

CREATING THE MERIT SYSTEMS BOARD

PRESIDENTIAL DECREE NO. 1409, June 08, 1978

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WHEREAS, the need for a stable and responsive Civil Service has become especially critical with the institution in the country of a Parliamentary form of government that stresses accountability to the people;

WHEREAS, while the present civil service system, by reason of its new structure, has shown itself to have dynamic flexibility and adaptiveness, there remains the need to further promote a more positive approach to personnel growth and development;

WHEREAS, the two major functions of the Commission are the strengthening of the merit system and the development of viable careers among civil service employees;

WHEREAS, these two goals can be better achieved through a redefinition of the functions of the Civil Service Commission so that its career development concerns may be separated from the protective character of its responsibilities;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, pursuant to the powers vested in me by the Constitution, do hereby decree and order:

SECTION 1. There is hereby created in the Civil Service Commission a Merit Systems Board.

SEC. 2. Composition.—The Board shall be composed of a Commissioner and Associate Commissioners who shall be appointed by Civil Service Commission and who may be removed only for cause as provided by law.

SEC. 3. Qualifications.—The Commissioner and Associate Commissioners shall have the same qualifications as that of a judge of the court of first instance.

SEC. 4. Salary.—The Commissioner and Associate Commissioners shall each receive salaries of not less than P42,000 and P36,000 per annum, respectively.

SEC. 5. Powers and Functions of the Board.—The Board shall have the following powers and functions, among others:

- Hear and decide administrative cases involving officers and employees of the civil service.
- Hear and decide cases brought before it by officers and employees who feel aggrieved by the determination of appointing authorities involving appointment, promotion, transfer, detail, reassignment and other personnel actions, as well as complaints against any officers in the government arising from abuses arising from personnel actions of these officers or from violations of the merit system.
- Hear and decide complaints of civil service employees regarding malpractices of other officials and employees.
- Promulgate, subject to the approval of the Civil Service Commission, rules and regulations to carry out the functions of the Board.
- Administer oaths, issue subpoena and subpoena duces tecum, and take testimony in any investigation or inquiry.

The Board shall have the power to punish for contempt in accordance with the rules of court under the same procedure with the same penalties provided therein.

- Perform such other functions as may be assigned by the Civil Service Commission.

In the performance of these functions, the Board shall draw assistance from the Office of Legal Affairs which shall maintain a staff of prosecutors and defense lawyers for this purpose. However, the Board may, upon approval of the Commission, designate hearing officers from other departments and agencies of the government to hear and decide cases falling within its jurisdiction. The decision of these hearing officers shall be subject to review by the Board and becomes final only after such review by it.

The Board shall maintain a small staff of lawyers and clerks in carrying out its functions, all of whom shall be appointed by the Chairman of the Civil Service Commission.

SEC. 6. Functions of the Commissioner.—The Commissioner shall be the Executive Officer of the Board. Subject to the policies, rules and regulations adopted by the Board and approved by the Civil Service Commission, the Commissioner shall:

- Execute and administer the policies, rules and regulations, orders and resolutions approved by the Board.
- Direct and supervise the operations and internal administration of the Board.
- Prescribe operating procedures for the Board.
- Perform such other functions as may be assigned by the Civil Service Commission.

SEC. 7. Duties and Responsibilities of the Associate Commissioners.—The two Associate Commissioners, jointly with the Commissioner, shall be responsible for the effective exercise of the rule making and adjudicative functions of the Board. In the absence or disability of the Commissioner, the senior Associate Commissioner shall temporarily perform the functions vested in the Commissioner.

SEC. 8. Relationship with the Civil Service Commission.—Decisions of the Board involving the removal of officers and employees from the service shall be subject to automatic review by the Commission. The Commission shall likewise hear and decide appeals from other decisions of the Board, provided that the decisions of the Commission shall be subject to review only by the Courts.

SEC. 9. Restructuring of the Office of Legal Affairs.—The present Office of Legal Affairs is restructured into three divisions, one to constitute a pool prosecutors: second, of defense lawyers from whom civil service employees who are facing administrative charged or who have filed complaints against the action of appointing authorities on personnel matters may request legal assistance, and the third to act as adviser of the Commission in its appellate and review functions.

SEC. 10. Effectivity.—This Decree shall take effect upon approval.

Done in the City of Manila, this 8th day of June, in the year of Our Lord, nineteen hundred and seventy-eight.

(Sgd.) FERDINAND E. MARCOS
President of the Philippines

By the President:

(Sgd.) JACOBO C. CLAVE

Presidential Executive Assistant

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