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REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS
OFFICE OF THE SECRETARY
MANILA

097-13 DPWH
11-16-88

November 10, 1988

DEPARTMENT ORDER) SUBJECT: Reconstitution of the DPWH
NO. **103** *11/16* Reorganization Appeals
Series of 1988 Board into a Task Force on
Reorganization Appeals

Pursuant to the Presidential Memorandum Circular dated 02 October 1987, this Office, in Department Order No. 46 dated 06 October 1987, as amended by Memorandum Circular No. 102 dated 09 November 1987, established the Reorganization Appeals Board in this Department to resolve or review complaints/appeals relative to the reorganization.

However, under RA 6656 which took effect on 28 June 1988, it is not necessary that a Reorganization Appeals Board be created. The law provides that any official or employee aggrieved by an appointment made pursuant to the reorganization may file an appeal directly with the appointing authority, and if he is not satisfied with the decision of the appointing authority, he may further appeal to the Civil Service Commission.

The appointing authority needs assistance in undertaking preliminary inquiries and in evaluating appeals. In view thereof, the DPWH Reorganization Appeals Board is hereby reconstituted into a TASK FORCE ON REORGANIZATION APPEALS, with the same composition, viz:

Atty. DOMINADOR R. MADAMBA - Chairman
Assistant Secretary for
Legal Service

EDMUNDO V. MIR - Member
Director, Bureau of
Construction

ARSENIO L. ESCOBAR - Member
Chief, Administrative and
Manpower Management Service

ARMANDO GONZALES - Member
Employee Representative

The Task Force shall review and resolve complaints/appeals relative to the reorganization of the DPWH, and shall submit its findings and recommendations to this Office.

The Task Force shall be assisted by a Secretariat/Support Staff to be constituted by the Chairman, from personnel of the Legal Service and the Administrative and Manpower Management Service.

This Department Order supersedes Department Order No. 46, as amended, and shall take effect immediately.



Handwritten signature of Fiorello R. Estuar, consisting of stylized initials and a surname, written in dark ink.

FIGRELLLO R. ESTUAR
Secretary

S. N. 379

H. No. 7278

Republic of the Philippines

Congress of the Philippines

Metro Manila

First Regular Session

Begun and held in Metro Manila, on Monday, the twenty-seventh day of July, nineteen hundred and eighty-seven.

(REPUBLIC ACT NO. 6656)

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 of 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 re-appointed 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 appropriate separation pay and retirement and other benefits under existing laws within ninety (90) days from the date of the effectivity of their separation or from the date of the receipt of the resolution of their appeals as the case may be: Provided, That application for clearance has been filed and no action thereon has been made by the corresponding department or agency. Those who are not entitled to said benefits shall be paid a separation gratuity in the amount equivalent to one (1) month salary for every year of service. Such separation pay and retirement benefits shall have priority of payment out of the savings of the department or agency concerned.

SEC. 10. All heads of departments, commissions, bureaus, agencies or offices who after the effectivity of this Act willfully violate any provision thereof, including failure to abide by the rules promulgated by the Civil Service Commission or to implement a Civil Service Commission reinstatement order, shall upon conviction be punished by a fine not exceeding ten thousand pesos (P10,000) or by imprisonment of not less than three (3) nor more than five (5) years or both such fine and imprisonment in the discretion of the Court, and suffer permanent disqualification to hold public office.

SEC. 11. The executive branch of the government shall implement reorganization schemes within a specified period of time authorized by law.

In the case of the 1987 reorganization of the executive branch, all departments and agencies which are authorized by executive orders promulgated by the President to reorganize shall have ninety (90) days from the approval of this Act within which to implement their respective reorganization plans in accordance with the provisions of this Act.

SEC. 12. The Civil Service Commission shall promulgate the necessary rules and regulations to implement the provisions of this Act.

SEC. 13. All laws, rules and regulations or parts thereof, inconsistent with the provisions of this Act are hereby repealed or modified accordingly. The rights and benefits under this Act shall be retroactive as of June 30, 1987.

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

SEC. 15. This Act shall take effect fifteen (15) days from the date of its publication in at least two (2) newspapers of general circulation.

Approved,

(SGD.) RAMON V. MITRA
Speaker of the House of
Representatives

(SGD.) JOVITO R. SALONGA
President of the Senate

This Act which is a consolidation of Senate Bill No. 379 and House Bill No. 7278 was finally passed by both the Senate and the House of Representatives on June 9, 1988.

(SGD.) QUIRINO D. ABAD SANTOS, JR.
Secretary of the House of
Representatives

(SGD.) EDWIN P. ACOBA
Acting Secretary of the
Senate

Approved:

(SGD.) CORAZON C. AQUINO
President of the Philippines

Republika ng Pilipinas
KOMISYON NG SERBISYO SIBIL
(Civil Service Commission)
Lungsod ng Quezon

RULES ON GOVERNMENT REORGANIZATION

Pursuant to the provisions of Section 12 of Republic Act No. 6656, the Civil Service Commission hereby adopts and promulgates the following rules on government reorganization:

SECTION 1. Title - These rules shall be known and cited as the Rules on Government Reorganization.

SECTION 2. Policy and Objectives - 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.

SECTION 3. Definition of Terms - As used in these Rules, the following shall be considered thus:

- (a) Reorganization - a process of restructuring the bureaucracy's organizational and functional set-up to make it more viable in terms of economy, efficiency, effectiveness and make it more responsive to the needs of its public clientele as authorized by law.
- (b) Total Reorganization - the process of restructuring the whole agency's organizational and functional set-up.
- (c) Partial Reorganization - the process of restructuring a part of an agency's organizational and functional set-up.
- (d) Permanent Appointment - an appointment issued to a person who possesses all the qualifications prescribed for the position to be filled, including the appropriate civil service eligibility.
- (e) Temporary Appointment - an appointment issued to a person who possesses all the qualifications for the position to be filled except the appropriate civil service eligibility. The appointment will be for a period of not more than twelve months.

- (f) Casual Appointment - an appointment issued to a person hired on an emergency or seasonal basis and whose salary is drawn from lump sum appropriations.
- (g) Appointing Authority - the person or body authorized by law to make appointments in the Philippine Civil Service.
- (h) Performance - an employee's accomplishments in terms of the requirements of the job and evaluated through a systematic method of appraisal.
- (i) Removal - shall connote separation from the service as a result of reorganization.

SECTION 4. Prohibition Against Removal - No officer or employee in the career service shall be removed as a result of a reorganization except for a valid cause as prescribed herein and after due notice and hearing.

SECTION 5. Who will be Evaluated - All officers and employees, including those who have pending administrative charges, or any derogatory records/reports, shall be evaluated on the basis of standards for retention/termination as provided for herein.

SECTION 6. Relative Fitness - Where the number of incumbents to be placed exceed the number of positions in the new staffing pattern, they shall be compared in terms of : relative fitness and the most qualified and competent shall be preferred. In this respect, the following factors shall be considered:

- (1) Performance for the last two (2) years;
- (2) Education and Training;
- (3) Experience and Outstanding Accomplishments; and
- (4) Physical Characteristics and Personality Traits.

SECTION 7. Preference for Appointment - Subject to the preceding section, preference for appointment to the new positions in the approved staffing pattern shall be in the following order:

- (1) Officers and employees holding permanent appointments to positions comparable to their former positions or in case there are not enough comparable positions to positions next lower in rank;

- (2) Temporary employees who possess the necessary qualification requirements and appropriate civil service eligibility for permanent appointment;
- (3) Casual employees who possess the necessary qualification requirements and appropriate civil service eligibility for permanent appointment;
- (4) Officers and employees holding permanent appointments in other agencies who meet the qualification requirements of the positions;
- (5) New employees who possess the necessary qualifications and appropriate civil service eligibility for permanent appointment: Provided, however, those with pending administrative cases who meet the qualification requirements and will be retained shall not be placed in or appointed to positions higher than the positions held by them at the start of the reorganization, and the administrative cases against them shall be pursued until decided.

SECTION 8. Placement Committee - A Placement Committee shall be created in each department or agency to assist the appointing authority in the judicious selection and placement of personnel in order that the best qualified and most deserving persons shall be appointed in any reorganization.

The Committee shall be composed of:

- (1) Two (2) members appointed by the head of department or agency;
- (2) A representative of the appointing authority;
- (3) One (1) member duly elected by employees holding positions in the first level of the career service;
- (4) One (1) member duly elected by employees holding positions in the second level of the career service;
- (5) A representative of an employee association duly registered in accordance with Executive Order No. 180 and its implementing rules and with a membership of a majority of the employees therein, if any.

The members shall elect their Chairman.

A representative of the Civil Service Commission may be requested by the agency to render assistance to the Committee.

SECTION 9. Selection and Placement of Personnel

- (1) Within five (5) days from receipt by the agency concerned of its approved staffing pattern, or the Organizational, Staffing and Classification Action Summary (OSCAS), the head of office shall cause copies thereof to be posted in the bulletin boards and other conspicuous places in its central and regional/field offices.
- (2) Officers and employees shall be invited to apply for any of the authorized position. Said Application shall be considered by the Placement Committee in the placement and selection of personnel.
- (3) The Committee shall evaluate/assess the qualifications and competence of the applicants and other employee in the agency based on the criteria and preference provided for in these Rules.
- (4) The Committee shall prepare the Personnel Placement List and submit the same to the appointing authority for his approval.
- (5) Within thirty (30) days from submission of the Personnel Placement List by the Placement Committee, the appointing authority shall approve, modify or revise the Personnel Placement List which shall then constitute the New Plantilla of Personnel.

SECTION 10. Notice and Hearing -

- (1) Officers and employees who upon evaluation and assessment will be laid off for any of the valid causes as provided for in these rules, shall be duly notified thereof and shall be given opportunity to present their side to assure utmost objectivity and impartiality. The hearing need not adhere to the technical rules in judicial proceedings.
- (2) Officers and employees with derogatory information against them who are found qualified for retention shall upon termination of hearing and if the evidence warrants be formally and administratively charged they shall nevertheless be appointed in the new staffing pattern in accordance with Section 7 of these Rules. On the other hand, if there is no sufficient evidence such officers and employees shall be treated in the same manner as the other personnel.

- (3) Officers and employees with pending administrative cases, or those with derogatory information against them and who will be formally charged but who are found not qualified for retention, shall nevertheless be separated from the service as a result of reorganization.

SECTION 11. Valid Causes for Separation - The following are valid causes for separation pursuant to a bona fide reorganization:

- (1) A position has been abolished or rendered redundant;
- (2) Positions are merged, divided or consolidated to meet the exigencies of the service;
- (3) Causes allowed by the Civil Service Law.

SECTION 12. Order of Separation - The separation of personnel pursuant to reorganization shall be in the following order:

- (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, notwithstanding length of service.

SECTION 13. Preparation of Appointments - Individual appointments on the prescribed C.S. Form together with the supporting papers shall be issued to those reappointed and shall be submitted to the Civil Service Commission Regional and Field Offices within thirty (30) days from their issuance.

SECTION 14. Posting of Appointments - The head of office shall cause to be posted in the bulletin boards and other conspicuous places in the central and regional/field offices the lists of personnel appointed to the positions in the approved staffing pattern, within five (5) days from the effectivity or issuance of the appointment, whichever is earlier. The posting should not be less than fifteen (15) days.

The Personnel Officer or the duly authorized officer performing the duties of personnel officer shall certify as to the date of the first date of posting and the duration thereof.

SECTION 15. Notice of Non-Appointment - Officers and employees laid off as a result of reorganization shall be given written notice at least thirty (30) days in advance of the effective date of the termination of their service.

SECTION 16. Separation from the Service Considered in Bad Faith - The following circumstances may be considered as evidence of bad faith in the separation from the service as a result of reorganization:

- (1) Where there is a significant increase in the number of positions in the new staffing pattern of the department or agency concerned;
- (2) Where an office is abolished and another performing substantially the same functions is created;
- (3) Where incumbents are replaced by those less qualified in terms of status of appointment, performance and merit;
- (4) 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;
- (5) Where the removal violates the order of separation provided in these rules.

SECTION 17. List of Employees Separated - The agency shall prepare a certified list of all employees separated as a result of reorganization indicating therein their respective qualifications, civil service eligibilities, last position held and remarks as to the employees' conduct and performance. The agencies shall furnish copies of the list to the Civil Service Commission for possible reemployment in other agencies.

SECTION 18. Appeal to the Appointing Authority - Any officer or employee aggrieved by the appointments made may file an appeal with the appointing authority within ten (10) days from the last day of posting of the appointments by the Personnel Officer. Any officer or employee whose services were terminated may also appeal to the appointing authority within ten (10) days from receipt of his notice of termination.

The appointing authority shall render a decision on the appeals within thirty (30) days from the filing thereof.

SECTION 19. Appeal to the Civil Service Commission -

- (1) Any 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.
- (2) The appeal shall specifically set forth the grounds therefor, the name(s) or personnel and/or position(s) in the new plantilla of personnel which are the subject of the appeal.
- (3) The Commission shall render a decision within thirty (30) days from the filing of the appeal. Its decision shall be final and executory.

SECTION 20. Order of Reappointment - All officers and employees who are found by the Civil Service Commission to have been separated in violation of the provisions of R.A. No. 6656 and these rules 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 corresponding to the positions to which they should have been appointed based on the evaluation and assessment as provided for in these Rules.

SECTION 21. Separation and Retirement Benefits - All officers and employees, including casuals and temporary employees who have been separated pursuant to reorganization under any of the valid causes, except those as a result of final disciplinary action, shall, if entitled thereto, be paid the appropriate separation pay and retirement and other benefits under existing laws within ninety (90) days from the date of the effectivity of their separation or from the date of the receipt of the resolution of their appeals as the case may be: Provided That application for clearance has been filed and no action thereon has been made by the corresponding department or agency.

Those who are not entitled to said benefits shall be paid a separation gratuity in the amount equivalent to one (1) month salary for every year of service.

Such separation pay and retirement benefits shall have priority of payment out of the savings of the department or agency concerned.

SECTION 22. Criminal Liability - All heads of departments, commissions, bureaus, agencies or offices who after the effectivity of R.A. No. 6656 willfully violate any provisions thereof, including failure to abide by these rules or to implement a Civil Service Commission reinstatement order, shall upon conviction be punished by a fine not exceeding ten thousand pesos (P10,000.00) or by imprisonment of not less than three (3) nor more than five (5) years or both such fine and imprisonment in the discretion of the Court, and suffer permanent disqualification to hold public office.

SECTION 23. Implementation of Reorganization Schemes - The executive branch of the government shall implement reorganization schemes within a specified period of time authorized by law.

In the case of the 1987 reorganization of the executive branch, all departments and agencies which are authorized by executive orders promulgated by the President to reorganize shall have ninety (90) days from the approval of the Republic Act No. 6656 within which to implement their respective reorganization plans in accordance with the said Act.

SECTION 24. Transitory Provisions - All appeals from decisions of the Reorganization Appeals Board (RAB) of the different departments or agencies filed with the Civil Service Commission which are still pending with the Commission at the time of the effectivity of the R.A. No. 6656 shall be resolved in accordance with these Rules.

SECTION 25. Repeal or Amendment of Rules - All existing Civil Service rules and regulations on government reorganization are hereby repealed or amended accordingly.

SECTION 26. Retroactivity of R.A. 6656 - The rights and benefits granted under R.A. 6656 shall be retroactive as of June 30, 1987.

SECTION 27. Separability of Provisions - If any part, section or provision of these Rules shall be held invalid or unconstitutional, no other part, section or provisions thereof shall be effected thereby.

SECTION 28. Effectivity of these Rules - These Rules shall take effect fifteen (15) days from the date of its publication in any newspaper of general circulation.

(SGD.) PATRICIA A. STO. TOMAS
Chairman

(SGD.) SAMILO N. BARLONGAY
Commissioner

(SGD.) MARIO D. YANGO
Commissioner

June 30, 1988