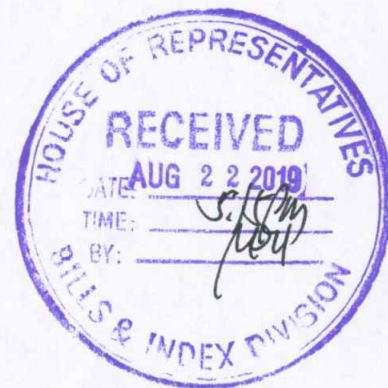




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4148

Introduced by **Representative ANN K. HOFER**

EXPLANATORY NOTE

This bill seeks to reorganize the Foreign Service Corps of the Department of Foreign Affairs.

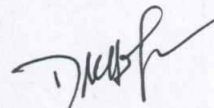
The Department of Foreign Affairs (DFA) is the prime agency of the government responsible for the pursuit of the state's foreign policy and the nerve center for a foreign service worthy of the trust and pride of every Filipino. It is an organization of competent, dedicated and highly motivated personnel with a vision for advancing the interests of the Philippines and the Filipino people in the world community. The increasing number of Filipinos overseas necessitates that the Philippine Government render effective assistance and services even to the far flung and remotest parts of the world where Filipinos reside. There is also a need to strengthen the DFA and its career service in order to provide for the improvement of systems and to institute mechanisms to make the career service more responsive to domestic and international developments.

To attain the aforementioned objectives, this bill provides, among others, the following:

- A professional and responsive career foreign service in the declaration of policy;
- Due recognition and importance, among others, to developing a country-team system and promoting gender sensitivity in the pursuit of foreign policy;
- The mission of the DFA, the role of the Secretary, and the role of the regional offices;
- Designation of new undersecretaries and provision principal offices;
- Creation of new positions such as that of the Inspector General, Policy Advisory Board, Family Liaison Unit and Grievance Mechanism Unit;
- Introduction of new category of personnel, the home service personnel, who will be permanently based in the Home Office in Manila and not subject to rotation;

- 1 ▪ Institutionalizing the one country team approach in the implementation of the country's
2 foreign relations at the bilateral, regional and multilateral levels;
- 3
- 4 ▪ Definition of performance evaluation system and promotion policy;
- 5
- 6 ▪ Addressing the financial requirements of personnel by providing a comprehensive
7 compensation and benefits plan; and
- 8
- 9 ▪ Contingency fund to cover foreign exchange differentials and a Building Fund for the Home
10 Office and Foreign Service establishments.
- 11

12 In view of the foregoing and to strengthen the Department of Foreign Affairs and its Career
13 Service and attain its goals and objectives for a better Philippines, approval of this bill is highly
14 recommended.



ANN K. HOFER
2nd District, Zamboanga Sibugay



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
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HOUSE BILL NO. 4148

Introduced by **Representative ANN K. HOFER**

AN ACT
REORGANIZING THE FOREIGN SERVICE CORPS
OF THE PHILIPPINES

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

3 SECTION. 1. **Short Title.** – This Act shall be known as “The Revised Foreign Service Act
4 of 2019.”

5 SEC. 2. **Declaration of Policy.** – It is hereby the policy of the State to pursue an
6 independent foreign policy, based on the paramount considerations of national sovereignty,
7 territorial integrity, and national interest. Accordingly, the State shall maintain a professional and
8 responsive career foreign service.

9 SEC. 3. **Objective.** – The objective of this Act is to reorganize and strengthen the
10 Department of Foreign Affairs and its Foreign Service by:

11 (a) Providing a flexible and comprehensive framework for the direction of the Foreign
12 Service in accordance with modern practices in public administration and international relations;

13 (b) Strengthening the structure of the Department and its Foreign Service Posts to
14 enable these to respond and adjust to the demands of the international environment and thereby

1 protect Philippine nationals and interests overseas, as well as effectively contribute to the
2 achievement of national development goals;

3 (c) Ensuring that the personnel of the Department are broadly representative of
4 Philippine society by providing, as much as possible, equal opportunities in their recruitment;

5 (d) Improving the selection and training of personnel through the establishment of a
6 human resource development program;

7 (e) Protecting and strengthening professionalism in the department and guaranteeing
8 security of tenure of personnel;

9 (f) Providing a satisfactory working environment and scheme of compensation,
10 incentives and benefits for the personnel and their families, taking into account the unique nature
11 and requirements of the department;

12 (g) Developing a dynamic country-team system for the successful implementation of
13 the government's programs and projects overseas;

14 (h) Promoting gender sensitivity, equality and main-streaming in the recruitment,
15 training, promotion and assignment of personnel; and

16 (i) Consolidating into one Act all provisions of the law relating to the administration
17 of the Foreign Service.

18 SEC. 4. **Lead Agency.** - The Department of Foreign Affairs is the lead agency of the
19 Philippine government in promoting and protecting the interests of the country in the international
20 community.

21 SEC. 5. **Definition of Terms.** - When used in this Act, the term:

22 (a) "Government" means the Government of the Republic of the Philippines;

23 (b) "Constitution" means the 1987 Constitution of the Philippines;

24 (c) "President" means the President of the Republic of the Philippines;

25 (d) "Department" means the Department of Foreign Affairs comprising the Home
26 Office and the Foreign Service;

(e) "Home Office" means the Department of Foreign Affairs and its offices in the Philippines;

(f) "Institute" means the Foreign Service Institute;

(g) "Commission" means the Commission on Filipino Overseas;

(h) "Secretary" means the Secretary of Foreign Affairs;

(i) "Undersecretary" means any one of the Undersecretaries of Foreign Affairs;

(j) "Agency of the Government" or "Government agency" means any of the various units of Government, including a department, bureau, office, instrumentality, or government-owned or controlled corporation, or a local government or distinct unit therein;

(k) "Service" means the Foreign Service of the Philippines including all officers and employees of the Department of Foreign Affairs.

(l) "Post" means all Philippine embassies, missions, consulates, offices and other Foreign Service establishments maintained and supervised by the Department of Foreign Affairs and their areas of jurisdiction. This term also covers the Home Office;

(m) "Head of Post" means the head of any Foreign Service establishment, diplomatic or consular.

(n) "Head of Mission" means the head of an embassy or other diplomatic mission of the Philippines;

(o) "Chief of Mission" means the highest career foreign service rank in the Department of Foreign Affairs;

(p) "Head of Consular Post" means the person charged with the duty of acting in that capacity.

(q) "Service Attaché" means the representative of a government agency other than the department assigned and accredited to a diplomatic post to perform specific services pertinent to the official functions of his office.

(r) "Attaché" refers to department staff personnel designated as such to perform diplomatic functions;

(s) "Representative" means the representative of a government agency assigned and accredited to a foreign service post to perform specific services pertinent to the official functions of his office, and is not designated an attaché; and

(t) "Country-Team Approach" means the coordination of various government agencies involved in diplomacy, working together as a team under the leadership of the head of mission or consular post in the formulation and implementation of work programs in the post.

SEC. 6. *The Secretary.* – The authority and responsibility for the exercise of the powers and functions of the Department shall be vested in the Secretary of Foreign Affairs, who is the primary and principal adviser of the President in the field of foreign relations.

SEC. 7. *Undersecretaries.* – Upon the recommendation of the Secretary, the President shall appoint a **minimum of four (4)** undersecretaries to advise and assist the Secretary in the formulation and implementation of the department's objectives and policies on political and security issues, international economic and social and cultural relations, the administrative operations of the Department, and the protection and promotion of the interests of Filipinos overseas.

The Secretary shall define the responsibilities of the undersecretaries.

The Secretary shall designate as Acting Secretary one (1) of the undersecretaries in his absence.

SEC. 8. *The Inspector General.* – The Secretary shall, upon the recommendation of a selection board, designate an inspector general who shall have the responsibility of inspecting and auditing the performance of the personnel, the administration of operations, and the management of all foreign service establishments and operating units of the department.

SEC. 9. *Assistant Secretaries.* – The Secretary shall designate from among the career chiefs of mission the assistant secretaries to head the principal offices of the department.

SEC. 10. *Principal Offices.* – The principal offices shall advise and assist the Secretary in planning, organizing, administering, directing, coordinating, integrating and evaluating the bilateral, regional and multilateral relations of the Philippines. They shall coordinate actively with relevant government agencies and bodies on matters concerning Philippine foreign relations.

SEC. 11. *Regional Offices.* – The regional offices of the Department shall assist the principal offices in Manila. The Secretary shall define the staffing and functions of each regional office.

SEC. 12. *Policy Advisory Board.* – There shall be a Policy Advisory Board, which shall discuss policy issues and policy directions to be recommended for adoption by the Department. It shall be composed of all the Undersecretaries, Assistant Secretaries, and the Director General of the foreign service institute. It shall, from time to time, invite experts from other institutions in the formulation of policies. It shall be chaired by one of the Undersecretaries.

SEC. 13. *The Foreign Service.* – The Department shall maintain diplomatic and consular establishments in foreign countries, which shall be responsible for the implementation of Philippine foreign policy and the protection and promotion of national interest in their respective jurisdictions. These establishments shall assist the Secretary in formulating, planning, organizing and evaluating policy in relation to the countries, and the regional and international institutions and organizations to which they are accredited.

SEC. 14. *Establishment of Diplomatic Missions And Consular Posts.* – The following factors shall be considered in the establishment of diplomatic missions and consular posts:

(a) Political and strategic importance of specific countries, and regional and international institutions or organizations to the Philippines;

(b) Prospect for favorable trade, investments and other economic benefits, as well as socio-cultural and humanitarian considerations;

(c) Number of Filipino citizens residing or working in the country or destination; and

(d) Principle of reciprocity.

SEC. 15. ***Review of the Organization.*** – In order to effectively respond to the requirements of the Service and upon the recommendation of the Board of Foreign Service Administration or the Policy Advisory Board, the Secretary shall periodically review, realign and restructure the organization of the department and Foreign Service establishment, subject to the approval by the President.

SEC. 16. ***Staff Complement.*** – The Department shall maintain a corps of committed and competent foreign service personnel composed of the Career Foreign Service Corps, Foreign Service Staff Personnel and Home Service Personnel.

(a) The Career Foreign Service Corps, consisting of Foreign Service Officers who passed the Foreign Service Officers' examinations, shall constitute the core of the service and shall have the following ranks:

i) Chiefs of Mission;

ii) Ministers; and

iii) Foreign Service Officers I, II, III, and IV

(b) The Foreign Service Staff Personnel shall provide administrative and technical skills and services and shall have the following ranks:

i) Foreign Service Staff Officers I, II, III and IV; and

ii) Foreign Service Staff Employees I, II and III.

(c) The Home Service Personnel shall consist of individuals designated to perform support service or functions in the home office to be specified by the Secretary, which shall include administrative, fiscal, legal and protocol services. These personnel are not eligible for assignment abroad.

1 SEC. 17. *Designations of Officers in the Foreign Service.* – Foreign service officers shall
2 be commissioned as diplomatic or consular officers, or both, and all the official acts of these
3 officers shall be performed under such commissions. Diplomatic and consular titles shall be
4 coterminous with the assignment at the post.

5 A Chief of Mission shall be assigned as Ambassador Extraordinary and Plenipotentiary to
6 head a diplomatic mission, or as deputy head of mission or as consul general to head a consular
7 establishment.

8 A Minister shall be assigned as minister or minister counselor in a diplomatic mission or
9 as consul general to head a consular establishment.

10 A Foreign Service Officer, Class I, shall be assigned as counselor in a diplomatic mission
11 or consul in a consular establishment.

12 A Foreign Service Officer, Class II, shall be assigned as first secretary in a diplomatic
13 mission or consul in a consular establishment.

14 A Foreign Service Officer, Class III, shall be assigned as second secretary in a diplomatic
15 mission or vice-consul in a consular establishment.

16 A Foreign Service Officer, Class IV, shall be assigned as third secretary in a diplomatic
17 mission or vice-consul in a consular establishment.

18 In a diplomatic post where there is a consular section, Foreign Service Officers may be
19 designated as both diplomatic and consular officers. Senior Foreign Service Staff Officers, Class
20 I, may be designated vice-consul in a consular post: *Provided*, That the FSSO so designated has
21 previously performed consular work, may continue to receive the pay and allowances of the FSSO
22 rank: *Provided, further*, That the designation shall be coterminous with the foreign assignment.

23 SEC. 18. *Designations of Officers in the Home Office.* – A Chief of Mission shall be
24 designated by the Secretary as assistant secretary when assigned to head any of the principal
25 offices of the Department.

1 The Director General of the Foreign Service Institute shall have the equivalent rank of
2 Undersecretary.

3 The post of assistant secretary shall be reserved for Career Chiefs of Mission.

4 A Minister may be designated Executive Director of an office.

5 Foreign Service Officers, Classes II, III and IV may be designated assistant division
6 directors.

7 A Foreign Service Officer in any class, including Chiefs of Mission and Career Ministers,
8 may be designated as special assistant of the Secretary or the Undersecretary.

9 A Foreign Service Officer below the rank of Chief of Mission may be designated as
10 principal assistant in any office.

11 Any assignment in the Home Office requiring a rank higher than the actual rank of the
12 officer assigned shall be in an acting capacity.

13 SEC. 19. ***Family Liaison Unit.*** – There shall be established a family liaison unit in the
14 Office of Human Resource Management and Administrative Services to assist Foreign Service
15 personnel, their families and retirees in dealing with problems related to such issues as
16 employment of spouses, education of children, availability of adequate medical facilities, physical
17 security and retirement.

18 SEC. 20. ***Staffing Pattern and Appointments.*** – The Department shall maintain a staffing
19 pattern for the Home Office and for each post in the Foreign Service which shall enumerate a
20 definite number of position items in the budget of the Department for all categories of officers and
21 employees: *Provided*, That the staffing pattern may be modified by the Secretary because of the
22 needs of various offices or posts, the opening of new posts in the Foreign Service or the creation
23 of new offices in the Home Office.

24 The number of appointments to all categories of positions shall strictly conform to the
25 staffing pattern. Appointments may be made only to specific existing vacant items. An
26 appointment, to be valid, must expressly indicate the number of the item in the plantilla, must bear

1 a certification of the Department that the item to be filled is actually vacant on the specific date of
2 appointment, and must clearly indicate the date when the appointment was signed. These
3 formalities apply to both initial and promotional appointments. Appointments made in excess of
4 the number of items in the budget are null and void *ab initio*.

5 SEC. 21. ***Citizenship and Residency Rule.*** – No individual shall be eligible for
6 appointment to a permanent item in the service, in whatever rank or class, unless he is a citizen
7 and resident of the Philippines at the time of his appointment. The appointee must, for the duration
8 of his tenure in the service, remain a Filipino citizen and maintain Philippine residency.

9 SEC. 22. ***Civil Service Eligibility.*** – No person shall be appointed Foreign Service Staff
10 Officer or Foreign Service Staff Employee unless he has the appropriate eligibility recognized by
11 the Civil Service Commission: *Provided, however,* That priority shall be given to those who
12 passed the examinations for Foreign Service Staff Officers and Foreign Service Staff Employees
13 conducted by the Board of Foreign Service Examinations: *Provided, further,* That the Foreign
14 Service Staff Officer examinations shall have the equivalent civil service eligibility commensurate
15 with the rank for which the examination is given: *Provided, finally,* That Foreign Service Staff
16 Employees or Foreign Service Staff Officers who pass a professional examination such as the Bar
17 or the Board of Accountancy or similar examination shall be deemed to have passed the
18 examination for appointment to the appropriate rank of Foreign Service Staff Officer and may be
19 promoted subsequently to the next higher ranks.

20 SEC. 23. ***Recruitment of Foreign Service Officers.*** – Recruitment of Foreign Service
21 Officers shall be made exclusively through the competitive examinations conducted by the Board
22 of Foreign Service Examinations.

23 SEC. 24. ***Appointment of Foreign Service Officers.*** – The President shall appoint Foreign
24 Service Officers exclusively from among those who pass the examinations cited in the preceding
25 section, as recommended by the Secretary: *Provided,* That *the* appointees must be at least 21
26 years old at the time of their appointment. Immediately following their appointments as Foreign

1 Service Officers, Class IV, the individuals concerned shall undergo a six month full-time
2 cadetship which shall consist of both classroom lectures and practical on-the-job training.

3 SEC. 25. *Delayed Entry.* – Any person who, after having passed the examinations,
4 declines to accept an initial appointment as foreign service officer within a period of three (3)
5 years from the date he was offered the appointment shall be required to take and pass the
6 examinations again in order to be eligible for an appointment.

7 SEC. 26. *Reappointment of Foreign Service Officers.* – The President may, upon
8 recommendation of the Secretary, reappoint to the Service a former Foreign Service Officer who
9 had served continuously in the Department for at least five (5) years, and who had been separated
10 from the service by reason of appointment to some other position in the government service or
11 having been elected to public office. The same privilege shall apply to a former Foreign Service
12 Officer who had been separated from the Service by reason of appointment to the United Nations
13 or other recognized regional or international organizations and who had served continuously in
14 said regional or international organization for at least two (2) years from the termination of his
15 appointment. The Secretary shall, taking into consideration the qualifications and experiences of
16 the candidate for reappointment and the rank of his contemporaries in the Service, recommend the
17 class to which the candidate shall be re-appointed. Such reappointment shall be availed of only
18 once.

19 SEC. 27. *Heads of Missions.* – In order to strengthen the Career Foreign Service Corps
20 and to ensure competent and effective response to challenges in the field of foreign relations and
21 promotion of the national interest abroad, the President shall, as much as possible, appoint career
22 officers to head at least majority of diplomatic and permanent missions: *Provided*, That due to
23 the highly specialized functions of consular posts, they shall be headed by career Foreign Service
24 Officers.

25 SEC. 28. *Appointment of Ambassadors.* – All appointments of ambassadors shall be to a
26 particular post with the designation of Ambassador Extraordinary and Plenipotentiary.

1 SEC. 29. ***Recruitment of Foreign Service Staff Personnel.*** – The Secretary shall appoint
2 all Foreign Service Staff Officers and Foreign Service Staff Employees in accordance with Civil
3 Service rules and regulations. Recruitment shall be made through a competitive examination to be
4 administered by the Board of Foreign Service Examinations and open to all qualified applicants.
5 The successful candidates in these examinations shall be certified by the Board of Foreign Service
6 Examinations for appointment by the Secretary: *Provided*, That those who pass the professional
7 examinations on Accountancy and the Bar shall be qualified for appointment to entry level as
8 Foreign Service Staff Officers.

9 SEC. 30. ***Appointment of Locally-Engaged Persons.*** – The Secretary may authorize
10 heads of posts or principal officers to hire qualified employees in their respective posts as support
11 staff.

12 SEC. 31. ***Appointments of Honorary Consul Officers.*** – The Secretary may appoint
13 honorary consuls from among qualified persons from the private sector under such regulations as
14 may be prescribed by the Department. They shall function in accordance with the terms specified
15 in their appointments.

16 SEC. 32. ***Performance Evaluation System.*** – The Department shall strengthen its
17 performance evaluation system to provide for an effective measure of the performance of
18 personnel and to ensure that duties and responsibilities are discharged with the highest degree of
19 professionalism and dedication.

20 SEC. 33. ***Performance Evaluation Standards.*** – The Secretary shall prescribe
21 performance evaluation standards for all officers and employees, taking into account the factors
22 of knowledgeability and efficiency, experiences and skills, language proficiency, education and
23 training, seniority and conduct, among others.

24 SEC. 34. ***Policy on Promotions.*** – Promotions in all levels shall be made strictly on merit,
25 using the performance evaluation system.

1 SEC. 35. ***Promotion of Career Foreign Service Corps.*** – The Secretary, after having
2 taken into account the recommendations made by the Board of Foreign Service Administration,
3 shall, submit to the President the names of Career Service Officers for promotion to the next
4 higher class, from the rank of Foreign Service Officer, Class IV, to the rank of Chief of Mission.

5 SEC. 36. ***Service Requirement in Each Class.*** – All Foreign Service Officers shall be
6 required to render satisfactory service continuously for a minimum period of three (3) years in
7 each class and for the total cumulative period computed at three (3) years for each class before
8 they can be eligible for promotion to the next higher class: *Provided, however,* That Foreign
9 Service Officers who have shown exceptional and meritorious qualities and have rendered
10 exemplary service may be promoted to the next higher rank as an exception hereof.

11 SEC. 37. ***Determination of Seniority.*** – The seniority of members of the Career Foreign
12 Service Corps, from the rank of Foreign Service Officer Class IV to Chief of Mission, shall be
13 determined first by class, then by the dates of their appointment to that particular class, the dates
14 of their appointment as Foreign Service Officer Class IV, and finally the dates of their original
15 entry into the Department.

16 SEC. 38. ***Promotion to Career Minister.*** – Subject to the provision of Section. 36, Foreign
17 Service Officers, Class I, who have completed at least two (2) years of “very satisfactory” service
18 in the rank, and who have such other qualifications as may be required shall pass an examination
19 for promotion to be administered by the Board of Foreign Service Examinations before they can
20 be eligible for appointment as Career Ministers.

21 SEC. 39. ***Promotion of Foreign Service Staff Officers and Employees.*** – The Promotion
22 and Selection Board shall regularly evaluate the performance of Foreign Service Staff Officers
23 and Employees and recommend to the Secretary the promotion of qualified candidates to the next
24 higher class. No Foreign Service Staff Employee shall be promoted to Foreign Service Staff
25 Officer rank unless he or she has passed the foreign Service Staff Officer examinations or the
26 professional examinations on Accountancy and the Bar: *Provided, however,* That the Foreign

1 Service Staff Employees who have been in the service for at least five (5) years shall have their
2 length of service credited as a percentage of the examination rating.

3 SEC. 40. **Senior Staff Officers.** – Personnel who have attained the highest rank in the
4 staff service and have rendered service in that position continuously for a period of twelve (12)
5 years shall be eligible for promotion in salary and allowances equivalent to the minimum salary
6 and allowances of a Foreign Service Officer, Class IV: *Provided*, That they shall have consistently
7 received a minimum efficiency rating of “very satisfactory” throughout those years of service.
8

9 SEC. 41. **Initial Service in the Home Office.** – All Foreign Service Officers, Foreign
10 Service Staff Officers and Employees shall first serve in the home office for a period of at least
11 three (3) years before they become eligible for assignment in the foreign service.

12 SEC. 42. **Rotation System.** – The Secretary shall establish a system of assignment and
13 transfer to ensure that all qualified career Foreign Service Officers and Employees in the
14 Department shall alternately serve in the diplomatic consular posts in different regions of the
15 world and in the home office. Excluded from the rotation plan are those in the non-career service
16 and those in the career service appointed to such positions which, in the judgment of the Secretary,
17 require a posting of longer duration in the home office.

18 SEC. 43. **Tour of Duty.** – Subject to the exigencies of the service, an assignment in the
19 foreign service shall be for a definite duration:

20 (a) The tour of duty of a Foreign Service Officer, Foreign Service Staff Officer or
21 Employee at any post shall be for a period of not more than six (6) years commencing on the date
22 of his arrival at the post, after which he shall serve in the home office;

23 (b) No Foreign Service Officer, Foreign Service Staff Officer or Employee shall be
24 assigned abroad for another tour of duty after his recall to the home office, unless he has rendered
25 continuous and satisfactory service in the home office for at least twenty four (24) months;

1 SEC. 44. ***Home leave.*** – Personnel of the Department are entitled to thirty (30) days paid
2 home leave at government expense, to be spent in the Philippines, upon completion of three (3)
3 years of continuous service abroad or as soon as possible thereafter. The entitlement shall include
4 the cost of round-trip airfare for the Department personnel and their dependents between the post
5 and the Philippines.

6 SEC. 45. ***Leaves of Absence.*** – All officers and employees of the Service who are citizens
7 of the Philippines shall be entitled to thirty (30) days vacation leave and thirty (30) days sick leave
8 with full pay for each year of service. Alien or locally engaged employees shall be entitled to
9 such vacation and sick leaves as they might be entitled to if they were employed by their own
10 government in the place where the post is situated, but in no case should such leave exceed thirty
11 (30) days vacation leave and thirty (30) days sick leave for each year of service.

12 SEC. 46. ***Accumulation of Leaves.*** – Under such regulations as the Secretary shall
13 prescribe, in accordance with Civil Service rules and regulations and subject to the exigencies of
14 the Service, all officers and employees of the Service shall be entitled to the accumulation of any
15 vacation or sick leave not taken in any year.

16 SEC. 47. ***Compulsory Retirement.*** – All officers and employees of the Department,
17 including non-career appointees, who have reached the age of sixty-five (65) shall be compulsorily
18 and automatically retired from the service: *Provided*, That no non-career Chief of Mission shall
19 serve beyond the age of 65. Compulsory retirees shall be entitled to receive the retirement benefits
20 of one salary grade higher.

21 SEC. 48. ***One Country Team.*** – While upholding the primacy of the Department in the
22 field of international relations, the country's foreign affairs at the bilateral, regional and
23 multilateral levels shall be conducted under a country team approach, involving the participation
24 of other agencies of the government, under the leadership of the department.

25 SEC. 49. ***Agreement With Other Agencies.*** – The Secretary shall enter into an agreement
26 or understanding with other government agencies, including the COMELEC for purposes of the

1 implementation of the Absentee Voting Act, for the assignment or accreditation of personnel from
2 these agencies to posts where it is considered necessary. The terms of the agreement or
3 understanding shall ensure that rates, indices, maximum allowable amounts and policies on
4 allowances of all national government employees stationed abroad shall be in accordance with the
5 foreign service compensation schedule.

6 SEC. 50. ***Appointment of Attachés and Representatives.*** – The authority to appoint
7 service attaches and representatives shall be vested in the head of the sending agency: *Provided,*
8 That an agency shall have only one (1) service attaché or representative accredited to one (1) post,
9 except in the case of military and commercial attachés.

10 SEC. 51. ***Responsibility of the Head of Post.*** – The Head of Post shall be responsible for
11 the conduct of all affairs of the government within his jurisdiction. All officials from other
12 agencies shall be under his administrative control and supervision as country team members.

13 SEC. 52. ***Inter-Agency Committee.*** – There shall be an Inter-Agency Committee to be
14 composed of an Undersecretary of Foreign Affairs, as Chairman, and the undersecretaries of their
15 counterparts from the other government agencies with service attaches or representatives abroad,
16 as members. The Committee shall prescribe a uniform set of rules and regulations for *attaché* and
17 representative services and shall meet as needed, but not less than twice a year, in the department
18 where a secretariat shall be based. The committee shall recommend policies and guidelines
19 pertaining to service attaches and representatives and their respective agencies.

20 SEC. 53. ***Recruitment By Examination.*** – As a matter of policy, recruitment in the
21 Department shall be made through competitive examinations, which shall ensure that the
22 personnel of the department are broadly representative of Philippine society and that the service
23 is adequately staffed by knowledgeable and competent officers and employees. Such examinations
24 shall be conducted by the Board of Foreign Service Examinations.

25 SEC. 54. ***Board of Foreign Service Examinations.*** – The Board of Foreign Service
26 Examinations shall be composed of an Undersecretary of Foreign Affairs, as Chairman, the

Chairman of the Civil Service Commission, the Assistant Secretary for Human Resource Management and Administrative Services, and the Director General of the Foreign Service Institute, as Members.

SEC. 55. *Functions of the Board.* – The Board shall have the responsibility of maintaining a competitive examinations system for the Career Foreign Service Officer Corps and Foreign Service Staff Personnel. It shall design and conduct examinations, taking into account the requirements of a competent professional foreign service.

(a) The competitive examinations for the recruitment of foreign service officers shall be conducted regularly as may be required by the exigencies of the service, in accordance with the norms and standards established by the Board. The Board shall submit to the President through the Secretary, the list of successful candidates for appointment as Foreign Service Officers, Class IV.

(b) The Board shall administer the examinations required in Section 39 of this Act for promotion to the rank of career minister as may be necessitated by existing vacancies.

(c) The Board shall administer examinations in the recruitment of Foreign Service Staff Officers and employees.

SEC. 56. *Board of Foreign Service Administration.* – The Board of Foreign Service Administration shall be composed of an Undersecretary of Foreign Affairs, as Chairman, and the three (3) other Undersecretaries, the Assistant Secretaries of the different offices in the Department, and representatives of the personnel associations of the Department, as members.

SEC. 57. *Role and Functions of the Board.* – The Board of Foreign Service Administration shall serve as an advisory and consultative body to the Secretary on the functions and operations of the Department. It shall have the following functions and responsibilities:

(a) Formulate policies and regulations governing the administration and personnel management;

(b) Assist the Secretary in the supervision and management of the Department;

(c) Advise the Secretary on the establishment and maintenance of a system of incentives and rewards, including the grant of meritorious service awards to deserving officers and employees;

(d) Provide advice in the assignment and rotation of personnel; and

(e) Deliberate and act on administrative cases brought against officers and employees charged with offenses

SEC. 58. ***Disciplinary Action by the Board.*** – In dealing with administrative cases it is the responsibility of the Board that the applicable laws, rules, regulations and guidelines promulgated by the Civil Service Commission are observed, seeing to it that the cause of fairness and justice is upheld and that public interest is safeguarded.

No officer or employee shall be subjected to disciplinary action or otherwise be removed or separated from the Service except for cause as provided by law and in accordance with requirements of due process.

Disciplinary actions may be taken against an officer or an employee only by the appropriate disciplinary authority, to wit; The President, for all presidential appointees and the Secretary, for all other personnel of the Department.

No officer or employee of the Department facing administrative charges shall be effectively suspended or otherwise prevented from exercising his normal duties and functions unless so ordered by the appropriate disciplinary authority on grounds provided for by law.

In the interest of harnessing the entire human resources in the Department, every officer and employee shall be assigned duties or functions appropriate to his rank in the home office.

SEC. 59. ***Grievance Mechanism.*** – The Secretary shall establish a grievance mechanism for all department personnel.

SEC. 60. ***Compensation and Benefits Plan.*** – The Secretary shall formulate a DFA Compensation and Benefits Plan consisting of salaries, allowances and other entitlements for DFA

1 personnel in the home office and the foreign service. This plan shall be subject to review or
2 adjustment every two years.

3 The Secretary shall recommend to the president through the Department of Budget and
4 Management periodic adjustments of salaries and allowances of department personnel, in
5 accordance with official United Nations consumer indices and adjustment schemes: *Provided*,
6 That the adjustments shall be made every two years.

7 SEC. 61. ***Kinds of Allowances.*** – The compensation and benefits plan shall include the
8 following allowances:

9 (a) *Overseas allowance* – This allowance is intended to help foreign service personnel
10 adjust to the additional cost of living overseas;

11 (b) *Living quarters allowance* – This allowance is intended to cover expenses for rental
12 of residences, which will enable personnel to live in a manner befitting their representational
13 capacity;

14 (c) *Clothing allowance* – This allowance is intended to compensate for the increased
15 cost of clothing incurred by personnel and their dependents in line with their representational
16 responsibility, taking into account also the variance in climate and culture;

17 (d) *Post allowance* – This allowance is intended to defray incremental expenses
18 incident to the operation and maintenance of an official residence suitable for a head of post;

19 (e) *Representation allowance* – This allowance is intended to enable foreign service
20 personnel designated by the Secretary to represent the country with dignity and efficacy;

21 (f) *Education allowance* – This allowance is provided to help defray the higher costs
22 of education for qualified dependent children enrolled up to tertiary or collegiate schools;

23 (g) *Health Care Insurance Premium Subsidy* – This allowance is provided for the
24 health care of personnel and their dependents which shall include, among others, consultations,
25 medications, hospitalization costs, medical and dental treatment and annual general and physical
26 examinations;

1 For this purpose, the Department shall establish a group medical insurance plan, which
2 will provide mandatory insurance coverage for all personnel. The plan shall endeavor to subsidize
3 the insurance premiums with appropriate contributions from employees as the case may be.

4 (h) *Family allowance* – This allowance is intended to assist foreign service personnel
5 living with their immediate families at the post of assignment.

6 (i) *Relocation Allowance* - This allowance is intended to assist officers and employees
7 of the Department on assignment to or from a post in meeting costs of resettlement and shipment
8 of household goods and personal effects; and

9 (j) *Home Office Allowance* – The home office personnel shall be entitled to an
10 allowance enjoyed in the Foreign Service which is equivalent to 15% of the overseas allowance
11 of their respective ranks.

12 SEC. 62. ***Additional Entitlements.*** – The Department shall establish policies and
13 mechanisms for the following entitlements, which shall form part of the department's
14 compensation and benefits plan:

15 (a) *Retirement, Medical And Pension System* – This shall augment the coverage under
16 the government service insurance package and shall ensure adequate lifetime pension and medical
17 insurance for all employees after their retirement;

18 (b) *Disability And Death Benefits Plan* - This shall provide for additional insurance
19 coverage and death benefits considering the special risks department personnel are exposed to in
20 the performance of their duties in the service;

21
22 (c) *Provident Fund System* – This shall serve as a programmed savings and mutual
23 fund to supplement the retirement and other financial benefits of department personnel and from
24 which they may source financial assistance when needed. It shall be managed by a board of
25 trustees composed of officials and rank-and-file personnel of the Department.

1 SEC. 63. *Exemption from Taxation.* – All allowances, per diems, benefits and the like
2 received by officers and employees of the Department in consideration of their service while on
3 assignment abroad, except their basic salaries, shall be exempt from the Philippine income tax.

4 Any officer or employee returning from a regular assignment abroad for re-assignment to
5 the home office or who dies, resigns, or retires from the Service while on foreign assignment shall
6 be exempt from the payment of all duties and taxes on his personal and household effects,
7 including one (1) used motor car duly registered in his name.

8 SEC. 64. *Auditing Requirements.* – The Department shall not authorize nor shall the
9 Commission on Audit pass in audit payment of salaries and allowances of any person appointed
10 to any position in the Department in violation of the requirements provided for under this Act.
11 Any salary and allowance received on the basis of such invalid appointments shall be refunded by
12 the persons so appointed.

13 SEC. 65. *The Foreign Service Institute.* – The Foreign Service Institute shall continue
14 to operate under its own charter to perform the following functions:

15 (a) Operate as a training institution or center for the professionalization and
16 development of the career foreign service to ensure that the Service is manned at all times by
17 competent and adequately trained officers and employees;

18 (b) Operate as a research institute or center for international relations and strategic
19 studies;

20 (c) Publish materials on foreign relations and diplomacy and serve as a repository and
21 means for dissemination of such information materials and publications; and

22 (d) Serve as institutional consultant of the Department on matters related to policies
23 and programs, as well as development management, planning, review and evaluation of the
24 procedures and processes of the Department.

25 SEC. 66. *Administration.* – The Head of the institute shall be a senior career chief of
26 mission with the designation of Director General and the equivalent rank of Undersecretary. He

1 will be assisted by a deputy director general from the academe and an executive director who shall
2 be a career foreign service officer.

3 SEC. 67. **Operation.** – The operation of the institute shall be supervised by the Board of
4 the Foreign Service Institute.

5 SEC. 68. **The UNESCO National Commission of the Philippines.** – The UNESCO
6 National Commission of the Philippines (UNACOM) shall, in coordination with the office of the
7 United Nations and specialized agencies, advise the Philippine delegation to the United Nations
8 Educational, Scientific and Cultural Organization (UNESCO) conference, and the Philippine
9 government, on matters relating to the UNESCO, and shall function as a liaison agency in all
10 matters pertaining to the UNACOM.

11 SEC. 69. **Agencies.** – The following agencies shall continue to operate as provided for
12 under their respective charters, relevant laws and presidential issuances:

- 13 1. The Commission on Filipinos Overseas (CFO); and
- 14 2. The Technical Cooperation Council of the Philippines

15 SEC. 70. **Integration of the Legal Assistant For Migrant Workers Affairs Into the**
16 **Department.** – The existing functions of the legal assistant for migrant workers created under
17 Republic Act No. 8042, shall be transferred to one of the undersecretaries referred to in Section 7
18 of this Act or the appropriate principal offices of the department: *Provided*, That the incumbent
19 legal assistant for migrant workers affairs at the time of the enactment of this Act shall assume the
20 position of that Undersecretary.

21 All officers, employees, assets and funds of the office of said legal assistant shall be
22 transferred to and absorbed by the Department, subject to the department's personnel and fiscal
23 rules and regulations.

24 SEC. 71. **Home Adjustment Allowance.** – The home adjustment allowance will continue
25 until the implementation of the home office allowance referred to in Section 61 (j).

1 SEC. 72. *Updating and Revitalizing the Staff Complement.* – Within a period of twelve
2 (12) months, the Secretary of Foreign Affairs, in collaboration with the Secretary of Budget and
3 Management, shall finalize an updated and revitalized staffing pattern for the entire service, in
4 accordance with section 20, hereof, funding for which shall be provided for in the budget of the
5 succeeding year.

6 The new staffing pattern shall be implemented immediately in conformity with the
7 personnel and fiscal policy and regulations of the Department and the rules of the Civil Service
8 Commission: *Provided*, That incumbent contractual and casual employees shall, as much as
9 possible, be given priority in the issuance of permanent appointments.

10 SEC. 73. *Provision For Foreign Exchange Differentials.* – Pursuant to the General
11 Appropriations Act, the Department is authorized to use its current year's income to cover foreign
12 exchange (FOREX) requirement arising from the difference between the exchange rate used in
13 the formulation of the Department's annual budget: *Provided*, That FOREX requirement charged
14 to income shall not exceed the allotment released by the Department of Budget and Management
15 for the purpose. Accordingly, the Department shall establish the appropriate accounting systems
16 and procedures to recognize gains and losses arising from these foreign exchange transactions
17 which may include performing the appropriate book entry adjustments in its financial records and
18 books of account.

19 SEC. 74. *Building Fund.* – There shall be established a building fund for the acquisition,
20 development and maintenance of real property of the Department and the establishment,
21 relocation, development, repair, or renovation of chanceries, official residences in the foreign
22 service, and regional offices of the Department.

23 The Department is hereby authorized to automatically retain a portion of the current year's
24 consular income as building fund.

25 SEC. 75. *Rules and Regulations.* – The Secretary shall issue such rules and regulations
26 necessary to implement the provisions of this Act within six (6) months from its effectivity. Such

1 rules shall be incorporated in the rules and regulations of the Department of Foreign Affairs. The
2 Secretary shall also establish mechanisms as may be necessary to implement the provisions of this
3 Act.

4
5 SEC. 76. **Appropriations.** – There is hereby authorized to be appropriated from the
6 National Treasury such amounts as may be necessary to implement the provisions of this Act
7 which shall be incorporated in the General Appropriations Act under the annual budget of the
8 Department of Foreign Affairs. Such amounts as may be necessary to provide for the salaries and
9 allowances of ambassadors extraordinary and plenipotentiary appointed by the President outside
10 of the career foreign service corps shall also be incorporated in the General Appropriations Act
11 under the annual budget of the Department.

12 SEC. 77. **Repealing Clause.** – All laws, presidential decrees, executive orders, letters of
13 implementation, letters of instruction, and rules and regulations or portions thereof inconsistent
14 with any of the provisions of this Act are hereby repealed or amended accordingly.

15 SEC. 78. **Separability Clause.** – If any portion or provision of this Act is declared
16 unconstitutional, the same shall not affect the validity and effectivity of the other provisions not
17 affected thereby.

18 SEC. 79. **Effectivity.** – This Act shall take effect fifteen (15) days following its publication
19 in two (2) national newspapers of general circulation.

20 Approved,
21