

THIRTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)

SECRETARY
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SENATE

S. No. 2614

REC'D VER. 11/11/11

Introduced by Senator Franklin M. Drilon

EXPLANATORY NOTE

Former Senate President Senator Neptali A. Gonzales once said:

“Congress, particularly the Senate, has become a great and strong institution of representative democracy. Because of the broad national mandate granted by the Constitution to Congress, it becomes the task of the Secretariat of both Houses to give their unqualified and professional support to senators and congressmen.”

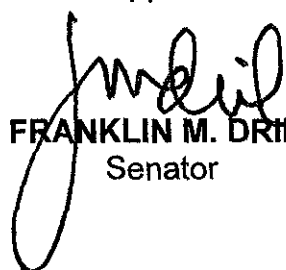
This bill seeks to create and maintain a pool of strong, dedicated and competent public servants in the field of legislation to ensure that our elected senators and congressmen are provided the much-needed administrative and technical support to carry out their roles in a representative democracy.

The establishment of a Legislative Career Service would allow the admission and training of competent and qualified civil servants in Congress. There is no doubt that the functions of Congress have gone beyond that of plenary work. Committee hearings and legislative inquiries have to be conducted on various socio-economic and political issues that confront our nation. Legislative research, bill drafting and administrative management have to be undertaken to complement the lawmaking duties of our legislators. The role of the Secretariat as a support system in the Congress, therefore, becomes unique and specialized. Thus, the qualification standards of legislative personnel are specific and must conform not only to the Civil Service rules but also to parliamentary rules, precedents, practices, and traditions.

This proposed measure likewise seeks the creation of a Legislative Career Service Board to ensure the recruitment and training of a service-wide pool of properly selected and development-oriented legislative corps and devises a retirement scheme for all officers and employees in the Legislative Career Service.

Now is the time to acknowledge, through this bill, the men and women behind the work of the senators and representatives of the people if only for their untiring support and dedication to this great political institution.

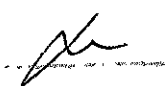
I therefore seek the support of this Body for the approval of this measure.


FRANKLIN M. DRILON
Senator

THIRTEENTH CONGRESS OF THE)
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S. No. 2614

Introduced by Senator Franklin M. Drilon

**AN ACT
STRENGTHENING AND RATIONALIZING THE CAREER SERVICE
OF THE CONGRESS OF THE PHILIPPINES BY ESTABLISHING A
LEGISLATIVE CAREER SERVICE, PROVIDING BENEFITS FOR ITS
OFFICERS AND EMPLOYEES, APPROPRIATING FUNDS THEREFOR, AND
FOR OTHER PURPOSES**

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

SECTION 1. *Legislative Career Service.* – There shall be established a Legislative Career Service for Congress composed of the following:

(a) *The Legislative Career Service Officers (LCSO)* – to include the positions of the Deputy Secretary of the Senate, Deputy Secretary General of the House of Representatives, Deputy Secretary of the Commission on Appointments, and their equivalents, Executive Director, Bureau Director, Assistant Bureau Director, Service Chief, down to Director I Level, and equivalent levels which involve professional and technical work in a supervisory capacity;

(b) *The Legislative Career Service Employees (LCSE)* – to include Legislative Staff Officer positions which involve professional and technical work in a non-supervisory capacity;

(c) *The Legislative Sub-Career Service (LSCS)* – to include Legislative Staff Assistant/Employee positions which involve clerical, trades, crafts and custodial services in a non-supervisory capacity.

SEC. 2. *Coverage.* – The Legislative Career Service (LCS) shall include the officers and employees of the Senate, the House of Representatives and the Commission on Appointments.

SEC. 3. Objective. – It is the purpose of this measure to professionalize, upgrade and strengthen the work force of the *Legislative Department* to ensure that Congress and its Members shall be provided with qualified, efficient and effective legislative, administrative and security support services. Towards this end, a continuing pool of competent and development-oriented legislative career service officers and employees shall be established and maintained.

SEC. 4. Legislative Career Service Board. - There shall be a Legislative Career Service Board hereinafter referred to as the Board, to be composed of the Secretary of the Senate and the Secretary General of the House, as Co-Chairmen; one (1) Career Official to be designated by the President of the Senate, one (1) Career Official to be designated by the Speaker of the House, and the Chairman of the Civil Service Commission. The two (2) Career Officials for both Houses shall serve for a term of three (3) years.

SEC. 5. Functions of the Board. – The Board shall:

- (a) Determine and evaluate the qualification of the applicants for LCSO positions;
- (b) Prepare the examination questions for LCSO positions and conduct the examination, correct and rate examination papers in coordination with the Civil Service Commission and submit the results to the President of the Senate and Speaker of the House;
- (c) Conduct an annual review of the qualifications of LCSO and recommend deserving officers for appointment to the rank of LCSO;
- (d) Establish and conduct a performance evaluation system for LCSOs;
- (e) Keep a roster of those who have passed the LCSO examinations; and
- (f) Perform such other functions as may be assigned by the President of the Senate or the Speaker of the House pursuant to its mandate.

SEC. 6. Legislative Career Service Officers (LCSO) Eligibility. – LCSO eligibility shall be conferred by the Board to any person who meets such managerial and

legislative experience and competence, leadership qualities and other relevant qualifications, and passes the examination prescribed by the Board.

The examination shall consist of two stages: (a) Legislative/management aptitude test; and (b) Assessment of managerial capability and competence.

Those who pass the managerial assessment will be subject to a validation process involving their superiors in order to ascertain their on-the-job performance.

Successful completion of the managerial assessment and favorable results of the validation process and a final interview by the Board shall qualify the candidate for the grant of LCSO eligibility.

Any incumbent officer or employee who is a Career Executive Service (CES) eligible prior to the effectivity of this Act shall automatically be conferred LCSO eligibility.

SEC. 7. *Qualification Requirements.* – An applicant for LCSO eligibility must possess the following qualifications:

- (a) A Bachelor's degree;
- (b) Not be over fifty-five (55) years of age;
- (c) Must be a citizen of the Philippines; and
- (d) Must not have been convicted by a court of competent jurisdiction of a crime involving moral aptitude.

SEC. 8. *Appointments.* – Appointments to appropriate positions in the Legislative Career Service shall be made by the President of the Senate, the Speaker of the House of Representatives or the Chairman of the Commission on Appointments, as the case may be.

No person shall be eligible for appointment to any position in the Legislative Career Service unless he/she meets the qualification standards approved by the Legislative Career Service Board (LCSB) which shall at least be at par with the standards set by the Civil Service Commission.

SEC. 9. *Incumbents.* – Upon approval of this Act, an incumbent, or an employee officially discharging the duties, of a regular career position herein classified

as an LCSO position shall be accorded LCSO eligibility and shall enjoy security of tenure.

SEC. 10. Retirement Benefits. – Retirement shall be compulsory for an officer or employee in the Legislative Career Service upon reaching the age of sixty-five (65) years: *Provided*, That he/she has rendered at least fifteen (15) years of service in the government, three (3) years of which have been continuously rendered in the Legislative Department. If he/she has rendered less than fifteen (15) years of service, he/she shall be allowed to continue in service up to a maximum of one (1) year, subject to Civil Service rules and regulations.

Upon compulsory retirement, an officer or employee shall be entitled to a monthly pension for the duration of his/her natural life equivalent to the salary of the incumbent of the position he was retired from and a lump sum gratuity of five (5) years or sixty (60) months multiplied by two (2) months salary plus the highest monthly aggregate of transportation, living and representation allowances received at the time of retirement.

An officer or employee who has reached the age of sixty (60) years with at least fifteen (15) years of service in government, the last three (3) years of which have been continuously rendered in the Legislative Department, may opt to retire under the compulsory retirement plan: *Provided*, That he/she shall be entitled to a monthly pension only upon the lapse of five (5) years from retirement.

Likewise an incumbent who has availed of any prior optional retirement plan and has an accumulated thirty (30) years of service in government, three (3) years of which have been continuously rendered in the Legislative Department, shall be given full credit for services rendered by him/her prior to his/her reinstatement and shall receive the full benefits granted under this Act if he/she retires under the compulsory retirement plan: *Provided*, That he/she refunds all pensions and retirement benefits previously received.

All pension benefits of retired officers and employees of the legislative department shall be automatically increased whenever there is an increase in the salary of the same position from which he/she retired.

Except for the retirement benefits granted herein, officials and employees of the Legislative Career Service shall remain covered by the compulsory life insurance

program of the Government Service Insurance System (GSIS), and shall therefore be entitled to and may avail of GSIS benefits: *Provided*, That the corresponding personal and employer share for the life insurance coverage is paid and remitted.

SEC. 11. *Survivorship Benefits.* – Upon the death of an officer or employee who has been retired, his/her surviving spouse and surviving legitimate minor children shall receive in equal shares seventy percent (70%) of the monthly retirement pay which he/she has been receiving at the time of his/her death: *Provided*, That no payment under this Section shall be made to the surviving spouse who remarries.

SEC. 12. *Optional Retirement.* – An officer or employee, who has rendered an accumulated twenty (20) years of government service, the last three (3) years of which have been continuously rendered in the Legislative Department, may choose to retire from the service under the optional retirement plan subject to the approval of the President of the Senate or the Speaker of the House of Representatives, as the case may be.

Incumbents who have rendered at least ten (10) years of continuous service in Congress at the time of the adoption of this Act may likewise avail of the optional retirement. He/she shall be entitled to receive a lump sum gratuity equivalent to two (2) months salary for every year of service plus highest monthly aggregate of transportation, living and representation allowances as of the date of his/her retirement.

A retiree under this Section shall not be eligible for appointment to or employment in Congress whether on a permanent, temporary, casual or emergency status within a period of three (3) years after retirement.

An officer or employee who has been separated from the service shall be given full credit for services rendered by him prior to his reinstatement for purposes of determining his/her retirement or separation benefits under this Act: *Provided*, That he/she refunds all pensions and retirement benefits previously received.

An officer or employee who shall retire under the compulsory or optional retirement plan shall be entitled to a refund of GSIS personal contributions and the corresponding share of the government with interest earned. Likewise, all retiring

officers and employees shall be entitled to the commutation of unused vacation and sick leave in accordance with existing rules and regulations.

SEC. 13. Separation Benefits. – When an officer or employee is permanently incapacitated to discharge the duties of his/her office, or dies while in the service or is otherwise separated from the service for reasons beyond his/her control and who is not qualified for retirement under Section 10 hereof, he/she or his/her heirs shall be paid a lump sum equivalent to two (2) months salary for every year of service, computed on the basis of the last monthly salary plus the highest monthly aggregate of transportation, living and representation allowances which he was receiving on the date of his incapacity, death or separation from the service. This shall be properly certified by the Secretary of the Senate, the Secretary General of the House of Representatives or the Secretary of the Commission on Appointments, as the case may be.

SEC. 14. Suspension/Deprivation of Benefits. – Benefits due under this Act to any officer or employee shall be withheld if the officer or employee has unliquidated accounts or any pending administrative, criminal or civil case connected with his or her position. If the officer or employee is found guilty, all benefits shall be forfeited; otherwise, the benefit shall be paid in full plus interest as soon as the officer or employee is cleared of all charges.

SEC. 15. Retirement Benefits of the Secretary of the Senate, the Secretary General of the House of Representatives, the Sergeant-at-Arms of both Houses, the Secretary and the Sergeant-at-Arms of the Commission on Appointments, and Co-Terminous Employees. – The Secretary of the Senate, the Secretary General of the House of Representatives, the Sergeant-at-Arms of both Houses, the Secretary and the Sergeant-at-Arms of the Commission on Appointments, and co-terminus staff of the Members of Congress and of the Commission on Appointments, with at least fifteen (15) years of service in the government, the last three (3) years of which have been continuously rendered in the Senate, the House of Representatives or the Commission

on Appointments, may avail of the retirement and separation benefits subject to the conditions provided under Sections 10, 11, 12, and 13 hereof.

SEC. 16. *Enforcement of Retirement Benefits.* – The Senate of the Philippines, the House of Representatives and the Commission on Appointments, or their successors shall take charge of the enforcement and operation of retirement benefits under this Act and no officer or employee of Congress shall be entitled to receive any gratuity or pension herein provided for unless from the month following the approval of this Act, in case of an actual incumbent, or from the month following his/her appointment and qualification as such, in case of a future appointment, he/shall have contributed to the retirement funds, by paying a monthly contribution equivalent to ten percent (10%) of his/her basic monthly salary, three percent (3%) shall be allotted for insurance premium and seven percent (7%) for retirement, with employer counterpart of twelve percent (12%). The retirement fund shall be held in trust by the Government Service Insurance System which fund shall be made available for the payment of the benefits under this Act. In case of deficiency in the fund, the deficiency shall be paid out of the appropriation of either the Senate of the Philippines, the House of Representatives and the Commission on Appointments, or their successors.

The President of the Senate and/or Speaker of the House of Representatives may avail of management and technical assistance of the GSIS or enter into an agreement concerning the administration and operation of the retirement funds of their respective Houses. They may jointly or separately, authorize the GSIS or any other government financing institution to invest the investible amounts of the said retirement funds in accordance with existing laws and sound and prudent investment policies and practices.

SEC. 17. *Implementing Rules and Regulations.* – Upon the recommendation of the Secretary of the Senate and the Secretary General of the House of Representatives, the President of the Senate and the Speaker of the House of Representatives, shall jointly promulgate such rules and regulations for the proper implementation of this Act.

SEC. 18. *Appropriations.* – The amount needed to carry out the initial implementation of this Act shall be charged against the current year's Appropriations for the Organizations Adjustment Fund and Miscellaneous Benefits Fund. Thereafter, such sums as may be necessary for its continued implementation shall be included in the annual General Appropriations Act.

SEC. 19. *Separability Clause.* – Any portion or provision of this Act that may be declared unconstitutional shall not have the effect of nullifying other portions or provisions thereof as long as such remaining portions can still subsist and be given effect in their entirety.

SEC. 20. *Repealing Clause.* – All laws, orders, decrees, rules and regulations, and other issuances, or parts thereof, inconsistent herewith, are hereby repealed or modified accordingly.

SEC. 21. *Effectivity.* – This Act shall take effect after fifteen (15) days following its publication in two (2) national newspapers of general circulation.