

PROVIDING FOR THE ORGANIZATION OF THE CIVIL SERVICE COMMISSION IN ACCORDANCE WITH PROVISIONS OF THE CONSTITUTION, PRESCRIBING ITS POWERS AND FUNCTIONS AND FOR OTHER PURPOSES.

PRESIDENTIAL DECREE NO. 807, October 06, 1975

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WHEREAS, the Constitution provides for organization of a Civil Service Commission which shall establish a career service and adopt measures to promote morale, efficiency and integrity in the government service;

WHEREAS, Presidential Decree No. 110 dated January 26, 1973 declared the Civil Service Commission envisioned in the Constitution in existence, providing guidelines for its operation;

WHEREAS, there is need for the immediate organization of the Civil Service Commission in order to enable it to carry out its mission as mandated by the Constitution; and

WHEREAS, the former Civil Service Commission created under Republic Act No. 2260, as amended, and as organized under the Integrated Reorganization Plan may serve as the nucleus of the Civil Service Commission.

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

ARTICLE I. TITLE

SECTION 1. This Decree shall be known as the Civil Service Decree of the Philippines.

ARTICLE II. DECLARATION OF POLICY

SEC. 2. It shall be the policy of the State to insure and promote the Constitutional mandate that appointments in the Civil Service shall be made only according to merit and fitness, to provide within the public service a progressive system of personnel administration, and to adopt measures to promote morale and the highest degree of responsibility, integrity, loyalty, efficiency, and professionalism in the Civil Service; that the Civil Service Commission shall be the central personnel agency to set standards and to enforce the laws and rules governing the selection, utilization, training and discipline of civil servants; that a public office is a public trust and public officers shall serve with the highest degree of responsibility, integrity, loyalty and efficiency and shall remain accountable to the people; and that action on personnel matters shall be de-centralized, with the different departments and other offices or agencies of the government delegating to their regional offices or other similar units, powers and functions.

ARTICLE III. DEFINITION OF TERMS

SEC. 3. As used in this Decree, the following shall be construed thus:

- Agency means any bureau, office, commission, administration, board, committee, institute, corporation, whether

performing governmental or proprietary function, or any other unit of the National Government, as well as provincial city or municipal government, except as hereinafter otherwise provided.

- Appointing officer is the person or body authorized by law to make appointments in the Philippine Civil Service.
- Class includes all positions in the government service that are sufficiently similar as to duties and responsibilities and require similar qualifications that can be given the same title and salary and for all administrative and compensation purposes, be treated alike.
- Commission refers to the Civil Service Commission.
- Chairman refers to the Chairman of the Commission.
- Commissioner refers to either of the two other members of the Commission.
- Department includes any of the executive departments or entities having the category of a department including the judiciary, Commission on Elections and Commission on Audit.
- Eligible refers to a person who obtains a passing grade in a civil service examination or is granted a civil service eligibility and whose name is entered in the register of eligibles.
- Examination refers to a civil service examination conducted by the Commission and its regional offices or by other departments or agencies with the assistance of the Commission, or in coordination or jointly with it, and those that it may delegate to departments and agencies pursuant to this Decree, or those that may have been delegated by law.
- Form refers to those prescribed by the Civil Service Commission.

ARTICLE IV. SCOPE OF THE CIVIL SERVICE

SEC. 4. Positions Embraced in the Civil Service.—The Civil Service embraces every branch, agency, subdivision, and instrumentality of the government, including every government-owned or controlled corporations whether performing governmental or proprietary function.

Positions in the Civil Service shall be classified into career service and non-career service.

SEC. 5. The Career Service shall be characterized by (1) entrance based on merit and fitness to be determined as far as practicable by competitive examinations, or based on highly technical qualifications; (2) opportunity for advancement to higher career positions; and (3) security of tenure.

The Career Service shall include:

- Open Career positions for appointment to which prior qualification in an appropriate examination is required;
- Closed Career positions which are scientific or highly technical in nature; these include the faculty and academic staff of state colleges and universities, and scientific and technical positions in scientific or research institutions which shall establish and maintain their own merit systems.
- Positions in the Career Executive Service; namely, Undersecretary, Assistant Secretary, Bureau Director, Assistant Bureau Director, Regional Director, Assistant Regional Director, Chief of Department Service and other officers of equivalent rank as may be identified by the Career Executive Service Board, all of whom are appointed by the President;
- Career officers, other than those in the Career Executive Service, who are appointed by the President, such as the

Foreign Service Officers in the Department of Foreign Affairs;

- Commissioned officers and enlisted men of the Armed Forces which shall maintain a separate merit system;
- Personnel of government-owned or controlled corporations, whether performing governmental or proprietary functions, who do not fall under the non-career service; and
- Permanent laborers, whether skilled, semi-skilled, or unskilled.

SEC. 6. 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:

- Elective officials and their personal or confidential staff;
- Department Heads and other officials of Cabinet rank who hold positions at the pleasure of the President and their personal or confidential staff(s);
- Chairman and members of commissions and boards with fixed terms of office and their personal or confidential staff;
- 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 agency; and
- Emergency and seasonal personnel.

SEC. 7. Classes of Positions in the Career Service.—

- Classes of positions in the career service appointment to which requires examinations shall be grouped into three major levels as follows:
 - The first level shall include clerical, trades, crafts and custodial service positions which involve non-professional or subprofessional work in a non-supervisory or supervisory capacity requiring less than four years of collegiate studies;
 - The second level shall include professional, technical, and scientific positions which involve professional, technical, or scientific work in a non-supervisory or supervisory capacity requiring at least four years of college work up to Division Chief level; and
 - The third level shall cover positions in the Career Executive Service.
- Except as herein otherwise provided, entrance to the first two levels shall be through competitive examinations, which shall be open to those inside and outside the service who meet the minimum qualification requirements. Entrance to a higher level does not require previous qualification in the lower level. Entrance to the third level shall be prescribed by the Career Executive Service Board.
- Within the same level, no civil service examination shall be required for promotion to a higher position in one or more related occupational groups. A candidate for promotion should, however, have previously passed the

examination for that level.

ARTICLE V. ORGANIZATION AND FUNCTIONS

SEC. 8. Composition of the Civil Service Commission.—

- An independent Civil Service Commission, herein after referred to as the Commission is hereby established composed of a Chairman and two Commissioners, who shall be responsible for the effective discharge of the functions of the Commission. They shall be appointed by the President for a term of seven years without reappointment. Of the Commissioners first appointed, one shall hold office for seven years, another for five years, and the third for three years: Provided, That appointment to any vacancy shall be only for the unexpired portion of the term of the predecessors.
- To be eligible for appointment as Chairman or Commissioners, a person should be a natural born citizen of the Philippines, at least thirty-five years of age at the time of appointment, a holder of a college degree and must not have been a candidate for any elective position in the election immediately preceding his appointment.
- The Chairman and each Commissioner shall receive an annual compensation of sixty thousand pesos and fifty thousand pesos which shall not be decreased during their continuance in office: Provided; That no member of the Commission shall, during his tenure in office, engage in the practice of any profession or in the management of any business, or be financially interested directly or indirectly in any contract with, or in any franchise or privilege granted by, the Government, or any subdivision, agency or instrumentality thereof, including government-owned or controlled corporations.

SEC. 9. Powers and Functions of the Commission.—The Commission shall administer the Civil Service and shall have the following powers and functions:

- Administer and enforce the constitutional and statutory provisions on the merit system;
- Prescribe, amend and enforce suitable rules and regulations for carrying into effect the provisions of this Decree. These rules and regulations shall become effective thirty days after publication in the Official Gazette or in any newspaper of general circulation;
- Promulgate policies, standards, and guidelines for the Civil Service and adopt plans and programs to promote economical, efficient, and effective personnel administration in the government: and prescribe all forms for publications, examinations, appointments, reports, records, and such other forms as may be required under this Decree;
- Advise the President on all matters involving personnel management in the government service and assist in the improvement of personnel units and programs in the departments and agencies;
- Appoint its personnel and exercise overall supervision and control over the activities of the Commission;
- Supervise and coordinate the conduct of civil service examinations being administered by the departments concerned as provided for under Paragraph 5, Article III, Chapter II, Part III of the Integrated Reorganization Plan;
- Provide leadership and assistance in formulating, administering, and evaluating programs relative to the development and retention of a competent and efficient work force in the public service;
- Approve all appointments, whether original or promotional, to positions in the civil service, except those of presidential appointees, members of the Armed Forces of the Philippines, police forces, firemen, and jailguards,

and disapprove those where the appointees do not possess the appropriate eligibility or required qualifications. An appointment shall take effect immediately upon issue by the appointing authority if the appointee assumes his duties immediately and shall remain effective until it is disapproved by the Commission, if this should take place, without prejudice to the liability of the appointing authority for appointments issued in violation of existing laws or rules: Provided, finally, That the Commission shall keep a record of appointments of all officers and employees in the civil service. All appointments requiring the approval of the Commission as herein provided, shall be submitted to it by the appointing authority within thirty days from issuance, otherwise, the appointment becomes ineffective thirty days thereafter.

- Inspect and audit periodically the personnel work programs of the different departments, bureaus, offices, agencies and other instrumentalities of the government, including government-owned or controlled corporations, conduct periodic review of decisions and actions of offices or officials to whom authority has been delegated by the Commission as well as the conduct of the officials and employees in these offices and apply appropriate sanctions whenever necessary;
- Hear and decide administrative disciplinary cases instituted directly with it in accordance with Section 37 or brought to it on appeal;
- Issue subpoena and subpoena duces tecum or require the production of books and papers pertinent to investigations and inquiries to be made by the Commission in accordance with its authority conferred by the Constitution, this Decree, and other laws, decrees, or letters of instructions issued by the President; summon witnesses to appear at such investigation or inquiries;
- Submit to the President an annual report which shall contain an adequate evaluation of the progress of the merit system and the problems encountered in its implementation; and
- Perform such other functions as properly belong to a central personnel agency.

SEC. 10. Duties and Responsibilities of the Chairman.—

- Subject to policies and resolution adopted by the Commission, the Chairman shall:
 - Direct the operations of the Commission including those pertaining to its internal administration;
 - Establish standard operating procedures for the effective operations of the Commission;
 - Transmit to the President, rules, regulations, and other guidelines adopted by the Commission which require Presidential attention including annual and other periodic reports as may be necessary;
 - Issue appointments to, and enforce decision on administrative discipline involving officials and employees of the Commission;
 - Delegate authority for the performance of any function to officials of the Commission;
 - Submit the annual and supplemental budgets of the Commission; and
 - Perform such other functions as may be provided by law.
- In his capacity as member of the Career Executive Service Board, he shall present appropriate viewpoints in the deliberations of the Board that would seek to insure that policies and programs of the Board are properly harmonized with the overall policies and programs of personnel management in the government.
- There shall be an Executive Director in the Office of the Chairman who shall be responsible for the effective implementation of the policies, rules and standards promulgated by the Commission, to coordinate and supervise

the activities of the different offices in the Commission including those of the regional offices; to report to the Chairman the operations of such offices; and to perform such functions as may be assigned to him by the Chairman.

SEC. 11. Duties and Responsibilities of the Other Members of the Commission.—Jointly with the Chairman, the two Commissioners shall be responsible for the effective exercise of the rule-making and adjudicative functions of the Commission. In case of the absence of the Chairman, owing to illness or other cause, the senior member shall temporarily perform the functions of the Chairman.

SEC. 12. Offices in the Commission.—The Commission shall carry out its functions through the following Offices and Service: (1) Office of Recruitment, Examination and Selection, (2) Office of Career and Employee Development, (3) Office of Personnel Planning and Program Evaluation, (4) Office of Personnel Relations, (5) Office of Legal Affairs, and (6) Administrative Service. It shall keep and maintain such regional offices as the exigencies of the service so require in accordance with the pertinent provisions of Chapter III, Part II of the Integrated Reorganization Plan, or as may be provided by law.

- The Office of Recruitment, Examination and Selection, headed by a Director, shall provide leadership and assistance in developing and implementing the overall Commission program relating to recruitment, examination and selections.
- The Office of Career and Employee Development, headed by a Director, shall provide leadership and assistance to line agencies in formulating, administering, and evaluating programs relating to the development and retention of skilled and efficient work force in the public service, develop policies, standards and procedures on the establishment and administration of departmental and agency career and personnel development plans which shall include provisions on merit promotions, performance evaluation, in-service training, job rotation, suggestions and incentive award system; integrate such plans into a national plan; and monitor and evaluate progress in connection therewith.
- The Office of Personnel Planning and Program Evaluation, headed by a Director, shall provide the Commission with economical, efficient, and effective service relating to policy development, program planning, research and statistics, budgetary and management services; and shall conduct periodic evaluation of personnel management programs and performance of the different departments and agencies of the national government, including government-owned or controlled corporations.
- The Office of Personnel Relations, headed by a Director, shall provide leadership and assistance in developing employee relations programs in the different departments and agencies, including the establishment of employee organizations and the coordination of their activities.
- The Office of Legal Affairs, headed by a Director, shall assist the Commission on all matters relating to administrative discipline and in its quasi-judicial and rule-making functions and the prosecution of violation of Civil Service Law and Rules and laws affecting the Civil Service and such other functions as may be assigned by the Chairman.
- The Administrative Service, headed by a Director, shall provide the Commission with economical, efficient, and effective services relating to personnel, records, supplies, equipment, collection, disbursements, accounting, and data processing and custodial services.

SEC. 13. Regional Offices.—Each regional office of the Commission shall exercise the following authority:

- Enforce Civil Service Law and Rules in connection with personnel actions of national and local government

agencies within the region, and the conduct of public officers and employees;

- Conduct recruitment and examination for government-wide positions in the region;
- Provide technical advice and assistance to public agencies within the region regarding personnel administration; and
- Perform such other functions as may be assigned to it by the Commission.

SEC. 14. Authority to Reorganize.—In order to carry out the powers and functions set forth in this Decree, the Commission is hereby authorized to reorganize the internal structure of the Commission subject to the approval of the President: Provided, however, That this authority shall not extend beyond December 31, 1976.

ARTICLE VI. RESPONSIBILITIES OF PUBLIC OFFICERS AND EMPLOYEES

SEC. 15. Duties of Public Officers.—Public office is a public trust. Public officers and employees shall serve with the highest degree of responsibility, integrity, loyalty, and efficiency, and shall remain accountable to the people.

ARTICLE VII. INTERDEPARTMENT RELATIONS

SEC. 16. Civil Service Assistance to Departments and, Agencies.—Each head of department, office, agency, government-owned or controlled corporation and local government shall be responsible for personnel administration in his office which shall be in accordance with the provision relating to civil service embodied in the Constitution, this Decree and the rules, principles, standards, guidelines and regulations established by the Commission. Whenever it deems it in the interest of the public service, the Civil Service Commission shall organize in each department, office, agency, government-owned or controlled corporation, and provincial and city government a Civil Service Staff which shall be headed by an officer of the Commission. The necessary staff personnel and office facilities and equipment shall be provided by the department, government-owned or controlled corporation or local government where the staff is established but the Commission may augment these with its own. This shall serve as the principal liaison between the Civil Service and the Department concerned and shall perform the following specific functions and those functions which may hereafter be assigned to it by the Commission:

- Provide technical assistance in all aspects of personnel management;
- Monitor and audit periodically the personnel practices and performance of the Department or agency concerned as well as those of public officers and employees thereat;
- Determine agency compliance with Civil Service Law and rules; and
- In the performance of these functions, the Staff shall welcome and receive from the public any suggestions, observations and complaints pertaining to the conduct of public officers and employees.

In the performance of their functions, the units so organized shall avail of the technical assistance and guidelines of the Civil Service Commission.

SEC. 17. Council of Personnel Officers.—There is hereby created a Council of Personnel Officers to be composed of Chief personnel officers of the different executive departments and of agencies with the category of department that the Chairman of the Commission shall select for membership. Except for its Executive Officer who shall be designated by the Chairman from among the appropriate officials in the Civil Service Commission, the Council is authorized to elect such other officers from among its members and to fix its own rules or procedures concerning attendance at meetings, approval of policy declaration, and other business matters. Provisions for necessary

facilities and clerical assistance for the Council shall be made in the annual budget of the Commission.

The Council shall have the following functions:

- Upon request of the Head of Department or the Commission, to offer advice in developing constructive policies, standards, procedures, and programs as well as on matters relating to the improvement of personnel methods and to the solution of personnel problems confronting the various departments and agencies of the government;
- To promote among the departments and agencies, through study and discussion, uniform and consistent interpretation and application of personnel policies; and
- To serve as a clearing house of information and to stimulate the use of methods of personnel management that will contribute most to good government.

SEC. 18. Inspection and Audit.—The Commission, through its designated representatives, shall conduct a periodic inspection and audit of the personnel management program of each department, agency, province or city, in order to: (a) determine compliance with this Decree, rules and standards; (b) review discharge of delegated authority; (c) make an adequate evaluation of the progress made and problems encountered in the conduct of the merit system in the national and local governments including government-owned or controlled corporations; (d) give advice and provide assistance in developing constructive policies, standards and procedures, and (e) stimulate improvement in all areas of personnel management.

Periodic inspection and audit will include an appraisal of personnel management operations and activities relative to: (a) formulation and issuance of personnel policy; (b) recruitment and selection of employees; (c) personnel action and employment status; (d) career and employee development; (e) performance evaluation system; (f) employee suggestions and incentive award; (g) employee relations and services; (h) discipline; (i) personnel records and reporting; and (j) program evaluation.

ARTICLE VIII. PERSONNEL POLICIES AND STANDARDS

SEC. 19. Recruitment and Selection of Employees.— (1) 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 to perform the duties and assume the responsibilities of the positions.

- When a vacancy occurs in a position in the first level of the Career Service as defined in Section 7, the employees in the department who occupy the next lower positions in the occupational group under which the vacant position is classified, and in other functionally related occupational groups and who are competent, qualified and with the appropriate civil service eligibility shall be considered for promotion.
- When a vacancy occurs in a position in the second level of the Career Service as defined in Section 7, the employees in the government service who occupy the next lower positions in the occupational group under which the vacant position is classified and in other functionally related occupational groups and who are competent, qualified and with the appropriate civil service eligibility shall be considered for promotion.
- For purposes of this Section, each department or agency shall evolve its own screening process, which may include tests of fitness, in accordance with standards and guidelines set by the Commission. Promotion boards shall be formed to formulate criteria for evaluation, conduct tests and/or interviews, and make systematic assessment of training and experience.
- If the vacancy is not filled by promotion as provided herein the 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 positions.

- A qualified next-in-rank employee shall have the right to appeal initially to the department head and finally to the Office of the President an appointment made (1) in favor of another next-in-rank employee who is not qualified, or (2) in favor of one who is not next-in-rank, or (3) in favor of one who is appointed by transfer and not next-in-rank, or by reinstatement, or by original appointment if the employee making the appeal is not satisfied with the written special reason or reasons given by the appointing authority for such appointment: Provided, That final appeal shall be to the department head concerned if the appointment is issued to a qualified next-in-rank employee. Before deciding a contested appointment, the Office of the President shall consult the Civil Service Commission. For purposes of this Section, "qualified next-in-rank" refers to an employee appointed on a permanent basis to a position previously determined to be next-in-rank to the vacancy proposed to be filled and who meets the requisites for appointment thereto as previously determined by the appointing authority and approved by the Commission.

- Qualification in an appropriate examination shall be required for appointment to positions in the first and second levels in the career service in accordance with the Civil Service rules, except as otherwise provided in this Decree: Provided, 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 career 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.

- The appropriate examinations herein referred to shall be those given by the Commission and the different agencies: Provided, however, That nothing herein shall affect those eligibilities acquired prior to the effectivity of this Civil Service Law: Provided, further, 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.

- Those who acquired civil service eligibility after the passage of the Integrated Reorganization Plan by virtue of having passed civil service examinations or their equivalents may avail of said eligibilities within a period not exceeding five years.

SEC. 20. Qualification Standards.—(1) A qualification standard expresses the minimum requirements for a class of positions in terms of education, training and experience, civil service eligibility, physical fitness, and other qualities required for successful performance. The degree of qualifications of an officer or employee shall be determined by the appointing authority on the basis of the qualification standard for the particular position.

Qualification standards shall be used as basis for civil service examinations for positions in the career service, as guides in appointment and other personnel actions, in the adjudication of protested appointments, in determining training needs, and as aid in the inspection and audit of the agencies' personnel work programs.

It shall be administered in such manner as to continually provide incentives to officers and employees towards professional growth and foster the career system in the government service.

(2) The establishment, administration and maintenance of qualification standards shall be the responsibility of the department or agency, with the assistance and approval of the Civil Service Commission and in consultation with the Wage and Position Classification Office.

SEC. 21. Release of Examination Results.—The results of any particular civil service examination held in a number of places on the same date shall be released simultaneously.

SEC. 22. Register of Eligibles.—The names of the competitors who pass an examination shall be entered in a register of eligibles arranged in the order of their general ratings and containing such information as the Commission may deem necessary.

SEC. 23. Cultural Communities.—In line with the national policy to facilitate the integration of the members of cultural communities and accelerate the development of the areas occupied by them, the Commission shall give special civil service examinations to qualify them for appointment in the civil service.

SEC. 24. Personnel Actions.—All appointments in the career service shall be made only according to merit and fitness, to be determined as far as practicable by competitive examinations. A non-eligible shall not be appointed to any position in the civil service whenever there is a civil service eligible actually available for and ready to accept appointment.

As used in this Decree, any action denoting the movement or progress of personnel in the civil service shall be known as personnel action. Such action shall include appointment through certification, promotion, transfer, reinstatement reemployment, detail, reassignment, demotion, and separation. All personnel actions shall be in accordance with such rules, standards, and regulations as may be promulgated by the Commission.

- Appointment through certification.—An appointment through certification to a position in the civil service, except as herein otherwise provided, shall be issued to a person who has been selected from a list of qualified persons certified by the Commission from an appropriate register of eligibles, and who meets all the other requirements of the position.

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 appeal-able to the Commission.

- Promotion.—A promotion is a movement from one position to another with an increase in duties and responsibilities as authorized by law and usually accompanied by an increase in pay. The movement may be from one department or agency to another, or from one organizational unit to another in the same department or agency.

- Transfer.—A transfer is a movement from one position to another which is of equivalent rank, level, or salary without break in service involving the issuance of an appointment.

It 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 therefore. If the employee believes that there is no justification for the transfer, he may appeal his case to the Commission.

The transfer may be from one department or agency to another or from one organizational unit to another in the same department or agency: Provided, however, That any movement from the non-career service to the career service shall not be considered a transfer.

- Reinstatement.—Any person who has been permanently appointed to a position in the career service and who has, through no delinquency or misconduct, been separated therefrom, may be reinstated to a position in the same level for which he is qualified.

- Reemployment.—Names of persons who have been appointed permanently to positions in the career service and

who have been separated as a result of reduction in force and/or reorganization, shall be entered in a list from which selection for reemployment shall be made.

- Detail.—A detail is the movement of an employee from one agency to another without the issuance of an appointment and shall be allowed, only for a limited period in the case of employees occupying professional, technical and scientific positions. If the employee believes that there is no justification for the detail, he may appeal his case to the Commission. Pending appeal, the decision to detail the employee shall be executory unless otherwise ordered by the Commission.

- Reassignment.—An employee may be reassigned from one organizational unit to another in the same agency: Provided, That such reassignment shall not involve a reduction in rank, status or salary.

SEC. 25. Employment Status.—Appointment in the career service shall be permanent or temporary.

- Permanent status.—A permanent appointment shall be issued to a person who meets all the requirements for the position to which he is being appointed, including the appropriate eligibility prescribed, in accordance with the provisions of laws, rules and standards promulgated in pursuance thereof.

- 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 months, but the appointee may be replaced sooner if a qualified civil service eligible becomes available.

SEC. 26. Salary Increase or Adjustment.—Adjustments in salaries as a result of increase in pay levels or upgrading of positions which do not involve a change in qualification requirements shall not require new appointments except that copies of the salary adjustment notices shall be submitted to the Commission for record purposes.

SEC. 27. Reduction in Force.—Whenever it becomes necessary because of lack of work or funds or due to a change in the scope or nature of an agency's program, or as a result of reorganization, to reduce the staff of any department or agency, those in the same group or class of positions in one or more agencies within the particular department or agency 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.

SEC. 28. Career and Personnel Development.—The development and retention of a competent and efficient work force in the public service is a primary concern of government. It shall be the policy of the government that a continuing program of career and personnel development be established for all government employees at all levels. An integrated national plan for career and personnel development shall serve as the basis for all career and personnel development activities in the government.

SEC. 29. Career and Personnel Development Plans.— Each department or agency shall prepare a career and personnel development plan which shall be integrated into a national plan by the Commission. Such career and personnel development plans which shall include provisions on merit promotions, performance evaluation, in-service training, including overseas and local scholarships and training grants, job rotation, suggestions and incentive award systems, and such other provisions for employees' health, welfare, counseling, recreation and similar services.

SEC. 30. Merit Promotion Plans.—Each department or agency shall establish merit promotion plans which shall be administered in accordance with the provisions of this Decree and the rules, regulations, and standards to be

promulgated by the Commission. Such plans shall include provisions for a definite screening process, which may include tests of fitness, in accordance with standards and guidelines set by the Commission. Promotion Boards may be organized subject to criteria drawn by the Commission.

SEC. 31. Performance Evaluation System.—There shall be established a performance evaluation system, which shall be administered in accordance with rules, regulations, and standards promulgated by the Commission for all officers and employees in the career service. Such performance evaluation system shall be administered in such manner as to continually foster the improvement of individual employee efficiency and organizational effectiveness.

Each department or agency may, after consultation with the Commission, establish and use one or more performance evaluation plans appropriate to the various groups of positions in the department or agency concerned. No performance evaluation shall be given, or used as a basis for personnel action, except under an approved performance evaluation plan: Provided, That each employee shall be informed periodically by his supervisor of his performance evaluation.

SEC. 32. Responsibility for Training.—The Commission shall be responsible for the coordination and integration of a continuing program of personnel development for all government personnel in the first and second levels.

Central staff agencies and specialized institutes shall conduct continuing centralized training for staff specialists from the different agencies. However, in those cases where there is sufficient number of participants to warrant training at department or agency or local government level, such central staff agencies and specialized institutes shall render the necessary assistance, and consultative services.

To avoid duplication of effort and overlapping of training functions, the following functional responsibilities are assigned:

- Public and private colleges and universities and similar institutions shall be encouraged to organize and carry out continuing programs of executive development.
- The Commission, the Commission on Audit, the Budget Commission, the General Services Administration, and other central staff agencies shall conduct centralized training and assist in the training program of the Departments or agencies along their respective functional areas of specialization.
- In coordination with the Commission, the Department of Local Government and Community Development shall undertake local government training programs.
- In coordination with the Commission, each department or agency, province or city shall establish, maintain and promote a systematic plan of action for personnel training at all levels in accordance with standards laid down by the Commission. It shall maintain appropriate training staffs and make full use of available training facilities.

Whenever it deems it necessary, the Commission shall take the initiative in undertaking programs for personnel development.

SEC. 33. Employee Suggestions and Incentive Award System.—There shall be established a government-wide employee suggestions and incentive awards system which shall be administered under such rules, regulations, and standards as may be promulgated by the Commission.

In accordance with rules, regulations, and standards promulgated by the Commission, the President or the head of each department or agency is authorized to incur whatever necessary expenses involved in the honorary recognition of subordinate officers and employees of the government who by their suggestions, inventions, superior accomplishment, and other personal efforts contribute to the efficiency, economy, or other improvement

of government operations, or who perform such other extraordinary acts or services in the public interest in connection with, or in relation to, their official employment.

SEC. 34. Personnel Relations.—(a) It shall be the concern of the Commission to provide leadership and assistance in developing employee relations programs in the departments or agencies.

(b) Every head of department or agency shall take all proper steps toward the creation of an atmosphere conducive to good supervisor-employee relations and the improvement of employee morale.

SEC. 35. Complaints and Grievances.— Employees shall have the right to present their complaints or grievances to management and have them adjudicated as expeditiously as possible in the best interest of the agency, the government as a whole, and the employee concerned. Such complaint or grievances shall be resolved at the lowest possible level in the department or agency, as the case may be, and the employee shall have the right to appeal such decision to higher authorities.

Each department or agency shall promulgate rules and regulations governing expeditious, fair, and equitable adjustment of employees' complaints or grievances in accordance with the policies enunciated by the Commission.

ARTICLE IX. DISCIPLINE

SEC. 36. Discipline: General Provisions.—(a) No officer or employee in the Civil Service shall be suspended or dismissed except for cause as provided by law and after due process.

(b) The following shall be grounds for disciplinary action:

- Dishonesty;
- Oppression;
- Neglect of duty;
- Misconduct;
- Disgraceful and immoral conduct;
- Being notoriously undesirable;
- Discourtesy in the course of official duties;
- Inefficiency and incompetence in the performance of official duties;
- Receiving for personal use of a fee, gift or other valuable thing in the course of official duties or in connection therewith when such fee, gift, or other valuable thing is given by any person in the hope or expectation of receiving a favor or better treatment than that accorded other persons, or committing acts punishable under the anti-graft laws;
- Conviction of a crime involving moral turpitude;
- Improper or unauthorized solicitation of contributions from subordinate employees and by teachers or school officials from school children;
- Violation of existing Civil Service Law and rules or reasonable office regulations;
- Frequent unauthorized absences or tardiness in

- Frequent unauthorized absences or tardiness in reporting for duty, loafing or frequent unauthorized absences from duty during regular office hours;
- Habitual drunkenness;
- Gambling prohibited by law;
- Refusal to perform official duty or render over time service;
- Disgraceful, immoral or dishonest conduct prior to entering the service;
- Physical or mental incapacity or disability due to immoral or vicious habits;
- Borrowing money by superior officers from subordinates or lending by subordinates to superior officers;
- Lending money at usurious rates of interest;
- Willful failure to pay just debts or willful failure to pay taxes due to the government;
- Contracting loans of money or other property from persons with whom the office of the employee concerned has business relations;
- Pursuit of private business, vocation of profession without the permission required by Civil Service rules and regulations;
- Insubordination;
- Engaging directly or indirectly in partisan political activities by one holding non-political office;
- Conduct prejudicial to the best interest of the service;
- Lobbying for personal interest or gain in legislative halls and offices without authority;
- Promoting the sale of tickets in behalf of private enterprises that are not intended for charitable or public welfare purposes and even in the latter cases if there is no prior authority;
- Nepotism as defined in Section 49 of this Decree.

(c) Except when initiated by the disciplining authority, no complaint against a civil service official or employee shall be given due course unless the same is in writing and subscribed and sworn to by the complainant.

(d) In meeting out punishment, the same penalties shall be imposed for similar offenses and only one penalty shall be imposed in each case. The disciplining authority may impose the penalty of removal from the service, transfer, demotion in rank, suspension for not more than one year without pay, fine in an amount not exceeding six months' salary, or reprimand.

SEC. 37. Disciplinary Jurisdiction.—(a) The Commission shall decide upon appeal all administrative disciplinary cases involving the imposition of a penalty of suspension for more than thirty days, or fine in an amount exceeding thirty days' salary, demotion in rank or salary or transfer, removal or dismissal from office. A complaint may be filed directly with the Commission by a private citizen against a government official or employee in which case it may hear and decide the case or it may deputize any department or agency or official or group of officials to conduct the investigation. The results of the investigation shall be submitted to the Commission with recommendation as to the penalty to be imposed or other action to be taken.

(b) The heads of departments, agencies and instrumentalities, provinces, cities and municipalities shall have jurisdiction to investigate and decide matters involving disciplinary action against officers and employees under

their jurisdiction. Their decisions shall be final in case the penalty imposed is suspension for not more than thirty days or fine in an amount not exceeding thirty days' salary. In case the decision rendered by a bureau or office head is appealable to the Commission, the same may be initially appealed to the department and finally to the Commission and pending appeal, the same shall be executory except when the penalty is removal, in which case the same shall be executory only after confirmation by the department head.

(c) An investigation may be entrusted to regional director or similar officials who shall make the necessary report and recommendation to the chief of bureau or office or department within the period specified in Paragraph d of the following Section.

(d) An appeal shall not stop the decision from being executory, and in case the penalty is suspension or removal, the respondent shall be considered as having been under preventive suspension during the pendency of the appeal in the event he wins an appeal.

SEC. 38. Procedure in Administrative Cases Against Non-Presidential Appointees.—(a) Administrative proceedings may be commenced against a subordinate officer or employee by the head of department or office of equivalent rank, or head of local government, or chiefs of agencies, or regional directors, or upon sworn, written complaint of any other persons.

(b) In the case of a complaint filed by any other persons, the complainant shall submit sworn statements covering his testimony and those of his witnesses together with his documentary evidence. If on the basis of such papers a prima facie case is found not to exist, the disciplining authority shall dismiss the case. If a prima facie case exists, he shall notify the respondent in writing, of the charges against the latter, to which shall be attached copies of the complaint, sworn statements and other documents submitted, and the respondent shall be allowed not less than seventy-two hours after receipt of the complaint to answer the charges in writing under oath, together with supporting sworn statements and documents, in which he shall indicate whether or not he elects a formal investigation if his answer is not considered satisfactory. If the answer is found satisfactory, the disciplining authority shall dismiss the case.

(c) Although a respondent does not request a formal investigation, one shall nevertheless be conducted when from the allegations of the complaint and the answer of the respondent, including the supporting documents, the merits of the case cannot be decided judiciously without conducting such an investigation.

(d) The investigation shall be held not earlier than five days nor later than ten days from the date of receipt of respondent's answer by the disciplining authority, and shall be finished within thirty days from the filing of the charges, unless the period is extended by the Commission in meritorious cases. The decision shall be rendered by the disciplining authority within thirty days from the termination of the investigation or submission of the report of the investigator, which report shall be submitted within fifteen days from the conclusion of the investigation.

(e) The direct evidence for the complainant and the respondent shall consist of the sworn statements and documents submitted in support of the complaint or answer, as the case may be, without prejudice to the presentation of additional evidence deemed necessary but was unavailable at the time of the filing of the complaint or answer, upon which the cross-examination, by respondent and the complainant, respectively, shall be based. Following cross-examination, there may be redirect and recross-examination.

(f) Either party may avail himself of the services of counsel and may require the attendance of witnesses and the production of documentary evidence in his favor through the compulsory process of subpoena or subpoena duces tecum.

(g) The investigation shall be conducted only for the purpose of ascertaining the truth and without necessarily

adhering to technical rules applicable in judicial proceedings. It shall be conducted by the disciplining authority concerned or his authorized representative.

The phrase "any other party" shall be understood to be a complainant other than those referred to in subsection (a) hereof.

SEC. 39. Appeals.—(a) Appeals, where allowable, shall be made by the party adversely affected by the decision within fifteen days from receipt of the decision unless a petition for reconsideration is seasonably filed, which petition shall be decided within fifteen days. Notice of the appeal shall be filed with the disciplining office, which shall forward the records of the case, together with the notice of appeal, to the appellate authority within fifteen days from filing of the notice of appeal, with its comment, if any. The notice of appeal shall specifically state the date of the decision appealed from and the date of receipt thereof, it shall also specifically set forth clearly the grounds relied upon for excepting from the decision.

(b) A petition for reconsideration shall be based only on any of the following grounds: (1) new evidence has been discovered which materially affects the decision rendered; (2) the decision is not supported by the evidence on record; or (3) errors of law or irregularities have been committed prejudicial to the interest of the respondent; Provided, That only one petition for reconsideration shall be entertained.

SEC. 40. Summary Proceedings.—No formal investigation is necessary and the respondent may be immediately removed or dismissed if any of the following circumstances is present:

- When the charge is serious and the evidence of guilt is strong.
- When the respondent is a recidivist or has been repeatedly charged and there is reasonable ground to believe that he is guilty of the present charge.
- When the respondent is notoriously undesirable.

Resort to summary proceedings by disciplining authority shall be done with utmost objectivity and impartiality to the end that no injustice is committed: Provided, That removal or dismissal except those by the President, himself, or upon his order, may be appealed to the Commission.

SEC. 41. Preventive Suspension.—The proper disciplining authority may preventively suspend any subordinate officer or employee under his authority pending an investigation, if the charge against such officer or employee involves dishonesty, oppression or grave misconduct, or neglect in the performance of duty, or if there are reasons to believe that the respondent is guilty of charges which would warrant his removal from the service.

SEC. 42. Lifting of Preventive Suspension Pending Administrative Investigation.—When the administrative case against the officer or employee under preventive suspension is not finally decided by the disciplining authority within the period of ninety (90) days after the date of suspension of the respondent who is not a presidential appointee, the respondent shall be automatically reinstated in the service: Provided, That when the delay in the disposition of the case is due to the fault, negligence or petition of the respondent, the period of delay shall not be counted in computing the period of suspension herein provided.

SEC. 43. Removal of Administrative Penalties or Disabilities.—In meritorious cases and upon recommendation of the Commission, the President may commute or remove administrative penalties or disabilities imposed upon officers or employees in disciplinary cases, subject to such terms and conditions as he may impose in the interest of the service.

ARTICLE X. PROHIBITIONS

SEC. 44. Limitation on Appointment.—(1) No elective official shall be eligible for appointment to any office or position during his term of office.

(2) No candidate who lost in an election shall be eligible for appointment to any office in the government, or in any government-owned or controlled corporation within one year following such election.

SEC. 45. Political Activity.—No officer or employee in the Civil Service including members of the Armed Forces, shall engage directly or indirectly in any partisan political activity or take part in any election except to vote nor shall he use his official authority or influence to coerce the political activity of any other person or body. Nothing herein provided shall be understood to prevent any officer or employee from expressing his views on current political problems or issues, or from mentioning the names of candidates for public office whom he supports: Provided, That public officers and employees holding political offices may take part in political and electoral activities but it shall be unlawful for them to solicit contributions from their subordinates or subject them to any of the acts involving subordinates prohibited in the Election Code.

SEC. 46. Additional or double Compensation.—No elective or appointive public officer or employee shall receive additional or double compensation unless specifically authorized by law nor accept, without the consent of the President, any present, emolument, office, or title of any kind from any foreign state.

SEC. 47. Limitation on Employment of Laborers.—Laborers, whether skilled, semi-skilled or unskilled, shall not be assigned to perform clerical duties.

SEC. 48. Prohibition on Detail or Reassignment.—No detail or reassignment whatever shall be made within three (3) months before any election.

SEC. 49. Nepotism.—(a) All appointments in the national, provincial, city and municipal governments or in any branch or instrumentality thereof, including government-owned or controlled corporations, made in favor of a relative of the appointing or recommending authority, or of the chief of the bureau or office, or of the persons exercising immediate supervision over him, are hereby prohibited.

As used in this Section, the word "relative" and members of the family referred, to are those related within the third degree either of consanguinity or of affinity.

(b) The following are exempted from the operation of the rules on nepotism: (1) persons employed in a confidential capacity, (2) teachers, (3) physicians, and (4) members of the Armed Forces of the Philippines: Provided, however, That in each particular instance full report of such appointment shall be made to the Commission.

The restriction mentioned in subsection (a) shall not be applicable to the case of a member of any family who, after his or her appointment to any position in an office or bureau, contracts marriage with someone in the same office or bureau, in which event the employment or retention therein of both husband and wife may be allowed.

(c) In order to give immediate effect to these provisions, cases of previous appointments which are in contravention hereof shall be corrected by transfer, and pending such transfer, no promotion or salary increase shall be allowed in favor of the relative or relatives who were appointed in violation of these provisions.

ARTICLE XI. MISCELLANEOUS PROVISIONS

SEC. 50. Examining Committee, Special Examiners and Special Investigators.—Subject to approval by the proper head of department or agency, the Commission may select suitable persons in the government service to act as members of examining committees, special examiners or special investigators. Such person shall be designated examiners or investigators of the Commission and shall perform such duties as the Commission may require, and in the performance of such duties they shall be under its exclusive control. Examining committees, special examiners or special investigators so designated may be given allowances or per diems for their services, to be paid out of the funds of, and at a rate to be determined by, the Commission.

SEC. 51. Fees.—The Commission shall collect and charge fees for civil service examinations, certifications of civil service ratings, service records, and other civil service matters, training courses, seminars, workshops in personnel management and other civil service matters. For this purpose, the Commission shall prescribe standard and reasonable rates for such examinations, certifications, training courses, seminars, and workshops: Provided, That the fees so collected in training courses, seminars and workshops, shall be used exclusively for training activities of the Commission: Provided, further, That no examination fess shall be collected in examinations given for the selection of scholars.

SEC. 52. Authority of Officers to Administer Oaths, Take Testimony, Prosecute and Defend Cases in Court.—Members of the Commission, chiefs of offices, and other officers and employees of the Commission designated in writing by the Chairman may administer such oath as may be necessary in the transactions of official business and administer oaths and take testimony in connection with any authorized investigation. Attorneys of the Commission may prosecute and defend cases in connection with the functions of the Commission before any court or tribunal.

SEC. 53. Liability of Appointing Authority.—No person employed in the Civil Service in violation of the Civil Service Law and rules shall be entitled to receive pay from the government; but the appointing authority responsible for such unlawful employment shall be person-ally liable for the pay that would have accrued had the employment been lawful, and the disbursing officials shall make payment to the employee of such amount from salary of the officers so liable.

SEC. 54. Liability of Disbursing Officers.—Except as may otherwise be provided by law, it shall be unlawful for a treasurer or other fiscal officer to draw or retain from the salary due an officer or employee any amount for contribution or payment of obligations other than those due the government or its instrumentalities.

SEC. 55. Penal Provision.—Whoever makes any appointment or employs any person in violation of any provision of this Decree or the rules made thereunder or whoever commits fraud, deceit or intentional misrepresentation of material facts concerning other civil service matters, or whoever violates, refuses or neglects to comply with any of such provisions or rules, shall upon conviction be punished by a fine not exceeding one thousand pesos or by imprisonment not exceeding six (6) months, or both such fine and imprisonment in the discretion of the court.

ARTICLE XII. TRANSITORY PROVISIONS

SEC. 56. Government-owned or Controlled Corporations Personnel.—All permanent personnel of government-owned or controlled corporations whose positions are now embraced in the civil service shall continue in the service until they have been given a chance to qualify in an appropriate examination, but in the meantime, those who do not possess the appropriate civil service eligibility shall not be promoted until they qualify in an appropriate civil service examination. Services of temporary personnel may be terminated any time.

SEC. 57. Authority to Use Appropriations.—The Commission is hereby authorized to use such sums appropriated in Presidential Decree No. 733 and balances of existing certifications to accounts payable including prior years which have not yet been reverted to the unappropriated surplus, as are necessary to carry out the provisions of this Decree. Henceforth, appropriations to cover the salaries of officials and employees of the Civil Service Commission and its maintenance and operational expenses shall be included in the annual General Appropriations Decree.

SEC. 58. Vested Rights.—Except as otherwise provided in this Decree, rights vested or acquired under the provisions of the old Civil Service Law, rules and regulations and any other Acts prior to the effectivity of this Decree shall be respected.

SEC. 59. Repealing Clause.—All laws, rules and regulations or parts thereof inconsistent with the provisions of this Decree are hereby repealed or modified accordingly.

SEC. 60. Separability of Provisions.—If any part, section or provision of this Decree shall be held invalid or unconstitutional, no other part, section or provision thereof shall be affected thereby.

SEC. 61. Effectivity.—This Decree shall form part of the law of the land and shall take effect immediately.

Done in the City of Manila, this 6th day of October, in the year of Our Lord, nineteen hundred and seventy-five.

(Sgd.)

FERDINAND E. MARCOS

President

Republic of the Philippines

By the President:

(Sgd.)

ROBERTO V. REYES

Deputy Executive Secretary

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