

[REPUBLIC ACT NO. 6656, June 10, 1988]

**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:*

SECTION 1. It is hereby declared the policy of the State to protect the security of tenure of civil service officers and employees in the reorganization of the various agencies of the National Government and of local governments, state colleges and universities expressly authorized by law, including government-owned or controlled corporations with original charters, without sacrificing the need to promote morale, efficiency, integrity, responsiveness, progressiveness, and courtesy in the civil service pursuant to Article IX, B, Section 3 of the Constitution.

SEC. 2. No officer or employee in the career service shall be removed except for a valid cause and after due notice and hearing. A valid cause for removal exists when, pursuant to a *bona fide* reorganization, a position has been abolished or rendered redundant or there is a need to merge, divide, or consolidate positions in order to meet the exigencies of the service, or other lawful causes allowed by the Civil Service Law. The existence of any or some of the following circumstances may be considered as evidence of bad faith in the removals made as a result of 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 functions 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 reclassification of offices in the department or agency concerned and the reclassified offices perform substantially the same functions as the original offices;
- e. Where the removal violates the order of separation provided in Section 3 hereof.

SEC. 3. In the separation of personnel pursuant to reorganization, the following order of removal shall be followed:

- a. Casual employees with less than five (5) years of government service;
- b. Casual employees with five (5) years or more of government service;
- c. Employees holding temporary appointments; and

- d. Employees holding permanent appointments: *Provided*, That those in the same category as enumerated above, who are least qualified in terms of performance and merit shall be laid off first, length of service notwithstanding.

SEC. 4. Officers and employees holding permanent appointments shall be given preference for appointment to the new positions in the approved staffing pattern comparable to their former positions or in case there are not enough comparable positions, to positions next lower in rank.

No new employees shall be taken in until all permanent officers and employees have been appointed, including temporary and casual employees who possess the necessary qualification requirements, among which is the appropriate civil service eligibility, for permanent appointment to positions in the approved staffing pattern, in case there are still positions to be filled, unless such positions are policy-determining, primarily confidential or highly technical in nature.

SEC. 5. Officers and employees holding permanent appointments shall be given preference for appointment in other agencies if they meet the qualification requirements of the positions therein.

SEC. 6. In order that the best qualified and most deserving persons shall be appointed in any reorganization, there shall be created a Placement Committee in each department or agency to assist the appointing authority in the judicious selection and placement of personnel. The Committee shall consist of two (2) members appointed by the head of the department or agency, a representative of the appointing authority, and two (2) members duly elected by the employees holding positions in the first and second levels of the career service: *Provided*, That if there is a registered employee association with a majority of the employees as members, that employee association shall also have a representative in the Committee: *Provided, further*, That immediately upon approval of the staffing pattern of the department or agency concerned, such staffing pattern shall be made known to all officers and employees of the agency who shall be invited to apply for any of the positions authorized therein. Said application shall be considered by the Committee in the placement and selection of personnel.

SEC. 7. A list of the personnel appointed to the authorized positions in the approved staffing pattern shall be made known to all the officers and employees of the department or agency. Any of such officers and employees aggrieved by the appointments made may file an appeal with the appointing authority who shall make a decision within thirty (30) days from the filing thereof.

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

SEC. 9. All officers and employees who are found by the Civil Service Commission to have been separated in violation of the provisions of this Act, shall be ordered reinstated or reappointed as the case may be without loss of seniority and shall be entitled to full pay for the period of separation. Unless also separated for cause, all officers and employees, including casuals and temporary employees, who have been separated pursuant to reorganization shall, if entitled thereto, be paid the