

**Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila**

Thirteenth Congress
First Regular Session



House Bill No. 2086

Introduced by Honorable Catalino V. Figueroa

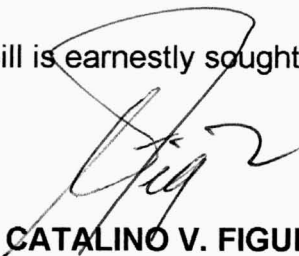
EXPLANATORY NOTE

Under Section 59, Chapter 7, Subtitle A, Title I, Book V of Executive Order No. 292, otherwise known as the Administrative Code of 1987, the exceptions to the rule on nepotism do not make a qualification that the words "teachers" and "physicians" should apply only to the persons appointed or employed, in the same manner that it specifically exempts "persons employed in a confidential capacity."

Because of the aforesaid lack of qualification or distinction in the law, it makes it permissible for the recommending or appointing authority, or the chief of the bureau or office, or the person exercising immediate supervision, who is a teacher or physician, to appoint, recommend or cause the appointment of a relative within the prohibited degree, or for such relative, who may be a teacher or a physician, to be appointed to a position which does not require qualifications of or which is not reserved for a teacher or a physician.

There is a need to amend the aforesaid law so that the exemptions would clearly refer only to persons being appointed as teachers, physicians, or those in positions of confidentiality.

For this reason, approval of the bill is earnestly sought.


CATALINO V. FIGUEROA

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**AN ACT
AMENDING SECTION 59, CHAPTER 7, SUBTITLE A, BOOK V OF
EXECUTIVE ORDER NO. 292, OTHERWISE KNOWN AS THE
“ADMINISTRATIVE CODE OF 1987”**

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

SECTION 1. Section 59, Chapter 7, Subtitle A, Title I, Book V of Executive Order No. 292, otherwise known as the Administrative Code of 1987, is hereby amended to read as follows:

“Section 59. Nepotism – (1) All appointments in the national, provincial, city and municipal governments or in any branch or instrumentality thereof, including government-owned or controlled corporations made in favor of a relative of the appointing or recommending authority or the chief of the bureau or the office or of the person exercising immediate supervision under him, are hereby prohibited.

As used in this section, the word “relative” and members of the family referred to are those related within the third degree either of consanguinity or of affinity.

(2) The following are exempted from the operation of the rules on nepotism: (a) persons employed in a confidential capacity **or employed as [(b)] teachers, [(c)] or physicians, and (b) [(d)] members of the Armed Forces of the Philippines;** Provided, however, That in each particular instance, full report of such appointment shall be made to the Commission.

The restriction mentioned in subsection (1) shall not be applicable to the case of a member of any family who, after his or her appointment to any position in an office or bureau, contracts marriage with someone in the same office or bureau, in which event, the employment or retention therein of both husband and wife may be allowed.

(3) In order to give immediate effect to these provisions, cases of previous appointments which are in contravention hereof shall be corrected by

transfer, and pending such transfer, no promotion or salary increase shall be allowed in favor of the relative or relatives who were appointed in violation of these provisions.”

SECTION 2. *Repealing Clause.* All laws, presidential decrees, executive orders, proclamations and/or administrative regulations which are inconsistent with the provisions of this Act, are hereby amended, modified, superseded or repeated accordingly.

SECTION 3. *Effectivity Clause.* This Act shall take effect upon its approval.

Approved,