

## **AN ACT TO AMEND CERTAIN SECTIONS OF REPUBLIC ACT NUMBERED TWO THOUSAND TWO HUNDRED AND SIXTY, KNOWN AS THE "CIVIL SERVICE ACT OF 1959";**

*REPUBLIC ACT NO. 6040, August 04, 1969*

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

SECTION 1. Section Three of Republic Act Numbered Two thousand two hundred sixty is hereby amended to read as follows:

"SEC. 3. Positions Embraced in the Civil Service.— The Philippine Civil Service shall embrace all branches, subdivisions and instrumentalities of the Government, including government-owned or controlled corporations, and appointments therein, except as to those which are policy-determining, primarily confidential or highly technical in nature, shall be made only according to merit and fitness, to be determined as far as practicable by competitive examination. Positions included in the civil service fall into three categories: namely, competitive service, non-competitive service, and exempt service. The exempt service does not fall within the scope of this law."

SEC. 2. Section Four of the same Act is hereby amended to read as follows:

"SEC. 4. The Competitive Service.— The competitive service shall include positions for appointment to which prior qualification or successful passing in an appropriate examination is required."

SEC. 3. Section Five of the same Act is hereby amended to read as follows:

"SEC. 5. The Non-Competitive Service.—The non-competitive service shall be composed of positions expressly declared by law to be in the non-competitive service and those which are policy-determining, primarily confidential or highly technical in nature.

"The following specific officers and employees shall be embraced in the non-competitive service:

"(a) Officers appointed by the President of the Philippines with the consent of the Commission on Appointments, except provincial treasurers, undersecretaries of departments, chiefs and assistant chiefs of bureaus and offices, and all other inferior officers of the Government whose appointments are by law vested in the President alone; "(b) The secretarial and office staff of the President, of the Vice-President, of the President of the Senate, of the Speaker of the House of Representatives and of each Member of the Congress of the Philippines including the personnel of all offices of the Chairmen of committees of both Houses of the Congress;

"(c) The Secretarial Staff of each of the several heads of departments and of each of the justices of the Supreme Court and the Court of Appeals;

"(d) Officers as may be required and chosen by the Congress of the Philippines in accordance with the Constitution ;

"(e) Members of the various faculties and other academic personnel of the University of the Philippines and other government colleges offering courses on the collegiate level, including the business directors and registrars of said institutions;

- "(f) Heads of departments created in charters of cities and secretaries of provincial, city and municipal boards or councils and secretaries of provincial governors, city mayors and municipal mayors;
- "(g) Permanent laborers, whether skilled or unskilled;
- "(h) All supplementary employees in the Senate and the House of Representatives of Congress;
- "(i) Officers and employees appointed to positions for which the law prescribes specific special qualifications for appointment;
- "(j) Confidential assistant, confidential agents, investigation agents and special and secret service agents; and
- "(k) Commercial attaches."

SEC. 4. Section Six of the same Act is hereby amended to read as follows:

"SEC. 6. The Exempt Service.— The exempt service shall consist of the following:

- "(a) Elective officers;
- "(b) Members of the Commissioned and enlisted service of the Army, Navy and Air Force of the Philippines; and
- "(c) Persons employed on a contract basis not exceeding one year which may be renewable but not exceeding four continuous years and those in government-owned or controlled corporations primarily performing proprietary functions with collective bargaining agreements, as well as temporary, emergency or casual laborers."

SEC. 5. Section seven of the same Act is hereby amended to read as follows:

"SEC. 7. Civil Service Commission.— There is hereby established a Civil Service Commission the head of which shall be known as the Commissioner of Civil Service who shall be responsible for the discharge of the duties and functions of the Commission. He shall be appointed by the President of the Philippines with the consent of the Commission on Appointments and who shall hold office for a term of nine years and may not be reappointed. The Commissioner shall have the same qualifications as justices of the Court of Appeals and must be sufficiently familiar with the principles and methods of personnel administration and known to be in sympathy with the merit system. He may be removed from office only for cause and after investigation. The Commissioner of Civil Service shall be an ex-officio member of the Cabinet.

"The Commission shall keep records and minutes of its business and official actions, and such records and minutes shall be public records open to public inspection at such hours and under such conditions as the Commission may prescribe.

"There shall be a Deputy Commissioner of Civil Service appointed in the same manner as the Commissioner who shall assist the Commissioner and perform such duties and functions as may be assigned to him by the Commissioner and such others as may be imposed upon him by law. In the absence of the Commissioner, he shall act as head of the Commission."

"The Commissioner may appoint an Executive Director, who shall perform the duties of Secretary of the Commission and such other functions as may be assigned to him by the Commissioner, with a salary of sixteen thousand eight hundred pesos a year."

"There shall be in the Civil Service Commission a Legal Affairs Department which shall assist the Commissioner in performing his quasi-judicial and legal functions to be composed of the following:

- One chief Civil Service Attorney at sixteen thousand two hundred pesos per annum;
- Two Assistant Chief Civil Service Attorneys at thirteen thousand pesos per annum each;
- Six Supervising Civil Service Attorneys at twelve thousand pesos per annum each;
- Six Senior Civil Service Attorneys at Ten thousand eight hundred pesos per annum each;
- Six Civil Service Attorneys III at Nine thousand six hundred pesos per annum each;
- Six Civil Service Attorneys II at eight thousand four hundred pesos per annum each;

Six Civil Service Attorneys I at Seven thousand eight hundred pesos per annum each;  
Six Civil Service Legal Aides II at live thousand four hundred pesos per annum each;  
Six Civil Service Legal Aides I at Four thousand eight hundred pesos per annum each;  
One Chief, Docket and Library Section at Six thousand six hundred pesos per annum;  
One Chief, Secretarial and Stenographers Section at Five thousand seven hundred pesos per annum;  
Four Supervising Stenographers at Five thousand one hundred pesos per annum each;  
Nine Stenographic Reporters at four thousand four hundred pesos per annum each;  
Twelve Stenographers at Three thousand nine hundred pesos per annum each;  
One Librarian at three thousand one hundred twenty pesos per annum;  
One Records Officer at Five thousand four hundred pesos per annum;  
Four Proofreaders at three thousand three hundred pesos per annum each; Two Supervising Clerks at four thousand four hundred pesos per annum each;  
Two Docket Clerks at three thousand six hundred pesos per annum each; Five Senior Clerks at three thousand three hundred pesos per annum each;  
Ten Clerks at two thousand seven hundred pesos per annum each; and  
Two Messengers at Two thousand four hundred pesos per annum each.

**SEC. 6. Section eight of the same Act is hereby amended to read as follows:**

"SEC. 8. Regional Offices.— The Commissioner of Civil Service may, as the public interest may require, establish regional offices of the Civil Service Commission at Dagupan City, Tuguegarao (Cagayan), Naga City, Iloilo City, Cebu City, Tacloban City, City of Cagayan de Oro, Davao City and Zamboanga City, and such other places as public interest may require, to provide expeditious service to the various branches, subdivisions and instrumentalities of the government in the areas to which the respective Regional Offices are most conveniently accessible.

"The Heads of such offices shall be appointed by the Commissioner from qualified employees residing in the region and they shall exercise, with respect to any position within the region, whether provincial, city or municipal, the function of the Commission provided for in section 16(h) of this Act and perform such other functions and exercise such authority as may be specifically delegated by the Commissioner: Provided, That the action of such heads may be appealed to the Commission within thirty days from receipt of notice thereof by the appealing party.

"The head or chief of each regional office shall be provided with the necessary office personnel who shall be appointed by the Commissioner of Civil Service in accordance with the Civil Service Law and rules."

"There shall be in each province and city a civil service attorney to be appointed by the Commissioner of Civil Service and who shall receive six thousand pesos per annum and a stenographer who shall receive two thousand four hundred pesos per annum.

The Civil Service Attorney shall conduct investigations of Administrative complaints and violations of Civil Service Law, rules and regulations, note and/or disapprove all appointments of provincial, municipal, and city officials and employees within their respective territorial jurisdictions and perform such other duties as the Commissioner may delegate to them. Upon approval of this amendatory Act, the power to attest or approve appointments heretofore vested upon provincial and city treasurer is hereby terminated."

**SEC. 7. Section Fifteen of the said Act is hereby amended to read as follows:**

"SEC. 15. Salaries of Commissioner and Deputy Commissioner.— The annual salary of the Commissioner shall be twenty four thousand pesos and the Deputy Commissioner eighteen thousand pesos per annum.

**SEC. 8. Section sixteen of the same Act is hereby amended to read as follows:**

"SEC. 16. Functions of the Commission on Civil Service.— The following shall be the functions of the

Commission on Civil Service—

"(a) To assist and advise the President on all matters involving personnel management in the government service;

"(b) To enforce, execute and carry out the constitutional and statutory provisions on the merit system;

"(c) To supervise the preparation and rating and have control of all civil service examinations in the Philippines provided by law and not expressly entrusted by law to some other agency of the government; to foster and develop constructive policies, standards, procedures and programs and give the agencies advice and assistance in improving their personnel programs; and to render such assistance as may be required by other agencies expressly authorized by law to give particular examinations;

"(d) To make annual report to the President and Congress, showing the important personnel management activities during the year and making such recommendations as may more effectively accomplish the purpose of this law;

"(e) With the approval of the President, to prescribe, amend and enforce suitable rules and regulations for carrying into effect the provisions of this Civil Service, Law, and the rules prescribed pursuant to the provisions of this law shall become effective thirty days after publication in the Official Gazette;

"(f) To make investigations and special reports upon all matters relating to the enforcement of the Civil Service Law and rules; to inspect and audit the agencies' personnel work programs to determine compliance with the Civil Service Law, rules, standards and other requirements; and to take corrective measures when unsatisfactory situations are found;

"(g) To issue subpoena and subpoena duces tecum requiring the appearance of witnesses and the, production of books, and papers pertinent to the Investigation and inquiries thereby authorized, and to examine them and such books and papers as it shall need in relation to any matter it is required to investigate;

"(h) To note and keep a record of all appointments and promotions to positions in the competitive service, and to disapprove, within ninety days after submission to it, those where the appointees do not possess the corresponding eligibility: Provided, That such appointments shall become immediately effective upon the assumption of duties of the appointees, entitling them to receive all the corresponding salaries and benefits, until notice of the final decision of disapproval, if this should take place, without prejudice to the liability of the appointing authority under the law: Provided, further, That a disapproval made by the Commission shall be final, unless an appeal is taken from such action as provided by law: Provided, finally, That an increase in salary for the same position shall not require a new appointment, except that copies of the adjustment notice be submitted to the Commission for record purposes.

"(i) To decide, within one hundred twenty days after submission to it, all administrative cases against permanent officers and employees in the competitive service, and, except as provided by law, to have final authority to pass upon their removal, separation, and suspension and upon all matters relating to the conduct, discipline and efficiency of such officers and employees; and to prescribe standards, guidelines and regulations governing the administration of discipline;

"(j) To hear, and determine within thirty days after submission to it, appeals instituted by any person aggrieved by an action or determination of any appointing authority contrary to the provisions of the Civil Service Law and rules, and to provide the rules and regulations governing such appeals, and make such investigations or inquiries into the facts relating to the action or determination appealed from as may be deemed advisable, and affirm, review or modify such action or determination, and the decision of the Commissioner shall be final, unless appealed from as provided by law by any person adversely affected by such decision; and

"(k) To perform other functions that properly belong to a central personnel agency."

**SEC. 9. Section Twenty-three of the same Act is hereby amended to read as follows:**

"SEC. 23. Recruitment and Selection of Employees.— Opportunity for government employment shall be open to all qualified citizens, and positive efforts shall be exerted to attract the best qualified to enter the service.

"Employees shall be selected on the basis of fitness, determined by the appointing authority, to perform the

duties and assume the responsibilities of the positions whether in the competitive or in the non-competitive service, as well as on the basis of merit as provided in this Act.

"Whenever a vacancy occurs in any position in the competitive service in the government or in any government-owned or controlled corporation or entity, the officer or employee next in rank preferably in the same office, who is competent and qualified to hold the position and who possesses an appropriate civil service eligibility shall be appointed thereto: Provided, That should there be two or more persons under equal circumstances, seniority shall be given preference: And Provided, however, That should there be any special reason or reasons why such officer or employee should not be appointed to such vacancy, such special reason or reasons shall be stated in writing by the appointing official and the officer or employee concerned shall be informed thereof and be given an opportunity to be heard by the Commissioner of Civil Service, whose decision shall be final, unless appealed from in the manner provided by law: Provided, finally, That no further examination shall be required of the promotional appointee by the Commission if the salary of the higher position is within the range corresponding to his eligibility or if he has already been satisfactorily discharging the duties of such higher position in an acting capacity for at least five years. If the vacancy is not filled by promotion as provided herein, then same shall be filled by transfer of present employees in the government service, by reinstatement, by re-employment of persons separated through reduction in force, or by appointment of persons with the Civil Service eligibility appropriate to the position.

"Qualification in an appropriate examination shall be required or appointment to positions in the competitive service in accordance with the Civil Service rules, except as otherwise provided in this Act: Provided, That all those who successfully pass the examination shall be equally qualified for such appointment: Provided, further, That whenever there is a civil service eligible actually available for appointment, no person who is not such an eligible shall be appointed even in a temporary capacity to any vacant position in the competitive service in the government or in any government-owned or controlled corporation, except when the immediate filling of the vacancy is urgently required in the public interest, or when the vacancy is not permanent, in which cases temporary appointments of non-eligibles may be made in the absence of eligibles actually and immediately available: And Provided, finally, That for the period of ten years from the approval of this amendatory Act and in line with the policy of Congress to accelerate the integration of the cultural minorities, whenever the appointment of persons belonging to said cultural minorities is called for in the interest of the service as determined by the appointing authority, with the concurrence of the Commissioner of Civil Service, the examination requirements provided in this Act, when not practicable, may be dispensed with in appointments within their respective provinces if such persons meet the educational and other qualifications required for the office or employment. For appointment to positions in the non-competitive service, qualification in an appropriate examination may be required if the appointing official so directs.

"The appropriate examinations herein referred to shall be those provided in section nine of this Act, those required by the department or agency head as hereinafter provided, and such other examinations that are or may be provided by law: Provided, That a person with a civil service eligibility acquired by successfully passing an examination shall be qualified for a position requiring a lower eligibility if he possesses the other requirements for appointment to such position.

"Whenever positions exist for which special qualifications may be deemed necessary by a department or agency head, the department or agency in which such position exist may give the corresponding examination with the assistance of the Civil Service Commission to qualify those who successfully pass the same for appointment. Where no such examination has been given, the eligibility under section nine, determined by the salary attached to the position, shall be sufficient.

"The Police Commission shall give the appropriate examinations for officers and members of local police forces, and the Department of Education, the appropriate examinations for public school teachers with the assistance of the Civil Service Commission.

"The results of any particular civil service examination shall be released simultaneously within one year after the examination. The names of the competitors who attain the required passing grades in an examination shall be entered in a register of eligibles".

**SEC. 10. Section Twenty-four of the same Act is hereby amended to read as follows:**

"SEC. 24. Personnel Actions and Employment Status.—Whenever used with reference to this Act, any action denoting the movement and progress of personnel in the civil service shall be known as personnel action. Such an action shall include appointment, promotion, transfer, demotion, separation and reinstatement.

"(a) Appointment in the Civil Service.— Appointment in the civil service shall be either permanent or temporary.

"(b) Permanent Appointment.— A permanent appointment shall be issued to a person who has met all the requirements for the position to which he is being appointed in accordance with the provisions of this Act and the rules and standards promulgated in pursuance thereto. All such persons must serve a probationary period of six months following their original appointment and shall undergo a thorough character investigation in order to acquire permanent civil service status. A probationer may be dropped from the service for unsatisfactory conduct or want of capacity any time before the expiration of the probationary period: Provided, That such action is appealable to the Commissioner of Civil Service, under section sixteen, paragraph (j) of this Act.

"(c) Temporary Appointment.— A temporary appointment may be issued to a person who has not qualified in an appropriate examination but who otherwise meets the requirements for the position to which he is being appointed, whenever a vacancy occurs and the immediate filling of the vacancy is urgently required in the public interest or such vacancy is not permanent, in the absence of eligibles actually and immediately available. Temporary appointments to permanent vacancies in the competitive service shall not exceed twelve months, and those to temporary vacancies shall terminate upon the return of the incumbent. "(d) Effectivity of appointments.— Appointments shall not require previous approval by the Commission on Civil Service for their effectivity, without prejudice to the authority of the Commission on Civil Service to disapprove the same under section sixteen, paragraph (h).

"(e) Other Personnel Actions.— Promotions, transfers, demotion, separation and/or reinstatement of employees in the service shall be reported to the Commission in accordance with the provisions of this Act and the rules promulgated pursuant thereto. "(f) Limitation on Employment of Persons in the Non-Competitive Service.— No person appointed to a position in the non-competitive service shall perform the duties properly belonging to any position in the competitive service.

"(g) Reduction in Force.— Whenever it becomes necessary because of lack of work or funds or due to a necessary change in the scope or nature of an agency's program, or whenever it is advisable in the interest of economy to reduce the staff of any department, office, bureau, or agency, those in the same group or class of position in one or more bureaus or offices within the particular Department wherein the reduction is to be effected, shall be reasonably compared in terms of relative fitness, efficiency and length of service, and those found to be least qualified for the remaining positions shall be laid off. The Commissioner of Civil Service shall promulgate rules and regulations to carry out the provisions of this subsection.

"(h) Limitation on appointment in the Civil Service.— No person shall be appointed to nor hold two or more full-time position in the government including the government-owned or controlled corporations or offices whether in a temporary or permanent capacity or with or without salary, emoluments and/or allowances: Provided, That this prohibition shall not apply to a person who holds a position or positions in an ex-officio capacity or in consequence of an express provision of law.

**SEC. 11. Section Thirty-two of the same Act is hereby amended to read as follows:**

"SEC. 32. Disciplinary Action.— No officer or employee in the Civil Service shall be removed or suspended except for cause as provided by law and after due process: Provided, That a transfer from one position to another without reduction in rank or salary shall not be considered disciplinary when made in the interest of public service, in which case the employee concerned shall be informed of the reasons therefor. If the

employee believes that there is no justification for the transfer, he may appeal his case to the Commission on Civil Service through the Department Head. Pending his appeal and the decision thereon, his transfer shall be held in abeyance: Provided, however, That no transfer or detail whatever shall be made within three months before any local or national election nor shall any detail last longer than three (3) months without the consent of the employee.

"No complaint against a civil service official or employee shall be given due course unless the same is in writing

"The Commissioner shall informed by the appealing respondent shall be entitled to a formal investigation if he so elects, in which case he shall have the right to appear and defend himself at said investigation in person or by counsel, to confront and cross-examine the witnesses against him, and to have the attendance of witnesses and production of documents in his favor by compulsory process of subpoena or subpoena, duces tecum."

**SEC. 12. Section Thirty-three of the said Act is hereby amended to read as follows:**

"SEC. 33. Administrative Jurisdiction for Disciplining Officers and Employees.— The Commissioner may, for dishonesty, oppression, misconduct, neglect of duty, conviction of crime involving moral turpitude, notoriously disgraceful or immoral conduct, improper or unauthorized solicitation of contributions from subordinate employees and by teachers or school officials from school children, violation of the existing Civil Service Law and rules or of reasonable office regulations, or in the interest of the service, remove any subordinate officer or employee from the service, demote him in rank, suspend him for not more than one year without pay or fine him in an amount not exceeding six months salary: Provided, however, That heads of departments, agencies and instrumentalities, provinces and chartered cities, shall have original jurisdiction to investigate and decide on matters involving disciplinary action: Provided, further, That when the penalty imposed is reprimand or a fine not exceeding one month salary or suspension without pay for a period not exceeding one month, the decision of the aforementioned heads shall be final, but if the penalty imposed is heavier, the decision shall be appealable to the Commission as provided in this Act: Provided, finally, That a decision imposing removal as penalty shall always be subject to review by the Commission.

"In meting out punishment, like penalties shall be imposed for like offenses and only one penalty shall be imposed in each case."

**SEC. 13. Section Thirty-six of the said Act is hereby amended to read as follows:**

"SEC. 36. Prescriptive Period for Appeals.— The decisions of the Commissioner of Civil Service may be appealed by the party adversely affected to the Civil Service Board of Appeals within thirty (30) days after receipt by him of the decision.

"No petition for reconsideration of the decision rendered by the Commissioner of Civil Service shall be entertained if not filed within the period for appeal as provided in this section: Provided, That only one petition for reconsideration shall be entertained: And Provided, further, That the filing of a petition for reconsideration shall suspend the running of the period for appeal.

"The Commissioner shall be informed by the appealing party of the dates mentioned in this provision."

**SEC. 14. Section Thirty-seven of the same Act is hereby amended to read as follows:**

"SEC. 37. Removal of Administrative Penalties or Disabilities.— The President of the Philippines may, in meritorious cases and upon recommendation of the Civil Service Board of Appeals, commute or remove administrative penalties or disabilities imposed by final decision upon officers or employees in disciplinary cases, subject to such term and conditions as he may impose in the interest of the service."

**SEC. 15. Section Thirty-eight of the same Act is hereby amended to read as follows:**

"SEC. 38. Examination Fees.— The Commissioner of Civil Service in his discretion may prescribe an equitable schedule of fees for admission to civil service examinations, not exceeding two pesos for each, candidate. Applicants whose applications have been disapproved shall be entitled to the refund of the examination fees paid by them. The funds collected from the examination fees shall constitute a special fund of the Civil Service Commission and shall be used exclusively for the expenses of the Commission incident to the holding or conduct of Civil Service examinations: Provided, That any excess over such expenses shall accrue to the special fund of the Commission.

SEC. 16. Section Forty-three of the same Act is hereby amended to read as follows:

"SEC. 48. Liability of Appointing Authority.—Any person responsible for an appointment in violation of this Act shall be personally liable to reimburse to the government all salaries paid to the appointee, to be deducted from his salary and any amount due in his favor from the government."

SEC. 17. All references in Republic Act Numbered Two thousand two hundred sixty and other Acts, rules and regulations to the Commissioner of Civil Service shall be understood to refer to the Commission on Civil Service, and the phrases "competitive or classified service" and "non-competitive or unclassified service" are hereby amended to read "competitive service" and "non-competitive service", respectively, whenever they appear in said Acts, rules and regulations.

SEC. 18. The provisions of Section fourteen of Republic Act Numbered Two thousand two hundred sixty is hereby repealed, and all provisions of Republic Act Numbered Two thousand two hundred sixty and any other Act, rule or regulation inconsistent with this amendatory Act are hereby repealed or accordingly modified: Provided, That all provisional appointments made or appointments approved by the Civil Service Commission under Section twenty-four (c) of Republic Act Numbered Two thousand two hundred sixty prior to the approval of this Act shall automatically be permanent under, the provisions of Section twenty-four (b) thereof as amended by this Act, subject to the provisions of Section 16 (h) of said Act as herein amended.

SEC. 19. In addition to such sums as may have been appropriated in the current Appropriations Act for the legal services division, there is hereby appropriated, out of the savings, special funds and surplus income of the Civil Service Commission such sums as may be necessary to carry out the provisions of this Act. Thereafter, the sum necessary for the same purpose shall be included in the annual General Appropriations Act.

SEC. 20. This Act shall take effect upon its approval: Provided, however, That except as otherwise provided in this Act, rights or privileges vested or acquired under any prior law, rules and regulations, shall remain in force and effect,

Approved, August 4, 1969.

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