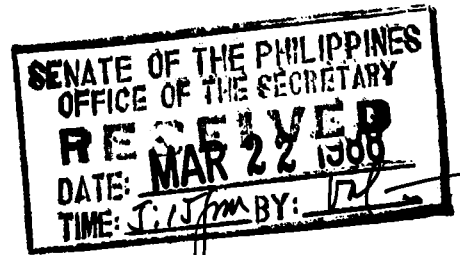


Congress of the Philippines)
First Regular Session)



SENATE

COMMITTEE REPORT NO. 148

Submitted by the Committee on Civil Service and Government Reorganization on

Re: Senate Bill No. 379, prepared by the Committee

Recommending its approval without amendment in substitution of Senate Bill No. 309.

Sponsors: Senator Rasul and the Committee on Civil Service and Government Reorganization

MR. PRESIDENT:

The Committee on Civil Service and Government Reorganization to which was referred Senate Bill No. 309, introduced by Senator Rasul, originally entitled:

"AN ACT TO ENSURE SECURITY OF TENURE IN GOVERNMENT BY ESTABLISHING PROCEDURES FOR THE IMPLEMENTATION OF REORGANIZATION, SPECIFYING THE GROUNDS FOR SEPARATION FROM THE SERVICE, AUTHORIZING THE CIVIL SERVICE COMMISSION TO ISSUE REINSTATEMENT ORDERS, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF, AND FOR OTHER PURPOSES"

has considered said bill and has the honor to report it back to the Senate with the recommendation that the attached Senate Bill No. 379, prepared by the Committee, entitled:

"AN ACT TO PROTECT THE RIGHT TO SECURITY OF TENURE OF CIVIL SERVICE OFFICERS AND EMPLOYEES IN THE IMPLEMENTATION OF GOVERNMENT REORGANIZATION"

be approved without amendments in substitution to S. No. 309 with Senator Rasul and the members of the Committee on Civil Service and Government Reorganization, as authors thereof.

Respectfully submitted:

Santanina Rasul
SANTANINA T. RASUL
Chairman
Committee on Civil Service
& Government Reorganization

Vicente T. Paterno
VICENTE T. PATERNO
Vice-Chairman



MEMBERS:

Edgardo J. Angara
EDGARDO J. ANGARA

Neftali A. Gonzales
~~NEFTALI A. GONZALES~~
with reservation

SOTERO H. LAUREO
Alberto G. Romulo
ALBERTO G. ROMULO

Jose B. Lina Jr.
~~JOSE B. LINA JR.~~
with reservation
VICTOR S. ZIGA

Joseph E. Estrada
JOSEPH E. ESTRADA

EX-OFFICIO MEMBERS:

Teofisto T. Guingona
~~TEOFISTO T. GUINGONA~~
President PtoTempore

Orlando S. Mercado
~~ORLANDO S. MERCADO~~
Majority Floor Leader

Juan Conce Enrile
~~JUAN CONCE ENRILE~~
Minority Floor Leader

THE HONORABLE JOVITO R. SALONGA
President of the Senate
m a n i l a



Senate Archives (LRS)

S E N A T E

S. NO. 379

Prepared by the Committee on Civil Service and Government
Reorganization with Senator Rasul as author per
Committee Report No. 148

AN ACT
TO PROTECT THE RIGHT TO SECURITY OF TENURE OF CIVIL SERVICE
OFFICERS AND EMPLOYEES IN THE IMPLEMENTATION OF GOVERNMENT
REORGANIZATION

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

1 SECTION 1. It is hereby declared the policy of the
2 State to protect the security of tenure of civil service
3 officers and employees in the reorganization of the
4 various agencies of the National Government and of local
5 governments, including government-owned OR controlled
6 corporations, EVEN AS THE NEED TO PROMOTE MORALE,
7 EFFICIENCY, INTEGRITY, RESPONSIVENESS, PROGRESSIVENESS, AND
8 COURTESY IN THE CIVIL SERVICE PURSUANT TO ARTICLE IX, B,
9 SEC. 3 OF THE CONSTITUTION IS LIKEWISE HEREBY RECOGNIZED.
(Proposed by Senators Saguisag and Romulo)
10 SEC. 2. No officer or employee in the career service
11 shall be removed except for a valid cause. A valid cause for
12 layoff exists when, pursuant to a bonafide reorganization, a
13 position has been abolished or rendered redundant OR THERE
14 IS A NEED TO MERGE, DIVIDE, CONSOLIDATE OR RECLASSIFY
15 POSITIONS IN ORDER TO MEET THE EXIGENCIES OF THE SERVICE, OR
16 OTHER LAWFUL CAUSES ALLOWED BY THE CIVIL SERVICE LAW. THE
17 EXISTENCE OF ANY OR SOME OF THE FOLLOWING CIRCUMSTANCES MAY
18 BE CONSIDERED AS EVIDENCE OF BAD FAITH IN THE
19 REORGANIZATION, GIVING RISE TO CLAIM FOR REINSTATEMENT OR
20 REAPPOINTMENT BY AN AGGRIEVED PARTY:

- 1 (A) WHERE THERE IS A SIGNIFICANT INCREASE IN THE
2 NUMBER OF POSITIONS IN THE NEW STAFFING
3 PATTERN OF THE DEPARTMENT OR AGENCY CONCERNED;
4 (B) WHERE AN OFFICE IS ABOLISHED AND ANOTHER
5 PERFORMING SUBSTANTIALLY THE SAME FUNCTIONS
6 IS CREATED;
7 (C) WHERE INCUMBENTS ARE REPLACED BY THOSE LESS
8 QUALIFIED IN TERMS OF STATUS OF APPOINTMENT,
9 PERFORMANCE AND MERIT;
10 (D) WHERE THERE IS A MERGER OR CONSOLIDATION OF
11 OFFICES IN THE DEPARTMENT/AGENCY CONCERNED
12 AND NEW OFFICES PERFORMING SUBSTANTIALLY THE
13 SAME FUNCTIONS AS THE MERGED OR CONSOLIDATED
14 OFFICES ARE CREATED;
15 (E) WHERE THERE IS A PATENT PARTIALITY IN THE
16 RETENTION OF PERSONNEL. (Proposed by Senator Tamano)
17 SEC. 3. IN THE SEPARATION OF PERSONNEL PURSUANT TO
18 REORGANIZATION, THE FOLLOWING ORDER OF LAY OFF SHALL BE
19 FOLLOWED:
20 (A) CASUAL EMPLOYEES WITH LESS THAN FIVE (5)
21 YEARS OF GOVERNMENT SERVICE;
22 (B) CASUAL EMPLOYEES WITH FIVE (5) YEARS OR MORE
23 OF GOVERNMENT SERVICE;
24 (C) EMPLOYEES HOLDING TEMPORARY APPOINTMENTS; AND
25 (D) EMPLOYEES HOLDING PERMANENT APPOINTMENTS.
26 PROVIDED, THAT THOSE IN THE SAME CATEGORY AS ENUMERATED
27 ABOVE, WHO ARE LEAST QUALIFIED IN TERMS OF PERFORMANCE AND
28 MERIT SHALL BE LAID OFF FIRST, LENGTH OF SERVICE
29 NOTWITHSTANDING. (Proposed by Senator Rasul)
30 SEC. 4.[3] CONSISTENT WITH THE DECLARED POLICY IN




1 SECTION 1 AND THE REQUIREMENTS OF DUE PROCESS, THE FOLLOW-
2 ING ORDER OF PREFERENCE SHALL BE ADHERED TO IN FILLING THE
3 NEW STAFFING PATTERN OF THE DEPARTMENT OR AGENCY CONCERNED:

4 (A) EMPLOYEES HOLDING PERMANENT APPOINTMENTS
5 WHOSE POSITIONS HAVE BEEN ABOLISHED IN THE
6 DEPARTMENT/AGENCY CONCERNED;

7 (B) EMPLOYEES HOLDING PERMANENT APPOINTMENTS
8 WHOSE POSITIONS HAVE BEEN ABOLISHED IN OTHER
9 DEPARTMENTS/AGENCIES;

10 (C) EMPLOYEES HOLDING TEMPORARY APPOINTMENTS AND
11 CASUAL EMPLOYEES IN THE DEPARTMENT OR AGENCY
12 CONCERNED WHO POSSESS THE NECESSARY
13 QUALIFICATION REQUIREMENTS, AMONG WHICH IS
14 THE APPROPRIATE CIVIL SERVICE ELIGIBILITY,
15 FOR PERMANENT APPOINTMENT TO POSITIONS IN THE
16 APPROVED STAFFING PATTERN. (Proposed by Senator Angara)

17 [Officers and employees holding permanent appointments
18 in the career service of the department/agency
19 concerned shall be given preference for appointments to
20 the new positions in the approved staffing pattern:
21 Provided, That appointment of new personnel to career
22 positions, whether original or by transfer or
23 reinstatement, shall not be made until all officers and
24 employees holding permanent appointments in the career
25 service of the department/agency concerned have been
26 appointed, including employees holding temporary
27 appointments and casual employees who possess the
28 qualification requirements, among which is the appropriate
29 civil service eligibility, for permanent appointment to
30 positions in the approved staffing pattern: Provided,



1 further, That incumbent personnel who meet the qualification
2 requirements for appointment to the new positions based on
3 performance and merit standards embodied in Section 2
4 hereof, shall be preferred in the following order:
5 employees holding permanent appointments, employees
6 holding temporary appointments, casual employees without
7 prejudice to the appointment of persons with appropriate
8 civil service eligibilities as provided under existing laws
9 to replace temporary or casual employees.]

10 SEC. 5.[4] In order that the best qualified and most
11 deserving persons shall be appointed in any reorganization,
12 there shall be created a Placement Committee in each
13 department/agency to assist the appointing authority in the
14 judicious selection and placement of personnel. The
15 Committee shall consist of two members appointed by the head
16 of the department/agency, a representative from the Civil
17 Service Commission, and two members representing the
18 employees holding positions in the first and second levels
19 of the career service: Provided, That if there is a
20 registered employee association with a majority of the
21 employees as members, representatives of that employee
22 association shall serve as members of the Committee:
23 Provided, further, That immediately upon approval of the
24 staffing pattern of the department/agency concerned, such
25 staffing pattern shall be made known to all the officers and
26 employees of the agency who shall be invited to apply for
27 any of the positions authorized therein. Said application
28 shall be considered by the Committee in the placement and
29 selection of personnel.

30 SEC. 6.[5] A list of the personnel appointed to the

1 authorized positions in the approved staffing pattern shall
2 be made known to all the officers and employees of the
3 department/agency. Any of such officers and employees
4 aggrieved by the appointments made may file an appeal with
5 the appointing authority who shall make a decision within
6 thirty (30) days from the filing thereof.

7 SEC. 7.[6] An officer or employee who is still not
8 satisfied with the decision of the appointing authority may
9 further appeal within ten (10) days from receipt thereof to
10 the Civil Service Commission which shall render a decision
11 thereon within thirty (30) days and whose decision shall be
12 final: Provided, That an officer appointed by the President
13 shall file his appeal with the Office of the President which
14 shall render a decision thereon within thirty (30) days and
15 whose decision shall be final.

16 SEC. 8.[7] ALL Officers and [all] employees who are
17 found by the Civil Service Commission to have been
18 separated in violation of Section 2 and Section 3 of this
19 Act, shall be ordered reinstated or [reemployed] REAPPOINTED
20 as the case may be and shall be entitled to full pay for
21 the period of separation. ALL OFFICERS AND EMPLOYEES WHO
22 HAVE BEEN VALIDLY SEPARATED PURSUANT TO REORGANIZATION SHALL
23 BE ENTITLED TO THE PAYMENT OF APPROPRIATE SEPARATION PAY AND
24 TO RETIREMENT AND OTHER BENEFITS ACCRUING TO THEM WITHIN
25 NINETY (90) DAYS FROM THE DATE OF THE EFFECTIVITY OF THEIR
26 SEPARATION OR FROM THE DATE OF THE RECEIPT OF THE RESOLUTION
27 OF THEIR APPEALS AS THE CASE MAY BE. SUCH SEPARATION PAY
28 AND RETIREMENT BENEFITS SHALL HAVE PRIORITY OF PAYMENT OUT
29 OF THE FUNDS APPROPRIATED FOR THE OPERATION OF THE
30 DEPARTMENT, BUREAU OR OFFICE CONCERNED. (Proposed by Senator Tamano)

1 SEC. 9.[8] All heads of departments/agencies who
2 thereafter violate any provision of this Act, including
3 failure to abide by the rules promulgated by the Civil
4 Service Commission or to implement a Civil Service
5 Commission reinstatement order, shall upon conviction be
6 punished by a fine not exceeding Ten thousand (P10,000)
7 pesos or by imprisonment of not less than three (3) nor more
8 than five (5) years or both such fine and imprisonment in
9 the discretion of the Court.

10 SEC. 10.[9] The executive branch of the government
11 shall implement reorganization schemes within a specified
12 period of time authorized by law.

13 In the case of the 1987 reorganization of the executive
14 branch, all departments/agencies which are authorized by
15 executive orders promulgated by the President to reorganize
16 shall have forty-five (45) days from the approval of this
17 Act within which to implement their respective
18 reorganization plans in accordance with the provisions of
19 this Act.

20 SEC. 11.[10] The Civil Service Commission shall
21 promulgate the necessary rules and regulations to implement
22 provisions of this Act.

23 SEC. 12.[11] All laws, rules and regulations or parts
24 thereof, inconsistent with the provisions of this Act are
25 hereby repealed or modified accordingly.

26 SEC. 13.[12] If any part, section or provision of this
27 Act shall be held invalid or unconstitutional, no other part,
28 section or provision thereof shall be affected thereby.

29 SEC. 14.[13] This Act shall take effect immediately
30 upon its approval.

Approved,

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4-28-88

10:20 a.m.

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SENATOR TAMANO. Mr. President.

THE PRESIDING OFFICER (Senator MACEDA). Senator Tamano is recognized.

SENATOR TAMANO. We have submitted our proposed amendments to the distinguished Sponsor of the Bill, and I think, it would be for the interest of an orderly discussion if she herself will be the one to read the proposed amendment.


SENATOR RASUL. Thank you, Mr. President.

SENATOR LAUREL. Mr. President.

THE PRESIDING OFFICER (Senator MACEDA). Senator Laurel is recognized.

SENATOR LAUREL. May I suggest, Mr. President, probably a more simple procedure to expedite consideration of the bill in a more proper order. Why not go along on the basis of section by section because we stopped at a certain section of the proposed bill. So, why do we not do it that way, Mr. President, begin where we ended?

THE PRESIDING OFFICER (Senator MACEDA). Yes. Is the Sponsor agreeable to go section by section?



SENATOR RASUL. Yes, Mr. President, I am agreeable except for the fact that last time we finished Section 3, but the amendments submitted later on also includes Section 2. During the last discussions we had on this bill Section 2 was amended by Senator Angara, and

subsequently there were other amendments which would be incorporated into the amendment of Senator Angara.

So, perhaps, Mr. President, as suggested by Senator Laurel, the proper thing to do is we go back to the first section.

THE PRESIDING OFFICER (Senator MACEDA.) So, with that suggestion, it is accepted by the Sponsor, we shall do so. Now, we are on first page, Section 1.

SENATOR GONZALES. Mr. President.

THE PRESIDING OFFICER (Senator MACEDA.) The Gentleman from Mandaluyong.

SENATOR GONZALES. Mr. President, is it understood that we will use as basis now for the individual amendments the amended copy of Senate No. 379 as of April 26, 1988?

THE PRESIDING OFFICER (Senator MACEDA.) Yes, provided we do not hear any objection from Senator Saguisag.

SENATOR GONZALES. Mr. President, may we know Senator Saguisag has been singled out for this purpose?

THE PRESIDING OFFICER (Senator MACEDA.) Well, as you know Senator Saguisag is the emerging conscience of the Senate and we have to take into consideration his views.

SENATOR LINA. Mr. President.

THE PRESIDING OFFICER (Senator MACEDA.) Senator

GS

4-28-88

10:20

II-1

Lina is recognized.

SENATOR LINA. Mr. President, we received a copy of this amended bill, as of April 26, 1988, only this morning, and if we are going to use this as a basis for our individual amendments, I think, we need a little time, about five minutes, to go over the entire bill.

SUSPENSION OF THE SESSION

THE PRESIDING OFFICER (Senator MACEDA.) Session is suspended for five short minutes, if there is no objection. (There was none.)

It was 10:23 a.m.



GS II-1 10:30 a.m. 4/28/88

A

RESUMPTION OF THE SESSION

At 10:28 a.m., the session was resumed, with the Honorable, Senator Ernesto M. Maceda, presiding.

THE PRESIDING OFFICER (SEN. MACEDA). The session is resumed. The Senator from Sulu is recognized. We are now on page 1, Section 1.

SENATOR RASUL, ^{In} Section 1, Mr. President, the amendment which was introduced by Senator Angara was deleted. But on line 5, there was a typographical error. The word "and" should be "OR".

THE PRESIDING OFFICER. In line 5, change "and" to "OR". Okay. Is there any objection? (Silence.) The Chair hears none; the same is approved.

SENATOR RASUL. The deletion of "with original charters" was introduced by Senator Guingona.

THE PRESIDING OFFICER. Yes.

SENATOR RASUL. Mr. President, the entire section 2 was replaced by an amendment introduced by Senator Angara, but his amendment has been further amended by the insertion of an amendment by Senator Tamano. May I read the entire Section as amended, Mr. President.

THE PRESIDING OFFICER. Yes, please.

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GS REPI 10:30 a.m.

4/28/88

B

SENATOR RASUL, "SEC. 2, NO OFFICER OR EMPLOYEE IN
THE CAREER SERVICE SHALL BE REMOVED EXCEPT FOR A VALID CAUSE...



Senate Archives (LRAS)

SENATOR RASUL.

...shall be removed except for a valid cause. A valid cause for layoff exists when pursuant to a bona fide reorganization, a position has been abolished or rendered redundant."

Now, Mr. President, here is where the amendment of Senator Tamano would be inserted, and I would like to read it:

"No officer or employee in the Career Service shall be removed except for a valid cause. A valid cause for layoff exists when pursuant to a bona fide reorganization, a position has been abolished or rendered redundant. THE EXISTENCE OF ANY OR SOME OF THE FOLLOWING CIRCUMSTANCES MAY BE CONSIDERED AS EVIDENCE OF BAD FAITH IN THE REORGANIZATION GIVING RISE TO A CLAIM FOR REINSTATEMENT OR REAPPOINTMENT BY AN AGGRIEVED PARTY:

(A) WHERE THERE IS A SIGNIFICANT INCREASE IN THE NUMBER OF POSITIONS IN THE NEW STAFFING PATTERN OF THE DEPARTMENT OR AGENCY CONCERNED.

(B) WHERE AN OFFICE IS ABOLISHED AND ANOTHER PERFORMING SUBSTANTIALLY THE SAME FUNCTION IS CREATED.

(C) WHERE INCUMBENTS ARE REPLACED BY THOSE LESS QUALIFIED IN TERMS OF STATUS OF APPOINTMENT, PERFORMANCE AND MERIT.

(D) WHERE THERE IS A MERGER OR CONSOLIDATION OF OFFICES

IN THE DEPARTMENT OR AGENCY CONCERNED BUT NEW OFFICES ARE CREATED.

(E) WHERE THERE IS PATENT PARTIALITY IN THE RETENTION OF PERSONNEL."

Now, the other half, Mr. President, of Senator Angara's amendment becomes Section 3, and I would like to read Section 3:

"IN THE SEPARATION OF PERSONNEL IN ACCORDANCE WITH REORGANIZATION, THE FOLLOWING ORDER OF LAYOFF SHALL BE FOLLOWED:"

And this is followed by Senator Maceda's amendment, and I will read it. This is part of Section 3.

(A) CASUAL EMPLOYEES WITH LESS THAN FIVE YEARS OF GOVERNMENT SERVICE;

(B) CASUAL EMPLOYEES WITH FIVE YEARS OR MORE OF GOVERNMENT SERVICE;

(C) EMPLOYEES HOLDING TEMPORARY APPOINTMENTS; AND

(D) EMPLOYEES HOLDING PERMANENT APPOINTMENTS: PROVIDED"

-- and this was introduced by Senator Guingona --

"THAT THOSE IN THE SAME CATEGORY AS ENUMERATED ABOVE WHO ARE LEAST QUALIFIED IN TERMS OF PERFORMANCE AND MERIT SHALL BE LAYED OFF FIRST, LENGTH OF SERVICE NOTWITHSTANDING."

THE PRESIDING OFFICER (Senator Guingona.) Okay. Let us go to Section 2 as has been amended which is the first two sentences of this present Section 2 and the Tamano amendment.

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111-1

4/28/88

1030am

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If the Senator will not mind, will she just read again the Tamano amendment before we recognize Senator Gonzales. Meaning to say, that would be the last sentence of Section 2, after the word "redundant."

SENATOR RASUL. "All officers and employees who are found ..."

I am sorry.

THE PRESIDING OFFICER (Senator Maceda.) "THE EXISTENCE..."

SENATOR GONZALES. Mr. President.

THE PRESIDING OFFICER (Senator Maceda.) Senator Gonzales is recognized.

SENATOR GONZALES. That would be without prejudice to my proposed amendment which is anterior to the amendment being presented now.

THE PRESIDING OFFICER (Senator Maceda.) On Section 1 or Section 2?

SENATOR GONZALES. On Section 2. My amendment immediately comes after the word "redundant."

THE PRESIDING OFFICER (Senator Maceda.) I see. But why don't we have it read again? And then, we will --

SENATOR GONZALES. Precisely, Mr. President. I am not

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4/28/88

1030am

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really objecting to it except that I do not want to be barred by the fact that the amendment I am going to propose will really be anterior to this amendment now under consideration.

SENATOR ENRILE. Mr. President.

THE PRESIDING OFFICER (Senator Maceda.) The Minority Floor Leader is recognized.

SENATOR ENRILE. May I request that we ask the staff to prepare a typewritten copy of this insertion so that we can have a working paper to carry on our discussion.

SENATOR RASUL. Mr. President, these are new amendments. These were submitted after this was ... What has...



SENATOR RASUL.

What has been distributed, Mr. President, is the original bill with the amendments discussed last time. Now, I do not know if it is proper to insert already the amendments which were not yet introduced on the floor. We can easily do that.

THE PRESIDING OFFICER (Senator Maceda). Well, as a draft, it could be. I think the request of the Minority Floor Leader is well taken in view of the length of the amendment. If the amendments were very short or not subject to interpretation and discussion -- but the nature of the amendment, that is why I requested that it be read again, setting five circumstances which would be considered as evidence of bad faith, I think, is a very substantial one.

SENATOR ENRILE. Mr. President, I think a five-minute waiting would not be too much for us to get a clean copy of these insertions, so that we can look/^{at} it more dispassionately.

THE PRESIDING OFFICER (Senator Maceda). Yes. The Chair is not objecting to the proposal; I am just trying to explain to the Sponsor why I am accommodating the Gentleman's proposal.

SENATOR ENRILE. Thank you, Mr. President.

THE PRESIDING OFFICER (Senator Maceda). In the meantime, what we can do, while that amendment of Senator Tamano under

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4-28-88

10:30 a.m.

b

Section 12 is being reproduced in writing, we can go on to the other sections. But before we do so, Senator Gonzales would like to come up with an anterior amendment.

SENATOR GONZALES. Yes, Mr. President. So that in the event that Section 2 now is rewritten, it would embody all amendments

THE PRESIDING OFFICER (Senator Maceda). Yes.

SENATOR GONZALES. On Section 2, line 10, after the word "redundant", add the phrase "OR THERE IS A NEED TO MERGE, DIVIDE, CONSOLIDATE, OR RECLASSIFY POSITIONS IN ORDER TO MEET THE EXIGENCIES OF THE SERVICE." May I explain my amendment, Mr. President. Because as worded, the reorganization provided here is very, very limited. And that is the only reorganization here where certain position is abolished or rendered redundant. But we know as a fact that these are not the only grounds for reorganization. Mr. President, reorganization is not necessarily for the purpose of economy; that is for the purpose of streamlining, for the purpose of reducing personnel. It is only one of the forms of reorganization. There may even be reorganizations that would result in the increase of positions in the reclass-

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4-28-88

10:30 a.m.

c

sification of positions because of the exigencies of the positions. That is why the purpose of my amendment is not to unnecessarily restrict or limit reorganization to abolition of positions.

THE PRESIDING OFFICER (Senator Maceda). What is the pleasure of the Sponsor?

SENATOR RASUL. I accept the amendment, Mr. President.

THE PRESIDING OFFICER (Senator Maceda). Is there any objection? (Silence.) Hearing none; the same is approved.

SENATOR GUINGONA. Mr. President.

THE PRESIDING OFFICER (Senator Maceda). Senator Guingona is recognized.

SENATOR GUINGONA. I would like to ask either the Sponsor or the proponent of the amendment, Mr. President. Does the merger, consolidation, division of positions necessarily entail a formal reorganization?

SENATOR RASUL. I think so, Mr. President.

SENATOR GUINGONA. Does it have to be a reorganization pursuant to law?

SENATOR RASUL. What has happened ~~was~~

reorganization by executive order is also pursuant to law. And that is what happened, Mr. President.

SENATOR GUINGONA. Because I think there are some instances that contingencies may arise, unforeseen which may need immediate action/ ^{and} Perhaps, the Civil Service Code already provides for this and not necessarily limited to the abolition or the redundancy or the instances mentioned by Senator Gonzales So, I would propose...



Senate Archives (TRAS)

SENATOR GUINGONA. So, I would propose that in all other instances needing a discharge for contingencies not foreseen by us, that they be subjected to the Civil Service provisions.

THE PRESIDING OFFICER (Senator MACEDA.) But is it not so that outside of reorganization which this bill covers, exactly what you are saying is already the fact that they are covered under existing Civil Service provisions or statutes.

SENATOR GUINGONA. Yes, Mr. President. But it appears here that this is limited only to abolition and redundancy. Then we have added the Gonzales amendment. There may still be more.

SENATOR GONZALES. Mr. President, I think the solution to this is, I am amenable to have my amendment include other lawful instances or as allowed under the Civil Service Law. That will be an all-encompassing provision now.

THE PRESIDING OFFICER (Senator MACEDA.) There is no harm in that except that I was clarifying that even within the amendment, it is already covered by existing law; that this law, in effect is just expanding existing law to cover reorganizations which used to be an exception. Since it is accepted by the Sponsor, then it is accepted.

Is there any objection? (Silence.) There being

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none, it is accepted.

So, will the Secretariat incorporate that in Section 2 in the bill that you are drafting right now?

So, Section 3 is just the second half of the old Section 2, starting with the words, "In the discharge" which is now read as, "IN THE SEPARATION OF PERSONNEL" and the causes thereof, up to line 3 of page 2. That is the new Section 3.

So, we now go to line 18. The old Section 3 is now Section 4. Is there any proposed amendment on Section 4?

SENATOR RASUL. Mr. President, the amendments presented last time, the Mercado amendment and the Gonzales amendment are already incorporated in Section 4, formerly Section 3.

THE PRESIDING OFFICER (Senator MACEDA). And I think they have been accepted already?

SENATOR RASUL. They have been accepted, Mr. President.

THE PRESIDING OFFICER (Senator MACEDA). So, there is no need to act on them.

SENATOR ANGARA. Mr. President.

THE PRESIDING OFFICER (Senator MACEDA). Senator Angara.

SENATOR ANGARA. Thank you, Mr. President. Mr.



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President, the new Section 4 contemplates a situation where people are going to be hired rather than be separated and according to this provision, we are going to give first chance to the permanent employees laid off from that department and later on, to temporary, as well as casual employees. I have a proposed amendment to this, Mr. President.

SENATOR GONZALES. I think Senator Angara is using the old draft.

SENATOR ANGARA. No, the new one.

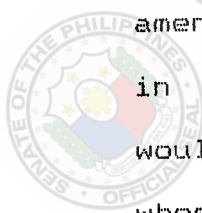
SENATOR GONZALES. Then that is not Section 4. That is Section 3.

SENATOR ANGARA. I thought we re-numbered it as Section 4.

SENATOR RASUL. The old Section 3 is now Section 4 because of the Tamano amendment.

SENATOR ANGARA. If I may just describe first the amendment I have, Mr. President. My amendment is that in this situation of recalling people to positions, I would give first opportunity to permanent employees whose positions have been abolished in that particular department. I think that is already provided here.

The second chance should be given to permanent employees from other departments whose positions were similarly abolished. That means we are giving the



second opportunity to career employees whose positions have been abolished but belonging to another department because that is the idea, I think,

Senate Archives (LRAS)



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April 28, 1988

10:40 a.m. -a

Senato5 Angara

... that is the idea, I think, of trimming the fat in over-agencies excessed and putting people in undermanned agencies. So, the first priority ought to go to the permanent employees for that particular department whose positions were abolished.

The second priority ought to go to permanent employees whose positions belong to other department but were also abolished.

The third priority will be given to new personnel with civil service eligibility.

The fourth and fifth ought to be given, as provided here, to temporary and casual if A, B, and C are not available.

That is, in essence, my proposed amendment, Mr. President, if the Gentle Lady will accept it.

THE PRESIDING OFFICER (Senator MACEDA.) Do you have the actual wording now?

SENATOR ANGARA. Yes, Mr. President. In line 22, after the word "provided" I will insert the following:

Provided that the following order of appointment shall be followed:

A. Permanent officer or employee whose position has been abolished in that department concerned;

B. Permanent officer or employee whose position has been similarly abolished in other departments;

C.. New personnel with civil service eligibility;

D. When A, B or C are not available, temporary or casual employees possessing the necessary qualifications.

THE PRESIDING OFFICER (Senator MACEDA.) Well, following the earlier suggestion of the Minority Floor Leader, in view of the length of the amendment I, therefore, suggest that it be put in writing and distributed.

SENATOR ANGARA. Can we hear the Sponsor if she is amenable to the amendment.

SENATOR RASUL. Mr. President, just a clarification.

Is the amendment just an insertion or the Gentleman is removing the subsequent provision of that section?

SENATOR RASUL. Mr. President, I just want some clarification from the legal minds of this Chamber. The amendment would further strengthen the provision of giving preference to civil service eligibles. But I think the tenor of this would be to give priority to those already in that particular department before you get somebody from the outside. I do

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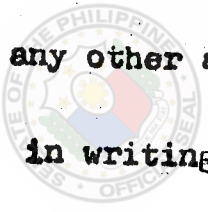
know if the amendment of the distinguished Senator will invalidate that provision that would give priority to those already in that department before we take personnel from other department.

SENATOR ANGARA. No, Mr. President. In fact the first priority goes to career people within the department.

THE PRESIDING OFFICER (Senator MACEDA.) which is stated already/in the opening sentence of this section.

SENATOR ANGARA. Yes, Mr. President, that is why I am adding the subsequent priorities.

THE PRESIDING OFFICER (Senator MACEDA.) So, there is is a repetition. "A"/actually is already stated before that word "provided." Anyway the Chair is curious. If there are any other amendments of this length, may be it should be put in writing and taken up with the sponsor because certainly there has been some observations not only by the Minority Floor Leader but also by other Senators that amendments which are or lengthy/and substantial should at least be distributed in writing to the other Senators before it is considered.



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SENATOR ANGARA. Mr. President, taking up your suggestion may I temporarily hold this and I will put it in writing.

SENATOR GONZALES. Mr. President.

THE PRESIDING OFFICER (Senator MACEDA.) Senator Gonzales is recognized.

SENATOR GONZALES. I think the suggestion of the....



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SENATOR GONZALES. Yes. I think, the suggestion of the Chair is well taken. Sometimes, we have not been very strict with the Rules. Some of these subsequent amendments are all third-generation amendments that are not permissible under the Rules. Not only that, this proposed Angara amendment is really an amendment by substitution after the various original amendments have been approved.

I would not want to be technical about it this time, sometimes but/that is the trouble when we relax the Rules too much.

SENATOR ROMULO. Mr. President.



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THE PRESIDING OFFICER (Senator Maceda). Senator Romulo is recognized.

SENATOR ROMULO. Mr. President, while the various amendments are in order and with merit, I would just like to make the observation to the Chair and to the Chamber that, perhaps, it is there, but where does merit come in?

We are reorganizing, precisely, to put people who are qualified in the service. While I do not object to the order of priorities but, somehow, I do not see that the real purpose of a reorganization is to have a clean, efficient service with people who are really qualified.

It may be that it is there, but I just felt that I would call the attention of the Chamber to this.

Particularly, I remember Senator Gonzales had proposed an amendment, precisely on that nature. So, I just hope that it does not get lost in the shuffle.

I indorse the view that, perhaps, we should type this so we can go over the whole thing.

Furthermore, Mr. President, may I ask that after all

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this has been typewritten that we refer it to the Legislative Service so it can be reconciled with existing provisions of the Civil Service rules and regulations.

Thank you, Mr. President.

SENATOR BAGUISAG. Mr. President



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THE PRESIDING OFFICER (Senator Maceda.)

SENATOR SAGULBAG. Thank you, Mr. President. May I just be allowed to reinforce that point.

In today's Manila Standard, it is stated here:

"90% of CID employes are corrupt--Santiago"

Under this provision, all of them are guaranteed to be returned. That is why, I was really hopeful to find here, I mean, some commitment to the constitutional concern for moral, efficiency, integrity, responsiveness, progressiveness, and courtesy. But this is really a sure-fire guarantee that all the efforts reorganized will be wasted. We might as well just say: We are forbidding reorganization.

But if we are going to use this kind of criterion, I do not know. I mean, maybe, the point of Commissioner Santiago is exaggerated. But if we are talking only of 25 per cent who will be returned before anybody from outside can be taken in, I am afraid I have to join Senator Romulo and Senator Gonzales that there must be a more positive concern for the real intent of reorganization.

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THE PRESIDING OFFICER (SENATOR MACEDA). Is the Gentleman from Pasig making a reservation to speak in opposition to the bill?

SENATOR SAGUISAG. That is past. We know that. We do not want the rules, Mr. President, again to be relaxed, but I am just trying to remind all of us here that really the point of Senator Gonzales is well-taken; it was taken up by Senator Romulo, and I join the two that we should not lost sight of the other aspect of reorganization, which is the positive side. We have to protect the Civil Service; but we have also to take the point of view of the complaining public in regard to their experience in dealing with the bureaucracy. Because this again proves the point of Professor Max Webber (?) that really the bureaucracy will always act to protect itself.

Thank you, Mr. President.

SUSPENSION OF THE SESSION

THE PRESIDEING OFFICER (SENATOR MACEDA). The session is suspended for one minute.

It was 10:54 a.m.

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RESUMPTION OF THE SESSION

The session was resumed at 10:58 a.m. with the Honorable Ernesto M. Maceda, still presiding.

THE PRESIDING OFFICER (SENATOR MACEDA). The session is resumed. The Majority Floor Leader is recognized.

SENATOR ENRILE. Mr. President.

THE PRESIDING OFFICER (SENATOR MACEDA). Is the Majority Floor Leader yielding the floor to the Minority Floor Leader.

SENATOR MERCADO. I am yielding the floor to the Minority Floor Leader, Mr. President.

THE PRESIDING OFFICER (SENATOR MACEDA). The Minority Floor Leader is, therefore, recognized.

SENATOR ENRILE. Mr. President, I just want to find out from the Chair what is the parliamentary status? Are we in the period of debate or are we in the period of amendment?

THE PRESIDING OFFICER (SENATOR MACEDA). Res ipsa loquitor; we are in the period of amendment as the Gentleman knows.

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SENATOR ENRILE. Thank you, Mr. President.

MOTION OF SENATOR MERCADO
(Suspend consideration of S. B. 379 and create a
committee to consolidate amendments)

SENATOR MERCADO. Mr. President, in view of the fact that there are more amendments that have to be incorporated into the bill and some of these have to be thresed out and written, I move that we first suspend consideration of Senate Bill No. 379 and to create a committee to consolidate said amendments. The committee is to be composed of the Sponsor, Senator Rasul, Senator Gonzales, and Senator Angara.

THE PRESIDING OFFICER (SENATOR MACEDA). I think...

