

S. NO. 1128
H. NO. 26687

Republic of the Philippines
Congress of the Philippines
Metro Manila

Fourth Regular Session

Begun and held in Metro Manila, on Monday, the twenty-third day of July, nineteen hundred and ninety.

[REPUBLIC ACT No. 7041]

AN ACT REQUIRING REGULAR PUBLICATION OF
EXISTING VACANT POSITIONS IN GOVERNMENT
OFFICES, APPROPRIATING FUNDS THEREFOR,
AND FOR OTHER PURPOSES

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

SECTION 1. *Policy.* - It shall be the policy of the Government to promote efficiency in the allocation of personnel in the civil service, as well as transparency and equal opportunities in the recruitment and hiring of new personnel.

SEC. 2. *Duty of Personnel Officers.* - It shall be the duty of all Chief Personnel or Administrative Officers of all branches, subdivisions, instrumentalities and agencies of the Government, including government-owned or controlled corporations with original charters, and local government units, to post in three (3) conspicuous places of



their offices for a period of ten (10) days a complete list of all existing vacant positions in their respective offices which are authorized to be filled, and to transmit a copy of such list and the corresponding qualification standards to the Civil Service Commission not later than the tenth day of every month. Vacant positions shall not be filled until after publication: *Provided, however,* That vacant and unfilled positions that are:

- a) primarily confidential;
- b) policy-determining;
- c) highly technical;
- d) coterminous with that of the appointing authority; or
- e) limited to the duration of a particular project shall be excluded from the list required under this Law.

SEC. 3. Publication of Vacancies. - The Chairman and members of the Civil Service Commission shall publish once every quarter a complete list of all the existing vacant positions in the Government throughout the country, including the qualification standards required for each position and, thereafter, certify under oath to the completion of publication. Copies of such publication shall be sold at cost to the public and distributed free of charge to the various personnel offices of the government where they shall be available for inspection by the public: *Provided,* That said publication shall be posted by the Chief Personnel or Administrative Officer of all local government units in at least three (3) public and conspicuous places in their respective municipalities and provinces: *Provided, further,* That any vacant position published therein shall be open to any qualified person who does not necessarily belong to the same office with the vacancy or who occupies a position next-in-rank to the vacancy: *Provided, finally,* That the Civil Service Commission shall not act on any appointment to fill up a vacant position unless the same has been reported to and published by the Commission.

SEC. 4. Penalties. - a) Any violation of Sections 2 and/or 3 of this Act and its implementing rules and regulations shall subject the official concerned to public censure without prejudice to the withholding of his salary pending compliance with the requirements as provided in this Act.

b) Any repeated and willful violation of Sections 2 and/or 3 of this Act and its implementing rules and regulations shall subject the official concerned to criminal prosecution and, upon conviction, suffer the penalty of imprisonment of two (2) years and/or a fine of not less than Five thousand pesos (P5,000.00) nor more than Ten thousand pesos (P10,000.00), at the discretion of the court.

SEC. 5. *Jurisdiction.* - The Civil Service Commission shall have original and exclusive jurisdiction to investigate and recommend for prosecution all cases of violation of this Act: *Provided*, however, That in case the violation is alleged to have been committed by the Chairman and/or any of the Commissioners of the Civil Service Commission, the Ombudsman shall have original and exclusive jurisdiction over the investigation and prosecution of said alleged violation.

SEC. 6. *Implementing Rules.* - The Civil Service Commission shall issue the rules and regulations necessary for the effective implementation of this Act.

SEC. 7. *Existing Laws.* - Without prejudice to the provisions of existing laws requiring the posting or disclosure of matters of public interest, the provisions of this Act shall not apply during any period when there is a ban on hiring.

SEC. 8. *Appropriation.* The amount necessary for the effective implementation of this Act shall be charged against the appropriations for the Civil Service Commission under the current General Appropriations Act. Thereafter, such amount as may be necessary for the continuous implementation of this Act shall be included in the annual General Appropriations Act.

SEC. 9. *Repealing Clause.* - All laws, decrees, orders, rules and regulations or parts thereof inconsistent with this Act or the rules and regulations promulgated pursuant thereto are hereby repealed or amended accordingly.




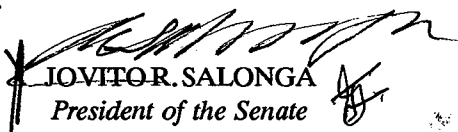
Senate Archives

SEC. 10. *Separability Clause.* - If any provision of this Act is declared unconstitutional or inoperative, the other provisions not so declared shall remain in force and effect.

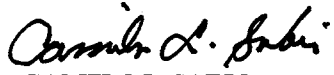
SEC. 11. *Effectivity.* - This Act shall take effect fifteen (15) days after publication in any newspaper of general circulation.


Approved,


RAMON V. MITRA
*Speaker of the House
of Representatives*


JOVITO R. SALONGA
President of the Senate

This bill which is a consolidation of Senate Bill No. 1128 and House Bill No. 26687, was finally passed by the Senate and the House of Representatives on March 6, 1991 and March 21, 1991, respectively.


CAMILO L. SABIO
Secretary General


EDWIN P. ACOBA
Secretary of the Senate

Approved: ~~June 5~~, 1991.


CORASON C. AQUINO
President of the Philippines