

REPEALING ALL CHARTERS, LAWS ON DECREES AND ANY PROVISION OR PROVISIONS OF LAWS OR DECREES EXEMPTING ANY BRANCH, AGENCY, SUBDIVISION OR INSTRUMENTALITY OF THE GOVERNMENT, INCLUD...

PRESIDENTIAL DECREE NO. 868, January 05, 1976

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WHEREAS, the Constitution provides that "the Civil Service embraces every branch, agency, subdivision and instrumentality of the Government, including every government-owned or controlled corporation";

WHEREAS, the Constitution likewise provides that "appointments in the civil service, 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";

WHEREAS, it has been observed that many agencies of the government have sought exemptions from the Civil Service Law and rules as well as from coverage by the WAPCO;

WHEREAS, a study of these exemptions indicates that these were specifically sought so that these agencies are free to fix any salary rates for their personnel without being restricted by the pay rates prescribed by WAPCO and had nothing to do with the Civil Service Law and rules;

WHEREAS, the Civil Service Commission has liberalized the Civil Service Law and rules, and is implementing these Law and rules with greater flexibility consistent with the requirements of a developing economy authorizing temporary appointments in the meantime that it cannot adequately provide personnel with appropriate eligibilities, especially to positions requiring scientific, technical, or specialized training;

WHEREAS, these exemptions from the Civil Service Law and rules have brought forth a special class of officials or employees, other than those specifically exempted in the Constitution, namely those positions which are policy-determining, primarily confidential or highly technical in nature;

WHEREAS, the emergence of this new class of employees enjoying special status and privilege cannot be tolerated without creating demoralization among the Civil Service ranks throughout the Government;

WHEREAS, the Constitution envisions the standardization of compensation of government officers and employees including those in government-owned or controlled corporations by providing that "the National Assembly shall provide for the standardization of compensation of government officials and employees, including those in government-owned or controlled corporations, taking into account the nature of the responsibilities pertaining to, and the qualifications for, the positions concerned";

WHEREAS, those who seek exemption from the Civil Service Law and rules and the WAPCO are apparently motivated by economic gain rather than altruistic considerations which is contrary to the moral standards of the Constitution which views a public office as a public trust;

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 the repeal of all charters, laws, decrees, or rules and all provisions or provision of any charter, law, decree or rules exempting any branch, agency, subdivision or instrumentality of the government, including government-owned or controlled corporations, from the Civil Service Law and rules.

I further decree and order that:

SECTION 1. All agencies, branches, subdivisions and instrumentalities of the government, including government-owned and controlled corporations, shall be embraced in the Civil Service and all appointments of personnel therein, except those which are policy-determining, primarily confidential, or highly technical in nature shall be subject to the Civil Service Law and rules.

All positions, which have been declared professional, confidential or technical by any agency, exempting these positions from the Civil Service Law and rules, are hereby declared subject to the Civil Service Law and rules.

Any provision of law authorizing any official, other than the President, to declare positions policy-determining, primarily confidential or highly technical which are exempt from the Civil Service Law and rules is hereby repealed, and only the President may declare a position policy-determining, highly technical or primarily confidential, upon recommendation of the Civil Service Commission, the Budget Commission and the Presidential Reorganization Commission.

SEC. 2. All permanent personnel of the government agencies or corporations appointed pursuant to these exemptions from the Civil Service Law and rules, who do not possess the appropriate civil service eligibility, shall be allowed to continue in the service, until they have been given a chance to qualify in a civil service examination. However, these personnel shall not be promoted until they have acquired an appropriate civil service eligibility.

SEC. 3. The Civil Service Commission, jointly with such agencies or corporations, shall immediately plan an examination program that shall take into consideration the particular needs of these agencies or corporations without overlooking service-wide requirements.

SEC. 4. The appointing official of the agencies and corporations shall submit all appointments to the Commission, both original and promotional, in accordance with the provisions of the Civil Service Law and rules.

SEC. 5. This Decree shall take effect immediately.

Done in the City of Manila, this 5th day of January, in the year of Our Lord, nineteen hundred and seventy-six.

(Sgd.)

FERDINAND E. MARCOS

President

Republic of the Philippines

By the President:

(Sgd.)

JACOBO C. CLAVE

Presidential Executive Assistant

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