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CONGRESS OF THE PHILIPPINES }
First Regular Session }

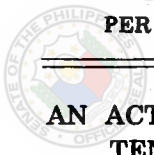
HOUSE OF REPRESENTATIVES

H. No. 7278

INTRODUCED BY CONGRESSMEN ROMUALDO, BANDON, JR., AMATONG, MONFORT, DAYANGHIRANG, DRAGON, MIRAN, MONTEJO, CALINGASAN, PALACOL, DOMINGUEZ, ROXAS, JR., BACALTOS, ROMERO, VALDEZ, MASKARIÑO, TY, YULO, ZAMORA, MENDIOLA, PUZON, GILLEGO, MARTINEZ, JR., DIMAPORO (A. D.), NAVARRO, SR., TIROL, DIMAPORO (M. A. B.), ESCUDERO III, ABINES, GUERRERO, SISON, ABAYA, ALBANO, MARQUEZ, JR., RIVERA, JR., ZARRAGA, WEBB, SANTOS, NUÑEZ, CONGRESSWOMAN VERANO-YAP, CONGRESSMEN BAUTISTA, SR., GUANZON, CONGRESSWOMAN AQUINO-ORETA, CONGRESSMEN ABAD, ABLAN, JR., CONGRESSWOMAN ACOSTA, CONGRESSMAN ADASA, JR., CONGRESSWOMAN AGANA, CONGRESSMEN AGUILAR, ALFELOR, CONGRESSWOMAN ALMARIO, CONGRESSMEN AMANTE, ANDAYA, ANDOLANA, ANGELES (D.), ANGELES (R.), ANIAG, JR., ANNI, ANTONINO, APACIBLE, AQUINO (A.), AQUINO (F.), AQUINO (H. S.), AQUINO (H.Y.), ASPIRAS, BADELLES, BAGATSING (A.), BAGATSING, JR., CONGRESSWOMAN BAKUNAWA, CONGRESSMEN BELTRAN, JR., BENGSON III, BERNARDEZ, CABOCHAN (G.), CABOCHAN (J.), CAINGLET, CAMASURA, JR., CARLOTO, CERILLES, CHAVES, CHIONGBIAN, CHIPECO, JR., CLAVER, COJUANGCO, JR., CONCEPCION, JR., CONGRESSWOMAN COSETENG, CONGRESSMEN CUA, CUENCO, DANGWA, DANS, DAZA, DIANALAN, DOMINGO, JR., DUPAYA, DURANO III, DUREZA, CONGRESSWOMAN ECLEO, CONGRESSMEN ENVERGA, ESPINOSA (M.), ESPINOSA (T.), ESTRELLA, JR.,



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PER COMMITTEE REPORT NO. 118



**AN ACT PROTECTING THE RIGHT OF SECURITY OF
TENURE OF GOVERNMENT EMPLOYEES UNDER
ANY REORGANIZATION PROCESS**

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

1 SECTION. 1. In the reorganization of the government

1 agencies of the national and local governments, state colleges
2 and universities expressly authorized by law, including
3 government-owned and controlled corporations with original
4 charters, the security of tenure of career officials and
5 employees shall be protected without sacrificing the need
6 to promote morale, efficiency, integrity, responsiveness,
7 progressiveness, and courtesy in the civil service pursuant
8 to Article IX, B, Section 3, of the Constitution.

9 SEC. 2. No officer or employee in the career service
10 shall be removed except for a valid cause. A valid cause
11 for removal exists when, pursuant to a *bona fide* reorgani-
12 zation, a position has been abolished or rendered redundant
13 or there is a need to merge, divide, or consolidate positions
14 in order to meet the exigencies of the service, or other
15 lawful causes allowed by the Civil Service Law.

16 For purposes of this Act, removals made as a result
17 of reorganization shall be considered irregular when any
18 or all of the following circumstances are present:

19 (a) Where there is a significant increase in the number
20 of positions in the new staffing pattern of the department or
21 agency concerned;

22 (b) Where an office is abolished and another per-
23 forming substantially the same functions is created;

24 (c) Where there is a reclassification of offices in the

1 department or agency concerned and reclassified offices
2 perform substantially the same functions as the original
3 offices;

4 (d) Where the removal violates the order of separation
5 provided in Section 3 hereof.

6 In any of these circumstances, the aggrieved party shall
7 be entitled to a reinstatement or reappointment upon written
8 application as a matter of right.

9 SEC. 3. In the separation of personnel pursuant to
10 reorganization, the following order of removal shall be
11 followed:

12 (a) Casual employees with less than five (5) years
13 of government service;

14 (b) Casual employees with five (5) years or more
15 of government service;

16 (c) Employees holding temporary appointments; and

17 (d) Employees holding permanent appointments.

18 SEC. 4. Qualified and permanent officials and employ-
19 ees shall be given preference for appointment to higher
20 positions in the approved staffing pattern; or in the absence
21 of such higher positions, to positions comparable to their
22 former positions; or in case there are not enough comparable
23 positions, to positions next lower in rank. All said appoint-
24 ments should be in accordance with the evaluation scheme

1 that will provide the following factors, to determine the
2 the relative fitness of the incumbents so that the most
3 qualified and competent shall be preferred:

- 4 (1) Performance for the last three (3) years;
- 5 (2) Outstanding accomplishments;
- 6 (3) Education and training;
- 7 (4) Experience; and
- 8 (5) Physical characteristics and personality traits.

9 SEC. 5. No new employees shall be taken in until all
10 permanent officials and employees have been appointed,
11 including temporary, casual or contractual employees who
12 possess the qualification requirements for permanent appoint-
13 ment to positions in the approved staffing pattern, in case
14 there are still positions to be filled unless the position is
15 highly confidential.

16 SEC. 6. Officials and employees who could not be ac-
17 commodated for lack of available positions shall be notified
18 at least thirty (30) days prior to the termination of their
19 services, including the reasons therefor.

20 SEC. 7. Officials and employees whose services have
21 been terminated in accordance with the preceding section
22 shall be given preference for appointment in other agencies
23 if they meet the qualification requirments of the positions
24 therein.

1 SEC. 8. A placement committee shall be created in
2 each agency to assist the appointing authority in the judi-
3 cious selection and placement of personnel. The placement
4 committee shall consist of two (2) members appointed by
5 the head of the department or agency, a representative of
6 the appointing authority, a representative from the Civil
7 Service Commission, and two (2) employee representatives
8 duly elected by employees holding position in the first and
9 second levels of career service: *Provided*, That if there is
10 a registered employee association with the majority of the
11 employees as members, that employee association shall
12 have a representative in the committee: *Provided, further*,
13 That immediately upon the approval of the staffing pattern
14 of the department or agency concerned, such staffing pattern
15 shall be made known to all the officers and employees of the
16 agency who shall be invited to apply for any of the positions
17 authorized therein. Said application shall be considered by
18 the committee in the placement and selection of personnel. It
19 shall include an employee representative duly elected from
20 the ranks and a representative from the Civil Service Com-
21 mission.

22 SEC. 9. A list of the personnel appointed to the autho-
23 rized positions in the approved staffing pattern shall be made
24 known to all the officers and employees of the department or

1 agency. Any of such officers and employees aggrieved by
2 the appointments made may file an appeal with the appoint-
3 ing authority who shall make a decision within thirty (30)
4 days from the filing thereof.

5 An officer or employee who is still not satisfied with the
6 decision of the appointing authority may further appeal
7 within ten (10) days from receipt thereof to the Civil Service
8 Commission which shall render a decision thereon within
9 thirty (30) days and whose decision shall be final and exec-
10 utory.

11 SEC. 10. All officers and employees who are found
12 by the Civil Service Commission to have been separated
13 in violation of Sections 2 and 3 of this Act shall be ordered
14 reinstated or reappointed as the case may be without loss of
15 seniority and shall be entitled to full pay for the period of
16 separation. Unless also separated for cause, all officers and
17 employees, including casual and temporary employees, who
18 have been separated pursuant to reorganization shall, if
19 entitled thereto, be paid the appropriate separation pay and
20 retirement and other benefits under existing laws within
21 ninety (90) days from the date of the effectivity of their
22 separation or from the date of the receipt of the resolution
23 of their appeals, as the case may be: *Provided*, That applica-
24 tion for clearance has been filed and no action thereon has

1 been made by the corresponding office or agency. Those
2 who are not entitled to said benefits shall be paid a layoff
3 gratuity in the amount equivalent to one month salary for
4 every year of service. Such separation pay and retirement
5 benefits shall have priority of payment out of the savings
6 of the department, bureau or office concerned.

7 SEC. 11. All heads of departments, commissions,
8 bureaus, agencies, or offices who after the effectivity of this
9 Act willfully violate any provision thereof, including failure
10 to abide by the rules promulgated by the Civil Service Com-
11 mission or to implement a Civil Service Commission re-
12 instatement order, shall upon conviction be punished by a
13 fine not exceeding Ten thousand pesos (P10,000.00) or by
14 imprisonment of not less than three (3) nor more than five (5)
15 years, or both such fine and imprisonment in the discretion
16 of the court, and suffer permanent disqualification to hold
17 public office.

18 -SEC. 12. The executive branch of the government
19 shall implement reorganization schemes within a specified
20 period of time authorized by law.

21 In the case of the 1987 reorganization of the executive
22 branch, all departments or agencies which are authorized
23 by executive orders promulgated by the President to re-
24 organize shall have ninety (90) days from the approval of this

1 Act within which to implement their respective reorganiza-
2 tion plans in accordance with the provisions of this Act.

3 SEC. 13. The Civil Service Commission shall promul-
4 gate the implementing rules and regulations and shall directly
5 supervise the reorganization in the different agencies.

6 SEC. 14. All laws, decrees, executive orders, rules and
7 regulations inconsistent with the provisions of this Act are
8 hereby repealed or modified accordingly. This Act shall
9 be retroactive upon assumption of office of the Congress
10 of the Philippines on June 30, 1987.

11 SEC. 15. This Act shall take effect fifteen (15) days
12 from the date of its publication in at least two (2) news-
13 papers of general circulation in Filipino and English.

Approved,

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