

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 10730



Introduced by HON. LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.

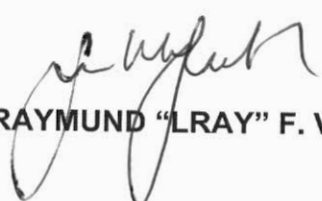
AN ACT
AMENDING SECTION 17, CHAPTER V, TITLE I, BOOK III AND SECTION 27,
CHAPTER V, TITLE I (A), BOOK V OF EXECUTIVE ORDER NO. 292 OR THE
ADMINISTRATIVE CODE OF 1987

The Administrative Code does not expressly define the limitations in the powers and authority that an OIC may exercise, except that the temporary appointment cannot exceed beyond twelve (12) months. However, this is defined instead in Section 13 (c) of the Civil Service Commission (CSC) Memorandum Circular No. 24, series of 2017, or the Omnibus Rules on Appointments and Other Human Resource Actions which provides:

Officials designated as Officer-in-Charge (OIC) enjoy limited powers which are confined to functions of administration and ensuring that the office continues its usual activities. The OIC may not be deemed to possess the power to appoint employees as the same involves the exercise of discretion which is beyond the power of an OIC, unless the designation order issued by the proper appointing officer/authority expressly includes the power to issue appointment.

This bill seeks to define and limit the powers and functions that a temporary appointee or an OIC may exercise by amending Sections 17 and 27 of the Administrative Code.

In view of the foregoing, the passage of this bill is earnestly sought.


LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.

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

SEC.1 Section 17, Chapter V, Title I, Book III of Executive Order No. 292 or the Administrative Code of 1987 is hereby amended to read as follows:

Section 17. Power to Issue Temporary Designation. –

(1) The President may temporarily designate an officer already in the government service ~~or any other competent person to perform the functions of an office in the executive branch,~~ appointment to which is vested in him by law, when: (a) the officer regularly appointed to the office is unable to perform his duties by reason of illness, absence or any other cause; or (b) there exists a vacancy;

(2) The person designated shall ~~receive the compensation attached to the position, unless he is already in the government service in which case he shall receive only such additional compensation as, with his existing salary,~~ shall not exceed the salary authorized by law for the position filled. The compensation hereby authorized shall be paid out of the funds appropriated for the office or agency concerned.

(3) In no case shall a temporary designation exceed ~~one (1) year~~ **SIX (6) MONTHS. IN CASE OF VACANCY, THE PRESIDENT IS MANDATED TO FILL THE POSITION WITH A PERMANENT APPOINTMENT WITHIN THE SAID PERIOD.**

SEC. 2. Section 27, Chapter V, Title I, Subtitle A, Book V of Executive Order No. 292 or the Administrative Code of 1987 is hereby amended to read as follows:

Section 27. *Employment Status* – Appointment in the career service shall be permanent or temporary.

x x x

(2) Temporary appointment. — In the absence of appropriate eligibles and it becomes necessary in the public interest to fill a vacancy, a temporary appointment shall be issued to a person who meets all the requirements for the position to which he is being appointed except the appropriate civil service eligibility: Provided, That such temporary appointment shall not exceed ~~twelve~~ **SIX (6)** months, but the appointee may be replaced sooner if a qualified civil service eligible becomes available; **PROVIDED FURTHER, THAT ON OR BEFORE THE EXPIRATION OF THE SIX-MONTH PERIOD FROM THE TIME OF VACANCY. A PERSON ISSUED WITH A PERMANENT APPOINTMENT SHALL FILL THE SAID VACANCY;**

A PERSON DESIGNATED AS AN OFFICER-IN-CHARGE (OIC) SHALL EXERCISE LIMITED POWERS WHICH ARE CONFINED ONLY TO FUNCTIONS OF ADMINISTRATION AND ENSURING THAT THE OFFICE CONTINUES ITS USUAL ACTIVITIES. SUCH APPOINTMENT SHALL NOT EXCEED SIX (6) MONTHS. THE QIC SHALL NOT BE DEEMED TO POSSESS POWERS INVOLVING THE EXERCISE OF DISCRETION TO ENTER INTO ANY LONG-TERM AND/OR HIGH-VALUE CONTRACTS OR AGREEMENTS. SUCH CONTRACTS OR AGREEMENTS SHALL BE DEEMED VOID AB INITIO AND THE QIC CAN BE HELD ADMINISTRATIVELY AND CRIMINALLY LIABLE.

SEC. 3. *Separability Clause.* – If any provision or part of this Act is declared unconstitutional or invalid, the remaining parts or provisions not affected thereby shall remain in full force and effect.

SEC. 4. *Repealing Clause.* – All laws, decrees, orders, rules and regulations, and issuances inconsistent with the provisions of this Act are repealed, amended, 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,