

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

7 JUL -3 P6:18

SENATE
S. B. NO. 903

RECEIVED BY: 

Introduced by SENATOR EDGARDO J. ANGARA

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

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AN ACT ESTABLISHING A CIVIL SERVICE CODE OF THE PHILIPPINES
AND FOR OTHER PURPOSES.

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

BOOK I. GENERAL PRINCIPLES

Title I – Policies on Civil Service System

Chapter One. Policies and Principles

1 SECTION 1. *Short Title.* - This Act shall be known as the "*Philippine Civil*
2 *Service Code of 2007.*"
3
4

5 SEC. 2. *Declaration of Policy.* - The State recognizes the primary and
6 important role of the civil service system in providing stability, continuity and
7 expertise in government operations, ensuring delivery of public services and achieving
8 the national development goals of peace, human security and sustainable human
9 development. The state shall provide the enabling environment that will promote its
10 integrity, independence, productivity and excellence.
11

12 It is the policy of the State to promote the Constitutional mandate that
13 appointments in the civil service system shall be made only on the principle of merit
14 and fitness; that public office being a public trust, [government personnel] **PUBLIC**
15 **OFFICERS AND EMPLOYEES** must be accountable to the people and live the
16 principles of utmost responsibility, integrity, loyalty, efficiency, patriotism, justice and
17 modesty in serving the people; that employment opportunities in the civil service
18 system shall be equally available **AND ACCESSIBLE** to all qualified citizens; that no
19 [government personnel] **PUBLIC OFFICER OR EMPLOYEE** shall be disciplined,
20 suspended or dismissed except for cause and after observing due process of law **OR**
21 **EXCEPT IF TERMINATED FOR NON-DISCIPLINARY CAUSES**; that the Civil
22 Service Commission, being the central personnel agency of the government, shall
23 administer the civil service system and be responsible in providing policies and
24 guidelines on the selection, utilization, training and discipline of [government
25 personnel] **PUBLIC OFFICERS AND EMPLOYEES**; that their right to self-
26 organization, collective negotiation and peaceful concerted activities, including the
27 right to strike in accordance with the provisions of this Code, shall be guaranteed and

1 respected; that equal pay for equal work shall be guaranteed; and actions on personnel
2 matters shall be decentralized, with the different departments and other offices or
3 agencies of the government delegating to their regional offices or other similar units,
4 powers and functions; and that the autonomy of Local Government Units shall be
5 respected.
6
7

8 **SEC. 3. Definition.** With reference to the civil service system and as used
9 in this Code, the following terms shall be construed to mean as follows:
10

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

- 1
2 (k) **“Class”** refers to all positions in the civil service system that are sufficiently
3 *similar as to duties and responsibilities and require similar qualifications that*
4 *can be given the same title and salary and for all administrative and*
5 *compensation purposes, be treated alike;*
6
7 (l) **“Commission”** refers to the Civil Service Commission;
8
9 (m) **“Commissioner”** refers to either of the two (2) other members of
10 the Commission;
11 (n) **“Consultant”** refers to the person employed under a consultancy contract hired
12 by reason of expertise, to perform highly specialized functions not readily
13 available from career personnel, for a short duration, having no employer-
14 employee relation with the hiring agency;
15
16 (o) **“Department”** refers to any of the departments in the Executive branch,
17 Congress, the Judiciary and any of the constitutional commissions;
18
19 (p) **“Disciplining authority”** refers to the person or body authorized to suspend,
20 dismiss or discipline **PUBLIC OFFICERS** and employees in the civil service
21 system;
22
23 (q) **“Eligibility”** refers to the qualification, acquired by an individual after passing
24 a civil service examination or granted by law, for entrance into and promotion in
25 the career service;
26
27 (r) **“Employee”** refers to any person employed in the civil service system of
28 whatever category or class up to division chief level;
29
30 (s) **“Employee organization”** refers to a duly registered employee organization,
31 union, association, **FEDERATION, CONFEDERATION**, society or alliance in
32 accordance with the provisions of this Code;
33
34 (t) **“Examination”** refers to the test conducted by the Commission or any agency
35 authorized by law for the purpose of determining merit and fitness for
36 appointment in the civil service system;
37
38 (u) **“Grievance”** refers to an employee's complaint regarding working conditions,
39 working relationships or employment status;
40
41 (v) **“Grievance procedure”** refers to the process of resolving employee grievances;
42
43 (w) **“Highly technical position”** refers to a position which requires the occupant to
44 possess skill or training in a supreme or superior degree, like that of a scientist;
45
46 (x) **“Job order”** refers to a contract of service of individuals paid under a lump sum
47 appropriation for a short duration having no employer-employee relation with
48 the government.
49
50 (y) **“Merit system”** refers to an organized mechanism by which the selection,
51 utilization, compensation, training, retention and discipline of employees in the
52 service are governed by comparative merit and achievement;
53

- 1 (z) ***“Party adversely affected”*** refers to the respondent against whom a decision
2 in a disciplinary case has been rendered;
3
- 4 (aa) ***“Personnel action”*** is any movement of personnel in the civil service system;
5
- 6 (ba) ***“Policy determining position”*** refers to a position which vests in the occupant
7 the power to formulate policies for the government or any of its agencies,
8 subdivisions, or instrumentalities, like that of a member of the Cabinet;
9
- 10 (ca) ***“Position”*** refers to an occupational title with a defined set of duties and
11 responsibilities to be performed by an individual either on full-time or part-time
12 basis;
13
- 14 (da) ***“Primarily confidential position”*** refers to a position where the occupant
15 enjoys more than the ordinary confidence of the appointing power but bears
16 such close intimacy which relieves the latter from misgivings of betrayal of
17 personal trust on confidential matters, like that of a private secretary;
18
- 19 (ea) ***“PUBLIC OFFICERS”*** as distinguished from employees, refers to those whose
20 functions are managerial or executive in nature and above the division chief
21 level;
22
- 23 (fa) ***“Qualification standards”*** refer to the minimum requirements for a class of
24 position expressed in terms of education, training, experience, civil service
25 eligibility, physical fitness and other qualities required by the job;
26
- 27 (ga) ***“Rank-and-file”*** shall refer to employees occupying positions in the first and
28 second levels;
29
- 30 (ha) ***“Reorganization”*** refers to the process of restructuring the bureaucracy’s
31 organizational and functional set-up with the view of making it more
32 economical, effective, efficient and responsive to the needs of the public;
33
- 34 (ia) ***“Sequestered agency”*** refers to any business entity recovered or sequestered
35 by the government in accordance with law.];
36
- 37 (ja) ***“Solo parent”*** refers to an individual who falls under any of the following
38 categories:
39
- 40 1. A woman who gives birth as a result of rape and other crimes against
41 chastity even without a final conviction of the offender: Provided, that the
42 mother keeps and raises the child;
 - 43 2. Parent left solo or alone with the responsibility of parenthood due to death of
44 spouse;
 - 45 3. Parent left solo or alone with responsibility of parenthood while the spouse is
46 detained or is serving sentence for a criminal conviction for at least one (1)
47 yr ;
 - 48 4. Parent left solo or alone with the responsibility of parenthood due to physical
49 and/or mental incapacity of spouse as certified by a public medical
50 practitioner;
 - 51 5. Parent left solo or alone with the responsibility of parenthood due to legal
52 separation or *de facto* separation from spouse for at least one (1) year, as
53 long as he/she is entrusted with the custody of the children;

- 1 6. Parent left solo or alone with the responsibility of parenthood due to
2 declaration of nullity or annulment of marriage as decreed by a court or by a
3 church who is entrusted with the custody of the children;
- 4 7. Parent left solo or alone with the responsibility of parenthood due to
5 abandonment of spouse for at least one (1) year;
- 6 8. Unmarried mother/father who has preferred to keep and rear her/his
7 child/children instead of having others care for them or give them up to a
8 welfare institution;
- 9 9. Any other person who solely provides parental care and support to a child or
10 children;
- 11 10. Any family member who assumes the responsibility of head of family as a
12 result of the death, abandonment, disappearance or prolonged absence of the
13 parents or solo parent.

14
15
16 (ii) **“Strike”** refers to a concerted action of an accredited employee organization
17 which will result in temporary stoppage or disruption of public service
18
19

20 **Chapter Two. Rights and Obligations of Public Officers and Employees** 21 **in the Civil Service System** 22 23

24 **SEC. 4. Rights. - PUBLIC OFFICERS** and employees in the civil
25 service system shall have the right to:
26

- 27 (a) Security of tenure;
- 28 (b) Exercise the authority attendant to their positions;
- 29 (c) Enjoy leave, welfare, retirement and other benefits and services;
- 30 (d) Self-organization or to form and join unions, associations,
31 **FEDERATIONS, CONFEDERATIONS**, societies or **ALLIANCES** for
32 purposes not contrary to law;
- 33 (e) For rank-and-file employees of accredited organizations to collectively
34 negotiate for terms and conditions of employment in accordance with
35 existing laws; and
- 36 (f) Enjoy such other rights provided by law.
37
38

39 **SEC. 5. Obligations. - PUBLIC OFFICERS** and employees in the civil
40 service system shall:
41

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

- 1 (g) Undertake programs of self-development to improve their performance
2 and levels of service; and
3 (h) **PERFORM SUCH OTHER OBLIGATIONS AS MAY BE PROVIDED**
4 **BY LAW.**
5
6

7 **Title II - Scope of the Civil Service System**
8

9 **Chapter One. Positions in the Civil Service System**
10

11 **SEC. 6. Coverage.** - The civil service system embraces all branches,
12 subdivisions, instrumentalities, and agencies of the Government, including local
13 government units, state universities and colleges, [*entities and corporations*
14 *sequestered by the government,*] and government-owned or -controlled corporations
15 with original charters.
16

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

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

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

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

- 37 (a) Open career positions - appointment to any level in the career service
38 which requires qualification in an appropriate examination or other
39 modes in accordance with law;
40 (b) Closed career positions - positions that are scientific or highly technical
41 in nature which shall establish and maintain their own merit systems,
42 such as the following:
43 (1) Faculty and academic staff of state universities and colleges or
44 scientific and technical positions in scientific or research
45 institutions;
46 (2) Career Executive Service;
47 (3) Career Officers, other than those in the Career Executive Service,
48 who are appointed by the President, such as the Foreign Service
49 Officers in the Department of Foreign Affairs, the judges and
50 justices in the Judiciary and the prosecutors in the prosecution
51 services;
52 (4) Uniformed and commissioned personnel of the Philippine National
53 Police;

- 1 [(c) *Personnel of government-owned or controlled corporations with original*
2 *charters, whether performing governmental or proprietary functions, who*
3 *do not fall under the non-career service; and]*
4 (c) Permanent laborer, whether skilled, semi-skilled, or unskilled.
5
6

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

- 9 (a) First Level - includes clerical, trades, crafts and custodial positions
10 whether in a non-supervisory or supervisory capacity;
11 (b) Second Level - includes professional, highly technical, scientific or other
12 highly specialized positions in a supervisory or non-supervisory capacity
13 requiring at least a baccalaureate degree or its equivalent as determined
14 by the Commission; and
15 (c) Third Level - the highest level positions in the career service as
16 determined in the [National] **POSITION** Classification and
17 Compensation [Plan] **SYSTEM**.
18

19 Except as otherwise provided in this Code, entrance to the first two levels shall
20 be through competitive or special examinations to be **AUTHORIZED** by the
21 Commission. Entrance to the third level shall be based on qualification requirements
22 prescribed by the Commission **THROUGH THE CESB**. [*Entrance to a higher level*
23 *does not require previous qualification in the lower level.*]
24
25

26 **SEC. 12. *The Non-Career Service.*** - The non-career service shall be
27 characterized by merit and fitness to be determined by (a) modes other than those of
28 the usual tests utilized for the career service; (b) tenure which is limited to a period
29 specified by law; (c) tenure which is co-terminus with that of the appointing authority
30 or subject to his/her pleasure or which is limited to the duration of a specific project for
31 which purpose employment was made; and (d) the primarily confidential nature of the
32 position.
33
34

35 **SEC. 13. *Positions Included in the Non-Career Service.*** - The non-
36 career service shall include the following:
37

- 38 (a) Elective **OFFICERS** and their personal and primarily confidential staff;
39 (b) Department heads and other **PUBLIC OFFICERS** of Cabinet rank who
40 occupy their positions at the pleasure of the President and their personal
41 and primarily confidential staff;
42 (c) Chairpersons and members of constitutional commissions and other
43 commissions, boards and other bodies with fixed terms of office and their
44 personal and primarily confidential staff;
45 (d) Non-career undersecretaries and non-career assistant secretaries and
46 their personal and primarily confidential staff;
47 (e) Contractual personnel or those whose employment is in accordance with
48 a special contract for a maximum period of one year to undertake a
49 specific work or job which requires special or technical skills not available
50 in the employing agency;
51 (f) Those whose positions may be declared as personal and primarily
52 confidential by the Commission; and
53 (g) Emergency, casual and seasonal personnel.
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Title III - The Civil Service Commission

Chapter One. Composition, Duties and Functions

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

AS FAR AS PRACTICABLE, THE COMPOSITION OF THE COMMISSION MUST BE GENDER-BALANCED.

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

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

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

SEC. 18. *[Prohibition. - No Member of the Commission shall, during their tenure, hold any other office or employment except when expressly provided by law.] Powers and Functions of the Commission.* - The Commission shall have the following powers and functions:

- (a) Administer and enforce the constitutional and statutory provisions on the merit system for all levels and ranks in the civil service system;
- (b) Prescribe, enforce and amend rules and regulations for carrying into effect the provisions of this Code and other pertinent laws which shall become effective thirty (30) days from the date of publication in the Official Gazette or in a national newspaper of general circulation;
- (c) Promulgate its own rules concerning pleadings and practice before it or any of its offices. Such rules shall not diminish, increase or modify substantive rights;
- (d) Promulgate policies, standards and guidelines for the civil service system and adopt plans and programs to promote economical, efficient and effective personnel administration in the government;
- (e) Formulate policies and regulations for the administration, maintenance and implementation of position classification and compensation and set

1 standards for the establishment, allocation and reallocation of pay scale
2 classes and positions;

- 3
- 4 (f) Render decisions, orders, opinions or rulings on civil service matters
5 which shall be binding on heads of departments and agencies and
6 immediately executory;
- 7
- 8 (g) Confer ranks [*upon CES eligibles*] upon recommendation by the Career
9 Executive Service Board;
- 10
- 11 (h) Discipline CES members for cause after due process;
- 12
- 13 (i) Manage the administration of the civil service examinations. Any entity
14 or **OFFICER OR EMPLOYEE OF THE** [*in*] government may be called
15 upon by the Commission to assist in the preparation and conduct of the
16 said examinations. Such assistance includes, but is not limited to, the
17 provision of personnel and security, the use of buildings and facilities, as
18 well as the transportation of examination materials;
- 19
- 20 (j) Grant civil service eligibility to qualified applicants based on Civil Service
21 examination results, performance, training, education, qualifications and
22 other similar standards, subject to the guidelines it may prescribe;
- 23
- 24 (k) Prescribe all forms for civil service examinations, appointments, reports
25 and such other forms as may be required by law and the rules and
26 regulations of the Commission;
- 27
- 28 (l) Declare, when appropriate, positions in the civil service system as
29 primarily confidential, highly technical or policy-determining;
- 30 (m) Formulate, administer and evaluate programs relative to the selection
31 and recruitment, development and retention of qualified and competent
32 work force in the public service, including administration, development
33 and evaluation of training, scholarship [*programs*] and retirement
34 programs;
- 35
- 36 (n) Hear and decide administrative cases and other Civil Service matters
37 brought before it directly or on appeal, including disciplinary matters,
38 contested appointments or personnel actions;
- 39
- 40 (o) Issue subpoena *ad testificandum* (process directing a person to testify)
41 and/or subpoena *duces tecum* (process directing a person to produce with
42 him/her any book, document or other things under his/her control
43 pertinent to the issue of a pending controversy);
- 44
- 45 (p) Issue a writ of preliminary injunction or temporary restraining order
46 when, on the basis of the allegations in the petition, it is established that
47 the acts complained of, involving or arising from any personnel actions, if
48 not restrained or performed immediately, may cause grave or irreparable
49 injury to any party or render ineffectual any decision of the Commission
50 in favor of such party;
- 51
- 52 (q) Deputize **OFFICERS AND EMPLOYEES** of the Commission and of
53 other departments and agencies to investigate and hear cases and to
54 submit their findings and recommendations to the Commission. For this

1 purpose, deputized **OFFICERS AND EMPLOYEES** may issue
2 subpoena *ad testificandum* (process directing a person to testify) and/or
3 subpoena *duces tecum* (process directing a person to produce with
4 him/her any book, document or other things under his/her control
5 pertinent to the issue of a pending controversy);
6

- 7 (r) Delegate any power or function of the Commission to its regional or field
8 offices;
9
- 10 (s) Review decisions and actions of its offices;
11
- 12 (t) Enforce and execute its decisions, orders and rulings, and for this
13 purpose, deputize any national or local law-enforcement agency or
14 instrumentality of the government which shall act under the direct and
15 immediate supervision of the Commission;
16
- 17 (u) Punish for contempt, direct and indirect, **OFFICERS**, employees and
18 other persons for refusal or failure to comply with the decisions, orders,
19 rulings or processes and proceedings of the Commission. The
20 Commission may impose a penalty of fine of not less than P1,000.00 per
21 day until compliance, or suspension from office without pay for a period of
22 not more than thirty (30) days; or both as the circumstances may
23 warrant;
24
- 25 (v) Advise the President on all matters involving personnel management in
26 the civil service system and submit to the President an annual report on
27 personnel programs;
28
- 29 (w) Act on all appointments and other personnel matters in the civil service
30 system;
31
- 32 (x) Inspect and audit the personnel actions and programs of the
33 departments, agencies, bureaus, offices, and other instrumentalities of
34 the government, including government-owned and -controlled
35 corporations with original charters, local government units, state
36 universities and colleges, [*and entities and corporations sequestered by*
37 *the government*]; conduct periodic review of the decisions and actions of
38 offices or **OFFICERS** to which authority has been delegated by the
39 Commission and apply appropriate sanctions whenever necessary;
40
- 41 (y) Prescribe rules and policies on employee organizations and regulate
42 employee-management relations including the settlement of disputes;
43
- 44 (z) Prescribe and enforce rules and regulations to ensure safe, healthy and
45 proper working conditions for employees;
46
- 47 (aa) Keep and maintain personnel records, extend and accredit government
48 service of **PUBLIC OFFICERS** and employees;
49
- 50 (bb) Delegate authority for the performance of any of its functions to other
51 departments and agencies where such functions can be effectively
52 performed;
53

- 1 (cc) Appoint and discipline its **OFFICERS** and employees in accordance with
2 law and exercise control and supervision over the activities of the
3 Commission;
4
- 5 (dd) **ADMINISTER PROGRAMS THAT WILL FOSTER AN HONEST,
6 GRAFT-FREE PUBLIC SERVICE, INCLUDING BUT NOT
7 LIMITED TO THE ENCOURAGEMENT AND PROTECTION OF
8 PERSONS WHO REPORT TO PROPER GOVERNMENT
9 AUTHORITIES ANOMALIES AND IRREGULARITIES IN
10 GOVERNMENT OPERATIONS;** and
11
- 12 (ee) Exercise all powers and perform the functions properly belonging to a
13 central personnel agency.
14
15

16 **SEC. 19. *Duties and Responsibilities of the Chairperson and the***
17 ***Commissioners.***
18

- 19 (a) The Chairperson and the two Commissioners shall be responsible for the
20 effective exercise of the rule-making, policy-formulation and adjudicative
21 functions of the Commission. They shall decide by a majority vote on any
22 case or matter brought before the Commission within sixty (60) days from
23 the date of its submission for decision or resolution.
24
- 25 (b) The Chairperson shall be the chief executive officer and shall perform the
26 following functions:
27 (1) Execute and administer the internal policies, decisions, orders, and
28 resolutions approved by the Commission;
29 (2) Direct and supervise the operations and internal administration of
30 the Commission;
31 (3) Sign appointments of subordinate **OFFICERS** and employees
32 made by the Commission and enforce decisions on administrative
33 discipline involving them;
34 (4) Submit the annual budget of the Commission to Congress for its
35 approval;
36 (5) Transmit to the President, rules and regulations adopted by the
37 Commission which require presidential attention including annual
38 and other periodic reports;
39 (6) Delegate authority, in whole or in part, to other **OFFICERS** of the
40 Commission, in accordance with the Rules and Regulations of the
41 Commission; and
42 (7) Perform such other functions as may be provided by law.
43
- 44 (c) The Chairperson shall be a member of the board of directors and
45 governing body of government entities whose functions affect the career
46 development, employment status, rights, privileges and welfare of
47 **PUBLIC OFFICERS** and employees, such as the Government Service
48 Insurance System (GSIS), Foreign Service Institute (FSI), Board of
49 Foreign Service Examinations (BFSE), Foreign Trade Service Board
50 (FTSB), Board for Professional Teachers (BPT), Scientific Career System
51 (SCS), Development Academy of the Philippines (DAP), **HOME**
52 **DEVELOPMENT MUTUAL FUND (HDMF), PHILIPPINE HEALTH**
53 **INSURANCE CORPORATION (PHILHEALTH)** and other similar
54 boards as may be created by law.

1
2 The Chairperson may delegate any of these responsibilities to any of the
3 Commissioners and other ranking OFFICERS of the Commission.
4

- 5 (d) The Commissioners may perform such functions as may be delegated by
6 the Commission. In the absence of the Chairperson owing to illness or
7 incapacity, the senior Commissioner shall act as, and perform the
8 functions of the Chairperson.
9

10
11 **SEC. 20. *Commission Proceedings.*** - The proceedings of the Commission
12 shall be in accordance with such rules as it may adopt.
13

14 15 Chapter Two. Organization and Structure

16
17
18 **SEC. 21. *Offices in the Commission.*** - The Commission shall have the
19 following offices:
20

- 21 (a) Office of the Assistant Commissioners;
22 (b) Office for Career Executive Service Secretariat
23 (c) Office for Legal Affairs;
24 (d) Examination, Recruitment, and Placement Office;
25 (e) Personnel Policies and Standards Office;
26 (f) Human Resource Development Office;
27 (g) The Civil Service Institute;
28 (h) P[ersonnel]UBLIC SECTOR LABOR Relations Office;
29 (i) Public Assistance and Information Office;
30 (j) Integrated Records Management Office;
31 (k) Office for Planning and Administration;
32 (l) Office for Financial and Assets Management ;
33 (m) Office for Personnel Management and Development;
34 (n) Staff Support Offices;
35 (1) Internal Audit Service
36 (2) Commission Secretariat
37 (o) Regional Offices/Field Offices
38

39 **SEC. 22. *Office of the Assistant Commissioners.*** - The Office of the
40 Assistant Commissioners (OACs) shall render executive staff functions to the
41 Commission in the areas of research, policy review and program development. This
42 office shall also handle special projects and maintain external linkages as may be
43 deemed necessary by the Commission.
44

45
46 **SEC. 23. *Office for Career Executive Service Secretariat.*** - The
47 functions of the Office for Career Executive Service Secretariat (OCESS) is defined in
48 Chapter 3 on the Career Executive Service.
49

50
51 **SEC. 24. *Office for Legal Affairs.*** - This office shall provide the
52 Commission with legal advice and assistance in the exercise of its rule-making, policy-
53 formulation, prosecution, quasi-judicial and other functions. The Solicitor General
54 shall represent the Commission in connection with cases involving its functions before

1 any court or tribunal. The Solicitor General may deputize attorneys of the
2 Commission to appear before such courts or tribunals but shall be under the
3 supervision and control of the Solicitor General with respect to such cases.
4
5

6 **SEC. 25. Examination, Placement and Recruitment Office.** - The
7 Examination, Placement and Recruitment Office (ERPO) shall take charge of
8 developing, enhancing, controlling, supervising and coordinating pertinent schemes in
9 the granting of civil service eligibility such as but not limited to administration of Civil
10 Service examinations. It shall also take charge of formulating programs, policies,
11 standards and guidelines in the certification and placement of civil service eligibles.
12

13
14 **SEC. 26. Personnel Policies and Standards Office.** - The Personnel
15 Policies and Standards Office (PPSO) shall take charge of the formulation and periodic
16 review of qualification-, performance- and promotion-standards within the context of
17 the merit and rewards policies of the various closed and open career systems. The
18 office shall, in coordination with appropriate offices in the Department of Budget and
19 Management (DBM), develop policies and regulations with respect to the
20 administration, maintenance and implementation of position classification &
21 compensation as well as standards for the establishment, allocation and reallocation of
22 pay scales, classes and positions.
23

24 OPPS shall also develop policies, programs and regulations relative to
25 performance management, as well as the inspection and audit of personnel
26 mechanisms in the government agencies.
27

28
29 **SEC. 27. Human Resource Development Office.** - The Human Resource
30 Development Office (HRDO) shall formulate, administer, monitor and evaluate HRD
31 programs and policies relative to the development and retention of a qualified and
32 competent work force in the public service. It shall also be responsible for the
33 innovation and modeling of development interventions to enhance capacities and
34 reinforce service values of public servants.
35

36
37 **SEC. 28. Civil Service Institute.** - This office shall be responsible for the
38 design and administration of the Commission's training programs.
39

40 **SEC. 29. P[ersonnel]UBLIC SECTOR LABOR Relations Office.** - The
41 P[ersonnel]UBLIC SECTOR LABOR Relations Office (PSLRO) shall take charge of
42 all inter- and intra-public sector union concerns such as employee relation standards,
43 conciliation, registration and accreditation of unions including advocacy work. It shall
44 also serve as the secretariat for the Public Sector Labor Management Council
45 (PSLMC). The conduct of research and training on public sector unionism, as well as
46 the function of designing and developing labor education programs shall also be lodged
47 in this office.
48

49
50 **SEC. 30. Public Assistance and Information Office.** - The Public
51 Assistance Information Office (PAIO) shall take charge of managing an effective
52 information exchange system between the Commission and its internal and external
53 publics. Its function includes maintaining strong linkages with media
54 institutions/practitioners as well as undertaking special projects, such as the CSC

1 anniversary celebration and the Honor Awards Program, necessary in carrying-out its
2 dual role of information dissemination as well as feedback generation on operations,
3 programs and thrusts of the Commission.
4
5

6 **SEC. 31. *Integrated Records Management Office.*** - The Integrated
7 Records and Management Office (IRMO) shall formulate and implement policies,
8 standards and regulations pertaining to the storage, maintenance, security control,
9 and disposal of government personnel records and other related civil service
10 documents. Management of such records includes maintenance of the resource center
11 for computer-based information, the library, the archives, and the museum of the
12 Commission.
13

14 IRMO shall also be responsible for the management of incoming and outgoing
15 communications of the Commission.
16
17

18 **SEC. 32. *Office for Planning and Administration.*** - The Office for
19 Planning and Administration (OPA) shall be responsible for the formulation,
20 implementation and monitoring of the long-term Strategic Plans of the Commission.
21 It shall provide technical support and assistance to the Commission on organizational
22 planning, benchmarking and research and in the development of work programs and
23 projects of the different Commission offices consistent with its mandate.
24

25 OPA shall also oversee the formulation and management of the Information
26 Technology Plan that shall serve as the blueprint for the development,
27 implementation, and maintenance of communication and information systems vital to
28 the internal operations of the CSC as well as to the decision-making functions of the
29 Commission.
30
31

32 **SEC. 33. *Office for Financial and Assets Management.*** - The Office for
33 Financial Assets and Management (OFAM) shall take charge of ensuring sound fiscal
34 and asset management consonant with the annual, supplemental and special budgets
35 of the Commission as contained in the General Appropriations Act.
36
37

38 **SEC. 34. *Office for Personnel Management and Development.*** - The
39 Office for Personnel Management and Development (OPMD) shall take charge of
40 formulating the human resource management and development plan of the
41 Commission, which includes development of sound policies on personnel management
42 in the areas of recruitment and selection, employee welfare and discipline, career
43 development programs as well as position classification and pay plan of the
44 Commission.
45

46 **SEC. 35. *Internal Audit Service.*** - The Internal Audit Service (IAS) shall
47 oversee the periodic evaluation of existing methods and procedures, including financial
48 systems, in the Commission and on the basis of such, formulate plans and programs
49 relative to fiscal discipline, and management improvement and productivity of the
50 Commission.
51

52 **SEC. 36. *Commission Secretariat.*** - The Commission Secretariat
53 (COMSEC) shall take charge of programming and coordinating regular and special
54 meetings of the Commission. Its function includes efficient information management

1 and maintenance of all records, decisions, policies, pronouncements and issuances of
2 the Commission.

3
4 COMSEC shall also be the main liaison between Central Office and the
5 Regional Offices. This function includes coordination of all transactions of the Central
6 offices with the Regional offices.

7
8
9 **SEC. 37. *Regional Offices/Field Offices.*** - The Regional Offices shall
10 enforce Civil Service rules, policies and standards on personnel management within
11 their respective regional jurisdictions. They shall provide technical advice and
12 assistance to government offices and agencies regarding personnel administration
13 such as but not limited to examination and placement, career development,
14 appointments, filing/resolution of legal cases, audit, and other functions delegated by
15 the Commission.

16
17
18 **SEC. 38. *Changes in the Commission Organizational Structure.*** -
19 The Commission may reorganize or effect changes in its organization, including the
20 creation, merger or consolidation, splitting or division and abolition of offices and
21 positions.

22 23 24 **Chapter Three. The Career Executive Service**

25
26
27 **SEC. 39. *Career Executive Service.*** - A strong, stable, [*and*] competent,
28 **WELL TRAINED AND HIGHLY MOTIVATED** pool of career public managers that
29 will provide effective support to national development shall constitute the Career
30 Executive Service (CES). Entry and advancement in the CES shall be based on merit
31 and fitness which shall include integrity, demonstrated managerial and executive
32 competence, leadership and interpersonal qualities, technical expertise and other
33 pertinent qualifications.

34
35 The CES shall be governed by a separate merit system characterized by rank
36 rather than position; compensation based on rank and advancement to a higher rank
37 on the basis of executive and technical expertise.

38
39
40 **SEC. 40. *Membership.*** - A person who meets such managerial experience,
41 executive competence, and other requirements prescribed by the Commission through
42 the CESB, shall be conferred appropriate rank and shall be included in the roster of
43 **CAREER EXECUTIVE SERVICE OFFICERS (CESOs).**

44
45
46 **SEC. 41. *Career Executive Service Board.*** - The Career Executive
47 Service Board (CESB) shall be under the general supervision of the Commission. It
48 shall be responsible for the development, maintenance and administration of the CES.

49
50 **SEC. 42. *Composition of the Career Executive Service Board.*** - The
51 **CESB** shall be composed of the following: the Chairperson of the Commission as
52 Chairperson; the President of the Development Academy of the Philippines, ex-officio
53 member; the Dean of the University of the Philippines-National College of Public
54 Administration and Governance, ex-officio member; a representative of a nationwide

1 association of career executive service officers to be appointed by the Chairperson
2 upon the recommendation of the association; an officer from a nationwide association
3 of personnel managers to be appointed by the Chairperson; and, two (2) other
4 members who shall be appointed by the President and one of whom must be a retired
5 CESO, both with staggered terms of three (3) years.

6
7 Members of the CESB shall be provided with per diems and allowances as
8 determined by the Commission.

9
10
11 **SEC. 43. *Office of the Career Executive Service Secretariat.*** - The
12 Career Executive Service Board (CESB) shall be assisted by the Office of the Career
13 Executive Service Secretariat (OCESS) which shall serve as the CESB secretariat.
14 The OCESS shall be an office under the Commission but shall maintain its own
15 administrative and financial support system. It shall be headed by an Executive
16 Director and assisted by a Deputy Executive Director both of whom shall be appointed
17 by the Commission upon recommendation by the CESB. The OCESS shall be
18 responsible for the implementation of the policies, rules, regulations, decisions,
19 directives of the CESB and the Commission.

20
21 The Executive Director and the Deputy Executive Director shall be Career
22 Executive Service Officers.

23
24
25 **SEC. 44. *Rank Classification of Members of the Career Executive***
26 ***Service.*** - Members of the CES shall be classified according to rank based on their
27 personal proven competence, qualifications, broad levels of responsibility and other
28 relevant considerations as determined by law and rules of the Commission.

29
30
31 **SEC. 45. *Conferment of Appropriate Rank in the CES.*** - Conferment to
32 appropriate rank in the CES shall be made by the Commission upon recommendation
33 of the CESB. The issuance of appointment to appropriate rank shall be made by the
34 Chairperson of the Commission.

35
36
37 **SEC. 46. *Personnel Mechanisms.*** - The CESB shall *develop* and design
38 personnel mechanisms for the CES in accordance with standards and policies
39 developed by the Commission.

40
41
42 **SEC. 47. *Compensation According to Rank.*** - Members of the CES shall
43 be compensated according to rank in accordance with the CES compensation plan and
44 shall be provided with attractive salaries, fringe benefits and reasonable allowances.
45 The employing agency shall provide the funds to pay the salary, fringe benefits and
46 allowances of the career executive assigned to it. A CESO occupying a CES position
47 shall enjoy an added premium based on his/her rank and shall be granted a higher
48 premium as his/her rank increases. However, in case a CESO occupies a CES
49 position not appropriate to his/her rank, said officer shall receive the higher
50 compensation. In no case shall a CESO receive [*a salary*] **COMPENSATION** lower
51 than that corresponding to the rank.

52
53 **SEC. 48. *Mobility.*** - CESOs who are appointed to career third level
54 positions identified as CES positions are considered to be merely on designation to

1 such positions. A CESO can be assigned/designated from one CES position to
2 another.

3
4 CESOs designated to a particular position may be replaced only by a qualified
5 CESO; Provided, however, that temporary designation may be allowed only in the
6 absence of qualified CESO as certified by the CESB.

7
8 **FOR THE PURPOSE OF THIS CHAPTER, DESIGNATION SHALL**
9 **REFER TO THE ASSIGNMENT OF A CESO TO ANY CES POSITION FOR A**
10 **THREE-YEAR TERM BY THE APPOINTING AUTHORITY.**

11
12
13 **SEC. 49. CES Resource Pool.** - The Commission shall establish a CES
14 resource pool drawn from CESOs whose participation is either voluntary or
15 involuntary to be cross-posted in various agencies to undertake special works or
16 unique assignments within a specified timeframe. For this purpose, the Commission
17 upon recommendation of CESB shall establish the systems and procedures in the
18 assignment of CESOs to the CES pool.

19
20 The Commission, **THROUGH THE CESB**, shall institutionalize systems for
21 **THE PROMOTION OF CORE VALUES IN THE CES, CAREER**
22 **DEVELOPMENT OF ITS MEMBERS, INCLUDING** cross-posting [*for CESOs and*
23 *to promote the core values of the CES*] **AND MOBILITY.**

24
25 Those assigned in the CES resource pool shall continue to receive [*their*
26 *salaries*] **COMPENSATION** based on [*their*] rank. The Department of Budget and
27 Management shall appropriate funding for the pool. The fund shall be released to and
28 administered by the Commission to pay for the compensation and other expenses that
29 may be incurred for the career executives assigned in the pool.

30
31
32 **SEC. 50. Administration of a Compensation Plan.** - The Commission,
33 jointly with the Department of Budget and Management, shall prepare, administer
34 and periodically review a compensation plan for the CES, to maintain the high
35 *standard of public service* and 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
42 government service and shall not be removed from service except for cause and after
43 due process.

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

49
50
51 **SEC. 53. Career Undersecretary and Assistant Secretary.** - At least
52 50% of the total number of positions of Undersecretary and Assistant Secretary shall
53 be career with each level accordingly represented. In case the total number is not

1 divisible by 2, then 50% must be appointed from the career but there must be a
2 representative from each class.

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

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

12
13
14
15 **BOOK II. PERSONNEL POLICIES AND STANDARDS**

16
17 **Title I – On Employment**

18
19 **Chapter One. Recruitment**

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

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

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

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

45
46 Civil service special examinations may be conducted upon request of a
47 particular department or agency, subject to rules and regulations promulgated by the
48 Commission.

49
50
51 **SEC. 56. Qualifications of Applicants to Civil Service Examinations.** -
52 Admission to civil service examinations shall be limited to citizens of the Philippines
53 who satisfactorily meet the requirements prescribed by the Commission.

1
2 **SEC. 57. *Invalidation of CIVIL SERVICE EXAMINATION RESULTS***
3 ***[Eligibility]***. - The Commission shall have the authority to invalidate civil service
4 examination results based on statistical improbability and other forms of irregularity
5 as determined by the Commission.

6
7 **SEC. 58. *Examination Rating for Civil Service Eligibility.*** - Unless
8 otherwise prescribed by the Commission, every examinee who obtains a general rating
9 of at least eighty (80%) percent shall be granted a civil service eligibility.

10
11
12 **SEC. 59. *Simultaneous Release of Examination Results.*** - The results
13 of an examination held in various locations on the same date shall be released
14 simultaneously.

15
16
17 **SEC. 60. *Registers of Civil Service Eligibles.*** - The Commission shall
18 maintain a register of qualified eligibles for each category of examination actually
19 available for appointment. The register shall be the basis for certification and
20 appointment in the civil service system.

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

30
31 The Supreme Court and the Professional Regulation Commission shall furnish
32 the Commission with the official list of successful examinees within thirty (30) days
33 from the release of the examination results.

34
35
36 **SEC. 62. *Effectivity and Imprescriptibility of Civil Service Eligibility.***
37 - Eligibilities resulting from civil service, bar or board examinations shall be effective
38 on the date of the release of examination results. Other eligibilities granted by the
39 Commission shall be effective on the date of the grant.

40
41 Civil service eligibilities shall be imprescriptible.

42
43
44 **SEC. 63. *Agency Responsibilities in the Conduct of Examinations.*** -
45 All departments and agencies shall extend the necessary support and assistance to the
46 Commission in the conduct of civil service examinations. They shall make available
47 such personnel, buildings, transportation, communication and other facilities, that
48 may be needed in the administration of the examinations.

49
50
51 **SEC. 64. *Printing, Storage, Transportation and Distribution of***
52 ***Examination Materials.*** - The printing, storage, transportation and distribution of
53 examination materials shall be under the exclusive supervision and control of the

1 Commission. The Commission shall determine and provide the necessary security
2 measures for this purpose.

3
4
5 **SEC. 65. *Examining Committees, Examiners and Investigators.*** - The
6 Commission may deputize persons to act as members of examining committees,
7 examiners or investigators to perform such duties as the Commission may require. In
8 the performance of such duties, they shall be under the exclusive control and
9 supervision of the Commission. Such persons so deputized may be given allowances or
10 per diem for their services to be paid out of funds allocated for the particular
11 examination and at a rate to be determined by the Commission. Expenses for
12 specialized examinations shall be allocated by the requesting department or agency.

13 14 15 **Chapter Two. Selection and Appointment**

16
17
18 **SEC. 66. *Selection Process.*** - Each department or agency shall evolve its
19 own selection process in accordance with standards and guidelines set by the
20 Commission.

21
22 A Personnel Selection Board for all levels shall be established in each
23 department or agency to assist the appointing authority in the judicious evaluation
24 and selection of personnel. The board shall be established in accordance with
25 standards and guidelines set by the Commission.

26
27
28 **SEC. 67. *Requisites for Appointment.*** - Employment in the government
29 service shall be made through appointment in accordance with the provisions of the
30 Constitution, this Code, other laws and the rules and standards prescribed by the
31 Commission.

32
33 In the appointment of teachers to public elementary or secondary schools
34 preference shall be given to qualified bona fide residents of the municipality/city where
35 the school is located.

36
37
38 **SEC. __. *PUBLICATION OF VACANCIES.*** - ALL VACANT POSITIONS
39 IN GOVERNMENT SHALL BE PUBLISHED OR ANNOUNCED IN EITHER
40 PRINT OR BROADCAST MEDIA OR IN ANY OTHER FORM OF
41 PUBLICATION SUCH AS IN A NEWSPAPER OR PERIODICAL OF GENERAL
42 OR LOCAL CIRCULATION; THE QUARTERLY BULLETIN OF VACANT
43 POSITIONS PREPARED BY THE COMMISSION; OR THROUGH POSTING
44 ON INTERNET WEBSITES; PRIOR TO ITS FILLING-UP. PROVIDED,
45 HOWEVER, THAT ONLY VACANCIES AT THE LOCAL GOVERNMENT
46 UNITS SHALL BE PUBLISHED IN NEWSPAPERS OR PERIODICALS WHICH
47 ARE OF LOCAL CIRCULATION, OR ANNOUNCED IN LOCAL RADIO
48 NETWORKS.

49
50 **THE AGENCY WHERE THE VACANCY IS SHALL BE RESPONSIBLE**
51 **IN PUBLISHING OR ANNOUNCING ITS VACANT POSITIONS AND SUCH**
52 **SHALL BE POSTED IN AT LEAST THREE (3) CONSPICUOUS PUBLIC**
53 **PLACES IN THEIR AREA OF JURISDICTION.**

1 **PROVIDED FURTHER, THAT PUBLISHED VACANT POSITIONS**
2 **SHALL BE OPEN TO ANY QUALIFIED PERSON AND THAT THE**
3 **COMMISSION SHALL NOT ACT ON ANY APPOINTMENT TO A VACANT**
4 **POSITION UNLESS THE SAME HAS BEEN PUBLISHED AND POSTED.**

5
6 **THE FOLLOWING POSITIONS SHALL BE EXEMPT FROM THE**
7 **PUBLICATION REQUIREMENT:**

- 8 **(a) PRIMARILY CONFIDENTIAL;**
9 **(b) POLICY-DETERMINING;**
10 **(c) HIGHLY TECHNICAL;**
11 **(d) COTERMINOUS WITH THAT OF THE APPOINTING**
12 **AUTHORITY; OR**
13 **(e) LIMITED TO THE DURATION OF A PARTICULAR PROJECT.**

14
15
16 **SEC. 68. *Merit and Fitness in Appointment.*** - Appointment in the civil
17 service system shall be made only according to merit and fitness to be determined, as
18 far as practicable, by competitive examination, except to positions which are policy
19 determining, primarily confidential, or highly technical.

20
21
22 **SEC. 69. *Who May Appoint.*** - Appointment in the civil service system
23 shall be issued only by those authorized by the Constitution or by law including those
24 appointed in an acting capacity. Those who are designated cannot exercise the power
25 to appoint.

26
27
28 **SEC. 70. *Qualifications for Appointment.*** - Appointment in the civil
29 service system shall be limited to citizens of the Philippines who are at least eighteen
30 (18) years of age and who meet the qualifications and none of the disqualifications
31 prescribed for the position.

32
33
34 **SEC. 71. *Effectivity of Appointment.*** - An appointment shall take effect
35 immediately upon its issuance by the appointing authority. If the appointee has
36 assumed the duties of the position, he/she shall be entitled to receive salary at once
37 without awaiting the approval of his/her appointment by the Commission. Such
38 appointment cannot be withdrawn or cancelled by the appointing authority and shall
39 remain in full force and effect unless disapproved by the Commission. However, an
40 appointment issued **THROUGH** fraudulent means or in violation of law, shall be void
41 from the beginning.

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

45
46 No officer or employee in the government shall allow a person to render service
47 without aN [copy of the] appointment duly issued by the appointing authority. Those
48 who allow such service in violation of this Section shall be personally liable for the
49 salaries of the person concerned. Moreover, the services rendered by the said person
50 shall not be credited as government service.

51
52 If the appointee does not assume office within thirty (30) days from date of
53 issuance of appointment, said appointment shall be deemed automatically cancelled.

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

6
7
8 **SEC. 72. *Appointment Form.*** - An appointment shall be issued in the
9 form prescribed by the Commission.

10
11
12 **SEC. 73. *Submission of Appointments and Oaths of Office.*** - All
13 appointments in the civil service system, except those issued by the President [*and*
14 *those of the Armed Forces of the Philippines*], shall be submitted to the Commission for
15 approval not later than thirty (30) days from the date of issuance thereof. Such
16 approval shall be indicated below the signature of the appointing authority;
17 otherwise, it shall be made effective thirty (30) days prior to the date of submission to
18 the Commission.

19
20 Copies of appointments and oaths of office of those appointed by the President
21 shall be submitted to the Commission for record purposes.

22
23
24 **SEC. 74. *Merit Promotion Plan.*** - Each department or agency shall
25 establish a Merit Promotion Plan, subject to the approval of the Commission in
26 accordance with standards and guidelines it may prescribe.

27
28
29 **SEC. 75. *Appropriate Civil Service Eligibility.*** - Appropriate civil
30 service eligibility shall be required for permanent appointment to positions in the
31 career service in accordance with the standards set by the Commission. Whenever
32 there is a qualified civil service eligible willing and actually available for appointment,
33 no appointment shall be issued to a person who is not an eligible, even in a temporary
34 capacity.

35
36 When as certified to by the Commission, the immediate filling of the vacancy is
37 required in the public interest, or when the vacancy is not permanent, a temporary
38 appointment may be issued to eligibles who lack any of the other requirements for
39 appointment or, to non-eligibles who meet all the other mandatory requirements for a
40 particular position.

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

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

47
48
49 **SEC. 76. *Qualification Standards.*** - Qualification standards shall be
50 used: (a) as a basis for civil service examinations for positions in the career service;
51 (b) as a guide in appointment and other personnel actions; (c) in the adjudication of
52 protests against appointment; (d) in determining training needs; and (e) as an aid in
53 inspection and audit of the agencies' personnel work programs.

1 office created; or (4) **CO-EXISTENT WITH THE TERM OF OFFICE**
2 **OF THE APPOINTING AUTHORITY OR THE HEAD OF A**
3 **SPECIFIC ORGANIZATIONAL UNIT.**

4
5 (g) *Contractual* – an appointment issued to a person for services in
6 accordance with a special contract to undertake a specific work requiring
7 special or technical skills unavailable in the employing agency, to be
8 accomplished within one year. The contractual employee shall perform
9 the specific work under his/her own responsibility with minimum
10 direction and supervision from the hiring agency. No contractual
11 appointments corresponding to plantilla positions shall be issued.

12
13 (h) *Casual* – an appointment issued to a person for services in an emergency
14 or during peak work period to positions which do not have regular items
15 in the plantilla of personnel of the department or agency. A casual
16 appointment shall not exceed twelve (12) months.

17
18 Casual employees who have been in the service for an aggregate of
19 three (3) years **FROM THE APPROVAL OF THIS ACT** who meet all
20 the qualification requirements of the position shall be absorbed as
21 regular employees in accordance with the budgetary limitations set by
22 law and rules to be promulgated by the Commission.

23
24 In no case shall temporary, provisional, contractual and casual appointments
25 exceed an aggregate number of three (3) years in the same position except in
26 meritorious cases as determined by the Commission.

27
28
29 **SEC. 78. *Job Orders/Contract of Services and Consultancy.*** - The
30 appointing authority may enter into service contracts such as job orders/contracts of
31 services and consultancies **WITH INDIVIDUALS AND INSTITUTIONS TO**
32 **COVER LUMP SUM WORK OR SERVICES FOR SHORT DURATION** wherein
33 no-employer-employee relation exists which contract shall be submitted to the
34 Commission **THIRTY (30) DAYS FROM PERFECTION OF THE CONTRACT** for
35 monitoring and record purposes.

36
37
38 **SEC. 79. *Budget for Casual, Contractual Services and Job***
39 ***orders/Contracts of Services.*** - The aggregate annual expenditure for consultancy,
40 casual and contractual services shall jointly be determined by the Commission and the
41 Department of Budget and Management.

42 43 44 **Chapter Four. On Personnel Actions**

45
46 **SEC. 80. *Personnel Action.*** - denotes the movement of personnel within
47 the civil service system. It shall include original appointment, promotion, transfer,
48 reinstatement, reemployment, reappointment, renewal, change of status, upgrading or
49 reclassification, demotion and other related action. Personnel actions shall be in
50 accordance with the rules, standards and regulations promulgated by the Commission.

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

1
2 **SEC. 81. *Original Appointment.*** - refers to the initial entry into the
3 career service or non-career service.
4

5 The appointee shall undergo a probationary period of six (6) months during
6 which he/she shall undergo a thorough assessment of his/her performance and
7 character. His/Her services can be terminated anytime during said period for
8 unsatisfactory conduct or want of capacity. The order of termination shall be served
9 through personal notice or through constructive notice and shall no longer be
10 appealable.
11

12
13 **SEC. 82. *Promotion.*** - is the movement of an employee to a higher position
14 with a corresponding increase in duties and responsibilities, usually accompanied by
15 an increase in salary.
16

17 The pendency of an administrative case against any public officer or employee
18 shall not be a bar to promotion.
19

20
21 **SEC. 83. *Transfer.*** - is the movement of an employee from one agency to
22 another or from one position to another within the same agency which may involve a
23 position of higher, equivalent or lower rank, level or salary, without break in the
24 service. Transfer requires the issuance of an appointment.
25

26
27 **SEC. 84. *Reinstatement.*** - is the automatic restoration of a person to a
28 position from which he/she was illegally separated with back salaries,
29 **ALLOWANCES AND OTHER MONETARY BENEFITS EXCEPT RATA AND**
30 **UNIFORM ALLOWANCE** [*which should*] *not to* exceed five (5) years reckoned
31 retroactively from the date of actual reinstatement.
32

33
34 **SEC. 85. *Reemployment.*** - is the appointment of a person who has been
35 previously appointed to a position in the government service after separation
36 therefrom. Reemployment presupposes gap in the service.
37

38
39 **SEC. 86. *Reappointment.*** - is the issuance of an appointment during
40 reorganization, devolution, salary standardization **INVOLVING CHANGE IN**
41 **POSITION TITLES AND SALARY GRADES**, or similar events. Reappointment
42 presupposes no gap in the service.
43

44
45 **SEC. 87. *Renewal.*** - is the subsequent appointment issued immediately
46 upon the expiration of a temporary, contractual or casual appointment, if a qualified
47 eligible is not willing and actually available, as certified by the Commission. Renewal
48 presupposes no gap in the service.
49

50
51 **SEC. 88. *Demotion.*** - is the movement from one position to another within
52 the same department or agency involving the issuance of an appointment with
53 diminution in duties, responsibilities and status or rank which may or may not involve

1 reduction in salary: Provided, that such demotion shall require the consent of the
2 officer or employee concerned.
3

4
5 **SEC. 89. *Reclassification.*** - is the process of upgrading or downgrading a
6 position without change of status and regardless of the qualifications of the holder of
7 said position.
8

9
10 **SEC. 90. *Personnel Movements NOT INVOLVING THE ISSUANCE OF***
11 ***APPOINTMENTS.*** - The issuance of an appointment is not needed in personnel
12 movement involving no change in position title, rank or status if the existing
13 appointment does not specify the work station. Such movement may include the
14 following:
15

- 16 (a) change in item number only
 - 17 (b) Salary adjustment
 - 18 (c) Step-increment
 - 19 (d) Upgrading (same position)
- 20

21 Notice of such adjustment or movement shall be submitted to the Commission
22 within thirty (30) days from issuance thereof.
23

24 Except for secondment, the following personnel movements do not require the
25 issuance of appointments but shall require office orders:
26

- 27 (a) ***Reassignment*** - is a movement from one organizational unit to another
28 in the same department or agency, without reduction in rank, status or
29 salary of the employee. Reassignment from the official work station
30 without the written consent of the employee shall not exceed one (1) year.
31 Otherwise, the reassignment shall be illegal.
32

33
34 Reassignment which results in demotion in rank, status or salary
35 or which exceeds one year without the consent of the public officer or
36 employee may be appealed to the Commission. Pending the appeal,
37 reassignment of the officer or employee shall be held in abeyance until
38 the decision of the Commission.
39

40 Reassignment [*of low-salaried employees*] shall not result in
41 economic dislocation **AND FOR CONSTRUCTIVE DISMISSAL.**
42

43 **FOR THIS PURPOSE, CONSTRUCTIVE DISMISSAL SHALL**
44 **MEAN TO EXIST WHEN THE REASSIGNMENT OF AN**
45 **EMPLOYEE TO ANOTHER POST WILL RENDER HIS/HER**
46 **CONTINUED EMPLOYMENT AS UNTENABLE, HUMILIATING**
47 **OR DEMEANING.**
48

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

1
2 Detail which results in demotion in rank, status or salary or which
3 exceed s one year without the consent of the public officer or employee
4 may be appealed to the Commission. Pending the appeal, detail of the
5 officer or employee shall be held in abeyance until the decision of the
6 Commission.

7
8 The detailed employee shall carry his/her regular position in the
9 mother agency and continue to receive his/her salary from the mother
10 agency.

11
12 (b) **Job Rotation** - is the sequential movement of an officer or employee
13 from one office to another or from one division to another within the same
14 agency as a means for developing and enhancing the potentials of people
15 in an organization by exposing them to the other work functions of the
16 agency. It shall be allowed only for a maximum period of [six (6) months]
17 **ONE (1) YEAR. HOWEVER, JOB ROTATION EXCEEDING ONE**
18 **(1) YEAR MAY BE ALLOWED WITH THE WRITTEN CONSENT**
19 **OF THE OFFICER OR EMPLOYEE.**

20
21 (c) **Secondment** - is a movement of an officer or employee from one
22 department or agency to another upon mutual concurrence between the
23 mother agency, the receiving agency and the employee concerned which
24 should be covered by a Memorandum Of Agreement (MOA) in accordance
25 with the guidelines that the Commission may promulgate. It is
26 temporary in nature which may involve reduction or increase in
27 compensation and may or may not require the issuance of an
28 appointment. The seconded employee shall be on leave without pay from
29 the mother agency and shall be entitled to the compensation of the
30 position to which he/she was seconded in the receiving agency. Unless
31 otherwise specified in the MOA, the receiving agency shall shoulder all
32 the benefits and emoluments of the seconded employee.

33
34 (d) **Designation** - is the imposition of additional duties to be performed by
35 a public officer or employee which is temporary in nature and shall be
36 allowed only for a maximum of one (1) year. The choice of who shall be
37 the public officer or employee to be designated shall pass through regular
38 Promotion and Selection Board (PSB) proceedings; Provided, that next-in-
39 rank public officers or employees shall be **GIVEN PREFERENCE FOR**
40 **designat[ed]ION** to the next higher position; Provided further, that [if]
41 there are no qualified next-in-rank public officers or employees in the
42 agency who are willing and actually available who can regularly be
43 appointed to the position.

44
45 The employee designated shall be entitled to the benefits accruing
46 to the position but shall continue to receive the salary of the position to
47 which he/she holds an appointment.

48
49
50 **SEC. 91. Change of Status.** - When a temporary officer or employee
51 acquires the appropriate eligibility or becomes fully qualified to the position to which
52 he/she is appointed, the status of such appointment shall be changed from temporary
53 to permanent without issuing another appointment. However, such change shall be

1 reflected in the records of the Commission upon the notification by the agency
2 concerned.

3
4
5 **Title II – Disputes Regarding Appointments and Other Personnel Actions**

6
7 **Chapter One. Contest on Appointments and Other Non-Disciplinary Cases**

8
9
10 **SEC. 92. *Who May Contest An Appointment.*** - Any eligible qualified for
11 the position may contest an appointment made in favor of one who is not qualified or
12 whose appointment is issued not in accordance with law.

13
14
15 **SEC. 93. *Adjudication of Contests on Appointments and Other***
16 ***Personnel Actions.*** - All contests on appointments and other personnel actions shall
17 be adjudicated initially by the appointing authority, in accordance with the procedure
18 prescribed by the Commission.

19
20
21 **SEC. 94. *Appeals on Appointments and Other Personnel Actions.*** -
22 The decisions of heads of agencies on contests on appointments and other personnel
23 actions shall be appealable to the Commission.

24
25
26 **TITLE III - Agency Personnel Administration**

27
28 **Chapter One. Inter-Agency Relations**

29
30
31 **SEC. 95. *The Central Personnel Agency.*** - The Commission, as the
32 central personnel agency of the government, shall promulgate rules and regulations to
33 govern personnel administration and management in the civil service system.

34
35
36 **SEC. 96. *Responsibility for Personnel Administration.*** - The head of
37 each department or agency shall be responsible for personnel administration in the
38 office.

39
40 Each department or agency shall establish a personnel office to be headed by a
41 Human Resource Management Officer (HRMO) who shall be responsible for the
42 effective implementation of personnel regulations and policies.

43
44 Employee unions and organizations shall be consulted and represented in the
45 development and implementation of the agency personnel mechanisms such as merit
46 promotion plan, incentives and rewards program, performance appraisal system,
47 incentives and rewards plan, training and development plan, grievance machinery,
48 and occupational and health plan, in accordance with the rules and regulations
49 promulgated by the Commission.

50
51
52 **SEC. 97. *Council of Human Resource Management Officers.*** - There
53 shall be a Council of Human Resource Management Officers (CHRMO) to be composed

1 of holders of the HRMO positions which shall elect from among its regular members a
2 set of officers and promulgate its internal rules and procedures.

3
4 The **CHRMO** [*Council*] shall have the following functions:

- 5
6 (a) Offer advice, upon request of the Secretary of the department or the
7 Commission, in developing constructive policies, standards, procedures,
8 and programs as well as on matters relating to the improvement of
9 personnel methods and to the solution of personnel problems confronting
10 the various departments and agencies of the government;
- 11 (b) Promote among the departments and agencies, through study and
12 discussion, uniform and consistent interpretation and application of
13 personnel policies; and
- 14 (c) Serve as a clearing house of information and simulate the use of methods
15 of personnel management that will contribute most to good government.
16

17
18 **SEC. 98. *Appointment of Human Resource Management Officers in***
19 ***the Local Government Units.*** - The local chief executive shall appoint Human
20 Resource Management Officers from among the list of at least three (3) recommendees
21 of the Commission.
22

23 24 **Chapter Two. Local Government Personnel Administration**

25
26
27 **SEC. 99. *Responsibility for Local Government Personnel***
28 ***Administration.*** - Each local government unit shall establish a personnel office for
29 the implementation of personnel regulations and policies in accordance with the
30 provisions of this Code, the Local Government Code, and rules, policies, standards,
31 guidelines and regulations promulgated by the Commission.
32

33
34 **SEC. 100. *HRMO Positions in LGUs.*** - The position of HRMO shall be
35 immediately mandatory for provincial and city governments, and first and second
36 class municipalities. Third and fourth class municipalities shall create the HRMO
37 position within three (3) years from the effectivity of this Code. While the fifth and
38 sixth class municipalities shall create the same within five (5) years.
39

40 41 **Chapter Three. Position Classification and Compensation**

42
43 **SEC. 101. *Position Classification and Compensation System.*** - There
44 shall be a Position Classification and Compensation System (PCCS) which shall be
45 jointly prepared and administered by the Commission and the Department of Budget
46 and Management.
47

48
49 **SEC. 102. *Parts of the PCCS.*** - The PCCS shall have two parts: the
50 Position Classification Plan and the Compensation Plan.
51

52 The Position Classification Plan shall consist of the following:
53

- 1 (a) The occupational groups and classes to which positions are to be allocated
2 or reallocated; and
3 (b) The rules and regulations for its implementation.
4

5 The Compensation Plan shall consist of the following:
6

- 7 (a) Salary schedule;
8 (b) Policies relative to allowances, bonuses, pension plan and other benefits
9 accruing to public officers and employees in the civil service system; and
10 (c) The rules and regulations for its implementation.
11

12
13 **SEC. 103. *Basis for Position Classification and Compensation.*** - The
14 classification and compensation of positions in the civil service system shall be based
15 on similarity of kind and level of work and the determination of the relative worth of
16 these classes of positions.
17

18
19 **SEC. 104. *Coverage of the PCCS.*** - The PCCS shall apply to all positions
20 in the civil service system whether permanent or temporary, appointive or elective on
21 full-time or part-time basis now existing or hereafter created.
22

23
24 **SEC. 105. *Allocation and Compensation of Positions.*** - Each department
25 or agency shall allocate positions in accordance with the rules and regulations issued
26 jointly by the Commission and the Department of Budget and Management. Such
27 allocations shall be binding on the administrative and auditing offices of the
28 government. Any change in the position classification and compensation shall be
29 included in the annual appropriations or budget of the department or agency only if it
30 is in accordance with the PCCS mentioned in Section 103 hereof.
31

32 **Chapter 4. Personnel Inspection and Audit** 33

34
35
36 **SEC. 106. *Purpose.*** - The Commission shall conduct a periodic inspection
37 and audit of the personnel management programs of each department and agency to:
38

- 39 (a) Determine compliance with civil service law, rules and standards;
40 (b) Review the exercise of delegated authority;
41 (c) Evaluate the progress made and problems encountered in the
42 implementation of the merit system;
43 (d) Advise and provide assistance in the development of constructive policies,
44 standards and procedures; and
45 (e) Improve all areas of personnel management.
46

47 **SEC. 107. *Scope.*** - The inspection and audit of the personnel management
48 programs may include the following:
49

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

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

7
8
9 **SEC. 108. *Submission of Audit Reports.*** - The Commission shall regularly
10 submit its audit reports to the units concerned, heads of departments, Office of the
11 President and the Legislature.

12 **BOOK III. HUMAN RESOURCE MANAGEMENT**

13 **Title I - Human Resource Development**

14 **Chapter One. Policy on Human Resource Development**

15
16
17
18
19
20 **SEC. 109. *Policy.*** - There shall be an integrated program on human
21 resource development for all levels and ranks in the civil service system that shall
22 provide equal opportunities for career development.

23
24 The Commission shall provide leadership in the integration of all human
25 resource development programs. All departments and agencies shall develop and
26 implement human resource development plans and programs for their personnel to
27 include among others, training and development, performance appraisal and
28 incentives and awards in accordance with Commission policies and standards.

29 30 **Chapter Two. Training and Development**

31
32
33
34 **SEC. 110. *Training and Development System.*** - The Commission shall
35 establish an Integrated Training and Development System (ITDS) for all levels and
36 ranks. This shall include opportunities for training in skills enhancement and
37 capability-building programs, local and foreign scholarships, and other educational
38 opportunities.

39
40
41 **SEC. 111. *Commission's Responsibilities for Training and***
42 ***Development.*** - The Commission shall be responsible for the development,
43 administration and evaluation of government-wide training programs on public
44 personnel administration.

45
46 The Commission shall issue the appropriate rules and regulations for the said
47 training and development programs.

48 **SEC. 112. *Responsibilities for Local and Foreign Scholarships.*** - The
49 Commission shall have the responsibility to administer service-wide local and foreign
50 scholarship programs. It shall also develop policies, standards, procedures and
51 guidelines for the effective, efficient and equitable distribution of all scholarship
52 grants. However, foreign scholarship grants which are part of the overseas
53 development assistance (ODA) shall be administered by an Inter-agency Committee
54 co-chaired by the Commission and the National Economic and Development Authority.

1
2
3 **SEC. 113. *Inter-Agency Scholarship Committee.*** - The inter-agency
4 scholarship committee which shall be co-chaired by the Chairperson of the
5 Commission and by the Director-General of the National Economic and Development
6 Authority (NEDA) or their duly designated representatives shall have as members the
7 heads of the following agencies or their duly designated representatives who hold
8 positions not lower than that of assistant secretary or its equivalent:

- 9
10 (a) Department of Foreign Affairs;
11 (b) Department of Education;
12 (c) University of the Philippines;
13 (d) Commission on Higher Education; and the
14 (e) Presidential Management Staff - Office of the President.

15
16 The Committee Secretariat shall be based at the NEDA.
17

18
19 **SEC. 114. *Agency Responsibilities for Training and Development.*** -
20 Each department or agency shall be responsible for the development, implementation
21 and evaluation of its training and development plan as well as its gender and
22 development plan in accordance with the policies and standards promulgated by the
23 Commission.
24

25 To carry out these responsibilities, each agency shall establish its own
26 Personnel Development Committee pursuant to the rules and regulations promulgated
27 by the Commission.
28

29
30 **SEC. 115. *Technical Assistance and Consultative Services.*** - The
31 Commission shall provide technical assistance and consultative services to all
32 departments and agencies in the development, administration and evaluation of their
33 human resource development programs.
34

35 The Commission may also avail of advisory assistance from its accredited
36 training institutions, professional organizations, public sector unions, federations,
37 confederations and non-government organizations (NGOs) in connection with its
38 human resource development policies and programs.
39

40
41 **SEC. 116. *Funding.*** - Each department or agency with individual budget
42 shall allocate an amount of not less than 5% thereof to be spent exclusively for its
43 training and development programs and activities including conferences and
44 conventions and submit periodic reports thereof to the Commission.
45

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

48 **Chapter Three. Performance Appraisal**
49

50
51 **SEC. 117. *Performance Appraisal System.*** - The Commission shall
52 establish a Performance Appraisal System (PAS) for all appointive public officers and

1 employees which shall be the basis for incentives, rewards and recognition, training
2 and development, personnel actions, and administrative sanctions.
3

4
5 **SEC. 118. *Performance Appraisal Plan.*** - Each department or agency
6 shall develop and use one or more appropriate Performance Appraisal Plans (PAP) for
7 the various groups of positions therein.
8

9 All performance appraisal plans shall be submitted to the Commission for
10 approval in accordance with its policies, standards and guidelines.
11

12 **Chapter 4. Incentives and Awards**

13
14
15
16 **SEC. 119. *Rewards System.*** - The Commission shall establish a rewards
17 system. It shall include incentives, commendations and awards. The rewards system
18 shall be granted individually or in groups, for outstanding performance, exemplary
19 conduct on the job, inventions, ideas or suggestions, superior accomplishments and
20 other extraordinary acts or services in the interest of the public.
21

22 The Commission shall develop, implement and evaluate the rewards system in
23 all levels and ranks.
24

25
26 **SEC. 120. *Merit and Rewards Plan.*** - Each department or agency shall
27 develop a merit and rewards plan appropriate for its officers and employees in
28 accordance with policies and standards promulgated by the Commission.
29

30 The plan shall first be submitted to the Commission for approval before it can
31 be implemented.
32

33
34 **SEC. 121. *Funding of the Rewards Plan.*** -The Commission and the
35 Department of Budget and Management shall develop the funding scheme for the
36 implementation of the rewards system.

37 **TITLE II - Personnel Relations in the Civil Service System**

38 **Chapter One. Personnel Relations**

39
40
41
42 **SEC. 122. *Declaration of Policy.*** - The Commission shall provide
43 leadership and assistance in developing personnel relations programs in the civil
44 service system in consultation with public officers and employees and/or their
45 organizations with their respective departments and agencies.
46

47 The head of a department or agency shall be responsible for an effective
48 personnel relations program in the department or agency.
49
50

1 garnered the majority vote as the sole and exclusive representative of the rank-and-
2 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.** -
10 Registered employee organizations within a given agency may federate and shall be
11 accredited as the sole and exclusive bargaining representative of the employees;
12 Provided, its aggregate total membership constitute the majority of the total rank-and-
13 file employees in the agency.

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

20 Collective negotiations agreements shall be registered with the Commission.

21 22 23 **Chapter Three. Settlement of Disputes**

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

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

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

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

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

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

1 **SEC. 131. *Settlement of Disputes Within An Agency.*** - Disputes within
2 employee organizations, between and among employee organizations, and between
3 employee organizations and management shall be settled through conciliation,
4 mediation and arbitration. The Commission shall be responsible in providing
5 conciliation and mediation services. In case any dispute remains unresolved, the
6 Commission shall certify the same to the Public Sector Labor Management Council
7 (PSLMC).

8
9 However, the parties may opt to submit the issue for voluntary arbitration, the
10 decision of which shall be final and unappealable.

11 12 13 **Chapter Four. Public Sector Labor-Management Council**

14
15
16 **SEC. 132. *Public Sector Labor-Management Council (PSLMC).*** - Public
17 Sector Labor-Management Council (PSLMC) is hereby constituted to be composed of
18 the following:

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

29
30 The ex-officio members may designate permanent alternates who hold positions
31 not lower than that of assistant secretary or its equivalent.

32
33 The employee representatives may also designate their permanent alternates.

34
35 The employee representatives shall serve for a term of two (2) years or until
36 their successors shall have been appointed or elected. In no case, however, shall
37 anyone of them serve under holdover capacity for more than one (1) year.

38
39 The PSLMC may deputize public officers and employees of the Commission and
40 of other departments and agencies to investigate and hear cases brought before it for
41 arbitration. It may likewise deputize any national or local law enforcement agency or
42 instrumentality of the government which shall act under its direct and immediate
43 supervision, to enforce and execute its decisions, orders, and rulings.

44
45 The PSLMC shall implement and administer the provisions of this Chapter.
46 For this purpose, the PSLMC shall promulgate the necessary rules and regulations to
47 implement this Chapter.

48
49
50 **SEC. 133. *Original and Exclusive Jurisdiction of the PSLMC.*** - The
51 PSLMC shall have original and exclusive jurisdiction to hear and decide the following
52 cases:

- 53 (a) Unfair labor practice;
54 (b) Representation issue;

- 1 (c) Disputes arising in the course of the conduct of collective negotiations;
- 2 (d) Disputes on issues resulting from the implementation of the grievance
- 3 machinery;
- 4 (e) Determination of the presence or absence of a strike;
- 5 (f) Inter-employee organization dispute;
- 6 (g) Intra-employee organization dispute;
- 7 (h) Employee organization election of officers;
- 8 (i) Disputes on issues resulting from the implementation of the provisions of
- 9 Collective Negotiations Agreement; and
- 10 (j) Other analogous acts as may be determined by the PSLMC.

11
12 These cases may be referred to the PSLMC by any of the parties to the dispute
13 or the PSLMC may, *motu proprio*, take cognizance of the same whenever the interest
14 of the service so demands.

15
16 When the main issue of a particular case is the consequence of a strike or other
17 concerted activities and the PSLMC has already assumed jurisdiction over the same,
18 no administrative or disciplinary action shall be instituted by the agency concerned
19 against any employee involved therein until the final resolution of the case.

20
21
22 **SEC. 134. *Unfair Labor Practice.*** - The following shall constitute unfair
23 labor practice on the part of the agency:

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

41
42 The following shall constitute unfair labor practice on the part of the employee
43 organization:

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

1 The heads of offices and the other officers of the agency as well as officers and
2 members of an employee organization, who participate in or authorize an unfair labor
3 practice shall be held administratively liable and shall be imposed a fine of not less
4 than P10,000.00, or suspension not exceeding one year, or both for such participation
5 or grant of authority without prejudice to civil and criminal liability.
6
7

8 **SEC. 135. *Writ of Preliminary Injunction or Temporary Restraining***
9 ***Order.*** - The PSLMC may after notice and hearing issue a writ of preliminary
10 *injunction or temporary restraining order* which shall not last for more than twenty
11 (20) days from issuance thereof when, on the basis of the allegations in the petition, it
12 is established that the acts complained of involving or arising from any employee-
13 management dispute, if not restrained or performed immediately, may cause grave or
14 irreparable injury to any party or render ineffectual any decision of the PSLMC in
15 favor of such party.
16

17 The PSLMC shall require the petitioner to post a bond and the writ of
18 preliminary injunction or temporary restraining order shall become effective only upon
19 the approval of the bond which shall answer for any damage that may be suffered by
20 the party enjoined if it is finally determined that the petitioner is not entitled to the
21 ancillary relief prayed for.
22
23

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

- 26 (a) Disobedience or resistance to a lawful order, decision, ruling, summons or
27 subpoena or any other issuance of the PSLMC; or
28 (b) Unlawful interference with the proceedings of the PSLMC, improper
29 conduct tending directly or indirectly to impede, obstruct, delay or
30 hamper the implementation of any order, decision or ruling of the
31 PSLMC.
32

33 The person so cited for contempt whether direct or indirect shall be punished by
34 a fine of not more than P1,000.00 for every act of contempt. Each day of defiance or
35 disobedience or non-enforcement of any issuance of the PSLMC as mentioned shall
36 constitute separate acts of contempt of the PSLMC.
37
38

39 **SEC. 137. *PSLMC Decision.*** - Decisions of the PSLMC are final and
40 executory unless a motion for reconsideration is filed by the aggrieved party within
41 fifteen (15) calendar days from receipt of the decision and only on the basis of palpable
42 or patent errors. The PSLMC shall not entertain any second motion for
43 reconsideration.
44

45 Decisions of the PSLMC may be elevated to the Court of Appeals.
46
47

48 Chapter Five. The Right to Strike 49 50

51 **SEC. 138. *Right to Engage in Strike.*** - The right of the duly accredited
52 employee organization to strike, consistent with national interest and public service,
53 shall be recognized and respected. Provided, the striking organization shall ensure an
54 effective skeletal workforce whose movement and services shall not be hampered or

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

3 In view of the peculiar character of public service and considering that public office is
4 a public trust, the right of employees to strike may be allowed only as a last resort and
5 subject to the limitations herein provided.
6
7

8 **SEC. 139. *Who Can Strike.*** - Rank-and file employees of the agency where the
9 accredited employee organization belongs may join the strike subject to the provisions
10 of this code. Employees who join the strike shall not be entitled to payment of salary
11 for the period that they are on strike.
12
13

14 **SEC. 140. *Government Employees Who Are Prohibited to Strike.*** - The
15 following are not allowed to strike due to exigency in public service, public safety and
16 national interest:
17

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

31 **SEC. 141. *Grounds for Strike.*** - A strike may be declared on the following grounds:
32

- 33 (a) Unfair labor practices committed by management as provided for in this
34 Code;
- 35 (b) Mismanagement or abuse of the management of the agency; and
- 36 (c) Graft and corruption.
37
38

39 **SEC. 142. *Notice of Dispute.*** - The existence of a dispute which may be the
40 ground of an impending strike must first be brought to the Commission in the form of
41 a notice of dispute for either conciliation and mediation or the parties may submit the
42 same for voluntary arbitration. In either case, the notice of dispute must be in
43 accordance with the requirements and procedures as may be prescribed by the
44 Commission which shall settle the dispute within sixty (60) days from date of receipt
45 of the said notice. In cases when the parties opt for voluntary arbitration, the
46 agreement thereof shall be final and executory between the parties concerned.
47
48

49 **SEC. 143. *Certification to the PSLMC.*** - In the event the dispute is not
50 settled within the sixty (60)-day period prescribed in the preceding Section or in case
51 of failure to arrive at a resolution of the dispute through conciliation or mediation, the
52 Commission shall certify the dispute to the PSLMC for settlement and resolution.
53
54

1 **SEC. 144. Requirement of Strike Vote and Notice to Strike.** - Immediately
2 upon certification of the dispute to PSLMC as provided in the preceding section, the
3 accredited employee organization may call a vote in order to declare a strike. The
4 decision to declare a strike must be approved by a majority vote of the total rank-and-
5 file employees of the agency where the duly accredited employee organization belongs.
6 The same shall be obtained through secret ballot in a meeting called for the purpose.
7 The duly accredited employee organization shall file with the PSLMC the results of
8 the strike vote and the notice to strike, copy furnish the head of agency, at least thirty
9 (30) days before the date of the intended strike and during the said 30-day period no
10 strike shall be held. Only disputes or issues raised in the said notice shall be the
11 subject of the strike.

12
13
14 **SEC. 145. Remedial Actions by the PSLMC.** - When a dispute has been
15 referred to the PSLMC, it shall exert all efforts to settle the same through various
16 modes of dispute settlement in order to prevent the impending strike.

17
18 When there is a strike in a government agency, which affects national interest
19 or public service, the PSLMC may issue a return-to-work order and/or certify the
20 same for compulsory arbitration. A return-to-work order shall have the effect of
21 automatically stopping the strike.

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

24
25
26 **SEC. 146. Prohibited Activities.** -

- 27
28 (a) No accredited employee organization may hold a strike more than once a
29 year.
30 (b) No dispute which occurred prior to the notice to strike, which were not
31 raised in the said notice, may be the subject of succeeding strikes.
32 However, a dispute which occurred subsequent to the notice may be the
33 subject of another strike provided that the same shall be subject to the
34 one (1)-year rule provided for in the preceding paragraph.
35 (c) No person engaged in the strike shall commit any act of violence, coercion
36 or intimidation or obstruct the free ingress to or egress from the agency's
37 premises for lawful purposes or obstruct public thoroughfares.
38 (d) No person shall obstruct, impede, or interfere with, by force, violence,
39 coercion, threats, or intimidation any peaceful strike, or shall aid or abet
40 such obstruction or interference.
41 (e) No employee organization may declare a strike without first having filed
42 the notice required under Sec. 144 and the necessary strike vote first
43 having been obtained and filed with the PSLMC.
44 (f) No employee organization may go on strike without ensuring and
45 maintaining effective skeletal force.

46
47
48 **BOOK IV. PERSONNEL BENEFITS AND PRIVILEGES,**
49 **DAYS AND HOURS OF WORK AND OFFICIAL RECORDS**

50
51 **Title I - Personnel Benefits and Privileges**

52 **Chapter One. Health and Other Services**
53
54

1
2 **SEC. 147. *Policy.*** - The health, welfare, safety and security of every
3 personnel in the civil service system shall be the concern of government. Each
4 department or agency shall make provisions **OUT OF THEIR EXISTING**
5 **BUDGETS** for personnel health, welfare, medical, **SPIRITUAL** and counseling
6 services and leave benefits and promote and develop occupational safety, sports and
7 recreation programs and similar services.
8
9

10 **SEC. 148. *Comprehensive Occupational Health Program.*** - A
11 comprehensive occupational health program including medical, dental and other
12 health services shall be established and maintained for all personnel in the civil
13 service system.
14

15
16 **SEC. 149. *Safety and Accident Prevention.*** - Each department or agency
17 shall develop and maintain a continuing occupational safety and accident prevention
18 program for its officers and employees.
19

20
21 **SEC. 150. *Personnel Counseling.*** - Each department or agency shall
22 provide personnel counseling services, including pre-retirement counseling.
23

24
25 **SEC. 151. *Personnel Recreation.*** - Each department or agency shall
26 provide facilities for sports and recreational activities and shall encourage voluntary
27 participation of its officers and employees.
28

29
30 **SEC. __. *HAZARD BENEFITS.*** - EACH DEPARTMENT OR AGENCY,
31 IN ACCORDANCE WITH THE DEPARTMENT OF BUDGET AND
32 MANAGEMENT (DBM) AND THE COMMISSION SHALL PROVIDE FOR
33 HAZARD BENEFITS FOR THEIR PERSONNEL WHO WORK IN AREAS OR
34 UNDER CONDITIONS THAT HAVE BEEN DECLARED TO BE HAZARDOUS
35 TO HEALTH, SAFETY AND WELL BEING.
36

37
38 **Chapter Two. Leave Benefits**
39

40
41 **SEC. 152. *Entitlement to Leave Privileges.*** - Appointive personnel of the
42 government, whether permanent, temporary, contractual or casual as well as elective
43 officIAl[er]s who render the required number of office hours shall be entitled to an
44 annual fifteen (15)-day vacation and fifteen (15)-day sick leave with full pay exclusive
45 of Saturdays, Sundays, and public holidays.
46

47
48 **SEC. 153. *Leave of Absence of Part-time Personnel.*** - Public officers and
49 employees rendering service on a part-time basis are entitled to vacation and sick
50 leave benefits proportionate to the number of hours they served.
51
52

1 **SEC. 154. *Leave of Absence of Personnel on Rotation Basis.*** - Public
2 officers and employees on rotation basis shall be entitled to vacation and sick leave
3 corresponding to the length of service they rendered.
4

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

11
12 **SEC. 156. *Accumulation and Commutation of Leave.*** - Vacation and
13 sick leave shall be cumulative and commutative. Except for personnel covered by
14 special laws, commutation of leave credits shall be exclusive of Saturdays, Sundays
15 and holidays.
16

17 Public officers and employees whose off-days do not fall on a Saturday or a
18 Sunday shall have their leaves of absence computed exclusive of their off-days.
19

20
21 **SEC. __. *ADDITIONAL NON-CUMULATIVE AND NON-***
22 ***COMMUTATIVE SICK LEAVE.*** - **PUBLIC OFFICERS AND EMPLOYEES**
23 **SHALL BE ENTITLED TO A 15-DAY NON-CUMULATIVE AND NON-**
24 **COMMUTATIVE SICK LEAVE ANNUALLY WITH FULL PAY AND**
25 **EXCLUSIVE OF SATURDAYS, SUNDAYS AND HOLIDAYS. PROVIDED,**
26 **HOWEVER, THAT THIS ADDITIONAL BENEFIT SHALL ONLY BE AVAILED**
27 **OF UPON EXHAUSTION OF THE REGULAR 15-DAY SICK LEAVE AND 15-**
28 **DAY VACATION LEAVE ENTITLEMENT FOR THE YEAR.**
29

30 **SEC. 157. *Rehabilitation Leave.*** - [*Qualified*] Public officers and
31 employees are entitled to rehabilitation leave for illnesses and/or injuries which are
32 job-related or which resulted from or was aggravated by the working environment.
33 Such leave which should not exceed six (6) months shall be with full pay and benefits
34 and shall not be charged against accumulated vacation or sick leave credits of the
35 personnel concerned. The cost of initial medical expenses such as
36 emergency/paramedic services and initial ambulance or transport services shall be
37 borne by the agency of the officers and employees concerned. Substantive and long
38 term medical expenses for therapeutic and rehabilitation purposes shall be borne by
39 the Philippine Health Insurance Corporation; the Employee Compensation
40 Commission (ECC) and the Government Service Insurance System (GSIS) as the case
41 may be and whenever applicable.
42

43
44 **SEC. 158. *Teachers' Leave.*** - Other than those designated for continuous
45 duty and those covered by special charters, school teachers in government elementary
46 and secondary schools shall be entitled to vacation pay. They shall be entitled to
47 service credits for services rendered during the vacation period, including Saturdays,
48 Sundays, and holidays, in accordance with the rules and regulations prescribed by the
49 Commission.
50

51 **TEACHERS SHALL ALSO BE ENTITLED TO ANNUAL SEVEN (7) DAYS**
52 **SICK LEAVE WHICH SHALL BE NON-CUMULATIVE AND NON-**
53 **COMMUTATIVE.**
54

1
2 **SEC. 159. *Leave of Elective Officials.*** - All elective officials shall be
3 entitled to leave credits granted to appointive **OFFICERS** and the cumulation and
4 commutation of the money value thereof.
5

6
7 **SEC. 160. *Leave Credits of Officers and Employees Covered by Special***
8 ***[Leave] Laws.*** - The leave credits of the following personnel are covered by special
9 laws:
10

- 11 (a) Justices of the Supreme Court, Court of Appeals and Sandiganbayan;
- 12 (b) Judges of Regional Trial Courts, Municipal Trial Courts, Metropolitan
13 Trial Courts, Court of Tax Appeals and Shari'a Circuit Court; and Shari'a
14 District Court;
- 15 [(c) *The head of the Executive Department, heads of Departments,*
16 *Undersecretaries;*]
- 17 (c) The Chairperson and Commissioners of the Constitutional Commissions;
- 18 (d) Filipino personnel in the Foreign Service; and
- 19 (e) Other personnel covered by special laws.
20

21
22 **SEC. 161. *Maternity Leave.*** - Women in the government service, of
23 whatever civil and employment status and regardless of length of service shall, in
24 addition to the vacation and sick leave granted them, be entitled to maternity leave of
25 sixty (60) calendar days **FOR NORMAL DELIVERY AND SEVENTY-EIGHT (78)**
26 **DAYS FOR DELIVERY BY CAESARIAN SECTION WITH FULL PAY**, subject to
27 guidelines issued by the Commission.
28

29
30 **SEC. 162. *Adoption Leave.*** - **PUBLIC OFFICERS** and employees who
31 legally adopt a child below seven (7) years of age as of the date the child is placed with
32 them shall be entitled to adoption leave in the manner herein provided:
33

- 34 (a) Married **INDIVIDUALS** [*couples who are both in government*] shall be
35 entitled to thirty (30) calendar days for the adoptive mother and seven (7)
36 calendar days for the adoptive father.
- 37 (b) Solo parents of whatever gender or civil status shall be entitled to thirty
38 (30) calendar days.
39

40 Availment of adoption leave shall commence from the date the child is placed
41 with the adoptive parents which shall not be earlier than the date of the decree of
42 adoption. Adoption leave shall be non-commutative and non-cumulative.
43

44
45 **SEC. 163. *Parental Leave for Solo Parents.*** - In addition to leave
46 privileges under existing laws, parental leave of not more than seven (7) working days
47 every year until the child reaches the age of eighteen (18) years shall be granted to
48 officers and employees who are solo parents and have rendered service of at least one
49 (1) year.
50

51 Parental leave shall be non-commutative and non-cumulative.
52
53

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

5 The paternity leave shall be non-cumulative and non-commutative.
6
7

8 **SEC. 165. Special Leaves.** - Public officers and employees, except [*teachers*
9 *and*] those covered by special [*leave*] laws, are entitled to special leaves[, *to mark*
10 *personal milestones and/or attend to filial and domestic responsibilities*], not
11 exceeding an aggregate of three (3) days **A YEAR TO ATTEND TO PERSONAL,**
12 **FILIAL AND DOMESTIC RESPONSIBILITIES SUCH AS BUT NOT LIMITED**
13 **TO THE FOLLOWING**, in accordance with the guidelines to be set by this
14 Commission:
15

16 **A) PERSONAL MILESTONES SUCH AS BIRTHDAYS, WEDDING,**
17 **WEDDING ANNIVERSARIES [*celebrations*] AND OTHER SIMILAR**
18 **MILESTONES, INCLUDING BEREAVEMENT AND DEATH**
19 **ANNIVERSARIES;**

20 [B] *Parental obligations such as school related activities, first communion;*
21 *medical needs, among others;*

22 **B) OBLIGATIONS TO PARENTAL, FILIAL AND OTHER DOMESTIC**
23 **EMERGENCIES AND RESPONSIBILITIES; AND [*cover the***
24 *personnel's moral obligation toward his/her parents, spouse and siblings*

25 *for their medical and social needs;*
26 d) *domestic emergencies such as sudden urgent repairs needed at home,*
27 *sudden absence of a yaya or maid, and the like;*

28 e) *personal transactions to cover the entire range of transactions an*
29 *individual does with government and private offices such as paying taxes,*
30 *court appearances, arranging a housing loan, etc.; and]*

31 **C) CALAMITY, ACCIDENT HOSPITALIZATION LEAVE PERTAIN**
32 **TO FORCE MAJEURE EVENTS THAT AFFECT THE LIFE, LIMB,**
33 **AND PROPERTY OF THE EMPLOYEE OR HIS IMMEDIATE**
34 **FAMILY.**
35

36 Special leaves shall be non-commutative and non-cumulative.
37
38

39 **SEC. 166. Study Leave and Sabbatical Leave.** - Qualified public officers
40 and employees may be granted study and sabbatical leave, subject to the rules and
41 regulations promulgated by the Commission.
42
43

44 **SEC. 167. Commutation and Monetization of Leave Credits.** -
45 Accumulated leave credits can either be commuted or monetized subject to the rules
46 and regulations prescribed by the Commission.
47

48 **EACH AGENCY OF THE GOVERNMENT SHALL PROVIDE FOR THE**
49 **COMMUTATION AND MONETIZATION OF LEAVE CREDITS IN THEIR**
50 **BUDGET PROGRAM PROVIDED IT IS WITHIN THEIR APPROVED BUDGET**
51 **LEVEL/CEILING.**
52
53

1 **SEC. 168. *Effect of Re-employment on Commuted Leave.*** - Public officers
2 and employees whose leave credits have been commuted following their separation
3 from the service and were thereafter reemployed can either refund the money
4 equivalent of the unspent portion of the commuted leave credits. Otherwise, they have
5 to start from zero balance.

6
7
8 **SEC. 169. *Transfer of Leave Credits of Appointive Personnel and***
9 ***Elective Officials.*** - When appointive officers and employees transfer from one
10 entity to another, they can have their accumulated vacation and/or sick leave credits
11 commuted or transferred to their new office.

12
13 The second option can only be exercised by the personnel concerned when there
14 are no gaps in their service. However, a gap of not more than one (1) month may be
15 allowed provided same is not due to the fault of the personnel concerned.

16
17 The abovementioned options of commutation or transfer of accumulated leave
18 credits can also be availed of by an elective officer assuming another elective post.
19 However, these options are not applicable to the transfer of Armed Forces of the
20 Philippines (AFP) uniformed personnel to civilian positions.

21
22
23 **SEC. 170. *Prescriptive Period for Transfer of Leave Credits.*** - The
24 option to transfer accumulated leave credits can be exercised within one (1) year only
25 from the effective date of transfer of the appointive personnel to their new office, or to
26 the assumption of the elective officers in their new post.

27
28
29 **SEC. 171. *Leave Without Pay.*** - In no case shall leave without pay be
30 granted in excess of one (1) year or if the public officer or employee concerned still has
31 leave credits with pay.

32
33
34 **SEC. 172. *Terminal Leave.*** - Terminal leave refers to the total
35 accumulated leave credits of personnel, the money value of which shall be based not
36 necessarily on the latest salary rate but on the highest salary rate received at any
37 time during the period of employment in the government service.

38 39 40 **Chapter Three. Retirement Benefits**

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

47
48 **NOTWITHSTANDING ANY LAW TO THE CONTRARY, OFFICERS AND**
49 **EMPLOYEES OF THE GOVERNMENT WHO HOLD MORE THAN ONE**
50 **REGULAR FULL-TIME OR PART-TIME APPOINTMENT AND WHO RETIRE**
51 **FROM THE SERVICE SHALL BE ENTITLED TO NOT MORE THAN ONE (1)**
52 **RETIREMENT PLAN.**

1 All public officers and employees with pending administrative disciplinary cases
2 who **FAILED TO RECEIVE THEIR RETIREMENT BENEFITS ON THE DAY**
3 **OF RETIREMENT AS A RESULT THEREOF BUT** were eventually exonerated or
4 cleared therefrom shall be entitled to payment of retirement benefits immediately [*a*
5 *day*] after the promulgation of the decision.
6
7

8 **SEC. 174. *Rate of Interest for Delay in Payment.*** - Should the retiree,
9 through no fault of his/her own, fail to receive the benefits on the day of retirement,
10 the same shall earn interest at the prevailing **LEGAL** [*commercial*] rate.
11

12 The retirement benefits of those who were eventually exonerated or cleared
13 from administrative, disciplinary cases shall likewise earn interest at the prevailing
14 **LEGAL** [*commercial*] rate computed from the date of retirement to the date of
15 promulgation of the **FINAL** decision.
16

17 **IN CASE OF FORFEITURE OF RETIREMENT BENEFITS AS A**
18 **RESULT OF ADMINISTRATIVE DISCIPLINARY CASE, THE GOVERNMENT**
19 **SERVICE INSURANCE SYSTEM (GSIS) SHALL RETURN THE EMPLOYER'S**
20 **CONTRIBUTION TO THE AGENCY CONCERNED WITH LEGAL INTEREST.**
21
22

23 **SEC. 175. *Liability for Delay.*** - Agencies or their officers and employees
24 who caused the delay in the retiree's receipt of retirement benefits shall upon
25 complaint of the retiree or the successor in interests, be liable for the payment of the
26 interest mentioned in the immediately preceding Section. This is without prejudice to
27 the filing of administrative and criminal cases against the personnel responsible for
28 the said delay.
29

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

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

37 **Title II - Official Records and Work Days and Hours**

38 **Chapter One. Personnel Records Information System**

39 **SEC. 176. *Policy.*** - **AN IT-BASED** government-wide personnel records
40 system shall be established, administered and maintained by the Commission.
41
42

43 Each department or agency through its human resource management office,
44 shall establish, manage and maintain personnel records, **DATABASE** and statistics of
45 all its personnel.
46

47 **SEC. 177. *Records of Employment.*** - The Commission shall keep and
48 maintain official records of all elective and appointive personnel regardless of their
49 employment status. The Commission shall likewise maintain statistics on their
50 employment, accession and separation.
51
52

53 **Chapter Two. Work Days and Hours**

54

1
2 **SEC. 178. *Observance of Work Days and Hours AND WEARING OF IDs.***

3 - It shall be the duty of each head of agency to require all its officers and employees to
4 strictly observe the prescribed office hours and to wear identification cards,
5 nameplates or the like bearing clearly and legibly their respective names and positions
6 when dealing directly with the public in the performance of their respective duties or
7 whenever they are within the premises of the office. When the head of agency allows
8 government personnel to leave the office during office hours and not for official
9 business or official time, the same shall be reflected in their time records and charged
10 to their vacation leave credits.
11

12
13 **SEC. 179. *Forty Hour Workweek Requirement.*** - Personnel of all

14 departments and agencies except those covered by special laws shall render not less
15 than forty (40) hours of work a week, exclusive of time for lunch. As a general rule,
16 such hours shall be from eight (8) o'clock in the morning to twelve (12) o'clock noon
17 and from one (1) o'clock to five (5) o'clock in the afternoon, all days except Saturdays,
18 Sundays, and holidays. However, in the interest of the service, heads of agencies,
19 particularly those with frontline services, shall adopt measures to ensure that
20 continuous service is available even during the 12:00 noon to 1:00 p.m. period.

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

29
30 **SEC. 180. *Non-regular Working Hours.*** - A work schedule that deviates

31 from that which is provided in Section 186 hereof or that which extends well into the
32 night may also be allowed upon the discretion of the head of office, the need of the
33 service, or the health and welfare of the personnel concerned; Provided, that the forty
34 (40) hours workweek exclusive of meal time, will not be reduced.
35

36
37 **SEC. 181. *Daily Record of Attendance.*** - Each head of department or

38 agency shall require a daily record of attendance of all its officers and employees
39 including those serving in the field or on board a vessel, to be kept on the proper form
40 and, whenever possible, registered on the bundy clock or any mechanical, electrical, or
41 electronic device.

42 Service "in the field" or "on board a vessel" shall refer to service rendered
43 outside the office which is the usual place of work.
44

45
46 **SEC. 182. *Recording of Attendance by Senior Officers AND ELECTIVE***
47 ***OFFICIALS.*** - Agency heads, third level positions shall record times of arrival at and
48 times of departure from official work stations. Absences from office shall likewise be
49 properly recorded in the agency.

50 **SEC. 183. *Persons in the Teaching Service.*** - All persons in the teaching
51 service, primary and secondary levels, are covered by the forty (40) hours work-week
52 requirement and shall render not more than six (6) hours of teaching load every school
53 day.
54

1
2 **SEC. 184. *Compensation for Authorized Work Beyond Forty Hours.*** -
3 When the interest of public service so requires, the daily hours of work for personnel
4 may be extended by the head of the agency concerned, which extension shall be fixed
5 in accordance with the nature of the work. Provided, that work in excess of forty (40)
6 hours a week must be properly compensated by payment of overtime whenever funds
7 are available for the purpose or through the grant of compensatory time or day/s-off or
8 through the accumulation of leave credits.
9

10
11 **SEC. 185. *Performance of Duties in Excess of Forty Hours of Those in***
12 ***Special Occupational Groups.*** - When the nature of duties to be performed or the
13 interest of the public service so requires, the head of department or agency may
14 require any or all of its officers and employees to work in excess of the forty (40) hours,
15 on Saturdays, Sundays and public holidays, with either additional compensation or
16 compensatory time/days-off; or the accumulation of leave credits.
17

18
19 **SEC. 186. *Flexible Working Hours.*** - Flexible working hours shall be
20 enforced subject to the discretion of the head of agency. In no case shall the weekly
21 working hours be reduced in the event the agency adopts the flexi-time schedule. In
22 the adoption of flexi-time, core working hours shall be prescribed taking into
23 consideration the needs of the service.
24

25
26 **SEC. 187. *Compensatory Time or Day/s Off.*** - Grant of compensatory
27 time or day/s off shall be allowed for overtime services rendered subject to the rules to
28 be promulgated by the Commission.
29

30
31 **SEC. 188. *FLEXI-PLACE.*** - **PUBLIC OFFICERS AND EMPLOYEES**
32 **MAY BE ALLOWED TO WORK AWAY FROM THEIR OFFICIAL WORK**
33 **STATIONS SUBJECT TO THE DISCRETION OF THE HEAD OF AGENCY**
34 **AND THE NATURE OF THE FUNCTIONS OF THEIR POSITIONS. THE**
35 **COMMISSION SHALL ISSUE THE RULES AND REGULATIONS TO GOVERN**
36 **THE ADOPTION OF FLEXI-WORK PLACE. IN NO CASE SHALL THE**
37 **ADOPTION THEREOF AFFECT THE AVAILABILITY AND ACCESSIBILITY**
38 **OF GOVERNMENT SERVICES.**
39

40
41 **SEC. 189. *Liabilities.*** - Falsification or irregularities in the keeping of time
42 records will render the personnel concerned administratively liable without prejudice
43 to criminal prosecution as the circumstances warrant.
44

45
46
47 **BOOK V. DISCIPLINE**

48 **Title I - Administrative Discipline**

49 **Chapter One. General Provisions**
50
51
52

1 **SEC. 190. *Disciplinary Action.*** - No public officer or employee in the civil
2 service system shall be disciplined, suspended or removed from office except for cause
3 as provided 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
12 holding a non-political office;
- 13 (h) Receiving for personal use of a fee, gift or other valuable thing in the
14 course of official duties or in connection therewith when such fee, gift or
15 other valuable thing is given by any person in the hope or expectation of
16 receiving a favor or better treatment than that accorded to other persons
17 or for committing acts 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
28 service;
- 29 (r) Insubordination;
- 30 (s) Conduct prejudicial to the best interests of the service;
- 31 (t) Discourtesy in the course of official duties;
- 32 (u) Habitual drunkenness;
- 33 (v) Violation of reasonable office rules and regulations;
- 34 (w) Gambling prohibited by law;
- 35 (x) Pursuit of private business, vocation or profession in violation of civil
36 service law, rules and regulations;
- 37 (y) Promoting ticket sales which are not intended for charitable or public
38 welfare purposes;
- 39 (z) Improper or unauthorized solicitation of contributions;
- 40 (aa) **UNAUTHORIZED USE OF GOVERNMENT RESOURCES AND**
41 **PROPERTIES;**
- 42 (bb) Unfair labor practice;
- 43 (cc) Illegal strike;
- 44 (dd) Unjustifiable delays in the payment of employee benefits;
- 45
- 46 (ee) **DIRECTLY OR INDIRECTLY HAVING FINANCIAL AND**
47 **MATERIAL INTEREST IN ANY TRANSACTION REQUIRING**
48 **THE APPROVAL OF THEIR OFFICE. FINANCIAL AND**
49 **MATERIAL INTEREST IS DEFINED AS A PECUNIARY**
50 **INTEREST BY WHICH A PERSON WILL GAIN OR LOSE**
51 **SOMETHING;**
- 52
- 53 (ff) **OWNING, CONTROLLING, MANAGING OR ACCEPTING**
54 **EMPLOYMENT AS OFFICER, EMPLOYEE, CONSULTANT,**

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

- 1
2 (oo) FAILURE TO PROCESS DOCUMENTS AND COMPLETE ACTION
3 ON DOCUMENTS AND PAPERS WITHIN A REASONABLE TIME
4 FROM PREPARATION THEREOF;
5
6 (pp) FAILURE TO ATTEND TO ANYONE WHO WANTS TO AVAIL
7 HIMSELF/HERSELF OF THE SERVICES OF THE OFFICE OR TO
8 ACT PROMPTLY AND EXPEDITIOUSLY ON PUBLIC PERSONAL
9 TRANSACTIONS;
10
11 (qq) FAILURE TO FILE SWORN STATEMENTS OF ASSETS,
12 LIABILITIES AND NET WORTH, AND DISCLOSURE OF
13 BUSINESS INTERESTS AND FINANCIAL CONNECTIONS; AND
14
15 (rr) FAILURE TO RESIGN FROM HIS/HER POSITION IN THE
16 PRIVATE BUSINESS ENTERPRISE WITHIN THIRTY (30) DAYS
17 FROM ASSUMPTION OF PUBLIC OFFICE WHEN CONFLICT OF
18 INTEREST ARISES, AND/OR FAILURE TO DIVEST
19 HIMSELF/HERSELF OF HIS/HER SHAREHOLDINGS OR
20 INTERESTS IN PRIVATE BUSINESS ENTERPRISE WITHIN
21 SIXTY (60) DAYS FROM SUCH ASSUMPTION OF PUBLIC
22 OFFICE WHEN CONFLICT OF INTEREST ARISES: PROVIDED,
23 HOWEVER, THAT FOR THOSE WHO ARE ALREADY IN THE
24 SERVICE AND A CONFLICT OF INTEREST ARISES, THE
25 OFFICIAL OR EMPLOYEE MUST EITHER RESIGN OR DIVEST
26 HIMSELF/HERSELF OF SAID INTERESTS WITHIN THE
27 PERIODS HEREIN-ABOVE PROVIDED, RECKONED FROM THE
28 DATE WHEN THE CONFLICT OF INTEREST HAD ARISEN;
29
30 [*Engaging in activities that aid, support, agitate, or espouse the overthrow*
31 *of a duly constituted authority;*]
32
33 (ss) Engaging in or supporting acts of insurrection, rebellion, sedition, and
34 other crimes against public order as defined in Title Three, Book Two of
35 the Revised Penal Code and commission of crimes against national
36 security and the law of nations as defined in Title One, Book Two,
37 Chapters One, Two, and Three of the Revised Penal Code; and
38
39 (tt) All other grounds for disciplinary action [*provided or*] AS may be
40 provided for by law.

41 Chapter Two. Disciplinary Jurisdiction

42
43

44 SEC. 191. *Original Jurisdiction.* - The heads of departments, agencies,
45 bureaus and instrumentalities of the national government, constitutional offices, the
46 proper disciplining authority of state universities and colleges, government-owned and
47 -controlled corporations with original charters or created under special laws, and local
48 government units shall have original jurisdiction to investigate and decide disciplinary
49 cases against their subordinate public officers and employees.
50

1 They shall also retain original jurisdiction over public officers and employees
2 who are already separated from the service but who, while still in the service
3 committed an offense.
4
5

6 **SEC. 192. Original Jurisdiction of Bureau or Department-wide,**
7 **Regional Office Head.** - The heads of bureaus or department-wide regional offices
8 shall have disciplinary jurisdiction over offenses committed by their subordinate
9 public officers and employees.
10
11

12 **SEC. 193. Original Jurisdiction of the Commission.** - The Commission
13 shall have exclusive administrative disciplinary jurisdiction over its public officers and
14 employees. It shall have concurrent original disciplinary jurisdiction over public
15 officers and employees of the departments, agencies, bureaus, state universities and
16 colleges, government-owned and -controlled corporations with original charters or
17 created under special laws, and local government units.

18 **IN DISCIPLINARY CASES WHERE AGENCIES HAVE ORIGINAL AND**
19 **CONCURRENT JURISDICTION, THE AGENCY WHICH FIRST TAKE**
20 **COGNIZANCE OF THE CASE SHALL EXCLUDE THE OTHERS.**
21

22 The Commission may, *motu proprio*, initiate the investigation and filing of
23 administrative charges against public officers and employees who violate the
24 provisions of this Code and other pertinent civil service laws, rules and regulations.
25 For this purpose, the Commission shall conduct fact-finding investigations and require
26 through the issuance of subpoena *duces tecum* and similar processes the production of
27 [government] records necessary to resolve the case.
28

29 Any person who impersonates another in civil service examinations, sells civil
30 service application or examination forms, misrepresents material facts, or commit any
31 other fraudulent acts which adversely affect the integrity of civil service examinations,
32 but who at the time of the commission of any of the aforementioned acts is not
33 employed in the government, shall likewise be under exclusive original jurisdiction of
34 the Commission. Such person may be perpetually banned from taking government
35 examinations and from entering the government service, without prejudice to criminal
36 prosecution.
37
38

39 Chapter Three. Procedure in Disciplinary Cases

40
41 **SEC. 194. Commencement of Administrative Proceedings and Answer.**
42 -

43
44 (a) Administrative proceedings may be commenced *motu proprio* against a
45 subordinate public officer or employee by the proper disciplining
46 authority or head of department or agency or upon a sworn written
47 complaint of any other person. The complaint shall be accompanied by
48 sworn statements covering the charges and those of the witnesses
49 together with documentary evidence, if any.
50

51 (b) On the basis of the sworn written complaint and supporting papers filed
52 by any other person, the disciplining authority shall require the person
53 complained of to explain why no administrative case should be filed. If
54 the disciplining authority does not find a prima facie case, the complaint

1 shall be dismissed, otherwise, a formal charge shall be issued in
2 accordance with the provisions of this Code. The respondent shall be
3 furnished with copies of the complaint, sworn statements and other
4 documents submitted.
5

- 6 (c) In administrative proceedings initiated by the disciplining authority or
7 head of a department or agency, the formal charge shall be issued only
8 after the disciplining authority finds a prima facie case in accordance
9 with the provisions of this Code **OR WHEN THE DISCIPLINING**
10 **AUTHORITY HAS PERSONALLY OBSERVED OR HAS DIRECT**
11 **PERSONAL KNOWLEDGE OR ACTUALLY CAUGHT THE**
12 **OFFENDER IN THE ACT OF COMMITTING THE**
13 **ADMINISTRATIVE OFFENSE.**
14
15

16 **SEC. 195. Issuance of a Formal Charge.** - The formal charge shall state
17 the specifications of the offense and shall require the respondent to submit an answer
18 in writing and under oath together with supporting sworn statements covering his/her
19 defense and those of witnesses together with the documentary evidence, if any. The
20 respondent shall be allowed at least seventy-two (72) hours but not more than five (5)
21 days from receipt of the formal charge to submit an answer and the affidavits of the
22 witnesses, if any, and shall be informed of his/her right to counsel and to indicate
23 whether or not he/she elects a formal investigation. In cases when the respondent
24 submits a request for clarification, a bill of particulars or a motion to dismiss which
25 are obviously designed to delay the administrative proceedings, the same shall be
26 considered as answer.
27

28
29 **SEC. 196. Formal Investigation.** -
30

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

1
2 (e) The direct evidence for the complainant and the respondent shall consist
3 of the sworn statements and documents submitted in support of the
4 complaint or answer, as the case may be, without prejudice to the
5 presentation of additional evidence deemed necessary but was
6 unavailable at the time of the filing of the complaint or answer, upon
7 which cross-examination by the respondent and the complainant,
8 respectively, shall be based.
9
10

11 **SEC. 197. *Report of Investigation and Records of Case.*** - The hearing
12 officer shall submit to the disciplining authority the report of investigation within ten
13 (10) days from the termination of the investigation. The report shall contain the
14 findings and recommendations together with the complete record of the case which
15 shall be properly and securely bound, all pages numbered consecutively, and with a
16 table of contents.
17

18
19 **SEC. 198. *Decision.*** - The proper disciplining authority shall render a
20 decision within the period and in the form and content as provided for in this Code.
21
22

23 **SEC. 199. *Preventive Suspension.*** - Notwithstanding any provision of law
24 to the contrary, the proper disciplining authority may preventively suspend a
25 respondent formally charged with dishonesty, oppression, grave misconduct, gross
26 neglect in the performance of duty, if there are reasons to believe that respondent is
27 guilty of the charges which would warrant removal from office and that there is a
28 great probability that the continuance in office of the respondent could influence the
29 witnesses or pose a threat to the safety and integrity of the records and other evidence.
30 In no case shall preventive suspension exceed ninety (90) days or last for the duration
31 of the investigation, whichever is shorter.
32
33

34 **SEC. 200. *Lifting of Preventive Suspension Pending Administrative***
35 ***Investigation.*** - When the administrative case against the respondent under
36 preventive suspension is not decided by the disciplining authority within the period of
37 ninety (90) days after the date of suspension, the respondent shall be automatically
38 reinstated in the service; Provided, that when the delay in the disposition of the case
39 is due to the fault, negligence or petition of the respondent, the period of delay shall
40 not be included in computing the period of suspension herein provided.
41
42

43 **SEC. 201. *Implementing Regulations.*** - To ensure fair, expeditious and
44 effective disposition of administrative cases, the Commission shall promulgate and
45 prescribe uniform rules in the conduct of administrative investigations.
46
47

48 Chapter Four. Decision 49 50

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

1
2
3 **SEC. 203. Form and Content of Decision.** - The decision, properly
4 designated as such and under the signature of the proper disciplining authority, shall
5 contain the charge, the name of the respondent, the position and office of the
6 respondent, a brief statement of the material and relevant facts, findings, offense
7 committed and the penalty imposed.
8

9
10 **SEC. 204. Service of Decision.** -

- 11 (a) A copy of the decision shall be served on the complainant and the
12 respondent through their respective counsel, if any, within five (5) days
13 from its promulgation.
14 (b) Disciplining authorities shall furnish their superiors with a copy of the
15 decision within five (5) days from the date of its promulgation.
16

17
18 **SEC. 205. Finality of Decision.** -

- 19 (a) Without prejudice to the power of review by the Commission, and its
20 powers to decide cases on appeal as provided for in this Code, the
21 decisions of the heads of departments, agencies, and instrumentalities of
22 the National Government and the disciplining authority of state
23 universities and colleges, government-owned and -controlled corporations
24 with original charters or created under special laws, local government
25 units shall be final and executory, if the penalty imposed is suspension of
26 not more than thirty (30) working days or a fine of not more than thirty
27 (30) working days' pay.
28 (b) Without prejudice to the power of review by the Commission and its
29 powers to decide cases on appeal provided for in this Code, the decision of
30 the head of the bureau or department-wide regional office shall be final
31 and executory, if the penalty imposed is suspension of not more than
32 thirty (30) working days or a fine of not more than thirty (30) working
33 days' pay.
34 (c) The decision in a disciplinary case becomes final upon expiration of the
35 period within which to file a motion for reconsideration and no such
36 motion is filed.
37

38
39 **SEC. 206. Execution of Decision.** -

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

1 temporary restraining order or a writ of preliminary injunction against
2 the Commission.
3
4

5 Chapter Five. Administrative Penalties 6 7

8 **SEC. 207. *Penalties That May Be Imposed.*** - Heads of departments and
9 agencies and other disciplining authorities may impose the penalty of reprimand or
10 censure, fine in an amount not exceeding six (6) months' salary, suspension without
11 pay for not more than one (1) year, demotion in rank or pay, or dismissal from the
12 service.
13

14 **SEC. 208. *Imposition of Penalties.*** - 15 16

- 17 (a) In meting out punishment, the same penalties shall be imposed for
18 similar offenses and only one (1) penalty shall be imposed in each case.
19 In the imposition of these penalties, the disciplining authority shall take
20 into consideration the circumstances which may either exonerate the
21 respondent from any liability, mitigate or aggravate the offense.
22
- 23 (b) In the imposition of the proper penalties, the administrative offenses or
24 causes for disciplinary action mentioned in this Code shall be categorized
25 into light, less grave, and grave.
26
- 27 (c) The Commission shall promulgate rules and regulations on the
28 classification of administrative offenses into light, less grave and grave
29 and shall prescribe the corresponding principal and accessory penalties
30 **SUCH AS CANCELLATION OF ELIGIBILITY, FORFEITURE OF**
31 **RETIREMENT BENEFITS, DISQUALIFICATION FROM**
32 **EMPLOYMENT, REINSTATEMENT, REEMPLOYMENT, OR**
33 **PROMOTION, AND BAR FROM TAKING CIVIL SERVICE**
34 **EXAMINATIONS.**
35
36

37 **SEC. 209. *Effect of Administrative Penalties.*** - The penalty of dismissal
38 shall result in the separation of the respondent from the service. Dismissal shall carry
39 with it the cancellation of civil service eligibilities, forfeiture of retirement benefits,
40 and disqualification from employment in the government whether appointive or
41 elective and disqualification to run for any public office even if the case is pending on
42 appeal.
43

44 Although decisions imposing the penalty of dismissal are immediately
45 executory, no permanent appointment pending appeal shall be issued to replace the
46 dismissed employee. In the interest of the service, however, designation may be
47 resorted to until the case is resolved with finality.
48

49 The penalties of demotion, suspension and fine shall disqualify the respondent
50 from receiving certain benefits or from promotion for a period based on the gravity of
51 the penalty imposed in accordance with the rules prescribed by the Commission.
52
53

1
2 **SEC. 219. *Candidate Who Lost in an Election.*** - No candidate who lost in
3 any election shall, within one (1) year after such election, be appointed in any capacity
4 to any office in the government or any state university and college, government-owned
5 and -controlled corporations with original charters or created under special laws, local
6 government units. Neither can they be hired within the same period as consultants
7 or under contracts of services/job orders in said entities.
8

9
10 **SEC. 220. *Resignation Before Election.*** - A person who resigned from the
11 service within three (3) months before any election and [*directly or indirectly*] engaged
12 in any political activity shall not be eligible for **REEMPLOYMENT** [*reappointment or*
13 *reinstatement*] in the government during the six (6)-month period following such
14 election.
15

16
17 **SEC. 221. *Prohibition Against Holding Another Office or Employment.***
18 - Unless otherwise allowed by law or by the primary functions of the position, no
19 appointive officer shall hold any other office or employment in the government or any
20 subdivision, agency or instrumentality thereof, state universities and colleges,
21 government-owned and -controlled corporations with original charters or created
22 under special laws, **AND** local government units [, *including entities and corporations*
23 *sequestered by the government*].
24

25
26 **SEC. 222. *Prohibition During Election Period.*** - No appointment,
27 whether original, transfer, reemployment, reappointment, renewal, promotion and
28 demotion, regardless of status, except in the case of reinstatement, shall be issued
29 ninety (90) days before any national or local election except barangay and
30 sangguniang kabataan elections and until the assumption of the newly-elected or
31 reelected appointing officer. No consultancy, job order or contract of service shall also
32 be entered into during the said period. However, in the exigency of the service and
33 subject to the authority by the Commission, the appointing authority may issue
34 appointments after the election and until the assumption of the newly elected or
35 reelected appointing officer provided the following concur:
36

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

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

50 **SEC. 223. *Prohibition Against Appointments by an Outgoing Appointing***
51 ***Authority.*** - No appointment in national **OR LOCAL** agencies, state universities
52 and colleges, government-owned and -controlled corporations with original charters or
53 created under special laws shall be made by any outgoing appointing authority within
54 three (3) months before the end of his/her term of office or retirement. This

1 prohibition shall also apply to outgoing appointing authorities who have previously
2 manifested their intention to resign from office. In which case, the prohibition shall
3 commence from the date of formal manifestation to resign but shall not be more than
4 three (3) months from the effective date of resignation.
5

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

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

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

26 NO APPOINTMENT SHALL LIKEWISE BE ISSUED TO A GREEN
27 CARD HOLDER UNLESS IT IS SHOWN BY CLEAR EVIDENCE THAT
28 HE/SHE HAS MADE AN IRREVOCABLE WAIVER OF THAT STATUS OR
29 THAT HE/SHE HAS SURRENDERED HIS GREEN CARD TO THE
30 APPROPRIATE U.S. AUTHORITIES.
31
32

33 **SEC. 225. PROHIBITION AGAINST Supervision by Non-career**
34 **personnel. -** Subject to the rules to be promulgated by the Commission, no
35 consultant, contractual or non-career personnel shall be designated to any position
36 exercising control and supervision over regular and career personnel in the
37 government.
38
39

40 **SEC. 226. PROHIBITION AGAINST ContractING of REGULAR**
41 **FUNCTIONS [Service]. - [A person neither shall issued a contract of service shall not**
42 **discharge duties pertaining to a career or non-career service position or and neither**
43 **shall an institution perform any of the regular function of the contracting agency. T]**
44 **PROVIDED, HOWEVER, THAT** the agency may[, however,] enter into a contract of
45 service to undertake **NON-REGULAR FUNCTIONS [a lump sum work]** or
46 **SUPPORT** services for the government for a specific period where no employer-
47 employee relationship exists between the individual or the institution and the
48 government **SUBJECT TO THE RULES AND REGULATIONS PROMULGATED**
49 **BY THE COMMISSION.**
50
51

52 **SEC. 227. Ecclesiastic. -** No priest, preacher, minister, or other religious
53 teacher, or dignitary as such, shall be employed in the civil service system except
54 when such priest, preacher, minister, or dignitary is assigned to the Armed Forces of

1 the Philippines, the Philippine National Police or to any penal or correctional
2 institution, or any government orphanage or leprosarium.

3 **SEC. 228. Nepotism.** - The act of issuing an appointment in the national, or
4 in any branch or instrumentality thereof, or in state universities and colleges,
5 government-owned and -controlled corporations with original charters or created
6 under special laws, local government units to a person who is related within the third
7 (3rd) civil degree of consanguinity or affinity to the appointing or recommending
8 authority, the chief of bureau or office, or of the person exercising immediate
9 supervision over him/her, is hereby prohibited.

10
11 The filling-up of the following positions is exempt from the operation of the law
12 and rules on nepotism:

- 13 (a) Primarily confidential;
- 14 (b) **HIGHLY TECHNICAL;**
- 15 (c) **POLICY-DETERMINING; AND**
- 16 (d) Teacher and professorial staff.
- 17 [(e) *Physician; and*
- 18 (f) *Scientist.*]

19
20 The term 'teacher' shall refer only to those actually performing classroom
21 instruction in both public elementary and secondary schools. 'Professorial staff' shall
22 denote members of the faculty **INCLUDING INSTRUCTORS** of state universities or
23 colleges primarily engaged in academic activities such as teaching in the tertiary level,
24 research and curriculum development, among others. The designation of professorial
25 staff to non-professorial/non-academic positions shall not be covered by this
26 exemption.

27
28 The restrictions mentioned in this Section shall not be applicable to a member
29 of any family, who, after appointment to any position in an office or bureau, contracts
30 marriage with another employee in the same office or bureau, or those who were
31 affected by reorganization in which event the employment or retention therein of both
32 husband and wife may be allowed.

33
34 The prohibition shall not also apply in case of promotion if the person to be
35 promoted occupies a career and next-in-rank position, or to those devolved to local
36 government units or who were affected by reorganization or to any member of a
37 personnel selection board.

38 39 40 **Chapter Two. Other Prohibitions**

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42
43 **SEC. 229. Political Activity.** - No public officer or employee in the civil
44 service system holding a non-political position shall engage, directly or indirectly, in
45 any electioneering or partisan political campaign or take part in any election except to
46 vote, nor shall use official authority or influence to coerce the political activity of any
47 person or body. Nothing herein provided shall be understood to prevent any public
48 officer or employee from expressing views on current political problems or issues, or
49 from mentioning the names of candidates for public office whom he/she supports;
50 Provided, that public officers and employees holding political offices may take part in
51 political and electoral activities but it shall be unlawful for them to solicit
52 contributions from, or subject their subordinates to commit any of the prohibited acts
53 under the Election Code.

1 In this regard, membership in any political party shall be considered as
2 engaging in partisan political activity.
3
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5 **SEC. 230. *Appointment of Military Personnel in the Civil Service***
6 ***System.*** - It shall be unlawful for any member of AFP in the active service to be
7 appointed or designated in any capacity to any civilian position in the government,
8 state universities and colleges, government-owned and -controlled corporations with
9 original charters or created under special laws, local government units.
10

11
12 **SEC. 231. *Additional or Double Compensation.*** - No elective or
13 appointive public officer or employee shall receive additional, double, or indirect
14 compensation, unless specifically authorized by law, nor accept any present,
15 emolument, office, or title of any kind from any foreign government unless allowed by
16 law.
17

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

21
22 **SEC. 232. *Detail or Reassignment.*** - Except when the exigencies of the
23 service require, no public officer or employee of the government shall be detailed or
24 reassigned three (3) months before any local or national election.
25

26
27 **SEC. 233. *Courtesy Resignation.*** - It shall be unlawful for any public
28 officer, elective or appointive, to require public officers and employees within his/her
29 jurisdiction to submit courtesy resignations for whatever reason or purpose.
30

31
32 **SEC. 234. *Appointment and/or Transfer of Officers and Employees of***
33 ***Oversight Agencies.*** Unless allowed by the Commission in meritorious cases, heads
34 of oversight agencies and their staff are prohibited from transferring or being
35 appointed to any position in the department/agency/office/local government unit
36 which his/her unit is assigned or designated to oversee within one (1) year after
37 termination of such assignment or designation.
38

39 40 41 **BOOK VI. MISCELLANEOUS PROVISIONS**

42 43 **Title I - Termination of Employment**

44 45 **Chapter One. Modes of Termination**

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48 **SEC. 235. *Modes of Termination OF EMPLOYMENT.*** - The following are
49 modes of terminating employment in the government;
50

- 51 (a) ***Resignation*** - A public officer or employee shall be considered separated
52 from the service effective on the date of acceptance of the resignation by
53 the officer authorized to do so **OR THIRTY (30) DAYS FROM THE**
54 **SUBMISSION THEREOF.**

- 1
2 (b) **Candidacy** - An appointive public officer or employee shall be *ipso facto*
3 separated from the service on the date of filing of the certificate of
4 candidacy for an elective position.
5
6 (c) **Death** - Upon proof of death, the public officer or employee shall
7 automatically be recorded as separated from the service.
8 (d) **Permanent Disability** - In case of permanent disability which shall
9 render the public officer or employee incapable of performing the official
10 duties, the department or agency head may terminate such public officer
11 or employee.
12
13 (e) **Expiration of Period of Employment** - The services of a public officer
14 or employee appointed for a fixed period, or for a specific project or whose
15 appointment **ARE [is]** coterminous with the appointing officer shall be
16 terminated upon the expiration of the period of employment, completion
17 of the project, or at the end of the term of the appointing officer, unless
18 otherwise earlier validly separated.
19
20 (f) **Dropped from the Service** - A public officer or employee who goes on
21 leave without proper authority or fails to return to duty after the
22 expiration of the authorized leave, without valid reasons, and for other
23 grounds under existing rules, shall be dropped from the service in
24 accordance with the regulations promulgated by the Commission.
25
26 (g) **Conviction** - The services of the public officer and employee shall be
27 considered terminated upon conviction by final judgment of a crime
28 where the penalty carries with it the accessory penalty of perpetual or
29 temporary absolute or special disqualification to hold public office.
30
31 (h) **Retirement** - Any public officer or employee who reaches the compulsory
32 retirement age and meets the service requirement shall be retired under
33 the provisions of the Retirement Law, unless his/her services **ARE [is]**
34 extended by the Commission in accordance with its rules and regulations.
35 Optional retirement pursuant to law likewise terminates official
36 relations.
37
38 (i) **Expiration of Temporary Appointment** - The services of a public
39 officer or employee with temporary appointment shall automatically be
40 terminated upon the expiration of the appointment.
41
42 (j) **Disapproval of Appointment** - The services of a public officer or
43 employee **ARE [is]** considered terminated upon the final disapproval of
44 the appointment by the Commission.
45
46

47 **SEC. 236. Reduction in Force.** - The head of a department or agency may
48 reduce its staff due to lack of work or funds or due to a change in the scope or nature of
49 an agency's program, or as a result of reorganization, subject to the rules and
50 regulations which the Commission shall prescribe.
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53 **Title II - SANCTIONS AND LIABILITIES**
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CHAPTER One. LIABILITIES

SEC. 237. *Liability of Appointing Authority.* - No person employed in the civil service system in willful violation of this Code shall be entitled to receive pay from the government. The appointing authority responsible for such unlawful employment shall be personally liable for the pay that would have accrued had the employment been lawful. **LIKEWISE, THE COMMISSION OFFICIALS OR EMPLOYEES WHO CAUSED THE APPROVAL OF SUCH UNLAWFUL EMPLOYMENT AND WAS PROVEN TO HAVE CONNIVED OR CONSPIRED WITH THE APPOINTING AUTHORITY SHALL BE PERSONALLY LIABLE FOR THE PAY THAT WOULD HAVE ACCRUED THEREOF HAD THE EMPLOYMENT BEEN LAWFUL.**

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

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

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

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

Title III - Fees and Authority to Administer Oaths

Chapter One COLLECTION OF Fees

SEC. 240. *Authority to Collect Fees.* - The Commission may collect and charge fees for civil service examinations, certification of civil service ratings, service records, appeals in disciplinary and non-disciplinary cases, training courses, seminars and workshops in personnel management, and for services rendered on other civil service matters. For this purpose, the Commission shall prescribe standard and reasonable rates for such examination, certifications, training courses, seminars and workshops and other activities or services, the fees for which are not provided by law

1 or regulation. No fees shall be collected in examinations given for the selection of
2 scholars.

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5 **Chapter Two. Authority of Public Officers to Administer Oaths,**
6 **Take Testimony, and Prosecute Cases in Court**

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9 **SEC. 241. *Who May Administer Oaths.*** - The Chairperson and Members
10 of the Commission, public officers occupying third level positions and other public
11 officers and employees of the Commission and other departments or agencies
12 designated in writing by the Chairperson, may administer oaths as may be necessary
13 in a transaction of an official business and take a testimony in connection with any
14 authorized investigation.

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16 **Title IV - Fiscal Autonomy and Use of Appropriations and Income**

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18 **Chapter One. Fiscal Autonomy**

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

26
27 The Commission shall have the flexibility to utilize its appropriations, and its
28 income, for operating and capital expenses, acquisition, supplies, repairs and
29 maintenance of office equipment and facilities subject to the provision of law.

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32 **Chapter Two. Authority to Use Appropriations and Income**

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

42
43 The Commission is further authorized to directly use its income derived from
44 fees, cost for services it may assess and levy, and such other proceeds generated in the
45 performance of its functions for its operating expenses, for personnel and
46 organizational development as well as acquisition, repair and maintenance of office
47 equipment, facilities and supplies.

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50 **Title V - Transitory Provisions**

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53 **SEC. 244. *Abolished Offices.*** - All Commission public officers and
54 employees whose offices are abolished by virtue of the provisions of this Code shall be

1 absorbed in the central, regional and field offices of the Commission with no
2 diminution of status, rank and salary.

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

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10 **Title VI - Final Provisions**

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13 **SEC. 246. *Funding.*** - Funds needed to carry out the provisions of this Code
14 shall be taken from funds available in the Commission or in the absence or
15 insufficiency thereof, from any lump sum appropriations to be included in the annual
16 General Appropriations Act. The appropriation shall cover the operating expenses of
17 the Commission including the salaries, allowances and other emoluments of all its
18 public officers and employees in its central, regional and field offices and for its
19 projects and activities, subject to the accounting of such expenditures.

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21
22 **SEC. 247. *Implementing Rules and Regulations.*** - The Commission
23 shall promulgate rules and regulations and set guidelines and standards to implement
24 the provisions of this Code which shall become effective thirty (30) days after its
25 publication in a national newspaper of general circulation.

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28 **SEC. 248. *Repealing Clause.*** - Republic Act No. 2260, Republic Act No.
29 6040, Presidential Decree No. 807, Presidential Decree No. 1, Presidential Decree No.
30 1409, Executive Order No. 135, series of 1987, Executive Order No. 180 and Book V,
31 Title 1, Subtitle A on the Civil Service Commission of Executive Order No. 292, series
32 of 1987, and Section 2 of RA 6758 are hereby repealed. Section 24 of RA 6770,
33 Sections 77, 79 and 85 of RA 7160, Section 1 of RA 8190 and Section 21 of RA 8551,
34 are hereby amended or modified accordingly; and all laws, decrees, orders, circulars,
35 rules and regulations or any part thereof which are contrary to or inconsistent with
36 any provision of this Code are hereby repealed or modified accordingly.

37
38
39 **SEC. 249. *Supplemental Applications.*** - The Rules of Court shall have
40 supplemental application to this Code.

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43 **SEC. 250. *Separability.*** - If any provision of this Code or its application to
44 any person or circumstances is declared invalid, such declaration shall not affect the
45 other provisions of this Code.

46
47
48 **SEC. 251. *Construction in Favor of Employees.*** - All doubts in the
49 implementation and interpretation of the provisions of this Code including its
50 implementing rules and regulations shall be resolved in favor of employees.

1 **SEC. 252. *Effectivity.*** - This Code shall take effect thirty (30) days following
2 its publication in the *Official Gazette* or in a national newspaper of general circulation
3 in the Philippines.

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6 *Approved,*