

19

④ A.

CONGRESS OF THE PHILIPPINES }
First Regular Session }

SENATE

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 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 State
2 to protect the security of tenure of civil service officers and
3 employees in the reorganization of the various agencies
4 of the National Government and of local governments, state
5 colleges and universities expressly authorized by law, in-
6 cluding government-owned or controlled corporations, even
7 as the need to promote morale, efficiency, integrity, respon-
8 siveness, progressiveness, and courtesy in the civil service
9 pursuant to Article IX, B, Section 3 of the Constitution is
10 likewise hereby recognized.

081374

1 SEC. 2. No officer or employee in the career service shall
2 be removed except for a valid cause. A valid cause for
3 layoff exists when, pursuant to a bona fide reorganization,
4 a position has been abolished or rendered redundant or
5 there is a need to merge, divide, consolidate or reclassify
6 positions in order to meet the exigencies of the service, or
7 other lawful causes allowed by the Civil Service Law. The
8 existence of any or some of the following circumstances
9 may be considered as evidence of bad faith in the layoffs
10 made as a result of reorganization, giving rise to a claim
11 for reinstatement or reappointment by an aggrieved party:

12 (a) Where there is a significant increase in the number
13 of positions in the new staffing pattern of the department
14 or agency concerned;

15 (b) Where an office is abolished and another performing
16 substantially the same functions is created;

17 (c) Where incumbents are replaced by those less quali-
18 fied in terms of status of appointment, performance and
19 merit;

20 (d) Where there is a reclassification of offices in the
21 department/agency concerned and reclassified offices per-
22 form substantially the same functions as the original offices;

23 (e) Where there is patent partiality in the retention of
24 personnel.

1 SEC. 3. In the separation of personnel pursuant to re-
2 organization, the following order of layoff shall be followed:

3 (a) Casual employees with less than five (5) years of
4 government service;

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

7 (c) Employees holding temporary appointments; and

8 (d) Employees holding permanent appointments: *Pro-*
9 *vided*, That those in the same category as enumerated
10 above, who are least qualified in terms of performance
11 and merit shall be laid off first, length of service notwith-
12 standing.

13 SEC. 4. Consistent with the declared policy in Section 1,
14 the following order of preference shall be adhered to in
15 filling the new staffing pattern of the department or agency
16 concerned:

17 (a) Employees holding permanent appointments whose
18 positions have been abolished in the department/agency
19 concerned;

20 (b) Employees holding permanent appointments whose
21 positions have been abolished in other departments/
22 agencies;

23 (c) Employees holding temporary appointments and
24 casual employees in the department or agency concerned

1 who possess the necessary qualification requirements, among
2 which is the appropriate civil service eligibility, for per-
3 manent appointment to positions in the approved staffing
4 pattern.

5 SEC. 5. In order that the best qualified and most de-
6 serving persons shall be appointed in any reorganization,
7 there shall be created a Placement Committee in each
8 department/agency to assist the appointing authority in
9 the judicious selection and placement of personnel. The
10 Committee shall consist of two members appointed by the
11 head of the department/agency, a representative of the
12 appointing authority, and two members representing the
13 employees holding positions in the first and second levels
14 of the career service: *Provided*, That if there is a regis-
15 tered employee association with a majority of the em-
16 ployees as members, that employee association shall also
17 have a representative in the Committee: *Provided, further*,
18 That immediately upon approval of the staffing pattern of
19 the department/agency concerned, such staffing pattern
20 shall be made known to all the officers and employees of
21 the agency who shall be invited to apply for any of the
22 positions authorized therein. Said application shall be
23 considered by the Committee in the placement and selection
24 of personnel.

1 SEC. 6. A list of the personnel appointed to the author-
2 ized positions in the approved staffing pattern shall be
3 made known to all the officers and employees of the depart-
4 ment/agency. Any of such officers and employees aggrieved
5 by the appointments made may file an appeal with the
6 appointing authority who shall make a decision within
7 thirty (30) days from the filing thereof.

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

14 SEC. 8. All officers and employees who are found by the
15 Civil Service Commission to have been separated in viola-
16 tion of Section 2 and Section 3 of this Act, shall be ordered
17 reinstated or reappointed as the case may be without loss
18 of seniority and shall be entitled to full pay for the period
19 of separation. Unless also separated for cause, all officers
20 and employees, including casuals and temporary employees,
21 who have been separated pursuant to reorganization shall,
22 if entitled thereto, be paid the appropriate separation pay
23 and retirement and other benefits under existing laws
24 within ninety (90) days from the date of the effectivity

1 of their separation or from the date of the receipt of the
2 resolution of their appeals as the case may be: *Provided,*
3 That application for clearance has been filed and no action
4 thereon has been made by the corresponding office or
5 agency. Those who are not entitled to said benefits shall
6 be paid a layoff gratuity in the amount equivalent to one
7 (1) month salary for every year of service. Such separa-
8 tion pay and retirement benefits shall have priority of
9 payment out of the savings of the department, bureau or
10 office concerned.

11 SEC. 9. All heads of departments, commissions, bureaus,
12 agencies or offices who after the effectivity of this Act
13 willfully violate any provision thereof, including failure
14 to abide by the rules promulgated by the Civil Service
15 Commission or to implement a Civil Service Commission
16 reinstatement order, shall upon conviction be punished by
17 a fine not exceeding ten thousand pesos (P10,000) or by
18 imprisonment of not less than three (3) nor more than
19 five (5) years or both such fine and imprisonment in the
20 discretion of the Court, and suffer permanent disqualifi-
21 cation to hold public office.

22 SEC. 10. The executive branch of the government shall
23 implement reorganization schemes within a specified period
24 of time authorized by law.

1 In the case of the 1987 reorganization of the executive
 2 branch, all departments/agencies which are authorized by
 3 executive orders promulgated by the President to re-
 4 organize shall have ninety (90) days from the approval of
 5 this Act within which to implement their respective re-
 6 organization plans in accordance with the provisions of
 7 this Act.

8 SEC. 11. The Civil Service Commission shall promulgate
 9 the necessary rules and regulations to implement provisions
 10 of this Act.

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

14 SEC. 13. If any part, section or provision of this Act
 15 shall be held invalid or unconstitutional, no other part,
 16 section or provision thereof shall be affected thereby.

17 SEC. 14. This Act shall take effect fifteen (15) days
 18 from the date of its publication in at least two newspapers
 19 of general circulation.

Approved,

031374

