

SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)



Senate
Office of the Secretary

'13 SEP 18 P4:04

SENATE
S. No. 1715

RECEIVED BY: *js*

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

Republic Act No. 7157, also known as "The Philippine Foreign Service Act of 1991," provides for three (3) ways of joining the Foreign Service after passing the examinations for Foreign Service Officer (FSO), Class IV. These are: immediate assumption of post, deferment for one year from offer of initial appointment, and "lateral entrance" which means deferment for more than one year but not exceeding six years.

The first two methods do not need confirmation by the Commission on Appointments (CA). The third method does, for Title 111, Section 30 (c) of the law requires the CA to confirm a lateral entrant's initial appointment.

This bill repeals Sec. 30 (c) because the requirement of "CA confirmation" violates the equal protection clause. Republic Act No. 7157 intends to treat all successful examinees equally, regardless of when they accept their initial appointments. Sections 14 and 30 (d) of the law reveal this intent. Section 14 states that the President of the Republic of the Philippines shall appoint those who pass the examinations for FSO, Class IV, without the consent of the Commission on Appointments. Section 30(d) provides that a lateral entrant shall occupy a rank equal to that of his successful co-examinees who joined the Service immediately after being offered appointment.*

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

* This bill was originally filed during the Thirteenth Congress, First Regular Session.



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1 AN ACT

2 AMENDING REPUBLIC ACT NO. 7157, OTHERWISE KNOWN AS THE "PHILIPPINE
3 FOREIGN SERVICE ACT OF 1991," TITLE 111, SECTION 30, BY DELETING THE
4 REQUIREMENT OF CONFIRMATION BY THE COMMISSION ON APPOINTMENTS OF
5 FOREIGN SERVICE OFFICERS WHO JOIN THE FOREIGN SERVICE THROUGH
6 LATERAL ENTRY

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

7 SECTION 1. Republic Act No. 7157, also known as "The Philippine Foreign Service Act
8 of 1991," Title III, Section 30, is amended to read as follows:

9 "Sec. 30. Lateral Entry- Lateral entry into the Career Foreign Service
10 Corps shall be permitted for those individuals who have successfully passed the
11 written and oral examinations conducted by the Board of Foreign Service
12 Examinations but at the time when offered an appointment as foreign service
13 officer, Class IV, decided to join another government agency, *Provided, however,*
14 that:

15 (a) The duration from initial offer of appointment and his request for
16 lateral entry in the Career Foreign Service Corps shall not exceed more than six
17 years;

18 (b) He has very satisfactorily served another government agency for the
19 same duration;

20 (c) His reappointment shall be confirmed by the Commission on
21 Appointments; [and]

22 (d) The rank to which he is being reappointed shall not be higher than that
23 of his successful co-examinees who have joined the Service immediately after
24 being offered the appointment, **AND;**

1 (E) **HIS REAPPOINTMENT SHALL NOT REQUIRE**
2 **CONFIRMATION BY THE COMMISSION ON APPOINTMENTS (CA)."**

3 SECTION 2. *Effect upon Lateral Entrants.* – The reappointment of successful examinees
4 who opted for lateral entry prior to the effectivity of this Act shall not require confirmation by
5 the Commission on Appointments.

6 SECTION 3. *Separability Clause.* – If any provision or part thereof is held invalid or
7 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
8 valid and subsisting.

9 SECTION 4. *Repealing Clause.* – Any law, presidential decree or issuance, executive
10 order, letter of instruction, administrative order, rule, or regulation contrary to or inconsistent
11 with the provisions of this Act is hereby repealed, modified, or amended accordingly.

12 SECTION 5. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
13 publication in at least two (2) newspapers of general circulation.

Approved,