

THIRTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*First Regular Session* )

5 APR -5 A10:40

SENATE

RECEIVED BY: \_\_\_\_\_ 

S. B. No. 1974

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Introduced by SENATOR EDGARDO J. ANGARA

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**EXPLANATORY NOTE**

The biggest employment agency in the country today is the Philippine government. Tasked with the vital responsibility of running the bureaucracy and the delivery of basic services to the people, the salient role of the civil service cannot be over-emphasized. But despite its role and its existence for over a hundred years, there exist a vacuum of permanent, stable, integrated and comprehensive policies and laws governing our Philippine Civil Service System.

True, there are laws and regulations that govern the operation of the civil service, as are found scattered in quite a number of laws, decrees, letters of instructions, executive orders and administrative issuances. Yet, there are still apparent gaps that more often cause problems and controversies due to inconsistencies in said issuances or irrelevance or obsolescence in light of the changing times.

Taking this to heart, there is therefore an insistent need to update, even repeal, modify and / or amend existing laws, decrees, LOIs, EOs and administrative issuances relative to the civil service to fully advance the professionalism of the government bureaucracy. Codification, therefore, of aforesaid policies and legislation is pressing and equally fitting.

This proposed Philippine Civil Service Code of 2005 seeks to address the deeply-rooted problems confronting the public service, to wit: graft and corruption; bureaucratic red tape; violations of the rights of the employees, specifically the right to security of tenure and the right to due process of law; violations of the merit and fitness principle; partisan political activities; inadequate benefits and privileges of employees; organization ineffectiveness and the unnecessary delays in the delivery of frontline services.

The salient features of the proposed Code are: 1) shortened adjudication process in administrative cases; 2) decentralized functions of the Civil Service Commission to departments / agencies of government; 3) substantive reduction of management discretion in personnel actions thereby requiring government agencies to hire or promote the best qualified applicants; 4) enhanced employees' rights particularly the right to job security and protection from partisan influences; and 5) restructured employee privileges to conform to current norms and standards, including expanded leave privileges.

Approval of this measure, therefore, is earnestly sought.

  
EDGARDO J. ANGARA  
Senator



1 other offices or agencies of the government delegating to their regional offices or other similar  
2 units, powers and functions; and that the autonomy of Local Government Units shall be  
3 respected.

4  
5  
6 **SEC. 3. Definition.** With reference to the civil service system and as used in this Code,  
7 the following terms shall be construed to mean as follows:

- 8  
9 (a) **"Agency"** refers to any department, bureau, office, commission, administration, board,  
10 committee, institute, government-owned or controlled corporation with original  
11 charter, local government units, state universities and colleges, [*and entities and*  
12 *corporations sequestered by the government,*] or any other unit of the National  
13 Government, as well as provincial, city, municipal government, except as hereinafter  
14 otherwise provided;
- 15  
16 (b) **"Appointing Authority"** refers to the person or body authorized by law to make  
17 appointments in the civil service system;
- 18  
19 (c) **"Appointment"** refers to the document issued by the appointing authority allowing the  
20 appointee to occupy the position stated therein and to perform its functions and  
21 receive the corresponding compensation. It could also refer to the selection by the  
22 appointing authority of an individual who is to exercise the functions of the position;
- 23  
24 (d) **"Career Executive Service (CES)"** refers to the strong, stable and competent pool of  
25 career public managers that will provide effective support to national development.
- 26  
27 (e) **"CESB"** is the Career Executive Service Board.
- 28  
29 (f) **"Career Executive Service Officer (CESO)"** refers to a person conferred a CES rank;
- 30  
31 (g) **"Chairperson"** is the Chairman of the Civil Service Commission.
- 32  
33 (h) **"Civil service"** refers to the men and women employed to carry out public services, in  
34 all branches, agencies, subdivisions and instrumentalities of government, government-  
35 owned and -controlled corporations with original charters or created under special  
36 laws, local government units, **AND** state universities and colleges[, *and entities and*  
37 *corporations sequestered by the government*].
- 38  
39 (i) **"Civil service eligible"** refers to a person who passed a civil service examination or is  
40 granted a civil service eligibility by law or by the Civil Service Commission;
- 41  
42 (j) **"Civil service system"** refers to the institution mandated to carry out public services, in  
43 all branches, agencies, subdivisions and instrumentalities of government, government-  
44 owned and -controlled corporations with original charters or created under special  
45 laws, local government units, **AND** state universities and colleges [, *and entities and*  
46 *corporations sequestered by the government*];
- 47  
48 (k) **"Class"** refers to all positions in the civil service system that are sufficiently similar as to  
49 duties and responsibilities and require similar qualifications that can be given the same  
50 title and salary and for all administrative and compensation purposes, be treated alike;
- 51  
52 (l) **"Commission"** refers to the Civil Service Commission;
- 53  
54 (m) **"Commissioner"** refers to either of the two (2) other members of the Commission;

- 1 (n) **"Consultant"** refers to the person employed under a consultancy contract hired by  
2 reason of expertise, to perform highly specialized functions not readily available from  
3 career personnel, for a short duration, having no employer-employee relation with the  
4 hiring agency;
- 5
- 6 (o) **"Department"** refers to any of the departments in the Executive branch, Congress, the  
7 Judiciary and any of the constitutional commissions;
- 8
- 9 (p) **"Disciplining authority"** refers to the person or body authorized to suspend, dismiss or  
10 discipline **PUBLIC OFFICERS** and employees in the civil service system;
- 11
- 12 (q) **"Eligibility"** refers to the qualification, acquired by an individual after passing a civil  
13 service examination or granted by law, for entrance into and promotion in the career  
14 service;
- 15
- 16 (r) **"Employee"** refers to any person employed in the civil service system of whatever  
17 category or class up to division chief level;
- 18
- 19 (s) **"Employee organization"** refers to a duly registered employee organization, union,  
20 association, **FEDERATION, CONFEDERATION**, society or alliance in accordance with  
21 the provisions of this Code;
- 22
- 23 (t) **"Examination"** refers to the test conducted by the Commission or any agency  
24 authorized by law for the purpose of determining merit and fitness for appointment in  
25 the civil service system;
- 26
- 27 (u) **"Grievance"** refers to an employee's complaint regarding working conditions, working  
28 relationships or employment status;
- 29
- 30 (v) **"Grievance procedure"** refers to the process of resolving employee grievances;
- 31
- 32 (w) **"Highly technical position"** refers to a position which requires the occupant to possess  
33 skill or training in a supreme or superior degree, like that of a scientist;
- 34
- 35 (x) **"Job order"** refers to a contract of service of individuals paid under a lump sum  
36 appropriation for a short duration having no employer-employee relation with the  
37 government.
- 38
- 39 (y) **"Merit system"** refers to an organized mechanism by which the selection, utilization,  
40 compensation, training, retention and discipline of employees in the service are  
41 governed by comparative merit and achievement;
- 42
- 43 (z) **"Party adversely affected"** refers to the respondent against whom a decision in a  
44 disciplinary case has been rendered;
- 45
- 46 (aa) **"Personnel action"** is any movement of personnel in the civil service system;
- 47
- 48 (ba) **"Policy determining position"** refers to a position which vests in the occupant the  
49 power to formulate policies for the government or any of its agencies, subdivisions, or  
50 instrumentalities, like that of a member of the Cabinet;
- 51
- 52 (ca) **"Position"** refers to an occupational title with a defined set of duties and  
53 responsibilities to be performed by an individual either on full-time or part-time basis;
- 54

- 1 (da) "**Primarily confidential position**" refers to a position where the occupant enjoys more  
2 than the ordinary confidence of the appointing power but bears such close intimacy  
3 which relieves the latter from misgivings of betrayal of personal trust on confidential  
4 matters, like that of a private secretary;  
5
- 6 (ea) "**PUBLIC OFFICERS**" as distinguished from employees, refers to those whose functions  
7 are managerial or executive in nature and above the division chief level;  
8
- 9 (fa) "**Qualification standards**" refer to the minimum requirements for a class of position  
10 expressed in terms of education, training, experience, civil service eligibility, physical  
11 fitness and other qualities required by the job;  
12
- 13 (ga) "**Rank-and-file**" shall refer to employees occupying positions in the first and second  
14 levels;  
15
- 16 (ha) "**Reorganization**" refers to the process of restructuring the bureaucracy's  
17 organizational and functional set-up with the view of making it more economical,  
18 effective, efficient and responsive to the needs of the public;  
19
- 20 (ia) "**Sequestered agency**" refers to any business entity recovered or sequestered by the  
21 government in accordance with law.];  
22
- 23 (ja) "**Solo parent**" refers to an individual who falls under any of the following categories:  
24
- 25 1. A woman who gives birth as a result of rape and other crimes against chastity even  
26 without a final conviction of the offender: Provided, that the mother keeps and  
27 raises the child;
  - 28 2. Parent left solo or alone with the responsibility of parenthood due to death of  
29 spouse;
  - 30 3. Parent left solo or alone with responsibility of parenthood while the spouse is  
31 detained or is serving sentence for a criminal conviction for at least one (1) yr ;
  - 32 4. Parent left solo or alone with the responsibility of parenthood due to physical  
33 and/or mental incapacity of spouse as certified by a public medical practitioner;
  - 34 5. Parent left solo or alone with the responsibility of parenthood due to legal  
35 separation or *de facto* separation from spouse for at least one (1) year, as long as  
36 he/she is entrusted with the custody of the children;
  - 37 6. Parent left solo or alone with the responsibility of parenthood due to declaration of  
38 nullity or annulment of marriage as decreed by a court or by a church who is  
39 entrusted with the custody of the children;
  - 40 7. Parent left solo or alone with the responsibility of parenthood due to abandonment  
41 of spouse for at least one (1) year;
  - 42 8. Unmarried mother/father who has preferred to keep and rear her/his child/children  
43 instead of having others care for them or give them up to a welfare institution;
  - 44 9. Any other person who solely provides parental care and support to a child or  
45 children;
  - 46 10. Any family member who assumes the responsibility of head of family as a result of  
47 the death, abandonment, disappearance or prolonged absence of the parents or  
48 solo parent.  
49
- 50
- 51 (ii) "**Strike**" refers to a concerted action of an accredited employee organization which  
52 will result in temporary stoppage or disruption of public service  
53  
54

1 Chapter Two. Rights and Obligations of Public Officers and Employees  
2 in the Civil Service System  
3  
4

5 SEC. 4. **Rights.** - PUBLIC OFFICERS and employees in the civil service system shall  
6 have the right to:

- 7  
8 (a) Security of tenure;  
9 (b) Exercise the authority attendant to their positions;  
10 (c) Enjoy leave, welfare, retirement and other benefits and services;  
11 (d) Self-organization or to form and join unions, associations, **FEDERATIONS,**  
12 **CONFEDERATIONS,** societies or **ALLIANCES** for purposes not contrary to law;  
13 (e) For rank-and-file employees of accredited organizations to collectively negotiate  
14 for terms and conditions of employment in accordance with existing laws; and  
15 (f) Enjoy such other rights provided by law.  
16  
17

18 SEC. 5. **Obligations.** - PUBLIC OFFICERS and employees in the civil service system  
19 shall:

- 20 (a) Uphold and defend the Constitution and laws of the Republic of the  
21 Philippines;  
22 (b) Take and subscribe to an oath before assumption of office;  
23 (c) Be accountable at all times to the people, and serve them with utmost  
24 responsibility, integrity, loyalty and efficiency, act with patriotism and justice  
25 and lead modest lives;  
26 (d) Discharge their duties faithfully and maintain the required level of productivity  
27 of their positions for the benefit of the public;  
28 (e) Submit upon assumption to duty and as often as may be prescribed by law, a  
29 sworn statement of assets, liabilities and net worth and disclosure of business  
30 interests and financial transactions;  
31 (f) Identify and disclose, to the best of their knowledge, their relatives in  
32 government, in the manner and frequency as may be prescribed by law, rules  
33 and regulations;  
34 (g) Undertake programs of self-development to improve their performance and  
35 levels of service; and  
36 (h) **PERFORM SUCH OTHER OBLIGATIONS AS MAY BE PROVIDED BY LAW.**  
37  
38

39 Title II - Scope of the Civil Service System

40 Chapter One. Positions in the Civil Service System

41  
42  
43 SEC. 6. **Coverage.** - The civil service system embraces all branches, subdivisions,  
44 instrumentalities, and agencies of the Government, including local government units, state  
45 universities and colleges, *[entities and corporations sequestered by the government,]* and  
46 government-owned or -controlled corporations with original charters.  
47

48 SEC. 7. **Administration of the Civil Service System.** - As the central personnel agency  
49 of the government, the Commission shall establish a career service, administer the civil  
50 service system, adopt measures to promote morale, efficiency, competency, integrity, honesty,  
51 responsiveness, progressiveness, courtesy and gender sensitivity in the civil service system,  
52 strengthen the merit and rewards system, integrate all human resource development programs  
53 for all levels and ranks therein and institutionalize a management climate conducive to public  
54 accountability.

1           **SEC. 8. Categories of Positions.** - Positions in the civil service system shall be  
2 categorized as career and non-career.  
3  
4

5           **SEC. 9. The Career Service.** - The career service shall be characterized by (a) entrance  
6 based on merit and fitness to be determined, as far as practicable, by competitive  
7 examinations or on highly technical qualifications; (b) opportunity for advancement to higher  
8 career position; and (c) security of tenure which is also based on performance, mechanics of  
9 which shall be formulated by the Commission.  
10  
11

12           **SEC. 10. Positions Included in the Career Service.** - Positions in the career  
13 service include the following:

- 14           (a) Open career positions - appointment to any level in the career service which  
15 requires qualification in an appropriate examination or other modes in  
16 accordance with law;
- 17           (b) Closed career positions - positions that are scientific or highly technical in  
18 nature which shall establish and maintain their own merit systems, such as the  
19 following:
- 20               (1) Faculty and academic staff of state universities and colleges or scientific  
21 and technical positions in scientific or research institutions;
- 22               (2) Career Executive Service;
- 23               (3) Career Officers, other than those in the Career Executive Service, who  
24 are appointed by the President, such as the Foreign Service Officers in  
25 the Department of Foreign Affairs, the judges and justices in the Judiciary  
26 and the prosecutors in the prosecution services;
- 27               (4) Uniformed and commissioned personnel of the Philippine National  
28 Police;
- 29           [(c) Personnel of government-owned or controlled corporations with original  
30 charters, whether performing governmental or proprietary functions, who do  
31 not fall under the non-career service; and]
- 32           (c) Permanent laborer, whether skilled, semi-skilled, or unskilled.  
33  
34

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

- 37           (a) First Level - includes clerical, trades, crafts and custodial positions whether in a  
38 non-supervisory or supervisory capacity;
- 39           (b) Second Level - includes professional, highly technical, scientific or other highly  
40 specialized positions in a supervisory or non-supervisory capacity requiring at  
41 least a baccalaureate degree or its equivalent as determined by the Commission;  
42 and
- 43           (c) Third Level - the highest level positions in the career service as determined in  
44 the [National] **POSITION** Classification and Compensation [Plan] **SYSTEM**.  
45

46           Except as otherwise provided in this Code, entrance to the first two levels shall be  
47 through competitive or special examinations to be **AUTHORIZED** by the Commission.  
48 Entrance to the third level shall be based on qualification requirements prescribed by the  
49 Commission **THROUGH THE CESB**. [Entrance to a higher level does not require previous  
50 qualification in the lower level.]  
51  
52

53           **SEC. 12. The Non-Career Service.** - The non-career service shall be  
54 characterized by merit and fitness to be determined by (a) modes other than those of the usual

1 tests utilized for the career service; (b) tenure which is limited to a period specified by law;  
2 (c) tenure which is co-terminus with that of the appointing authority or subject to his/her  
3 pleasure or which is limited to the duration of a specific project for which purpose  
4 employment was made; and (d) the primarily confidential nature of the position.

5  
6  
7 **SEC. 13. *Positions Included in the Non-Career Service.*** - The non-career service  
8 shall include the following:

- 9  
10 (a) Elective **OFFICERS** and their personal and primarily confidential staff;  
11 (b) Department heads and other **PUBLIC OFFICERS** of Cabinet rank who occupy  
12 their positions at the pleasure of the President and their personal and primarily  
13 confidential staff;  
14 (c) Chairpersons and members of constitutional commissions and other  
15 commissions, boards and other bodies with fixed terms of office and their  
16 personal and primarily confidential staff;  
17 (d) Non-career undersecretaries and non-career assistant secretaries and their  
18 personal and primarily confidential staff;  
19 (e) Contractual personnel or those whose employment is in accordance with a  
20 special contract for a maximum period of one year to undertake a specific work  
21 or job which requires special or technical skills not available in the employing  
22 agency;  
23 (f) Those whose positions may be declared as personal and primarily confidential  
24 by the Commission; and  
25 (g) Emergency, casual and seasonal personnel.

26  
27  
28 **Title III - The Civil Service Commission**

29  
30 **Chapter One. Composition, Duties and Functions**

31  
32  
33 **SEC. 14. *Composition.*** - The Commission shall be composed of a Chairperson  
34 and two (2) Commissioners.

35  
36 **AS FAR AS PRACTICABLE, THE COMPOSITION OF THE COMMISSION MUST BE**  
37 **GENDER-BALANCED.**

38  
39  
40 **SEC. 15. *Qualifications of the Chairperson and Commissioners.*** - The  
41 Chairperson and Commissioners shall be natural-born citizens of the Philippines, and at the  
42 time of their appointment are at least thirty-five (35) years of age with proven capacity for  
43 public administration and must not have been candidates for any elective position in the  
44 elections immediately preceding their appointment. At least one (1) of them must be a  
45 lawyer.

46  
47  
48 **SEC. 16. *Terms of Office.*** - The Chairperson and Commissioners shall be  
49 appointed by the President subject to confirmation of the Commission on Appointments for a  
50 term of seven (7) years without reappointment. In no case shall any Member be appointed or  
51 designated in a temporary or acting capacity. Appointment to any vacancy shall be only for  
52 the unexpired term of the predecessor.



1           **SEC. 17. Compensation.** - The salaries of the Chairperson and the  
2 Commissioners shall be fixed by law and shall not be decreased during their tenure.  
3  
4

5           **SEC. 18. [Prohibition.]** - No Member of the Commission shall, during their  
6 tenure, hold any other office or employment except when expressly provided by law.]

7           **Powers and Functions of the Commission.** - The Commission shall have the following  
8 powers and functions:  
9

- 10           (a) Administer and enforce the constitutional and statutory provisions on the merit  
11 system for all levels and ranks in the civil service system;  
12  
13           (b) Prescribe, enforce and amend rules and regulations for carrying into effect the  
14 provisions of this Code and other pertinent laws which shall become effective  
15 thirty (30) days from the date of publication in the Official Gazette or in a  
16 national newspaper of general circulation;  
17  
18           (c) Promulgate its own rules concerning pleadings and practice before it or any of  
19 its offices. Such rules shall not diminish, increase or modify substantive rights;  
20           (d) Promulgate policies, standards and guidelines for the civil service system and  
21 adopt plans and programs to promote economical, efficient and effective  
22 personnel administration in the government;  
23  
24           (e) Formulate policies and regulations for the administration, maintenance and  
25 implementation of position classification and compensation and set standards  
26 for the establishment, allocation and reallocation of pay scale classes and  
27 positions;  
28  
29           (f) Render decisions, orders, opinions or rulings on civil service matters which  
30 shall be binding on heads of departments and agencies and immediately  
31 executory;  
32  
33           (g) Confer ranks [upon CES eligibles] upon recommendation by the Career  
34 Executive Service Board;  
35  
36           (h) Discipline CES members for cause after due process;  
37  
38           (i) Manage the administration of the civil service examinations. Any entity or  
39 **OFFICER OR EMPLOYEE OF THE** [in] government may be called upon by the  
40 Commission to assist in the preparation and conduct of the said examinations.  
41 Such assistance includes, but is not limited to, the provision of personnel and  
42 security, the use of buildings and facilities, as well as the transportation of  
43 examination materials;  
44  
45           (j) Grant civil service eligibility to qualified applicants based on Civil Service  
46 examination results, performance, training, education, qualifications and other  
47 similar standards, subject to the guidelines it may prescribe;  
48  
49           (k) Prescribe all forms for civil service examinations, appointments, reports and  
50 such other forms as may be required by law and the rules and regulations of the  
51 Commission;  
52  
53           (l) Declare, when appropriate, positions in the civil service system as primarily  
54 confidential, highly technical or policy-determining;

- 1 (m) Formulate, administer and evaluate programs relative to the selection and  
2 recruitment, development and retention of qualified and competent work force  
3 in the public service, including administration, development and evaluation of  
4 training, scholarship [programs] and retirement programs;  
5
- 6 (n) Hear and decide administrative cases and other Civil Service matters brought  
7 before it directly or on appeal, including disciplinary matters, contested  
8 appointments or personnel actions;  
9
- 10 (o) Issue subpoena *ad testificandum* (process directing a person to testify) and/or  
11 subpoena *duces tecum* (process directing a person to produce with him/her any  
12 book, document or other things under his/her control pertinent to the issue of a  
13 pending controversy);  
14
- 15 (p) Issue a writ of preliminary injunction or temporary restraining order when, on  
16 the basis of the allegations in the petition, it is established that the acts  
17 complained of, involving or arising from any personnel actions, if not restrained  
18 or performed immediately, may cause grave or irreparable injury to any party or  
19 render ineffectual any decision of the Commission in favor of such party;  
20
- 21 (q) Deputize **OFFICERS AND EMPLOYEES** of the Commission and of other  
22 departments and agencies to investigate and hear cases and to submit their  
23 findings and recommendations to the Commission. For this purpose,  
24 deputized **OFFICERS AND EMPLOYEES** may issue subpoena *ad testificandum*  
25 (process directing a person to testify) and/or subpoena *duces tecum* (process  
26 directing a person to produce with him/her any book, document or other things  
27 under his/her control pertinent to the issue of a pending controversy);  
28
- 29 (r) Delegate any power or function of the Commission to its regional or field  
30 offices;  
31
- 32 (s) Review decisions and actions of its offices;  
33
- 34 (t) Enforce and execute its decisions, orders and rulings, and for this purpose,  
35 deputize any national or local law-enforcement agency or instrumentality of the  
36 government which shall act under the direct and immediate supervision of the  
37 Commission;  
38
- 39 (u) Punish for contempt, direct and indirect, **OFFICERS**, employees and other  
40 persons for refusal or failure to comply with the decisions, orders, rulings or  
41 processes and proceedings of the Commission. The Commission may impose a  
42 penalty of fine of not less than P1,000.00 per day until compliance, or  
43 suspension from office without pay for a period of not more than thirty (30)  
44 days; or both as the circumstances may warrant;  
45
- 46 (v) Advise the President on all matters involving personnel management in the civil  
47 service system and submit to the President an annual report on personnel  
48 programs;  
49
- 50 (w) Act on all appointments and other personnel matters in the civil service system;  
51
- 52 (x) Inspect and audit the personnel actions and programs of the departments,  
53 agencies, bureaus, offices, and other instrumentalities of the government,  
54 including government-owned and -controlled corporations with original

1 charters, local government units, state universities and colleges, [and entities  
2 and corporations sequestered by the government]; conduct periodic review of  
3 the decisions and actions of offices or **OFFICERS** to which authority has been  
4 delegated by the Commission and apply appropriate sanctions whenever  
5 necessary;

- 6
- 7 (y) Prescribe rules and policies on employee organizations and regulate employee-  
8 management relations including the settlement of disputes;
- 9
- 10 (z) Prescribe and enforce rules and regulations to ensure safe, healthy and proper  
11 working conditions for employees;
- 12
- 13 (aa) Keep and maintain personnel records, extend and accredit government service  
14 of **PUBLIC OFFICERS** and employees;
- 15
- 16 (bb) Delegate authority for the performance of any of its functions to other  
17 departments and agencies where such functions can be effectively performed;
- 18
- 19 (cc) Appoint and discipline its **OFFICERS** and employees in accordance with law  
20 and exercise control and supervision over the activities of the Commission;
- 21
- 22 (dd) **ADMINISTER PROGRAMS THAT WILL FOSTER AN HONEST, GRAFT-FREE**  
23 **PUBLIC SERVICE, INCLUDING BUT NOT LIMITED TO THE**  
24 **ENCOURAGEMENT AND PROTECTION OF PERSONS WHO REPORT TO**  
25 **PROPER GOVERNMENT AUTHORITIES ANOMALIES AND IRREGULARITIES**  
26 **IN GOVERNMENT OPERATIONS;** and
- 27
- 28 (ee) Exercise all powers and perform the functions properly belonging to a central  
29 personnel agency.
- 30

31

32 **SEC. 19. Duties and Responsibilities of the Chairperson and the Commissioners.**

33

- 34 (a) The Chairperson and the two Commissioners shall be responsible for the  
35 effective exercise of the rule-making, policy-formulation and adjudicative  
36 functions of the Commission. They shall decide by a majority vote on any case  
37 or matter brought before the Commission within sixty (60) days from the date of  
38 its submission for decision or resolution.
- 39
- 40 (b) The Chairperson shall be the chief executive officer and shall perform the  
41 following functions:
- 42 (1) Execute and administer the internal policies, decisions, orders, and  
43 resolutions approved by the Commission;
- 44 (2) Direct and supervise the operations and internal administration of the  
45 Commission;
- 46 (3) Sign appointments of subordinate **OFFICERS** and employees made by  
47 the Commission and enforce decisions on administrative discipline  
48 involving them;
- 49 (4) Submit the annual budget of the Commission to Congress for its  
50 approval;
- 51 (5) Transmit to the President, rules and regulations adopted by the  
52 Commission which require presidential attention including annual and  
53 other periodic reports;

- 1 (6) Delegate authority, in whole or in part, to other **OFFICERS** of the  
2 Commission, in accordance with the Rules and Regulations of the  
3 Commission; and  
4 (7) Perform such other functions as may be provided by law.  
5

- 6 (c) The Chairperson shall be a member of the board of directors and governing  
7 body of government entities whose functions affect the career development,  
8 employment status, rights, privileges and welfare of **PUBLIC OFFICERS** and  
9 employees, such as the Government Service Insurance System (GSIS), Foreign  
10 Service Institute (FSI), Board of Foreign Service Examinations (BFSE), Foreign  
11 Trade Service Board (FTSB), Board for Professional Teachers (BPT), Scientific  
12 Career System (SCS), Development Academy of the Philippines (DAP), **HOME**  
13 **DEVELOPMENT MUTUAL FUND (HDMF), PHILIPPINE HEALTH**  
14 **INSURANCE CORPORATION (PHILHEALTH)** and other similar boards as may  
15 be created by law.  
16

17 The Chairperson may delegate any of these responsibilities to any of the  
18 Commissioners and other ranking **OFFICERS** of the Commission.  
19

- 20 (d) The Commissioners may perform such functions as may be delegated by the  
21 Commission. In the absence of the Chairperson owing to illness or incapacity,  
22 the senior Commissioner shall act as, and perform the functions of the  
23 Chairperson.  
24

25  
26 **SEC. 20. Commission Proceedings.** - The proceedings of the Commission shall  
27 be in accordance with such rules as it may adopt.  
28  
29

## 30 Chapter Two. Organization and Structure 31

32  
33 **SEC. 21. Offices in the Commission.** - The Commission shall have the following  
34 offices:  
35

- 36 (a) Office of the Assistant Commissioners;  
37 (b) Office for Career Executive Service Secretariat  
38 (c) Office for Legal Affairs;  
39 (d) Examination, Recruitment, and Placement Office;  
40 (e) Personnel Policies and Standards Office;  
41 (f) Human Resource Development Office;  
42 (g) The Civil Service Institute;  
43 (h) **P[ersonnel/]PUBLIC SECTOR LABOR** Relations Office;  
44 (i) Public Assistance and Information Office;  
45 (j) Integrated Records Management Office;  
46 (k) Office for Planning and Administration;  
47 (l) Office for Financial and Assets Management ;  
48 (m) Office for Personnel Management and Development;  
49 (n) Staff Support Offices;  
50 (1) Internal Audit Service  
51 (2) Commission Secretariat  
52 (o) Regional Offices/Field Offices  
53

1           **SEC. 22.       Office of the Assistant Commissioners.** - The Office of the Assistant  
2 Commissioners (OACs) shall render executive staff functions to the Commission in the areas  
3 of research, policy review and program development. This office shall also handle special  
4 projects and maintain external linkages as may be deemed necessary by the Commission.  
5  
6

7           **SEC. 23.       Office for Career Executive Service Secretariat.** - The functions of the  
8 Office for Career Executive Service Secretariat (OCESS) is defined in Chapter 3 on the Career  
9 Executive Service.  
10  
11

12           **SEC. 24.       Office for Legal Affairs.** - This office shall provide the Commission with  
13 legal advice and assistance in the exercise of its rule-making, policy-formulation, prosecution,  
14 quasi-judicial and other functions. The Solicitor General shall represent the Commission in  
15 connection with cases involving its functions before any court or tribunal. The Solicitor  
16 General may deputize attorneys of the Commission to appear before such courts or tribunals  
17 but shall be under the supervision and control of the Solicitor General with respect to such  
18 cases.  
19  
20

21           **SEC 25.       Examination, Placement and Recruitment Office.** - The Examination,  
22 Placement and Recruitment Office (ERPO) shall take charge of developing, enhancing,  
23 controlling, supervising and coordinating pertinent schemes in the granting of civil service  
24 eligibility such as but not limited to administration of Civil Service examinations. It shall also  
25 take charge of formulating programs, policies, standards and guidelines in the certification and  
26 placement of civil service eligibles.  
27  
28

29           **SEC. 26.       Personnel Policies and Standards Office.** - The Personnel Policies and  
30 Standards Office (PPSO) shall take charge of the formulation and periodic review of  
31 qualification-, performance- and promotion-standards within the context of the merit and  
32 rewards policies of the various closed and open career systems. The office shall, in  
33 coordination with appropriate offices in the Department of Budget and Management (DBM),  
34 develop policies and regulations with respect to the administration, maintenance and  
35 implementation of position classification & compensation as well as standards for the  
36 establishment, allocation and reallocation of pay scales, classes and positions.  
37

38           OPPS shall also develop policies, programs and regulations relative to performance  
39 management, as well as the inspection and audit of personnel mechanisms in the government  
40 agencies.  
41  
42

43           **SEC. 27.       Human Resource Development Office.** - The Human Resource  
44 Development Office (HRDO) shall formulate, administer, monitor and evaluate HRD  
45 programs and policies relative to the development and retention of a qualified and competent  
46 work force in the public service. It shall also be responsible for the innovation and modeling  
47 of development interventions to enhance capacities and reinforce service values of public  
48 servants.  
49  
50

51           **SEC. 28. Civil Service Institute.** - This office shall be responsible for the design and  
52 administration of the Commission's training programs.  
53

1           **SEC. 29.       P[ersonnel]UBLIC SECTOR LABOR Relations Office.** - The  
2 **P[ersonnel]UBLIC SECTOR LABOR** Relations Office (PSLRO) shall take charge of all inter- and  
3 intra-public sector union concerns such as employee relation standards, conciliation,  
4 registration and accreditation of unions including advocacy work. It shall also serve as the  
5 secretariat for the Public Sector Labor Management Council (PSLMC). The conduct of  
6 research and training on public sector unionism, as well as the function of designing and  
7 developing labor education programs shall also be lodged in this office.  
8

9  
10           **SEC. 30.       Public Assistance and Information Office.** - The Public Assistance  
11 Information Office (PAIO) shall take charge of managing an effective information exchange  
12 system between the Commission and its internal and external publics. Its function includes  
13 *maintaining strong linkages with media institutions/practitioners* as well as undertaking special  
14 projects, such as the CSC anniversary celebration and the Honor Awards Program, necessary  
15 in carrying-out its dual role of information dissemination as well as feedback generation on  
16 operations, programs and thrusts of the Commission.  
17

18  
19           **SEC. 31.       Integrated Records Management Office.** - The Integrated Records and  
20 Management Office (IRMO) shall formulate and implement policies, standards and regulations  
21 pertaining to the storage, maintenance, security control, and disposal of government  
22 personnel records and other related civil service documents. Management of such records  
23 includes maintenance of the resource center for computer-based information, the library, the  
24 archives, and the museum of the Commission.  
25

26           IRMO shall also be responsible for the management of incoming and outgoing  
27 communications of the Commission.  
28

29  
30           **SEC. 32.       Office for Planning and Administration.** - The Office for Planning and  
31 Administration (OPA) shall be responsible for the formulation, implementation and  
32 monitoring of the long-term Strategic Plans of the Commission. It shall provide technical  
33 support and assistance to the Commission on organizational planning, benchmarking and  
34 research and in the development of work programs and projects of the different Commission  
35 offices consistent with its mandate.  
36

37           OPA shall also oversee the formulation and management of the Information  
38 Technology Plan that shall serve as the blueprint for the development, implementation, and  
39 maintenance of communication and information systems vital to the internal operations of the  
40 CSC as well as to the decision-making functions of the Commission.  
41

42  
43           **SEC. 33.       Office for Financial and Assets Management.** - The Office for Financial  
44 Assets and Management (OFAM) shall take charge of ensuring sound fiscal and asset  
45 management consonant with the annual, supplemental and special budgets of the  
46 Commission as contained in the General Appropriations Act.  
47

48  
49           **SEC. 34.       Office for Personnel Management and Development.** - The Office for  
50 Personnel Management and Development (OPMD) shall take charge of formulating the  
51 human resource management and development plan of the Commission, which includes  
52 development of sound policies on personnel management in the areas of recruitment and  
53 selection, employee welfare and discipline, career development programs as well as position  
54 classification and pay plan of the Commission.

1           **SEC. 35.        Internal Audit Service.** - The Internal Audit Service (IAS) shall oversee  
2 the periodic evaluation of existing methods and procedures, including financial systems, in  
3 the Commission and on the basis of such, formulate plans and programs relative to fiscal  
4 discipline, and management improvement and productivity of the Commission.

5  
6  
7           **SEC. 36.        Commission Secretariat.** - The Commission Secretariat (COMSEC) shall  
8 take charge of programming and coordinating regular and special meetings of the  
9 Commission. Its function includes efficient information management and maintenance of all  
10 records, decisions, policies, pronouncements and issuances of the Commission.

11  
12           COMSEC shall also be the main liaison between Central Office and the Regional  
13 Offices. This function includes coordination of all transactions of the Central offices with the  
14 Regional offices.

15  
16  
17           **SEC. 37.        Regional Offices/Field Offices.** - The Regional Offices shall enforce  
18 Civil Service rules, policies and standards on personnel management within their respective  
19 regional jurisdictions. They shall provide technical advice and assistance to government  
20 offices and agencies regarding personnel administration such as but not limited to  
21 examination and placement, career development, appointments, filing/resolution of legal  
22 cases, audit, and other functions delegated by the Commission.

23  
24  
25           **SEC. 38.        Changes in the Commission Organizational Structure.** - The  
26 Commission may reorganize or effect changes in its organization, including the creation,  
27 merger or consolidation, splitting or division and abolition of offices and positions.

28  
29  
30                           **Chapter Three. The Career Executive Service**

31  
32  
33           **SEC. 39.        Career Executive Service.** - A strong, stable, [and] competent, **WELL**  
34 **TRAINED AND HIGHLY MOTIVATED** pool of career public managers that will provide  
35 effective support to national development shall constitute the Career Executive Service (CES).  
36 Entry and advancement in the CES shall be based on merit and fitness which shall include  
37 integrity, demonstrated managerial and executive competence, leadership and interpersonal  
38 qualities, technical expertise and other pertinent qualifications.

39  
40           The CES shall be governed by a separate merit system characterized by rank rather  
41 than position; compensation based on rank and advancement to a higher rank on the basis of  
42 executive and technical expertise.

43  
44  
45           **SEC. 40.        Membership.** - A person who meets such managerial experience,  
46 executive competence, and other requirements prescribed by the Commission through the  
47 CESB, shall be conferred appropriate rank and shall be included in the roster of **CAREER**  
48 **EXECUTIVE SERVICE OFFICERS (CESOs)**.

49  
50  
51           **SEC. 41.        Career Executive Service Board.** – The Career Executive Service Board  
52 (CESB) shall be under the general supervision of the Commission. It shall be responsible for  
53 the development, maintenance and administration of the CES.

1           **SEC. 42.       *Composition of the Career Executive Service Board.*** – The **CESB** shall  
2 be composed of the following: the Chairperson of the Commission as Chairperson; the  
3 President of the Development Academy of the Philippines, *ex-officio* member; the Dean of  
4 the University of the Philippines-National College of Public Administration and Governance,  
5 *ex-officio* member; a representative of a nationwide association of career executive service  
6 officers to be appointed by the Chairperson upon the recommendation of the association; an  
7 officer from a nationwide association of personnel managers to be appointed by the  
8 Chairperson; and, two (2) other members who shall be appointed by the President and one of  
9 whom must be a retired CESO, both with staggered terms of three (3) years.

10           Members of the CESB shall be provided with per diems and allowances as determined  
11 by the Commission.  
12  
13

14           **SEC. 43.       *Office of the Career Executive Service Secretariat.*** - The Career  
15 Executive Service Board (CESB) shall be assisted by the Office of the Career Executive Service  
16 Secretariat (OCESS) which shall serve as the CESB secretariat. The OCESS shall be an office  
17 under the Commission but shall maintain its own administrative and financial support system.  
18 It shall be headed by an Executive Director and assisted by a Deputy Executive Director both  
19 of whom shall be appointed by the Commission upon recommendation by the CESB. The  
20 OCESS shall be responsible for the implementation of the policies, rules, regulations,  
21 decisions, directives of the CESB and the Commission.  
22

23           The Executive Director and the Deputy Executive Director shall be Career Executive  
24 Service Officers.  
25  
26

27           **SEC. 44.       *Rank Classification of Members of the Career Executive Service.*** -  
28 Members of the CES shall be classified according to rank based on their personal proven  
29 competence, qualifications, broad levels of responsibility and other relevant considerations as  
30 determined by law and rules of the Commission.  
31  
32

33           **SEC. 45.       *Conferment of Appropriate Rank in the CES.*** - Conferment to  
34 appropriate rank in the CES shall be made by the Commission upon recommendation of the  
35 CESB. The issuance of appointment to appropriate rank shall be made by the Chairperson of  
36 the Commission.  
37  
38

39           **SEC. 46.       *Personnel Mechanisms.*** - The CESB shall *develop and design* personnel  
40 mechanisms for the CES in accordance with standards and policies developed by the  
41 Commission.  
42  
43

44           **SEC. 47.       *Compensation According to Rank.*** - Members of the CES shall be  
45 compensated according to rank in accordance with the CES compensation plan and shall be  
46 provided with attractive salaries, fringe benefits and reasonable allowances. The employing  
47 agency shall provide the funds to pay the salary, fringe benefits and allowances of the career  
48 executive assigned to it. A CESO occupying a CES position shall enjoy an added premium  
49 based on his/her rank and shall be granted a higher premium as his/her rank increases.  
50 However, in case a CESO occupies a CES position not appropriate to his/her rank, said officer  
51 shall receive the higher compensation. In no case shall a CESO receive [a salary]  
52 **COMPENSATION** lower than that corresponding to the rank.  
53  
54



1           **SEC. 48.        *Mobility.*** - CESOs who are appointed to career third level positions  
2 identified as CES positions are considered to be merely on designation to such positions. A  
3 CESO can be assigned/designated from one CES position to another.  
4

5           CESOs designated to a particular position may be replaced only by a qualified CESO;  
6 Provided, however, that temporary designation may be allowed only in the absence of  
7 qualified CESO as certified by the CESB.  
8

9           **FOR THE PURPOSE OF THIS CHAPTER, DESIGNATION SHALL REFER TO THE**  
10 **ASSIGNMENT OF A CESO TO ANY CES POSITION FOR A THREE-YEAR TERM BY THE**  
11 **APPOINTING AUTHORITY.**  
12

13  
14           **SEC. 49.        *CES Resource Pool.*** - The Commission shall establish a CES resource  
15 pool drawn from CESOs whose participation is either voluntary or involuntary to be cross-  
16 posted in various agencies to undertake special works or unique assignments within a  
17 specified timeframe. For this purpose, the Commission upon recommendation of CESB shall  
18 establish the systems and procedures in the assignment of CESOs to the CES pool.  
19

20           The Commission, **THROUGH THE CESB**, shall institutionalize systems for **THE**  
21 **PROMOTION OF CORE VALUES IN THE CES, CAREER DEVELOPMENT OF ITS MEMBERS,**  
22 **INCLUDING** cross-posting [*for CESOs and to promote the core values of the CES*] **AND**  
23 **MOBILITY.**  
24

25           Those assigned in the CES resource pool shall continue to receive [*their salaries*]  
26 **COMPENSATION** based on [*their*] rank. The Department of Budget and Management shall  
27 appropriate funding for the pool. The fund shall be released to and administered by the  
28 Commission to pay for the compensation and other expenses that may be incurred for the  
29 career executives assigned in the pool.  
30

31  
32           **SEC. 50.        *Administration of a Compensation Plan.*** - The Commission, jointly  
33 with the Department of Budget and Management, shall prepare, administer and periodically  
34 review a compensation plan for the CES, to maintain the high standard of public service and  
35 the quality of officers in the CES.  
36

37           Salaries, allowances and other benefits of CES officers shall be provided by the  
38 employing agency at rates in accordance with the CES Compensation Plan.  
39

40  
41           **SEC. 51.        *Security of Tenure.*** - CESOs enjoy security of tenure in government  
42 service and shall not be removed from service except for cause and after due process.  
43

44  
45           **SEC. 52.        *Discipline.*** - Investigation and adjudication of administrative complaints  
46 against members of the CES shall be governed by the provisions of this Code.  
47

48  
49           **SEC. 53.        *Career Undersecretary and Assistant Secretary.*** - At least 50% of the  
50 total number of positions of Undersecretary and Assistant Secretary shall be career with each  
51 level accordingly represented. In case the total number is not divisible by 2, then 50% must  
52 be appointed from the career but there must be a representative from each class.  
53

1 The President shall designate CESOs to career Undersecretary and Assistant Secretary  
2 positions. Appointment to non-career Undersecretary and Assistant Secretary positions shall  
3 likewise be made by the President.  
4

5 **DESIGNATIONS TO CES POSITIONS LOWER THAN ASSISTANT SECRETARIES**  
6 **SHALL BE MADE BY THE HEAD OF AGENCY OR THE APPOINTING AUTHORITY**  
7 **CONCERNED AND SUCH SHALL BE SUBJECT TO THE APPROVAL BY THE COMMISSION.**  
8

9  
10  
11 **BOOK II. PERSONNEL POLICIES AND STANDARDS**

12  
13 **Title I – On Employment**

14  
15 **Chapter One. Recruitment**

16  
17 **SEC. 54. Policy.** - Recruitment in the civil service system shall be made on the  
18 basis of merit and fitness to perform the duties and assume the responsibilities of the position,  
19 to be determined as far as practicable by competitive examination usually administered by the  
20 Commission. **ONLY THE COMMISSION SHALL HAVE THE AUTHORITY TO GRANT CIVIL**  
21 **SERVICE ELIGIBILITY.**  
22

23 Every Filipino citizen shall have equal access to or opportunities for public service  
24 regardless of religious belief, color, sex, regional origin, **SEXUAL-ORIENTATION** or ethnic  
25 affiliation. Measures shall be adopted to include qualified members of indigenous cultural  
26 communities and other minority groups and differently abled persons for recruitment and  
27 selection.  
28

29  
30 **SEC. 55. Kinds and Frequency of Civil Service Examinations.** - Examinations may  
31 be written, oral, physical, testimonial based on performance or skills or a combination of  
32 these types. Examinations may take into consideration experience, education, aptitude,  
33 capacity, knowledge, character, physical fitness and other attributes of the applicant as may  
34 be determined by the Commission.  
35

36 The Commission shall administer competitive examinations for all levels in the career  
37 service and grant corresponding civil service eligibilities to passers of the same **AND],**  
38 *Examinations conducted by other agencies shall not be considered eligibility unless granted*  
39 *by the Commission.* **The Commission shall]** conduct civil service examinations as often as the  
40 exigency of the service requires.  
41

42 Civil service special examinations may be conducted upon request of a particular  
43 department or agency, subject to rules and regulations promulgated by the Commission.  
44

45  
46 **SEC. 56. Qualifications of Applicants to Civil Service Examinations.** - Admission  
47 to civil service examinations shall be limited to citizens of the Philippines who satisfactorily  
48 meet the requirements prescribed by the Commission.  
49

50  
51 **SEC. 57. Invalidation of CIVIL SERVICE EXAMINATION RESULTS [Eligibility].** -  
52 The Commission shall have the authority to invalidate civil service examination results based  
53 on statistical improbability and other forms of irregularity as determined by the Commission.  
54

1           **SEC. 58. Examination Rating for Civil Service Eligibility.** – Unless otherwise  
2 prescribed by the Commission, every examinee who obtains a general rating of at least eighty  
3 (80%) percent shall be granted a civil service eligibility.  
4

5  
6           **SEC. 59. Simultaneous Release of Examination Results.** - The results of an  
7 examination held in various locations on the same date shall be released simultaneously.  
8

9  
10           **SEC. 60. Registers of Civil Service Eligibles.** - The Commission shall maintain a  
11 register of qualified eligibles for each category of examination actually available for  
12 appointment. The register shall be the basis for certification and appointment in the civil  
13 service system.  
14

15  
16           **SEC. 61. Bar or Board Examinations as Eligibility.** - Successful examinees to bar  
17 or board examinations requiring completion of baccalaureate degrees or courses requiring not  
18 less than seventy-two (72) units of collegiate subjects or its equivalent as well as those  
19 registered under their respective boards to practice their professions without examination, shall  
20 [automatically] be considered civil service eligibles. Their eligibilities shall be effective upon  
21 the release of examination results or the date of registration, as the case may be.  
22

23           The Supreme Court and the Professional Regulation Commission shall furnish the  
24 Commission with the official list of successful examinees within thirty (30) days from the  
25 release of the examination results.  
26

27  
28           **SEC. 62. Effectivity and Imprescriptibility of Civil Service Eligibility.** - Eligibilities  
29 resulting from civil service, bar or board examinations shall be effective on the date of the  
30 release of examination results. Other eligibilities granted by the Commission shall be  
31 effective on the date of the grant.  
32

33           Civil service eligibilities shall be imprescriptible.  
34  
35

36           **SEC. 63. Agency Responsibilities in the Conduct of Examinations.** - All  
37 departments and agencies shall extend the necessary support and assistance to the  
38 Commission in the conduct of civil service examinations. They shall make available such  
39 personnel, buildings, transportation, communication and other facilities, that may be needed  
40 in the administration of the examinations.  
41

42  
43           **SEC. 64. Printing, Storage, Transportation and Distribution of Examination**  
44 **Materials.** - The printing, storage, transportation and distribution of examination materials  
45 shall be under the exclusive supervision and control of the Commission. The Commission  
46 shall determine and provide the necessary security measures for this purpose.  
47

48  
49           **SEC. 65. Examining Committees, Examiners and Investigators.** - The  
50 Commission may deputize persons to act as members of examining committees, examiners or  
51 investigators to perform such duties as the Commission may require. In the performance of  
52 such duties, they shall be under the exclusive control and supervision of the Commission.  
53 Such persons so deputized may be given allowances or per diem for their services to be paid  
54 out of funds allocated for the particular examination and at a rate to be determined by the

1 Commission. Expenses for specialized examinations shall be allocated by the requesting  
2 department or agency.  
3  
4

## 5 Chapter Two. Selection and Appointment 6 7

8 **SEC. 66. Selection Process.** - Each department or agency shall evolve its own  
9 selection process in accordance with standards and guidelines set by the Commission.  
10

11 A Personnel Selection Board for all levels shall be established in each department or  
12 agency to assist the appointing authority in the judicious evaluation and selection of  
13 personnel. The board shall be established in accordance with standards and guidelines set by  
14 the Commission.  
15  
16

17 **SEC. 67. Requisites for Appointment.** - Employment in the government service  
18 shall be made through appointment in accordance with the provisions of the Constitution, this  
19 Code, other laws and the rules and standards prescribed by the Commission.  
20

21 In the appointment of teachers to public elementary or secondary schools preference  
22 shall be given to qualified bona fide residents of the municipality/city where the school is  
23 located.  
24  
25

26 **SEC. \_\_. PUBLICATION OF VACANCIES.** - ALL VACANT POSITIONS IN  
27 GOVERNMENT SHALL BE PUBLISHED OR ANNOUNCED IN EITHER PRINT OR  
28 BROADCAST MEDIA OR IN ANY OTHER FORM OF PUBLICATION SUCH AS IN A  
29 NEWSPAPER OR PERIODICAL OF GENERAL OR LOCAL CIRCULATION; THE QUARTERLY  
30 BULLETIN OF VACANT POSITIONS PREPARED BY THE COMMISSION; OR THROUGH  
31 POSTING ON INTERNET WEBSITES; PRIOR TO ITS FILLING-UP. PROVIDED, HOWEVER,  
32 THAT ONLY VACANCIES AT THE LOCAL GOVERNMENT UNITS SHALL BE PUBLISHED IN  
33 NEWSPAPERS OR PERIODICALS WHICH ARE OF LOCAL CIRCULATION, OR  
34 ANNOUNCED IN LOCAL RADIO NETWORKS.  
35

36 THE AGENCY WHERE THE VACANCY IS SHALL BE RESPONSIBLE IN PUBLISHING  
37 OR ANNOUNCING ITS VACANT POSITIONS AND SUCH SHALL BE POSTED IN AT LEAST  
38 THREE (3) CONSPICUOUS PUBLIC PLACES IN THEIR AREA OF JURISDICTION.  
39

40 PROVIDED FURTHER, THAT PUBLISHED VACANT POSITIONS SHALL BE OPEN  
41 TO ANY QUALIFIED PERSON AND THAT THE COMMISSION SHALL NOT ACT ON ANY  
42 APPOINTMENT TO A VACANT POSITION UNLESS THE SAME HAS BEEN PUBLISHED  
43 AND POSTED.  
44

45 THE FOLLOWING POSITIONS SHALL BE EXEMPT FROM THE PUBLICATION  
46 REQUIREMENT:

- 47 (a) PRIMARILY CONFIDENTIAL;
- 48 (b) POLICY-DETERMINING;
- 49 (c) HIGHLY TECHNICAL;
- 50 (d) COTERMINOUS WITH THAT OF THE APPOINTING AUTHORITY; OR
- 51 (e) LIMITED TO THE DURATION OF A PARTICULAR PROJECT.  
52  
53

1           **SEC. 68.       *Merit and Fitness in Appointment.*** - Appointment in the civil service  
2 system shall be made only according to merit and fitness to be determined, as far as  
3 practicable, by competitive examination, except to positions which are policy determining,  
4 primarily confidential, or highly technical.  
5  
6

7           **SEC. 69.       *Who May Appoint.*** - Appointment in the civil service system shall be  
8 issued only by those authorized by the Constitution or by law including those appointed in an  
9 acting capacity. Those who are designated cannot exercise the power to appoint.  
10  
11

12           **SEC. 70.       *Qualifications for Appointment.*** - Appointment in the civil service  
13 system shall be limited to citizens of the Philippines who are at least eighteen (18) years of  
14 age and who meet the qualifications and none of the disqualifications prescribed for the  
15 position.  
16  
17

18           **SEC. 71.       *Effectivity of Appointment.*** - An appointment shall take effect  
19 immediately upon its issuance by the appointing authority. If the appointee has assumed the  
20 duties of the position, he/she shall be entitled to receive salary at once without awaiting the  
21 approval of his/her appointment by the Commission. Such appointment cannot be withdrawn  
22 or cancelled by the appointing authority and shall remain in full force and effect unless  
23 disapproved by the Commission. However, an appointment issued **THROUGH** fraudulent  
24 means or in violation of law, shall be void from the beginning.

25           In the case of temporary appointment, the twelve (12) month period of its effectivity  
26 shall be reckoned from the date of issuance of the appointment and not from the date the  
27 appointee assumes the duties of the position.  
28

29           No officer or employee in the government shall allow a person to render service  
30 without aN [*copy of the*] appointment duly issued by the appointing authority. Those who  
31 allow such service in violation of this Section shall be personally liable for the salaries of the  
32 person concerned. Moreover, the services rendered by the said person shall not be credited  
33 as government service.  
34

35           If the appointee does not assume office within thirty (30) days from date of issuance of  
36 appointment, said appointment shall be deemed automatically cancelled.  
37

38           If the appointee is not allowed to assume office by the appointing authority in spite of  
39 the Commission's approval of the appointment, the appointing authority shall be held liable  
40 for contempt of the Commission. This is without prejudice to his/her liability under RA 3019  
41 (*Anti-Graft and Corrupt Practices Act*) and other criminal and administrative sanctions.  
42  
43

44           **SEC. 72.       *Appointment Form.*** - An appointment shall be issued in the form  
45 prescribed by the Commission.  
46  
47

48           **SEC. 73.       *Submission of Appointments and Oaths of Office.*** - All appointments  
49 in the civil service system, except those issued by the President [*and those of the Armed*  
50 *Forces of the Philippines*], shall be submitted to the Commission for approval not later than  
51 thirty (30) days from the date of issuance thereof. Such approval shall be indicated below the  
52 signature of the appointing authority; otherwise, it shall be made effective thirty (30) days  
53 prior to the date of submission to the Commission.  
54

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

3  
4  
5 **SEC. 74. Merit Promotion Plan.** - Each department or agency shall establish a  
6 Merit Promotion Plan, subject to the approval of the Commission in accordance with  
7 standards and guidelines it may prescribe.

8  
9  
10 **SEC. 75. Appropriate Civil Service Eligibility.** - Appropriate civil service  
11 eligibility shall be required for permanent appointment to positions in the career service in  
12 accordance with the standards set by the Commission. Whenever there is a qualified civil  
13 service eligible willing and actually available for appointment, no appointment shall be issued  
14 to a person who is not an eligible, even in a temporary capacity.

15  
16 When as certified to by the Commission, the immediate filling of the vacancy is  
17 required in the public interest, or when the vacancy is not permanent, a temporary  
18 appointment may be issued to eligibles who lack any of the other requirements for  
19 appointment or, to non-eligibles who meet all the other mandatory requirements for a  
20 particular position.

21  
22 A person with a civil service eligibility acquired by passing an examination shall be  
23 qualified for a position requiring a lower level eligibility if he/she possesses the other  
24 requirements for appointment to such position.

25 Nothing herein shall affect eligibilities acquired prior to the effectivity of this Code.

26  
27  
28 **SEC. 76. Qualification Standards.** - Qualification standards shall be used: (a) as  
29 a basis for civil service examinations for positions in the career service; (b) as a guide in  
30 appointment and other personnel actions; (c) in the adjudication of protests against  
31 appointment; (d) in determining training needs; and (e) as an aid in inspection and audit of  
32 the agencies' personnel work programs.

33  
34 The establishment, administration and maintenance of qualification standards shall be  
35 the responsibility of the department or agency concerned, with the approval of the  
36 Commission.

37  
38 Qualification standards shall be administered so as to continually provide incentives to  
39 public officers and employees towards professional growth.

### 40 41 42 **Chapter Three. Status of Appointment**

43  
44  
45 **SEC. 77. Appointment Status.** - The status of an appointment shall be:

- 46  
47 (a) **Permanent** - an appointment issued to a person who meets all the qualification  
48 requirements of the position. In no case shall a person who meets all the  
49 requirements for permanent appointment [shall] be issued temporary  
50 appointment except to occupational groups of positions requiring additional or  
51 special disqualifications, in which case, prior clearance to issue temporary  
52 appointment shall first be secured from the Commission. In case an  
53 appointment is erroneously issued, the Commission shall make the necessary  
54 rectification.

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

- 5  
6 (b) **Temporary** - an appointment issued to a person who does not meet the  
7 eligibility or any of the other qualification requirements of the position:  
8 Provided, that there are no qualified eligibles willing and actually available for  
9 appointment and that the appointment shall not exceed twelve (12) months.

10  
11 A temporary employee shall not be removed except for cause during the  
12 one (1) year period; Provided, that he/she may be replaced any time within the  
13 said period, only by a qualified civil service eligible. In the latter case, the  
14 appointing authority shall recall the temporary appointment and appoint the  
15 qualified civil service eligible.

- 16  
17 (d) **Provisional** - an appointment issued to a teacher who meets all the  
18 requirements of the position except the eligibility but shall not exceed twelve  
19 (12) months.

- 20  
21 (e) **Substitute** - an appointment issued to a person who has all the qualifications  
22 for permanent appointment but shall occupy a temporary vacancy while the  
23 regular occupant thereof is on an approved leave of absence for at least one  
24 month, on a scholarship grant, on secondment, out on official business, or is  
25 unable to perform the duties for at least a month.

- 26  
27 (f) **Coterminous** - an appointment issued to a person whose entrance and  
28 continuity in the service is: (1) based on the trust and confidence of the  
29 appointing authority or of the head of the organizational unit where he/she is  
30 assigned; [(2) co-existent with the incumbent;] (2) limited by the duration of the  
31 project; (3) co-existent with the life span of the agency or office created; or (4)  
32 **CO-EXISTENT WITH THE TERM OF OFFICE OF THE APPOINTING  
33 AUTHORITY OR THE HEAD OF A SPECIFIC ORGANIZATIONAL UNIT.**

- 34  
35 (g) **Contractual** - an appointment issued to a person for services in accordance  
36 with a special contract to undertake a specific work requiring special or  
37 technical skills unavailable in the employing agency, to be accomplished within  
38 one year. The contractual employee shall perform the specific work under  
39 his/her own responsibility with minimum direction and supervision from the  
40 hiring agency. No contractual appointments corresponding to plantilla  
41 positions shall be issued.

- 42  
43 (h) **Casual** - an appointment issued to a person for services in an emergency or  
44 during peak work period to positions which do not have regular items in the  
45 plantilla of personnel of the department or agency. A casual appointment shall  
46 not exceed twelve (12) months.

47  
48 Casual employees who have been in the service for an aggregate of three  
49 (3) years **FROM THE APPROVAL OF THIS ACT** who meet all the qualification  
50 requirements of the position shall be absorbed as regular employees in  
51 accordance with the budgetary limitations set by law and rules to be  
52 promulgated by the Commission.

1 In no case shall temporary, provisional, contractual and casual appointments exceed  
2 an aggregate number of three (3) years in the same position except in meritorious cases as  
3 determined by the Commission.  
4

5  
6 **SEC. 78. *Job Orders/Contract of Services and Consultancy.*** - The appointing  
7 authority may enter into service contracts such as job orders/contracts of services and  
8 consultancies **WITH INDIVIDUALS AND INSTITUTIONS TO COVER LUMP SUM WORK**  
9 **OR SERVICES FOR SHORT DURATION** wherein no-employer-employee relation exists  
10 which contract shall be submitted to the Commission **THIRTY (30) DAYS FROM**  
11 **PERFECTION OF THE CONTRACT** for monitoring and record purposes.  
12

13  
14 **SEC. 79. *Budget for Casual, Contractual Services and Job orders/Contracts of***  
15 **Services.** - The aggregate annual expenditure for consultancy, casual and contractual  
16 services shall jointly be determined by the Commission and the Department of Budget and  
17 Management.  
18

#### 19 20 Chapter Four. On Personnel Actions 21

22 **SEC. 80. *Personnel Action.*** - denotes the movement of personnel within the civil  
23 service system. It shall include original appointment, promotion, transfer, reinstatement,  
24 reemployment, reappointment, renewal, change of status, upgrading or reclassification,  
25 demotion and other related action. Personnel actions shall be in accordance with the rules,  
26 standards and regulations promulgated by the Commission.

27 A vacancy may be filled up by any of the following personnel actions: original  
28 appointment, promotion, transfer, renewal, demotion, reemployment and reappointment.  
29

30  
31 **SEC. 81. *Original Appointment.*** - refers to the initial entry into the career service  
32 or non-career service.  
33

34 The appointee shall undergo a probationary period of six (6) months during which  
35 he/she shall undergo a thorough assessment of his/her performance and character. His/Her  
36 services can be terminated anytime during said period for unsatisfactory conduct or want of  
37 capacity. The order of termination shall be served through personal notice or through  
38 constructive notice and shall no longer be appealable.  
39

40  
41 **SEC. 82. *Promotion.*** - is the movement of an employee to a higher position with  
42 a corresponding increase in duties and responsibilities, usually accompanied by an increase in  
43 salary.  
44

45 The pendency of an administrative case against any public officer or employee shall  
46 not be a bar to promotion.  
47

48  
49 **SEC. 83. *Transfer.*** - is the movement of an employee from one agency to  
50 another or from one position to another within the same agency which may involve a position  
51 of higher, equivalent or lower rank, level or salary, without break in the service. Transfer  
52 requires the issuance of an appointment.  
53  
54



1           **SEC. 84.        Reinstatement.** - is the automatic restoration of a person to a position  
2 from which he/she was illegally separated with back salaries, **ALLOWANCES AND OTHER**  
3 **MONETARY BENEFITS EXCEPT RATA AND UNIFORM ALLOWANCE** [*which should*] not to  
4 exceed five (5) years reckoned retroactively from the date of actual reinstatement.  
5  
6

7           **SEC. 85.        Reemployment.** - is the appointment of a person who has been  
8 previously appointed to a position in the government service after separation therefrom.  
9 Reemployment presupposes gap in the service.  
10  
11

12           **SEC. 86.        Reappointment.** - is the issuance of an appointment during  
13 reorganization, devolution, salary standardization **INVOLVING CHANGE IN POSITION**  
14 **TITLES AND SALARY GRADES**, or similar events. Reappointment presupposes no gap in the  
15 service.  
16  
17

18           **SEC. 87.        Renewal.** - is the subsequent appointment issued immediately upon the  
19 expiration of a temporary, contractual or casual appointment, if a qualified eligible is not  
20 willing and actually available, as certified by the Commission. Renewal presupposes no gap  
21 in the service.  
22  
23

24           **SEC. 88.        Demotion.** - is the movement from one position to another within the  
25 same department or agency involving the issuance of an appointment with diminution in  
26 duties, responsibilities and status or rank which may or may not involve reduction in salary:  
27 *Provided, that such demotion shall require the consent of the officer or employee concerned.*  
28  
29

30           **SEC. 89.        Reclassification.** - is the process of upgrading or downgrading a position  
31 without change of status and regardless of the qualifications of the holder of said position.  
32  
33

34           **SEC. 90.        Personnel Movements NOT INVOLVING THE ISSUANCE OF**  
35 **APPOINTMENTS.** - The issuance of an appointment is not needed in personnel movement  
36 involving no change in position title, rank or status if the existing appointment does not  
37 specify the work station. Such movement may include the following:  
38

- 39           (a) change in item number only
  - 40           (b) Salary adjustment
  - 41           (c) Step-increment
  - 42           (d) Upgrading (same position)
- 43

44           Notice of such adjustment or movement shall be submitted to the Commission within  
45 thirty (30) days from issuance thereof.  
46

47           Except for secondment, the following personnel movements do not require the  
48 issuance of appointments but shall require office orders:  
49  
50

- 51           (a) **Reassignment** - is a movement from one organizational unit to another in the  
52 same department or agency, without reduction in rank, status or salary of the  
53 employee. Reassignment from the official work station without the written

1 consent of the employee shall not exceed one (1) year. Otherwise, the  
2 reassignment shall be illegal.  
3

4 Reassignment which results in demotion in rank, status or salary or  
5 which exceeds one year without the consent of the public officer or employee  
6 may be appealed to the Commission. Pending the appeal, reassignment of the  
7 officer or employee shall be held in abeyance until the decision of the  
8 Commission.  
9

10 Reassignment [*of low-salaried employees*] shall not result in economic  
11 dislocation **AND FOR CONSTRUCTIVE DISMISSAL.**  
12

13 **FOR THIS PURPOSE, CONSTRUCTIVE DISMISSAL SHALL MEAN TO**  
14 **EXIST WHEN THE REASSIGNMENT OF AN EMPLOYEE TO ANOTHER POST**  
15 **WILL RENDER HIS/HER CONTINUED EMPLOYMENT AS UNTENABLE,**  
16 **HUMILIATING OR DEMEANING.**  
17

- 18 (b) **Detail** - is the temporary movement of a public officer or employee from one  
19 department or agency to another without the issuance of an appointment but  
20 with the consent of both the mother and receiving agencies and shall be  
21 allowed only for a maximum period of one year; otherwise, the consent of the  
22 officer or employee concerned shall be necessary. Detail shall not result in  
23 reduction in rank, status or salary.  
24

25 Detail which results in demotion in rank, status or salary or which  
26 exceeds one year without the consent of the public officer or employee may be  
27 appealed to the Commission. Pending the appeal, detail of the officer or  
28 employee shall be held in abeyance until the decision of the Commission.  
29

30 The detailed employee shall carry his/her regular position in the mother  
31 agency and continue to receive his/her salary from the mother agency.  
32

- 33 (b) **Job Rotation** - is the sequential movement of an officer or employee from one  
34 office to another or from one division to another within the same agency as a  
35 means for developing and enhancing the potentials of people in an organization  
36 by exposing them to the other work functions of the agency. It shall be allowed  
37 only for a maximum period of [*six (6) months*] **ONE (1) YEAR. HOWEVER, JOB**  
38 **ROTATION EXCEEDING ONE (1) YEAR MAY BE ALLOWED WITH THE**  
39 **WRITTEN CONSENT OF THE OFFICER OR EMPLOYEE.**  
40

- 41 (c) **Secondment** - is a movement of an officer or employee from one department  
42 or agency to another upon mutual concurrence between the mother agency, the  
43 receiving agency and the employee concerned which should be covered by a  
44 Memorandum Of Agreement (MOA) in accordance with the guidelines that the  
45 Commission may promulgate. It is temporary in nature which may involve  
46 reduction or increase in compensation and may or may not require the issuance  
47 of an appointment. The seconded employee shall be on leave without pay from  
48 the mother agency and shall be entitled to the compensation of the position to  
49 which he/she was seconded in the receiving agency. Unless otherwise  
50 specified in the MOA, the receiving agency shall shoulder all the benefits and  
51 emoluments of the seconded employee.  
52

- 53 (d) **Designation** - is the imposition of additional duties to be performed by a  
54 public officer or employee which is temporary in nature and shall be allowed

1 only for a maximum of one (1) year. The choice of who shall be the public  
2 officer or employee to be designated shall pass through regular Promotion and  
3 Selection Board (PSB) proceedings; Provided, that next-in-rank public officers or  
4 employees shall be **GIVEN PREFERENCE FOR** designat[ed]ION to the next  
5 higher position; Provided further, that [if] there are no qualified next-in-rank  
6 public officers or employees in the agency who are willing and actually  
7 available who can regularly be appointed to the position.  
8

9 The employee designated shall be entitled to the benefits accruing to the  
10 position but shall continue to receive the salary of the position to which he/she  
11 holds an appointment.  
12

13  
14 **SEC. 91. Change of Status.** - When a temporary officer or employee acquires the  
15 appropriate eligibility or becomes fully qualified to the position to which he/she is appointed,  
16 the status of such appointment shall be changed from temporary to permanent without issuing  
17 another appointment. However, such change shall be reflected in the records of the  
18 Commission upon the notification by the agency concerned.  
19

## 20 21 **Title II – Disputes Regarding Appointments and Other Personnel Actions**

### 22 23 **Chapter One. Contest on Appointments and Other Non-Disciplinary Cases**

24  
25  
26 **SEC. 92. Who May Contest An Appointment.** - Any eligible qualified for the  
27 position may contest an appointment made in favor of one who is not qualified or whose  
28 appointment is issued not in accordance with law.  
29

30  
31 **SEC. 93. Adjudication of Contests on Appointments and Other Personnel**  
32 **Actions.** - All contests on appointments and other personnel actions shall be adjudicated  
33 initially by the appointing authority, in accordance with the procedure prescribed by the  
34 Commission.  
35

36  
37 **SEC. 94. Appeals on Appointments and Other Personnel Actions.** - The  
38 decisions of heads of agencies on contests on appointments and other personnel actions shall  
39 be appealable to the Commission.  
40

## 41 42 **TITLE III - Agency Personnel Administration**

### 43 44 **Chapter One. Inter-Agency Relations**

45  
46  
47 **SEC. 95. The Central Personnel Agency.** - The Commission, as the central  
48 personnel agency of the government, shall promulgate rules and regulations to govern  
49 personnel administration and management in the civil service system.  
50

51  
52 **SEC. 96. Responsibility for Personnel Administration.** - The head of each  
53 department or agency shall be responsible for personnel administration in the office.  
54

1 Each department or agency shall establish a personnel office to be headed by a Human  
2 Resource Management Officer (HRMO) who shall be responsible for the effective  
3 implementation of personnel regulations and policies.  
4

5 Employee unions and organizations shall be consulted and represented in the  
6 development and implementation of the agency personnel mechanisms such as merit  
7 promotion plan, incentives and rewards program, performance appraisal system, incentives  
8 and rewards plan, training and development plan, grievance machinery, and occupational  
9 and health plan, in accordance with the rules and regulations promulgated by the  
10 Commission.  
11  
12

13 **SEC. 97. Council of Human Resource Management Officers.** - There shall be a  
14 Council of Human Resource Management Officers (CHRMO) to be composed of holders of  
15 the HRMO positions which shall elect from among its regular members a set of officers and  
16 promulgate its internal rules and procedures.  
17

18 The CHRMO [Council] shall have the following functions:  
19

- 20 (a) Offer advice, upon request of the Secretary of the department or the  
21 Commission, in developing constructive policies, standards, procedures, and  
22 programs as well as on matters relating to the improvement of personnel  
23 methods and to the solution of personnel problems confronting the various  
24 departments and agencies of the government;  
25 (b) Promote among the departments and agencies, through study and discussion,  
26 uniform and consistent interpretation and application of personnel policies; and  
27 (c) Serve as a clearing house of information and simulate the use of methods of  
28 personnel management that will contribute most to good government.  
29  
30

31 **SEC. 98. Appointment of Human Resource Management Officers in the Local**  
32 **Government Units.** - The local chief executive shall appoint Human Resource Management  
33 Officers from among the list of at least three (3) recommendees of the Commission.  
34  
35

## 36 Chapter Two. Local Government Personnel Administration 37 38

39 **SEC. 99. Responsibility for Local Government Personnel Administration.** - Each  
40 local government unit shall establish a personnel office for the implementation of personnel  
41 regulations and policies in accordance with the provisions of this Code, the Local  
42 Government Code, and rules, policies, standards, guidelines and regulations promulgated by  
43 the Commission.  
44

45 **SEC. 100. HRMO Positions in LGUs.** - The position of HRMO shall be  
46 immediately mandatory for provincial and city governments, and first and second class  
47 municipalities. Third and fourth class municipalities shall create the HRMO position within  
48 three (3) years from the effectivity of this Code. While the fifth and sixth class municipalities  
49 shall create the same within five (5) years.  
50  
51

## 52 Chapter Three. Position Classification and Compensation 53 54

1           **SEC. 101.     *Position Classification and Compensation System.*** - There shall be a  
2 Position Classification and Compensation System (PCCS) which shall be jointly prepared and  
3 administered by the Commission and the Department of Budget and Management.  
4

5  
6           **SEC. 102.     *Parts of the PCCS.*** - The PCCS shall have two parts: the Position  
7 Classification Plan and the Compensation Plan.  
8

9           The Position Classification Plan shall consist of the following:

- 10  
11          (a)     The occupational groups and classes to which positions are to be allocated or  
12                 reallocated; and  
13          (b)     The rules and regulations for its implementation.  
14

15          The Compensation Plan shall consist of the following:

- 16  
17          (a)     Salary schedule;  
18          (b)     Policies relative to allowances, bonuses, pension plan and other benefits  
19                 accruing to public officers and employees in the civil service system; and  
20          (c)     The rules and regulations for its implementation.  
21  
22

23           **SEC. 103.     *Basis for Position Classification and Compensation.*** - The classification  
24 and compensation of positions in the civil service system shall be based on similarity of kind  
25 and level of work and the determination of the relative worth of these classes of positions.  
26  
27

28           **SEC. 104.     *Coverage of the PCCS.*** - The PCCS shall apply to all positions in the  
29 civil service system whether permanent or temporary, appointive or elective on full-time or  
30 part-time basis now existing or hereafter created.  
31  
32

33           **SEC. 105.     *Allocation and Compensation of Positions.*** - Each department or agency  
34 shall allocate positions in accordance with the rules and regulations issued jointly by the  
35 Commission and the Department of Budget and Management. Such allocations shall be  
36 binding on the administrative and auditing offices of the government. Any change in the  
37 position classification and compensation shall be included in the annual appropriations or  
38 budget of the department or agency only if it is in accordance with the PCCS mentioned in  
39 Section 103 hereof.  
40

41  
42   **Chapter 4. Personnel Inspection and Audit**  
43  
44

45           **SEC. 106.     *Purpose.*** - The Commission shall conduct a periodic inspection and  
46 audit of the personnel management programs of each department and agency to:  
47

- 48          (a)     Determine compliance with civil service law, rules and standards;  
49          (b)     Review the exercise of delegated authority;  
50          (c)     Evaluate the progress made and problems encountered in the implementation of  
51                 the merit system;  
52          (d)     Advise and provide assistance in the development of constructive policies,  
53                 standards and procedures; and  
54          (e)     Improve all areas of personnel management.



1           **SEC. 112.     *Responsibilities for Local and Foreign Scholarships.*** - The Commission  
2 shall have the responsibility to administer service-wide local and foreign scholarship  
3 programs. It shall also develop policies, standards, procedures and guidelines for the  
4 effective, efficient and equitable distribution of all scholarship grants. However, foreign  
5 scholarship grants which are part of the overseas development assistance (ODA) shall be  
6 administered by an Inter-agency Committee co-chaired by the Commission and the National  
7 Economic and Development Authority.  
8  
9

10           **SEC. 113.     *Inter-Agency Scholarship Committee.*** - The inter-agency scholarship  
11 committee which shall be co-chaired by the Chairperson of the Commission and by the  
12 Director-General of the National Economic and Development Authority (NEDA) or their duly  
13 designated representatives shall have as members the heads of the following agencies or their  
14 duly designated representatives who hold positions not lower than that of assistant secretary  
15 or its equivalent:  
16

- 17           (a)     Department of Foreign Affairs;
  - 18           (b)     Department of Education;
  - 19           (c)     University of the Philippines;
  - 20           (d)     Commission on Higher Education; and the
  - 21           (e)     Presidential Management Staff - Office of the President.
- 22

23           The Committee Secretariat shall be based at the NEDA.  
24  
25

26           **SEC. 114.     *Agency Responsibilities for Training and Development.*** - Each  
27 department or agency shall be responsible for the development, implementation and  
28 evaluation of its training and development plan as well as its gender and development plan in  
29 accordance with the policies and standards promulgated by the Commission.  
30

31           To carry out these responsibilities, each agency shall establish its own Personnel  
32 Development Committee pursuant to the rules and regulations promulgated by the  
33 Commission.  
34  
35

36           **SEC. 115.     *Technical Assistance and Consultative Services.*** - The Commission shall  
37 provide technical assistance and consultative services to all departments and agencies in the  
38 development, administration and evaluation of their human resource development programs.  
39

40           The Commission may also avail of advisory assistance from its accredited training  
41 institutions, professional organizations, public sector unions, federations, confederations and  
42 non-government organizations (NGOs) in connection with its human resource development  
43 policies and programs.  
44  
45

46           **SEC. 116.     *Funding.*** - Each department or agency with individual budget shall  
47 allocate an amount of not less than 5% thereof to be spent exclusively for its training and  
48 development programs and activities including conferences and conventions and submit  
49 periodic reports thereof to the Commission.  
50

51           Each agency shall likewise allocate 5% of its budget for gender and development  
52 activities and submit to the commission, periodic report on the utilization thereof.

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### Chapter Three. Performance Appraisal

**SEC. 117. Performance Appraisal System.** - The Commission shall establish a Performance Appraisal System (PAS) for all appointive public officers and employees which shall be the basis for incentives, rewards and recognition, training and development, personnel actions, and administrative sanctions.

**SEC. 118. Performance Appraisal Plan.** - Each department or agency shall develop and use one or more appropriate Performance Appraisal Plans (PAP) for the various groups of positions therein.

All performance appraisal plans shall be submitted to the Commission for approval in accordance with its policies, standards and guidelines.

### Chapter 4. Incentives and Awards

**SEC. 119. Rewards System.** - The Commission shall establish a rewards system. It shall include incentives, commendations and awards. The rewards system shall be granted individually or in groups, for outstanding performance, exemplary conduct on the job, inventions, ideas or suggestions, superior accomplishments and other extraordinary acts or services in the interest of the public.

The Commission shall develop, implement and evaluate the rewards system in all levels and ranks.

**SEC. 120. Merit and Rewards Plan.** - Each department or agency shall develop a merit and rewards plan appropriate for its officers and employees in accordance with policies and standards promulgated by the Commission.

The plan shall first be submitted to the Commission for approval before it can be implemented.

**SEC. 121. Funding of the Rewards Plan.** -The Commission and the Department of Budget and Management shall develop the funding scheme for the implementation of the rewards system.

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## TITLE II - Personnel Relations in the Civil Service System

### Chapter One. Personnel Relations

**SEC. 122. Declaration of Policy.** - The Commission shall provide leadership and assistance in developing personnel relations programs in the civil service system in consultation with public officers and employees and/or their organizations with their respective departments and agencies.



1 The head of a department or agency shall be responsible for an effective personnel  
2 relations program in the department or agency.

3  
4  
5 **SEC. 123. Grievance Machinery.** - Each department or agency of the Government,  
6 with the assistance and approval of the Commission shall establish and administer a  
7 grievance machinery to promote wholesome and desirable relations among employees and  
8 between employees and management.

9  
10 Employees shall have the right to have their grievances adjudicated as expeditiously  
11 and as fairly as possible.

12  
13 A grievance may be filed by aggrieved employees or by the employee organization to  
14 which they belong in accordance with the guidelines issued by the Commission.

15  
16  
17 **SEC. 124. Right to Organize.** - Government employees may form, join or assist  
18 employee organizations of their own choice for the furtherance and protection of their  
19 interests. Government employees may also form, in conjunction with appropriate  
20 government authorities, employee management committees, work councils and other forms of  
21 employee participation schemes.

22  
23 However, uniformed personnel of the Philippine National Police (PNP), Bureau of Fire  
24 Protection (BFP) and Bureau of Jail Management and Penology (BJMP), cannot form, join or  
25 assist rank-and-file employee organizations for purposes of collective negotiations.

26  
27 The third level employees and other employees whose functions are primarily  
28 managerial or confidential in nature cannot form or join employee organizations for  
29 purposes of collective negotiations.

30  
31  
32 **SEC. 125. Protection of the Right to Self-Organization.** - Government employees  
33 shall not be discriminated against by reason of their membership in employee organizations  
34 or participation in the normal and legitimate activities of such organizations. Employment in  
35 the civil service system shall not be subject to the condition that the individual shall not form  
36 or join any employee's organizations.

37  
38 Management shall not interfere in the establishment and administration of government  
39 employee organizations.

40  
41  
42 **Chapter 2. Employee Organization**

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45 **SEC. 126. Registration of Rank-and-File Employee Organizations.** - Rank-and-file  
46 employee organizations shall register with the Commission in accordance with the  
47 implementing guidelines promulgated by the Commission.

48  
49  
50 **SEC. 127. Sole and Exclusive Employee Organization.** - The duly registered  
51 employee organization in an agency that has the support of the majority of the total rank-and-  
52 file employees, shall be accredited by the Commission as the sole and exclusive employee  
53 representative. In cases when there are two (2) or more registered employee organizations in  
54 an agency, the Commission, upon petition, shall conduct a certification election and shall

1 certify the employee organization who garnered the majority vote as the sole and exclusive  
2 representative of the rank-and-file employees in the said agency.

3  
4 For this purpose, an agency shall refer to an office which has its own budgetary  
5 allocations as provided for in the General Appropriations Act, specifically its Table of  
6 Contents.

7  
8  
9 **SEC. 128. Accreditation of Employee Federation in An Agency.** - Registered employee  
10 organizations within a given agency may federate and shall be accredited as the sole and  
11 exclusive bargaining representative of the employees; Provided, its aggregate total  
12 membership constitute the majority of the total rank-and-file employees in the agency.

13  
14  
15 **SEC. 129. Collective Negotiations.** - Except those that are fixed by law, terms and  
16 conditions of employment in the government service may be the subject of collective  
17 negotiations between duly accredited employee organizations and the appropriate  
18 government authorities.

19 Collective negotiations agreements shall be registered with the Commission.

### 20 21 22 Chapter Three. Settlement of Disputes

23  
24  
25 **SEC. 130. Definition of terms.** - For purposes of this Code, the following terms  
26 shall be defined as follows:

27  
28 (a) **Arbitration** - refers to the process whereby a third party (individual arbitrator),  
29 a board of arbitrators, or an arbitration court not acting as a court, is  
30 empowered to make a decision which disposes of the dispute.

31  
32 (1) **Voluntary** - a method of settling dispute/s where both parties agree to  
33 submit the dispute before an arbitrator or panel of arbitrators chosen by  
34 both parties. The voluntary arbitrators shall render a decision after  
35 proper hearing of the issues. The decision of the arbitrator shall be final  
36 and binding on the contending parties.

37 (2) **Compulsory** - a method resorted to when the dispute has become  
38 hardened and irreconcilable and remains unresolved after exhausting all  
39 the available remedies under existing laws and procedures.

40  
41 (c) **Conciliation** - refers to the process whereby a third party (conciliator) brings the  
42 disputing parties together, encourages them to discuss their differences and  
43 assists them in developing their own proposed solutions.

44  
45 (d) **Mediation** - refers to the process whereby a third party (mediator) is more  
46 active in assisting the disputing parties reach acceptable solutions to the  
47 problem/s and help them develop or come out with an acceptable solution.  
48 The mediator may submit proposal/s for the settlement of dispute.

49  
50  
51 **SEC. 131. Settlement of Disputes Within An Agency.** - Disputes within employee  
52 organizations, between and among employee organizations, and between employee  
53 organizations and management shall be settled through conciliation, mediation and  
54 arbitration. The Commission shall be responsible in providing conciliation and mediation

1 services. In case any dispute remains unresolved, the Commission shall certify the same to  
2 the Public Sector Labor Management Council (PSLMC).

3  
4 However, the parties may opt to submit the issue for voluntary arbitration, the decision  
5 of which shall be final and unappealable.  
6

#### 7 8 **Chapter Four. Public Sector Labor-Management Council** 9

10  
11 **SEC. 132. *Public Sector Labor-Management Council (PSLMC).*** - Public Sector  
12 Labor-Management Council (PSLMC) is hereby constituted to be composed of the following:

- 13 (a) Chairperson, Civil Service Commission – Chairperson;
- 14 (b) Secretary, Department of Labor and Employment - Vice Chairperson
- 15 (c) Secretary, Department of Finance – Member;
- 16 (d) Secretary of Justice – Member;
- 17 (e) Secretary, Department of Budget and Management – Member; and
- 18 (f) One (1) employee representative each from the National Government Agencies  
19 (NGAs), the Government-owned and Controlled Corporations (GOCCs), the  
20 Local Government Units (LGUs), and the State Colleges and Universities  
21 (SUCs), to be chosen by the employee organizations concerned.  
22

23 The ex-officio members may designate permanent alternates who hold positions not  
24 lower than that of assistant secretary or its equivalent.  
25

26 The employee representatives may also designate their permanent alternates.  
27

28 The employee representatives shall serve for a term of two (2) years or until their  
29 successors shall have been appointed or elected. In no case, however, shall anyone of them  
30 serve under holdover capacity for more than one (1) year.  
31

32 The PSLMC may deputize public officers and employees of the Commission and of  
33 other departments and agencies to investigate and hear cases brought before it for arbitration.  
34 It may likewise deputize any national or local law enforcement agency or instrumentality of  
35 the government which shall act under its direct and immediate supervision, to enforce and  
36 execute its decisions, orders, and rulings.  
37

38 The PSLMC shall implement and administer the provisions of this Chapter. For this  
39 purpose, the PSLMC shall promulgate the necessary rules and regulations to implement this  
40 Chapter.  
41

42  
43 **SEC. 133. *Original and Exclusive Jurisdiction of the PSLMC.*** - The PSLMC shall  
44 have original and exclusive jurisdiction to hear and decide the following cases:

- 45 (a) Unfair labor practice;
- 46 (b) Representation issue;
- 47 (c) Disputes arising in the course of the conduct of collective negotiations;
- 48 (d) Disputes on issues resulting from the implementation of the grievance  
49 machinery;
- 50 (e) Determination of the presence or absence of a strike;
- 51 (f) Inter-employee organization dispute;
- 52 (g) Intra-employee organization dispute;
- 53 (h) Employee organization election of officers;

- 1 (i) Disputes on issues resulting from the implementation of the provisions of  
2 Collective Negotiations Agreement; and  
3 (j) Other analogous acts as may be determined by the PSLMC.  
4

5 These cases may be referred to the PSLMC by any of the parties to the dispute or the  
6 PSLMC may, *motu proprio*, take cognizance of the same whenever the interest of the service  
7 so demands.  
8

9 When the main issue of a particular case is the consequence of a strike or other  
10 concerted activities and the PSLMC has already assumed jurisdiction over the same, no  
11 administrative or disciplinary action shall be instituted by the agency concerned against any  
12 employee involved therein until the final resolution of the case.  
13  
14

15 **SEC. 134. Unfair Labor Practice.** - The following shall constitute unfair labor  
16 practice on the part of the agency:

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

32 The following shall constitute unfair labor practice on the part of the employee  
33 organization:

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

44 The heads of offices and the other officers of the agency as well as officers and  
45 members of an employee organization, who participate in or authorize an unfair labor  
46 practice shall be held administratively liable and shall be imposed a fine of not less than  
47 P10,000.00, or suspension not exceeding one year, or both for such participation or grant of  
48 authority without prejudice to civil and criminal liability.  
49

50  
51 **SEC. 135. Writ of Preliminary Injunction or Temporary Restraining Order.** - The  
52 PSLMC may after notice and hearing issue a writ of preliminary injunction or temporary  
53 restraining order which shall not last for more than twenty (20) days from issuance thereof  
54 when, on the basis of the allegations in the petition, it is established that the acts complained

1 of involving or arising from any employee-management dispute, if not restrained or performed  
2 immediately, may cause grave or irreparable injury to any party or render ineffectual any  
3 decision of the PSLMC in favor of such party.  
4

5 The PSLMC shall require the petitioner to post a bond and the writ of preliminary  
6 injunction or temporary restraining order shall become effective only upon the approval of the  
7 bond which shall answer for any damage that may be suffered by the party enjoined if it is  
8 finally determined that the petitioner is not entitled to the ancillary relief prayed for.  
9

10  
11 **SEC. 136. Grounds for Contempt.** - The PSLMC may cite a person for contempt  
12 on any of the following grounds:

- 13 (a) Disobedience or resistance to a lawful order, decision, ruling, summons or  
14 subpoena or any other issuance of the PSLMC; or  
15 (b) Unlawful interference with the proceedings of the PSLMC, improper conduct  
16 tending directly or indirectly to impede, obstruct, delay or hamper the  
17 implementation of any order, decision or ruling of the PSLMC.  
18

19 The person so cited for contempt whether direct or indirect shall be punished by a fine  
20 of not more than P1,000.00 for every act of contempt. Each day of defiance or disobedience  
21 or non-enforcement of any issuance of the PSLMC as mentioned shall constitute separate acts  
22 of contempt of the PSLMC.  
23

24  
25 **SEC. 137. PSLMC Decision.** - Decisions of the PSLMC are final and executory  
26 unless a motion for reconsideration is filed by the aggrieved party within fifteen (15) calendar  
27 days from receipt of the decision and only on the basis of palpable or patent errors. The  
28 PSLMC shall not entertain any second motion for reconsideration.  
29

30 Decisions of the PSLMC may be elevated to the Court of Appeals.  
31

## 32 Chapter Five. The Right to Strike 33

34  
35  
36 **SEC. 138. Right to Engage in Strike.** - The right of the duly accredited employee  
37 organization to strike, consistent with national interest and public service, shall be recognized  
38 and respected. Provided, the striking organization shall ensure an effective skeletal workforce  
39 whose movement and services shall not be hampered or restricted as are necessary to  
40 guarantee the proper and adequate delivery of public service.

41 In view of the peculiar character of public service and considering that public office is a  
42 public trust, the right of employees to strike may be allowed only as a last resort and subject  
43 to the limitations herein provided.  
44

45  
46 **SEC. 139. Who Can Strike.** - Rank-and file employees of the agency where the  
47 accredited employee organization belongs may join the strike subject to the provisions of this  
48 code. Employees who join the strike shall not be entitled to payment of salary for the  
49 period that they are on strike.  
50

51  
52 **SEC. 140. Government Employees Who Are Prohibited to Strike.** - The following are  
53 not allowed to strike due to exigency in public service, public safety and national interest:  
54

- 1 (a) Defense and security services including officers and employees belonging to  
2 the Armed Forces of the Philippines (AFP), police, fire protection, jail  
3 management and those engaged in the custody of prisoners and detainees;  
4 (b) Medical and allied services including doctors, nurses, medical therapists and  
5 paramedics;  
6 (c) Public utility services such as power and water supply, transportation, air traffic  
7 controllers, radar and radio controllers, lighthouse keepers and harbor pilots;  
8 and  
9 (d) Others services to be determined by the Commission taking into consideration  
10 public service and national interest.  
11  
12

13 **SEC. 141. Grounds for Strike.** - A strike may be declared on the following grounds:

- 14  
15 (a) Unfair labor practices committed by management as provided for in this Code;  
16 (b) Mismanagement or abuse of the management of the agency; and  
17 (c) Graft and corruption.  
18  
19

20 **SEC. 142. Notice of Dispute.** - The existence of a dispute which may be the ground  
21 of an impending strike must first be brought to the Commission in the form of a notice of  
22 dispute for either conciliation and mediation or the parties may submit the same for voluntary  
23 arbitration. In either case, the notice of dispute must be in accordance with the requirements  
24 and procedures as may be prescribed by the Commission which shall settle the dispute within  
25 sixty (60) days from date of receipt of the said notice. In cases when the parties opt for  
26 voluntary arbitration, the agreement thereof shall be final and executory between the parties  
27 concerned.  
28  
29

30 **SEC. 143. Certification to the PSLMC.** - In the event the dispute is not settled within  
31 the sixty (60)-day period prescribed in the preceding Section or in case of failure to arrive at a  
32 resolution of the dispute through conciliation or mediation, the Commission shall certify the  
33 dispute to the PSLMC for settlement and resolution.  
34  
35

36 **SEC. 144. Requirement of Strike Vote and Notice to Strike.** - Immediately upon  
37 certification of the dispute to PSLMC as provided in the preceding section, the accredited  
38 employee organization may call a vote in order to declare a strike. The decision to declare a  
39 strike must be approved by a majority vote of the total rank-and-file employees of the agency  
40 where the duly accredited employee organization belongs. The same shall be obtained  
41 through secret ballot in a meeting called for the purpose. The duly accredited employee  
42 organization shall file with the PSLMC the results of the strike vote and the notice to strike,  
43 copy furnish the head of agency, at least thirty (30) days before the date of the intended strike  
44 and during the said 30-day period no strike shall be held. Only disputes or issues raised in  
45 the said notice shall be the subject of the strike.  
46  
47

48 **SEC. 145. Remedial Actions by the PSLMC.** - When a dispute has been referred to the  
49 PSLMC, it shall exert all efforts to settle the same through various modes of dispute settlement  
50 in order to prevent the impending strike.  
51

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

1 For this purpose, the contending parties are strictly enjoined to comply with such order  
2 as are issued by the PSLMC, under pain of disciplinary action.  
3  
4

5 **SEC. 146. Prohibited Activities. -**  
6

- 7 (a) No accredited employee organization may hold a strike more than once a year.  
8 (b) No dispute which occurred prior to the notice to strike, which were not raised  
9 in the said notice, may be the subject of succeeding strikes. However, a dispute  
10 which occurred subsequent to the notice may be the subject of another strike  
11 provided that the same shall be subject to the one (1)-year rule provided for in  
12 the preceding paragraph.  
13 (c) No person engaged in the strike shall commit any act of violence, coercion or  
14 intimidation or obstruct the free ingress to or egress from the agency's premises  
15 for lawful purposes or obstruct public thoroughfares.  
16 (d) No person shall obstruct, impede, or interfere with, by force, violence,  
17 coercion, threats, or intimidation any peaceful strike, or shall aid or abet such  
18 obstruction or interference.  
19 (e) No employee organization may declare a strike without first having filed the  
20 notice required under Sec. 144 and the necessary strike vote first having been  
21 obtained and filed with the PSLMC.  
22 (f) No employee organization may go on strike without ensuring and maintaining  
23 effective skeletal force.  
24

25  
26 **BOOK IV. PERSONNEL BENEFITS AND PRIVILEGES,**  
27 **DAYS AND HOURS OF WORK AND OFFICIAL RECORDS**  
28

29 **Title I - Personnel Benefits and Privileges**  
30

31 **Chapter One. Health and Other Services**  
32  
33

34 **SEC. 147. Policy. -** The health, welfare, safety and security of every personnel in  
35 the civil service system shall be the concern of government. Each department or agency shall  
36 make provisions **OUT OF THEIR EXISTING BUDGETS** for personnel health, welfare, medical,  
37 **SPIRITUAL** and counseling services and leave benefits and promote and develop  
38 occupational safety, sports and recreation programs and similar services.  
39  
40

41 **SEC. 148. Comprehensive Occupational Health Program. -** A comprehensive  
42 occupational health program including medical, dental and other health services shall be  
43 established and maintained for all personnel in the civil service system.  
44  
45

46 **SEC. 149. Safety and Accident Prevention. -** Each department or agency shall  
47 develop and maintain a continuing occupational safety and accident prevention program for  
48 its officers and employees.  
49  
50

51 **SEC. 150. Personnel Counseling. -** Each department or agency shall provide  
52 personnel counseling services, including pre-retirement counseling.  
53  
54

1           **SEC. 151. Personnel Recreation.** - Each department or agency shall provide  
2 facilities for sports and recreational activities and shall encourage voluntary participation of its  
3 officers and employees.  
4  
5

6           **SEC. \_\_\_\_.**    **HAZARD BENEFITS.** - EACH DEPARTMENT OR AGENCY, IN  
7 ACCORDANCE WITH THE DEPARTMENT OF BUDGET AND MANAGEMENT (DBM) AND  
8 THE COMMISSION SHALL PROVIDE FOR HAZARD BENEFITS FOR THEIR PERSONNEL  
9 WHO WORK IN AREAS OR UNDER CONDITIONS THAT HAVE BEEN DECLARED TO BE  
10 HAZARDOUS TO HEALTH, SAFETY AND WELL BEING.  
11

12  
13                                   **Chapter Two. Leave Benefits**  
14

15  
16           **SEC. 152. Entitlement to Leave Privileges.** - Appointive personnel of the  
17 government, whether permanent, temporary, contractual or casual as well as elective  
18 official[er]s who render the required number of office hours shall be entitled to an annual  
19 fifteen (15)-day vacation and fifteen (15)-day sick leave with full pay exclusive of Saturdays,  
20 Sundays, and public holidays.  
21

22  
23           **SEC. 153. Leave of Absence of Part-time Personnel.** - Public officers and  
24 employees rendering service on a part-time basis are entitled to vacation and sick leave  
25 benefits proportionate to the number of hours they served.  
26

27  
28           **SEC. 154. Leave of Absence of Personnel on Rotation Basis.** - Public officers and  
29 employees on rotation basis shall be entitled to vacation and sick leave corresponding to the  
30 length of service they rendered.  
31

32  
33           **SEC. 155. Forced/Mandatory Vacation Leave.** - All appointive and elective  
34 officers and employees of the government with ten (10) days or more vacation leave credits  
35 shall be required to go on **MANDATORY** vacation leave whether continuous or intermittent  
36 for a minimum of five (5) working days annually.  
37

38  
39           **SEC. 156. Accumulation and Commutation of Leave.** - Vacation and sick leave  
40 shall be cumulative and commutative. Except for personnel covered by special laws,  
41 commutation of leave credits shall be exclusive of Saturdays, Sundays and holidays.  
42

43           Public officers and employees whose off-days do not fall on a Saturday or a Sunday  
44 shall have their leaves of absence computed exclusive of their off-days.  
45

46  
47           **SEC. \_\_\_\_.**    **ADDITIONAL NON-CUMULATIVE AND NON-COMMUTATIVE SICK**  
48 **LEAVE.** - PUBLIC OFFICERS AND EMPLOYEES SHALL BE ENTITLED TO A 15-DAY NON-  
49 CUMULATIVE AND NON-COMMUTATIVE SICK LEAVE ANNUALLY WITH FULL PAY AND  
50 EXCLUSIVE OF SATURDAYS, SUNDAYS AND HOLIDAYS. PROVIDED, HOWEVER, THAT  
51 THIS ADDITIONAL BENEFIT SHALL ONLY BE AVAILED OF UPON EXHAUSTION OF THE  
52 REGULAR 15-DAY SICK LEAVE AND 15-DAY VACATION LEAVE ENTITLEMENT FOR THE  
53 YEAR.  
54



1           **SEC. 157.     *Rehabilitation Leave.*** - [Qualified] Public officers and employees are  
2 entitled to rehabilitation leave for illnesses and/or injuries which are job-related or which  
3 resulted from or was aggravated by the working environment. Such leave which should not  
4 exceed six (6) months shall be with full pay and benefits and shall not be charged against  
5 accumulated vacation or sick leave credits of the personnel concerned. The cost of initial  
6 medical expenses such as emergency/paramedic services and initial ambulance or transport  
7 services shall be borne by the agency of the officers and employees concerned. Substantive  
8 and long term medical expenses for therapeutic and rehabilitation purposes shall be borne by  
9 the Philippine Health Insurance Corporation; the Employee Compensation Commission (ECC)  
10 and the Government Service Insurance System (GSIS) as the case may be and whenever  
11 applicable.

12  
13  
14           **SEC. 158.     *Teachers' Leave.*** - Other than those designated for continuous duty and  
15 those covered by special charters, school teachers in government elementary and secondary  
16 schools shall be entitled to vacation pay. They shall be entitled to service credits for services  
17 rendered during the vacation period, including Saturdays, Sundays, and holidays, in  
18 accordance with the rules and regulations prescribed by the Commission.

19  
20           **TEACHERS SHALL ALSO BE ENTITLED TO ANNUAL SEVEN (7) DAYS SICK LEAVE**  
21 **WHICH SHALL BE NON-CUMULATIVE AND NON-COMMUTATIVE.**

22  
23  
24           **SEC. 159.     *Leave of Elective Officials.*** - All elective officials shall be entitled to  
25 leave credits granted to appointive **OFFICERS** and the cumulation and commutation of the  
26 money value thereof.

27  
28  
29           **SEC. 160.     *Leave Credits of Officers and Employees Covered by Special [Leave]***  
30 **Laws.** - The leave credits of the following personnel are covered by special laws:

- 31  
32           (a) Justices of the Supreme Court, Court of Appeals and Sandiganbayan;  
33           (b) Judges of Regional Trial Courts, Municipal Trial Courts, Metropolitan Trial  
34           Courts, Court of Tax Appeals and Shari'a Circuit Court; and Shari'a District  
35           Court;  
36           [(c) *The head of the Executive Department, heads of Departments,*  
37           *Undersecretaries;]*  
38           (c) The Chairperson and Commissioners of the Constitutional Commissions;  
39           (d) Filipino personnel in the Foreign Service; and  
40           (e) Other personnel covered by special laws.

41  
42  
43           **SEC. 161.     *Maternity Leave.*** - Women in the government service, of whatever civil  
44 and employment status and regardless of length of service shall, in addition to the vacation  
45 and sick leave granted them, be entitled to maternity leave of sixty (60) calendar days **FOR**  
46 **NORMAL DELIVERY AND SEVENTY-EIGHT (78) DAYS FOR DELIVERY BY CAESARIAN**  
47 **SECTION WITH FULL PAY**, subject to guidelines issued by the Commission.

48  
49  
50           **SEC. 162.     *Adoption Leave.*** - **PUBLIC OFFICERS** and employees who legally adopt  
51 a child below seven (7) years of age as of the date the child is placed with them shall be  
52 entitled to adoption leave in the manner herein provided:  
53

- 1 (a) Married **INDIVIDUALS** [*couples who are both in government*] shall be entitled  
2 to thirty (30) calendar days for the adoptive mother and seven (7) calendar days  
3 for the adoptive father.  
4 (b) Solo parents of whatever gender or civil status shall be entitled to thirty (30)  
5 calendar days.  
6

7 Availment of adoption leave shall commence from the date the child is placed with the  
8 adoptive parents which shall not be earlier than the date of the decree of adoption. Adoption  
9 leave shall be non-commutative and non-cumulative.  
10

11  
12 **SEC. 163. Parental Leave for Solo Parents.** - In addition to leave privileges under  
13 existing laws, parental leave of not more than seven (7) working days every year until the  
14 child reaches the age of eighteen (18) years shall be granted to officers and employees who  
15 are solo parents and have rendered service of at least one (1) year.  
16

17 Parental leave shall be non-commutative and non-cumulative.  
18

19  
20 **SEC. 164. Paternity Leave.** - A married man in the government service shall be  
21 entitled to paternity leave of seven (7) working days for the first four (4) deliveries **OR**  
22 **MISCARRIAGES** of his legitimate spouse with whom he is cohabiting.  
23

24 The paternity leave shall be non-cumulative and non-commutative.  
25

26  
27 **SEC. 165. Special Leaves.** - Public officers and employees, except [*teachers and*]  
28 *those covered by special [leave] laws, are entitled to special leaves[, to mark personal*  
29 *milestones and/or attend to filial and domestic responsibilities]*, not exceeding an aggregate of  
30 three (3) days **A YEAR TO ATTEND TO PERSONAL, FILIAL AND DOMESTIC**  
31 **RESPONSIBILITIES SUCH AS BUT NOT LIMITED TO THE FOLLOWING**, in accordance  
32 with the guidelines to be set by this Commission:  
33

- 34 **A) PERSONAL MILESTONES SUCH AS BIRTHDAYS, WEDDING, WEDDING**  
35 **ANNIVERSARIES** [*celebrations*] **AND OTHER SIMILAR MILESTONES,**  
36 **INCLUDING BEREAVEMENT AND DEATH ANNIVERSARIES;**  
37 **[B) Parental obligations such as school related activities, first communion; medical**  
38 **needs, among others;]**  
39 **B) OBLIGATIONS TO PARENTAL, FILIAL AND OTHER DOMESTIC**  
40 **EMERGENCIES AND RESPONSIBILITIES; AND** [*cover the personnel's moral*  
41 *obligation toward his/her parents, spouse and siblings for their medical and*  
42 *social needs;*  
43 *d) domestic emergencies such as sudden urgent repairs needed at home, sudden*  
44 *absence of a yaya or maid, and the like;*  
45 *e) personal transactions to cover the entire range of transactions an individual*  
46 *does with government and private offices such as paying taxes, court*  
47 *appearances, arranging a housing loan, etc.; and]*  
48 **C) CALAMITY, ACCIDENT HOSPITALIZATION LEAVE PERTAIN TO FORCE**  
49 **MAJEURE EVENTS THAT AFFECT THE LIFE, LIMB, AND PROPERTY OF THE**  
50 **EMPLOYEE OR HIS IMMEDIATE FAMILY.**  
51

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

1           **SEC. 166. Study Leave and Sabbatical Leave.** - Qualified public officers and  
2 employees may be granted study and sabbatical leave, subject to the rules and regulations  
3 promulgated by the Commission.  
4

5  
6           **SEC. 167. Commutation and Monetization of Leave Credits.** - Accumulated leave  
7 credits can either be commuted or monetized subject to the rules and regulations prescribed  
8 by the Commission.  
9

10           **EACH AGENCY OF THE GOVERNMENT SHALL PROVIDE FOR THE**  
11 **COMMUTATION AND MONETIZATION OF LEAVE CREDITS IN THEIR BUDGET**  
12 **PROGRAM PROVIDED IT IS WITHIN THEIR APPROVED BUDGET LEVEL/CEILING.**  
13

14  
15           **SEC. 168. Effect of Re-employment on Commuted Leave.** - Public officers and  
16 employees whose leave credits have been commuted following their separation from the  
17 service and were thereafter reemployed can either refund the money equivalent of the  
18 unspent portion of the commuted leave credits. Otherwise, they have to start from zero  
19 balance.  
20

21  
22           **SEC. 169. Transfer of Leave Credits of Appointive Personnel and Elective**  
23 **Officials.** - When appointive officers and employees transfer from one entity to another, they  
24 can have their accumulated vacation and/or sick leave credits commuted or transferred to  
25 their new office.  
26

27           The second option can only be exercised by the personnel concerned when there are  
28 no gaps in their service. However, a gap of not more than one (1) month may be allowed  
29 provided same is not due to the fault of the personnel concerned.  
30

31           The abovementioned options of commutation or transfer of accumulated leave credits  
32 can also be availed of by an elective officer assuming another elective post. However, these  
33 options are not applicable to the transfer of Armed Forces of the Philippines (AFP) uniformed  
34 personnel to civilian positions.  
35

36  
37           **SEC. 170. Prescriptive Period for Transfer of Leave Credits.** - The option to  
38 transfer accumulated leave credits can be exercised within one (1) year only from the effective  
39 date of transfer of the appointive personnel to their new office, or to the assumption of the  
40 elective officers in their new post.  
41

42  
43           **SEC. 171. Leave Without Pay.** - In no case shall leave without pay be granted in  
44 excess of one (1) year or if the public officer or employee concerned still has leave credits  
45 with pay.  
46

47  
48           **SEC. 172. Terminal Leave.** - Terminal leave refers to the total accumulated leave  
49 credits of personnel, the money value of which shall be based not necessarily on the latest  
50 salary rate but on the highest salary rate received at any time during the period of  
51 employment in the government service.  
52

1           **SEC. 173.     *Payment of Retirement Benefits on the Day of Retirement.*** - All  
2 personnel are entitled to receive their retirement benefits provided for under existing laws on  
3 the day of their retirement. The last agency-employer shall ensure that all the retirement  
4 documents are in order six (6) months prior to the retirement of the said personnel. All  
5 concerned agencies of the government shall render assistance in this regard.  
6

7           **NOTWITHSTANDING ANY LAW TO THE CONTRARY, OFFICERS AND EMPLOYEES**  
8 **OF THE GOVERNMENT WHO HOLD MORE THAN ONE REGULAR FULL-TIME OR PART-**  
9 **TIME APPOINTMENT AND WHO RETIRE FROM THE SERVICE SHALL BE ENTITLED TO**  
10 **NOT MORE THAN ONE (1) RETIREMENT PLAN.**  
11

12           All public officers and employees with pending administrative disciplinary cases who  
13 **FAILED TO RECEIVE THEIR RETIREMENT BENEFITS ON THE DAY OF RETIREMENT AS A**  
14 **RESULT THEREOF BUT** were eventually exonerated or cleared therefrom shall be entitled to  
15 payment of retirement benefits immediately [a day] after the promulgation of the decision.  
16

17  
18           **SEC. 174.     *Rate of Interest for Delay in Payment.*** - Should the retiree, through no  
19 fault of his/her own, fail to receive the benefits on the day of retirement, the same shall earn  
20 interest at the prevailing **LEGAL [commercial]** rate.  
21

22           The retirement benefits of those who were eventually exonerated or cleared from  
23 administrative, disciplinary cases shall likewise earn interest at the prevailing **LEGAL**  
24 **[commercial]** rate computed from the date of retirement to the date of promulgation of the  
25 **FINAL** decision.  
26

27           **IN CASE OF FORFEITURE OF RETIREMENT BENEFITS AS A RESULT OF**  
28 **ADMINISTRATIVE DISCIPLINARY CASE, THE GOVERNMENT SERVICE INSURANCE**  
29 **SYSTEM (GSIS) SHALL RETURN THE EMPLOYER'S CONTRIBUTION TO THE AGENCY**  
30 **CONCERNED WITH LEGAL INTEREST.**  
31

32  
33           **SEC. 175.     *Liability for Delay.*** - Agencies or their officers and employees who  
34 caused the delay in the retiree's receipt of retirement benefits shall upon complaint of the  
35 retiree or the successor in interests, be liable for the payment of the interest mentioned in the  
36 immediately preceding Section. This is without prejudice to the filing of administrative and  
37 criminal cases against the personnel responsible for the said delay.  
38

39           Complaints against delays in the release of retirement benefits shall be filed with the  
40 Commission within one (1) year from the date of retirement.  
41

42           The Commission shall promulgate rules and mechanisms to enforce this provision.  
43  
44

## 45                           **Title II - Official Records and Work Days and Hours**

### 46                           **Chapter One. Personnel Records Information System**

47  
48  
49           **SEC. 176.     *Policy.*** - **AN IT-BASED** government-wide personnel records system  
50 shall be established, administered and maintained by the Commission.  
51

52           Each department or agency through its human resource management office, shall  
53 establish, manage and maintain personnel records, **DATABASE** and statistics of all its  
54 personnel.

1           **SEC. 177.     *Records of Employment.*** - The Commission shall keep and maintain  
2 official records of all elective and appointive personnel regardless of their employment status.  
3 The Commission shall likewise maintain statistics on their employment, accession and  
4 separation.

5  
6  
7                                   **Chapter Two.   Work Days and Hours**  
8

9  
10           **SEC. 178.     *Observance of Work Days and Hours AND WEARING OF IDs.*** - It shall  
11 be the duty of each head of agency to require all its officers and employees to strictly observe  
12 the prescribed office hours and to wear identification cards, nameplates or the like bearing  
13 clearly and legibly their respective names and positions when dealing directly with the public  
14 in the performance of their respective duties or whenever they are within the premises of the  
15 office. When the head of agency allows government personnel to leave the office during  
16 office hours and not for official business or official time, the same shall be reflected in their  
17 time records and charged to their vacation leave credits.  
18

19  
20           **SEC. 179.     *Forty Hour Workweek Requirement.*** - Personnel of all departments and  
21 agencies except those covered by special laws shall render not less than forty (40) hours of  
22 work a week, exclusive of time for lunch. As a general rule, such hours shall be from eight (8)  
23 o'clock in the morning to twelve (12) o'clock noon and from one (1) o'clock to five (5)  
24 o'clock in the afternoon, all days except Saturdays, Sundays, and holidays. However, in the  
25 interest of the service, heads of agencies, particularly those with frontline services, shall adopt  
26 measures to ensure that continuous service is available even during the 12:00 noon to 1:00  
27 p.m. period.

28           In the exigency of the service, or when necessary by the nature of the work of a  
29 particular agency, the rescheduling or shifting of work schedule of a particular agency for a  
30 number of working days less than the required five (5) days may be allowed by the head of  
31 agency provided that government personnel render a total of forty (40) hours a week and  
32 provided further that the public is assured of continuous delivery of service from eight (8) in  
33 the morning to five (5) in the afternoon for the duration of the entire workweek.  
34

35  
36           **SEC. 180.     *Non-regular Working Hours.*** - A work schedule that deviates from that  
37 which is provided in Section 186 hereof or that which extends well into the night may also be  
38 allowed upon the discretion of the head of office, the need of the service, or the health and  
39 welfare of the personnel concerned; Provided, that the forty (40) hours workweek exclusive of  
40 meal time, will not be reduced.  
41

42  
43           **SEC. 181.     *Daily Record of Attendance.*** - Each head of department or agency shall  
44 require a daily record of attendance of all its officers and employees including those serving in  
45 the field or on board a vessel, to be kept on the proper form and, whenever possible,  
46 registered on the bundy clock or any mechanical, electrical, or electronic device.

47           Service "in the field" or "on board a vessel" shall refer to service rendered outside the  
48 office which is the usual place of work.  
49

50  
51           **SEC. 182.     *Recording of Attendance by Senior Officers AND ELECTIVE***  
52 ***OFFICIALS.*** - Agency heads, third level positions shall record times of arrival at and times of  
53 departure from official work stations. Absences from office shall likewise be properly  
54 recorded in the agency.

1           **SEC. 183.     *Persons in the Teaching Service.*** - All persons in the teaching service,  
2 primary and secondary levels, are covered by the forty (40) hours work-week requirement and  
3 shall render not more than six (6) hours of teaching load every school day.  
4  
5

6           **SEC. 184.     *Compensation for Authorized Work Beyond Forty Hours.*** - When the  
7 interest of public service so requires, the daily hours of work for personnel may be extended  
8 by the head of the agency concerned, which extension shall be fixed in accordance with the  
9 nature of the work. Provided, that work in excess of forty (40) hours a week must be properly  
10 compensated by payment of overtime whenever funds are available for the purpose or  
11 through the grant of compensatory time or day/s-off or through the accumulation of leave  
12 credits.  
13

14  
15           **SEC. 185.     *Performance of Duties in Excess of Forty Hours of Those in Special***  
16 ***Occupational Groups.*** - When the nature of duties to be performed or the interest of the  
17 public service so requires, the head of department or agency may require any or all of its  
18 officers and employees to work in excess of the forty (40) hours, on Saturdays, Sundays and  
19 public holidays, with either additional compensation or compensatory time/days-off; or the  
20 accumulation of leave credits.  
21

22  
23           **SEC. 186.     *Flexible Working Hours.*** - Flexible working hours shall be enforced  
24 subject to the discretion of the head of agency. In no case shall the weekly working hours be  
25 reduced in the event the agency adopts the flexi-time schedule. In the adoption of flexi-time,  
26 core working hours shall be prescribed taking into consideration the needs of the service.  
27

28  
29           **SEC. 187.     *Compensatory Time or Day/s Off.*** - Grant of compensatory time or  
30 day/s off shall be allowed for overtime services rendered subject to the rules to be  
31 promulgated by the Commission.  
32

33  
34           **SEC. 188.     *FLEXI-PLACE.*** - **PUBLIC OFFICERS AND EMPLOYEES MAY BE**  
35 **ALLOWED TO WORK AWAY FROM THEIR OFFICIAL WORK STATIONS SUBJECT TO THE**  
36 **DISCRETION OF THE HEAD OF AGENCY AND THE NATURE OF THE FUNCTIONS OF**  
37 **THEIR POSITIONS. THE COMMISSION SHALL ISSUE THE RULES AND REGULATIONS**  
38 **TO GOVERN THE ADOPTION OF FLEXI-WORK PLACE. IN NO CASE SHALL THE**  
39 **ADOPTION THEREOF AFFECT THE AVAILABILITY AND ACCESSIBILITY OF**  
40 **GOVERNMENT SERVICES.**  
41

42  
43           **SEC. 189.     *Liabilities.*** - Falsification or irregularities in the keeping of time records  
44 will render the personnel concerned administratively liable without prejudice to criminal  
45 prosecution as the circumstances warrant.  
46

47  
48  
49                                   **BOOK V.   DISCIPLINE**

50                                   **Title I - Administrative Discipline**

51                                   **Chapter One.   General Provisions**  
52  
53  
54

1           **SEC. 190.     *Disciplinary Action.*** - No public officer or employee in the civil service  
2 system shall be disciplined, suspended or removed from office except for cause as provided  
3 for by law and after due process.

4           The following shall be grounds for disciplinary action:

- 5           (a) Dishonesty;
- 6           (b) Neglect of duty;
- 7           (c) Misconduct;
- 8           (d) Final conviction of a crime involving moral turpitude;
- 9           (e) Falsification of official documents;
- 10          (f) Sexual Harassment;
- 11          (g) Engaging directly or indirectly in partisan political activities by one holding a  
12 non-political office;
- 13          (h) Receiving for personal use of a fee, gift or other valuable thing in the course of  
14 official duties or in connection therewith when such fee, gift or other valuable  
15 thing is given by any person in the hope or expectation of receiving a favor or  
16 better treatment than that accorded to other persons or for committing acts  
17 punishable under the anti-graft laws;
- 18          (i) Contracting loans from persons with whom the office of the employee has  
19 business relations;
- 20          (j) Nepotism;
- 21          (k) Oppression;
- 22          (l) Disgraceful or immoral conduct;
- 23          (m) Inefficiency and incompetence in the performance of official duties;
- 24          (n) Frequent *unauthorized absences*;
- 25          (o) Habitual tardiness;
- 26          (p) Loafing;
- 27          (q) Refusal to perform official duty or unjust refusal to render overtime service;
- 28          (r) Insubordination;
- 29          (s) Conduct prejudicial to the best interests of the service;
- 30          (t) Discourtesy in the course of official duties;
- 31          (u) Habitual drunkenness;
- 32          (v) Violation of reasonable office rules and regulations;
- 33          (w) Gambling prohibited by law;
- 34          (x) Pursuit of private business, vocation or profession in violation of civil service  
35 law, rules and regulations;
- 36          (y) Promoting ticket sales which are not intended for charitable or public welfare  
37 purposes;
- 38          (z) Improper or unauthorized solicitation of contributions;
- 39          (aa) **UNAUTHORIZED USE OF GOVERNMENT RESOURCES AND PROPERTIES;**
- 40          (bb) Unfair labor practice;
- 41          (cc) Illegal strike;
- 42          (dd) Unjustifiable delays in the payment of employee benefits;
- 43
- 44          (ee) **DIRECTLY OR INDIRECTLY HAVING FINANCIAL AND MATERIAL INTEREST**  
45 **IN ANY TRANSACTION REQUIRING THE APPROVAL OF THEIR OFFICE.**  
46 **FINANCIAL AND MATERIAL INTEREST IS DEFINED AS A PECUNIARY**  
47 **INTEREST BY WHICH A PERSON WILL GAIN OR LOSE SOMETHING;**
- 48
- 49          (ff) **OWNING, CONTROLLING, MANAGING OR ACCEPTING EMPLOYMENT AS**  
50 **OFFICER, EMPLOYEE, CONSULTANT, COUNSEL, BROKER, AGENT,**  
51 **TRUSTEE, OR NOMINEE IN ANY PRIVATE ENTERPRISE REGULATED,**  
52 **SUPERVISED OR LICENSED BY HIS OFFICE, UNLESS EXPRESSLY ALLOWED**  
53 **BY LAW;**
- 54

- 1 (gg) ENGAGING IN THE PRIVATE PRACTICE OF PROFESSION UNLESS  
2 AUTHORIZED BY THE CONSTITUTION, LAW OR REGULATION,  
3 PROVIDED THAT SUCH PRACTICE WILL NOT CONFLICT OR TEND TO  
4 CONFLICT WITH HIS/HER OFFICIAL FUNCTIONS;  
5
- 6 (hh) RECOMMENDING ANY PERSON TO ANY POSITION IN A PRIVATE  
7 ENTERPRISE WHICH HAS A REGULAR OR PENDING OFFICIAL  
8 TRANSACTION WITH HIS/HER OFFICE, UNLESS SUCH  
9 RECOMMENDATION OR REFERRAL IS MANDATED BY (1) LAW, OR (2)  
10 INTERNATIONAL AGREEMENTS, COMMITMENT AND OBLIGATION, OR AS  
11 PART OF THE FUNCTIONS OF HIS/HER OFFICE;  
12
- 13 (ii) DISCLOSING OR MISUSING CONFIDENTIAL OR CLASSIFIED  
14 INFORMATION OFFICIALLY KNOWN TO HIM/HER BY REASON OF  
15 HIS/HER OFFICE AND NOT MADE AVAILABLE TO THE PUBLIC, TO  
16 FURTHER HIS/HER PRIVATE INTERESTS OR GIVE UNDUE ADVANTAGE TO  
17 ANYONE OR TO PREJUDICE THE PUBLIC INTEREST;  
18
- 19 (jj) SOLICITING OR ACCEPTING, DIRECTLY OR INDIRECTLY, ANY GIFT,  
20 GRATUITY, FAVOR, ENTERTAINMENT, LOAN OR ANYTHING OF  
21 MONETARY VALUE WHICH IN THE COURSE OF HIS/HER OFFICIAL DUTIES  
22 OR IN CONNECTION WITH ANY OPERATION BEING REGULATED BY, OR  
23 ANY TRANSACTION WHICH MAY BE AFFECTED BY THE FUNCTIONS OF  
24 HIS/HER OFFICE. THE PROPRIETY OR IMPROPRIETY OF THE FOREGOING  
25 SHALL BE DETERMINED BY ITS VALUE, KINSHIP OR RELATIONSHIP  
26 BETWEEN GIVER AND RECEIVER AND THE MOTIVATION. A THING OF  
27 MONETARY VALUE IS ONE WHICH IS EVIDENTLY OR MANIFESTLY  
28 EXCESSIVE BY ITS VERY NATURE;  
29
- 30 (kk) OBTAINING OR USING ANY STATEMENT FILED UNDER R.A. 6713 FOR  
31 ANY PURPOSE CONTRARY TO MORALS OR PUBLIC POLICY OR ANY  
32 COMMERCIAL PURPOSE OTHER THAN BY NEWS AND  
33 COMMUNICATIONS MEDIA FOR DISSEMINATION TO THE GENERAL  
34 PUBLIC;  
35
- 36 (ll) UNFAIR DISCRIMINATION IN RENDERING PUBLIC SERVICE DUE TO  
37 PARTY AFFILIATION OR PREFERENCE;  
38
- 39 (mm) DISLOYALTY TO THE REPUBLIC OF THE PHILIPPINES AND TO THE  
40 FILIPINO PEOPLE;
- 41 (nn) FAILURE TO ACT PROMPTLY ON LETTERS AND REQUESTS WITHIN  
42 FIFTEEN (15) DAYS FROM RECEIPT, EXCEPT AS OTHERWISE PROVIDED IN  
43 R.A. 6713 AND IN ITS IMPLEMENTING RULES;  
44
- 45 (oo) FAILURE TO PROCESS DOCUMENTS AND COMPLETE ACTION ON  
46 DOCUMENTS AND PAPERS WITHIN A REASONABLE TIME FROM  
47 PREPARATION THEREOF;  
48
- 49 (pp) FAILURE TO ATTEND TO ANYONE WHO WANTS TO AVAIL  
50 HIMSELF/HERSELF OF THE SERVICES OF THE OFFICE OR TO ACT  
51 PROMPTLY AND EXPEDITIOUSLY ON PUBLIC PERSONAL TRANSACTIONS;  
52



- 1 (qq) FAILURE TO FILE SWORN STATEMENTS OF ASSETS, LIABILITIES AND NET  
 2 WORTH, AND DISCLOSURE OF BUSINESS INTERESTS AND FINANCIAL  
 3 CONNECTIONS; AND  
 4
- 5 (rr) FAILURE TO RESIGN FROM HIS/HER POSITION IN THE PRIVATE BUSINESS  
 6 ENTERPRISE WITHIN THIRTY (30) DAYS FROM ASSUMPTION OF PUBLIC  
 7 OFFICE WHEN CONFLICT OF INTEREST ARISES, AND/OR FAILURE TO  
 8 DIVEST HIMSELF/HERSELF OF HIS/HER SHAREHOLDINGS OR INTERESTS IN  
 9 PRIVATE BUSINESS ENTERPRISE WITHIN SIXTY (60) DAYS FROM SUCH  
 10 ASSUMPTION OF PUBLIC OFFICE WHEN CONFLICT OF INTEREST ARISES:  
 11 PROVIDED, HOWEVER, THAT FOR THOSE WHO ARE ALREADY IN THE  
 12 SERVICE AND A CONFLICT OF INTEREST ARISES, THE OFFICIAL OR  
 13 EMPLOYEE MUST EITHER RESIGN OR DIVEST HIMSELF/HERSELF OF SAID  
 14 INTERESTS WITHIN THE PERIODS HEREIN-ABOVE PROVIDED, RECKONED  
 15 FROM THE DATE WHEN THE CONFLICT OF INTEREST HAD ARISEN;  
 16
- 17 [*Engaging in activities that aid, support, agitate, or espouse the overthrow of a*  
 18 *duly constituted authority;*]  
 19
- 20 (ss) Engaging in or supporting acts of insurrection, rebellion, sedition, and other  
 21 crimes against public order as defined in Title Three, Book Two of the Revised  
 22 Penal Code and commission of crimes against national security and the law of  
 23 nations as defined in Title One, Book Two, Chapters One, Two, and Three of  
 24 the Revised Penal Code; and  
 25
- 26 (tt) All other grounds for disciplinary action [*provided or*] AS may be provided for  
 27 by law.

28 **Chapter Two. Disciplinary Jurisdiction**  
 29  
 30

31 **SEC. 191. Original Jurisdiction.** - The heads of departments, agencies, bureaus and  
 32 instrumentalities of the national government, constitutional offices, the proper disciplining  
 33 authority of state universities and colleges, government-owned and -controlled corporations  
 34 with original charters or created under special laws, and local government units shall have  
 35 original jurisdiction to investigate and decide disciplinary cases against their subordinate  
 36 public officers and employees.  
 37

38 They shall also retain original jurisdiction over public officers and employees who are  
 39 already separated from the service but who, while still in the service committed an offense.  
 40  
 41

42 **SEC. 192. Original Jurisdiction of Bureau or Department-wide, Regional Office**  
 43 **Head.** - The heads of bureaus or department-wide regional offices shall have disciplinary  
 44 jurisdiction over offenses committed by their subordinate public officers and employees.  
 45  
 46

47 **SEC. 193. Original Jurisdiction of the Commission.** - The Commission shall have  
 48 exclusive administrative disciplinary jurisdiction over its public officers and employees. It  
 49 shall have concurrent original disciplinary jurisdiction over public officers and employees of  
 50 the departments, agencies, bureaus, state universities and colleges, government-owned and -  
 51 controlled corporations with original charters or created under special laws, and local  
 52 government units.

1           **IN DISCIPLINARY CASES WHERE AGENCIES HAVE ORIGINAL AND**  
2 **CONCURRENT JURISDICTION, THE AGENCY WHICH FIRST TAKE COGNIZANCE OF**  
3 **THE CASE SHALL EXCLUDE THE OTHERS.**  
4

5           The Commission may, *motu proprio*, initiate the investigation and filing of  
6 administrative charges against public officers and employees who violate the provisions of this  
7 Code and other pertinent civil service laws, rules and regulations. For this purpose, the  
8 Commission shall conduct fact-finding investigations and require through the issuance of  
9 subpoena *duces tecum* and similar processes the production of [government] records  
10 necessary to resolve the case.  
11

12           Any person who impersonates another in civil service examinations, sells civil service  
13 application or examination forms, misrepresents material facts, or commit any other  
14 fraudulent acts which adversely affect the integrity of civil service examinations, but who at  
15 the time of the commission of any of the aforementioned acts is not employed in the  
16 government, shall likewise be under exclusive original jurisdiction of the Commission. Such  
17 person may be perpetually banned from taking government examinations and from entering  
18 the government service, without prejudice to criminal prosecution.  
19  
20

21                           **Chapter Three. Procedure in Disciplinary Cases**  
22

23           **SEC. 194. Commencement of Administrative Proceedings and Answer. -**  
24

- 25           (a) Administrative proceedings may be commenced *motu proprio* against a  
26 subordinate public officer or employee by the proper disciplining authority or  
27 head of department or agency or upon a sworn written complaint of any other  
28 person. The complaint shall be accompanied by sworn statements covering the  
29 charges and those of the witnesses together with documentary evidence, if any.  
30
- 31           (b) On the basis of the sworn written complaint and supporting papers filed by any  
32 other person, the disciplining authority shall require the person complained of  
33 to explain why no administrative case should be filed. If the disciplining  
34 authority does not find a prima facie case, the complaint shall be dismissed,  
35 otherwise, a formal charge shall be issued in accordance with the provisions of  
36 this Code. The respondent shall be furnished with copies of the complaint,  
37 sworn statements and other documents submitted.  
38
- 39           (c) In administrative proceedings initiated by the disciplining authority or head of a  
40 department or agency, the formal charge shall be issued only after the  
41 disciplining authority finds a prima facie case in accordance with the provisions  
42 of this Code **OR WHEN THE DISCIPLINING AUTHORITY HAS PERSONALLY**  
43 **OBSERVED OR HAS DIRECT PERSONAL KNOWLEDGE OR ACTUALLY**  
44 **CAUGHT THE OFFENDER IN THE ACT OF COMMITTING THE**  
45 **ADMINISTRATIVE OFFENSE.**  
46  
47

48           **SEC. 195. Issuance of a Formal Charge. -** The formal charge shall state the  
49 specifications of the offense and shall require the respondent to submit an answer in writing  
50 and under oath together with supporting sworn statements covering his/her defense and those  
51 of witnesses together with the documentary evidence, if any. The respondent shall be  
52 allowed at least seventy-two (72) hours but not more than five (5) days from receipt of the  
53 formal charge to submit an answer and the affidavits of the witnesses, if any, and shall be  
54 informed of his/her right to counsel and to indicate whether or not he/she elects a formal

1 investigation. In cases when the respondent submits a request for clarification, a bill of  
2 particulars or a motion to dismiss which are obviously designed to delay the administrative  
3 proceedings, the same shall be considered as answer.  
4  
5

6 **SEC. 196. *Formal Investigation.*** -  
7

- 8 (a) If the respondent has elected a formal investigation, the disciplining authority or  
9 the duly authorized representative shall conduct the formal investigation with a  
10 notice issued within five (5) days from receipt of the answer.  
11  
12 (b) Complainant and respondent may avail themselves of the services of counsel  
13 and may require the attendance of witnesses by *subpoena ad testificandum* and  
14 the production of documentary evidence through the compulsory process of  
15 subpoena *duces tecum*.  
16  
17 (c) Even if the respondent does not request a formal investigation, such  
18 investigation shall be conducted when, on the basis of the allegations in the  
19 complaint and the answer of the respondent, including supporting documents,  
20 the merits of the case cannot be decided judiciously without conducting such  
21 investigation.  
22  
23 (d) The formal investigation shall be commenced not earlier than five (5) days nor  
24 later than ten (10) days from receipt of the respondent's answer. The  
25 investigation shall be conducted to ascertain the truth without strictly adhering  
26 to technical rules applicable to judicial proceedings. Hearings shall be  
27 continuously held and the investigation terminated, if possible, within ten (10)  
28 days from its commencement, especially for grave offenses, unless the period is  
29 extended by the disciplining authority in meritorious cases.  
30  
31 (e) The direct evidence for the complainant and the respondent shall consist of the  
32 sworn statements and documents submitted in support of the complaint or  
33 answer, as the case may be, without prejudice to the presentation of additional  
34 evidence deemed necessary but was unavailable at the time of the filing of the  
35 complaint or answer, upon which cross-examination by the respondent and the  
36 complainant, respectively, shall be based.  
37  
38

39 **SEC. 197. *Report of Investigation and Records of Case.*** - The hearing officer shall  
40 submit to the disciplining authority the report of investigation within ten (10) days from the  
41 termination of the investigation. The report shall contain the findings and recommendations  
42 together with the complete record of the case which shall be properly and securely bound, all  
43 pages numbered consecutively, and with a table of contents.  
44  
45

46 **SEC. 198. *Decision.*** - The proper disciplining authority shall render a decision  
47 within the period and in the form and content as provided for in this Code.  
48  
49

50 **SEC. 199. *Preventive Suspension.*** - Notwithstanding any provision of law to the  
51 contrary, the proper disciplining authority may preventively suspend a respondent formally  
52 charged with dishonesty, oppression, grave misconduct, gross neglect in the performance of  
53 duty, if there are reasons to believe that respondent is guilty of the charges which would  
54 warrant removal from office and that there is a great probability that the continuance in office

1 of the respondent could influence the witnesses or pose a threat to the safety and integrity of  
2 the records and other evidence. In no case shall preventive suspension exceed ninety (90)  
3 days or last for the duration of the investigation, whichever is shorter.  
4  
5

6 **SEC. 200. *Lifting of Preventive Suspension Pending Administrative Investigation.***

7 - When the administrative case against the respondent under preventive suspension is not  
8 decided by the disciplining authority within the period of ninety (90) days after the date of  
9 suspension, the respondent shall be automatically reinstated in the service; Provided, that  
10 when the delay in the disposition of the case is due to the fault, negligence or petition of the  
11 respondent, the period of delay shall not be included in computing the period of suspension  
12 herein provided.  
13  
14

15 **SEC. 201. *Implementing Regulations.*** - To ensure fair, expeditious and effective  
16 disposition of administrative cases, the Commission shall promulgate and prescribe uniform  
17 rules in the conduct of administrative investigations.  
18  
19

20 **Chapter Four. Decision**  
21  
22

23 **SEC. 202. *When to Render Decision.*** - The proper disciplining authority exercising  
24 original jurisdiction and those exercising appellate jurisdiction shall render their decisions  
25 within sixty (60) days from the date of the submission of the case for decision.  
26  
27

28 **SEC. 203. *Form and Content of Decision.*** - The decision, properly designated as  
29 such and under the signature of the proper disciplining authority, shall contain the charge, the  
30 name of the respondent, the position and office of the respondent, a brief statement of the  
31 material and relevant facts, findings, offense committed and the penalty imposed.  
32  
33

34 **SEC. 204. *Service of Decision.*** -

- 35 (a) A copy of the decision shall be served on the complainant and the respondent  
36 through their respective counsel, if any, within five (5) days from its  
37 promulgation.  
38 (b) Disciplining authorities shall furnish their superiors with a copy of the decision  
39 within five (5) days from the date of its promulgation.  
40  
41

42 **SEC. 205. *Finality of Decision.*** -

- 43 (a) Without prejudice to the power of review by the Commission, and its powers to  
44 decide cases on appeal as provided for in this Code, the decisions of the heads  
45 of departments, agencies, and instrumentalities of the National Government and  
46 the disciplining authority of state universities and colleges, government-owned  
47 and -controlled corporations with original charters or created under special  
48 laws, local government units shall be final and executory, if the penalty  
49 imposed is suspension of not more than thirty (30) working days or a fine of not  
50 more than thirty (30) working days' pay.  
51 (b) Without prejudice to the power of review by the Commission and its powers to  
52 decide cases on appeal provided for in this Code, the decision of the head of  
53 the bureau or department-wide regional office shall be final and executory, if

1 the penalty imposed is suspension of not more than thirty (30) working days or  
2 a fine of not more than thirty (30) working days' pay.

- 3 (c) The decision in a disciplinary case becomes final upon expiration of the period  
4 within which to file a motion for reconsideration and no such motion is filed.  
5  
6

7 **SEC. 206. Execution of Decision. –**  
8

- 9 (a) The decisions of heads of agencies and other disciplining authorities shall be  
10 immediately executory upon receipt of a copy thereof by the parties concerned,  
11 even pending appeal.  
12  
13 (b) Decisions of the disciplining authority in disciplinary cases shall be immediately  
14 executory unless a motion for reconsideration is seasonably filed, in which case  
15 the execution of the decisions shall be held in abeyance pending resolution of  
16 the motion.  
17  
18 (c) The filing and pendency of a petition for *certiorari* with the Supreme Court  
19 shall not stop the immediate execution of the decision of the Commission,  
20 unless the Court issues a restraining order or a writ of preliminary injunction.  
21 For this purpose, no other Courts can issue a temporary restraining order or a  
22 writ of preliminary injunction against the Commission.  
23  
24

25 **Chapter Five. Administrative Penalties**  
26  
27

28 **SEC. 207. Penalties That May Be Imposed. -** Heads of departments and agencies  
29 and other disciplining authorities may impose the penalty of reprimand or censure, fine in an  
30 amount not exceeding six (6) months' salary, suspension without pay for not more than one  
31 (1) year, demotion in rank or pay, or dismissal from the service.  
32  
33

34 **SEC. 208. Imposition of Penalties. –**  
35

- 36 (a) In meting out punishment, the same penalties shall be imposed for similar  
37 offenses and only one (1) penalty shall be imposed in each case. In the  
38 imposition of these penalties, the disciplining authority shall take into  
39 consideration the circumstances which may either exonerate the respondent  
40 from any liability, mitigate or aggravate the offense.  
41  
42 (b) In the imposition of the proper penalties, the administrative offenses or causes  
43 for disciplinary action mentioned in this Code shall be categorized into light,  
44 less grave, and grave.  
45  
46 (c) The Commission shall promulgate rules and regulations on the classification of  
47 administrative offenses into light, less grave and grave and shall prescribe the  
48 corresponding principal and accessory penalties **SUCH AS CANCELLATION**  
49 **OF ELIGIBILITY, FORFEITURE OF RETIREMENT BENEFITS,**  
50 **DISQUALIFICATION FROM EMPLOYMENT, REINSTATEMENT,**  
51 **REEMPLOYMENT, OR PROMOTION, AND BAR FROM TAKING CIVIL**  
52 **SERVICE EXAMINATIONS.**  
53  
54



1 (a) In case of decisions rendered by heads of departments, agencies, state  
2 universities and colleges, provinces, cities and municipalities and  
3 instrumentalities of the national government and the disciplining authority of  
4 government-owned or -controlled corporations with original charters, where the  
5 penalty imposed is suspension of more than thirty (30) working days or a fine  
6 equivalent to more than thirty (30) working days' salary, the appeal shall be  
7 brought before the Commission; and

8  
9 (c) In case of decisions of the head of bureaus or department-wide regional offices,  
10 the appeal shall initially be made to the department secretary and then to the  
11 Commission if the penalty imposed is suspension of more than thirty (30)  
12 working days or fine equivalent to more than thirty (30) working days' salary.  
13

14  
15 **SEC. 214. Motion for Reconsideration.** - A motion for reconsideration may be  
16 filed during the period for filing an appeal on the following grounds:

- 17  
18 (a) Newly discovered evidence which could materially affect the decision  
19 rendered;  
20 (b) The decision is not supported by the evidence on record; or  
21 (c) Errors of law or irregularities have been committed prejudicial to the interest of  
22 either party.

23 Only one (1) motion for reconsideration shall be entertained.  
24

25 A motion for reconsideration shall suspend the running of the period for appeal. The  
26 motion for reconsideration shall be resolved within thirty (30) days from receipt thereof.  
27

28  
29 **SEC. 215. Remand of Cases Due to Lack of Due Process.** - If the case on appeal  
30 with the Commission is remanded to the proper disciplining authority for further investigation  
31 due to lack of due process, the said disciplining authority shall finish the investigation within  
32 three (3) calendar months from the date of receipt of the records from the Commission, unless  
33 the investigation is delayed due to the fault, negligence or petition of the respondent, or an  
34 extension is granted by the Commission in meritorious cases. The period of delay shall not  
35 be included in the computation of the prescribed period.  
36

37 Within fifteen (15) days from the termination of the investigation, the disciplining  
38 authority shall render its decision. If at the end of said period, the disciplining authority fails  
39 to decide the case, the Commission shall vacate and set aside the appealed decision and  
40 declare the respondent exonerated of the charge. If the respondent is under preventive  
41 suspension, he/she shall be immediately reinstated and shall be entitled to back salaries and  
42 other benefits.  
43

44  
45 **SEC. 216. Petition for Review.** - Pursuant to this Code, the Commission may  
46 review decisions rendered by its regional offices and other disciplining authorities dismissing  
47 a complaint for lack of a prima facie case, subject to rules and regulations the Commission  
48 may prescribe.  
49

50  
51 **SEC. 217. Removal of Administrative Penalties or Disabilities.** - Upon  
52 recommendation of the Commission, the President may commute or remove administrative  
53 penalties or disabilities imposed upon public officers or employees in disciplinary cases,  
54 subject to such terms and conditions as he/she may impose in the interest of the service.

1 Title II - Prohibitions

2  
3 Chapter One. Limitation on Appointments

4  
5  
6 **SEC. 218. *Appointment of Elective Officers.*** - Except as provided for in the  
7 Constitution, no elective officer shall be eligible for appointment or designation in any  
8 capacity to any public office or position during his / her tenure.  
9

10  
11 **SEC. 219. *Candidate Who Lost in an Election.*** - No candidate who lost in any  
12 election shall, within one (1) year after such election, be appointed in any capacity to any  
13 office in the government or any state university and college, government-owned and -  
14 controlled corporations with original charters or created under special laws, local government  
15 units. Neither can they be hired within the same period as consultants or under contracts of  
16 services/job orders in said entities.  
17

18  
19 **SEC. 220. *Resignation Before Election.*** - A person who resigned from the service  
20 within three (3) months before any election and [*directly or indirectly*] engaged in any  
21 political activity shall not be eligible for **REEMPLOYMENT** [*reappointment or reinstatement*]  
22 in the government during the six (6)-month period following such election.  
23

24  
25 **SEC. 221. *Prohibition Against Holding Another Office or Employment.*** - Unless  
26 otherwise allowed by law or by the primary functions of the position, no appointive officer  
27 shall hold any other office or employment in the government or any subdivision, agency or  
28 instrumentality thereof, state universities and colleges, government-owned and -controlled  
29 corporations with original charters or created under special laws, **AND** local government units  
30 [*including entities and corporations sequestered by the government*].  
31

32  
33 **SEC. 222. *Prohibition During Election Period.*** - No appointment, whether  
34 original, transfer, reemployment, reappointment, renewal, promotion and demotion,  
35 regardless of status, except in the case of reinstatement, shall be issued ninety (90) days before  
36 any national or local election except barangay and sangguniang kabataan elections and until  
37 *the assumption of the newly-elected or reelected appointing officer.* No consultancy, job  
38 order or contract of service shall also be entered into during the said period. However, in the  
39 exigency of the service and subject to the authority by the Commission, the appointing  
40 authority may issue appointments after the election and until the assumption of the newly  
41 elected or reelected appointing officer provided the following concur:  
42

- 43 (a) A vacancy occurred during the prohibited period;  
44 (b) There is need to fill up the vacancy immediately in order not to prejudice  
45 public service and/or endanger public safety;  
46 (c) The appointee is qualified;  
47 (d) The appointment has gone through the usual requirements like publication,  
48 regular screening by the Personnel Selection Board and concurrence by the  
49 Sanggunian, as the case may be.  
50

51 All appointments issued before the prohibited period shall take effect immediately,  
52 notwithstanding any provisions in the appointment to the contrary and the appointee shall  
53 assume the position within thirty (30) days from issuance thereof. Failure of the appointee to  
54 assume the position within said period shall make the appointment ineffective.



1           **SEC. 223. Prohibition Against Appointments by an Outgoing Appointing Authority.** -  
2 No appointment in national **OR LOCAL** agencies, state universities and colleges, government-  
3 owned and -controlled corporations with original charters or created under special laws shall  
4 be made by any outgoing appointing authority within three (3) months before the end of  
5 his/her term of office or retirement. This prohibition shall also apply to outgoing appointing  
6 authorities who have previously manifested their intention to resign from office. In which  
7 case, the prohibition shall commence from the date of formal manifestation to resign but shall  
8 not be more than three (3) months from the effective date of resignation.

9  
10           However, in the exigency of the service, interim appointments may be issued which  
11 shall not exceed three (3) months from the time the appointing authority ceases to hold office.

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

16  
17  
18           **SEC. 224. Prohibition Against Appointment Of A Person Who Is a Permanent Resident**  
19 **Or Immigrant Of A Foreign Country Or A Green Card Holder.** - **NO APPOINTMENT IN**  
20 **NATIONAL AGENCIES, STATE UNIVERSITIES AND COLLEGES, GOVERNMENT-OWNED**  
21 **OR CONTROLLED CORPORATION, AND LOCAL GOVERNMENT UNITS SHALL BE**  
22 **ISSUED TO A PERSON WHO IS A PERMANENT RESIDENT OR IMMIGRANT OF A**  
23 **FOREIGN COUNTRY, UNLESS IT IS SHOWN BY CLEAR EVIDENCE THAT HE/SHE HAS**  
24 **MADE AN IRREVOCABLE WAIVER OF HIS/HER STATUS AS A PERMANENT RESIDENT OR**  
25 **IMMIGRANT OF A FOREIGN COUNTRY BEFORE SUCH APPOINTMENT.**

26  
27           **NO APPOINTMENT SHALL LIKEWISE BE ISSUED TO A GREEN CARD HOLDER**  
28 **UNLESS IT IS SHOWN BY CLEAR EVIDENCE THAT HE/SHE HAS MADE AN IRREVOCABLE**  
29 **WAIVER OF THAT STATUS OR THAT HE/SHE HAS SURRENDERED HIS GREEN CARD TO**  
30 **THE APPROPRIATE U.S. AUTHORITIES.**

31  
32  
33           **SEC. 225. PROHIBITION AGAINST Supervision by Non-career personnel.** -  
34 Subject to the rules to be promulgated by the Commission, no consultant, contractual or non-  
35 career personnel shall be designated to any position exercising control and supervision over  
36 regular and career personnel in the government.

37  
38  
39           **SEC. 226. PROHIBITION AGAINST ContractING of REGULAR FUNCTIONS**  
40 **[Service].** - **[A person neither shall issued a contract of service shall not discharge duties**  
41 **pertaining to a career or non-career service position or and neither shall an institution**  
42 **perform any of the regular function of the contracting agency. T] PROVIDED, HOWEVER,**  
43 **THAT** the agency may[, however,] enter into a contract of service to undertake **NON-**  
44 **REGULAR FUNCTIONS [a lump sum work] or SUPPORT** services for the government for a  
45 specific period where no employer-employee relationship exists between the individual or the  
46 institution and the government **SUBJECT TO THE RULES AND REGULATIONS**  
47 **PROMULGATED BY THE COMMISSION.**

48  
49  
50           **SEC. 227. Ecclesiastic.** - No priest, preacher, minister, or other religious teacher,  
51 or dignitary as such, shall be employed in the civil service system except when such priest,  
52 preacher, minister, or dignitary is assigned to the Armed Forces of the Philippines, the  
53 Philippine National Police or to any penal or correctional institution, or any government  
54 orphanage or leprosarium.



1 in any capacity to any civilian position in the government, state universities and colleges,  
2 government-owned and -controlled corporations with original charters or created under  
3 special laws, local government units.  
4  
5

6 **SEC. 231. Additional or Double Compensation.** - No elective or appointive  
7 public officer or employee shall receive additional, double, or indirect compensation, unless  
8 specifically authorized by law, nor accept any present, emolument, office, or title of any kind  
9 from any foreign government unless allowed by law.  
10

11 Pensions, gratuities or honoraria shall not be considered as additional, double or  
12 indirect compensation.  
13  
14

15 **SEC. 232. Detail or Reassignment.** - Except when the exigencies of the service  
16 require, no public officer or employee of the government shall be detailed or reassigned three  
17 (3) months before any local or national election.  
18  
19

20 **SEC. 233. Courtesy Resignation.** - It shall be unlawful for any public officer,  
21 elective or appointive, to require public officers and employees within his/her jurisdiction to  
22 submit courtesy resignations for whatever reason or purpose.  
23  
24

25 **SEC. 234. Appointment and/or Transfer of Officers and Employees of Oversight**  
26 **Agencies.** Unless allowed by the Commission in meritorious cases, heads of oversight  
27 agencies and their staff are prohibited from transferring or being appointed to any position in  
28 the department/agency/office/local government unit which his/her unit is assigned or  
29 designated to oversee within one (1) year after termination of such assignment or designation.  
30  
31

## 32 BOOK VI. MISCELLANEOUS PROVISIONS

### 33 Title I - Termination of Employment

#### 34 Chapter One. Modes of Termination

35  
36  
37  
38  
39  
40 **SEC. 235. Modes of Termination OF EMPLOYMENT.** - The following are modes  
41 of terminating employment in the government;  
42

- 43 (a) **Resignation** - A public officer or employee shall be considered separated from  
44 the service effective on the date of acceptance of the resignation by the officer  
45 authorized to do so **OR THIRTY (30) DAYS FROM THE SUBMISSION**  
46 **THEREOF.**  
47  
48 (b) **Candidacy** - An appointive public officer or employee shall be *ipso facto*  
49 separated from the service on the date of filing of the certificate of candidacy for  
50 an elective position.  
51  
52 (c) **Death** - Upon proof of death, the public officer or employee shall automatically  
53 be recorded as separated from the service.

- 1 (d) **Permanent Disability** - In case of permanent disability which shall render the  
2 public officer or employee incapable of performing the official duties, the  
3 department or agency head may terminate such public officer or employee.  
4
- 5 (e) **Expiration of Period of Employment** - The services of a public officer or  
6 employee appointed for a fixed period, or for a specific project or whose  
7 appointment ARE [is] coterminous with the appointing officer shall be  
8 terminated upon the expiration of the period of employment, completion of the  
9 project, or at the end of the term of the appointing officer, unless otherwise  
10 earlier validly separated.  
11
- 12 (f) **Dropped from the Service** - A public officer or employee who goes on leave  
13 without proper authority or fails to return to duty after the expiration of the  
14 authorized leave, without valid reasons, and for other grounds under existing  
15 rules, shall be dropped from the service in accordance with the regulations  
16 promulgated by the Commission.  
17
- 18 (g) **Conviction** - The services of the public officer and employee shall be  
19 considered terminated upon conviction by final judgment of a crime where the  
20 penalty carries with it the accessory penalty of perpetual or temporary absolute  
21 or special disqualification to hold public office.  
22
- 23 (h) **Retirement** - Any public officer or employee who reaches the compulsory  
24 retirement age and meets the service requirement shall be retired under the  
25 provisions of the Retirement Law, unless his/her services ARE [is] extended by  
26 the Commission in accordance with its rules and regulations. Optional  
27 retirement pursuant to law likewise terminates official relations.  
28
- 29 (i) **Expiration of Temporary Appointment** - The services of a public officer or  
30 employee with temporary appointment shall automatically be terminated upon  
31 the expiration of the appointment.  
32
- 33 (j) **Disapproval of Appointment** - The services of a public officer or employee ARE  
34 [is] considered terminated upon the final disapproval of the appointment by the  
35 Commission.  
36  
37

38 **SEC. 236. Reduction in Force.** - The head of a department or agency may reduce  
39 its staff due to lack of work or funds or due to a change in the scope or nature of an agency's  
40 program, or as a result of reorganization, subject to the rules and regulations which the  
41 Commission shall prescribe.  
42  
43

## 44 Title II - SANCTIONS AND LIABILITIES

### 45 CHAPTER One. LIABILITIES

46  
47  
48  
49 **SEC. 237. Liability of Appointing Authority.** - No person employed in the civil  
50 service system in willful violation of this Code shall be entitled to receive pay from the  
51 government. The appointing authority responsible for such unlawful employment shall be  
52 personally liable for the pay that would have accrued had the employment been lawful.  
53 **LIKewise, THE COMMISSION OFFICIALS OR EMPLOYEES WHO CAUSED THE**  
54 **APPROVAL OF SUCH UNLAWFUL EMPLOYMENT AND WAS PROVEN TO HAVE**

1 CONNIVED OR CONSPIRED WITH THE APPOINTING AUTHORITY SHALL BE  
2 PERSONALLY LIABLE FOR THE PAY THAT WOULD HAVE ACCRUED THEREOF HAD THE  
3 EMPLOYMENT BEEN LAWFUL.

4  
5 THE DISBURSING PUBLIC OFFICERS SHALL MAKE PAYMENT TO THE EMPLOYEES  
6 OF SUCH AMOUNT FROM THE SALARY OF THE PUBLIC OFFICERS OR EMPLOYEES SO  
7 LIABLE.

8  
9  
10 **SEC. 238. *Liability of Disbursing Public officers.*** - Except as may otherwise be  
11 provided by law, it shall be unlawful for a treasurer or other fiscal public officer or employee  
12 to deduct any amount for contributions or payment of obligations other than those due to the  
13 government or its instrumentalities.

14  
15  
16 **SEC. 239. *Criminal Liability.*** - Whoever makes any appointment or employs any  
17 person in willful violation of any provision of this Code or the rules and regulations issued  
18 thereunder; or whoever commits fraud, deceit or intentional misrepresentation of material  
19 facts concerning any civil service matter; or whoever violates, refuses or neglects to comply  
20 with any final decision or order of the Commission, shall, upon conviction, be punished by a  
21 fine not exceeding Ten Thousand Pesos (P10,000.00) or by imprisonment of not less than  
22 three (3) years nor more than five (5) years or both at the discretion of the court.

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

28  
29  
30 **Title III - Fees and Authority to Administer Oaths**

31  
32 **Chapter One COLLECTION OF Fees**

33  
34  
35 **SEC. 240. *Authority to Collect Fees.*** - The Commission may collect and charge  
36 fees for civil service examinations, certification of civil service ratings, service records, appeals  
37 in disciplinary and non-disciplinary cases, training courses, seminars and workshops in  
38 personnel management, and for services rendered on other civil service matters. For this  
39 purpose, the Commission shall prescribe standard and reasonable rates for such examination,  
40 certifications, training courses, seminars and workshops and other activities or services, the  
41 fees for which are not provided by law or regulation. No fees shall be collected in  
42 examinations given for the selection of scholars.

43  
44  
45 **Chapter Two. Authority of Public Officers to Administer Oaths,  
46 Take Testimony, and Prosecute Cases in Court**

47  
48  
49 **SEC. 241. *Who May Administer Oaths.*** - The Chairperson and Members of the  
50 Commission, public officers occupying third level positions and other public officers and  
51 employees of the Commission and other departments or agencies designated in writing by the  
52 Chairperson, may administer oaths as may be necessary in a transaction of an official business  
53 and take a testimony in connection with any authorized investigation.

1 Title IV - Fiscal Autonomy and Use of Appropriations and Income

2  
3 Chapter One. Fiscal Autonomy

4  
5  
6 SEC. 242. *Fiscal Autonomy.* - The Commission shall enjoy fiscal autonomy. It  
7 shall determine the amount of its annual budget requirements for its operating expenses, and  
8 capital outlays which shall be proposed to Congress in accordance with existing budget laws.  
9 Its approved annual appropriations shall be automatically and regularly released in full.

10  
11 The Commission shall have the flexibility to utilize its appropriations, and its income,  
12 for operating and capital expenses, acquisition, supplies, repairs and maintenance of office  
13 equipment and facilities subject to the provision of law.

14  
15  
16 Chapter Two. Authority to Use Appropriations and Income

17  
18  
19 SEC. 243. *Authority to Use Appropriations and Income.* - The Commission is  
20 hereby authorized to use such sums appropriated in the annual appropriations act, including  
21 all balances of existing certifications, to accounts payable of prior years which have not yet  
22 been reverted to unappropriated surplus, within a period of two (2) years, as are necessary to  
23 carry out the provisions of this Code. The Commission is also authorized to augment any  
24 item in its appropriations from savings actually released for any official purpose at its  
25 discretion.

26  
27 The Commission is further authorized to directly use its income derived from fees, cost  
28 for services it may assess and levy, and such other proceeds generated in the performance of  
29 its functions for its operating expenses, for personnel and organizational development as well  
30 as acquisition, repair and maintenance of office equipment, facilities and supplies.

31  
32  
33 Title V - Transitory Provisions

34  
35  
36 SEC. 244. *Abolished Offices.* - All Commission public officers and employees  
37 whose offices are abolished by virtue of the provisions of this Code shall be absorbed in the  
38 central, regional and field offices of the Commission with no diminution of status, rank and  
39 salary.

40  
41  
42 SEC. 245. *Vested Rights.* - Except as otherwise provided in this Code, rights  
43 vested or acquired under the provisions of the Civil Service Law, rules and regulations and  
44 any other Act prior to the effectivity of this Code shall be respected.

45  
46  
47 Title VI - Final Provisions

48  
49  
50 SEC. 246. *Funding.* - Funds needed to carry out the provisions of this Code shall be  
51 taken from funds available in the Commission or in the absence or insufficiency thereof, from  
52 any lump sum appropriations to be included in the annual General Appropriations Act. The  
53 appropriation shall cover the operating expenses of the Commission including the salaries,  
54 allowances and other emoluments of all its public officers and employees in its central,

1 regional and field offices and for its projects and activities, subject to the accounting of such  
2 expenditures.

3  
4  
5 **SEC. 247. *Implementing Rules and Regulations.*** - The Commission shall  
6 promulgate rules and regulations and set guidelines and standards to implement the  
7 provisions of this Code which shall become effective thirty (30) days after its publication in a  
8 national newspaper of general circulation.

9  
10  
11 **SEC. 248. *Repealing Clause.*** - Republic Act No. 2260, Republic Act No. 6040,  
12 Presidential Decree No. 807, Presidential Decree No. 1, Presidential Decree No. 1409,  
13 Executive Order No. 135, series of 1987, Executive Order No. 180 and Book V, Title 1,  
14 Subtitle A on the Civil Service Commission of Executive Order No. 292, series of 1987, and  
15 Section 2 of RA 6758 are hereby repealed. Section 24 of RA 6770, Sections 77, 79 and 85 of  
16 RA 7160, Section 1 of RA 8190 and Section 21 of RA 8551, are hereby amended or modified  
17 accordingly; and all laws, decrees, orders, circulars, rules and regulations or any part thereof  
18 which are contrary to or inconsistent with any provision of this Code are hereby repealed or  
19 modified accordingly.

20  
21  
22 **SEC. 249. *Supplemental Applications.*** - The Rules of Court shall have  
23 supplemental application to this Code.

24  
25  
26 **SEC. 250. *Separability.*** - If any provision of this Code or its application to any  
27 person or circumstances is declared invalid, such declaration shall not affect the other  
28 provisions of this Code.

29  
30  
31 **SEC. 251. *Construction in Favor of Employees.*** - All doubts in the  
32 implementation and interpretation of the provisions of this Code including its implementing  
33 rules and regulations shall be resolved in favor of employees.

34  
35  
36 **SEC. 252. *Effectivity.*** - This Code shall take effect thirty (30) days following its  
37 publication in the *Official Gazette* or in a national newspaper of general circulation in the  
38 Philippines.

39  
40  
41 *Approved,*