

LEGISLATION

[R. A. NO. 2260]

AN ACT

TO AMEND AND REVISE THE LAWS RELATIVE TO PHILIPPINE CIVIL SERVICE.

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

ARTICLE I. *Introduction*

SECTION 1. *Title of Act.* — This Act shall be known as the Civil Service Act of 1959.

SEC. 2. *General Purpose.* — The general purpose of this Act is to insure and promote the constitutional mandate regarding appointments only according to merit and fitness, and to provide within the public service a progressive system of personnel administration to insure the maintenance of an honest, efficient, progressive and courteous civil service in the Philippines.

ARTICLE II. — *Scope of the Civil Service*

SEC. 3. *Positions Embraced in the Civil Service.* — The Philippine Civil Service shall embrace all branches, subdivisions and instrumentalities of the Government, including government-owned or controlled corporations, and appointments therein, 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. Positions included in the civil service fall into three categories; namely, competitive or classified service, non-competitive or unclassified service and exempt service. The exempt service does not fall within the scope of this law.

SEC. 4. *The Competitive Service.* — The competitive or classified service shall include positions for appointment to which prior qualification in an appropriate examination is required.

SEC. 5. *The Non-Competitive Service.* — The non-competitive or unclassified service shall be composed of positions expressly declared by Law

to be in the non-competitive or unclassified service or those which are policy-determining, primarily confidential or highly technical in nature.

The following specific officers and employees shall be embraced in the non-competitive or unclassified service:

(a) Officers appointed by the President of the Philippines with the consent of the Commission on Appointments, except provincial treasurers and assistant chiefs of bureaus and offices, and all other inferior officers of the Government whose appointments are by law vested in the President alone;

(b) The secretarial and office staff of the President, of the Vice-President, of the President of the Senate, of the Speaker of the House of Representatives and of each member of the Congress of the Philippines including the personnel of all the committees of both Houses of the Congress;

(c) One private secretary and one assistant private secretary to each of the several Heads of Departments and to each of the Justices of the Supreme Court and the Court of Appeals;

(d) Officers as may be required and chosen by the Congress of the Philippines in accordance with the Constitution;

(e) Members of the various faculties and other teaching force of the University of the Philippines and other government colleges offering courses on the collegiate level, including the business directors and registrars of said institutions;

(f) Secretaries of provincial, city and municipal boards or councils;

(g) Unskilled laborers whether emergency, seasonal or permanent; and

(h) All supplementary employees in the Senate and the House of Representatives of Congress.

SEC. 6. *The Exempt Service.* — The exempt service shall consist of the following:

(a) Elective officers;

(b) Members of the commissioned and enlisted service of the Army, Navy and Air Force of the Philippines; and

(c) Persons employed on a contract basis.

ARTICLE III. — *Organization*

SEC. 7. *Civil Service Commission.* — There is hereby established a Civil Service Commission, the head of which shall be known as the Commissioner of Civil Service and who shall be responsible for the discharge of the duties and functions of the Commission. He shall be appointed by the President of the Philippines with the consent of the Commission on Appointments and shall hold office for a term of nine years and may not be reappointed. The Commissioner may be removed from office only for cause and after investigation. The Commissioner of Civil Service shall

have the rank of a Department Secretary, and shall be an *ex-officio* member of the cabinet.

There shall be a Deputy Commissioner of Civil Service appointed in the same manner as the Commissioner who shall assist the Commissioner and perform such duties and functions as may be assigned to him by the Commissioner and such as may be imposed upon him by law. In the absence of the Commissioner, he shall act as head of the Commission.

SEC. 8. *Regional Offices.* — The Commissioner of Civil Service may, as the public interest may require, establish regional offices of the Civil Service Commission at Dagupan City, Tuguegarao (Cagayan); Naga City, Iloilo City, Cebu City, Tacloban City, City of Cagayan de Oro, Davao City and Zamboanga City, to provide expeditious service to the various branches, subdivisions and instrumentalities of the government in the areas to which the respective Regional Offices are most conveniently accessible.

The Heads of such offices shall be appointed by the Commissioner and shall perform such functions and exercise such authority as may be specifically delegated by the Commissioner.

The head or chief of each regional office shall be provided with the necessary office personnel who shall be appointed by the Commissioner of Civil Service in accordance with the Civil Service Law and rules.

SEC. 9. *Wage and Position Classification Office.* — The Wage and Position Classification Office shall be responsible for the classification of positions in the civil service and shall standardize the salaries of the group or groups of positions so classified: *Provided*, That the range of minimum and maximum salaries allowable for civil service eligibilities shall be:

<i>Eligibilities</i>		
First Grade	P2,400	No limit
Second Grade	1,800	P3,720
Third Grade	1,440	2,400
Senior Stenographer	2,400	No limit
Junior Stenographer	1,800	3,720
Senior Typist	1,920	3,720
Junior Typist	1,560	2,400

It shall be transferred to the Civil Service Commission as an integral agency of the Civil Service system by executive order of the President upon the full implementation of the classification and pay plans.

SEC. 10. *Line Departments.* — The Department Head is responsible for personnel administration in his Department and with the assistance of the personnel officer of the Department shall take all personnel actions in accordance with the Civil Service Law and with the rules, standards, guidelines and regulations set by the Civil Service Commission.

SEC. 11. *Civil Service Board of Appeals.* — There shall be a Civil Service Board of Appeals composed of a Chairman and two members to be appointed by the President of the Philippines with the consent of the Commission on Appointments who shall be full-time officials, and who shall hold office during good behaviour unless sooner relieved for cause by the President. The Chairman and members of the Board shall have the same qualifications as Justices of the Court of Appeals.

The Chairman shall receive an annual compensation of twelve thousand pesos and the other members shall each be paid at a compensation of ten thousand pesos *per annum*.

Hearings of the Board shall be open to the public; and no meeting or hearings of the Board shall be held unless at least two of the members of the Board are present. The Board shall keep records and minutes of its business and official actions, and such records and minutes shall be public records open to public inspection, subject to such rules as to hours and conditions of inspection as the Board may establish.

SEC. 12. *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 Commissioner of Civil Service shall select for membership. Except for its Executive Officer who shall be designated by the Commissioner 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 of procedure concerning attendance at meetings, approval of policy declarations, 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:

(a) Upon request of the Head of Department or the Commissioner 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 solution of personnel problems confronting the various departments and agencies of the Government;

(b) To promote among the departments and agencies, through study and discussion, uniform and consistent interpretation and application of personnel policies; and

(c) 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. 13. *Examining Committees, Special Examiners and Special Investigators.* — Subject to approval by the proper Head of Department, the Commissioner of Civil Service may select suitable persons in the govern-

ment service to act as members of examining committees, special examiners or special investigators. Such persons shall be designated examiners or investigators of the Commission and shall perform such duties as the Commissioner may require in connection with examinations, appointments, promotions and investigations; and in the performance of such duties they shall be under his exclusive control. Examining committees, special examiners or special investigators so appointed may be allowed additional compensation for their service, to be paid out of the funds of the Commission, at a rate to be determined by the Commissioner.

ARTICLE IV. — *Qualifications, Salaries, Powers and Duties*

SEC. 14. *Qualifications of Commissioner and Deputy Commissioner.* — To be eligible for appointment as Commissioner or Deputy Commissioner of Civil Service, a person should be a citizen of the Philippines, at least thirty-five years of age, sufficiently familiar with the principles and methods of personnel administration and known to be in sympathy with the merit system and should have at least five years of responsible and progressive experience as an executive: *Provided*, that nothing in this law shall affect the tenures of office of the incumbent Commissioner or Deputy Commissioner of Civil Service.

SEC. 15. *Salaries of Commissioner and Deputy Commissioner.* — The annual salary of the Commissioner shall not be less than twelve thousand pesos and the salary of the Deputy Commissioner shall not be less than ten thousand pesos.

SEC. 16. *Powers and Duties of the Commissioner of Civil Service.* — It shall be among the powers and duties of the Commissioner of Civil Service—

- (a) To assist and advise the President on all matters involving personnel management in the government service;
- (b) To enforce, execute and carry out the constitutional and statutory provisions on the merit system;
- (c) To supervise the preparation and rating and have control of all civil service examinations in the Philippines; to foster and develop constructive policies, standards, procedures and programs and give the agencies advice and assistance in improving their personnel programs;
- (d) To make annual report to the President and Congress, showing the important personnel management activities during the year and making such recommendations as may more effectively accomplish the purpose of this law;
- (e) With the approval by the President, to prescribe, amend and enforce suitable rules and regulations for carrying into effect the provisions of this Civil Service Law, and the rules prescribed pursuant to the provisions of

this law shall become effective thirty days after publication in the *Official Gazette*;

(f) To make investigations and special reports upon all matters relating to the enforcement of the Civil Service Law and rules; to inspect and audit the agencies' personnel work programs to determine compliance with the Civil Service Law, rules, standards and other requirements; and to take corrective measures when unsatisfactory situations are found;

(g) To issue *subpoena* and *subpoena duces tecum* requiring the appearance of witnesses and the production of books and papers pertinent to the investigation and inquiries thereby authorized, and to examine them and such books and papers as it shall need in relation to any matter it is required to investigate;

(h) To have exclusive jurisdiction over the approval under the Civil Service Law and rules of all appointments including promotions to positions in the competitive service;

(i) Except as otherwise provided by law, to have final authority to pass upon the removal, separation and suspension of all permanent officers and employees in the competitive or classified service and upon all matters relating to the conduct, discipline, and efficiency of such officers and employees; and to prescribe standards, guidelines and regulations governing the administration of discipline;

(j) To hear and determine appeals instituted by any person believing himself aggrieved by an action or determination of any appointing authority contrary to the provisions of the Civil Service Law and rules, and to provide rules and regulations governing such appeals, and he may make such investigations or inquiries into the facts relating to the action or determination appealed from as may be deemed advisable and may affirm, review, or modify such action or determination, and the decision of the Commissioner shall be final; and

(k) To perform other functions that properly belong to a central personnel agency.

SEC. 17. *Powers and Duties of the Regional Directors.* — The Regional Director shall be the immediate representative of the Commissioner of Civil Service and, subject to the exclusive control and supervision of the Commissioner, shall perform within the territorial limits of his region such duties as the Commissioner may assign or require in connection with examination, appointments, promotions, investigations, and the enforcement of the Civil Service Law, rules and regulations.

SEC. 18. *Powers and Duties of the Civil Service Board of Appeals.* — The Civil Service Board of Appeals shall have the following powers and duties:

- (a) Adopt such rules and regulations as it may deem proper and convenient for the conduct of cases brought before it and may utilize the

services of such employees of the Civil Service Commission as it may require; and

(b) Hear and decide all administrative cases brought before it on appeal from the decision of the Commissioner of Civil Service: *Provided*, That the said Board shall decide all appeals within a period of ninety days after the same have been submitted for decision and its decision in such cases shall be final.

SEC. 19. *Duties of Public Officers.* — It shall be the duty of all public officers of the Republic of the Philippines to comply with and aid in all ways in carrying into effect the provisions of this law and the rules and regulations prescribed thereunder.

ARTICLE V. — *Delegation of Authority*

SEC. 20. *Delegation in the Civil Service Commission and to the Agencies.* — The Commissioner may, at his discretion and in the interest of the public service, delegate to Chiefs of Divisions or other heads of primary units in the Civil Service Commission, or to the Heads of Departments and agencies of the National Government, provinces, chartered cities, municipalities and other instrumentalities of the Republic authority to act on personnel matters and to enforce the provisions of this law in accordance with standards, guidelines and regulations set by the Commissioner: *Provided, however*, That the provincial treasurers of provinces are hereby deputized as deputies of the Commissioner of Civil Service for the purpose of attesting, in accordance with the Civil Service law and rules, appointments made by provincial governors and municipal mayors; and city treasurers of chartered cities are hereby deputized as deputies of the Commissioner of Civil Service for the purpose of attesting, in accordance with the said law and rules, appointments made by city mayors. Appointments by provincial governors, city mayors and municipal mayors shall become effective upon issuance of such appointments and upon attestation by the provincial treasurer in the case of appointments made by provincial governors and municipal mayors and by the city treasurer in the case of appointments made by city mayors. Appointees of provincial governors and municipal mayors shall be entitled to collect the rate of compensation fixed for these appointments once said appointments have been attested to by the provincial treasurer in his capacity as representative of the Commissioner of Civil Service. Appointees of city mayors shall likewise be entitled to collect the rate of compensation fixed for these appointments once said appointments have been attested to by the city treasurer in his capacity as representative of the Commissioner of Civil Service in the city. All appointments made by the provincial governors, municipal mayors and city mayors shall, after being attested to by the respective provincial treasurer or city treasurer, be forwarded within ten days to the Commissioner of Civil Service for review

pursuant to Civil Service law and rules. If, within one hundred eighty days after receipt of said appointments, the Commissioner of Civil Service shall not have made any correction or revision, then such appointments shall be deemed to have been properly made: *Provided, furthermore*, That the authority herein granted to provincial and city treasurers shall automatically cease upon the establishment of regional offices which comprise their respective provinces and/or cities. Periodic review of actions in the discharge of delegated authority shall be made by the Commissioner to insure compliance with standards or regulations, and the findings and recommendation shall be embodied in an annual report which should contain an adequate evaluation of the progress and problems encountered in the conduct of the merit system in the various services and instrumentalities.

SEC. 21. *Personnel Officers.* — Each department of the National Government and whenever necessary each agency or office and each province and chartered city shall have a personnel office headed by a personnel officer who, subject to the authority of the head of the organization concerned, shall be responsible for personnel management and maintenance of effective liaison with the Commission.

ARTICLE VI. — *Personnel Policies and Standards*

SEC. 22. *Position Classification and Pay.* — It is hereby declared to be the policy of the Government to provide equal pay for equal work and base differences in pay upon differences in duties, responsibilities, and qualifications requirement of the work. Due regard shall be given to appropriate increases in pay for seniority, longevity, efficiency of service, and the just demands of a family living wage.

SEC. 23. *Recruitment and Selection of Employees.* — 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 their fitness to perform the duties and assume the responsibilities of the positions whether in the competitive or classified or in the non-competitive or unclassified service.

Whenever a vacancy occurs in any competitive or classified position in the government or in any government-owned or controlled corporation or entity, the officer or employee next in rank who is competent and qualified to hold the position and who possesses an appropriate civil service eligibility shall be promoted thereto: *Provided*, That should there be two or more persons under equal circumstances, seniority shall be given preference: *And provided, however*, That should there be any special reason or reasons why such officer or employee should not be promoted, such special reason or reasons shall be stated in writing by the appointing official and the officer or employee concerned shall be informed thereof and be given an opportunity to be heard by the Commissioner of

Civil Service, whose decision in such case shall be final. If the vacancy is not filled by promotion as provided herein, then the same shall be filled by transfer of present employees in the government service, by reinstatement, by reemployment of persons separated through reduction in force, or by certification from appropriate registers of eligibles in accordance with rules promulgated in pursuance of this Act.

Qualification in an appropriate examination shall be required for appointment to positions in the competitive or classified service in accordance with the civil service rules, except as otherwise provided for in this Act: *Provided*, That whenever there is a civil service eligible 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 competitive or classified service in the government or in any government-owned or controlled corporation: *Provided, further*, That non-eligible employees who, upon the approval of this Act, have rendered five years or more of continuous and satisfactory service in classified positions and who meet the other qualifications for appointment to their positions, shall, within one year from the approval of this Act, be given qualifying examinations in which their length of satisfactory service shall be accorded preferred consideration: *Provided, further*, That those who fail in those examinations as well as those who fail or refuse to take the examinations when offered shall be replaced by eligibles: *And provided, finally*, That for the period of ten years from the approval of this Act and in line with the policy of Congress to accelerate the integration of the cultural minorities, whenever the appointment of persons belonging to said cultural minorities is called for in the interest of the service as determined by the appointing authority, with the concurrence of the Commissioner of Civil Service, the examination requirements provided in this Act, when not practicable, may be dispensed with in appointments within their respective provinces if such persons meet the educational and other qualifications required for the office or employment. For appointment to positions in the non-competitive or unclassified service, qualification in an appropriate examination may be required if the appointing official so directs.

The results of any particular civil service examination shall be released simultaneously. The names of the competitors who attain the required passing grades in an examination shall be entered in a register of eligibles in the order of their average ratings.

SEC. 24. *Personnel Actions and Employment Status.* — Whenever used with reference to this Act, any action denoting the movement and progress of personnel in the civil service shall be known as a personnel action. Such an action shall include appointment, promotion, transfer, demotion, separation and reinstatement.

(a) *Appointment in the Civil Service.* — Appointment in the civil service

shall be either permanent, provisional or temporary.

(b) *Permanent Appointment.* — A permanent appointment shall be issued to a person who has met all the requirements of the position to which he seeks appointment in accordance with the provisions of this Act and the rules and standards promulgated in pursuance thereto. 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 appealable to the Commissioner of Civil Service under section sixteen, paragraph (j) of this Act.

(c) *Provisional Appointment.* — A provisional appointment may be issued upon the prior authorization of the Commissioner in accordance with the provisions of this Act and the rules and standards promulgated in pursuance thereto to a person who has not qualified in an appropriate examination but who otherwise meets the requirements for appointment to a regular position in the competitive service, whenever a vacancy occurs and the filing thereof is necessary in the interest of the service and there is no appropriate register of eligibles at the time of appointment.

(d) *Temporary Appointment.* — A person may receive a temporary appointment to a position needed only for a limited period not exceeding six months, provided that preference in filling such position be given to persons on appropriate eligible lists.

(e) *Other Personnel Actions.* — Promotion, transfers, demotion, separation and/or reinstatement of employees in the service shall be reported to the Commission in accordance with the provisions of this Act and the rules promulgated pursuant thereto.

(f) *Limitation on Employment of Persons in the Non-Competitive or Unclassified Service.* — No person appointed to a position in the non-competitive or unclassified service shall perform the duties properly belonging to any position in the competitive service.

(g) *Reduction in Force.* — Whenever it becomes necessary because of lack of work or funds or due to a necessary change in the scope or nature of an agency's program, or whenever it is advisable in the interest of economy to reduce the staff of any department, office, bureau, or agency, those in the same group or class of position in one or more bureaus or offices within the particular Department wherein the reduction is to be effected, shall be reasonably compared in terms of relative fitness, efficiency length of service, and those found to be least qualified for the remaining positions shall be laid off. The Commissioner of Civil Service shall promulgate rules and regulations to carry out the provisions of this subsection.

SEC. 25. *Career and Employee Development.* — The development and maintenance of a high level of employee performance is a primary concern of the Government. It shall be the policy of the Government that a continuing program of employee training, supervisory, career and executive development be established under the leadership of the Civil Service Commission for all government personnel at all levels.

Each department, bureau, office or agency shall have an appropriate training staff and shall establish its own in-service training program in accordance with standards laid down by the Commission.

The Commission may request technical assistance from the Budget Commission, the Institute of Public Administration and other professional and technical organizations in connection with the promotion of government training programs.

To help insure the availability of a pool of trained administrators in the executive and senior levels, and to further improve the competence and performance of executives in the different branches, subdivision and instrumentalities of the Philippine Government, the Institute of Public Administration of the University of the Philippines with the cooperation of the Budget Commission, the Civil Service Commission and the National Economic Council shall organize and carry out a continuing program of executive development.

SEC. 26. *Performance Rating System.* — There shall be established a performance rating system, which shall be administered with rules, regulations and standards established by the Civil Service Commission for all officers and employees in both the competitive and non-competitive service. Such performance rating system shall be administered in such manner as to continually foster the improvement of individual employee efficiency.

Each department, bureau, office, or agency may, after consultation with and approval by the Commission establish and use one or more performance rating plans appropriate to the various groups of positions in the department, bureau, office or agency concerned. No performance rating shall be given or used as a basis for any personnel action except under a performance rating plan and on the forms and in accordance with standards and procedures approved by the Commission; *Provided*, That each employee shall be informed periodically by his supervisor about his efficiency rating.

SEC. 27. *Employee Suggestions and Incentive Award System.* — There shall be established by the Civil Service Commission a government-wide "Employee Suggestions and Incentive Award System" which shall be administered under such rules, regulations and standards as may be promulgated by the Commission. The Commission shall report annually the results of the program together with recommendations to the President and to Congress.

In accordance with rules, regulations and standards to be promulgated

by the Commission, the President of the Philippines or the Head of each Department is authorized to pay cash awards and to incur whatever necessary expenses are involved in the honorary recognition of subordinate officers and employees of the Government who by their suggestions, inventions, superior accomplishments and other personal efforts contribute to the efficiency, economy or other improvement of the Government operations, or who perform such extraordinary acts or services in the public interest in connection with or related to their official employment.

The Commission shall prescribe the standards and the appropriate schedule of monetary or other awards under this system, provided that each monetary award shall not exceed one thousand pesos, to be paid out of the savings of the Department concerned.

SEC. 28. *Employees Relations and Services* — (a) *Employee-Employer Relations.* — Every head of department, bureau, office or agency shall take all proper steps toward the creation of an atmosphere conducive to good employee-supervisor relations and the improvement of employee morale. For this purpose, the head of each department, bureau, office or agency shall make provisions for employees' health, welfare, counseling, recreation and similar services.

b) *Complaints and Grievances.* — Employees shall have the right to present their complaints and/or grievances to the 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 complaints and/or grievances shall be resolved at the lowest possible echelon in the department, bureau, office or agency, as the case may be and the employee shall have the right to appeal such decision to higher authorities.

Each department, bureau, office or agency shall promulgate rules and regulations governing expeditious, fair and equitable adjustment of employees' complaints and/or grievances in accordance with the policies enunciated in this Act.

(c) *Limitation on the Right to Strike.* — The terms and conditions of employment in the Government, including any political subdivision or instrumentality thereof, are governed by law and it is declared to be the policy of the Government that the employees therein shall not strike for the purpose of securing changes in their terms and conditions of employment. Such employees, however, may belong to any labor organization which does not impose the obligation to strike or to join strikes: *Provided*, That this section shall apply only to employees employed in governmental functions and not to those employed in proprietary functions of the Government including, but not limited to, governmental corporations.

SEC. 29. *Political Activity.* — Officers and employees in the civil service, whether in the competitive or classified, or non-competitive or unclassified service, shall not engage directly or indirectly in partisan po-

litical activities or take part in any election except to vote. 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.

SEC. 30. *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, whether in the competitive or non-competitive service, 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 Commissioner of Civil Service.

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 rules, 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.

SEC. 31. *Dual Compensation.* — No officer or employee in the Civil Service shall receive additional or double compensation unless specifically authorized by law.

ARTICLE VII. — *Discipline*

SEC. 32. *Disciplinary Action.* — No officer or employee in the civil service shall be removed or suspended except for cause as provided by law and after due process: *Provided,* That a transfer from one position to another without reduction in rank or salary shall not be considered disciplinary when made in the interest of public service: *Provided, further,* That 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: *And provided, finally,* That the respondent shall be entitled to a formal investigation if he so elects, in which case he

shall have the right to appear and defend himself at said investigation in person or by counsel, to confront and cross-examine the witnesses against him, and to have the attendance of witnesses and production of documents in his favor by compulsory process of *subpoena* or *subpoena duce tecum.*

SEC. 33. *Administrative Jurisdiction for Disciplining Officers and Employees.* — The Commissioner may, for dishonesty, oppression, misconduct, neglect of duty, conviction of a crime involving moral turpitude, notoriously disgraceful or immoral conduct, improper or unauthorized solicitation of contributions from subordinate employees and by teachers or school officials from school children, violation of the existing Civil Service Law and rules or of reasonable office regulations, or in the interest of the service, remove any subordinate officer or employee from the service, demote him in rank, suspend him for not more than one year without pay or fine him an amount not exceeding six months' salary.

In meting out punishment, like penalties shall be imposed for like offenses and only one penalty shall be imposed in each case.

SEC. 34. *Preventive Suspension.* — The President of the Philippines may suspend any chief or assistant chief of a bureau or office and in the absence of special provision, any other officer appointed by him, pending an investigation of the charges against such officer or pending an investigation of his bureau or office. With the approval of the proper Head of Department, the chief of a bureau or office may likewise preventively suspend any subordinate officer or employee in his bureau or 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 strong reasons to believe that the respondent is guilty of charges which would warrant his removal from the service.

SEC. 35. *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 Commissioner of Civil Service within the period of sixty (60) days after the date of suspension of the respondent, the respondent shall be reinstated in the service. If the respondent officer or employee is exonerated, he shall be restored to his position with full pay for the period of suspension.

SEC. 36. *Prescriptive Period for Appeals.* — The decision of the Commissioner of Civil Service rendered in an administrative case involving discipline of subordinate officers and employees may be appealed by the respondent to the Civil Service Board of Appeals within thirty (30) days after receipt by him of the decision.

No petition for reconsideration of the decision rendered by the Commissioner of Civil Service will be entertained if not filed within the period

for appeal as provided in this section: *Provided*, That only one petition for reconsideration shall be entertained: *And provided, further*, That the filing of a petition for reconsideration shall suspend the running of the period for appeal.

The Commissioner shall be informed by the office of the respondent of the dates mentioned in this provision.

SEC. 37. *Removal of Administrative Penalties or Disabilities.* — The President of the Philippines may, in meritorious cases and upon recommendation of the Civil Service Board of Appeals, 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 VIII. — *Miscellaneous Provisions*

SEC. 38. *Examination Fees.* — The Commissioner of Civil Service in his discretion may prescribe an equitable schedule of fees for admission to civil service examinations, not exceeding two pesos for each candidate. Applicants whose applications have been disapproved shall be entitled to the refund of the examination fees paid by them. The funds collected from the examination fees shall constitute a special fund of the Civil Service Commission and shall be used exclusively for the expenses of the Commission.

SEC. 39. *Appropriations for the Regional Offices.* — There is hereby appropriated, out of any funds in the National Treasury not otherwise appropriated, the sum of two hundred fifty thousand pesos to finance the salaries, maintenance and other operating expenses of the regional offices and for the salaries of certain positions provided under this Act for the fiscal year nineteen hundred and sixty. Thereafter, the needed sum shall be included in the General Appropriation Act.

SEC. 40. *Waiver of Rights.* — No public officer or employee acting for a public officer shall be permitted to require an applicant for employment or any employee to sign any paper or document whereby such applicant for employment waives any right or rights accruing to him under this law.

SEC. 41. *Authority of Officers to Administer Oaths and Take Testimony.* — Officers, attorneys and examiners of the Commission may administer such oaths as may be necessary in the transaction of official business and the Commissioner of Civil Service or other persons conducting any authorized investigations may administer oaths and take testimony in connection therewith: *Provided*, That all employees not herein above-

mentioned who are authorized by the Commissioner to administer oaths shall have such authorization in writing.

SEC. 42. *Liability of Disbursing Officers.* — Except as may otherwise be provided, it shall be unlawful for a treasurer, or other fiscal officer to draw, 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, sign or issue, or authorize the drawing, signing or issuing of any warrant, check or voucher for the payment of any salary or compensation to any officer, or other persons except temporary laborers, unless proper certification is made by the Commissioner of Civil Service or his duly authorized representative that the appointment or employment of such officer or employee has been approved as provided by the Civil Service Law and rules and the official making such payment shall be personally liable for any salaries or wages paid to any person whose appointment has not been duly approved, without prejudice to his administrative or criminal liability.

SEC. 43. *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 personally liable for the pay that would have accrued had the employment been lawful, and the disbursing official shall make payment to the employee of such amount from the salary of the officers so liable.

SEC. 44. *Penal Provisions.* — Whoever makes any appointment or employs any person in violation of any provision of this Act, or the rules made thereunder, 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 months, or both such fine and imprisonment in the discretion of the court.

SEC. 45. *Repealing Clause.* — The following are hereby repealed: Sections six hundred fifty-nine to six hundred sixty-two, six hundred sixty-four to six hundred sixty-five, six hundred sixty-eight to six hundred seventy-four, six hundred eighty, six hundred eighty-two, six hundred ninety, six hundred ninety-four to six hundred ninety-six of the Revised Administrative Code, as amended; Commonwealth Act Numbered 598; and such other laws or part of laws, executive orders, administrative orders, circulars and memoranda inconsistent with this Act.

SEC. 46. *Separability of Provisions.* — If any part, section or provision of this Act shall be held invalid or unconstitutional, no other part, section or provision thereof shall be affected thereby.

SEC. 47. *Effective Date and Saving Clause.* — This Act shall take effect upon its approval: *Provided, however,* that except as otherwise provided in this Act, rights or privileges vested or acquired under the provisions of the old Civil Service Law, rules and regulations prior to the effectivity of this Act shall remain in force and effect.

Approved, June 19, 1959.

OPINIONS OF THE SECRETARY OF JUSTICE

On the Territorial Jurisdiction of the City of Manila

OPINION NO. 185, s. 1959

Opinion is requested on the following questions:

"1. May the City of Manila own and operate a school outside its territorial limits?

"2. Was the land in question donated or sold to the City of Manila? If donated, should the city part with it also as a donation in favor of the Province of Rizal? Was the donation or sale valid?

"3. May a Manila city ordinance be given application outside the territorial jurisdiction of the City and even as far as to adversely affect residents of Makati, Rizal?

"4. Are expenses spent from national government funds for the construction and improvement of the Rafael Elementary School reimbursable in favor of the City of Manila, in the event the proposed conveyance of ownership is made?

It appears that on September 23, 1938, the City of Manila acquired a parcel of land with an area of 10,000 square meters from Ayala y Cia. The land, situated in Makati, Rizal, was purportedly transferred by a deed of sale executed in favor of the City and duly registered. In the deed, it was made to appear that the lot was sold for ₱10,000. But this sum was in turn donated by Ayala y Cia, to the City "to be used for the repair of Calle Vito Cruz, Ext., Makati, Rizal."

The City of Manila subsequently constructed the Rafael Palma Elementary School and other improvements on the lot. Manila and Makati residents were admitted for enrollment at the school. The latter, however, are made to pay ₱30 each upon reaching the intermediate grades in accordance with the provisions of Manila City Ordinance No. 2301. A request for the exemption of Makati residents from the payment of said fee was then presented to the Office of the President which referred it to the City of Manila whose officials offered two alternative solutions, to wit:

"1. To amend Ordinance No. 2301 so as to allow the pupils residing in the Municipality of Makati within the immediate vicinity of the R. Palma Elementary School to enroll in the primary and intermediate grades after all children of *bona fide* city residents shall have been accommodated, provided that these pupils shall be charged the tuition fee of ₱50 when they enroll in the city high schools as provincial students.

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