

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 6301



Introduced by **Representative EVELINA G. ESCUDERO**

EXPLANATORY NOTE

The primordial reason for this proposal is to set the basic, but more often ignored, qualification among appointed government officials. Appointees in government offices in any capacity must possess the fundamental qualification that his or her education or experience or both suit the office or the position.

Every now and then the power to appoint and designate has shown indiscretion to the prejudice of public service. An indiscretion that is either political or personal in nature. Verily, there are political and confidential positions or offices to fill in in the government. However, this must not be at the expense of government service. Hence, there is a need to temper how the appointing authority wields power.

Truly, statutes are not without provisions on qualifications of offices and positions. Nonetheless, there are laws that allow appointment in government without the required education or experience. For instance, consultants or technical persons may be appointed in agencies of government based solely on trust and confidence without any regard to their educational attainment and work experience.

In view of this observation, this representation respectfully submits this proposal to set a basic qualification in all government offices and positions with the end in view of safeguarding and promoting quality public service. Having in mind however the implications that this bill may entail, it is further submitted that it can be made to admit certain exceptions during the deliberations.

A handwritten signature in blue ink, appearing to read "Evelina G. Escudero", written in a cursive style.

EVELINA G. ESCUDERO

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AN ACT
MANDATING A MINIMUM BASIC QUALIFICATION IN ALL APPOINTIVE
OFFICES AND POSITIONS IN GOVERNMENT, AMENDING FOR THE PURPOSE
BOOK V, TITLE 1, SUBTITLE A, CHAPTER 2, SECTION 9 OF EXECUTIVE
ORDER 292, OTHERWISE KNOWN AS THE REVISED ADMINISTRATIVE CODE
OF 1987

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

SECTION 1. *Short Title.* — This Act shall be known and cited as the “Basic Qualification Act in Government”.

SEC. 2. *Declaration of Policy.* — It is hereby declared the policy of the State to safeguard and promote quality public service in all offices and positions in government, as such it shall insure that appointments in the Civil Service shall be made only according to merit and fitness and that it shall adopt measures to promote morale, efficiency, integrity, responsiveness, courtesy and public accountability in the civil service. Toward this end, the State seeks to mandate a minimum basic qualification in all appointive offices and positions in the government.

SEC. 3. Book V, Title 1, Subtitle A, Chapter 2, Section 9 of Executive Order 292, otherwise known as the Revised Administrative Code of 1987, is hereby amended to read as follows:

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

The Non-Career Service shall include:

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

- (2) Secretaries and other officials of Cabinet rank who hold their positions at the pleasure of the President and their personal or confidential staff(s);
- (3) Chairman and members of commissions and boards with fixed terms of office and their personal or confidential staff;
- (4) Contractual personnel or those whose employment in the government is in accordance with a special contract to undertake a specific work or job, requiring special or technical skills not available in the employing agency, to be accomplished within a specific period, which in no case shall exceed one year, and performs or accomplishes the specific work or job, under his own responsibility with a minimum of direction and supervision from the hiring agency; and
- (5) Emergency and seasonal personnel.

NOTWITHSTANDING ANY PROVISIONS OF LAW TO THE CONTRARY, EXCEPT AS TO ELECTIVE OFFICIALS AND EMERGENCY AND SEASONAL PERSONNEL, ALL PERSONS ADMITTED TO NON-CAREER SERVICE SHALL POSSESS A COLLEGE DEGREE OR AT LEAST A FIVE (5) YEAR WORK EXPERIENCE RELEVANT TO THE NATURE, FUNCTION OR MANDATE OF THE OFFICE TO WHICH HE OR SHE IS APPOINTED."

SEC. 4. *Repealing Clause.* – All laws, executive orders, presidential decrees, issuances, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 5. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,