

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 5477



Introduced by MAGDALO Party-List Representative
HON. GARY C. ALEJANO

EXPLANATORY NOTE

At present, the pieces of legislation governing the Philippine Civil Service remain scattered in different laws, decrees, and letters of instructions and executive orders. The absence of a comprehensive civil service law has sometimes caused confusion among civil servants, to say the least. Many laws overlap and some have become obsolete.

This bill seeks to codify all laws and relevant issuances governing the civil service into a single, comprehensive statute. The goal is to finally have an ultimate legal authority on the Philippine Civil Service System. There is an urgent need to update and gather all civil service and related laws to address the ever changing needs of the times.

This proposed Civil Service Code seek to address deeply rooted problems besetting the public service such as graft and corruption, red-tape, violations of government employee rights and the merit system, among other things 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 frontline services delivery.

In view of the foregoing, approval of this measure is earnestly sought.


GARY C. ALEJANO

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AN ACT
ESTABLISHING THE PHILIPPINE CIVIL SERVICE REFORM CODE AND
FOR OTHER PURPOSES

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

BOOK 1. GENERAL PRINCIPLES

Title I – Policies

Chapter 1. Declaration of Policy

Sec. 1. Short Title. – This Act shall be known as the “Philippine Civil Service Reform Code of 2017”.

Sec. 2. Declaration of Policy. – The State recognizes the primary, important and enduring role of the civil service in implementing the laws, providing stability, continuity and efficiency in government operations, managing public affairs and ensuring the continuous delivery of public services in pursuit of the national development goals of peace, human security and sustainable human development.

The State shall afford a system that will develop, promote and sustain meritocracy, accountability, integrity, and excellence in the government service and provide an enabling environment towards the attainment of the ideals of good governance, transparency and accountability in government that will transform each government official and employee into competent, high-performing, ethical, credible and world-class servant-heroes.

Chapter 2. Definition of Terms

Sec. 3. Definition of Terms. –

a) **Administrative Control** – refers to the authority to act directly whenever a specific function is entrusted by law or regulation to a subordinate; direct the performance of duty; restrain the commission of acts; review, approve, reverse or modify acts and decisions of subordinate officials or units; determine priorities in the execution of plans and programs; and prescribe standards, guidelines, plans and programs.

- 1
2 b) **Administrative Supervision** – refers to the authority (of the department or its
3 equivalent) to generally oversee the operations and to ensure that they are managed
4 effectively, efficiently and economically; or to take such action as may be necessary for
5 the proper performance of official functions, including rectification of violations, abuses
6 and other forms of maladministration.
- 7 c) **Agency** – refers to any department, bureau, office, commission, administration,
8 board, committee, institute, government-owned or controlled corporation created under
9 special law, state/local university and college, local government unit, including the
10 judiciary, executive and legislative branches of government.
- 11
12 d) **Appointing Authority** – refers to the person or body duly authorized (by law) to
13 issue appointments in the civil service system.
- 14
15 e) **Appointment** – refers to the authorization issued by the appointing authority in the
16 prescribed form allowing an appointee to occupy the position stated therein and to
17 perform the functions appurtenant thereto and receive the corresponding compensation.
- 18
19 f) **Career Executive System** – refers to the system designed to professionalize and
20 promote career development among the executive and managerial component of the third
21 level in the career service.
- 22
23 g) **Career Executive Service (CES)** – refers to positions above division chief level
24 which involves executive/managerial functions in the Executive Branch of the
25 Government, regardless of the appointing authority.
- 26
27 h) **Career Executive Service Board (CESB)** – (hereinafter referred to as the Board) –
28 refers to the policy-making body responsible for the development, maintenance and
29 administration of the Career Executive System under the supervision of the Civil Service
30 Commission as provided herein.
- 31
32 i) **Career Executive Service Eligible (CESE)** – refers to a person who passed the
33 qualifying examination process set by the CESB but has not yet appointed to a
34 position in the CES.
- 35
36 j) **Career Executive Service Officer (CESO)** – refers to a Career Executive Service
37 Eligible who is conferred a CES rank and appointed to a position covered by the CES.
- 38
39 k) **Chairperson** – refers to the Chairperson of the Civil Service Commission.
- 40
41 l) **Civil Service** – refers to the totality of persons employed to carry out public
42 services in all branches, agencies, subdivisions and instrumentalities of government,
43 including government-owned or controlled corporations with original charters or created
44 under special laws, local government units and state/local universities and colleges.
- 45
46 m) **Civil Service Eligibility** – refers to the qualification acquired by an individual after
47 passing a civil service examination or granted by special laws or by the Commission, for
48 entrance into and promotion in the civil service.
- 49

- 1 n) **Civil Service Eligible** – refers to a person whose name has been entered in the
2 registry of eligibles as one who passed a civil service examination or is granted civil
3 service eligibility by law or by the Commission. (Passers or Board/Bar examinations are
4 automatically considered civil service eligibles pursuant to R.A. No. 1080).
5
- 6 o) **Civil Service Examination** – refers to the test conducted by the Commission or any
7 agency authorized by law with or without assistance of the Commission, or in
8 coordination or jointly with it for the purpose of determining merit and fitness for
9 appointment in the civil service.
10
- 11 p) **Class** – refers to all positions in the civil service system that are sufficiently similar
12 as to the duties and responsibilities and require similar qualifications that can be given
13 the same title and salary and, for all administrative and compensation purposes, be
14 treated alike.
15
- 16 q) **Commission** – refers to the Civil Service Commission.
17
- 18 r) **Commissioner** – refers to either of the two (2) other members of the Commission.
19
- 20 s) **Conciliation** – refers to the process whereby a third party (conciliator) brings the
21 disputing parties together, encourages them to discuss their differences and assists them
22 in developing their own proposed solutions.
23
- 24 t) **Confederation of Employees Organizations** – refers to alliances of employees'
25 organizations from national government agencies, state/local universities and colleges,
26 local government units, subdivisions and instrumentalities including government-owned
27 or controlled corporations with original charter with national scope of operations and
28 interests.
29
- 30 u) **Consultant** – refers to a person engaged under a consultancy contract by reason of
31 expertise not readily available from the career officials and employees, to perform highly
32 specialized functions for a limited duration with a definite output, having no employer-
33 employee relations with the contracting agency.
34
- 35 v) **Consulting Services** – refers to a professional practice that gives expert advice to
36 government agencies on civil service matters.
37
- 38 w) **Contract of Service** – refers to employment under a service contract covering lump
39 sum work or intermittent job of short duration not exceeding six (6) months such as but
40 not limited to janitorial, security or consultancy services where no employer-employee
41 relationship exists between the contracting agency and the employee who does not enjoy
42 the benefits enjoyed by government officials and employees. Contract of service, which
43 includes job order and consultancy contracts, is not covered by Civil Service Law, rules
44 and regulations but by COA rules.
45
- 46 x) **Department** – refers to any of the department in the Executive Branch.
47
- 48 y) **Disciplining Authority** – refers to the person or body authorized by law to
49 discipline public officers and employees in the Civil Service (system).
50

- 1 z) **Employee** – refers to any person employed in the Civil Service (system) of
2 whatever category or class up to division chief level.
- 3
- 4 aa) **Employee Organization** – refers to any organization, union, or association of
5 employees, attached agencies and their regional offices, state/local universities and
6 colleges, government- owned or controlled corporations with original charters and local
7 government units, which exists in whole or in part for the purpose of collective
8 negotiation or for mutual aid, interest, cooperation and protection.
- 9
- 10 bb) **Federation** – is a grouping of organic employees' organizations from different
11 regional offices, attached bureaus, institutions, subdivisions and instrumentalities of a
12 given agency.
- 13
- 14 cc) **Grievance** – refers to work-related issues giving rise to employee dissatisfaction.
- 15
- 16 dd) **Grievance procedure** – refers to the process of resolving employee grievances.
- 17
- 18 ee) **Highly Technical Position** – refers to a position which requires the occupant to
19 possess skill or training in a supreme or superior degree, as determined by the
20 Commission or with its approval.
- 21
- 22 ff) **Human Resource** – refers to the people, including their qualifications,
23 competencies, talents and potentials, in the Philippine Civil Service including
24 management, development and utilization of the people in the Philippine Civil Service
25 towards the excellent and ethical achievement of vision of the organization.
- 26
- 27 gg) **Human Resource (personnel) Actions** – refers to any movement of officials and
28 employees in the civil service.
- 29
- 30 hh) **Human Resource Development (HRD)** – is the strategic framework that enhances
31 the value of the human resource by bridging competency gaps, maximizing existing
32 capacities and discovering and cultivating potentials through appropriate interventions.
- 33
- 34 ii) **Human Resource Management (HRM)** – is the application of principles, systems
35 and processes in accordance with Civil Service Law and rules that facilitate the
36 engagement of human resource towards organizational integrity and excellence.
- 37
- 38 jj) **Learning and Development** – refers to the process of acquiring and developing
39 knowledge, skills, capabilities, behaviors and attitudes through experience, events and
40 programs provided by the organization, guidance and coaching provided by line
41 managers and others, and self-directed or self-managed learning activities.
- 42
- 43 kk) **Merit System** – refers to an organized mechanism by which the selection,
44 utilization, compensation, reward and incentive, developmental intervention and
45 retention of officials and employees in the service are governed by comparative merit
46 and achievement.
- 47
- 48 ll) **Mobility** – refers to a movement of a Career Executive Officer from one position to
49 another without reduction in rank or salary.
- 50

1 mm) **Non-training** – refers to interventions that are basically conducted for purposes
2 of sharing, discussing or disseminating ideas and information in particular fields of
3 interests, and or for general understanding of certain issues which are intended to build
4 knowledge, attitude and skills.

5
6 nn) **Party Adversely Affected** – refers to the respondent against whom a decision in an
7 administrative case has been rendered or to the disciplining authority in an appeal from a
8 decision reversing or modifying the original decision.

9
10 oo) **Organization Development (OD)** – refers to the deliberately planned,
11 organization-wide effort, to increase an organization's effectiveness and/or efficiency
12 such as but not limited to strategic planning, organization design, leadership
13 development, and change management that align strategy, structure, systems, business
14 processes, and behavior into an effective organizational culture.

15
16 pp) **Organizational Unit** – refers to an identifiable government unit, such as those in
17 the constitutional bodies and their regional offices; the executive department including
18 services and staff bureaus; line bureaus; attached agencies; the legislature; the judiciary;
19 state/local universities and colleges, subdivisions and instrumentalities of government
20 including government-owned or controlled corporations with original charters;
21 provinces, cities and municipalities; regional offices (composed of provincial, district,
22 local offices) of a department/agency, office, or government-owned or controlled
23 corporations; and, as may be considered by the Commission.

24
25 qq) **Policy-determining Position** – refers to a position which vests in the occupant the
26 power to prescribe (formulate) policies for the government or any of its agencies,
27 subdivisions or instrumentalities.

28
29 rr) **Position** – refers to a job (title) with a defined set of duties and responsibilities to be
30 performed (by an individual) either on full-time or part-time basis, with corresponding
31 pay scale/salary grade.

32
33 ss) **Primarily Confidential Position** – refers to a position where the occupant enjoys
34 much more than the ordinary confidence of the appointing power but bears such close
35 intimacy which ensures freedom of intercourse without embarrassment which relieves
36 the latter from misgivings of betrayal of personal trust on confidential matters.

37
38 tt) **Prohibited Concerted Mass Action** – refers to any collective activity undertaken
39 by officials or employees, by themselves or through their employees' organizations, with
40 the intent of affecting work stoppage or service disruption in order to realize their
41 demands or force concessions, economic or otherwise, from their respective agencies or
42 the government. It shall include mass leaves, walk-outs, pickets and acts of similar
43 nature.

44
45 uu) **Public Official/Officer** – as distinguished from an employee, refers to an individual
46 whose functions are (essentially) managerial or executive in nature, above the division
47 chief level (and invested by law with a portion of the sovereignty of the state).

vy) **Qualification Standards** – refers to the minimum requirements for a class of position expressed in terms of education, training, experience, civil service eligibility, physical fitness and other qualities and competencies required by the job.

ww) **Rank** – refers to the index of classification of Career Executive Service Officers (CESO) to which a Career Executive Service Eligible (CESE) may be appointed by the President in accordance with the requirements prescribed by the Board.

xx) **Rank-and-file** – refers to employees occupying positions in the first and second levels up to division chief level.

yy) **Reorganization** – refers to the process of restructuring an agency's organizational and functional set up, whether total or partial, with the end view of making it more economical, effective, efficient and responsive to the needs of the service.

zz) **Scholarship** – refers to the free formal education or training/learning and development opportunities granted to government human resource by the government.

aaa) **Solo Parent** – refers to any individual who falls under any of the categories as enumerated in R.A. No. 8972, otherwise known as the Solo Parents Welfare Act of 2000.

bbb) **Teacher** – refers to a person engaged in classroom teaching, in any level of instruction, on full time basis, including a guidance counselor, school librarian, industrial arts or vocational arts instructor and any other person performing supervisory and/or administrative functions in any school, college or university operated by the government or its political subdivision, but shall not include a school nurse, school physician, school dentist and other school employees.

ccc) **Technical Assistance** – refers to the timely provision of specialized advice and customized support by CSC to resolve specific problems and increase client's capacity on Civil Service matters.

ddd) **Third Level** – Refers to the highest level in the career service of the Civil Service System which includes positions higher than the chief of division and performing executive and managerial functions in all branches of government, including constitutional offices, based on the position classification system of the Department of Budget and Management and the Civil Service Commission.

eee) **Training** – refers to a short term instructor led and content based learning intervention intended to build on individual knowledge, skills and attitude leading to desired changes in behavior to meet present and future work requirements.

Chapter 3. Rights and Obligations of Public Officials and Employees in the Civil Service System

Sec. 4. Rights. – Public officials and employees in the civil service system shall have the right to:

(a) Security of Tenure;

(b) Exercise the authority attendant to their positions;

- 1 (c) Enjoy leave, welfare, retirement and other benefits and service;
2
3 (d) Self-organization or to form and join unions, associations, federations,
4 confederations, societies, or alliances for purposes not contrary to law;
5
6 (e) For rank-and-file employees of accredited organizations, to collectively negotiate
7 for terms and conditions of employment in accordance with existing laws; and
8
9 (f) Enjoy such other rights provided by law.

10
11 **Sec. 5. *Obligations.*** – Public officials and employees in the Civil Service shall:

- 12
13 (a) Uphold and defend the Constitution and laws of the Republic of the Philippines;
14
15 (b) Maintain allegiance to the State and the Constitution at all times;
16
17 (c) Take and subscribe to an oath before assumption of office;
18
19 (d) Be accountable at all times to the people, and serve them with utmost responsibility,
20 integrity, loyalty and efficiency, act with patriotism and justice and lead modest lives;
21
22 (e) Discharge their duties faithfully and maintain the required level of productivity of
23 their positions for the benefit of the public;
24
25 (f) Submit upon assumption to duty and as often as may be prescribed by law, a sworn
26 Statement of Assets, Liabilities and Net Worth (SALN) and disclosure of business
27 interests and financial transactions;
28
29 (g) Identify and disclose, to the best of their knowledge, their relatives in government,
30 in the manner and frequency as may be prescribed by law, rules and regulations;
31
32 (h) Undertake programs of self-development to improve their performance and levels of
33 service; and
34
35 (i) Perform such other obligations as may be provided by law.

36
37 **Title II – Scope of the Civil Service System**

38
39 **Chapter 1. Positions in the Civil Service**

40
41 **Sec. 6. *Coverage.*** – The civil service embraces all civilian personnel serving in,
42 branches, agencies, subdivisions and instrumentalities of government, state/local
43 universities and colleges, government-owned or controlled corporations with original
44 charters or created under special laws, and local government units.

45
46 **Sec. 7. *Administration of the Civil Service.*** – As the central (personnel agency)
47 human resource institution of the government, the Commission shall establish a career
48 service, administer the civil service system, adopt measures to promote morale,
49 efficiency, competency, integrity, honesty, responsiveness, progressiveness, non-
50 partisanship, courtesy and gender-sensitivity in the civil service, strengthen the merit and

1 rewards system, integrate all human resource development programs for all levels and
2 ranks therein and institutionalize a management climate conducive to public
3 accountability.

4
5 **Sec. 8. Categories of Positions.** – Positions in the Civil Service System shall be
6 categorized as career and non-career.

7
8 **Sec. 9. The Career Service.** – The career service shall be characterized by (a)
9 entrance based on merit and fitness to be determined, as far as practicable, by
10 competitive examinations or on highly technical qualifications; (b) opportunity for
11 advancement to higher career position; and (c) performance-based security of tenure,
12 subject to the rules to be promulgated by the Commission.

13
14 **Sec. 10. Positions Included in the Career Service.** – Positions in the career service
15 include the following:

16
17 (a) Open career positions – appointment to any level in the career service which
18 requires qualification in an appropriate examination or other modes in accordance with
19 law;

20
21 (b) Closed career position – positions that are scientific or highly technical in nature
22 which shall establish and maintain their own merit systems, such as the following:

23
24 (1) Faculty and academic staff of state/local universities and colleges;

25
26 (2) Highly technical positions in scientific positions in the scientific or research
27 institutions;

28
29 (3) Uniformed and commissioned personnel of the Philippine National Police; or

30
31 (4) Other career officers such as the Foreign Service Officers in the Department of
32 Foreign Affairs and the judges and justices in the judiciary; and

33
34 (c) Permanent laborer, whether skilled, semi-skilled, or unskilled.

35
36 **Sec. 11. Classes of Positions in the Career Service.** – Positions in the career service
37 shall be grouped as follows:

38
39 (a) First level – includes clerical, trades, crafts and custodial positions whether in a non-
40 supervisory or supervisory capacity not requiring a baccalaureate degree;

41
42 (b) Second Level – includes professional, highly technical or scientific positions in a
43 supervisory or non-supervisory capacity requiring at least a baccalaureate degree or its
44 equivalent as determined by the Commission; and

45
46 (c) Third Level – includes all the executive and managerial positions in the career
47 service regardless of the appointing authority.

48
49 Except as otherwise provided in this Code, entrance to the first two levels shall be
50 through competitive or special examinations to be given by the Commission. Entrance

1 to the third level shall be based on qualification requirements prescribed by the
2 Commission. Entrance to a higher level does not require previous qualification in the
3 lower level.
4

5 **Sec. 12. *The Non-Career Service.*** – The non-career service shall be characterized
6 either by (a) merit and fitness to be determined by modes other than those of the usual
7 tests utilized for the career service; (b) tenure which is limited to a period specified by
8 law; or which is co-terminus with that of the appointing authority; or subject to his/her
9 pleasure; or which is limited to the duration of a specific project for which purpose
10 employment was made; or (c) the primarily confidential nature of the position.
11

12 **Sec. 13. *Positions Included in the Non-Career Service.*** – The non-career service
13 shall include the following:
14

- 15 (a) Elective officials and their personal and primarily confidential staff;
16
17 (b) Department Heads and other officials of Cabinet rank who hold their positions at the
18 pleasure of the President and their personal and primarily confidential staff;
19
20 (c) Chairmen and members of constitutional commissions and other commissions,
21 boards and other bodies with fixed terms of office and their personal and primarily
22 confidential staff;
23
24 (d) Non-career undersecretaries and non-career assistant secretaries and their personal
25 and primarily confidential staff;
26
27 (e) Contractual employees whose appointment/employment is in accordance with a
28 special contract) for a maximum period of one year engaged to undertake a specific work
29 or job which requires special knowledge and/or technical skills not available in the
30 employing agency;
31
32 (f) Emergency, casual and seasonal (personnel) employees; and
33
34 (g) Those whose positions may be declared as primarily confidential by the
35 Commission.
36

37 **Title III – The Civil Service Commission**

38 **Chapter 1. Composition, Duties and Functions**

39
40
41 **Sec. 14. *Composition.*** – The Commission shall be composed of a Chairperson and
42 two Commissioners. As far as practicable, at least one of them must be a lawyer and of a
43 different gender.
44

45
46 **Sec. 15. *Qualifications of the Chairperson and Commissioners.*** – The Chairperson and
47 Commissioners shall be natural-born citizens of the Philippines, and at the time of their
48 appointment are at least thirty-five (35) years of age with proven capacity for public
49 administration and must not have been candidates for any elective position in the
50 elections immediately preceding their appointment.

1 **Sec. 16. Terms of Office.** – The Chairperson and Commissioners shall be appointed
2 by the President subject to confirmation by the Commission on Appointments for a term
3 of seven (7) years without reappointment. In no case shall any member be appointed or
4 designated in a temporary or acting capacity. Appointment to any vacancy shall be only
5 for the unexpired term of the predecessor.
6

7 **Sec. 17. Compensation.** – The salaries of the Chairperson and the Commissioners
8 shall be fixed by law and shall not be decreased during their tenure.
9

10 **Sec. 18. Prohibition.** – No Member of the Commission shall, during his/her tenure,
11 hold any other office or employment. Neither shall he/she engage in the practice of any
12 profession or in the active management or control of any business which in any way may
13 be affected by the functions of his/her office, nor shall he/she be financially interested,
14 directly or indirectly, in any contract with, or in any franchise or privilege granted by the
15 government, any of its subdivisions, agencies, or instrumentalities, including
16 government-owned or controlled corporations with original charters or their subsidiaries.
17

18 **Sec. 19. Powers and Functions of the Commission.** – The Commission shall have
19 the following powers and functions:
20

21 (a) Administer and enforce the constitutional and statutory provisions on the merit
22 system for all levels and ranks in the civil service system;
23

24 (b) Prescribe, enforce and amend rules and regulations for carrying into effect the
25 provisions of this Code and other pertinent laws;
26

27 (c) Promulgate rules concerning pleadings and practice before it and other government
28 offices with quasi-judicial and administrative disciplinary functions, which shall not
29 diminish, increase or modify substantive rights;
30

31 (d) Promulgate policies, standards and guidelines for the civil service system and adopt
32 plans and programs to promote ethical, economical, efficient and effective personnel
33 administration in the government including innovative systems and mechanisms to
34 ensure feedback from the public;
35

36 (e) Formulate policies and regulations for the administration, maintenance and
37 implementation of position classification and set standards for the establishment,
38 allocation and reallocation of positions;
39

40 (f) Render decisions, orders or rulings on civil service matters which shall be binding on
41 heads of departments and agencies and immediately executory and may be brought only
42 to the Supreme Court on certiorari;
43

44 (g) Impose administrative penalties on any appointive member of the career or non-
45 career service regardless of appointing authority, save those whose appointments are
46 subject to confirmation by the Commission on Appointments and/or removable by
47 impeachment, for cause and after due process.
48

49 (h) Control, supervise and coordinate Civil Service Examinations. Any government
50 agency or public official may be called upon by the Commission to assist in the

1 preparation and conduct of the said examinations. Such assistance includes, but is not
2 limited to, the provision of personnel and security, the use of buildings and facilities, as
3 well as the transportation of examination materials which shall be exempt from
4 inspection regulations;

5
6 (i) Grant civil service eligibility to qualified applicants based on law, Civil Service
7 examination results, performance, training, education, qualifications and other similar
8 standards, subject to the guidelines it may prescribe;

9
10 (j) Prescribe all forms for Civil Service Examinations, appointments, reports and such
11 other forms as may be required by law, rules and regulations of the Commission;

12
13 (k) Have exclusive jurisdiction over cases involving examination irregularities
14 committed by government officials and employees, elective or appointive, and regardless
15 of agencies they are connected with, except impeachable officials. Private individuals
16 may likewise be proceeded against by the Commission for the purpose of perpetual
17 disqualification to take Civil Service Examinations and from being employed in any
18 agency of government;

19
20 (l) Direct any government official, employee or agency to provide assistance and
21 information necessary in the effective discharge of its responsibilities;

22
23 (m) Declare, when appropriate, positions in the Civil Service System as primarily
24 confidential, highly technical or policy-determining;

25
26 (n) Provide leadership, standards and policies in the development, administration, and
27 evaluation of programs relative to the selection and recruitment, learning and
28 development, and retention of qualified and competent work force in the civil service;

29
30 (o) Administer service-wide scholarship, foreign and local, and retirement programs;

31
32 (p) Integrate bureaucracy-wide human resource development programs which include
33 learning and development, performance management, and incentives and awards;

34
35 (q) Hear and decide administrative cases and other Civil Service matters brought before
36 it directly or on appeal, including disciplinary matters, contested appointments or human
37 resource actions. The decisions, orders or rulings of the Commission may be brought by
38 the aggrieved party to the Supreme Court on certiorari;

39
40 (r) Issue *subpoena ad testificandum* and/or *subpoena duces tecum* for the production of
41 documents and records pertinent to investigation and inquiries conducted by it in
42 accordance with its authority conferred by the Constitution and pertinent laws;

43
44 (s) Issue a writ of preliminary injunction or Temporary Restraining Order (TRO) for a
45 period to be set by the Commission when, on the basis of the allegations in the petition,
46 the Commission determines that the acts complained of or petitioned for, involving or
47 arising from any human resource actions or civil service matters, if not restrained or
48 performed immediately, may cause grave or irreparable injury to any party or render
49 ineffectual any decision of the Commission on matters brought before it;

- 1 (t) Deputize officials and/or employees of the Commission and/or of other departments
2 and agencies to investigate and hear cases and to submit their findings and
3 recommendations to the Commission. For this purpose, officials and/or employees so
4 deputized may issue *subpoena ad testificandum* and/or *subpoena duces tecum*;
- 5
- 6 (u) Punish for contempt, direct and indirect, officials, employees and other persons for
7 refusal or failure to comply with the decisions, orders, rulings or processes and
8 proceedings of the Commission;
- 9
- 10 (v) Delegate any power or function of the Commission to its regional or field offices;
- 11
- 12 (w) Review and modify or reverse decisions and actions of its offices;
- 13
- 14 (x) Enforce and execute its decisions, orders and rulings, and for this purpose, deputize
15 any national or local law-enforcement agency or instrumentality of the government
16 which shall act under the direct and immediate supervision of the Commission;
- 17
- 18 (y) Advise the President on all matters involving human resource management in the
19 civil service and submit to the President an annual report on human resource programs;
- 20
- 21 (z) Approve, disapprove, or otherwise act on all appointments, except appointments
22 subject to the confirmation of the Commission on Appointments, and other human
23 resource matters in the civil service;
- 24
- 25 (aa) Inspect and audit the human resource actions and programs of the departments,
26 agencies, bureaus, offices, and other instrumentalities of the government, including
27 government-owned or controlled corporations with original charters and agencies
28 created under special laws, local government units, state/local universities and colleges;
29 conduct periodic review of the decisions and actions of offices or officials to which
30 authority has been delegated by the Commission and apply appropriate sanctions
31 whenever necessary;
- 32
- 33 (bb) Prescribe and enforce rules and regulations to promote and ensure safe, healthy and
34 proper working conditions for officials and employees;
- 35
- 36 (cc) Keep and maintain human resource records, extend and accredit government service
37 of public officials and employees;
- 38
- 39 (dd) Delegate authority for the performance of any of its functions to other departments
40 and agencies where such functions can be effectively performed;
- 41
- 42 (ee) Appoint and discipline its officials and employees in accordance with law and
43 exercise control and supervision over the activities of the Commission;
- 44
- 45 (ff) Administer programs that will foster an honest and graft-free public service,
46 including but not limited to the encouragement and protection of persons who report to
47 proper government authorities anomalies and irregularities in government operations;
- 48

(gg) Reorganize or effect changes in its organization within the limits of its appropriations, including the creation, merger or consolidation, splitting or division and abolition of offices and positions; and

(hh) Exercise all powers and perform the functions properly belonging to a central Human Resource institution.

Sec. 20. Duties and Responsibilities of the Chairperson and the Commissioners. –

The Chairperson and the two Commissioners shall be responsible for the effective exercise of the rule-making, policy-formulation and adjudicative functions of the Commission. They shall decide by a majority vote on any case or matter brought before the Commission within sixty (60) days from the date of its submission for decision or resolution.

(a) The Chairperson shall be the chief executive officer and shall perform the following functions:

1. Execute and administer the internal policies, decisions, orders, and resolutions approved by the Commission;

2. Direct and supervise the operations and internal administration of the Commission;

3. Sign appointments of subordinate officers and employees made by the Commission and enforce decisions on administrative discipline involving them;

4. Submit the annual budget of the Commission to Congress for its review, revision and approval;

5. Transmit to the President, rules and regulations adopted by the Commission which require presidential attention including annual and other reports;

6. Delegate authority, in whole or in part, to other officials and employees of the Commission, in accordance with the rules and regulations of the Commission; and

7. Perform such other functions as may be provided by law.

(b) The Chairperson shall be an ex-officio member of the board of directors and governing body of government entities whose functions affect the competencies, career development, employment status, rights, privileges and welfare of public officials and employees, as determined by the Commission, such as the Government Service Insurance System (GSIS), Foreign Service Institute (FSI), Board of Foreign Service Examinations (BFSE), Foreign Trade Service Board (FTSB), Board for Professional Teachers (BPT), Scientific Career Council (SCC), Development Academy of the Philippines (DAP), Home Development Mutual Fund (HDMF), Philippine Health Insurance Corporation (PhilHealth) and other similar boards as may be created by law. He/She shall be Co-Chair of the Board of Foreign Service Examinations (BFSE), the Scientific Career Council (SCC). The Chairperson may delegate any of these responsibilities to any of the Commissioners and other ranking officials of the Commission.

(c) The Commissioners may perform such functions as may be delegated by the Commission. In the absence of the Chairperson owing to illness or incapacity, the senior Commissioner shall act as, and perform the functions of the Chairperson.

Sec. 21. Commission Proceedings. – The proceedings of the Commission shall be in accordance with such rules as it may adopt.

Chapter 2. Organization and Structure

Sec. 22. Offices in the Commission. – The Commission shall have the following offices:

- a) Office of the Assistant Commissioners
- b) Office for Legal Affairs
- c) Examination, Recruitment and Placement Office
- d) Human Resource Policies and Standards Office
- e) The Civil Service Institute
- f) Public Assistance and Information Office
- g) Employee-Management Relations Office
- h) Integrated Records Management Office
- i) Office for Strategy Management
- j) Office for Financial and Assets Management
- k) Office for Human Resource Management and Development
- l) Internal Audit Service
- m) Commission Secretariat and Liaison Office
- n) Regional/Provincial/Field Offices

Sec. 23. The Office of the Assistant Commissioners (OAC). – The Office of the Assistant Commissioners (OACs) shall provide managerial and technical support to the Commission in the areas of research, policy review and program development. This office shall also handle special projects and maintain external linkages as may be deemed necessary by the Commission. There shall be no more than five (5) Assistant Commissioners at any given time.

Sec. 24. Office for Legal Affairs (OLA). – The OLA shall provide the Commission with legal advice and assistance; render counselling services; undertake legal studies and researches; prepare opinions and rulings in the interpretation and application of the Civil Service Law, rules and regulations including the provisions of this Code, prosecute violations of such law, rules and regulations and represent the Commission before any court or tribunal. The Office for Legal Affairs shall be headed by an Assistant Commissioner who shall be assisted by two Directors III.

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

1 **Sec. 26. Human Resource Policies and Standards Office (HRPSO).** – The HRPSO
2 office shall take charge of the formulation and periodic review of qualification, selection,
3 performance and promotion standards, including employee incentive, benefits and
4 awards system, within the context of the merit and rewards policies of the various closed
5 and open career systems.

6
7 The office shall develop policies and regulations with respect to the administration,
8 maintenance and implementation of position classification and compensation as well as
9 standards for the establishment, allocation and reallocation of pay scales, classes and
10 positions.

11
12 The HRPSO shall also develop policies, programs and regulations relative to
13 performance management, as well as the inspection and audit of personnel mechanisms
14 in the government agencies.

15
16 **Sec. 27. Civil Service Institute (CSI).** – The CSI shall be the learning and
17 development arm of the Commission and shall be responsible for the planning,
18 implementation, and administration of programs for building and enhancing competence,
19 ethics, and accountability of public servants.

20
21 It shall formulate policies, programs, and standards and provide leadership for the
22 development of competency-based training and other HROD interventions for the
23 bureaucracy; integrate all human resource development programs for all levels and
24 ranks; and administer service-wide local and foreign scholarship programs. The office
25 shall be headed by an Executive Director.

26
27 **Sec. 28. Public Assistance and Information Office (PAIO).** – The PAIO shall
28 manage an effective information exchange system between the Commission and its
29 internal and external publics. Its functions include maintaining strong linkages with
30 media institutions/practitioners as well as undertaking special projects, such as but not
31 limited to, the CSC anniversary celebration and the Honor Awards Program, necessary
32 in carrying-out its dual role of information dissemination and feedback generation
33 relative to the operations, programs and thrusts of the Commission.

34
35 **Sec. 29. Employee-Management Relations Office (EMRO).** – The EMRO shall
36 take charge of all inter- and intra-public sector union concerns such as employee
37 relations standards, conciliation, registration and accreditation of employees'
38 organizations and registration of CNA's, including advocacy work. It shall also serve as
39 the secretariat of the Public Sector Labor-Management Council (PSLMC) and the
40 coordinating office of the National Worker's Congress. It shall conduct research and
41 training on public sector unionism, as well as design and develop public sector
42 employee-management education programs. The office shall also promote social
43 dialogues between and among employees' organizations and other national and
44 international organizations to enhance government services.

45
46 **Sec. 30. Integrated Records Management Office (IRMO).** – The IRMO shall
47 formulate and implement policies, standards and regulations pertaining to the storage,
48 maintenance, security control, and disposal of government personnel records and other
49 related civil service documents. Management of such records includes maintenance of

1 the resource center for computer-based information, the library, the archives, and the
2 museum of the Commission.

3
4 IRMO shall also be responsible for the management of incoming and outgoing
5 communications of the Commission.

6
7 **Sec. 31. Office for Strategy Management (OSM).** – The OSM shall formulate
8 development plans, programs and projects of the Commission as well as administer
9 management improvement programs. It shall also undertake research and studies on the
10 effectiveness of strategies adopted by the Commission in attaining its Vision and
11 Mission and proposed measures to further improve the same.

12
13 **Sec. 32. Office for Financial and Assets Management (OFAM).** – The OFAM
14 shall take charge of ensuring sound fiscal and asset management consonant with the
15 annual, supplemental and special budget of the Commission as contained in the General
16 Appropriations Act.

17
18 **Sec. 33. Office for Human Resource Management and Development (OHRMD).** –
19 The OHRMD shall take charge of formulating the human resource management and
20 development plan of the Commission, which includes development of sound policies on
21 human resource management in the areas of recruitment and selection, employee welfare
22 and discipline, career development programs as well as position classification and pay
23 plan of the Commission.

24
25 **Sec. 34. Internal Audit Service (IAS).** – The IAS shall oversee the periodic
26 evaluation of existing methods and procedures, including financial systems, in the
27 Commission and on the basis of such, formulate plans and programs relative to fiscal
28 discipline and management improvement and productivity of the Commission.

29
30 **Sec. 35. Commission Secretariat and Liaison Office (CSLO).** – The CSLO shall
31 take charge of programming and coordinating regular and special meetings of the
32 Commission. Its function includes efficient information management and maintenance of
33 all records, decisions, policies, pronouncements and issuances of the Commission.

34
35 The CSLO shall also be the main liaison with Congress and local and international
36 institutions with which the Commission has commitments.

37
38 **Sec. 36. Regional/Provincial/Field Offices.** – The Regional/Field Offices shall
39 enforce Civil Service rules, policies and standards on human resource management
40 within their respective jurisdictions. They shall provide technical advice and assistance
41 to government offices and agencies regarding human resource administration such as but
42 not limited to examination, career development, appointments, legal matters, audit and
43 other functions delegated by the Commission.

Title IV – The Third Level

Chapter I. The Career Executive Service

Sec. 37. Coverage. – The Career Executive Service shall cover the executive/managerial positions in the third level of the career service in the Executive Branch of the government, regardless of the appointing authority. It covers positions above division chief level involving executive and/or managerial functions in Departments, attached agencies, government-owned or controlled corporations and state universities and colleges regardless of the appointing authority.

SEC. 38. The Career Executive System. – The System shall cover all executive and managerial positions in the Career Executive Service, as defined in Section 3 hereof. Entry and advancement in the System shall be governed by the principles of merit and fitness and such other requirements, as may be prescribed by the CESB. The System shall be essentially characterized by the principles of merit and fitness, security of tenure and mobility.

SEC. 39. Career Executive Service Board (CESB). – A Career Executive Service Board, hereinafter referred to as the Board, under the supervision of the Civil Service Commission is hereby created. It shall be composed of the Senior Commissioner of the Commission who shall serve as the Board's ex officio Chairperson and four (4) ex officio members, namely: the Secretary of the Department of Budget and Management (DBM) or his/her permanent representative holding a position not lower than an Undersecretary; the President of the Development Academy of the Philippines (DAP); the Dean of the National College of Public Administration and Governance (NCPAG) of the University of the Philippines; and the representative of a duly accredited national federation or union of CESOs. The Board shall also include three (3) members to be appointed by the President for a term of three (3) years, namely: a representative of a nationwide association of personnel and/or human resource practitioners in the private sector; a representative of the Philippine Association of Professional Regulatory Board Members (PAPRBM) and a representative of the Office of the President.

SEC. 40. Powers and Functions of the Board. – The Board shall be the policy-making body for the System. It shall promulgate rules, standards and procedures in the recruitment, selection, assignment to positions, attestation of appointment to CES positions, conferment of ranks, classification, compensation, mobility, performance management, tour of duty, rewards and incentives and training, and career development of CESOs and CESEs; *Provided*, That in the exercise of its power of supervision, the Commission may *motu proprio* review, revise or reverse any policy of the Board within a period of thirty (30) days from receipt of written notice thereof; *Provided, further*, That if the Commission does not act within the said period, the subject policy of the Board shall be deemed as presumptively approved by the Commission.

SEC. 41. Office of the Career Executive Service (OCES). – The Office of the Career Executive Service (OCES) shall serve as the Board's secretariat with its own administrative and financial components. It shall be responsible for the implementation of the policies, rules, regulations, decisions, directives and instructions pertaining to the

System. It shall be headed by an Executive Director, who shall be appointed by the President, assisted by two (2) Deputy Executive Directors, both of whom shall be appointed by the President

Chapter II. Policies and Standards in the Career Executive System

SEC. 42. Membership in the Career Executive System. – A person who meets the academic, leadership, experience and other requirements and passes the required examination prescribed by the Board shall be included in the register of CESEs and, upon appointment to an appropriate rank in the CES, shall become an active member of the CES. A CESE who is appointed to a position in the CES shall be recommended for original appointment to CESO rank by the Board. This process completes his/her membership in the CES. Recruitment into the System shall be conducted government-wide with provisions to allow qualified or outstanding persons from the nongovernment or private sector to enter the CES.

SEC. 43. Security of Tenure. – A CES incumbent shall enjoy security of tenure in the CES based on eligibility, and shall not be suspended nor dismissed except for cause and with due process of law.

SEC. 44. Composition. – A CESO shall be compensated according to rank and performance. In case a CESO occupies a position whose salary grade is higher than that of the rank the CESO is holding, the CESO shall receive the difference between the salary grade of the position and the rank. The Board, in coordination with the Commission and the DBM, shall develop and periodically review a compensation plan for CESOs. The employing agency shall provide the funds to pay the salary, fringe benefits and allowances of a CESO.

SEC. 45. Rank System in the Career Executive System. – A CESO shall be appointed in accordance with a rank system which shall be established and determined by the Board. Rank classification shall be based on proven competence and qualifications such as appropriate academic and professional background, broad levels of responsibility and other relevant considerations as may be prescribed by the Board.

SEC. 46. Promotion in Rank. – The Board shall provide for the criteria which shall be the basis for promotion in rank. The criteria to be established shall include, but shall not be limited to, performance, qualifications and proven competence. The Board shall recommend to the President qualified CESOs who meet the criteria prescribed by the Board for promotion in rank.

SEC. 47. Mobility in the Career Executive System. – A CESO may be assigned to any position in the System without diminution in rank and salary. The tour of duty of each CESO shall be for a period of three (3) years. During this period, the CESO shall not be transferred to another office or position without consent. In filling a vacancy, the head of agency shall give preference and priority to those who have been appointed to rank or conferred CES eligibility. The Board shall provide information on vacancies, an updated list of available qualified persons who may be assigned, and such other mechanisms to assist the head of agency in the process of selection.

1 **SEC. 48. Appointment to Positions in the Career Executive System.** – A CESO
2 and CESE shall be given priority in appointments to vacant positions in the System. In
3 exceptional cases, a non-CESO and non-CESE may be appointed to a position in the
4 System on a temporary status but may be replaced once a CESO or CESE becomes
5 available. Career undersecretaries, assistant secretaries and other officials of similar rank
6 in the System shall preferably come from the roster of CESOs and CESEs. The
7 appointing authority shall choose from a list of at least three (3) eligibles who are
8 qualified, available and willing to be appointed to the vacant position. The number of
9 career undersecretaries, assistant secretaries and other officials of similar rank appointed
10 to positions in the government shall conform to the number set by law. The Commission
11 shall establish a mechanism to ensure that assignments to positions in the System
12 conform to the standards prescribed under this Act.
13

14 **SEC. 49. Discipline.** – Investigation and adjudication of administrative complaints
15 against occupants of positions in the CES appointed by the President shall be vested with
16 the President. In the case of non-presidential appointees, the same shall be vested
17 concurrently with the head of the agency and the Civil Service Commission.
18

19 **SEC. 50. Training and Career Development.** – The Board shall establish a
20 continuing program of training and career development of CESOs and CESEs.
21

22 **SEC. 51. Performance Management.** – The Board shall develop a system for
23 periodic evaluation of the performance of occupants of positions in the CES, taking into
24 account their accomplishments and managerial capability. This periodic evaluation
25 system shall be the basis for the grant of incentives and awards, as well as for sanctions
26 for poor performance.
27

28 **SEC. 52. Review and Evaluation of the CESB System.** – After the first three (3)
29 years of implementation of this Act and every three (3) years thereafter, the Civil Service
30 Commission shall convene an evaluation body that will conduct the evaluation of the
31 Board and the OCES in order to assess the effectiveness of the CESB in managing the
32 System. The body shall be composed of no less than three (3) heads of public and private
33 institutions whose work is related to executive development within the framework of
34 developing countries like the Philippines. At least two (2) of them should come from
35 non-government organizations (NGOs).
36

37 The evaluation body shall conduct public consultations and indicate its evaluation
38 reports and recommendations which portions have been the result of the said public
39 consultations.
40

41 The evaluation body shall submit its report and recommendations to the Board, OCES,
42 CSC and the appropriate committees in Congress.
43

44 **BOOK II. HUMAN RESOURCE POLICIES AND STANDARDS**

45 **Title I. Recruitment, Examination and Eligibility**

46 **Sec. 53. Policy.** – Recruitment in the civil service system shall be made on the basis
47 of merit and fitness, which shall be determined, as far as practicable, by competitive
48
49

examination, except for positions which are policy determining, primarily confidential, or highly technical.

Every natural-born Filipino citizen, who is at least 18 years of age, shall have equal access to, or opportunities for public service regardless of, among others, religious belief, color, gender, regional origin, or ethnic affiliation. Measures shall be adopted to include qualified members of indigenous cultural communities and other minority groups and persons with disabilities for recruitment and selection.

Those who have more than one citizenship shall subscribe and swear to an oath of allegiance to the Republic of the Philippines and its duly constituted authorities, and shall renounce their oath of allegiance to any other country before assumption to office.

Sec. 54. Civil Service Examinations. – The Commission shall administer competitive examinations for all levels in the career service.

The Commission shall determine the type, mode and frequency of the examination, depending on the purpose for which the examination is given.

As the exigency of the service requires, the Commission may conduct specialized civil service examinations upon request of a particular department or agency, subject to its rules and regulations.

Sec. 55. Qualifications of Applicants to Civil Service Examinations. – Admission to civil service examinations shall be limited to citizens of the Philippines, at least 18 years of age at the time of filing and who meet the requirements prescribed by the Commission or by law, as the case may be.

Sec. 56. Invalidation of Civil Service Examination and/or Test Results. – The Commission shall have the authority to invalidate civil service examinations and/or test results based on reasonable grounds as may be determined by law or by the Commission.

Sec. 57. Withholding of Test Results. – The Commission shall have the authority to withhold test results in civil service examinations based on statistical improbability and such reasonable grounds as may be determined by the Commission. Those whose results are withheld shall undergo a validating examination.

Sec. 58. Disqualification of Examinees with Withheld Test Results. – The examinees whose test results are withheld shall be disqualified to file an application for any civil service examination until such time that the result of validating examination has been released or as may be determined by the Commission.

Sec. 59. Assistance from Government and Private Partners in the Conduct of Examinations. – Government and private partners shall provide assistance as the Commission may require in the preparation and conduct of civil service examinations.

Sec. 60. Printing, Storage, Transportation and Distribution of Examination Materials. – The printing, storage, transportation and distribution of examination materials shall be under the exclusive supervision and control of the Commission. The

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

The procurement of security printing for the printing of Examination Materials shall be exempt from the usual process provided under procurement law/s.

Examination materials shall be exempt from inspection regulations during transportation.

Sec. 61. Examining Committees, Test Administrators, Members of the Logistics and Technical Teams, and Special Examiners. – The Commission may deputize persons to act as members of examining committees, test administrators, members of the logistics and technical teams, and special examiners to perform such duties as the Commission may require. In the performance of such duties, they shall be under the exclusive control and supervision of the Commission. The individuals so deputized may be given allowances and per diem for their services to be paid out of funds allocated for the particular examination and at a rate to be determined by the Commission. Expenses for specialized examinations shall be borne by the requesting department or agency.

Sec. 62. Conferment, Grant and Revocation of Eligibility. – The Commission shall have the power to confer the corresponding eligibility to successful examinees of civil service examinations and grant civil service eligibility as may be so provided by law or as the Commission may deem appropriate. The Commission shall also have the power to revoke the eligibility based on reasonable grounds as may be determined by the Commission.

Sec. 63. Register of Civil Service Eligibles. – The Commission shall maintain a register of eligibles as basis for certification and appointment in the civil service.

Sec. 64. Passing of Bar or Board Examination as Civil Service Eligibility. – Successful examinees of bar or board examinations as well as those registered under the particular boards to practice the corresponding profession without examination, shall be considered civil service eligibles.

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

Sec. 65. Imprescriptibility of Civil Service Eligibility. – Civil service eligibilities shall not prescribe.

Title II. Appointments and Human Resource Actions

Chapter 1. Selection and Appointment

Sec. 66. Publication/Posting of Vacancies. – Agencies shall submit to the Commission a list of all vacant positions and the corresponding qualification standards for publication in the CSC Bulletin of Vacant Positions. The published vacant positions shall also be posted in three (3) conspicuous places for at least fifteen (15) calendar days in government agencies.

1 The Commission shall disapprove/invalidate any appointment which has been issued
2 without complying with the publication and/or posting requirements, except for positions
3 exempted therefrom by the Commission or by law. The publication of a particular
4 vacant position shall be valid until filled but not to extend beyond six (6) months
5 reckoned from the date the vacant position was published.
6

7 **Sec. 67. Selection Process.** – Each agency shall establish its own screening and
8 selection process in accordance with the standards and guidelines set by the
9 Commission.
10

11 A Selection Body (SB) shall be established for all levels in each agency to assist the
12 appointing authority in the judicious evaluation and selection of officials and employees.
13 The body shall be established in accordance with the standards and guidelines set by the
14 Commission.
15

16 Appointments issued without passing through the SB shall be disapproved/invalidated by
17 the Commission, except for positions which are no longer subject to the screening of the
18 SB.
19

20 **Sec. 68. Requisites for Appointment.** – Employment in the government service
21 shall be made through appointment in accordance with the provisions of the
22 Constitution, this Code, other laws and the rules and regulations promulgated by the
23 Commission.
24

25 **Sec. 69. Who May Appoint.** – Appointment in the civil service system shall be
26 issued only by those authorized by the Constitution or by law including those designated
27 in an acting capacity. Those who are designated cannot exercise the power to appoint,
28 unless such power is expressly provided in the designation order.
29

30 An official or employee may be designated as Officer-in-Charge (OIC) or in an Acting
31 capacity to a position when the incumbent thereof has retired, resigned, transferred or on
32 approved leave of absence for a period of at least three (3) months. In case when the
33 position is not vacant but the incumbent thereof is temporarily unable to perform the
34 duties due to official leave, attendance to conference, training or meeting, an official or
35 employee may be designated as Caretaker.
36

37 The OIC enjoys limited powers which are confined to functions of administration and
38 ensuring that the office continues its usual activities. The OIC may not be deemed to
39 possess the power to appoint employees as the same involves the exercise of discretion
40 which is beyond the power of an OIC, unless the designation issued by the proper
41 appointing authority expressly includes the power to issue appointment.
42

43 The designation in an Acting capacity entails not only the exercise of the ministerial
44 functions attached to the position but also the exercise of discretion, because the person
45 designated is deemed to be the incumbent of the position.
46

47 The Caretaker shall ensure the continuity in the operations of the office in the meantime
48 that the chief or head of office is temporarily absent.
49

1 For appointments to career positions, the appointing authority shall be guided by the
2 SB's comprehensive evaluation report of candidates screened for appointment and in the
3 exercise of sound discretion, select from among the top five (5) ranking applicants
4 deemed most qualified for appointment to the vacant position.

5
6 **Sec. 70. Qualifications for Appointment.** – Appointment in the civil service system
7 shall be limited to Filipino citizens who are not at the same time citizens of another
8 country; have no pending application for immigrant status, and are at least eighteen (18)
9 years of age who meet the qualifications and none of the disqualifications prescribed for
10 the position.

11
12 An individual with dual citizenship shall renounce his/her foreign citizenship to be
13 considered for appointment in the civil service.

14
15 **Sec. 71. Effectivity of Appointment.** – An appointment shall take effect immediately
16 upon its issuance by the appointing authority. If the appointee has assumed the duties of
17 the position, he/she shall be entitled to receive salary at once without awaiting the
18 approval/validation of his/her appointment by the Commission. Such appointment
19 cannot be withdrawn or cancelled by the appointing authority and shall remain in full
20 force and effect unless finally disapproved/invalidated by the Commission. However, an
21 appointment issued through fraudulent means shall be void from the beginning. The
22 official or employee who caused the issuance of a void appointment shall be personally
23 liable for the salary of the appointee and shall be held administratively liable therefor.

24
25 No official or employee in the government shall allow a person to render service without
26 an appointment issued by the appointing authority. Those who violate this Rule shall be
27 personally liable for the salaries of the person concerned. Moreover, the services
28 rendered by the said person shall not be accredited as government service.

29
30 If the appointee does not assume office within thirty (30) calendar days from receipt of
31 the appointment, the same may be cancelled by the appointing authority and reported to
32 the Commission for record purposes. The position is automatically deemed vacant upon
33 cancellation of appointment by the appointing authority, without the need for an
34 approval or declaration by the Commission.

35
36 An appointment may be cancelled by the appointing authority in cases when the
37 appointee has failed to communicate with the agency for at least 30 calendar days from
38 receipt of the appointment or the proposed date of assumption shall be beyond two (2)
39 months therefrom and other analogous cases. Officials or employees who are on official
40 leave of absence shall be exempt from this provision.

41 If the appointee is not allowed to assume office by the appointing officer or other
42 officials concerned despite his/her receipt of the appointment, or submission thereof to
43 the Commission for approval, the official/s or employee/s who caused the non-
44 assumption of the appointee shall be held administratively liable therefor.

45
46 **Sec. 72. Appointment Form.** – All appointments shall be issued in the form
47 prescribed by the Commission, except those issued by the President of the Philippines.

48
49 **Sec. 73. Submission of Appointments and Oaths of Office.** – All appointments in
50 the civil service system, except those issued by the President, shall be submitted to the

Commission for approval not later than sixty (60) days from the date of issuance thereof, otherwise the same shall be considered lapsed and ineffective. Such approval shall be indicated below the signature of the appointing authority, otherwise, it shall be made effective thirty (30) days prior to the date of submission to the Commission.

Sec. 74. Merit Promotion Plan. – Each agency shall establish a Merit Promotion Plan (MPP) in accordance with the standards prescribed by the Commission.

The MPP shall be submitted to the Commission for approval within thirty (30) calendar days from the approval by the agency head. The same rule shall be applied to any amendments to the MPP.

Sec. 75. Appropriate Civil Service Eligibility. – Appropriate civil service eligibility shall be required for permanent appointment to positions in the career service in accordance with the standards set by law or by the Commission. Whenever there is a qualified civil service eligible willing and actually available for appointment, no appointment shall be issued to a person who is not an eligible, even under temporary status.

A person with a civil service eligibility acquired by passing an appropriate examination may be qualified for a position requiring a lower level eligibility, provided he/she possesses the other requirements for appointment to such position.

Sec. 76. Qualification Standards. – The qualification standards are the minimum and basic requirements for the positions in the government, which shall include education, experience, training, civil service eligibility, competencies and, if necessary, physical characteristics and personality traits. These shall be used: (a) as a basis for civil service examinations for positions in the career service; (b) as a guide in appointment and other human resource actions; (c) in the adjudication of contests on appointment; (d) in determining training needs; and, (e) as an aid in inspection and audit of the agencies' human resource work programs.

The establishment, administration and maintenance of qualification standards shall be the responsibility of the agency concerned consistent with the guidelines promulgated by the Commission. The agency shall establish qualification standards for its unique positions, subject to the approval of the Commission.

The Commission shall adopt qualification standards for service-wide positions in the first, second and the third levels and shall review and update the same, whenever necessary. An agency may prescribe higher and specific qualification standards for service-wide positions, subject to the approval of the Commission. Once approved, the agency shall uniformly and consistently adopt the higher qualification standards in the selection and appointment of officials and employees. The approved qualification standards shall be adopted by the Commission in the attestation of appointments of the agency concerned.

Agencies which are authorized by their charters to establish their own qualification standards shall do so in accordance with the Commission's guidelines. Their Qualification Standards shall be submitted to the Commission for confirmation.

Chapter 2. Status of Appointment

Sec. 77. Appointment Status. – The status of an appointment shall be:

(a) Permanent – an appointment issued to a person who meets all the qualification requirements of the position.

In no case shall a person who meets all the requirements for permanent appointment be issued temporary appointment except for occupational groups of positions requiring additional or special qualifications as provided by law or determined by the Commission and other proper authorities.

(b) Temporary – an appointment issued to a person who does not meet any one of the qualification requirements of the position except education; *Provided*, That despite the publication and posting of the vacant position, no qualified eligible willing and actually available for appointment applied for the position.

The temporary appointment shall not exceed twelve (12) months reckoned from the date of the issuance of the appointment. However, it may be terminated sooner when a qualified eligible is available. No renewal of temporary appointment shall be allowed if there is a qualified eligible, willing and actually available for appointment.

(c) Provisional – an appointment issued to an elementary or secondary school teacher who meets all the requirements of the position except the eligibility. It shall be effective not beyond the school year during which it was issued.

(d) Substitute – an appointment issued to a person who meets all the qualifications of the position when the incumbent holding a permanent appointment is temporarily unable to perform the duties of the position for at least two (2) months except in the case of teachers who may be substituted for a shorter period. This appointment is effective until the return of the incumbent.

A person who is issued a substitute appointment shall be entitled to the salaries and benefits attached to the position except for those benefits requiring longer period of service for the availment thereof.

(e) Coterminous – an appointment issued to a person whose entrance and continuity in the service is based on any of the following consideration:

- i. trust and confidence of the appointing authority or of the head of the organizational unit where he/she is assigned;
- ii. duration of the project; or
- iii. life span of the agency or office created

(f) Fixed term – an appointment issued to a person with a specified term of office, subject to reappointment as provided by law, such as Chairperson and members of commissions and boards, and SUC President.

(g) Contractual – an appointment issued to a person for services to be rendered in accordance with a special contract for a specific work requiring special or technical skills not available in the employing agency. The contractual appointment shall be for a period not exceeding one (1) year. The renewal of contractual appointment shall be allowed for a maximum of 12 months.

(h) Casual – an appointment issued for essential and necessary services where there is not enough regular staff to meet the demands of the service. A casual appointment shall be for a period not exceeding twelve (12) months. The renewal of casual appointment shall be allowed for a maximum of 12 months.

Sec. 78. Job Orders/Contract of Services and Consultancy. – The appointing authority may enter into service contracts such as job orders/contracts of services and consultancies with individuals and institutions to cover lump sum work or services for short duration wherein no employer-employee relationship exists. The rights and obligations of the parties shall be governed by the contract and the Civil Code.

Chapter 3. Nature of Appointments and Human Resource Actions

Sec. 79. Human Resource Action. – Human Resource action denotes the movement of officials or employees within the civil service system which may or may not involve the issuance of an appointment.

Sec. 80. Human Resource Actions Involving the Issuance of Appointments. – The issuance of an appointment is needed in the following human resource actions:

- (a) original appointment;
- (b) promotion;
- (c) transfer;
- (d) reemployment;
- (e) reappointment;
- (f) renewal;
- (g) demotion;
- (h) reclassification; and
- (i) reinstatement (to comparable position)

Sec. 81. Original Appointment – refers to the initial entry into the career service or non-career service.

The appointee to a position under permanent status shall undergo a probationary period of six (6) months, except as otherwise provided by law, during which he/she shall

1 undergo a thorough assessment of his/her performance and character. The services of
2 the appointee can be terminated anytime during said period for unsatisfactory conduct or
3 want of capacity. The appointee shall be issued a notice of termination within fifteen
4 (15) calendar days after it was proven that he/she demonstrated unsatisfactory conduct or
5 want of capacity.

6
7 The notice of termination is executory after fifteen (15) days from receipt of the
8 appointee concerned. The same may be appealed to the Commission within fifteen (15)
9 days from receipt of notice but shall be executory pending appeal.

10
11 The appointee who is initially issued an appointment under temporary status and
12 eventually reappointed to the same position under permanent status shall not be required
13 to undergo probationary period: *Provided*, That he/she obtains a performance rating of at
14 least Very Satisfactory (VS).

15
16 **Sec. 82. Promotion** – is the advancement of an employee from one position to
17 another with an increase in duties and responsibilities as authorized by law, and usually
18 accompanied by an increase in salary. Promotion may be from one department or
19 agency to another or from one organizational unit to another within the same department
20 or agency.

21
22 The pendency of an administrative case against any public official or employee shall not
23 be a bar to promotion.

24
25 **Sec. 83. Transfer** – is the movement of employee from one position to another
26 which is of equivalent rank, level or salary without gap in the service involving the
27 issuance of an appointment.

28
29 The transfer may be from one agency to another or from one organizational unit to
30 another in the same agency: *Provided, however*, That any movement from the non-career
31 service to the career service and vice versa shall not be considered as a transfer but
32 reappointment.

33
34 An employee who seeks to transfer to another agency shall no longer be required to
35 secure permission from the head of the agency where he/she is employed but shall be
36 required to comply with the minimum thirty (30)-day notice to the agency head prior to
37 the effectivity date of his/her transfer.

38
39 If, for whatever reason, the employee fails to transfer on the specified date, he/she shall
40 be considered resigned and his/her reemployment in his/her former agency shall be at the
41 discretion of its head.

42
43 **Sec. 84. Reinstatement** – is the restoration of a person to a career position from
44 which he/she was illegally separated with back salaries including allowances and
45 benefits. The employee is deemed not to have left the service and therefore there is no
46 gap in service.

47
48 If the decision reinstating an employee specifies restoration to his/her previous position,
49 the issuance of an appointment shall not be necessary. However, if the previous
position is no longer available due to abolition of position, rationalization, or

1 reorganization, the separated employee shall be issued an appointment to a comparable
2 position, in which case the nature of appointment shall be reappointment.

3
4 **Sec. 85. Reemployment** – is the appointment of a person who has been previously
5 appointed to a position in the government service after separation therefrom as a result of
6 reduction in force, reorganization, retirement, voluntary resignation or of any non-
7 disciplinary case. Reemployment presupposes gap in the service.

8
9 No prior authority from the Commission shall be required for the reemployment of a
10 person who has been previously retired or resigned and who has not reached the
11 compulsory retirement age of sixty-five (65).

12
13 **Sec. 86. Reappointment** – is the issuance of an appointment during reorganization,
14 reclassification, devolution, reinstatement, re-categorization, rationalization, salary
15 standardization, re-nationalization or other analogous cases. Reappointment presupposes
16 no gap in the service.

17
18 The issuance of appointment from temporary to permanent, non-career to another non-
19 career, or non-career to career, all of which entails no gap in the service, shall be
20 considered as reappointment.

21
22 **Sec. 87. Renewal** – is the subsequent appointment issued immediately upon the
23 expiration of a contractual/casual appointment, including temporary appointment if a
24 qualified eligible is not actually available, as certified by the Civil Service Commission
25 Regional Director or Provincial/Field Director.

26
27 **Sec. 88. Demotion** – is the movement from one position to another within the same
28 agency involving the issuance of an appointment with diminution in duties,
29 responsibilities and status or rank which may or may not involve reduction in salary and
30 is not disciplinary in nature.

31
32 In case where the demotion is non-disciplinary in nature, the employee shall be allowed
33 to retain the step of the salary grade of the lower position.

34
35 In case where the demotion is voluntary or at the instance of the employee, or as a result
36 of disciplinary action, the employee shall be allowed only the hiring rate (Step 1) for the
37 lower position. A written consent shall be secured from the demoted employee and a
38 certification from the agency head that the demotion is not disciplinary in nature.
39 However, in case where the demotion is disciplinary in nature, the penalty of demotion
40 shall entail appointment to the next lower position to which respondent is qualified or
41 diminution of salary to next lower grade if there is no such position available.

42
43 **Sec. 89. Reclassification** – is a form of staffing modification and/or position
44 classification action applied only when there is a substantial change in the regular duties
45 and responsibilities of the position. This may result in a change in any or all of the
46 position attributes: position title, level and/or salary grade. It generally involves a
47 change in the position title and may be accompanied by an upward or downward change
48 in salary. Reclassification is the generic term for changes in staff/position classification
49 which includes upgrading, re-categorization, renationalization, or similar events.

1 Reclassification of position requires the issuance of an appointment but the same is
2 ministerial on the part of the appointing authority.
3

4 The appointment of an incumbent (permanent employee) whose position was reclassified
5 shall be approved, regardless of whether he/she meets the qualification requirements of
6 the position involved. The incumbent of reclassified position has a vested right to the
7 reclassified position. However, he/she shall no longer be promoted to the next higher
8 position unless he/she meets the qualification requirements of the position involved.
9

10 As a general rule, positions cannot be reclassified if not vacant, except for teachers and
11 in cases of re-categorization, devolution or renationalization.
12

13 **Sec. 90. Human Resource Actions Not Involving the Issuance of Appointments. –**

14 The issuance of an appointment is not needed in human resource actions involving no
15 change in position title, rank or status if the existing appointment does not specify the
16 work station. Such action may include the following:
17

- 18 (a) reassignment;
- 19
- 20 (b) detail;
- 21
- 22 (c) designation;
- 23
- 24 (d) secondment;
- 25
- 26 (e) salary adjustment;
- 27
- 28 (f) step-increment; and
- 29
- 30 (g) reinstatement (to the same position).
31

32 **Sec. 91. Reassignment** – is the movement of an official or employee across the
33 organizational structure within the same agency, which does not involve diminution in
34 rank, status or salary.
35

36 Reassignment shall be allowed only for a maximum period of one (1) year.
37 Reassignment without the consent of the official or employee may be appealed to the
38 Commission. Pending appeal, the reassignment shall be held in abeyance, unless
39 otherwise ordered by the Commission.
40

41 **Sec. 92. Detail** – is the temporary movement of an official or employee from one
42 department or agency to another without the issuance of an appointment but with the
43 consent of both the mother and receiving agencies and shall be allowed only for a
44 maximum period of one (1) year, otherwise, the consent of the official or employee
45 concerned shall be necessary.
46

47 Detail shall not result in reduction in rank, status or salary.
48

49 Detail which results in demotion in rank, status or salary or which exceeds one year
50 without the consent of the official or employee may be appealed to the Commission.

Pending appeal, the detail shall be held in abeyance, unless otherwise ordered by the Commission.

Sec. 93. Job Rotation – is the sequential movement of an official or employee from one office to another or from one division to another within the same agency as a means for developing and enhancing the potentials of people in an organization by exposing them to the other work functions of the agency. It shall be allowed only for a maximum period of one (1) year. However, job rotation exceeding one (1) year may be allowed with the written consent of the official or employee.

Job rotation exceeding one (1) year and without the consent of the official or employee may be appealed to the Commission. Pending appeal, the job rotation shall be held in abeyance, unless otherwise ordered by the Commission.

A job rotation which results in the diminution in rank, status or salary shall not be allowed

Sec. 94. Secondment – is the movement of an official or employee from one department or agency to another upon mutual concurrence between the mother agency, the receiving agency and the official/employee concerned which should be covered by a Memorandum of Agreement (MOA) in accordance with the guidelines that the Commission may promulgate. It is temporary in nature which may involve the same, reduction or increase in compensation and may or may not require the issuance of an appointment. It shall be subject to the approval of the Commission.

The period on secondment shall not affect the continuity of the employment of the seconded employee with the mother agency. The seconded employee shall be on leave without pay from the mother agency and shall be entitled to the compensation of the position to which he/she was seconded in the receiving agency unless otherwise specified in the MOA. The receiving agency shall shoulder all the benefits and emoluments of the seconded employee.

Sec. 95. Designation – is the imposition of additional duties to be performed by an official or employee which is temporary in nature and may be terminated anytime by the appointing authority.

Chapter 4. Contests on Appointments and Other Non-Disciplinary Cases

Sec. 96. Who May Contest An Appointment. – Any person may contest an appointment made in favor of one who is not qualified or whose appointment is issued in violation of Civil Service Law, rules and regulations.

Sec. 97. Adjudication of Contests on Appointments and Other Human Resource Actions. – All cases involving appointments and non-disciplinary human resource actions shall be adjudicated initially by the appointing authority, in accordance with the procedures prescribed by the Commission.

Sec. 98. Appeals on Contests of Appointments, Human Resource Actions, and Non-Disciplinary Cases. – The decisions of heads of agencies on contests of

1 appointments, human resource actions and non-disciplinary cases are appealable to the
2 Commission.

3
4 All contests shall be lodged with the Commission.

5 6 **Title III. Human Resource Benefits and Privileges**

7
8 **Sec. 99. Policy.** – The health, welfare, safety and security of every human resource
9 in the civil service system shall be the concern of the government. To this end, a
10 comprehensive occupational health program including medical, dental and other health
11 services shall be established, maintained, and made accessible for all personnel in the
12 civil service system. Each department or agency shall make provisions out of their
13 existing budgets for personnel health, welfare, medical and counseling services and leave
14 benefits and promote and develop occupational safety, sports and recreation programs
15 and similar services.

16 17 **Chapter 1. Human Resource Welfare**

18
19 **Sec. 100. Comprehensive Occupational Health and Wellness Program.** – Each
20 agency shall adopt a comprehensive occupational health program including medical,
21 dental and health services for its human resource as well as sports, recreational, cultural
22 and other similar activities/programs.

23
24 Each agency shall have a private, clean, sanitary, and well-ventilated lactation station¹.
25 Employees who are nursing shall be granted compensated break intervals in addition to
26 the regular time-off for meals to breastfeed or express milk.

27
28 **Sec. 101. Safety and Accident Prevention.** – Each agency shall develop and
29 maintain a continuing occupational safety and accident prevention program for its human
30 resource.

31
32 **Sec. 102. Human Resource Development Interventions.** – Each agency shall
33 provide its human resource counseling services, including pre-retirement counseling.

34
35 **Sec. 103. Hazard Benefits.** – Each agency shall provide hazard benefits for its
36 officials and employees subject to the guidelines and rules to be jointly promulgated by
37 the Commission and the Department of Budget and Management (DBM) unless
38 otherwise provided by special laws.

39 40 **Chapter 2. Leave Benefits**

41
42 **Sec. 104. Entitlement to Leave Privileges.** – Appointive officials and employees of
43 the government, regardless of the status of appointment, who render work during the
44 prescribed office hours, shall be entitled to 30 days vacation and 30 days sick leave
45 annually with full pay exclusive of Saturdays, Sundays, Public Holidays, without
46 limitation as to the number of days of vacation and sick leave that they may accumulate.

¹ RA 10028

1 All elective officials shall be entitled to leave credits granted to appointive officials and
2 employees and the cumulation and commutation thereof.

3
4 The Commission may grant additional or new form of leave as the circumstances may
5 require, subject to the guidelines which the Commission may promulgate.

6
7 **Sec. 105. Leave of Absence of Part-time Employees.** – Employees rendering
8 service on a part-time basis are entitled to vacation and sick leave benefits proportionate
9 to the number of hours they served.

10
11 **Sec. 106. Leave of Absence of Officials and Employees on Rotation Basis.** – Officials
12 and employees on rotation basis shall be entitled to vacation and sick leave
13 corresponding to the length of service they rendered. If an employee has been allowed to
14 work in two or more shifts or rotation, the period of actual service covered by each shift
15 or rotation should be added together to determine the number of years, months and days
16 during which leave is earned.

17
18 **Sec. 107. Forced/Mandatory Vacation Leave.** – All appointive officials and employees
19 of the government with ten (10) days or more vacation leave credits shall be required to
20 go on vacation.

21
22 **Sec. 108. Forfeiture of Forced/Mandatory Vacation Leave; Exceptions.** – The
23 scheduled mandatory annual five-day vacation leave shall be forfeited if not taken during
24 the year.

25
26 However, the said leave benefits shall no longer be forfeited or deducted from the
27 accumulated vacation leave credits in the following cases:

28
29 (a) Where the scheduled leave has been cancelled in the exigency of the service by the
30 head of agency; or

31
32 (b) Where the official or employee retires or resigns from the service in a particular
33 year without completing the calendar year and said personnel did not opt to avail of the
34 required five-day mandatory vacation leave.

35
36 **Sec. 109. Accumulation and Commutation of Leave.** – Vacation and sick leave shall be
37 cumulative and commutative. Except for officials or employees covered by special laws,
38 commutation of leave credits shall be exclusive of Saturdays, Sundays and holidays.

39
40 Under this Code, commutation shall refer to conversion of unused leave credits to its
41 corresponding money value; while cumulation refers to incremental acquisition of
42 unused leave credits by an official or employee.

43
44 Officials and employees whose off-days do not fall on a Saturday or a Sunday shall have
45 their leaves of absence computed exclusive of their off-days.

46
47 **Sec. 110. Additional Non-cumulative and Non-commutative Sick Leave.** – Public
48 officials and employees shall be entitled to a 15-day non-cumulative and non-
49 commutative sick leave annually with full pay and exclusive of Saturdays, Sundays and
50 holidays. *Provided, however,* That this additional benefit shall only be availed of upon

1 exhaustion of the regular 30-day sick leave and 30-day vacation leave entitlement for the
2 year.

3 4 **Sec. 111. Rehabilitation Leave**

5
6 (1) Nature. – Officials and employees, regardless of the status of appointment, for the
7 duration of their employment with the agency and in accordance with this law, are
8 entitled to rehabilitation leave in the following cases:

9
10 (a) When the concerned official or employee sustains wounds and/or injuries resulting
11 from accidents incurred while in the actual performance of duties; or

12
13 (b) When such official or employee is diagnosed with illnesses which are job-related or
14 which resulted from or was aggravated by the working environment.

15
16 For purposes of availment of rehabilitation leave, actual performance of duty means
17 situations wherein the official or employee was already at work or engaged in official
18 functions/activities, including being on official business outside of his/her work station;
19 official travel; authorized overtime; detail order; special assignment orders. However,
20 injuries from accidents that occurred while the official or employee was in transit going
21 to or coming from work are not job-related injuries.

22
23 Job-related illnesses are those illnesses or diseases in which the employee contracts a
24 disease or illness as a result of work and/or aggravated by the work environment.

25
26 (2) Duration. – Rehabilitation leave shall not exceed an aggregate period of six (6)
27 months per injury/illness per year. Except for representation and transportation
28 allowances and other similar benefits which are given based on the actual performance
29 of duties, the privilege shall be with full pay and benefits inclusive of the salaries, 13th
30 month pay, and cash gift mandated by law, and shall not be charged against the
31 accumulated vacation or sick leave credits of the official or employee concerned.

32
33 The cost of first aid medical expenses such as emergency/paramedic services and initial
34 ambulance or transport services shall be borne by the agency of the public official or
35 employee concerned.

36
37 Substantive and long term medical expenses for therapeutic and rehabilitation purposes
38 shall be borne by the Philippine Health Insurance Corporation (Philhealth); the
39 Employee Compensation Commission (ECC) and the Government Service Insurance
40 System (GSIS) as the case may be and whenever applicable.

41
42 (3) Duties of the Agency Heads. – Agency heads shall determine whether the accident was
43 work-related; and with the assistance of appropriate government agency, determine
44 whether the illness is job-related or one which resulted from or was aggravated by the
45 work environment.

46
47 Heads of agencies shall also decide on the validity of the claims, and monitor the
48 progress of the rehabilitation efforts, subject to the rules or guidelines to be promulgated
49 by the Commission.
50

1 **Sec. 112. Teachers' Leave.** – The availment of teachers' leave shall be based on the
2 leave benefits as provided under special laws for teachers.

3
4 Teachers shall not be entitled to the usual vacation and sick leave credits but to
5 proportionate vacation pay (PVP) of 70 days of summer vacation plus 14 days of
6 Christmas vacation. A teacher who has rendered continuous service in a school year
7 without incurring absences without pay of not more than 1 ½ days is entitled to 84 days
8 proportionate vacation pay.

9
10 Teachers shall also be entitled to annual seven (7) days sick leave, which shall be non-
11 cumulative and non-commutative.

12
13 **Sec. 113. Leave Credits of Public Officials and Employees Covered by Special**
14 **Leave Laws.** – The leave credits of the following officials and employees are covered by
15 special laws:
16

17 (a) Justices of the Supreme Court, Court of Appeals and Sandiganbayan;

18
19 (b) Judges of Regional Trial Courts (RTC), Metropolitan Trial Courts (MeTC),
20 Metropolitan Trial Courts in Cities (MTCC), Municipal Trial Courts (MTC), Municipal
21 Circuit Trial Court (MCTC), Court of Tax Appeals, Shari'a Circuit Courts and Shari'a
22 District Courts;

23
24 (c) The Chairperson and Commissioners of the Constitutional Commissions;

25
26 (d) Filipino officials and employees in the Foreign Service;

27
28 (e) Faculty of Higher Education Institutions; and

29
30 (f) Other officials and employees covered by special laws.

31
32 **Sec. 114. Maternity Leave.** – Women in the government service, of whatever civil and
33 employment status and regardless of length of service shall, in addition to the vacation
34 and sick leave granted them, be entitled to maternity leave of sixty (60) calendar days for
35 normal delivery or miscarriages and seventy-eight (78) calendar days for delivery by
36 caesarian section with full pay, subject to guidelines issued by the Commission.

37
38 **Sec. 115. Paternity Leave.** – A married man in the government service shall be entitled
39 to paternity leave of fifteen (15) working days for the first four (4) deliveries or
40 miscarriages of his legitimate spouse with whom he is cohabiting.

41
42 Paternity leave shall be non-cumulative and non-commutative.
43

1 The same may be enjoyed either in a continuous or in an intermittent manner by the
2 employee on the days immediately before, during or after the child birth or miscarriage
3 of his legitimate spouse.
4

5 In the case of Muslims who are married to several legitimate spouses, the paternity leave
6 of fifteen (15) working days shall apply only to the first four deliveries irrespective of
7 which legitimate wife gave birth.
8

9 **Sec. 116. Child Adoption Leave.** – Officials and employees, married or unmarried,
10 who legally adopt a child below seven (7) years of age as of the date the child is placed
11 with them, which shall not be earlier than the date of the decree of adoption, shall be
12 entitled to child adoption leave of thirty (30) calendar days for the adoptive parent.
13

14 Child adoption leave shall be non-cumulative and non-commutative.
15

16 **Sec. 117. Parental Leave for Solo Parents.** – In addition to leave privileges under
17 existing laws, parental leave of not more than seven (7) working days every year until
18 the child reaches the age of eighteen (18) years shall be granted to officers and
19 employees who are solo parents.
20

21 Parental leave shall be non-cumulative and non-commutative.
22

23 **Sec. 118. Special Protection Leave.** – A woman in the government service, regardless
24 of civil and employment status, who is herself, or whose child or children are victims of
25 violence shall be entitled to special protection leave not exceeding ten (10) days subject
26 to guidelines issued by the Commission.
27

28 Special protection leave shall be non-cumulative and non-commutative.
29

30 **Sec. 119. Study Leave.** – Qualified officials and employees may be granted study
31 leave for a period not exceeding six (6) months, subject to the rules and regulations
32 issued by the Commission.
33

34 **Sec. 120. Monetization of Leave Credits.** – Accumulated leave credits can be
35 monetized subject to the rules and regulations issued by the Commission.
36

37 Each agency shall provide for the monetization of leave credits in its budget.
38

39 **Sec. 121. Effect of Reemployment on Commuted Leave.** – When a person whose leave
40 has been commuted following his/her separation from the service is reemployed in the
41 government before the expiration of the leave commuted, he/she shall no longer refund
42 the money value of the unexpired portion of the said leave. Insofar as his/her leave
43 credits are concerned, he/she shall start from zero balance.
44

45 **Sec. 122. Transfer of Leave Credits of Appointive Officials and Employees and**
46 **Elective Officials.** – When an official or employee transfers from one agency to another,
47 he/she can either have his/her accumulated vacation and sick leave commuted or
48 transferred to his/her new agency.
49

1 The option to transfer accumulated leave credits can be exercised within one (1) year
2 only from the effective date of transfer of the appointive personnel to their new office, or
3 to the assumption of the elective officers in their new post.

4
5 This provision is not applicable to members of the armed forces who will transfer to the
6 civil service or vice versa.

7
8 **Sec. 123. Leave Without Pay.** – Leave without pay not exceeding one (1) year may be
9 granted in addition to the vacation and/or sick leave earned. Leave without pay in excess
10 of one (1) month shall require the clearance of the proper head of agency.

11
12 **Sec. 124. Terminal Leave.** – Terminal leave refers to the total accumulated leave
13 credits of officials or employees, the money value of which shall be based on the highest
14 salary rate received at any time during the period of employment in the government
15 service.

16
17 Terminal leave is applied for by a government official or employee who intends to sever
18 his/her employment with the agency. The filing of application for terminal leave
19 requires, as a condition, the resignation, retirement or separation from the service of the
20 government official or employee.

21
22 Request for payment of terminal leave shall be brought within ten (10) years from the
23 time of the separation of the government official or employee.

24
25 In case the government official or employee is meted the penalty dismissal from the
26 service, the monetary value of the terminal leave shall not be forfeited.

27 28 **Chapter 3. Human Resource Records Information System**

29
30 **Sec. 125. Policy.** – An IT-based government-wide human resource records system
31 shall be established, administered, and maintained by the Commission.

32
33 Each agency shall establish, manage and maintain human resource records, and as far as
34 practicable, a computerized database and statistics of all its officials and employees.

35
36 **Sec. 126. Records of Employment.** – The Commission shall keep and maintain official
37 records of all its officials and employees whether elective or appointive, regardless of
38 their employment status and appointing authority. The Commission shall, likewise,
39 maintain statistics on their employment, accession, retention and separation.

40
41 **Sec. 127. Observance of Work Days and Hours and Other Office Rules.** – Heads of
42 agencies shall require all their officials and employees to strictly observe the prescribed
43 work days and office hours, taking into account the religious persuasion and beliefs of
44 the employees.

45
46 Agency heads shall also require all personnel to wear proper attire or uniforms,
47 identification cards, nameplates or the like bearing clearly and legibly their respective
48 names and positions when dealing directly with the public in the performance of their
49 respective duties or whenever they are within the premises of the office. Proper office
50 attire is subject to the rules and regulations promulgated by the Commission.

1 When the head of agency allows government officials and employees to leave the
2 office during office hours and not for official business or official time, the same shall be
3 reflected in their daily time records and charged to their vacation leave credits if there be
4 any, otherwise, the same shall be deducted from the salary of the government official or
5 employee.

6
7 **Sec. 128. Forty-Hour Workweek Requirement.** – Officials and employees of all
8 agencies, except those covered by special laws, shall render not less than forty (40) hours
9 of work a week, exclusive of time for lunch. As a general rule, such hours shall be from
10 eight (8) o'clock in the morning to twelve (12) o'clock noon and from one (1) o'clock to
11 five (5) o'clock in the afternoon, all days except Saturdays, Sundays, and holidays.

12
13 However, heads of agencies, particularly those with frontline services, shall adopt
14 measures to ensure that continuous service is available even during the 12:00 noon to
15 1:00 p.m. period.

16
17 In the exigency of the service, or when necessary by the nature of the work of a
18 particular agency and, the rescheduling or shifting of work schedule of a particular
19 agency for a number of working days less than the required five (5) days may be allowed
20 by the head of agency: *Provided*, That government render a total of forty (40) hours a
21 week; and *Provided, further*, That the public is assured of continuous delivery of service
22 from eight (8) o'clock in the morning until five (5) o'clock in the afternoon for the
23 duration of the entire workweek.

24
25 **Sec. 129. Non-regular Working Hours.** – A work schedule that deviates from that
26 which is provided in Section 128 hereof or that which extends well into the night may
27 also be allowed upon the discretion of the head of office, the need of the service, or the
28 health and welfare of the officials and employees concerned: *Provided*, That the forty
29 (40) hours workweek exclusive of meal time, will not be reduced.

30
31 **Sec. 130. Daily Record of Attendance.** – Each head of agency shall require a daily
32 record of attendance of all its officials and employees including those serving in the field
33 or on board a vessel, to be kept in the proper form and, whenever possible, registered in
34 the Bundy clock or any mechanical, or electronic device.

35
36 **Sec. 131. Persons in the Teaching Service.** – All government officials and
37 employees in the teaching service, primary and secondary levels, shall be covered by the
38 forty (40) hours workweek requirement: *Provided*, That they render not more than six (6)
39 hours of actual classroom teaching every school day.

40
41 **Sec. 132. Compensation for Authorized Work Beyond Forty Hours.** – When the interest
42 of public service so requires, the daily hours of work for officials and employees may be
43 extended by the head of the agency concerned, which extension shall be fixed in
44 accordance with the nature of the work: *Provided*, That work in excess of forty (40)
45 hours a week must be properly compensated by payment of overtime whenever funds are
46 available for the purpose, or through the grant of compensatory time or day/s-off. For
47 this purpose, a written authority to render overtime shall be issued by the head of agency.

1 **Sec. 133. Performance of Duties in Excess of Forty Hours of Those in Special**
2 *Occupational Groups.* – When the nature of duties to be performed or the interest of the
3 public service so requires, the head of agency may require any or all of its officers and
4 employees to work in excess of the forty (40) hours, on Saturdays, Sundays and public
5 holidays, with either additional compensation or compensatory time/days-off. For this
6 purpose, a written authority to render overtime shall be issued by the head of agency.

7
8 **Sec. 134. Night Shift Differential Pay.** – Public officers and employees shall be paid a
9 night shift differential of ten percent (10%) of his regular wage for each hour of work
10 performed between ten o'clock in the evening and six o'clock in the morning, subject to
11 the rules and regulations prescribed by the DBM.

12
13 **Sec. 135. Flexible Work Hours (Flexi-Time).** – Flexible work hours (Flexi-Time) may
14 be implemented subject to the discretion of the head of agency. In no case shall the
15 weekly 40-work hours be reduced in the event the agency adopts the flexi-time schedule.
16 In the adoption of flexi-time, core work hours shall be prescribed taking into
17 consideration the needs of the service.

18
19 As used in this Code, flexi-time schedule refers to a scheme where the agency is
20 authorized to allow its officials and employees a "flexible working hours arrangement"
21 particularly of the time of coming to work and leaving work, subject to the requirement
22 of the forty hours of work a week. The core hours refer to the period within the
23 authorized working hours when the officer or employee must be at the workplace.

24
25 **Sec. 136. Compensatory Time or Day/s Off.** – Grant of compensatory time or day/s off
26 may be allowed for overtime services rendered, subject to the rules issued by the
27 Commission.

28
29 **Sec. 137. Flexible Working Place.** – Officials and employees may be allowed to work
30 away from their official work stations subject to the discretion of the head of agency and
31 the nature of the functions of their positions. The Commission shall issue the rules and
32 regulations to govern the adoption of a flexi-work place. In no case shall the adoption
33 thereof affect the availability and the accessibility of government services.

34
35 **Sec. 138. Liabilities.** – Falsification or irregularities in the keeping of daily time
36 records shall render the officials and employees concerned administratively liable
37 without prejudice to criminal prosecution as the circumstances warrant.

38 39 **Title IV. Employee-Management Relations**

40
41 **Sec. 139. Declaration of Policy.** – The state recognizes and guarantees government
42 employees' right to self-organization, collective negotiation and peaceful concerted
43 activities.

44
45 The Commission shall provide leadership and assistance in developing human
46 resource relations programs in the Civil Service System in consultation with public
47 officials and employees and/or their organizations with their respective agencies.

48
49 The head of agency, in cooperation with employees' organization, shall be
50 responsible for an effective human resource relations programs in the agency and shall

1 take all proper steps toward the creation of an atmosphere conducive to harmonious
2 management and rank-and-file employee relations and the improvement of employee
3 morale towards quality public service.

4
5 The agency shall allocate at least one percent (1%) of its appropriation for the
6 improvement of the working conditions.

7
8 **Sec. 140. Complaints and Grievances.** – Employees shall have the right to present
9 their complaints or grievances to management and have them adjudicated as
10 expeditiously as possible in the best interest of the agency, the government as a whole,
11 and the employee/s concerned. Such complaints or grievances shall be resolved at the
12 lowest possible level in the agency, and the employee/s shall have the right to appeal
13 such decision to higher authorities.

14
15 **Sec. 141. Grievance Machinery.** – Each agency of the government in partnership or
16 consultation with the employees' organizations, with the assistance and approval of the
17 Commission shall establish and administer a grievance machinery to promote
18 harmonious relationship among employees and between employees and management.

19
20 A grievance may be filed by aggrieved employees or by the employees'
21 organization to which they belong in accordance with the guidelines issued by the
22 Commission.

23
24 **Sec. 142. Finality of the Decision Rendered in the Grievance Machinery.** – Unless
25 seasonably appealed, the decision of the concerned authorities shall immediately become
26 final and executory.

27
28 **Sec. 143. Right to Organize.** – Employees may form, join or assist employees'
29 organizations, employee-management committees, work councils and other forms of
30 employees' participation schemes of their own choosing for the furtherance and
31 protection of their interests.

32
33 Highly confidential, coterminous employees and uniformed members of the
34 Philippine National Police (PNP), Bureau of Fire Protection (BFP), Bureau of Jail
35 Management and Penology (BJMP), Bureau of Correction (BuCor) and other uniformed
36 employees who, by nature of their functions are authorized to carry firearms, shall not be
37 eligible for membership in any employees' organizations of the rank-and-file employees
38 but may form, join or assist separate employees' organization exclusively of their own
39 for the furtherance and protection of their interest.

40 The third level employees and other employees whose functions are primarily
41 managerial, policy-determining or confidential in nature, or those executives who receive
42 from their employers information that is not only confidential but also not generally
43 available to the public cannot form, join, or assist employees' organizations for purposes
44 of collective negotiations.

45
46 **Sec. 144. Protection of the Right to Self-Organization.** – Employees shall not be
47 discriminated against by reason of their membership in employees' organizations or
48 participation in the normal and legitimate activities of employees' organizations.
49 Employment in the Civil Service System shall not be subject to the condition that the
50 individual shall or shall not form, join or assist any employees' organizations.

1 Management shall not interfere in any form in the establishment and administration
2 of government employees' organizations.

3 4 Chapter 1. Employee Organization

5
6 **Sec. 145. *Registration of Employees' Organizations.*** – Employees' organizations
7 shall register with the Commission in accordance with the implementing guidelines
8 issued by the latter.

9
10 **Sec. 146. *Certificate of Registration.*** – Upon compliance with the requirements as
11 prescribed by the Commission, a registration certificate shall be issued to the
12 organization recognizing it as a legitimate employees' organization with the right to
13 represent its members and undertake activities to further and defend its interests. The
14 corresponding certificates of registration shall be issued by the Chairperson of the Civil
15 Service Commission, or in his/her absence, any member of the Commission.

16
17 **Sec. 147. *Sole and Exclusive Employees' Representatives.*** – The duly registered
18 employees' organization in an agency that has the support of the majority of the total
19 rank-and-file employees shall be accredited by the Commission as the sole and exclusive
20 employees' representative.

21
22 In cases when there are two (2) or more registered employees' organizations in an
23 agency, the Commission, upon petition, shall conduct a certification election and shall
24 certify the employees' organization who garnered the majority vote as the sole and
25 exclusive representative of the rank-and-file employees in the said agency or the parties
26 may agree to amicably settle the dispute among themselves with the concurrence of the
27 Commission.

28
29 The determination of the sole and exclusive collective negotiating agent shall be
30 through accreditation by the Commission. If no opposition on the petition for
31 accreditation is filed, the Commission shall cause the preparation of a certificate of
32 accreditation.

33
34 A duly registered employees' organization shall be accorded voluntary recognition
35 upon a showing that no other employees' organization is registered or is seeking
36 registration, based on records of the Commission, and that the said organization has the
37 majority support of the rank-and-file employees in the said appropriate organizational
38 unit.

39 **Sec. 148. *Accreditation of Federation of Employees' Organizations Within an***
40 ***Agency.*** – Registered employees organizations within an agency may federate among
41 themselves and shall be accredited as the sole and exclusive negotiating representative of
42 the employees; *Provided,* That its aggregate total membership constitutes the majority of
43 the total rank-and-file employees in the agency.

44
45 **Sec. 149. *Accreditation of Confederation of Employees Organizations.*** – For
46 purposes of sectoral and national social dialogue on terms and conditions of employment
47 in the public sector, whether across the civil service or specific sectors, national
48 federations and confederations shall be recognized through accreditation in accordance
49 with the implementing guidelines issued by the Commission.

1
2 **Sec. 150. Collective Negotiations.** – Terms and conditions of employment in the
3 government service not fixed by laws may be the subject of collective negotiations
4 between accredited employees' organizations or federation and the appropriate
5 organizational unit.
6

7 Collective Negotiation Agreements shall be registered in accordance with the
8 guidelines issued by the Commission.
9

10 The Commission will not take cognizance of any issue/s arising from a non-
11 registered Collective Negotiation Agreement, thus making the agreement unenforceable.
12

13 **Sec. 151. Public Sector Labor-Management Council (PSLMC).** – The Public
14 Sector Labor-Management Council, created under Executive Order No. 180 dated June
15 1, 1987 shall be composed of:

- 16 a) Chairman, Civil Service Commission - Chairman;
17
18 b) Secretary, Department of Labor and Employment – Vice Chairman;
19
20 c) Secretary, Department of Justice – Member;
21
22 d) Secretary, Department of Finance - Member;
23
24 e) Secretary, Department of Budget and Management - Member; and
25
26 f) Chairman, Commission on Audit – Members
27
28 g) Two (2) Sectoral Representative for National Government Agencies (NGAs) –
29 Member
30
31 h) Two (2) Sectoral Representative for Government Owned and Controlled
32 Corporations (GOCCs) – Member
33
34 i) Two (2) Sectoral Representative for Local Government Units (LGUs) – Member
35
36 j) Two (2) Sectoral Representative for State Universities and Colleges (SUCs) –
37 Member

38 However, each Sector shall be allowed only one (1) vote in the council. Should there be
39 two (2) Sectoral Representatives of a sector present in a council meeting, only one (1)
40 vote shall be counted in its favor.
41

42 The employee representatives shall be elected during the Workers' Congress and shall
43 serve for a term of three (3) years or until their successors shall have been elected. In no
44 case, however, shall anyone of them serve under hold-over capacity for more than one
45 (1) year. However, the hold-over capacity shall not apply in case the sectoral
46 representative is no longer the President of the employees' organization where he/she
47 belongs or has already retired from the service.

Chapter 2. Right to Concerted Mass Action

Sec. 152. Right to Engage in Concerted Mass Action (CMA). – The right of employees to concerted mass action, consistent with national interest and public service, shall be recognized and respected. *Provided,* That the employees shall ensure an effective workforce whose movement and services shall not be hampered or restricted as are necessary to guarantee the proper and adequate delivery of public service.

CMA is only appropriate when despite employment of the agency's grievance mechanism and conciliation efforts undertaken by the Commission, the dispute remain unresolved.

In view of the peculiar character of public service and considering that public office is a public trust, the right of employees to a CMA may be allowed only as a last resort, outside work hours or during break time, with no disruption or reduction of public services, without impeding the ingress into or egress from agency premises, and subject to the limitations herein provided or as prescribed by the Commission, to ensure that public services are not disrupted or diminished.

Sec. 153. Who Can Exercise the Right to Concerted Mass Action (CMA). – Only employees in a particular agency may join the CMA subject to the provisions of this Code and all other rules issued by the Commission.

Sec. 154. Employees Who Are Prohibited in the Concerted Mass Action (CMA). – The following are not allowed to exercise the right to CMA due to exigency in public service, public safety and national interest:

(a) Defense and security services including the rank-and-file employees belonging to the non-uniformed personnel of the Armed Forces of the Philippines (AFP), police, fire protection, jail management and those engaged in the custody of prisoners and detainees;

(b) Public utility services such as power and water supply, transportation, air traffic controllers, radar and radio controllers, lighthouse keepers and harbor pilots; and

(c) Other analogous services to be determined by the Commission taking into consideration public service and national interest.

Sec. 155. Grounds for the Concerted Mass Action (CMA). – A CMA may be declared where there is mismanagement of the agency or grave abuse of the management in the exercise of its authority resulting to hamper or restrict the proper adequate delivery of public service, public safety or adversely affects national interest and such other analogous instances as may be determined by the Commission.

Sec. 156. Notice of Concerted Mass Action (CMA). – The existence of a ground of an impending concerted mass action must first be brought to the Commission in the form of a notice of CMA. CMA can only be undertaken after the issue has passed through the agency's grievance machinery as evidenced by a Certification of Final Action on Grievance (CFAG). Within sixty (60) days from the filing of the notice of CMA, the

Commission shall conciliate in aid of resolving the issue or dispute between the parties concerned.

Sec. 157. Conduct of Concerted Mass Action (CMA). – In the event the issue is not settled after the sixty (60) day period prescribed in the preceding Section, the Commission may allow the conduct of a CMA subject to the rules and regulations prescribed by the Commission. If the CMA was conducted in a manner contrary to the prescribed rules and regulations, or if it adversely affects national interest or public service, or if it fails to resolve the issue or dispute, it shall immediately refer the matter to the Commission *en banc* for mandatory assumption of jurisdiction.

The effect of the Commission *en banc's* assumption of jurisdiction shall serve as a notice of stoppage of the conduct of CMA and a return to the *status quo ante bellum*.

Sec. 158. Prohibited Activities during Concerted Mass Action (CMA). –

a) No person engaged in the CMA shall commit any act of violence, coercion or intimidation or obstruct the free ingress to or egress from the agency's premises or obstruct public thoroughfares;

b) No person shall obstruct, impede or interfere with, by force, violence, coercion or threats, or intimidation any peaceful CMA, or shall aid or abet such obstruction or interference;

c) No employees' organization may go on CMA without ensuring and maintaining an effective skeletal force;

d) No display of streamers/banners outside of the designated area; and

e) No CMA shall be undertaken outside of the designated area.

The Commission may revoke or cancel the registration and/or accreditation of an employees' organization, federation or confederation and its officers may be held administratively liable for the offense of conduct prejudicial to the best interest of the service and such other administrative offense if it is found to have engaged in an illegal CMA or have violated this Section.

Chapter 3. Settlement of Disputes

Sec. 159. Settlement of Disputes. – Disputes involving members of an employees' organization shall be resolved through the employees' organization's grievance machinery. Disputes between and among employees' organizations, and between employees' organizations and management including non-members of an employees' organization, shall be settled through the agency's grievance machinery.

The Commission, upon petition, shall provide conciliation services. In case the dispute remains unresolved, the Commission shall resolve and settle it within the period of sixty (60) days from the termination of the conciliation proceeding.

1 **Sec. 160. Original and Exclusive Jurisdiction of the Council.** – The Council shall
2 have original and exclusive jurisdiction over the following:

- 3 (a) Disputes involving conduct of election of officers;
4
5 (b) Disputes involving interpretation or amendments of Constitution and By-Laws
6 (CBL);
7
8 (c) Disputes involving the audit of association's fund;
9
10 (d) Disputes involving eligibility for employees' organization membership outside of
11 certification election proceedings;
12
13 (e) Inter- and intra-employees' organization disputes;
14
15 (f) Disputes on issues resulting from the implementation of the grievance machinery;
16
17 (g) Applications for registration/accreditation of employees' organizations, federations
18 and confederations;
19
20 (h) Disputes involving registration/accreditation of employees' organizations,
21 federations and confederations;
22
23 (i) Petitions for cancellation of registration/accreditation of employees' organizations,
24 federations and confederations;
25
26 (j) Petitions challenging accreditation;
27
28 (k) Petitions for certification election;
29
30 (l) Certification election protests;
31
32 (m) Disputes involving registration and interpretation of CNAs;
33
34 (n) Disputes on issues resulting from the implementation of the provisions of Collective
35 Negotiations Agreement or when there is a deadlock resulting therefrom;
36
37 (o) Unfair employee or management practices;

1 (p) Determination of whether a mass action amounts to a strike; and

2
3 (q) Other analogous acts as may be determined by the Council.

4
5 These cases may be referred to the Council by any of the parties to the dispute or the
6 Council, *motu proprio*, take cognizance of the same whenever the interest of the service
7 so demands.

8
9 When the Council has already assumed jurisdiction over a particular case, no
10 administrative or disciplinary action shall be instituted by the agency concerned against
11 any employee involved therein until the final resolution of the case.

12 13 **Chapter 4. Unfair Employee or Management Practices**

14
15 **Sec. 161. Unfair Management Practice.** – The following shall constitute unfair
16 management practice:

17
18 (a) Interfering with, restraining or coercing employees in the exercise of their right to
19 self-organization;

20
21 (b) Requiring as a condition of employment that an employee shall not form, join or
22 assist an employees' organization or shall withdraw from one to which he/she belongs;

23
24 (c) Discriminating in regard to work schedules, places of assignment and other terms and
25 conditions of employment in order to encourage or discourage membership in any
26 employees' organization;

27
28 (d) Terminating the services or discriminating against any employee for having signed or
29 filed an affidavit, petition or complaint or given any information or testimony against the
30 head of the agency or members of management;

31
32 (e) Refusing to collectively negotiate in good faith with the accredited employees'
33 organization;

34
35 (f) Violating any of the provisions of the Collective Negotiation Agreement;

36
37 (g) Refusing to comply with the provisions of the Conciliation Agreement signed with
38 the registered and/or accredited employees' organization and attested by the Commission
39 or other CSC authorized representative;

40
41 (h) Joining, participating, or taking part in any prohibited concerted activities or mass
42 actions; and

43
44 (i) Other analogous acts as may be determined by the Commission.

45
46 The heads of offices and the other officers of the agency, who participate in or
47 authorize an unfair management practice shall be held administratively liable for conduct
48 prejudicial to the best interest of the service or such other administrative offenses as may
49 be warranted for such participation or grant of authority.

1 **Sec. 162. *Unfair Employee Practice.*** – The following shall constitute unfair
2 employee practice:

- 3
4 a) Restraining or coercing any employee to form, join or assist an employees'
5 organization or its activities. Employees' organization shall have the right to prescribe its
6 own rules on the acquisition or retention of membership;
7
8 b) Causing or attempting to cause the agency head or other officers to discriminate
9 against an employee who has not joined or has withdrawn membership from the
10 employees' organization;
11
12 c) Refusing to collectively negotiate in good faith with management;
13
14 d) Violating any of the provisions of the Collective Negotiation Agreement;
15
16 e) Refusing to comply with the provisions of the Conciliation Agreement signed with
17 management and attested by the Commission or other CSC authorized representative;
18
19 (f) Joining, participating or taking part in any prohibited concerted activities or mass
20 actions; and
21
22 (g) Other analogous acts as may be determined by the Commission.

23
24 The officers and members of an employees' organization or any other government
25 employees, who participate in or authorize an unfair employee practice shall be held
26 administratively liable for conduct prejudicial to the best interest of the service or such
27 other administrative offenses as may be warranted for such participation or grant of
28 authority.
29

30 31 **TITLE V– HUMAN RESOURCE DEVELOPMENT**

32 33 **Chapter 1. Policy**

34
35 **Sec. 163. *Policy.*** – There shall be an integrated program on human resource
36 development for all levels and ranks in the Civil Service System that shall provide equal
37 opportunities for career development.
38

39 The Commission shall provide leadership in the integration of all human resource
40 development programs. All departments and agencies shall develop and implement
41 human resource development plans and programs for their officials and employees to
42 include among others, training and development, performance appraisal and incentives
43 and awards in accordance with Commission policies and standards.
44

45 **Chapter 2. Performance Evaluation**

46
47 **Sec. 164. *Performance Management System.*** – The Commission shall establish a
48 Performance Management System for all appointive public officials and employees
49 which shall be the basis for incentives, rewards and recognition, training and
50 development, human resource actions, and administrative sanctions.

1
2 **Sec. 165. Performance Management Plan.** – Each department or agency shall
3 develop and use one or more appropriate Performance Management Plans (PMP) for the
4 various groups of positions therein.
5

6 All Performance Management Plans shall be submitted to the Commission for
7 approval in accordance with its policies, standards and guidelines.
8
9

10 **Chapter 3. Learning and Development**

11
12
13 **Sec. 166. Career and Employee Development.** – It shall be the policy of the
14 government that a continuing program of employee learning and development in the
15 rank-and-file, supervisory, managers and/or executives be established under the
16 leadership of the Civil Service Commission.
17

18 **Sec. 167. Learning and Development System.** – The Commission shall establish an
19 Integrated Learning and Development (ILeAD) System for all levels and ranks as a
20 framework to rationalize all human resource management practices and processes in
21 each department or agency or local government unit. This shall include opportunities for
22 training in competency enhancement, local and foreign scholarships, and other
23 development opportunities. ILeAD shall be based from agencies' Integrated Human
24 Resource Planning and Development System.
25

26 **Sec. 168. Commission's Responsibilities for Training and Development.** – The
27 Commission shall be responsible for the development, administration and evaluation of
28 government-wide training programs on public human resource administration, and shall
29 issue the appropriate rules and regulations for the said training and development
30 programs.
31

32 **Sec. 169. Responsibilities for Local and Foreign Scholarships.** – The Commission
33 shall have the sole responsibility to administer service-wide local and foreign scholarship
34 programs. It shall also develop policies, standards, procedures and guidelines for the
35 effective, efficient and equitable distribution of all scholarship grants.
36

37 In the administration of foreign scholarship grants which are part of the Overseas
38 Development Assistance (ODA), the Commission shall consult concerned government
39 agencies. For purposes of effective consultation, the Commission may create an inter-
40 agency committee chaired by the Chairperson of the Commission, to advise and
41 recommend policies for efficient administration of the foreign scholarship grants under
42 the ODA.
43

44 **Sec. 170. Agency Responsibilities for Training and Development.** – Each
45 department or agency shall be responsible for the development, implementation and
46 evaluation of its training and development plan as well as its gender and development
47 plan in accordance with the policies and standards promulgated by the Commission.
48

1 To carry out these responsibilities, each agency shall establish its own Human
2 Resource Development Committee pursuant to the rules and regulations promulgated by
3 the Commission.
4

5 **Sec. 171. Technical Assistance and Consulting Services.** – The Commission shall
6 provide technical assistance and consulting services to all departments and agencies in
7 the development, administration and evaluation of their human resource and organization
8 development (HR/OD) programs.
9

10 The Commission may also avail of advisory assistance from its accredited training
11 institutions, public sector associations, federations, confederations, professional
12 organizations, and non-government organizations (NGOs) in connection with its human
13 resource and organization development (HR/OD) policies and programs.
14

15 **Sec. 172. Training, Professional Fees and Honorarium.** – The cost of participation
16 of government officials and employees for training and non-training activities sponsored
17 or conducted by non-government organizations (NGOs) and private organizations (POs)
18 shall be subject to the prevailing market price.
19

20 **Sec. 173. Gender Balance in Learning and Development.** – The Commission shall
21 ensure gender balance in all the learning and development opportunities in the
22 bureaucracy subject to competency needs or performance gap of the participants. It shall
23 also ensure that all its learning and development programs, designs, materials and
24 language are gender sensitive.
25

26 **Sec. 174. Funding.** – Each department or agency with individual budget shall
27 allocate at least 8% of its annual budget to be spent for its learning and development
28 programs and activities and submit periodic reports thereof to the Commission on Audit.
29 Learning and Development shall include gender and development activities and cross-
30 cutting themes such as poverty alleviation, human rights, and global partnership for
31 development
32

33 **Chapter 4. Incentives and Awards**

34

35 **Sec. 175. Rewards System.** – The Commission shall establish a rewards system. It
36 shall include incentives, commendations and awards. The rewards system shall be
37 granted individually or in groups, for outstanding performance, exemplary conduct on
38 the job, inventions, ideas or suggestions, superior accomplishments and other
39 extraordinary acts or services in the interest of the public.
40

41 The Commission shall develop, implement and evaluate the rewards system in all
42 levels and ranks.
43

44 **Sec. 176. Merit and Rewards Plan.** – Each department or agency shall develop a
45 merit and rewards plan appropriate for its officers and employees in accordance with
46 policies and standards promulgated by the Commission.
47

48 The plan shall include the establishment of employee suggestions and incentive
49 awards system, monetary and non-monetary, that will encourage creativity,
50 innovativeness, efficiency, integrity and productivity in the public service by recognizing

1 and rewarding officials and employees, individually or in groups for their suggestions,
2 inventions, superior accomplishments, and other personal efforts which contribute to the
3 efficiency, economy, or other improvement in government operations, or for other extra-
4 ordinary acts or services in the public interest.

5
6 The plan shall be submitted to the Commission for approval before it can be
7 implemented.

8
9 **Sec. 177. *Funding of the Rewards Plan.*** –The Department of Budget and
10 Management shall develop the funding scheme for the implementation of the rewards
11 system.

12
13 At least five percent (5%) of the HRD Funds shall be allocated for the plan or
14 program and incorporated in the Agency's annual Work and Financial Plan and budget.

15 16 17 **Title VI– Inter-Agency Relations**

18 19 **Chapter 1. The Central Human Resource Institution**

20
21 **Sec. 178. *The Central Human Resource Institution.*** – The Commission, as the
22 central human resource institution of the government, shall promulgate rules and
23 regulations to govern human resource management in the Civil Service System.

24
25 **Sec. 179. *Civil Service Field Office.*** – The Commission shall, whenever it deems in
26 the interest of public service, organize in each agency, a Civil Service Field Office
27 (CSFO) which shall be headed by an official of the Commission.

28
29 The assigned staff in the CSFOs shall be employees of the Commission and its office
30 facilities and equipment shall be provided by the Commission.

31
32 **Sec. 180. *Functions of the Civil Service Field Office.*** – The CSFO shall perform
33 the following specific functions and those functions which may hereafter be assigned to
34 it by the Commission:

35
36 (a) Provide technical assistance to agencies in all aspects of human resource
37 management;

38
39 (b) Determine agency compliance with Civil Service Law and rules; and

40
41 (c) Conduct a periodic assessment of the implementation of the human resource
42 management programs of each agency.

43
44 In the performance of these functions, the staff shall welcome and receive from
45 the public any suggestions, observations and complaints pertaining to the conduct of
46 public officials and employees.

47
48 **Sec. 181. *Human Resource Management Assessment.*** – The Commission, through
49 its Civil Service Field Offices, shall conduct periodic assessment of the implementation
50 of the human resource management programs of each agency to:

- (a) determine compliance with Civil Service Law, rules and standards;
- (b) review the exercise of delegated authority;
- (c) evaluate the solutions made on problems encountered in the implementation of the merit system; and
- (d) advise and provide assistance in the development of agency policies, standards, procedures and programs on human resource management.

Chapter 2. Agency Human Resource Management

Sec. 182. Responsibility for Human Resource Management. – The head of each agency shall be responsible for human resource management in his/her agency.

Each agency, except as otherwise provided in this Code, shall establish a Human Resource Management Office to be headed by a Human Resource Management Officer (HRMO) or its equivalent who shall assist the head of agency in the effective implementation of human resource-related regulations, policies and programs.

Sec. 183. Local Government Human Resource Management. – Except as otherwise provided by the Local Government Code, the chief executive of every Local Government Unit (LGU) shall be responsible for human resource management in the LGU and shall take all human resource actions in accordance with the constitutional provisions on civil service, pertinent laws, rules and regulations thereon, including such policies, guidelines and standards as the Commission may establish.

Sec. 184. Human Resource Management Office and Human Resource Management Positions in the LGUs. – Each provincial and city government, and first to third class municipalities shall create a Human Resource Management Office, headed by a Human Resource Management Officer (HRMO) with the rank of a department head. For fourth to sixth class municipalities, the office is optional but the Human Resource Management Officer position shall be mandatory and shall be created within three (3) years from the effectivity of the Code.

The filling up of HRMO positions in the fourth to sixth class municipalities shall be exempted from the budget ceiling on personnel services.

Sec. 185. Council of Human Resource Management Executives. – There shall be a Council of Human Resource Management Executives (CHRMES) the composition of which shall be defined by the Commission, and which shall promulgate its internal rules and procedures.

The CHRMES shall have the following functions:

- (a) Offer advice to the Commission in developing policies, standards, procedures, and programs as well as on matters relating to the improvement of human resource methods and to the solution of human resource problems confronting the various agencies of the government;

- (b) Promote among the agencies, through study and discussion, uniform and consistent interpretation and application of human resource policies; and
- (c) Serve as a clearing house of information and stimulate the use of methods of human resource management that will contribute most to good government.

TITLE VII Position Classification System

Sec. 186. *Position Classification and Compensation.* – There shall be a Position Classification System which shall be prepared and administered by the Commission. The compensation to be allocated to the positions as classified by the Commission shall be determined by the Department of Budget and Management (DBM) and submitted to Congress for legislative action.

Sec. 187. *Position Classification System.* – The Position Classification System shall consist of the following:

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

Sec. 188. *Basis for Position Classification.* – The classification of positions in the civil service system shall be based on similarity of kind and level of work and the determination of the relative worth of these classes of positions.

Sec. 189. *Coverage of Position Classification.* – The Position Classification shall apply to all positions in the civil service system whether career or non-career, on full or part time basis now existing or hereafter created.

Sec. 190. *Allocation of Positions.* – All existing laws, decrees, executive orders, corporate charters, rules, regulations, circulars and other issuances, or parts thereof, that exempt any and all agencies, or specific types of employees from the coverage of Position Classification System prescribed under Presidential Decree No. 985, as amended; or that authorize and fix position classification, job classification, qualification standards of specified jobs, or groups of employees or of agencies; or that exempt the establishment and approval for position classification, job classification, qualification standards, of specified jobs, or groups of employees or of agencies, from the jurisdiction and authority of the Commission, shall allocate positions in accordance with the rules and regulations of the Commission. Such allocations shall be binding on the administrative and auditing offices of the government. Any change in the position classification shall be included in the annual appropriations or budget of the agency.

BOOK III. DISCIPLINE

Title I - Administrative Discipline

Chapter 1. General Provision

Sec. 191. Policy. – No official or employee in the Civil Service System shall be disciplined, except for cause provided for by law and after due process.

Sec. 192. – Disciplinary Action; Grounds

- (a) Dishonesty;
- (b) Neglect of duty;
- (c) Misconduct;
- (d) Final conviction of a crime involving moral turpitude;
- (e) Falsification of official documents;
- (f) Cheating;
- (g) Sexual Harassment;
- (h) Engaging directly or indirectly in partisan political activities by one holding a non-political office;
- (i) Receiving for personal use of a fee, gift or other valuable thing in the course of official duties or in connection therewith when such fee, gift or other valuable thing is given by any person in the hope or expectation of receiving a favor or better treatment than that accorded to other persons;
- (j) Committing acts punishable under the anti-graft laws;
- (k) Fixing;
- (l) Contracting loans from persons with whom the office of the employee has business relations;
- (m) Nepotism;
- (n) Oppression;
- (o) Disgraceful or immoral conduct;
- (p) Inefficiency and incompetence in the performance of official duties;
- (q) Unauthorized absences;

- 1 (r) Tardiness;
- 2
- 3 (s) Loafing;
- 4
- 5 (t) Refusal to perform official duty or unjust refusal to render overtime service;
- 6
- 7 (u) Insubordination;
- 8
- 9 (v) Conduct prejudicial to the best interests of the service;
- 10
- 11 (w) Discourtesy in the course of official duties;
- 12
- 13 (x) Reporting to office drunk or consumption of any alcoholic beverage during office
- 14 hours unless justified by circumstances as defined under applicable rules;
- 15
- 16 (y) Violation of reasonable office rules and regulations;
- 17
- 18 (z) Gambling prohibited by law;
- 19
- 20 (aa) Pursuit of private business, vocation or profession in violation of Civil Service
- 21 Law, rules and regulations;
- 22
- 23 (bb) Promoting ticket sales which are not intended for charitable or public welfare
- 24 purposes;
- 25
- 26 (cc) Improper or unauthorized solicitation of contributions;
- 27
- 28 (dd) Borrowing money by superior officers from subordinates or lending by subordinates
- 29 to superior officers;
- 30
- 31 (ee) Unauthorized use of government resources and properties;
- 32
- 33 (ff) Unfair employee or management practice;
- 34
- 35 (gg) Engaging in illegal Concerted Mass Action (CMA);
- 36
- 37 (hh) Unjustifiable delays in the payment of employee benefits;
- 38
- 39 (ii) Directly or indirectly having financial and material interest in any transaction
- 40 requiring the approval of their office. Financial and material interest is defined as a
- 41 pecuniary interest by which a person will gain or lose something;
- 42
- 43 (jj) Owning, controlling, managing, or accepting employment as officer, employee,
- 44 consultant, counsel, broker, agent, trustee, or nominee in any private enterprise
- 45 regulated, supervised or licensed by his/her office, unless expressly allowed by law;
- 46
- 47 (kk) Engaging in the private practice of profession unless authorized by the Constitution,
- 48 law or regulation, provided that such practice will not conflict or tend to conflict with
- 49 his/her official functions;

1 (ll) Recommending any person to any position in a private enterprise which has a
2 regular or pending official transaction with his / her office, unless such recommendation
3 or referral is mandated by (1) law; or (2) international agreements, commitment and
4 obligation, or as part of the functions of his/her office;

5
6 (mm) Disclosing or misusing confidential or classified information officially known to
7 him/her by reason of his/her office and not made available to the public, to further
8 his/her private interests or give undue advantage to anyone or to prejudice the public
9 interest;

10
11 (nn) Soliciting or accepting, directly or indirectly, any gift, gratuity, favor, entertainment,
12 loan or anything of monetary value in the course of his/her official duties or in
13 connection with any operation being regulated by, or any transaction which may be
14 affected by the functions of his/her office. Obtaining or using any statement filed in any
15 government office for any purpose contrary to morals or public policy or any
16 commercial purpose other than by news and communications media for dissemination to
17 the general public;

18
19 (oo) Unfair discrimination in rendering public service due to party affiliation or
20 preference;

21
22 (pp) Disloyalty to the Republic of the Philippines and to the Filipino people;

23
24 (qq) Failure to act promptly on letters and requests within fifteen (15) working days
25 from receipt, except as otherwise provided by law;

26
27 (rr) Failure to process documents and complete action on documents and papers, or to
28 provide the public access to official documents and information within a reasonable time
29 from receipt of the request therefor, subject to confidentiality restrictions set by existing
30 law or jurisprudence;

31
32 (ss) Failure to attend to anyone who wants to avail himself/herself of the services of the
33 office or to act promptly and expeditiously on public personal transactions;

34
35 (tt) Failure to file on or before the end of April every year sworn statements of assets,
36 liabilities and net worth, and disclosure of business interests and financial connections
37 of the employee and his/her immediate family;

38
39 (uu) Failure to resign from his/her position in the private business enterprise within thirty
40 (30) days from assumption of public office when conflict of interest arises, and/or failure
41 to divest himself/herself of his/her shareholdings or interests in private business
42 enterprise within sixty (60) days from such assumption of public office when conflict of
43 interest arises: *Provided, however,* That for those who are already in the service and a
44 conflict of interest arises, the official or employee must either resign or divest
45 himself/herself of said interests within the periods herein-above provided, reckoned from
46 the date when the conflict of interest had arisen;

47
48 (vv) Engaging in or supporting act of insurrection, rebellion, sedition, and other crimes
49 against public and commission of crimes against national security and the law of nations;
50 and

(ww) All other grounds for disciplinary action as may be provided for by law.

Sec. 193. Original Jurisdiction. – The heads of agencies, or the proper disciplining authorities shall have original jurisdiction to investigate and decide disciplinary cases against their officials and employees.

They shall also retain original jurisdiction over officials and employees who transferred to another government agency or are already separated from the service but who, while still in the service, committed an offense.

However, if the administrative investigation commences only after the transfer of officials and employees, the original jurisdiction to conduct the said investigation and decide disciplinary cases shall be vested in the head of the new agency.

Sec. 194. Original Jurisdiction of Bureau or Department-wide, Regional Office Head. – The heads of bureaus or department-wide regional offices shall have disciplinary jurisdiction over offenses committed by their officials and employees.

Sec. 195. Original Jurisdiction of the Commission. – The Commission shall have exclusive administrative disciplinary jurisdiction over its officials and employees. It shall have concurrent original disciplinary jurisdiction over officials and employees of the departments, agencies, bureaus, state universities and colleges, government-owned or controlled corporations with original charters or agencies created under special laws, and local government units.

In disciplinary cases where agencies have original and concurrent jurisdiction, the agency which first takes cognizance of the case shall exclude the others. The Commission may, upon petition by the proper party, take cognizance of cases pending before agencies if the same are not acted upon by the agency concerned.

The Commission shall have exclusive original jurisdiction over a government official or employee or a private individual who engages in examination-related irregularities or acts that would undermine the integrity of Civil Service Examinations.

The private individual involved may be held liable for the administrative offenses of Dishonesty, Grave Misconduct and Conduct Prejudicial to the Best Interest of the Service. If found guilty, he/she shall be imposed the penalty of dismissal from the service, which shall be deemed served.

Sec. 196. Procedure. –

A. Commencement of Administrative Proceedings; Issuance of a Show-Cause Order. – Administrative proceedings may be commenced by the proper disciplining authority or head of agency through the conduct of a preliminary investigation against the official or employee complained of. The preliminary investigation shall be undertaken through a show-cause order issued *motu proprio* by the proper disciplining authority or head of agency, or upon a sworn written complaint of any other person.

1 The purpose of a preliminary investigation is to determine whether a prima facie
2 case exists against the official or employee complained of warranting the issuance of a
3 formal charge; otherwise, the complaint shall be dismissed.

4
5 **Sec. 197. Issuance of a Formal Charge.** – If a prima facie case is found to exist, the
6 proper disciplining authority or head of agency shall issue a formal charge to the
7 respondent which shall state the contents in accordance with the rules promulgated by
8 the Commission.

9
10 **Sec. 198. Formal Investigation.** – The formal investigation shall be conducted by
11 the proper disciplining authority or head of agency or his/her duly authorized
12 representative/s if the respondent in his/her answer, has elected a formal investigation of
13 the charge/s.

14
15 Notwithstanding the lack of request from the respondent, the proper disciplining
16 authority or head of agency shall still direct the conduct of a formal investigation when,
17 on the basis of the complaint and the answer thereto, the merits of the case cannot be
18 decided judiciously without such investigation.

19
20 **Sec. 199. Report of Investigation and Records of the Case.** – After the termination
21 of the investigation, the hearing officer designated by the proper disciplining authority or
22 head of agency shall submit a report of investigation containing, among others, the
23 findings and recommendations.

24
25 **Sec. 200. Decision.** – The proper disciplining authority shall render a decision
26 within the period and in the form and content as provided for in this Code.

27
28 **Sec. 201. Preventive Suspension.** – Notwithstanding any provision of law to the
29 contrary, the proper disciplining authority may preventively suspend a respondent
30 formally charged with dishonesty, oppression, grave misconduct, gross neglect in the
31 performance of duty, grave act of sexual harassment, if there are reasons to believe that
32 respondent is guilty of the charges which would warrant removal from office and that
33 there is a great probability that the continuance in office of the respondent could
34 influence the witnesses or pose a threat to the safety and integrity of the records and
35 other evidence. In no case shall preventive suspension exceed ninety (90) days or last
36 for the duration of the investigation, whichever is shorter. This applies to officials and
37 employees of both national government agencies and local government units.

38
39 In lieu of preventive suspension, the proper disciplining authority or head of agency
40 may reassign the respondent to another unit of the agency during the formal hearings
41 which in no case shall exceed ninety (90) days.

42
43 In no case shall the proper disciplining authority or head of agency impose the
44 preventive suspension more than once for every offense that the respondent is
45 administratively charged.

46 **Sec. 202. Lifting of Preventive Suspension Pending Administrative Investigation.**
47 – When the administrative case against the respondent under preventive suspension is
48 not decided by the disciplining authority within the period of ninety (90) days after the
49 date of suspension, the respondent shall be automatically reinstated in the service;

1 *Provided*, That when the delay in the disposition of the case is due to the fault,
2 negligence or petition of the respondent, the period of delay shall not be included in
3 computing the period of suspension herein provided.
4

5 **Sec. 203. When to Render Decision.** – The proper disciplining authority exercising
6 original jurisdiction and those exercising appellate jurisdiction shall render their
7 decisions within sixty (60) days from the date of the submission of the case for decision,
8 except as may be provided by special laws.
9

10 **Sec. 204. Form and Content of Decision.** – The decision, properly designated as
11 such and under the signature of the proper disciplining authority or head of agency, shall
12 contain the charge, the name of the respondent, the position and office of the respondent,
13 a brief statement of the material and relevant facts, findings, offense committed and the
14 penalty imposed.
15

16 **Sec. 205. Service of Decision.** –
17

18 (a) A copy of the decision shall be served on the complainant and the respondent
19 through their respective counsel, if any, within five (5) days from its promulgation.
20 Should a party be not represented by a counsel, the copy of the decision shall be served
21 on him or her at his or her address as appearing in the records of the case.
22

23 (b) Disciplining authorities shall furnish their superiors with a copy of the decision
24 within five (5) days from the date of its promulgation.
25

26 **Sec. 206. Finality of Decisions.** –
27

28 (a) Without prejudice to the power of review by the Commission, and its powers to
29 decide cases on appeal as provided for in this Code, the decisions of the heads of
30 departments, agencies, and instrumentalities of the national government and the
31 disciplining authority of state universities and colleges, government-owned or controlled
32 corporations with original charters or agencies created under special laws, local
33 government units shall be final and executory, if the penalty imposed is suspension of
34 not more than thirty (30) working days or a fine not exceeding the amount of thirty days'
35 salary.
36

37 (b) Without prejudice to the power of review by the Commission and its power to decide
38 cases on appeal provided for in this Code, the decision of the head of the bureau or
39 department-wide regional office shall be final and executory, if the penalty imposed is
40 suspension of not more than thirty (30) working days or a fine not exceeding the amount
41 of thirty days' salary.
42

43 (c) Notwithstanding the immediately preceding provisions, a suspension of not more
44 than thirty working days or a fine not exceeding the amount of thirty days' salary may
45 still be the subject of a motion for reconsideration or an appeal where there is clear and
46 palpable violation of the respondent's right to due process.

47 (d) The decision in a disciplinary case becomes final and executory upon expiration of
48 the period within which to file a motion for reconsideration or an appeal and no such
49 motion or appeal is filed.
50

1 **Sec. 207. Execution of Decisions. –**

2
3 a) Effect of Filing: Appeal. – Except for cases requiring confirmation of the
4 Department Secretary concerned and case decided by the CSCROs, an appeal shall not
5 stop the decision from being executed.

6
7 b) Effect of Filing: Motion for Reconsideration. – The filing of a motion for
8 reconsideration within the reglementary period of fifteen (15) days shall stay the
9 execution of the decision sought to be reconsidered.

10
11 c) Effect of Pendency of Petition for Review/Certiorari with the Court. – The filing
12 and pendency of a petition for review with the Court of Appeals or certiorari with the
13 Supreme stop the execution of the decision of the Commission unless the Court issues a
14 restraining order or an injunction.

15
16 **Chapter 4. Administrative Penalties**

17
18 **Sec. 208. Penalties That May Be Imposed. –**

19
20 The following penalties may be imposed:

- 21 (a) community service;
22
23 (b) fine or suspension without pay for not more than one (1) year;
24
25 (c) demotion in rank or pay; and
26
27 (d) dismissal from the service.

28
29 The following are the main/principal penalties:

- 30
31 (a) community service;
32
33 (b) suspension; and
34
35 (c) dismissal

36
37 The following are the alternative penalties:

- 38
39 (a) fine;
40
41 (b) demotion; and
42
43 (c) forfeiture of retirement benefits, excluding terminal leave benefits and personal
44 shares/ contributions to the GSIS.

45
46 **Sec. 209. Imposition of Penalties. –**

47
48 (a) In meting out punishment, the same penalties shall be imposed for similar offenses
49 and not only (1) penalty shall be imposed in each case. In the imposition of these

1 penalties, the disciplining authority shall take into consideration the circumstances which
2 may either mitigate or aggravate the offense.

3
4 (b) In the imposition of the proper penalties, the administrative offenses or causes for
5 disciplinary action mentioned in this Code shall be categorized into light, less grave, and
6 grave.

7
8 **Sec. 210. Promulgation of Rules and Regulations.** – The Commission shall
9 promulgate rules and regulations pertaining to the investigation of pending
10 administrative cases and on the classification of administrative offenses into light, less
11 grave and grave and shall prescribe the corresponding principal and accessory penalties.

12
13 **Sec. 211. Effect of Administrative Penalties.** – The penalty of dismissal shall result
14 in the separation of the respondent from the service. Dismissal shall carry with it the
15 cancellation of civil service eligibilities, forfeiture of retirement benefits, and
16 disqualification from employment in the government whether appointive or elective and
17 disqualification to run for any public office even if the case is pending on appeal.
18 However, in case of forfeiture of retirement benefits, the GSIS shall return to the
19 respondent his/her contribution and the employer's contribution to the agency concerned.
20 Terminal leaves of the employee are not subject to forfeiture.

21
22 During the pendency of the appeal, no permanent appointment shall be issued to replace
23 the dismissed appellant. However, in the interest of the service, designation may be
24 resorted to by the proper disciplining authority or head of agency until the case is
25 resolved with finality.

26
27 **Sec. 212. Effect of Death on Pending Case.** – The administrative case shall not be
28 dismissed when the death of the respondent occurred when the formal investigation
29 reached the stage where respondent is considered to have been afforded due process, as
30 when the following concur: 1) respondent was notified of the charge against him/her as
31 when he/she was issued the formal charge; and 2) when respondent has filed an answer
32 to the formal charge or has waived his/her right to file the same.

33
34 If the respondent dies before he/she could explain his/her side through an answer to
35 the formal charge, the administrative case shall be dismissed on account of the death of
36 the respondent as he/she cannot be deemed to have been accorded the opportunity to be
37 heard which is a basic element of due process.

38
39 In situations where the death occurred after respondent has perfected his/her appeal
40 before the Commission, the appeal shall continue until its final determination. In the
41 event the deceased respondent-appellant wins the appeal, material and/or pecuniary
42 benefits arising from the case, if any, shall accrue to the legal heirs of the deceased
43 respondent-appellant subject to the Law on Succession. In case the material benefit is
44 covered by a special law (e.g. the GSIS Law) which specifies the one who is entitled to
45 receive the benefit of the deceased, the same shall be applied.

46
47 **Sec. 213. Effects of Exoneration and Other Penalties.** – Upon exoneration, the
48 respondent shall be restored to his/her former position without loss of seniority and other
49 rights or to a comparable or equivalent position in case of reorganization. He/She shall
50 also be entitled to payment of back salaries and other benefits, including the period of

preventive suspension, if any, equivalent to a period of five (5) years reckoned from the time of illegal dismissal. However, back salaries shall not be also granted if the respondent is not exonerated, except where the penalty imposed is reprimand in which case, back salaries shall be awarded.

Chapter 5. Administrative Remedies

Sec. 214. Motion for Reconsideration. – A motion for reconsideration may be filed within fifteen (15) days from receipt of the decision on the following grounds:

- a. New evidence has been discovered which materially affects the decision rendered; or
- b. The decision is not supported by the evidence on record; or
- c. Errors of law or irregularities have been committed prejudicial to the interest of the movant.

Only one (1) motion for reconsideration shall be entertained.

In case of denial, the movant shall have another period of fifteen (15) days to file an appeal.

Sec. 215. Petition for Review with the Commission. – The Commission Proper may review decisions rendered by its Regional Offices, whether on the merits or dismissing a complaint for lack of prima facie case, through a petition for review.

Sec. 216. Petition for Review with the Court of Appeals. – A party may elevate a decision of the Commission before the Court of Appeals by way of a petition for review under Rule 43 of the 1997 Rules of Court.

Sec. 217. Appeals. – Decisions of heads of agencies imposing penalties exceeding thirty (30) days suspension or fine in an amount exceeding thirty (30) days salary may be brought on appeal to the Commission by the party adversely affected.

In case the decision rendered by a bureau or department-wide regional office is appealable to the Commission, the same may be initially appealed to the department head and finally to the Commission and pending appeal, the same shall be executory except when the penalty is removal, in which case, the same shall be executory only after confirmation by the Secretary concerned. Otherwise, an appeal shall not stop the decision from being executory.

Sec. 218. Penalties for Contempt. – Any person who fails or refuses to comply with the decisions, orders, rulings or processes of the Commission or any of its regional offices, shall be liable for Indirect Contempt of the Commission and may be suspended from office without pay for a period of not more than thirty (30) days, or imprisoned for the same period as the circumstances may warrant.

A person who misbehaves in the presence of or so near the Commission as to obstruct or interrupt the proceedings before the same, including disrespect towards the Commission,

1 offensive conduct towards others, or refusal to be sworn or to answer as a witness, may
2 be summarily adjudged in contempt by the Commission and penalized by suspension
3 from office without pay for a period of not more than three (3) days, or imprisoned for
4 the same period as the circumstances may warrant.

5
6 The Commission may deputize law enforcement officers or seek the assistance of the
7 pertinent government agencies to help or ensure the implementation of its decisions,
8 orders, rulings or processes.

9
10 **Sec. 219. Removal of Administrative Disabilities.** – The Commission may
11 recommend to the President removal of administrative disabilities imposed upon public
12 officials or employees in disciplinary cases, subject to such terms and conditions as the
13 President may impose in the interest of the service.

14 15 **Chapter 6. PROHIBITIONS**

16
17 **Sec. 220. Appointment of Elective Officials.** – No elective official shall be eligible
18 for appointment or designation in any capacity, including contract of service/job order, to
19 any public office or position during his/her tenure, unless otherwise allowed by law.

20
21 **Sec. 221. Candidates Who Lost in an Election.** – No candidate who lost in any
22 election, including barangay election shall, within one (1) year after such election, be
23 appointed in any capacity to any office in the Government. Neither can they be engaged
24 within the same period as consultants or under contract of services/job orders.

25
26 **Sec. 222. Resignation Before Election.** – A person who resigned from the service
27 within three (3) months before any election, and without being a candidate engaged in
28 any political activity shall not be eligible for reemployment in the government during the
29 six (6)-month period following such election.

30
31 **Sec. 223. Prohibition Against Holding Another Offices or Employment.** – Unless
32 otherwise allowed by law or by the primary functions of the position, no appointive
33 official shall hold any other office or employment in any government agency, including
34 subsidiaries of GOCCs.

35
36 **SEC. 224. Prohibitions During Election Period.** – No appointment, or other human
37 resource actions, regardless of status, except in the case of reinstatement, shall be issued
38 forty-five (45) days before any national or local election except barangay and
39 sangguniang kabataan elections and until the assumption of the newly-elected or
40 reelected appointing officer official.

41 However, in the exigency of the service and subject to the authority by the Commission,
42 the appointing authority may issue appointments after the election, provided the
43 following concur:

44
45 (a) A vacancy occurred during the prohibited period;

46
47 (b) There is need to fill up the vacancy immediately in order not to prejudice public
48 service and/or endanger public safety;

1 (c) The appointee is qualified;

2
3 (d) The appointment has gone through the usual requirements like publication, regular
4 screening by the Personnel Selection Board and concurrence by the Sanggunian, as the
5 case may be.
6

7 All appointments issued before the prohibited period shall take effect immediately,
8 notwithstanding any provisions in the appointment to the contrary and the appointee
9 shall assume the position within thirty (30) days from issuance thereof. Failure of the
10 appointee to assume the position within said period shall make the appointment
11 ineffective.
12

13 **Sec. 225. Prohibition Against Appointments by an Outgoing Appointing**
14 **Authority.** – No appointment in any agency shall be made by any outgoing appointing
15 authority within three (3) months before the end of his/her term of office or retirement.
16 This prohibition shall also apply to outgoing appointing authorities who have previously
17 manifested their intention to resign from office. In which case, the prohibition shall
18 commence from the date of formal manifestation to resign but shall not be more than
19 three (3) months from the effective date of resignation.
20

21 However, in the exigency of the service, and upon authority by the Commission, an
22 outgoing appointing authority may issue appointments which shall not exceed three (3)
23 months from the time the appointing official ceases to hold office.
24

25 This prohibition shall embrace all appointments regardless of nature or status.
26

27 **Sec. 226. Prohibition Against Appointment of a Person Who is a Permanent**
28 **Resident or Immigrant of a Foreign Country or a Green Card Holder.** – No
29 appointment in any agency shall be issued to a person who is a permanent resident or
30 immigrant of a foreign country, unless it is shown by clear evidence that he/she has
31 made an irrevocable waiver of his/her status as a permanent resident or immigrant of a
32 foreign country before such appointment.
33

34 **Sec. 227. Prohibition Against Supervision by Non-Career Employees.** – Subject to
35 the rules to be issued by the Commission, no consultant, contractual or non-career
36 employee shall be designated to any position exercising control and supervision over
37 regular and career employee in the government.

38 **Sec. 228. Prohibition Against Contracting of Regular Functions.** – A person
39 issued a contract of service shall not discharge duties pertaining to a career or non-career
40 service position or/and neither shall an institution perform any of the regular functions of
41 the contracting agency. *Provided, however,* That the agency may enter into a contract of
42 service to undertake non-regular functions or support services for the government for a
43 specific period where no employer-employee relationship exists between the individual
44 or the institution and the government subject to the rules and regulations promulgated by
45 the Commission.
46

47 **Sec. 229. Prohibition Against Hiring of Ecclesiastic.** – No priest, preacher,
48 minister, or other religious teacher or dignitary as such, shall be employed in the Civil
49 Service System except when such priest, preacher, minister, or dignitary is assigned to

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

3
4 **Sec. 230. Nepotism.** – The act of issuing an appointment in the national
5 government, or in any branch or instrumentality thereof, or in state universities and
6 colleges, government-owned or controlled corporations with original charters or created
7 under special laws, to a person who is related within the third (3rd) degree of
8 consanguinity or affinity to the appointing or recommending authority, the chief of
9 bureau or office, or of the person exercising immediate supervision over him/her is
10 hereby prohibited, except otherwise provided by other laws.

11
12 The following positions are exempt from the operation of the law and rules on
13 nepotism:

14
15 (a) Primarily confidential;

16
17 (b) Highly technical;

18
19 (c) Policy-determining;

20
21 (d) Physician;

22
23 (e) Teacher and professorial staff;

24
25 (f) Members of the Armed Forces of the Philippines; and

26
27 (g) Other positions exempted by other laws.

28
29 The term "teacher" shall refer only to those actually performing classroom instruction
30 in both public elementary and secondary schools. Professorial staff shall denote
31 members of the faculty including instructors of state universities or colleges primarily
32 engaged in academic activities such as teaching in the tertiary level, research and
33 curriculum development, among others.

34
35 The restrictions mentioned in this Section shall not be applicable to a member of any
36 family, who, after appointment to any position in an office or bureau, contracts marriage
37 with another employee in the same office or bureau, or those who were affected by
38 reorganization in which event the employment or retention therein of both husband and
39 wife may be allowed.

40 The prohibition shall not also apply to those devolved to local government units or
41 who were affected by reorganization.

42
43 **SEC. 231. Political Activity.** – No public officer or employee in the Civil Service
44 System holding a non-political position shall engage in any electioneering or partisan
45 political campaign or take part in any election except to vote, nor shall use official
46 authority or influence to coerce the political activity of any person or body. Nothing
47 herein provided shall be understood to prevent any public officer or employee from
48 expressing views on current political problems or issues, or from mentioning the names
49 of candidates for public office whom he/she supports. *Provided, That* public officers and

1 employees holding political offices may take part in political and electoral activities but
2 it shall be unlawful for them to solicit contributions from, or subject their subordinates to
3 commit any of the prohibited acts under the Election Code.

4
5 In this regard, membership in any political party shall be considered as engaging in
6 partisan political activity.

7
8 **SEC. 232. Appointment of Military Personnel in the Civil Service System.** – It
9 shall be unlawful for any member of the AFP in the active service to be appointed or to
10 be designated in any capacity to any civilian position in the government, state
11 universities and colleges, government-owned or controlled corporations with original
12 charters or agencies created under the special laws, or local government units.

13
14 **SEC. 233. Additional or Double Compensation.** – No elective or appointive official
15 or employee shall receive additional, double, or indirect compensation, unless
16 specifically authorized by law, nor accept any present, emolument, office, or title of any
17 kind from any foreign government unless allowed by law.

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

21
22 **SEC. 234. Courtesy Resignation.** – It shall be unlawful for any official, elective or
23 appointive, to require officials and employees within his/her jurisdiction to submit
24 courtesy resignation for whatever reason or purpose.

25
26 **SEC. 235. Appointment and/or Transfer of Officials and Employees of Oversight**
27 **Agencies.** – Unless allowed by the Commission in meritorious cases, heads of oversight
28 agencies and their staff are prohibited from transferring or being appointed to any
29 position in the department/agency/office/local government unit which his/her unit is
30 assigned or designated to directly oversee within one (1) year after termination of such
31 assignment or designation.

32 33 34 **BOOK IV. MISCELLANEOUS PROVISIONS**

35 36 **Title I - Termination of Employment**

37 38 **Chapter 1. Modes of Termination**

39
40
41 **SEC. 236. Modes of Termination of Employment.** – The following are modes of
42 terminating employment in the government.

43
44 a) **Resignation** - A public officer or employee shall be considered separated from
45 the service effective on the date of effectivity as stated in the formal letter of resignation.
46 In case the resignation letter has no date of effectivity, the resignation shall be effective
47 after (30) days from the submission thereof

1 b) Candidacy - An appointive public official or employee shall be ipso facto
2 separated from the service on the date of filing of the certificate of candidacy for an
3 elective position.

4 c) Death - Upon proof of death, the public official or employee shall automatically
5 be considered separated from the service.

6 d) Expiration of Period of Employment - The services of a public official or
7 employee appointed for a fixed period, or for a specific project or whose appointment is
8 coterminous with the appointing authority shall be terminated upon the expiration of the
9 period of employment, completion of the project, or at the end of the term of the
10 appointing officer, unless otherwise earlier validly separated.

11 e) Dropping from the Service - A public official or employee who goes on leave
12 without proper authority or fails to return to duty after the expiration of the authorized
13 leave, without valid reasons, or due to unsatisfactory or poor performance or physical or
14 mental unfitness shall be dropped from the service in accordance with the regulations
15 promulgated by the Commission.

16 However, the IRR should make reference to Section 32 (g) of RA 7277 also known as
17 the Magna Carta for Disabled Persons:

18
19 "Dismissing or terminating the services of a disabled employee by reason of his
20 disability unless the employer can prove that he impairs the satisfactory performance of
21 the work involve to the prejudice of the business entities: *Provided, however,* That the
22 employer first sought provide reasonable accommodations for disabled persons.
23

24 f) Conviction - The services of the public official and employee shall be
25 considered terminated upon a finding of guilt in an administrative case where the penalty
26 imposed is dismissal from the service or conviction by final judgment of a crime where
27 the penalty of perpetual or temporary, absolute or special disqualification to hold public
28 office. (Old Definition of "conviction" from previous CS Code version)

29 g) Retirement - Unless otherwise provided by a special law, the services of any
30 public official or employee shall be automatically terminated on the day after his/her
31 sixty-fifth birthday except when his/her services are extended by the Commission in
32 accordance with its rules and regulations. Optional retirement pursuant to law likewise
33 terminates official relations.

34 h) Expiration of Temporary Appointment - The services of a public official or
35 employee with temporary appointment shall automatically be terminated upon the
36 expiration of the appointment unless earlier terminated by the appointing authority.

37 i) Disapproval of Appointment - The services of a public official or employee are
38 considered terminated upon the final disapproval of the appointment by the Commission.

39 **Sec. 237. Reduction in Force.** - The head of a department or agency may
40 reorganize, reduce its staff due to lack of work or funds or due to a change in the scope
41 or nature of an agency's program, subject to law and the rules and regulations which the
42 Commission shall prescribe.

Title II - Sanctions and Liabilities

Chapter 1. Liabilities

Sec. 238. 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.

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 less than Fifty Thousand Pesos (P50,000.00) or by imprisonment of not less than three (3) years nor more than five (5) years or both at the discretion of the appropriate 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 order.

Title III - Fees and Authority to Administer Oaths

Chapter 1. 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, or appeals in disciplinary and non-disciplinary cases, training courses, seminars and workshops in human resource management, and for services rendered on other civil service matters. For this purpose, the Commission shall prescribe standard and reasonable rates. No fees shall be collected in examinations given for the selection of scholars.

Chapter 2. Authority of Public Officials to Administer Oaths, Take Testimony

Sec. 241. Who May Administer Oaths or Take Testimony. – The Chairperson and Members of the Commission, public officials occupying third level positions and other public officials and employees of the Commission and other agencies designated in writing by the concerned heads of agencies, may administer oaths as may be necessary in a transaction of an official business and take a testimony in connection with any authorized investigation.

Title IV- Fiscal Autonomy and Use of Appropriations and Income

Chapter 1. Fiscal Autonomy

Sec. 242. Fiscal Autonomy. – The Commission shall enjoy fiscal autonomy. It shall determine the amount of its annual budget requirements for its human resource services, operating expenses and capital outlays which shall be submitted for the review, revision and/or approval of Congress as part of the proposed national budget without revision by the Department of Budget and Management. The Department of Budget and Management shall automatically release the approved budget of the Commission.

Sec. 243. Authority to Use Appropriations and Income. – The Commission is hereby authorized to use such sums appropriated in the annual appropriations act, including all balances of existing certifications, to accounts payable of prior years, as are necessary to carry out the provisions of this Code. The Commission is also authorized to augment any item in its appropriations from savings actually released for any official purpose at its discretion.

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

Sec. 244. Vested Rights. – Except as otherwise provided in this Code, rights vested or acquired under the provisions of the Civil Service Law, rules and regulations and any other Act prior to the effectivity of this Code shall be respected.

Title IV – Career Executive System Transitory Provisions

Sec. 245 – The incumbent Chairperson of the Board of the current Career Executive Service Board, as well as the other incumbent Board members, shall continue to exercise their duties and functions until the new Board shall have been created pursuant to this Act. The Career Executive System Board (New Board) created under this Act shall then succeed and take over the functions of the Career Executive Service Board (Old Board) and the composition and members of the New Board, as enumerated under Section 6 of this Act, shall assume their respective posts: *Provided, That:*

(a) All rights pertaining to the CESOs and CESEs which shall have accrued prior to the effectivity of this Act shall be respected;

(b) The personnel, assets, funds, grants and records of the current CESB secretariat are hereby transferred to the OCES; and

(c) Incumbent officials and employees of the current CESB secretariat shall continue to exercise their respective functions, duties and responsibilities with the corresponding benefits and privileges and shall be deemed absorbed by the OCES.

Title V - Final Provisions

Sec. 246. *Implementing Rules and Regulations.* – The Commission shall promulgate rules and regulations and set guidelines and standards to implement the provisions of this Code.

For The Chapters of Career Executive Service the Commission and the Board shall set the guidelines and standards to implement the provisions on CES.

These shall become effective fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Sec. 247. *Repealing Clause.* – Republic Act No. 2260, Republic Act No. 6040, Presidential Decree No. 807, Presidential Decree No. 1, Presidential Decree No. 1409, Executive Order No. 135, series of 1987, Executive Order No. 180 and Book V, Title 1, Subtitle A on the Civil Service Commission of Executive Order No. 292, series of 1987, and Section 2 of RA 6758 are hereby repealed. Section 2, Rule IV, LOI, Section 42 of PD 205, Section 11 of PD 1752, Section 24 of RA 6770, Section 56, Title VIII and Section 46, Title VI of RA 7157, Sections 77,79 and 85 of RA 7160, Section 5 of RA 7836, Section 18 (a) of RA 7875, Section 1 of RA 8190, Section 42 of RA 8291 and Section 21 of RA 8551 are hereby amended or modified accordingly; and all laws, decrees, orders, circulars, rules and regulations or any part thereof which are contrary to or inconsistent with any provision of this Code are hereby repealed or modified accordingly.

Sec. 248. *Supplemental Applications.* – The Rules of Court shall have supplemental application to this Code.

Sec. 249. *Separability Clause.* – If any provision of this Code or its application to any person or circumstances is declared invalid, such declaration shall not affect the other provisions of this Code.

Sec. 250. *Effectivity Clause.* – This Code shall take effect thirty (15) days following its publication in the Official Gazette or in a national newspaper of general circulation in the Philippines.

Approved.