

[Commonwealth Act No. 177, November 13, 1936]

AN ACT AMENDING AND REPEALING SOME OF THE PROVISIONS OF CHAPTER TWENTY-SEVEN OF ACT NUMBERED TWENTY-SEVEN HUNDRED ELEVEN. COMMONLY KNOWN AS THE ADMINISTRATIVE CODE OF NINETEEN HUNDRED AND SEVENTEEN, AND PROVIDING FUNDS TO DEFRAY THE NECESSARY EXPENSES DUE TO THE EXTENSION OF THE CIVIL SERVICE LAW TO ALL BRANCHES AND SUBDIVISIONS OF THE GOVERNMENT.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Subsection (f) of section six hundred and sixty-one of the Administrative Code is hereby amended to read as follows:

"(f) To prepare and certify to the President of the Philippines such rules as may be adapted to the more effectual carrying out of the provisions and purposes of the Civil Service Law and to the securing of an efficient administration of the Government within the scope of the Civil Service Law, such rules to be effective when approved by the President of the Philippines and promulgated in an executive order."

SEC. 2. Section six hundred and sixty-two of the Administrative Code is hereby amended to read as follows:

"SEC. 662. *Matters to be prescribed in civil service rules.*—The civil-service rules shall, among other things, prescribe the conditions which shall govern certification from eligible registers, appointments to the service, separations therefrom, suspensions, deductions from pay, reductions, reinstatements, and transfers and shall define the procedure to be followed in such matters. They shall also contain regulations concerning the hours of labor, the allowance of leave of absence (including the withholding of salary for leave granted), and the allowance of travel expenses and half salary of persons entitled thereto — all in conformity with the provisions of this Code. The rules shall also prohibit any discrimination in the appointment of eligibles by reason of the ratings obtained in the examination, and the political activity and engaging in any private business, vocation, or profession, of persons in the civil service."

SEC. 3. Section six hundred and sixty-three of the Administrative Code is hereby amended to read as follows:

"SEC. 663. *Fundamental requirements as to civil service rules.*—Any civil service rules promulgated by the President of the Philippines upon the recommendation of the Commissioner of Civil Service shall be consistent with the following fundamental requirements:

"(a) As far as practicable open competitive entrance examinations shall always be required and/or given to test the merit and fitness of

applicants for positions now classified or to be classified hereunder.

"(b) Promotion examinations, competitive or non-competitive, shall be prescribed when practicable.

"(c) A thorough physical examination by a Government physician shall be required of every applicant for examination in the Civil Service. Persons found to be physically unfit for efficient service shall be rejected.

"(d) A period of trial service shall be required before appointment or employment is made permanent."

SEC. 4. Section six hundred and sixty-six of the Administrative Code is hereby amended to read as follows:

"SEC. 666. *Publication of Official Roster.*—From the records kept by the Commissioner of Civil Service shall be published an Official Roster at intervals determined by the President of the Philippines."

SEC. 5. Section six hundred and sixty-seven of the Administrative Code is hereby amended to read as follows:

"SEC. 667. *Annual Report of Commissioner of Civil Service.*—The annual report of the Commissioner of Civil Service to the President of the Philippines shall contain an account of the work performed by the Bureau of Civil Service, a statement of the rules certified to the President of the Philippines and promulgated by him and the practical effect thereof, to which shall be added suggestions and recommendations for the effectual maintenance of an efficient and honest civil service in all the administrative branches of the Government."

SEC. 6. Section six hundred and sixty-eight of the Administrative Code is hereby amended to read as follows:

"SEC. 668. *Persons embraced in Philippine Civil Service.*—The Philippine Civil Service shall embrace all branches and subdivisions of the Government; and appointments therein, except as to those which are policy-determining, primarily confidential, or highly technical in nature, shall be made only according to merit and fitness, to be determined as far as practicable by competitive examination."

SEC. 7. Section six hundred and sixty-nine of the Administrative Code is hereby repealed. SEC. 8. Section six hundred and seventy-one of the Administrative Code is hereby amended to read as follows:

"SEC. 671. *Persons embraced in unclassified service.*—The following officers and employees constitute the unclassified service:

"(a) A secretary, a sergeant-at-arms, and such other officers as may be required and chosen by the National Assembly in accordance with the Constitution.

"(b) Officers, other than the provincial treasurers and Assistant Directors of Bureaus or Offices, appointed by the President of the Philippines, with

the consent of the Commission on Appointments of the National Assembly, and all other officers of the Government whose appointments are by law vested in the President of the Philippines alone.

"(c) Elective officers.

"(d) The Secretaries, technical assistants and private secretaries to the President of the Philippines, one private secretary and one assistant private secretary to the Vice President of the Philippines, and those, to the several Heads of Departments.

"(e) The secretarial and office staff of the Speaker and of each Member of the National Assembly.

"(f) One private secretary to each Justice of the Supreme Court.

"(g) Members of the commissioned and enlisted service of the Army and Navy of the Philippines.

"(h) Laborers whose rate of compensation is not more than two pesos per day.

"(i) Persons in the military, naval, or civil service of the United States who may be detailed for the performance of duties with the Government of the Commonwealth.

"(j) Secretaries of provincial boards, assistant provincial fiscals, provincial wardens, provincial sheriffs, deputy provincial sheriffs, and secret agents.

"(k) Members of the various faculties and other teaching force of the University of the Philippines, including the Business Director and the Registrar of said institution.

"(l) Positions which may be declared by the President of the Philippines, upon recommendation of the Commissioner of Civil Service, as policy determining, primarily confidential, or highly technical in nature.

"(m) Deputy governors and special agents of the specially organized provinces of Lanao, Cotabato, Sulu, and Mountain Province."

SEC. 9. Section six hundred and seventy-two of the Administrative Code is hereby amended to read as follows:

"SEC. 672. *Examination as prerequisite to appointment.*—No person shall be appointed to or employed in any position in the classified service until he passes the examination provided therefor: Provided, however, That persons now regularly and permanently employed in any branch or subdivision of the Government, whose position are or may hereafter be classified by operation of the Constitution and of this Act may, unless separated by proper authority, continue in the service for the term of three years from January first, nineteen hundred and thirty-seven: *Provided*, That they shall be given three chances to qualify: And *provided*

finally, That all employees who, upon the approval of this Act, have rendered ten years or more of continuous and satisfactory service in a classified position or in a position which may be subject to classification, shall be given practical examination in which their length of satisfactory service shall be accorded preferred consideration."

SEC. 10. Section six hundred and seventy-three of the Administrative Code is hereby amended to read as follows:

"SEC. 673. *Positions in unclassified service not subject to examination requirements.*—The examination requirements of the Civil Service Law for entrance into the civil service or for promotion therein shall not apply to positions in the unclassified service, unless the officer making the appointment shall so direct."

SEC. 11. Section six hundred and seventy-four of the Administrative Code is hereby amended to read as follows:

"SEC. 674. *Examining committees and special examiners; their incidental expenses.*—The Commissioner of Civil Service may, with approval of the proper Head of Department, appoint examining committees or special examiners from officers and employees in the service.

Such persons shall be examiners of the Commissioner of Civil Service and shall perform such duties as the Commissioner of Civil Service may require in connection with examinations, investigations, appointments, and promotions; and in the performance of such duties, they shall be under his exclusive control. The duties so performed by them shall be deemed part of the duties of the office to which they pertain, and time shall be allowed for the performance of such duties during office hours. All incidental expenses incurred by them shall be borne by the respective bureaus or offices, provinces, cities, municipalities, or Government boards, corporations, or enterprises, for whose benefit the examinations are held."

SEC. 12. Section six hundred and seventy-five of the Administrative Code is hereby amended to read as follows:

"SEC. 675. *Citizenship as qualification for admission to examination.*—No applicant shall be admitted to any examination who is not a citizen of the Philippines or of the United States."

SEC. 13. Section six hundred and seventy-seven of the Administrative Code is hereby amended to read as follows:

"SEC. 677. *Oath of applicant for examination.*—Before admission to a civil service examination in the Philippines, every applicant shall take and subscribe an oath, in such form as shall be prescribed in the civil service rules, wherein the affiant shall declare that he recognizes and accepts the supreme authority of the United States of America and will maintain true faith and allegiance thereto ; that he will support and defend the Constitution of the Philippines, obey the laws, legal orders, and decrees promulgated by its duly constituted authorities; that the obligation imposed by such oath is assumed voluntarily, without mental reservation