

PRESCRIBING RULES AND REGULATIONS FOR THE IMPLEMENTATION OF SECTION 2, ARTICLE III OF THE FREEDOM CONSTITUTION.

EXECUTIVE ORDER NO. 17, May 28, 1986

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WHEREAS, Section 2, Article III of Freedom Constitution provides that "all elective am appointive officials under the 1973 Constitution shall continue in office until otherwise provided by proclamation or executive order or upon the designation or appointment and qualification of their successors, if such appointment is made within the period of one year from February 25, 1986";

WHEREAS, in order to obviate unnecessary anxiety and demoralization among the deserving officials and employees, particularly in the career civil service, it is necessary to prescribe the rules and regulations for implementing the said constitutional provision to protect career civil servants whose qualifications and performance meet the standards of service demanded by the New Government, and to ensure that only those found corrupt, inefficient and undeserving are separated from the government service;

NOW, THEREEORE, I, CORAZON C. AQUINO, President of the Republic of the Philippines, by virtue of the powers vested in me by the Freedom Constitution, do hereby order:

SECTION 1. In the course of implementing Article III, Section 2 of the Freedom Constitution, the Head of each Ministry shall see" to it that the separation or replacement of officers and employees is made only for justifiable reasons, to prevent indiscriminate dismissals of personnel in career civil service whose qualifications and performance meet the standards of public service of the New Government.

Any office, agency, instrumentality or government-owned or controlled corporation, which is not attached to any ministry, including any of the constitutional commissions and state colleges and universities, shall be considered a ministry for purposes of this order.

The Ministry concerned shall adopt its own rules and procedures for the review and assessment of its personnel, including the identification of sensitive positions which require more rigid assessment of the incumbents, and shall complete such review/assessment as expeditiously as possible but not later than February 24, 1987 to prevent undue demoralization in the public service.

SECTION 2. The Ministry Head concerned, on the basis of such review and assessment, shall determine who shall be separated from the service. Thereafter, he shall issue to the official or employee concerned a notice of separation which shall indicate therein the reason/s or ground/s for such separation and the fact that the separated official or employee has the right to file a petition for reconsideration pursuant to this Order. Separation from the service shall be effective upon receipt of such notice, either personally by the official or employee concerned or on his behalf by a person of sufficient discretion.

SECTION 3. The following shall be the grounds for separation/ replacement of personnel:

1) Existence of a case for Summary dismissal pursuant to Section 40 of the Civil Service Law:

- 2) Existence of a probable cause for violation of the Anti-Graft and Corrupt Practices Act as determined by the Ministry Head concerned;
- 3) Gross incompetence or inefficiency in the discharge of functions;
- 4) Misuse of public office for partisan political purposes;
- 5) Any other analogous ground showing that the incumbent is unfit to remain in the service or his separation/replacement is in the interest of the service.

SECTION 4. No court shall issue any restraining order or writ of preliminary injunction to enjoin the separation/replacement of any official or employee in the government service pursuant to this Order.

SECTION 5. There is hereby created a Committee which shall act on all petitions for reconsideration filed by any official or employee separated from the service pursuant to this Order. The committee shall be composed of the Minister of Justice, as Chairman, and the Executive Secretary, the Minister of the Budget, the Minister for Government Reorganization, the Chairman of the Civil Service Commission, and the Chairman of the Commission on Audit, or their duly designated representatives, as Members. The committee shall be assisted by such number of hearing officers as it may designate days from receipt of the notice of separation. In the case of those already separated from the service upon the issuance of this Order, including those whose resignations were accepted or whose successors have been appointed/designated, the petition shall be filed within ten (10) days from date of publication of this Order in a newspaper of general circulation.

SECTION 7. The Committee shall adopt its rules of procedure, provided that proceedings in the Committee shall be summary in nature. The decision of Ministers concerned shall be final if not reversed or modified by the Committee within thirty (30) days from receipt of the petition for reconsideration. No permanent appointment shall be issued to replace an incumbent who is separated pursuant to this Order until the expiration of the aforementioned thirty-day period or the denial of the petition for reconsideration.

SECTION 8. The decision of the Committee shall be final. No request for reconsideration shall be entertained.

SECTION 9. If the questioned separation from the service is reversed, the petitioner shall be reinstated to his former position, or shall be reappointed to a position of comparable rank and salary in the Ministry or bureau or office under said Ministry. In such cases, the petitioner shall be considered on vacation leave of absence without pay during the time he was out of the service.

SECTION 10. For purposes of this Order, appointment/designations of ministry or bureau assistant regional directors and officials of equivalent or lower rank shall be made by the Minister concerned.

SECTION 11. This Executive Order shall not apply to elective officials or those designated to replace them, presidential appointees, casual and contractual employees, or officials and employees removed pursuant to disciplinary proceedings under the Civil Service law and rules, and to those laid off as a result of the reorganization undertaken pursuant to Executive Order. 5.

SECTION 12. The amount of Five Hundred Thousand Pesos (P500,000.00) is hereby allotted from the Special Activities Fund for the effective implementation of this Order.

SECTION 13. This Executive Order shall take effect immediately.

DONE in the City of Manila, this 28th day of May, in the year of Our Lord, nineteen hundred and eighty-six.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) JOKER P. ARROYO

Executive Secretary

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