

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

Senate Department of Justice

'21 OCT 11 P3:06

SENATE
S. No. 2432

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Introduced by Senator Francis "Tol" N. Tolentino

AN ACT
AMENDING SECTION 9, BOOK V, TITLE I, SUBTITLE A, CHAPTER 2 OF
EXECUTIVE ORDER NO. 292, OTHERWISE KNOWN AS THE
ADMINISTRATIVE CODE OF 1987

EXPLANATORY NOTE

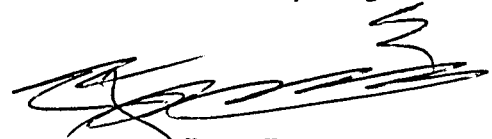
Section 1, Article XI of the 1987 Constitution provides that "[p]ublic office is a public trust. Public officers and employees must, at all times, be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency; act with patriotism and justice, and lead modest lives."

Moreover, Section 2, Article IX(B) of the Constitution also provides that "the civil service embraces all branches, subdivisions, instrumentalities, and agencies of the Government, including government-owned or controlled corporations with original charters," and that "[a]ppointments in the civil service shall be made only according to merit and fitness to be determined, as far as practicable, and, except to positions which are policy-determining, primarily confidential, or highly technical, by competitive examination."

The series of hearings conducted by the Senate Blue Ribbon Committee has brought to light the President's broad authority to select his advisors, whether through formal roles on advisory committees or as informal advisors directly reporting to the President, with little to no checks on the extent of their influence, whether ethics or regulatory, under the law.

In order to implement the constitutional provisions on appointments in the civil service and accountability of public officers, and in order to realize the State policy that appointments in the civil service shall be made only according to merit and fitness, and that public office is a public trust and public officers and employees must at all times be accountable to the people, this bill seeks to amend Section 9, Book V, Title I, Subtitle A, Chapter 2 of Executive Order No. 292, or the Administrative Code of 1987, to include all government consultants and advisors in the coverage and scope of the civil service as non-career service public officers.

In the light of the foregoing, the passage of the bill is earnestly sought.



FRANCIS "TOL" N. TOLENTINO

EIGHTEENTH CONGRESS OF THE)
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Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

1 Section 1. Section 9, Book V, Title I, Subtitle A, Chapter 2 of Executive Order
2 No. 292, otherwise known as the Administrative Code of 1987, is hereby amended to
3 read as follows:

4 "Sec. 9. Non-Career Service. — The Non-Career Service shall be characterized
5 by (1) entrance on bases other than those of the usual tests of merit and fitness
6 utilized for the career service; and (2) tenure which is limited to a period
7 specified by law, or which is coterminous with that of the appointing authority
8 or subject to his pleasure, or which is limited to the duration of a particular
9 project for which purpose employment was made.

10 "The non-career service shall include:

11 "(1) Elective officials and their personal or confidential staff;

12 "(2) Secretaries and other officials of Cabinet rank who hold their positions at
13 the pleasure of the President and their personal or confidential staff(s);

1 “(3) Chairman and members of commissions and boards with fixed terms of
2 office and their personal or confidential staff;

3 “(4) Contractual personnel or those whose employment in the government is
4 in accordance with a special contract to undertake a specific work or job,
5 requiring special or technical skills not available in the employing agency, to be
6 accomplished within a specific period, which in no case shall exceed one year,
7 and performs or accomplishes the specific work or job, under his own
8 responsibility with a minimum of direction and supervision from the hiring
9 agency; and

10 “(5) Emergency and seasonal personnel; AND

11 “(6) GOVERNMENT CONSULTANTS AND ADVISORS.”

12 Section 2. Separability Clause. – If any part hereof is held invalid or
13 unconstitutional, the remainder of the provision not otherwise affected shall remain
14 valid and subsisting.

15 Section 3. Repealing Clause. – Any law, presidential decree or issuance,
16 executive order, letter of instruction, administrative order, rule, or regulation contrary
17 to or inconsistent with this Act is hereby repealed, modified, or amended accordingly.

18 Section 4. Effectivity Clause. – This Act shall take effect fifteen (15) days from
19 its publication in the Official Gazette or in at least two (2) new papers of general
20 circulation.

 Approved,