

# [ Act No. 1698, August 26, 1907 ]

## **AN ACT FOR THE REGULATION OF THE PHILIPPINE CIVIL SERVICE.**

*By authority of the United States, be it enacted by the Philippine Commission, that:*

SECTION 1. This Act shall apply to appointments to all positions and employments in the Philippine civil service, Insular or provincial or of the city of Manila, now existing or hereafter to be created, the compensations of which are authorized at an annual, monthly, or daily rate, or otherwise, except the employment of semi-skilled or unskilled laborers whose rate of compensation is seven hundred and twenty pesos or less per annum, and the employment of all other persons whose rate of compensation is two hundred and forty pesos or less per annum: *Provided*, That the examination requirements of this Act for entrance into the civil service or for promotion therein shall not apply to positions filled by the following:

- (a) Elected officers;
- (b) Employees of the Philippine Assembly selected by it;
- (c) Persons appointed by the Governor-General with the advice and consent of the Philippine Commission, unless otherwise specifically provided by law;
- (d) One private secretary to the Governor-General and to each of the other members of the Philippine Commission;
- (e) Persons in the military, naval, or civil service of the United States who may be detailed for the performance of civil duties;
- (f) Officers and employees in the Department of Commerce and Police whose duties are of a quasi-military or quasi-naval character;
- (g) Officers and employees in the office of the Supervising Railway Expert who are exempted by the Governor-General from compliance with the civil-service law and rules.
- (h) Postmasters and customs inspectors whose rates of compensation do not exceed six hundred pesos and three hundred and sixty pesos per annum, respectively, and who may lawfully perform the duties of postmaster or customs inspector in connection with other official duties or in connection with their private business, such duties of postmaster or inspector requiring only a portion of their time; postmasters who are required to perform the duties of telegraph operators: *Provided*, That in the discretion of the Director of Posts such postmasters may be appointed subject to the examination requirements of this Act: postmasters at Army posts whose compensation does not exceed twelve hundred pesos per annum each; and operators and linemen in the Bureau of Posts;
- (i) Detectives, secret agents, sheriffs, and deputy sheriffs;
- (j) Temporary and emergency employees : *Provided*, That when the work to be performed is temporary in character, or whenever an emergency shall arise requiring work to be done before it is practicable to obtain the prior approval of the Director of Civil Service, the chief of a Bureau or Office may immediately employ any person, giving preference to eligibles if available, but he shall without delay request approval of such temporary or emergency employment, and the employment of a

noneligible shall cease when the Director of Civil Service certifies an available eligible who accepts temporary or probational appointment.

SEC. 2. It shall be the duty of the Director of Civil Service—

(a) To keep a record of all officers and employees filling positions in the classified service and of all officers and employees in the unclassified service who are entitled to leave of absence provided for in this Act, and for the purpose of this record he is hereby authorized to require each chief of a Bureau or Office to furnish the necessary information, in such form and manner as the Director of Civil Service shall prescribe with the approval of the Governor-General. An official roster shall be published at intervals to be fixed by the Governor-General.

(b) To keep a record of the absences of all officers and employees entitled to the leave of absence provided for in this Act, and for the purpose of this record he is hereby authorized to require each chief of a Bureau or Office to cause to be kept a record of the attendance of such officers and employees and to report to the Director of Civil Service, in the form and manner prescribed by him and approved by the Governor-General, all absences from duty of such officers and employees from any cause whatever.

(c) To render an annual report, on or before the first day of July of each year, to the Governor-General showing the work performed by the Bureau of Civil Service, the rules which have been certified by the Director of Civil Service and approved by the Governor-General and the practical effect thereof, and suggestions for carrying out more effectually the purpose of this Act, which is hereby declared to be the maintenance of an efficient and honest civil service in all the executive branches of the Government, of the Philippine Islands.

(d) To supervise the preparation and rating and have control of all examinations in the Philippine Islands under this Act. The Director of Civil Service, with the approval of the Governor-General or proper head of Department, may designate a suitable number of persons in the Philippine civil service to conduct examinations and to serve as members of examining committees. When examiners with special, technical, or professional qualifications are required for the preparation or rating of examination papers the Director of Civil Service may designate competent persons in the service for such special duty. The duties required of members of examining committees, or of special examiners, shall be considered as part of their official duties and shall be performed without extra compensation. When persons can not be found in the Philippine service with the necessary qualifications for such special examining work as may be required the Director of Civil Service is authorized to employ to such work at a reasonable compensation persons not in public from such work, which compensation shall be paid on the part of the Director of Civil Service out of the general funds for the purposes of the Bureau of Civil Service.

(e) To make investigations and report upon all matters relating to the enforcement of this Act and the rules adopted hereunder. In making such investigations the officers and duly authorized examiner of the Bureau of Civil Service are empowered to administer oaths, to compel witnesses, and to require the production of official books and records which may be

relevant to such investigation, and any may also administer such oaths as may be necessary in the transaction of any official business of the Bureau of Civil Service.

(f) To prepare and certify to the Governor-General rules out of the provisions of this Act. It shall be the duty of all officers in the Philippine civil service to aid, in all proper ways in carrying said rules and any modifications thereof into effect: Provided, That the rules so prepared and certified shall not take effect until approved by the Governor-General and promulgated by his executive order.

SEC. 3. The rules to be prepared and certified by the Director of Civil Service shall, among other things, provide—

(a) For the preparation and holding in Manila and in the provinces of open competitive examinations for testing the fitness of applicant- for appointment to the classified service, and for the preparation and this holding of examinations in the United States under the auspices of the United States Civil Service Commission.

(b) For the holding of competitive examinations when practicable: *Provided*, That appointment to those positions requiring technical, professional or scientific knowledge may be made as a result of competitive or noncompetitive examination: *And provided further*, That noncompetitive examinations may be given when applicants fail to compete after due notice has been given of an open competitive examination, or when in the opinion of the Director of Civil Service the holding of a competitive examination would result in securing competitors.

(c) For the selection of skilled workmen by such examinations, competitive or noncompetitive, as may be practicable, and which need not relate to more than the capacity of the applicants to labor, their habits of industry and sobriety, and their honesty.

(d) For the examination of applicants in Spanish and English whenever a knowledge of both languages is essential to an efficient discharge of the duties of the position sought.

(e) For a thorough physical examination by a competent physician of every applicant for examination in the United States, for such physical examination in the Philippine Islands as in the discretion of the Director of Civil Service may be necessary, and for rejection of every applicant found to be physically disqualified for efficient service in the Philippine Islands.

(f) For the allowance in examinations of credit for experience,

(g) For certification by the Director of Civil Service to the different Bureaus and Offices of those rated highest according to average percentage on the civil-service list of eligibles.

(h) For a period of probation before the appointment or employment is made permanent.

(i) For competitive or noncompetitive promotion examinations whenever practicable.

(j) For transfers from one branch of the classified service to another, or from the Federal classified civil service of the United States to the classified civil service of the Philippine Islands, under limitations to be fixed by the rules.

- (k) For the conditions under which reinstatements in the service may be made.
- (I) For fixing age limits of applicants for entrance into the classified service.
- (m) For eliciting from all applicants for examination and from persons now in the service full information as to their citizenship, nativity, age, education, physical qualifications, and such other information as may reasonably be required affecting their fitness for the service.
- (n) For the procedure in making appointments to the service, separations therefrom, and suspensions and reductions therein.
- (o) For regulating hours of labor and the allowance of leaves of absence (including the withholding of salary for leave granted) and of traveling expenses and half salary for persons entitled thereto.

SEC. 4. The Bureau of Civil Service shall have a permanent office in the city of Manila. When examinations are held by the Bureau of Civil Service, either in Manila or in the provinces, public; officers having the custody of public buildings shall allow the reasonable use thereof for the purpose of holding such examinations.

SEC. 5. (a) No person shall be appointed or employed in the civil service of the Philippine Islands except as provided by law, or, in the provincial service, by a resolution of the proper provincial board approved by the Executive Secretary, and in accordance with this Act. No person appointed to or employed in the classified service in violation of law or of civil-service rules shall be entitled to receive salary or wages from the Government, but the chief of the Bureau or Office who makes such unauthorized appointment or employment shall be personally responsible to the person illegally appointed for the salary which would have accrued to him had the appointment or employment been made in accordance with law and civil-service rules, and payment shall be made to him out of the salary of such chief of the Bureau or Office by the disbursing officer. When the Director of Civil Service shall find that any person is holding a position in the classified civil service in violation of law, he shall certify information of the fact to the Insular Auditor and to the disbursing officer through whom the payment of salary or wages to such person is by law required to be made. If the Insular Auditor shall find that a disbursing officer has paid or disbursing officer permitted to be paid salary or wages to any person illegally holding a classified position, the whole amount paid shall be disallowed and the disbursing officer shall not receive credit for the same unless the Insular Auditor shall find that the chief of the Bureau or Office is responsible, as above provided, for the payment of salary or wages to such person and that such payment is not due to the failure of the disbursing officer to obtain proper evidence as herein required. In case the disbursing officer is not responsible for the illegal payment, he shall be directed to withhold from the salary of the chief of the Bureau or Office responsible for the illegal employment an amount equal to that disallowed by the Insular Auditor. A disbursing officer, the head of any Department, Bureau, or Office, or, if the Insular Auditor, may apply for, and the Director of Civil Service shall render, a decision upon any question as to whether a position is in the classified or in the unclassified civil service, or whether the appointment of any person to a classified position has been made in accordance with law. Such decision, when rendered, shall be final unless reversed by the Governor-General on appeal.

(b) No person appointed to any unclassified position shall be assigned to or employed in a position the duties of which are clerical, nor shall he be assigned to or

employed in any other position in the classified service.

(c) No person appointed to a position in the classified service shall, without the approval of the Director of Civil Service, be assigned to or employed in a position of a grade or character not contemplated by the examination from the results of which appointment was made, unless otherwise provided by law.

SEC. 6. In the appointment of officers and employees under the provisions of this Act, the appointing officer in his selection from the list, of eligibles furnished to him by the Director of Civil Service shall, where other qualifications are equal, prefer—

First. Natives of the Philippine Islands or persons who have, under and by virtue of the Treaty of Paris, acquired the political rights of natives of the Islands.

Second. Persons who have served as members of the Army, Navy, or Marine Corps of the United States and have been honorably discharged therefrom.

Third. Citizens of the United States.

*Provided, however,* That with the approval of the Governor-General, persons other than those hereinbefore named in this action may be appointed.

SEC. 7. If competent persons are found in the service who in the judgment of the appointing power are available and possess the qualifications required, vacancies in the position of chiefs and of assistant chiefs of Bureaus and Offices and in the position of superintendent shall be filled by promotion of such persons without examination: *Provided, however,* That an examination may be given when requested by the Governor-General or proper head of Department.

SEC. 8. Any person who shall willfully and corruptly, by himself, or in cooperation with one or more persons, defeat, deceive, or obstruct any person in the matter of his right of examination by the Bureau of Civil Service; or who shall willfully or corruptly make a false rating, grading, estimate, or report upon the examination or standing of any person examined hereunder, or aid in so doing; or who shall willfully or corruptly make any false representations relative thereto or concerning the persons examined; or who shall willfully and falsely or corruptly use or furnish any information for the purpose of injuring the prospects or chances of employment, appointment, or promotion of any person so examined or to be examined, or who shall willfully furnish any special or secret information which will give to the person to be examined an unfair advantage in the examination, shall for each offense be punished by a fine not exceeding two thousand pesos, or by imprisonment for a period not exceeding one year, or by both such fine and imprisonment, in the discretion of the court.

SEC. 9. Any person who shall willfully become the beneficiary of an act in violation of the last preceding section shall be punished as provided in that section.

SEC. 10. No person in the Philippine civil service shall be under obligation to contribute to a political fund or to render any political service, nor shall he be removed or otherwise prejudiced for refusing to contribute or render any such service, and no officer or employee in the Philippine civil service shall directly or indirectly solicit, collect, or receive from any other officer or employee subject to his orders or under his jurisdiction, any money or other valuable thing to be applied to