, responsibilities and status or rank. Demotion due to the
47 exigency of the service shall not involve reduction in pay: Provided, that such
48 demotion shall require the consent of the public officer or employee concerned.
49 Voluntary demotion and demotion as a penalty shall be at the hiring rate of the lower
50 position.
51
52

53 **SEC. 87. *Reclassification.*** - is the appointment that comes as a result of a
54 change in the classification of a regular position due to material and substantial

1 changes in duties and responsibilities of the position without change in status and
2 regardless of the qualifications of the holder of said position.
3
4

5 **SEC. 88. Personnel Movements.** - The issuance of an appointment is not
6 needed in personnel movement involving no change in position title, rank or status if
7 the existing appointment does not specify the workstation. Such movement may
8 include the following:
9

- 10 (a) Change in item number only
- 11 (b) Salary adjustment
- 12 (c) Step-increment
- 13 (d) Upgrading (same position)
- 14

15 Notice of such adjustment or movement shall be submitted to the Commission
16 within thirty (30) days from issuance thereof.
17

18 Except for secondment, the following personnel movements do not require the
19 issuance of appointments but shall require office orders:
20

- 21 (a) *Reassignment* - is the movement from one organizational unit to
22 another in the same department or agency, without reduction in rank,
23 status or salary of the employee. Reassignment from the official
24 workstation without the written consent of the employee shall not
25 exceed one (1) year. Otherwise, the reassignment shall be illegal.
26

27 Reassignment which results in demotion in rank, status or salary
28 or which exceeds one year without the consent of the public officer or
29 employee may be appealed to the commission. Pending the appeal,
30 reassignment of the public officer or employee shall be held in abeyance
31 until resolved by the Commission.
32

33 Reassignment of low-salaried employees should not result in
34 economic dislocation.
35

- 36 (b) *Detail* - is the temporary movement of a public officer or employee from
37 one department or agency to another without the issuance of an
38 appointment but with the consent of both the mother and receiving
39 agencies and shall be allowed only for a maximum period of one year;
40 otherwise, the consent of the public officer or employee concerned shall
41 be necessary. Detail shall not result in reduction in rank, status or
42 salary.
43

44 Detail which results in demotion in rank, status or salary or which
45 exceeds one year without the consent of the public officer or employee
46 may be appealed to the commission. Pending the appeal, detail of the
47 public officer or employee shall be held in abeyance until the decision of
48 the Commission.
49

50 The detailed employee shall carry his/her regular position in the
51 mother agency and continue to receive his/her salary from the mother
52 agency.
53

1 (c) *Job Rotation* - is the sequential movement of an officer or employee
2 from one office to another or from one division to another within the
3 same agency as a means for developing and enhancing the potentials of
4 people in an organization by exposing them to the other work functions
5 of the agency. It shall be allowed only for a maximum period of one (1)
6 year. However, job rotation exceeding one (1) year may be allowed with
7 the consent of the officer or employee, any extension of which may be
8 allowed with the consent of the officer or employee concerned.

9
10 (d) *Secondment* - is the movement of a public officer or employee from one
11 department or agency to another upon mutual concurrence between the
12 mother agency, the receiving agency and the employee concerned which
13 should be covered by a Memorandum of Agreement (MOA) in
14 accordance with the guidelines that the Commission may promulgate. It
15 is temporary in nature which may involve the same, reduction or
16 increase in compensation and may or may not require the issuance of an
17 appointment. The seconded employee shall be on leave without pay
18 from the mother agency and shall be entitled to the compensation of the
19 position to which he/she was seconded in the receiving agency unless
20 otherwise specified in the MOA, the receiving agency shall shoulder all
21 the benefits and emoluments of the seconded employee.

22
23
24 (e) *Designation* - is the imposition of additional duties to be performed by a
25 public officer or employee which is temporary in nature and shall be
26 allowed only for a maximum of one (1) year. The choice of who shall be
27 the public officer or employee to be designated shall pass through
28 regular Promotion and Selection Board (PSB) proceedings; Provided,
29 that next-in-rank public officers or employees shall be designated to the
30 next higher position; Provided further, that there are no qualified next-
31 in-rank public officers or employees in the agency who are willing and
32 actually available who can be appointed to the position.

33 The employee designated shall be entitled to the benefits accruing
34 to the position but shall continue to receive the salary of the position to
35 which he/she holds an appointment.

36
37
38 **SEC. 89. *Change of Status.*** - When a temporary public officer or employee
39 acquires the appropriate eligibility or becomes fully qualified to the position to which
40 he/she is appointed, the status of such appointment shall be changed from temporary
41 to permanent without issuing another appointment. However, such change shall be
42 reflected in the records of the Commission upon the notification by the agency
43 concerned.

44
45
46
47 **Title II - Disputes Regarding Appointments and Other Personnel Actions**

48
49 **Chapter 1. Contests on Appointments and Other Non-Disciplinary Cases**

50
51
52 **SEC. 90. *Who May Contest An Appointment.*** - Any eligible qualified for
53 the position may contest an appointment made in favor of one who is not qualified or
54 whose appointment is issued not in accordance with law.

1
2
3 **SEC. 91. *Adjudication of Contests on Appointments and Other Personnel***
4 **Actions.** - All other cases on non-disciplinary personnel actions shall be adjudicated
5 initially by the appointing authority, as prescribed by the Commission.
6

7
8 **SEC. 92. *Appeals on Contests of Appointments, Personnel Actions, and***
9 ***Non-Disciplinary Cases.*** - The decisions of heads of agencies on contests of
10 appointments, personnel actions and non-disciplinary cases are appealable to the
11 Commission.
12

13 14 15 **TITLE III - Agency Personnel Administration**

16 17 **Chapter 1. Inter-Agency Relations**

18
19
20 **SEC. 93. *The Central Personnel Agency.*** - The Commission, as the central
21 personnel agency of the government, shall promulgate rules and regulations on
22 personnel administration and management in the civil service system.
23

24
25 **SEC. 94. *Responsibility for Personnel Administration.*** - Each department
26 or agency shall establish a personnel office to be headed by a Human Resource
27 Management Officer (HRMO) who shall be responsible for the effective
28 implementation of personnel regulations and policies.
29

30 Employee unions and organizations shall be consulted and represented in the
31 development and implementation of the agency personnel mechanisms such as merit
32 promotion plan, incentives and rewards program, performance appraisal system,
33 incentives and rewards plan, training and development plan, grievance machinery,
34 and occupational and health plan, in accordance with the rules and regulations
35 promulgated by the Commission.
36

37
38 **SEC. 95. *Council of Human Resource Management Officers.*** - There shall
39 be a Council of Human Resource Management Officers (HRMO) to be composed of
40 HRMOs which shall serve as a clearing-house of information to stimulate the use of
41 innovative methods of personnel management and advocate for sound personnel
42 policies for good governance.
43

44 45 46 **Chapter 2. Local Government Personnel Administration**

47
48
49 **SEC. 96. *Responsibility for Local Government Personnel Administration.***
50 - Each local government unit shall establish a personnel office for the implementation
51 of personnel regulations and policies in accordance with the provisions of this Code,
52 the Local Government Code, and rules, policies, standards, guidelines and regulations
53 promulgated by the Commission.
54

1
2 **SEC. 97. *HRMO Positions in LGUs.*** - The position of HRMO shall be
3 immediately mandatory for provincial and city governments, and first and second
4 class municipalities. Third and fourth class municipalities shall create the HRMO
5 position within three (3) years from the effectivity of this Code. While the fifth and
6 sixth class municipalities shall create the same within five (5) years.
7
8
9

10 **Chapter 3. Position Classification and Compensation**
11

12
13 **SEC. 98. *Position Classification and Compensation System.*** - The
14 Commission shall develop and administer the Position Classification and
15 Compensation System (PCCS) which shall have two parts: the Position Classification
16 Plan and the Compensation Plan. The Position Classification Plan shall consist of the
17 occupational groups and classes to which positions are to be allocated or reallocated,
18 and the rules and regulations for implementation. The Compensation Plan shall
19 consist of the salary schedule, policies relative to salaries, allowances, bonuses, and
20 such other benefits accruing to the public officers and employees of the civil service
21 system, and the rules and regulations for implementation.
22
23

24 **SEC. 99. *Basis for Position Classification and Compensation.*** - The
25 classification and compensation of positions in the civil service system shall be based
26 on similarity of kind and level of work and the determination of the relative worth of
27 these classes of positions.
28
29

30 **SEC. 100. *Coverage of The PCCS.*** - The PCCS shall apply to all positions
31 in the civil service system whether permanent or temporary, appointive or elective on
32 full or part-time basis now existing or hereafter created.
33
34
35

36 **Chapter 4. Personnel Inspection and Audit**
37

38
39 **SEC. 101. *Purpose.*** - The Commission shall conduct periodic inspection
40 and audit of the personnel management programs of each department and agency to
41 provide advice and assistance in the development of constructive policies, standards
42 and procedures to improve all areas of personnel management.
43
44

45 **SEC. 102. *Scope.*** - The inspection and audit of the personnel management
46 programs may include the following:
47

- 48 (a) Organization and personnel management;
- 49 (b) Formulation, issuance and implementation of personnel policies;
- 50 (c) Recruitment and selection of employee;
- 51 (d) Personnel action and employment status;
- 52 (e) Career and employee development;
- 53 (f) Performance evaluation systems;
- 54 (g) Employee suggestions and incentive award;

- 1 (h) Employee relations and service;
- 2 (i) Discipline;
- 3 (j) Personnel records and reporting;
- 4 (k) Program evaluation; and
- 5 (l) Employee organization.
- 6
- 7

8 **SEC. 103. *Submission of Audit Reports.*** - The Commission shall regularly
9 submit its personnel audit reports to the units concerned, heads of departments, Office
10 of the President and the Legislature.

11

1 BOOK III. HUMAN RESOURCE MANAGEMENT
2
3
4

5 Title I - Human Resource Development
6

7 Chapter 1. Policy on Human Resource Development
8
9

10 SEC. 104. *Policy.* - There shall be an integrated program on human
11 resource development for all levels and ranks in the civil service system that shall
12 provide equal opportunities for career development.
13

14 The Commission shall encourage all departments and agencies to develop and
15 implement human resource development plans and programs to include, among
16 others, training and development, performance appraisal and incentives and awards
17 for their personnel in accordance with Commission policies and standards.
18
19
20

21 Chapter 2. Training and Development
22
23

24 SEC. 105. *Training and Development System.* - The Commission shall
25 promote opportunities for training in skills enhancement and capability-building
26 programs, local and foreign scholarships, and other educational opportunities.
27
28

29 SEC. 106. *Commission's Responsibilities for Training and Development.* -
30 The Commission shall be responsible for the development, administration and
31 evaluation of government-wide training programs on public personnel
32 administration, and shall issue the appropriate rules and regulations for the said
33 training and development programs.
34
35

36 SEC. 107. *Responsibilities for Local and Foreign Scholarships.* - The
37 Commission shall have the responsibility to administer service-wide local and foreign
38 scholarship programs. It shall also develop policies, standards, procedures and
39 guidelines for the effective, efficient and equitable distribution of all scholarship
40 grants. However, foreign scholarship grants which are part of the overseas
41 development assistance (ODA) shall be administered by an Inter-agency Committee
42 co-chaired by the Commission and the National Economic and Development
43 Authority.
44
45

46 SEC. 108. *Inter-Agency Scholarship Committee.* - The inter-agency
47 scholarship committee shall be co-chaired by the Chairperson of the Commission and
48 by the Director General of the National Economic and Development Authority
49 (NEDA). The Committee Secretariat shall be based at the NEDA. The following
50 agencies or their duly designated representatives who hold positions not lower than
51 that of assistant secretary or its equivalent shall constitute the members:
52

- 53 (a) Department of Foreign Affairs;
54 (b) Department of Education;

- 1 (c) University of the Philippines;
2 (d) Commission on Higher Education; and the
3 (e) Presidential Management Staff-Office of The President.
4
5
6

7 **SEC. 109. Agency Responsibilities for Training and Development.** - Each
8 department or agency shall be responsible for the development, implementation and
9 evaluation of its training and development plan as well as its gender and development
10 plan in accordance with policies and standards promulgated by the Commission.
11

12 To carry out these responsibilities, each agency shall establish its own Personnel
13 Development Committee pursuant to the rules and regulations promulgated by the
14 Commission.
15
16

17 **SEC. 110. Technical Assistance and Consultative Services.** - The
18 Commission shall provide technical assistance and consultative services to all
19 departments and agencies in the development, administration and evaluation of their
20 human resource development programs.
21

22 The Commission may also avail of advisory assistance from its accredited
23 training institutions, professional organizations, public sector unions, federations,
24 confederations and non-government organizations (NGOs) in connection with its
25 human resource development policies and programs.
26
27
28

29 Chapter 3. Performance Appraisal 30 31

32 **SEC. 111. Performance Appraisal System.** - The Commission shall promote
33 the establishment of a Performance Appraisal System (PAS) for all appointive public
34 officers and employees which shall be the basis for incentives, rewards and
35 recognition, training and development, personnel actions, and administrative
36 sanctions in all departments and agencies.
37
38

39 **SEC. 112. Performance Appraisal Plan.** - Each department or agency shall
40 develop and use one or more appropriate Performance Appraisal Plans (PAP) for the
41 various groups of positions therein.
42

43 All performance appraisal plans shall be in accordance with policies, standards
44 and guidelines prescribed by the Commission.
45
46
47

48 Chapter 4. Incentives and Awards 49 50

51 **SEC. 113. Rewards System.** - The Commission shall promote the
52 establishment of a rewards system in the department and agencies. It shall include
53 incentives, commendations and awards. The rewards system shall be granted
54 individually or in groups, for outstanding performance, exemplary conduct on the job,

1 inventions, ideas or suggestions, superior accomplishments and other extraordinary
2 acts or services in the interest of the public.

3
4 The Commission shall evaluate the implementation of the rewards system in all
5 departments and agencies.

6
7
8 **SEC. 114. Merit and Rewards Plan.** - Each department or agency shall
9 develop a merit and rewards plan appropriate for its officers and employees in
10 accordance with policies and standards promulgated by the Commission.

11 12 13 14 **TITLE II - Personnel Relations in the Civil Service System**

15 16 **Chapter 1. Personnel Relations**

17
18
19 **SEC. 115. Declaration of Policy.** - The Commission shall provide
20 leadership and assistance in developing personnel relations programs in the civil
21 service system in consultation with public officers and employees and/or their
22 organizations with their respective departments and agencies.

23
24 The head of a department or agency shall be responsible for an effective
25 personnel relations program in the department or agency.

26
27
28 **SEC. 116. Grievance Machinery.** - Each department or agency of the
29 Government, with the assistance and approval of the Commission shall establish and
30 administer a grievance machinery to promote wholesome and desirable relations
31 among employees and between employees and management.

32
33 Employees shall have the right to have their grievances adjudicated as
34 expeditiously and as fairly as possible.

35
36 A grievance may be filed by aggrieved employees or by the employee
37 organization to which they belong in accordance with the guidelines issued by the
38 Commission.

39
40
41 **SEC. 117. Right to Organize.** - Government employees may form, join or
42 assist employee organizations of their own choice for the furtherance and protection of
43 their interests. Government employees may also form, in conjunction with
44 appropriate government authorities, employee management committees, work
45 councils and other forms of employee participation schemes.

46
47 However, uniformed personnel of the Philippine National Police (PNP), Bureau
48 of Fire Protection (BFP) and Bureau of Jail Management and Penology (BJMP), cannot
49 form or join rank-and-file employee organizations for purposes of collective
50 negotiations.

51
52 Public officers and employees whose functions are primarily managerial or
53 confidential in nature cannot form or join employee organizations for purposes of
54 collective negotiations.

1
2
3 SEC. 118. *Protection of the Right to Self-Organization.* - Government
4 employees shall not be discriminated against by reason of their membership in
5 employee organizations or participation in the normal and legitimate activities of such
6 organizations. Employment in the civil service system shall not be subject to the
7 condition that the individual shall not form or join any employee's organizations.

8
9 Management shall not interfere in the establishment and administration of
10 government employee organizations.

11
12
13
14 Chapter 2. Employee Organization
15

16
17 SEC. 119. *Registration of Rank-and-File Employee Organizations.* - Rank-
18 and-file employee organizations shall register with the Commission in accordance
19 with the implementing guidelines to be promulgated by the Commission.
20

21
22 SEC. 120. *Sole and Exclusive Employee Organization.* - The duly registered
23 employee organization in an agency that has the support of the majority of the total
24 rank-and-file employees, shall be accredited by the Commission as the sole and
25 exclusive employee representative. In cases when there are two (2) or more registered
26 employee organizations in an agency, the Commission, upon petition, shall conduct a
27 certification election and shall certify the employee organization who garnered the
28 majority vote as the sole and exclusive representative of the rank-and-file employees
29 in the said agency.
30

31 For this purpose, an agency shall refer to an office which has its own budgetary
32 allocations as provided for in the General Appropriations Act, specifically its Table of
33 Contents.
34

35
36 SEC. 121. *Accreditation of Employee Federation in An Agency.* - Registered
37 employee organizations within a given agency may federate and shall be accredited as
38 the sole and exclusive bargaining representative of the employees; Provided, its
39 aggregate total membership constitute the majority of the total rank-and-file
40 employees in the agency.
41

42
43 SEC. 122. *Collective Negotiations.* - Except those that are fixed by law,
44 terms and conditions of employment in the government service may be the subject of
45 collective negotiations between duly accredited employee organizations and the
46 appropriate government authorities.
47

48 Collective negotiations agreements shall be registered with the Commission.
49
50
51
52
53
54

Chapter 3. Settlement of Disputes

SEC. 123. **Definition of terms.** - For purposes of this Code, the following terms shall be defined as follows:

- A. **Arbitration** - refers to the process whereby a third party (individual arbitrator), a board of arbitrators, or an arbitration court not acting as a court, is empowered to make a decision which disposes of the dispute.
1. **Voluntary** - a method of settling dispute/s where both parties agree to submit the dispute before an arbitrator or panel of arbitrators chosen by both parties. The voluntary arbitrators shall render a decision after proper hearing of the issues. The decision of the arbitrator shall be final and binding on the contending parties.
 2. **Compulsory** - a method resorted to when the dispute has become hardened and irreconcilable and remains unresolved after exhausting all the available remedies under existing laws and procedures.
- B. **Conciliation** - refers to the process whereby a third party (conciliator) brings the disputing parties together, encourages them to discuss their differences and assists them in developing their own proposed solutions.
- C. **Mediation** - refers to the process whereby a third party (mediator) is more active in assisting the disputing parties reach acceptable solutions to the problem/s and help them develop or come out with an acceptable solution. The mediator may submit proposal/s for the settlement of dispute.

SEC. 124. **Settlement of Disputes Within An Agency.** - Disputes within employee organizations, between and among employee organizations, and between employee organizations and management shall be settled through conciliation, mediation and arbitration. The Commission shall be responsible in providing conciliation and mediation services. In case any dispute remains unresolved, the Commission shall certify the same to the Public Sector Labor Management Council (PSLMC), which shall resolve and settle it within the period of sixty (60) days from receipt thereof.

However, the parties may opt to submit the issue for voluntary arbitration, the decision of which shall be final and unappealable.

Chapter 4. Public Sector Labor-Management Council

SEC. 125. **Public Sector Labor-Management Council (PSLMC).** - Public Sector Labor-Management Council (PSLMC) is hereby constituted to be composed of the following:

- 1 (a) Chairperson, Civil Service Commission - Chairperson;
- 2 (b) Secretary, Department of Labor and Employment - Vice Chairperson
- 3 (c) Secretary, Department of Finance - Member;
- 4 (d) Secretary of Justice - Member;
- 5 (e) Secretary, Department of Budget and Management - Member; and
- 6 (f) One (1) employee representative each from the National Government
- 7 Agencies (NGAs), the Government-owned and Controlled Corporations
- 8 (GOCCs), the Local Government Units (LGUs), and the State Colleges
- 9 and Universities (SUCs), to be chosen by the employee organizations
- 10 concerned.

11
12 The ex-officio members may designate their permanent alternates who
13 hold positions not lower than an assistant secretary or its equivalent.

14
15 The employee representatives, who may also designate their permanent
16 alternates, shall serve for a term of two (2) years or until their successors shall
17 have been appointed or elected. In no case, however, shall anyone of them
18 serve under holdover capacity for more than one (1) year.

19
20 The PSLMC may deputize public officers and employees of the
21 Commission and of other departments and agencies to investigate and hear
22 cases brought before it for arbitration. It may likewise deputize any national or
23 local law enforcement agency or instrumentality of the government which shall
24 act under its direct and immediate supervision, to enforce and execute its
25 decisions, orders, and rulings.

26
27 The PSLMC shall implement and administer the provisions of this
28 Chapter. For this purpose, the PSLMC shall promulgate the necessary rules
29 and regulations to implement this Chapter.

30
31
32 **SEC. 126. Original and Exclusive Jurisdiction of the PSLMC.** - The PSLMC
33 shall have original and exclusive jurisdiction to hear and decide the following cases:

- 34 (a) Unfair public sector labor and management practice;
- 35 (b) Representation issue;
- 36 (c) Disputes arising in the course of the conduct of collective negotiations;
- 37 (d) Disputes on issues resulting from the implementation of the grievance
- 38 machinery;
- 39 (e) Determination of the presence or absence of a strike;
- 40 (f) Inter-employee organization dispute;
- 41 (g) Intra-employee organization dispute;
- 42 (h) Employee organization election of officers;
- 43 (i) Disputes on issues resulting from the implementation of the provisions
- 44 of Collective Negotiations Agreement; and
- 45 (j) Other analogous acts as may be determined by the PSLMC.

46
47
48 These cases may be referred to the PSLMC by any of the parties to the
49 dispute or the PSLMC may, *motu proprio*, take cognizance of the same whenever
50 the interest of the service so demands.

51
52 When the main issue of a particular case is the consequence of a strike or
53 other concerted activities and the PSLMC has already assumed jurisdiction over
54 the same, no administrative or disciplinary action shall be instituted by the

1 agency concerned against any employee involved therein until the final
2 resolution of the case.

3
4
5 **SEC. 127. Unfair Public Sector Labor and Management Practice.** - The
6 following shall constitute unfair public sector labor and management practice on the
7 part of the agency:

- 8
9 (a) Interfering with, restraining or coercing employees in the exercise of
10 their right to self-organization;
11
12 (b) Requiring as a condition of employment that an employee shall not form
13 or join an employee organization or shall withdraw from one to which
14 he/she belongs;
15
16 (c) Discriminating in regard to work schedules, places of assignment and
17 other terms and conditions of employment in order to encourage or
18 discourage membership in any employee organization;
19
20 (d) Terminating the services or discriminating against any employee for
21 having signed or filed an affidavit, petition or complaint or given any
22 information or testimony against the head of the agency or members of
23 top management;
24
25 (e) Refusing to collectively negotiate in good faith with the accredited
26 employee organization;
27
28 (f) Violating any of the provisions of the Collective Negotiation Agreement;
29 and
30
31 (g) Other analogous acts as may be determined by the PSLMC
32

33 The following shall constitute unfair public sector labor and management
34 practice on the part of the employee organization:

- 35
36 (a) Restraining or coercing any employee to form or join an employee
37 organization or its activities. Employee organization shall have the right
38 to prescribe its own rules on the acquisition or retention of membership;
39
40 (b) Causing or attempting to cause the agency head or other officers to
41 discriminate against an employee who has not joined or has withdrawn
42 membership from the employee organization;
43
44 (c) Refusing to collectively negotiate in good faith with management;
45
46 (d) Violating any of the provisions of the Collective Negotiation Agreement;
47 and
48
49 (e) Other analogous acts as may be determined by the PSLMC.
50

51 The heads of offices and the other officers of the agency as well as officers and
52 members of an employee organization, who participate in or authorize an unfair
53 public sector labor and management practice shall be held administratively liable and
54 shall be imposed a fine of not less than P10,000.00, or suspension not exceeding one

1 year, or both for such participation or grant of authority without prejudice to civil and
2 criminal liability.

3
4
5 **SEC. 128. *Writ of Preliminary Injunction or Temporary Restraining Order.***

6 - The PSLMC, after notice and hearing, may issue a writ of preliminary injunction or
7 temporary restraining order which shall not last for more than twenty (20) days from
8 issuance thereof when, on the basis of the allegations in the petition, it is established
9 that the acts complained of involving or arising from any employee-management
10 dispute, if not restrained or performed immediately, may cause grave or irreparable
11 injury to any party or render ineffectual any decision of the PSLMC in favor of such
12 party.

13
14 The PSLMC shall require the petitioner to post a bond and the writ of
15 preliminary injunction or temporary restraining order shall become effective only
16 upon the approval of the bond which shall answer for any damage that may be
17 suffered by the party enjoined if it is finally determined that the petitioner is not
18 entitled to the ancillary relief prayed for.

19
20
21 **SEC. 129. *Grounds for Contempt.*** - The PSLMC may cite a person for
22 contempt on any of the following grounds:

- 23
24 (a) Disobedience or resistance to a lawful order, decision, ruling, summons
25 or subpoena or any other issuance of the PSLMC; or
26
27 (b) Unlawful interference with the proceedings of the PSLMC, improper
28 conduct tending directly or indirectly to impede, obstruct, delay or
29 hamper the implementation of any order, decision or ruling of the
30 PSLMC.

31
32 The person so cited for contempt whether direct or indirect shall be punished
33 by a fine of not more than P1,000.00 for every act of contempt. Each day of defiance or
34 disobedience or non-enforcement of any issuance of the PSLMC as mentioned shall
35 constitute separate acts of contempt of the PSLMC.

36
37
38 **SEC. 130. *PSLMC Decision.*** - Decisions of the PSLMC are final and
39 executory unless a motion for reconsideration is filed by the aggrieved party within
40 fifteen (15) calendar days from receipt of the decision and only on the basis of palpable
41 or patent errors. The PSLMC shall not entertain any second motion for
42 reconsideration.

43
44 Decisions of the PSLMC may be elevated to the Court of Appeals.

45
46
47
48 **Chapter 5. The Right to Strike**

49
50
51 **SEC. 131. *Right to Engage in Strike.*** - The right of the duly accredited
52 employee organization to strike, consistent with national interest and public service,
53 shall be recognized and respected: Provided, the striking organization shall ensure an
54 effective skeletal workforce whose movement and services shall not be hampered or

1 restricted as are necessary to guarantee the proper and adequate delivery of public
2 service.

3
4 In view of the peculiar character of public service and considering that public
5 office is a public trust, the right of employees to strike may be allowed only as a last
6 resort and subject to the limitations herein provided.

7
8 **SEC. 132. Who Can Strike.** - Rank-and file employees of the agency where
9 the accredited employee organization belongs may join the strike subject to the
10 provisions of this code. Employees who join the strike shall not be entitled to payment
11 of salary for the period that they are on strike.

12
13
14 **SEC. 133. Government Employees Who Are Prohibited to Strike.** - The
15 following are not allowed to strike due to exigency in public service, public safety and
16 national interest:

- 17
18 (a) Defense and security services including officers and employees
19 belonging to the Armed Forces of the Philippines (AFP), police, fire
20 protection, jail management and those engaged in the custody of
21 prisoners and detainees;
22
23 (b) Medical and allied services including doctors, nurses, medical therapists
24 and paramedics;
25
26 (c) Public utility services such as power and water supply, transportation,
27 air traffic controllers, radar and radio controllers, lighthouse keepers
28 and harbor pilots; and
29
30 (d) Other analogous services to be determined by the Commission taking
31 into consideration public service and national interest.

32
33
34 **SEC. 134. Grounds for Strike.** - A strike may be declared on the following
35 grounds:

- 36
37 (a) Unfair public sector labor and management practices committed by
38 management as provided for in this Code;
39
40 (b) Mismanagement or abuse of the management of the agency; and
41
42 (c) Graft and corruption.

43
44
45 **SEC. 135. Notice of Dispute.** - The existence of a dispute which may be the
46 ground of an impending strike must first be brought to the Commission in the form of
47 a notice of dispute for either conciliation and mediation or the parties may submit the
48 same for voluntary arbitration. In either case, the notice of dispute must be in
49 accordance with the requirements and procedures as may be prescribed by the
50 Commission which shall settle the dispute within sixty (60) days from date of receipt
51 of the said notice. In cases when the parties opt for voluntary arbitration, the
52 agreement thereof shall be final and executory between the parties concerned.

53
54

1 SEC. 136. *Certification to the PSLMC.* - In the event the dispute is not
2 settled within the sixty (60)-day period prescribed in the preceding Section or in case
3 of failure to arrive at a resolution of the dispute through conciliation or mediation, the
4 Commission shall certify the dispute to the PSLMC for settlement and resolution.
5
6

7 SEC. 137. *Requirement of Strike Vote and Notice to Strike.* - Immediately
8 upon certification of the dispute to PSLMC as provided in the preceding section, the
9 accredited employee organization may call a vote in order to declare a strike. The
10 decision to declare a strike must be approved by a majority vote of the total rank-and-
11 file employees of the agency where the duly accredited employee organization
12 belongs. The same shall be obtained through secret ballot in a meeting called for the
13 purpose. The duly accredited employee organization shall file with the PSLMC the
14 results of the strike vote and the notice to strike, copy furnish the head of agency, at
15 least thirty (30) days before the date of the intended strike and during the said 30-day
16 period no strike shall be held. Only disputes or issues raised in the said notice shall
17 be the subject of the strike.
18

19 SEC. 138. *Remedial Actions by the PSLMC.* - When a dispute has been
20 referred to the PSLMC, it shall exert all efforts to settle the same through various
21 modes of dispute settlement in order to prevent the impending strike.
22

23 When there is a strike in a government agency, which affects national interest
24 or public service, the PSLMC may issue a return-to-work order and/or certify the same
25 for compulsory arbitration. A return-to-work order shall have the effect of
26 automatically stopping the strike.
27

28 For this purpose, the contending parties are strictly enjoined to comply with
29 such order as are issued by the PSLMC, under pain of disciplinary action.
30
31

32 SEC. 139. *Prohibited Activities.* -
33

- 34 (a) No dispute which occurred prior to the notice to strike, which was not
35 raised in the said notice, may be the subject of succeeding strikes.
36
37 (b) No person engaged in the strike shall commit any act of violence,
38 coercion or intimidation or obstruct the free ingress to or egress from the
39 agency's premises for lawful purposes or obstruct public thoroughfares.
40
41 (c) No person shall obstruct, impede, or interfere with, by force, violence,
42 coercion, threats, or intimidation any peaceful strike, or shall aid or abet
43 such obstruction or interference.
44
45 (d) No employee organization may declare a strike without first having filed
46 the notice required under SEC. 137 and the necessary strike vote first
47 having been obtained and filed with the PSLMC;
48
49 (e) No employee organization may go on strike without ensuring and
50 maintaining an effective skeletal force.
51

1 BOOK IV. PERSONNEL BENEFITS AND PRIVILEGES, DAYS AND HOURS OF
2 WORK AND OFFICIAL RECORDS

3
4 Title I - Personnel Benefits and Privileges

5
6 Chapter 1. Health and Other Services

7
8
9 SEC. 140. *Policy.* - The health, welfare, safety and security of every
10 personnel in the civil service system shall be the concern of the government. To this
11 end, a comprehensive occupational health program including medical, dental and
12 other health services shall be established, maintained, and made accessible for all
13 personnel in the civil service system. Each department or agency shall make
14 provisions out of their existing budgets for personnel health, welfare, medical and
15 counseling services and leave benefits and promote and develop occupational safety,
16 sports and recreation programs and similar services.

17
18
19 SEC. 141. *Safety and Accident Prevention.* - Each department or agency
20 shall develop and maintain a continuing occupational safety and accident prevention
21 program for its personnel.

22
23
24 SEC. 142. *Personnel Counseling.* - Each department or agency shall provide
25 personnel counseling services, including pre-retirement counseling.

26
27
28 SEC. 143. *Personnel Recreation.* - Each department or agency shall provide
29 facilities for sports, recreational and cultural activities and shall encourage voluntary
30 personnel participation.

31
32
33
34 Chapter 2. Leave Benefits

35
36
37 SEC. 144. *Entitlement to Leave Privileges.* - Appointive personnel of the
38 government, whether permanent, temporary, contractual or casual as well as elective
39 officers, who render the required number of office hours shall be entitled to an annual
40 fifteen (15)-day vacation and fifteen (15)-day sick leave with full pay exclusive of
41 Saturdays, Sundays, and public holidays.

42
43
44 SEC. 145. *Leave of Absence of Part-time Personnel.* - Public officers and
45 employees rendering service on a part-time basis are entitled to vacation and sick
46 leave benefits proportionate to the number of hours they served.

47
48
49 SEC. 146. *Leave of Absence of Personnel on Rotation Basis.* - Public
50 officers and employees on rotation basis shall be entitled to vacation and sick leave
51 corresponding to the length of service they rendered.

1 **SEC. 147. *Forced/Mandatory Vacation Leave.*** - All appointive and elective
2 public officers and employees of the government with ten (10) days or more vacation
3 leave credits shall be required to go on vacation leave whether continuous or
4 intermittent for a minimum of five (5) working days annually.
5
6

7 **SEC. 148. *Accumulation and Commutation of Leave.*** - Vacation and sick
8 leave shall be cumulative and commutative. Except for personnel covered by special
9 laws, commutation of leave credits shall be exclusive of Saturdays, Sundays and
10 holidays.
11

12 Public officers and employees whose off-days do not fall on a Saturday or a
13 Sunday shall have their leaves of absence computed exclusive of their off-days.
14
15

16 **SEC. 149. *Rehabilitation Leave.*** - Qualified public officers and employees
17 are entitled to rehabilitation leave for illnesses and/or injuries which are job-related or
18 which resulted from or was aggravated by their working environment. Such leave,
19 which should not exceed six (6) months, shall be with full pay and benefits and shall
20 not be charged against accumulated vacation or sick leave credits of the personnel
21 concerned. The cost of initial medical expenses such as emergency/paramedic
22 services and initial ambulance or transport services shall be borne by the agency of the
23 public officer and employee concerned. Substantive and long term medical expenses
24 for therapeutic and rehabilitation purposes shall be borne by the Philippine Health
25 Insurance Corporation; the Employee Compensation Commission (ECC) and the
26 Government Service Insurance System (GSIS) as the case may be and whenever
27 applicable.
28
29

30 **SEC. 150. *Teachers' Leave.*** - Other than those designated for continuous
31 duty and those covered by special charters, schoolteachers in government elementary
32 and secondary schools shall be entitled to vacation pay. They shall be entitled to
33 service credits for services rendered during the vacation period, including Saturdays,
34 Sundays, and holidays, in accordance with the rules and regulations prescribed by the
35 Commission.
36

37 Teachers shall also be entitled to annual seven (7) days sick leave, which shall
38 be non-cumulative and non-commutative.
39
40

41 **SEC. 151. *Leave of Elective Officers.*** - All elective officers shall be entitled
42 to leave credits granted to appointive officers and the cumulation and commutation of
43 the money value thereof.
44

45 **SEC. 152. *Leave Credits of Public Officers and Employees Covered by***
46 ***Special Leave Laws.*** - The leave credits of the following personnel are covered by
47 special laws:
48

- 49 (a) Justices of the Supreme Court, Court of Appeals and Sandiganbayan;
50
51 (b) Judges of Regional Trial Courts, Municipal Trial Courts, Metropolitan
52 Trial Courts, Court of Tax Appeals and Shari'a Circuit Court; and Shari'a
53 District Court;
54

- 1 (c) The Chairperson and Commissioners of the Constitutional Commissions;
2
3 (d) Filipino personnel in the Foreign Service; and
4
5 (e) Other personnel covered by special laws.
6
7

8 **SEC. 153. *Maternity Leave.*** - Women in the government service, of
9 whatever civil and employment status and regardless of length of service shall, in
10 addition to the vacation and sick leave granted them, be entitled to maternity leave of
11 sixty (60) calendar days for normal delivery and seventy-eight (78) calendar days for
12 delivery by caesarean section for the first four deliveries or miscarriages.
13
14

15 **SEC. 154. *Paternity Leave.*** - A married man in the government service
16 shall be entitled to paternity leave of seven (7) working days for the first four (4)
17 deliveries or miscarriages of his legitimate spouse with whom he is cohabiting.
18

19 The paternity leave shall be non-cumulative and non-commutative.
20
21

22 **SEC. 155. *Adoption Leave.*** - Public officers and employees who legally
23 adopt a child below seven (7) years of age as of the date the child is placed with them
24 shall be entitled to adoption leave in the manner herein provided:
25

- 26 (a) Married individuals who are both in government shall be entitled to
27 thirty (30) calendar days for the adoptive mother and seven (7) calendar
28 days for the adoptive father.
29
30 (b) Solo parents of whatever gender or civil status shall be entitled to thirty
31 (30) calendar days.
32

33 Availment of adoption leave shall commence from the date the child is placed
34 with the adoptive parents, which shall not be earlier than the date of the decree of
35 adoption. Adoption leave shall be non-commutative and non-cumulative.
36
37

38 **SEC. 156. *Parental Leave for Solo Parents.*** - In addition to leave privileges
39 under existing laws, parental leave of not more than seven (7) working days every
40 year until the child reaches the age of eighteen (18) years shall be granted to public
41 officers and employees who are solo parents and have rendered service of at least one
42 (1) year.
43

44 Parental leave shall be non-commutative and non-cumulative.
45
46

47 **SEC. 157. *Special Leaves*** - Government public officers and employees,
48 except those covered by special leave laws, are entitled to special leaves, to mark
49 personal milestones and/or attend to filial and domestic responsibilities, not
50 exceeding an aggregate of three (3) days in accordance with guidelines to be set by
51 this Commission.
52

53 Special leaves shall be non-commutative and non-cumulative.
54

1
2 SEC. 158. *Study Leave and Sabbatical Leave.* - Qualified public officers
3 and employees may be granted study and sabbatical leave, subject to the rules and
4 regulations promulgated by the Commission.
5

6
7 SEC. 159. *Commutation and Monetization of Leave Credits.* -
8 Accumulated leave credits can either be commuted or monetized subject to the rules
9 and regulations prescribed by the Commission.
10

11
12 SEC. 160. *Effect of Reemployment on Commuted Leave.* - Public officers
13 and employees whose leave credits have been commuted following their separation
14 from the service and were thereafter reemployed may refund the money equivalent of
15 the unspent portion of the commuted leave credits. In all cases, leave credits start
16 from zero balance.
17

18
19 SEC. 161. *Transfer of Leave Credits of Appointive Personnel and Elective*
20 *Officers.* - When appointive public officers and employees transfer from one entity to
21 another, they can have their accumulated vacation and/or sick leave credits
22 commuted or transferred to their new office.
23

24 The second option can only be exercised by the personnel concerned when
25 there are no gaps in their service. However, a gap of not more than one (1) month
26 may be allowed provided same is not due to the fault of the personnel concerned.
27

28 The abovementioned options of commutation or transfer of accumulated leave
29 credits can also be availed of by an elective officer assuming another elective post.
30 However, these options are not applicable to the transfer of Armed Forces of the
31 Philippines (AFP) uniformed personnel to civilian positions.
32

33
34 SEC. 162. *Prescriptive Period for Transfer of Leave Credits.* - The option to
35 transfer accumulated leave credits can be exercised within one (1) year only from the
36 effective date of transfer of the appointive personnel to their new office, or to the
37 assumption of the elective officers in their new post.
38

39
40 SEC. 163. *Leave Without Pay.* - In no case shall leave without pay be
41 granted in excess of one (1) year or if the public officer or employee concerned still has
42 leave credits with pay.
43

44
45 SEC. 164. *Terminal Leave.* - Terminal leave refers to the total accumulated
46 leave credits of personnel, the money value of which shall be based not necessarily on
47 the latest salary rate but on the highest salary rate received at any time during the
48 period of employment in the government service.
49

1 Chapter 3. Retirement Benefits

2
3
4 SEC. 165. *Payment of Retirement Benefits on the Day of Retirement.* - All
5 personnel are entitled to receive their retirement benefits provided for under existing
6 laws on the day of their retirement. The last agency-employer shall ensure that all the
7 retirement documents are in order six (6) months prior to the retirement of the said
8 personnel. All concerned agencies of the government shall render assistance in this
9 regard.

10
11 All public officers and employees with pending administrative, disciplinary
12 cases who were eventually exonerated or cleared therefrom shall be entitled to
13 payment of retirement benefits immediately a day after the promulgation of the
14 decision.

15
16
17 SEC. 166. *Rate of Interest for Delay in Payment.* - Should the retiree,
18 through no fault of his/her own, fail to receive the benefits on the day of retirement,
19 the same shall earn interest at the prevailing legal rate.

20
21 The retirement benefits of those who were eventually exonerated or cleared
22 from administrative, disciplinary cases shall likewise earn interest at the prevailing
23 legal rate computed from the date of retirement to the date of promulgation of the
24 decision.

25
26
27 SEC. 167. *Liability for Delay.* - Agencies or their personnel who caused the
28 delay in the retiree's receipt of retirement benefits shall upon complaint of the retiree
29 or the successor in interests, be liable for the payment of the interest mentioned in the
30 immediately preceding Section. This is without prejudice to the filing of
31 administrative and criminal cases against the personnel responsible for the said delay.

32
33 Complaints against delays in the release of retirement benefits shall be filed
34 with the Commission within one (1) year from the date of retirement.

35
36 The Commission shall promulgate rules and mechanisms to enforce this
37 provision.

38
39
40
41 Title II - Official Records and Work Days and Hours

42
43 Chapter 1. Personnel Records Information System

44
45
46 SEC. 168. *Policy.* - A government-wide personnel records system shall be
47 established, administered and maintained by the Commission.

48
49 Each department or agency through its human resource management office,
50 shall establish, manage and maintain personnel records and statistics of all its
51 personnel.

52
53 SEC. 169. *Records of Employment.* - The Commission shall keep and
54 maintain official records of all elective and appointive personnel regardless of their

1 employment status. The Commission shall likewise maintain statistics on their
2 employment, accession and separation.

3 4 5 6 Chapter 2. Work Days and Hours

7
8
9 SEC. 170. *Observance of Work Days and Hours.* - It shall be the duty of
10 each head of agency to require all personnel to strictly observe the prescribed office
11 hours and to wear identification cards, nameplates or the like bearing clearly and
12 legibly their respective names and positions when dealing directly with the public in
13 the performance of their respective duties or whenever they are within the premises of
14 the office. When the head of agency allows government personnel to leave the office
15 during office hours and not for official business or official time, the same shall be
16 reflected in their time records and charged to their vacation leave credits.

17
18
19 SEC. 171. *Daily Record of Attendance.* - Each head of department or
20 agency shall require a daily record of attendance of all personnel including those
21 serving in the field or on board a vessel, to be kept on the proper form and, whenever
22 possible, registered on the bundy clock or any mechanical, electrical, or electronic
23 device.

24
25 Service "in the field" or "on board a vessel" shall refer to service rendered
26 outside the office which is the usual place of work.

27
28
29 SEC. 172. *Recording of Attendance by Senior Public officers.* - Agency
30 heads, third level positions shall record times of arrival at and times of departure from
31 official workstations. Absences from office shall likewise be properly recorded in the
32 agency.

33
34
35 SEC. 173. *Liabilities.* - Falsification or irregularities in the keeping of time
36 records will render the personnel concerned administratively liable without prejudice
37 to criminal prosecution as the circumstances warrant.

38
39
40 SEC. 174.. *Forty Hour Workweek Requirement.* - Personnel of all
41 departments and agencies except those covered by special laws shall render not less
42 than forty (40) hours of work a week, exclusive of time for lunch. As a general rule,
43 such hours shall be from eight (8) o'clock in the morning to twelve (12) o'clock noon
44 and from one (1) o'clock to five (5) o'clock in the afternoon, all days except Saturdays,
45 Sundays, and holidays. However, in the interest of the service, heads of agencies,
46 particularly those with frontline services, shall adopt measures to ensure that
47 continuous service is available even during the 12:00 noon to 1:00 p.m. period.

48
49 In the exigency of the service, or when necessary by the nature of the work of a
50 particular agency, the rescheduling or shifting of work schedule of a particular agency
51 for a number of working days less than the required five (5) days may be allowed by
52 the head of agency provided that government personnel render a total of forty (40)
53 hours a week and provided further that the public is assured of continuous delivery

1 of service from eight (8) in the morning to five (5) in the afternoon for the duration of
2 the entire workweek.
3
4

5 **SEC. 175. *Flexible Working Hours.*** - Flexible working hours shall be
6 enforced subject to the discretion of the head of agency. In no case shall the weekly
7 working hours be reduced in the event the agency adopts the flexi-time schedule. In
8 the adoption of flexi-time, core working hours shall be prescribed taking into
9 consideration the needs of the service.
10

11
12 **SEC. 176. *Non-regular Working Hours.*** - A work schedule that deviates
13 from that which is provided in Section 175 hereof or that which extends well into the
14 night may also be allowed upon the discretion of the head of office, the need of the
15 service, or the health and welfare of the personnel concerned; Provided, that the forty
16 (40)-hour workweek exclusive of meal time, will not be reduced.
17

18
19 **SEC. 177. *Flexible Working Place.*** Public officers and employees may be
20 allowed to work away from their official work stations subject to the discretion of the
21 head of agency and the nature of the functions of their positions. The Commission
22 shall issue the rules and regulations to govern the adoption of a flexi-work place. In
23 no case shall the adoption thereof affect the availability and the accessibility of
24 government services.
25

26
27 **SEC. 178. *Persons in the Teaching Service.*** - All persons in the teaching
28 service, primary and secondary levels, are covered by the forty (40)-hour work-week
29 requirement and shall render not more than six (6) hours of teaching load every school
30 day.
31

32
33 **SEC. 179. *Performance of Duties in Excess of Forty Hours of Those in***
34 ***Special Occupational Groups.*** - When the nature of duties to be performed or the
35 interest of the public service so requires, the head of department or agency may
36 require any or all of the personnel to work in excess of the forty (40) hours, on
37 Saturdays, Sundays and public holidays, with either additional compensation or
38 compensatory time/days-off; or the accumulation of leave credits.
39

40
41 **SEC. 180. *Compensation for Authorized Work Beyond Forty Hours.*** -
42 When the interest of public service so requires, the daily hours of work for personnel
43 may be extended by the head of the agency concerned, which extension shall be fixed
44 in accordance with the nature of the work. Provided, that work in excess of forty (40)
45 hours a week must be properly compensated by payment of overtime whenever funds
46 are available for the purpose or through the grant of compensatory time or day/s-off
47 or through the accumulation of leave credits.
48

49
50 **SEC. 181. *Compensatory Time or Day/s Off.*** - Grant of compensatory time
51 or day/s off shall be allowed for overtime services rendered subject to the rules to be
52 promulgated by the Commission.
53

1 Chapter 2. Disciplinary Jurisdiction

2
3
4 SEC. 183. *Original Jurisdiction.* - The heads of departments, agencies,
5 bureaus and instrumentalities of the national government, constitutional offices, the
6 proper disciplining authority of state universities and colleges, government-owned
7 and -controlled corporations with original charters or created under special laws, and
8 local government units.

9
10 They shall also retain original jurisdiction over public officers and employees
11 who are already separated from the service but who, while still in the service
12 committed an offense.

13
14
15 SEC. 184. *Original Jurisdiction of the Commission.* - The Commission shall
16 have exclusive administrative disciplinary jurisdiction over its public officers and
17 employees. It shall have concurrent original disciplinary jurisdiction over public
18 officers and employees of the departments, agencies, bureaus, state universities and
19 colleges, government-owned and -controlled corporations with original charters or
20 created under special laws, local government units.

21
22 The Commission may, *motu proprio*, initiate the investigation and filing of
23 administrative charges against public officers and employees who violate the
24 provisions of this Code and other pertinent civil service laws, rules and regulations.
25 For this purpose, the Commission shall conduct fact-finding investigations and require
26 through the issuance of subpoena *duces tecum* and similar processes the production of
27 government records necessary to resolve the case.

28
29
30 SEC. 185. *Original Jurisdiction of Bureau or Department-wide, Regional*
31 *Office Head.* - The heads of bureaus or department-wide regional offices shall have
32 disciplinary jurisdiction over offenses committed by their subordinate public officers
33 and employees.

34
35
36
37 Chapter 3. Procedures in Disciplinary Cases

38
39
40 SEC. 186. *Commencement of Administrative Proceedings and Answer.* -

41
42 (a) Administrative proceedings may be commenced *motu proprio* against a
43 subordinate public officer or employee by the proper disciplining
44 authority or head of department or agency or upon a sworn written
45 complaint of any other person. The complaint shall be accompanied by
46 sworn statements covering the charges and those of the witnesses
47 together with documentary evidence, if any.

48
49 (b) On the basis of the sworn written complaint and supporting papers filed
50 by any other person, the disciplining authority shall require the person
51 complained of to explain why no administrative case should be filed. If
52 the disciplining authority does not find a *prima facie* case, the complaint
53 shall be dismissed; otherwise, a formal charge shall be issued in
54 accordance with the provisions of this Code. The respondent shall be

1 furnished with copies of the complaint, sworn statements and other
2 documents submitted.

- 3
4 (c) In administrative proceedings initiated by the disciplining authority or
5 head of a department or agency, the formal charge shall be issued only
6 after the disciplining authority finds a prima facie case in accordance
7 with the provisions of this Code.
8
9

10 SEC. 187. *Issuance of a Formal Charge.* - The formal charge shall state the
11 specifications of the offense and shall require the respondent to submit an answer in
12 writing and under oath together with supporting sworn statements covering his/her
13 defense and those of witnesses together with the documentary evidence, if any. The
14 respondent shall be allowed at least seventy-two (72) hours but not more than five (5)
15 days from receipt of the formal charge to submit an answer and the affidavits of the
16 witnesses, if any, and shall be informed of his/her right to counsel and to indicate
17 whether or not he/she elects a formal investigation. In cases when the respondent
18 submits a request for clarification, a bill of particulars or a motion to dismiss which are
19 obviously designed to delay the administrative proceedings, the same shall be
20 considered as answer.
21

22
23 SEC. 188. *Formal Investigation.* -
24

- 25 (a) If the respondent has elected a formal investigation, the disciplining
26 authority or the duly authorized representative shall conduct the formal
27 investigation with a notice issued within five (5) days from receipt of the
28 answer.
29
- 30 (b) Complainant and respondent may avail themselves of the services of
31 counsel and may require the attendance of witnesses by *subpoena ad*
32 *testificandum* and the production of documentary evidence through the
33 compulsory process of subpoena *duces tecum*.
34
- 35 (c) Even if the respondent does not request a formal investigation, such
36 investigation shall be conducted when, on the basis of the allegations in
37 the complaint and the answer of the respondent, including supporting
38 documents, the merits of the case cannot be decided judiciously without
39 conducting such investigation.
40
- 41 (d) The formal investigation shall be commenced not earlier than five (5)
42 days nor later than ten (10) days from receipt of the respondent's answer.
43 The investigation shall be conducted to ascertain the truth without
44 strictly adhering to technical rules applicable to judicial proceedings.
45 Hearings shall be continuously held and the investigation terminated, if
46 possible, within ten (10) days from its commencement, especially for
47 grave offenses, unless the period is extended by the disciplining
48 authority in meritorious cases.
49
- 50 (e) The direct evidence for the complainant and the respondent shall consist
51 of the sworn statements and documents submitted in support of the
52 complaint or answer, as the case may be, without prejudice to the
53 presentation of additional evidence deemed necessary but was
54 unavailable at the time of the filing of the complaint or answer, upon

1 SEC. 195. *Service of Decision.* -
2

- 3 (a) A copy of the decision shall be served on the complainant and the
4 respondent through their respective counsel, if any, within five (5) days
5 from its promulgation.
6
7 (b) Disciplining authorities shall furnish their superiors with a copy of the
8 decision within five (5) days from the date of its promulgation.
9

10
11 SEC. 196. *Finality of Decision.* -
12

- 13 (a) Without prejudice to the power of review by the Commission, and its
14 powers to decide cases on appeal as provided for in this Code, the
15 decisions of the heads of departments, agencies, and instrumentalities of
16 the National Government and the disciplining authority of state
17 universities and colleges, government-owned and -controlled
18 corporations with original charters or created under special laws, and
19 local government units, shall be final and executory, if the penalty
20 imposed is suspension of not more than thirty (30) working days or a
21 fine of not more than thirty (30) working days' pay.
22
23 (b) Without prejudice to the power of review by the Commission and its
24 powers to decide cases on appeal provided for in this Code, the decision
25 of the head of the bureau or department-wide regional office shall be
26 final and executory, if the penalty imposed is suspension of not more
27 than thirty (30) working days or a fine of not more than thirty (30)
28 working days' pay.
29
30 (c) The decision in a disciplinary case becomes final upon expiration of the
31 period within which to file a motion for reconsideration and no such
32 motion is filed.
33
34

35 SEC. 197. *Execution of Decision.* -
36

- 37 (a) The decisions of heads of agencies and other disciplining authorities
38 shall be immediately executory upon receipt of a copy thereof by the
39 parties concerned, even pending appeal.
40
41 (b) Decisions of the disciplining authority in disciplinary cases shall be
42 immediately executory unless a motion for reconsideration is seasonably
43 filed, in which case the execution of the decisions shall be held in
44 abeyance pending resolution of the motion.
45
46 (c) The filing and pendency of a petition for *certiorari* with the Supreme
47 Court shall not stop the immediate execution of the decision of the
48 Commission, unless the Court issues a restraining order or a writ of
49 preliminary injunction. For this purpose, no other Courts can issue a
50 temporary restraining order or a writ of preliminary injunction against
51 the Commission.
52
53
54

1 Chapter 5. Administrative Penalties

2
3
4 SEC. 198. *Penalties That May Be Imposed.* - Heads of departments and
5 agencies and other disciplining authorities may impose the penalty of reprimand or
6 censure, fine in an amount not exceeding six (6) months' salary, suspension without
7 pay for not more than one (1) year, demotion in rank or pay, or dismissal from the
8 service.

9
10
11 SEC. 199. *Imposition of Penalties.* -

- 12
13 (a) In meting out punishment, the same penalties shall be imposed for
14 similar offenses and only one (1) penalty shall be imposed in each case.
15 In the imposition of these penalties, the disciplining authority shall take
16 into consideration the circumstances which may either exonerate the
17 respondent from any liability, mitigate or aggravate the offense.
18
19 (b) In the imposition of the proper penalties, the administrative offenses or
20 causes for disciplinary action mentioned in this Code shall be
21 categorized into light, less grave, and grave.
22
23 (c) The Commission shall promulgate rules and regulations on the
24 classification of administrative offenses into light, less grave and grave
25 and shall prescribe the corresponding principal and accessory penalties,
26 such as cancellation of eligibility, forfeiture of retirement benefits,
27 disqualification for employment, reinstatement or re-employment,
28 disqualification for promotion and bar from any civil service
29 examination.
30

31
32 SEC. 200. *Effect of Administrative Penalties.* - The penalty of dismissal
33 shall result in the separation of the respondent from the service. Dismissal shall carry
34 with it the cancellation of civil service eligibilities, forfeiture of retirement benefits, and
35 disqualification from employment in the government whether appointive or elective
36 and disqualification to run for any public office even if the case is pending on appeal.
37

38 Although decisions imposing the penalty of dismissal are immediately
39 executory, no permanent appointment pending appeal shall be issued to replace the
40 dismissed employee. In the interest of the service, however, designation may be
41 resorted to until the case is resolved with finality.
42

43 The penalties of demotion, suspension and fine shall disqualify the respondent
44 from receiving certain benefits or from promotion for a period based on the gravity of
45 the penalty imposed in accordance with the rules prescribed by the Commission.
46

47
48 SEC. 201. *Effect of Death on Pending Cases.* - Pending disciplinary cases
49 shall be deemed terminated upon the death of the respondent without prejudice to
50 civil action that may be instituted by the government except when the proceedings
51 have been concluded and the case is ready for decision, or when the administrative
52 case involves misappropriation of public funds and property or other grave offenses.
53 The same shall be decided for the sole purpose of determining whether the heirs of the
54 respondent are entitled to monetary benefits arising out of his employment.

1
2
3 **SEC. 202. *Effect of Exoneration and Other Penalties.*** - Upon exoneration,
4 the respondent shall be restored to his/her former position without loss of seniority
5 and other rights or to a comparable or equivalent position in case of reorganization.
6 He/She shall also be entitled to payment of back salaries and other benefits for a
7 period not exceeding five (5) years including the period of his/her preventive
8 suspension.

9
10
11
12 **Chapter 6. Administrative Remedies**
13

14
15 **SEC. 203. *Appeal.*** - An appeal may be filed with the proper authority
16 within fifteen (15) days from receipt of the decision, together with a notice of appeal to
17 the disciplining authority who rendered the decision. It shall state the appellant's date
18 of receipt of the decision and the date of the resolution on the motion for
19 reconsideration, if any, together with the grounds for appeal and the arguments in
20 support thereof.

21
22 **SEC. 204. *Where To Appeal.*** - The appellant may appeal to the following:

- 23
24 (a) In case of decisions rendered by heads of departments, agencies, state
25 universities and colleges, provinces, cities and municipalities and
26 instrumentalities of the national government and the disciplining authority
27 of government-owned or -controlled corporations with original charters,
28 where the penalty imposed is suspension of more than thirty (30) working
29 days or a fine equivalent to more than thirty (30) working days' salary, the
30 appeal shall be brought before the Commission; and
31
32 (b) In case of decisions of the head of bureaus or department-wide regional
33 offices, the appeal shall initially be made to the department secretary and
34 then to the Commission if the penalty imposed is suspension of more than
35 thirty (30) working days or fine equivalent to more than thirty (30) working
36 days' salary.
37

38
39 **SEC. 205. *Motion for Reconsideration.*** - A motion for reconsideration may
40 be filed during the period for filing an appeal on the following grounds:
41

- 42 (a) Newly discovered evidence which could materially affect the decision
43 rendered;
44
45 (b) The decision is not supported by the evidence on record; or
46
47 (c) Errors of law or irregularities have been committed prejudicial to the
48 interest of either party.
49

50
51 Only one (1) motion for reconsideration shall be entertained, which shall be
52 resolved within thirty (30) days from receipt. A motion for reconsideration shall
53 suspend the running of the period of appeal.
54

1 laws, and local government units. Neither can they be hired within the same period
2 as consultants or under contracts of services/job orders in said entities.

3
4
5 **SEC. 212. *Resignation Before Election.*** - A person who resigned from the
6 service within three (3) months before any election and engaged in any political
7 activity shall not be eligible for re-employment in the government during the six (6)-
8 month period following such election.

9
10
11 **SEC. 213. *Prohibition Against Holding Another Office or Employment.*** -
12 Unless otherwise allowed by law or by the primary functions of the position, no
13 appointive officer shall hold any other office or employment in the government or any
14 subdivision, agency or instrumentality thereof, state universities and colleges,
15 government-owned and -controlled corporations with original charters or created
16 under special laws, and local government units.

17
18
19 **SEC. 214. *Prohibition During Election Period.*** - No appointment, whether
20 original, transfer, reemployment, reappointment, renewal, promotion and demotion,
21 regardless of status, except in the case of reinstatement, shall be issued ninety (90)
22 days before any national or local election except barangay and sangguniang kabataan
23 elections and until the assumption of the newly-elected or reelected appointing officer.
24 No consultancy, job order or contract of service shall also be entered into during the
25 said period.

26
27 However, in the exigency of the service and subject to the authority by the
28 Commission, the appointing authority may issue appointments after the election and
29 until the assumption of the newly elected or reelected appointing officer provided the
30 following concur:

- 31
32 (a) A vacancy occurred during the prohibited period;
33
34 (b) There is need to fill up the vacancy immediately in order not to
35 prejudice public service and/or endanger public safety;
36
37 (c) The appointee is qualified;
38
39 (d) The appointment has gone through the usual requirements like
40 publication, regular screening by the Personnel Selection Board and
41 concurrence by the Sanggunian, as the case may be.

42
43 All appointments issued before the prohibited period shall take effect
44 immediately, notwithstanding any provisions in the appointment to the contrary and
45 the appointee shall assume the position within thirty (30) days from issuance thereof.
46 Failure of the appointee to assume the position within said period shall make the
47 appointment ineffective.

48
49
50 **SEC. 215. *Prohibition Against Appointments by an Outgoing Appointing***
51 ***Authority.*** - No appointment in national agencies, state universities and colleges,
52 government-owned and -controlled corporations with original charters or created
53 under special laws, shall be made by any outgoing appointing authority within three
54 (3) months before the end of his/her term of office or retirement. This prohibition

1 shall also apply to outgoing appointing authorities who have previously manifested
2 their intention to resign from office. In which case, the prohibition shall commence
3 from the date of formal manifestation to resign but shall not be more than three (3)
4 months from the effective date of resignation.

5
6 However, in the exigency of the service, interim appointments may be issued
7 which shall not exceed three (3) months from the time the appointing authority ceases
8 to hold office.

9
10 This prohibition shall embrace all kinds of appointments whether original,
11 transfer, reemployment, reappointment, renewal, casual, contractual promotion, or
12 demotion, regardless of status.

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15 **SEC. 216. Supervision by Non-career personnel.** - Subject to the rules to be
16 promulgated by the Commission, no consultant, contractual or non-career personnel
17 shall be designated to any position exercising control and supervision over regular
18 and career personnel in the government.

19
20
21 **SEC. 217. Contract of Service.** - A person issued a contract of service shall
22 not discharge duties pertaining to a career or non-career service position. The agency
23 may, however, enter into a contract of service to undertake a piece of work for the
24 government for a specific period.

25
26
27 **SEC. 218. Ecclesiastic.** - No priest, preacher, minister, or other religious
28 teacher, or dignitary as such, shall be employed in the civil service system except
29 when such priest, preacher, minister, or dignitary is assigned to the Armed Forces of
30 the Philippines, the Philippine National Police or to any penal or correctional
31 institution, or any government orphanage or leprosarium.

32
33
34 **SEC. 219. Nepotism.** - The act of issuing an appointment in the national, or
35 in any branch or instrumentality thereof, or in state universities and colleges,
36 government-owned and -controlled corporations with original charters or created
37 under special laws, or local government units to a person who is related within the
38 third (3rd) civil degree of consanguinity or affinity to the appointing or recommending
39 authority, the chief of bureau or office, or of the person exercising immediate
40 supervision over him/her, is hereby prohibited.

41
42 The following positions are exempt from the operation of the law and rules on
43 nepotism:

- 44
45 (a) Primarily confidential;
46 (b) Highly technical
47 (c) Policy-determining
48 (d) Teacher and professorial staff;

49
50 The term 'teacher' shall refer only to those actually performing classroom
51 instruction in both public elementary and secondary schools. 'Professorial staff' shall
52 denote members of the faculty of state universities or colleges primarily engaged in
53 academic activities such as teaching in the tertiary level, research and curriculum

1 development, among others. The designation of professorial staff to non-
2 professorial/non-academic positions shall not be covered by this exemption.

3
4 The restrictions mentioned in this Section shall not be applicable to a member of
5 any family, who, after appointment to any position in an office or bureau, contracts
6 marriage with another employee in the same office or bureau, or those who were
7 affected by reorganization in which event the employment or retention therein of both
8 husband and wife may be allowed.

9
10 The prohibition shall not also apply in case of promotion if the person to be
11 promoted occupies a career and next-in-rank position, or to those devolved to local
12 government units or who were affected by reorganization or to any member of a
13 personnel selection board.

14 15 16 17 Chapter 2. Other Prohibitions

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19
20 SEC. 220. *Political Activity.* - Civil servants may become members of
1 political parties, express their views on current political problems or issues, and
2 support the candidates of their choice. However, they may neither engage in any
3 electioneering nor may they use official authority to influence or coerce the political
4 activity of any person or organization.

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6
7 SEC. 221. *Appointment of Military Personnel in the Civil Service System.* -
8 It shall be unlawful for any member of AFP in the active service to be appointed or
9 designated in any capacity to any civilian position in the government, state
10 universities and colleges, government-owned and -controlled corporations with
11 original charters or created under special laws, and local government units.

12
13
14 SEC. 222. *Additional or Double Compensation.* - No elective or appointive
15 public officer or employee shall receive additional, double, or indirect compensation,
16 unless specifically authorized by law, nor accept any present, emolument, office, or
17 title of any kind from any foreign government unless allowed by law.

18
19 Pensions, gratuities or honoraria shall not be considered as additional, double
20 or indirect compensation.

21
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23 SEC. 223. *Detail or Reassignment.* - Except when the exigencies of the
24 service require, no public officer or employee of the government shall be detailed or
25 reassigned three (3) months before any local or national election.

26
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28 SEC. 224. *Courtesy Resignation.* - It shall be unlawful for any public
29 officer, elective or appointive, to require public officers and employees within his/her
30 jurisdiction to submit courtesy resignations for whatever reason or purpose.

31
32
33 SEC. 225. *Appointment and/or Transfer of Officers and Employees of*
34 *Oversight Agencies.* Unless allowed by the Commission in meritorious cases, heads of
oversight agencies and their staff are prohibited from transferring or being appointed

1 to any position in the department/agency/office/local government unit which
2 his/her unit is assigned or designated to oversee within one (1) year after termination
3 of such assignment or designation.
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BOOK VI. MISCELLANEOUS PROVISIONS

Title I - Termination of Employment

Chapter 1. Modes of Termination

SEC. 226. *Modes of Termination.* - The following are modes of terminating employment in the government;

- (a) Resignation - A public officer or employee shall be considered separated from the service effective on the date of acceptance of the resignation by the officer authorized to do so.
- (b) Candidacy - An appointive public officer or employee shall be *ipso facto* separated from the service on the date of filing of the certificate of candidacy for an elective position.
- (c) Death - Upon proof of death, the public officer or employee shall automatically be recorded as separated from the service.
- (d) Permanent Disability - In case of permanent disability which shall render the public officer or employee incapable of performing the official duties, the department or agency head may terminate such public officer or employee.
- (e) Expiration of Period of Employment - The services of a public officer or employee appointed for a fixed period, or for a specific project or whose appointment is coterminous with the appointing officer shall be terminated upon the expiration of the period of employment, completion of the project, or at the end of the term of the appointing officer, unless otherwise earlier validly separated.
- (f) Dropped from the Service - A public officer or employee who goes on leave without proper authority or fails to return to duty after the expiration of the authorized leave, without valid reasons, and for other grounds under existing rules, shall be dropped from the service in accordance with the regulations promulgated by the Commission.
- (g) Conviction - The services of the public officer and employee shall be considered terminated upon conviction by final judgment of a crime where the penalty carries with it the accessory penalty of perpetual or temporary absolute or special disqualification to hold public office.
- (h) Retirement - Any public officer or employee who reaches the compulsory retirement age and meets the service requirement shall be retired under the provisions of the Retirement Law, unless his/her services is extended by the Commission in accordance with its rules and regulations. Optional retirement pursuant to law likewise terminates official relations.
- (i) Expiration of Temporary Appointment - The services of a public officer or employee with temporary appointment shall automatically be terminated upon the expiration of the appointment.

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2 (j) Disapproval of Appointment - The services of a public officer or
3 employee is considered terminated upon the final disapproval of the
4 appointment by the Commission.
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7 SEC. 227. *Reduction in Force.* - The head of a department or agency may
8 reduce its staff due to lack of work or funds or due to a change in the scope or nature
9 of an agency's program, or as a result of reorganization, subject to the rules and
10 regulations which the Commission shall prescribe.
11
12

13 14 Title II - Fees and Authority to Administer Oaths

15 16 Chapter 1. Fees 17 18

19 SEC. 228. *Authority to Collect Fees.* - The Commission may collect and
20 charge fees for civil service examinations, certification of civil service ratings, service
21 records, appeals in disciplinary and non-disciplinary cases, training courses, seminars
22 and workshops in personnel management, and for services rendered on other civil
23 service matters. For this purpose, the Commission shall prescribe standard and
24 reasonable rates for such examination, certifications, training courses, seminars and
25 workshops and other activities or services, the fees for which are not provided by law
26 or regulation. No fees shall be collected in examinations given for the selection of
27 scholars.
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31 Chapter 2. Authority of Public Officers to Administer Oaths, Take Testimony, 32 and Prosecute Cases in Court. 33 34

35 SEC. 229. *Who May Administer Oaths.* - The Chairperson and Members
36 of the Commission, public officers occupying third level positions and other public
37 officers and employees of the Commission and other departments or agencies
38 designated in writing by the Chairperson, may administer oaths as may be necessary
39 in a transaction of an official business and take a testimony in connection with any
40 authorized investigation.
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44 Title III - Fiscal Autonomy and Use of Appropriations and Income

45 46 Chapter 1. Fiscal Autonomy 47 48

49 SEC. 230. *Fiscal Autonomy.* - The Commission shall enjoy fiscal autonomy.
50 It shall determine the amount of its annual budget requirements for its operating
51 expenses, and capital outlays which shall be proposed to Congress in accordance with
52 existing budget laws. Its approved annual appropriations shall be automatically and
53 regularly released.
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1 The Commission shall have the flexibility to utilize its appropriations, and its
2 income, for operating and capital expenses, acquisition, supplies, repairs and
3 maintenance of office equipment and facilities subject to provisions of law.
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7 Chapter 2. Authority to Use Appropriations and Income. 8 9

10 SEC. 231. *Authority to Use Appropriations and Income.* - The Commission
11 is hereby authorized to use such sums appropriated in the annual appropriations act,
12 including all balances of existing certifications, to accounts payable of prior years
13 which have not yet been reverted to unappropriated surplus, within a period of two
14 (2) years, as are necessary to carry out the provisions of this Code. The Commission is
15 also authorized to augment any item in its appropriations from savings actually
16 released for any official purpose at its discretion.
17

18 The Commission is further authorized to directly use its income derived from
19 fees, cost for services it may assess and levy, and such other proceeds generated in the
20 performance of its functions for its operating expenses, for personnel and
21 organizational development as well as acquisition, repair and maintenance of office
22 equipment, facilities and supplies.
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26 Title IV - Transitory Provisions 27

28 Chapter 1. Funding 29 30

31 SEC. 232. *Funding.* - Funds needed to carry out the provisions of this Code
32 shall be taken from funds available in the Commission or in the absence or
33 insufficiency thereof, from any lump sum appropriations to be included in the annual
34 General Appropriations Act. The appropriation shall cover the operating expenses of
35 the Commission including the salaries, allowances and other emoluments of all its
36 public officers and employees in its central, regional and field offices and for its
37 projects and activities, subject to the accounting of such expenditures.
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41 Chapter 2. Final Provisions 42

43 SEC. 233. *Abolished Offices.* - All Commission public officers and
44 employees whose offices are abolished by virtue of the provisions of this Code shall be
45 absorbed in the central, regional and field offices of the Commission with no
46 diminution of status, rank and salary.
47
48

49 SEC. 234. *Liability of Appointing Authority.* - No person employed in the
50 civil service system in willful violation of this Code shall be entitled to receive pay
51 from the government. The appointing authority responsible for such unlawful
52 employment shall be personally liable for the pay that would have accrued had the
53 employment been lawful. The disbursing public officers shall make payment to the
54 employees of such amount from the salary of the public officers so liable.

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3 SEC. 235. *Liability of Disbursing Public officers.* - Except as may
4 otherwise be provided by law, it shall be unlawful for a treasurer or other fiscal public
5 officer or employee to deduct any amount for contributions or payment of obligations
6 other than those due to the government or its instrumentalities.
7

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9 SEC. 236. *Vested Rights.* - Except as otherwise provided in this Code,
10 rights vested or acquired under the provisions of the Civil Service Law, rules and
11 regulations and any other Act prior to the effectivity of this Code shall be respected.
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14 SEC. 237. *Criminal Liability.* - Whoever makes any appointment or
15 employs any person in willful violation of any provision of this Code or the rules and
16 regulations issued thereunder; or whoever commits fraud, deceit or intentional
17 misrepresentation of material facts concerning any civil service matter; or whoever
18 violates, refuses or neglects to comply with any final decision or order of the
19 Commission, shall, upon conviction, be punished by a fine not exceeding Ten
20 Thousand Pesos (P10,000.00) or by imprisonment of not less than three (3) years nor
1 more than five (5) years or both at the discretion of the court.
22

23 The same penalty of fine or imprisonment or both as provided above and
24 permanent disqualification from holding public office shall be imposed upon any
25 appointing authority who willfully violates any of the provisions of this Code
26 including failure to abide by the rules promulgated by the Commission or to
27 implement a Commission reappointment order.
28

29
30 SEC. 238. *Authority to Issue Rules.* - The Commission shall promulgate
31 rules and regulations and set guidelines and standards to implement the provisions of
32 this Code which shall become effective thirty (30) days after its publication in a
33 national newspaper of general circulation.
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35
36 SEC. 239. *Repealing Clause.* - Republic Act No. 2260, Republic Act No.
37 6040, Presidential Decree No. 807, Presidential Decree No. 1, Presidential Decree No.
38 1409, Executive Order No. 135, series of 1987, Executive Order No. 180 and Book V,
39 Title 1, Subtitle A on the Civil Service Commission of Executive Order No. 292, series
40 of 1987, and Section 2 of RA 6758 are hereby repealed. Section 24 of RA 6770, Sections
41 63, 77 and 79 of RA 7160, Section 1 of RA 8190 and Section 21 of RA 8551, are hereby
42 amended or modified accordingly; and all laws, decrees, orders, circulars, rules and
43 regulations or any part thereof which are contrary to or inconsistent with any
44 provision of this Code are hereby repealed or modified accordingly.
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47 SEC. 240. *Supplemental Applications.* - The Rules of Court shall have
48 supplemental application to this Code.
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51 SEC. 241. *Separability.* - If any provision of this Code or its application to
52 any person or circumstances is declared invalid, such declaration shall not affect the
53 other provisions of this Code.
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SEC. 242. *Construction in Favor of Employees.* - All doubts in the implementation and interpretation of the provisions of this Code including its implementing rules and regulations shall be resolved in favor of employees.

SEC. 243. *Effectivity.* - This Code shall take effect thirty (30) days following its publication in the *Official Gazette* or in a national newspaper of general circulation in the Philippines.

Approved, _____