

# [ PRESIDENTIAL DECREE NO. 807, October 06, 1975 ]

## **PROVIDING FOR THE ORGANIZATION OF THE CIVIL SERVICE COMMISSION IN ACCORDANCE WITH PROVISIONS OF THE CONSTITUTION, PRESCRIBING ITS POWERS AND FUNCTIONS AND FOR OTHER PURPOSES.**

**WHEREAS**, the Constitution provides for organization of a Civil Service Commission which shall establish a career service and adopt measures to promote morale, efficiency and integrity in the government service;

**WHEREAS**, Presidential Decree No. 110 dated January 26, 1973 declared the Civil Service Commission envisioned in the Constitution in existence, providing guidelines for its operation;

**WHEREAS**, there is need for the immediate organization of the Civil Service Commission in order to enable it to carry out its mission as mandated by the Constitution; and

**WHEREAS**, the former Civil Service Commission created under Republic Act No. 2260, as amended, and as organized under the Integrated Reorganization Plan may serve as the nucleus of the Civil Service Commission.

**NOW, THEREFORE, I, FERDINAND E. MARCOS**, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby decree and order:

### ARTICLE I. TITLE

**SECTION 1.** This Decree shall be known as the Civil Service Decree of the Philippines.

### ARTICLE II. DECLARATION OF POLICY

**SEC. 2.** It shall be the policy of the State to insure and promote the Constitutional mandate that appointments in the Civil Service shall be made only according to merit and fitness, to provide within the public service a progressive system of personnel administration, and to adopt measures to promote morale and the highest degree of responsibility, integrity, loyalty, efficiency, and professionalism in the Civil Service; that the Civil Service Commission shall be the central personnel agency to set standards and to enforce the laws and rules governing the selection, utilization, training and discipline of civil servants; that a public office is a public trust and public officers shall serve with the highest degree of responsibility, integrity, loyalty and efficiency and shall remain accountable to the people; and that action on personnel matters shall be de-centralized, with the different departments and other offices or agencies of the government delegating to their regional offices or other similar units, powers and functions.

### ARTICLE III. DEFINITION OF TERMS

**SEC. 3.** As used in this Decree, the following shall be construed thus:

- a. *Agency* means any bureau, office, commission, administration, board, committee, institute, corporation, whether performing governmental or

proprietary function, or any other unit of the National Government, as well as provincial city or municipal government, except as hereinafter otherwise provided.

- b. *Appointing officer* is the person or body authorized by law to make appointments in the Philippine Civil Service.
- c. *Class* includes all positions in the government service that are sufficiently similar as to duties and responsibilities and require similar qualifications that can be given the same title and salary and for all administrative and compensation purposes, be treated alike.
- d. *Commission* refers to the Civil Service Commission.
- e. *Chairman* refers to the Chairman of the Commission.
- f. *Commissioner* refers to either of the two other members of the Commission.
- g. *Department* includes any of the executive departments or entities having the category of a department including the judiciary, Commission on Elections and Commission on Audit.
- h. *Eligible* refers to a person who obtains a passing grade in a civil service examination or is granted a civil service eligibility and whose name is entered in the register of eligibles.
- i. *Examination* refers to a civil service examination conducted by the Commission and its regional offices or by other departments or agencies with the assistance of the Commission, or in coordination or jointly with it, and those that it may delegate to departments and agencies pursuant to this Decree, or those that may have been delegated by law.
- j. *Form* refers to those prescribed by the Civil Service Commission.

#### ARTICLE IV. SCOPE OF THE CIVIL SERVICE

**SEC. 4.** *Positions Embraced in the Civil Service.*—The Civil Service embraces every branch, agency, subdivision, and instrumentality of the government, including every government-owned or controlled corporations whether performing governmental or proprietary function.

Positions in the Civil Service shall be classified into career service and non-career service.

**SEC. 5.** The Career Service shall be characterized by (1) entrance based on merit and fitness to be determined as far as practicable by competitive examinations, or based on highly technical qualifications; (2) opportunity for advancement to higher career positions; and (3) security of tenure.

The Career Service shall include:

1. Open Career positions for appointment to which prior qualification in an appropriate examination is required;
2. Closed Career positions which are scientific or highly technical in nature; these include the faculty and academic staff of state colleges and universities, and scientific and technical positions in scientific or research institutions which shall establish and maintain their own merit systems.
3. Positions in the Career Executive Service; namely, Undersecretary, Assistant Secretary, Bureau Director, Assistant Bureau Director, Regional Director, Assistant Regional Director, Chief of Department Service and other officers of equivalent rank as may be identified by the Career Executive Service Board, all of whom are appointed by the President;

4. Career officers, other than those in the Career Executive Service, who are appointed by the President, such as the Foreign Service Officers in the Department of Foreign Affairs;
5. Commissioned officers and enlisted men of the Armed Forces which shall maintain a separate merit system;
6. Personnel of government-owned or controlled corporations, whether performing governmental or proprietary functions, who do not fall under the non-career service; and
7. Permanent laborers, whether skilled, semi-skilled, or unskilled.

**SEC. 6.** The Non-Career Service shall be characterized by (1) entrance on bases other than those of the usual tests of merit and fitness utilized for the career service; and (2) tenure which is limited to a period specified by law, or which is coterminous with that of the appointing authority or subject to his pleasure, or which is limited to the duration of a particular project for which purpose employment was made.

The Non-Career Service shall include:

1. Elective officials and their personal or confidential staff;
2. Department Heads and other officials of Cabinet rank who hold positions at the pleasure of the President and their personal or confidential staff(s);
3. Chairman and members of commissions and boards with fixed terms of office and their personal or confidential staff;
4. Contractual personnel or those whose employment in the government is in accordance with a special contract to undertake a specific work or job, requiring special or technical skills not available in the employing agency, to be accomplished within a specific period, which in no case shall exceed one year, and performs or accomplishes the specific work or job, under his own responsibility with a minimum of direction and supervision from the agency; and
5. Emergency and seasonal personnel.

**SEC. 7.** *Classes of Positions in the Career Service.*—

- a. Classes of positions in the career service appointment to which requires examinations shall be grouped into three major levels as follows:
  1. The first level shall include clerical, trades, crafts and custodial service positions which involve non-professional or subprofessional work in a non-supervisory or supervisory capacity requiring less than four years of collegiate studies;
  2. The second level shall include professional, technical, and scientific positions which involve professional, technical, or scientific work in a non-supervisory or supervisory capacity requiring at least four years of college work up to Division Chief level; and
  3. The third level shall cover positions in the Career Executive Service.
- b. Except as herein otherwise provided, entrance to the first two levels shall be through competitive examinations, which shall be open to those inside and outside the service who meet the minimum qualification requirements. Entrance to a higher level does not require previous qualification in the lower level. Entrance to the third level shall be prescribed by the Career Executive Service Board.

- c. Within the same level, no civil service examination shall be required for promotion to a higher position in one or more related occupational groups. A candidate for promotion should, however, have previously passed the examination for that level.

## ARTICLE V. ORGANIZATION AND FUNCTIONS

### **SEC. 8.** *Composition of the Civil Service Commission.*—

- a. An independent Civil Service Commission, herein after referred to as the Commission is hereby established composed of a Chairman and two Commissioners, who shall be responsible for the effective discharge of the functions of the Commission. They shall be appointed by the President for a term of seven years without reappointment. Of the Commissioners first appointed, one shall hold office for seven years, another for five years, and the third for three years: *Provided*, That appointment to any vacancy shall be only for the unexpired portion of the term of the predecessors.
- b. To be eligible for appointment as Chairman or Commissioners, a person should be a natural born citizen of the Philippines, at least thirty-five years of age at the time of appointment, a. holder of a college degree and must not have been a candidate for any elective position in the election immediately preceding his appointment.
- c. The Chairman and each Commissioner shall receive an annual compensation of sixty thousand pesos and fifty thousand pesos which shall not be decreased during their continuance in office: *Provided*; That no member of the Commission shall, during his tenure in office, engage in the practice of any profession or in the management of any business, or be financially interested directly or indirectly in any contract with, or in any franchise or privilege granted by, the Government, or any subdivision, agency or instrumentality thereof, including government-owned or controlled corporations.

### **SEC. 9.** *Powers and Functions of the Commission.*—The Commission shall administer the Civil Service and shall have the following powers and functions:

- a. Administer and enforce the constitutional and statutory provisions on the merit system;
- b. Prescribe, amend and enforce suitable rules and regulations for carrying into effect the provisions of this Decree. These rules and regulations shall become effective thirty days after publication in the Official Gazette or in any newspaper of general circulation;
- c. Promulgate policies, standards, and guidelines for the Civil Service and adopt plans and programs to promote economical, efficient, and effective personnel administration in the government: and prescribe all forms for publications, examinations, appointments, reports, records, and such other forms as may be required under this Decree;
- d. Advise the President on all matters involving personnel management in the government service and assist in the improvement of personnel units and programs in the departments and agencies;
- e. Appoint its personnel and exercise overall supervision and control over the activities of the Commission;
- f. Supervise and coordinate the conduct of civil service examinations being administered by the departments concerned as provided for under Paragraph 5, Article III, Chapter II, Part III of the Integrated Reorganization Plan;

- g. Provide leadership and assistance in formulating, administering, and evaluating programs relative to the development and retention of a competent and efficient work force in the public service;
- h. Approve all appointments, whether original or promotional, to positions in the civil service, except those of presidential appointees, members of the Armed Forces of the Philippines, police forces, firemen, and jailguards, and disapprove those where the appointees do not possess the appropriate eligibility or required qualifications. An appointment shall take effect immediately upon issue by the appointing authority if the appointee assumes his duties immediately and shall remain effective until it is disapproved by the Commission, if this should take place, without prejudice to the liability of the appointing authority for appointments issued in violation of existing laws or rules: *Provided, finally,* That the Commission shall keep a record of appointments of all officers and employees in the civil service. All appointments requiring the approval of the Commission as herein provided, shall be submitted to it by the appointing authority within thirty days from issuance, otherwise, the appointment becomes ineffective thirty days thereafter.
- i. Inspect and audit periodically the personnel work programs of the different departments, bureaus, offices, agencies and other instrumentalities of the government, including government-owned or controlled corporations, conduct periodic review of decisions and actions of offices or officials to whom authority has been delegated by the Commission as well as the conduct of the officials and employees in these offices and apply appropriate sanctions whenever necessary;
- j. Hear and decide administrative disciplinary cases instituted directly with it in accordance with Section 37 or brought to it on appeal;
- k. *Issue subpoena and subpoena duces tecum* or require the production of books and papers pertinent to investigations and inquiries to be made by the Commission in accordance with its authority conferred by the Constitution, this Decree, and other laws, decrees, or letters of instructions issued by the President; summon witnesses to appear at such investigation or inquiries;
- l. Submit to the President an annual report which shall contain an adequate evaluation of the progress of the merit system and the problems encountered in its implementation; and
- m. Perform such other functions as properly belong to a central personnel agency.

**SEC. 10. Duties and Responsibilities of the Chairman.—**

- a. Subject to policies and resolution adopted by the Commission, the Chairman shall:
  - 1. Direct the operations of the Commission including those pertaining to its internal administration;
  - 2. Establish standard operating procedures for the effective operations of the Commission;
  - 3. Transmit to the President, rules, regulations, and other guidelines adopted by the Commission which require Presidential attention including annual and other periodic reports as may be necessary;
  - 4. Issue appointments to, and enforce decision on administrative discipline involving officials and employees of the Commission;
  - 5. Delegate authority for the performance of any function to officials of the Commission;