

JOURNAL No. 53

APERTURA DE LA SESION

Se abre la sesion a las 8:15 a.m., bajo la presidencia del Presidente Hon. Claro M. Recto.

EL PRESIDENTE: Lease la lista de Delegados.

SR. PEREZ: Senor Presidente, pido que se dispense la lectura de la lista.

EL PRESIDENTE: ¿Hay alguna objecion? (Silencio.) La Mesa no oye ninguna. Se dispensa la lectura de la lista. Hay quorum. Lease el acta.

APROBACION DEL ACTA

SR. PEREZ: Senor Presidente, pido tambien que se dispense la lectura del acta y que la misma se de por aprobada.

EL PRESIDENTE: ¿Hay alguna objecion? (Silencio.) La Mesa no oye ninguna. Aprobada. Leanse los documentos recibidos.

EL SECRETARIO:

REPORT OF THE COMMITTEE ON CIVIL SERVICE

The Honorable President Constitutional Convention

Mr. President:

Your Committee on Civil Service, after holding six meetings, begs leave to submit the following constitutional provisions and the explanations for the adoption of the same.

Sources. The Committee in arriving at the report considered these available sources of help and information: (1) The various constitutional precepts submitted by the Members of the Constitutional Convention, which, by their number and nature, reflect the overwhelming sentiment in the Convention in favor of the establishment by constitutional provisions of a strong and independent civil service system. Among these are the following:

Delegate Aruego	.....	C. P. No. 42
Delegate Ganzon	.....	C. P. No. 280

Delegate Sanvictores	C. P. No. 260
Delegates Dikit and Cruz.....	C. P. No. 316
Delegate Sotto	C. P. No. 366
Delegate Canonoy	C. P. No. 370
Delegate Vinzons	C. P. No. 229
Delegate Abaya	C. P. No. 441
Delegate Ventura	C. P. No. 113
Delegate Cruz	C. P. No. 381
Delegate Galang	C. P. No. 455
Delegate Zialcita	C. P. No. 407
Delegate Maramara	C. P. No. 499
Delegate Melendres	C. P. No. 736
Delegate Bueno	C. P. No. 581
Delegate Ribo	C. P. No. 576
Delegate Maramara	C. P. No. 593
Delegate Ortega	C. P. No. 627
Delegate Sanvictores	C. P. No. 542
Delegate Maramara	C. P. No. 550
Delegate	C. P.

Maramara	No.
	518
Delegate	C. P.
Lapak	No.
	528
Delegate	C. P.
Maramara	No.
	520
Delegate	C. P.
Maramara	No.
	746
Delegate	C. P.
Maramara	No.
	893
Delegate	C. P.
Castillejos	No.
	886
Delegates Aldeguer and	C. P.
Ezpeleta.....	No.
	823
Delegates Aldeguer and	C. P.
Ezpeleta.....	No.
	829
Delegate	C. P.
Maramara	No.
	811
Delegate	C. P.
Maramara	No.
	856
Delegate	C.P.
Maramara	No.
	807
Delegate	C.P.
Maramara	No.
	808
Delegate	C.P.
Maramara	No.
	809
Delegate	C.P.
Maramara	No.
	810
Delegate	C.P.
Gumban	No.
	991
Delegates Artadi and Fernandez	C.P.
.....	No.
	977
Delegate	C.P.
Ibanez	No.
	994
Delegate	C.P.
Maramara	No.
	987
Delegate	C.P.
Esliza	No.

		963
Delegate		C.P.
Esliza	.....	No.
		966
Delegate		C.P.
Esliza	.....	No.
		964
Delegate		C.P.
Aldeguer	.....	No.
		1093
Delegate		C.P.
Confesor	.....	No.
		1096
Delegate		C.P.
Castillejos	.....	No.
		1233
Delegate		C.P.
Jumawan	.....	No.
		1256
Delegate Cabarroguis.....		C.P.
		No.
		1280
Delegate		C.P.
Baltao	.....	No.
		1276
Delegate		C.P.
Jumawan	.....	No.
		1256

(2) Valuable aid was given to the committee by the testimonies of the Director of Civil Service, the President of the Civil Service Employees Association and the Chief of Supply Division of the Department of Finance.

(3) The conclusions which were arrived at as a result of the deliberations of the Members of the committee among themselves.

(4) The books and the publications relating to the civil service in the Philippines, the United States and Great Britain, chiefly, **The Philippine Islands** by W. Cameron Forbes, Vols. 1 and 2; **Principles of Public Personnel Administration** by Arthur W. Protector; **The Federal Service** by Lewis Mayers; **The Merit System in Government** by the National Municipal League; **The Fundamental Reform** by Charles Health; and the annual reports of the Director of Civil Service.

(5) The provisions of some modern constitutions like those of Spain and Germany and of the States of Ohio and Colorado

History of the Merit System.—The functions of a modern government is as complex and varied as those of large private corporations. They include the organization of a police system, the handling of the mails, collection of taxes, inspection of building operations, markets and sanitary conditions, the operation of public utilities, the construction and maintenance of roads, water systems, and sewers, and numerous other functions intimately connected with the daily life of the citizens. In the carrying out of .this complex and diversified business, a large army

of civil servants is required. The success or failure of a modern government must depend to a large extent on the efficiency of the civil service.

The adoption of the merit system in government service has secured efficiency and social justice. It eliminates the political factor in the selection of civil employees which is the first essential to an efficient personnel system. It insures equality of opportunity to all deserving applicants desirous of a career in the public service. It advocates a new concept of the public office as a career open to all and not the exclusive patrimony of any party or faction to be doled out as a reward for party service.

The merit system was adopted only after the nations of the world took cognizance of its merits. Political patronage in the government service was sanctioned in 1789 by the constitutional right of the President of the United States to act alone in the matter of removals. From the time of Andrew Jackson, the principle of "To the victor belong the spoils" dominated the Federal Government. The system undermined moral values and destroyed administrative efficiency. The movement for reform started in 1853 and gained an impetus when a disappointed office-seeker shot President Garfield. The first Civil Service Reform Bill in the United States was approved in 1883. The history of the British Civil Service resembled that of the United States. Before 1882, it was deeply immersed in corruption. In that year, Sir Robert Peel started the movement for its reform. An Order in Council in 1870 finally abolished official patronage. Since then Great Britain has enjoyed the greatest efficiency among her public servants.

Since the establishment of the American regime in the Philippines we have enjoyed the benefits of the merit system. The Schurman Commission advocated in its report that "the greatest care should be taken in the selection of officials for administration. They should be men of the highest character and fitness, and partisan politics should be entirely separated from the government." The fifth act passed by the Philippine Commission created a Board of Civil Service. It instituted a system here that was far more radical and thorough than in the United States. The Governor General after William Taft adopted the policy of appointing Filipinos in the government regardless of their party affiliation. As the result of these "the personnel of the Civil Service had gradually come to be one of which the people of the United States could feel justly proud."

Necessity for Constitutional Provisions. The inclusion in the Constitution of provisions regarding the merit system is a necessity of modern times. As its establishment secures good government, the citizens have a right to expect its guarantee as a permanent institution. This tendency was demonstrated by the adoption in 1912 of an amendment to the Constitution of Ohio in favor of the merit system. Colorado passed a law in 1907, but not content with it, the state adopted a strong constitutional amendment in 1920. The Constitution of the German Reich insured the existence of the merit system in Articles 128 to 131 under the caption, "Fundamental Rights and Duties of the Germans."

"All citizens of the state, without distinction are eligible for public offices, as provided by law and in accordance with their qualifications and abilities." (Art 128)

The Constitution of Spain in 1931 provided for the merit system in Articles 40 and 41.