

RLA BILL NO. 23

Republic of the Philippines
Autonomous Region in Muslim Mindanao
REGIONAL LEGISLATIVE ASSEMBLY
Cotabato City

[MUSLIM MINDANAO AUTONOMY ACT NO. 304]

Begun and held in Cotabato City, on Monday, the twenty-second day of October 2012.

**AN ACT PROVIDING FOR A REGIONAL CIVIL SERVICE LAW IN THE
AUTONOMOUS REGION IN MUSLIM MINDANAO AND FOR OTHER
PURPOSES.**

Be it enacted by the Regional Assembly in session assembled.

SECTION 1. Title- This Act shall be known as the **Regional Civil Service Law in the ARMM.**

SECTION 2. Declaration of Policy - It is the policy of the Autonomous government to ensure and promote the implementation of the mandate of the Organic Act of the Autonomous Government in Muslim Mindanao to enact Civil Service Law to ensure that appointment of employees in the region shall be in accordance with the merit and fitness system as provided for by existing national law taking into consideration the unique regional traits and other social milieu of the people; promote morale with the highest degree of responsibility, integrity, loyalty, efficiency, and professionalism in the civil service in the region; that public office is a public trust and public officers shall serve with the highest degree of responsibility, integrity, loyalty and efficiency and shall be accountable to the people at all times;

It is likewise the policy of congress under R.A No.2260 Sec. 23 to accelerate the integration of the cultural minorities, whenever the appointment of persons belonging to said cultural minorities is called for in the interest of the service as determined by the appointing authority, with the concurrence of the Civil Service Commission, the examination requirements provided by the mentioned law, when not practicable, may be dispensed with in appointments

within their respective provinces if such persons meet the educational and other qualifications required for the office or employment.

Also, the regional government recognizes that every official and employee in the government is an asset or resource to be valued, developed and utilized in the delivery of basic services to the public. Hence, the development and retention of a highly competent and professional workforce in the public service shall be the main concern of every regional department or agency in the ARMM.

SECTION 3. Definition of Terms – Except as otherwise provided, the Rules under Executive Order No. 292 and other pertinent Civil Service Laws shall apply to all officers and employees both in the career and non-career service. For purposes of this law, the terms hereunder shall be construed as follows:

"Office" – refers to any major functional unit of a department or bureau including regional offices within the framework of governmental organization in the ARMM. It may also refer to any position held or occupied by individual persons, whose functions are defined by law or regulation.

"Agency" – means any bureau, office, commission, administration, board, committee, institution, corporation with original charter, or any other unit as well as provincial, city and municipal government.

"Career Service" – is composed of positions appointment to which prior qualifications in an appropriate examination is required.

"Class" – includes all positions in the government service that are sufficiently similar as to the duties and responsibilities and requires similar qualifications that can be given the same title and salary and for all administrative and compensation purposes, be treated alike.

"Chairman" – refers to the Chairman of the Civil Service Commission.

“Eligible” – refers to those who have passed the civil service examination administered by the Civil Service Commission including those who have been granted by the Regional Civil Service Office the appropriate eligibility as provided for under this law, and other standard set forth by the CSC.

Regional Civil Service Commission (RCSC) – refers to office of the Civil Service Commission operating within the area of the Autonomous Region in Muslim Mindanao.

Gender Orientation – pertains to the belief of a particular individual as to his or her biological emotional being he/she is inherently identified with.

ARMM Employees – refer to those employees in any of the offices, agencies, bureaus or departments in the ARMM including those in the local government units therein.

Satisfactory - A rating given to an employee when he/she exceeds the expected output/performance by at least 25% but falls short of what is considered as an outstanding performance. In addition, his/her competence and contributions shall be recognized by his peers also through a forced comparison/distribution method based on the criteria established by the agency concerned.

Legal Division or Unit – pertains to any office in any of the departments, bureaus or agencies of the ARMM which handles legal services in pursuance to primary objective of the office the appointment to which requires the completion of a four-year baccalaureate degree in Bachelor of Laws from any reputable law school.

Promotion – is the advancement of an employee from one position to another with an increase in duties and responsibilities as authorized by law, and usually accompanied by an increase in salary. Promotion shall be granted to permanent employees who are qualified under the Civil Service Law.

For Cause – means for reason which the law and sound public policy recognized as sufficient warrant for removal, that is legal cause, and not merely cause which the appointing

power in the exercise of discretion may deem sufficient. It is implied that officers and employees may not be removed at the mere will of those vested with the power of removal without cause. Moreover, the cause must relate to the performance of official functions and or affect the administration of the office, and must be restricted to something of a substantial nature directly affecting the rights and interests of the public¹.

SECTION 4. The Regional Civil Service Commission (RCSC) as the Implementing Agency

– a.) The CSC within the region shall be the implementing agency of this law who shall exercise the powers and function of the Commission provided for under Section 10, Title I, Subtitle A, Book V of the 1987 Administrative Code and laws enacted by the Regional Government pertaining to the same subject. Further, the CSC shall be the central personnel agency of the regional government who shall set standards as hereto mandated and enforce regional laws, rules and regulations vis-à-vis national laws governing the selection, appointment, utilization, training, and discipline of the civil servants in the region.

b) The CSC shall establish a career service and adopt measures to promote the morale, efficiency, integrity, responsiveness, progressiveness and courtesy in the civil service; to strengthen the merit and reward system, integrate all human resources development programs for all levels and ranks, and to institutionalize a management climate conducive to public accountability² consistent with the social milieu of the people in the region.

c) As provided for under RA 9054, the civil service shall embrace all branches, subdivisions, instrumentalities, and agencies of the Regional Government, including government-owned and controlled corporation with original charters. Appointment in the civil service shall be made only according to merit and fitness to be determined, as far as

practicable, and, except to position which are policy-determining, primarily confidential, or highly technical, by competitive examination³.

SECTION 5. Scope of the Law – This Law shall govern the conduct of civil servants, the qualifications for non-elective positions, and protection of civil service eligibles in various government positions in the autonomous region (Art. XVI, Sec. 2, par. 2, RA 9054), including those in the local government units therein.

SECTION 6. Conduct of Civil Servants – a) Consistent with the mandate of the Constitution, all public officers and employees in the ARMM must, in the performance of their official function, act in accordance with the common beliefs, custom and traditions of the constituents of the region consistent with religious freedom provision of the Constitution and serve the people with utmost responsibility, integrity, and efficiency. Consistent with the prevailing customs and traditions of the people in the region, as recipients of public trust, they are enjoined to demonstrate courtesy, civility, and self-restraint in their actuations to the public⁴; must at all times be accountable to the people, act with patriotism and justice and lead modest lives; and must uphold to their heart's passion these values considered touchstones of a good government⁵.

b) Public officers and employees in the ARMM are likewise strictly mandated to observe and respect the fundamental tenets of R.A. No. 6713, otherwise known as the Code of Conduct and Ethical Standards for Public Officials specifically Section 4(A) thereof.

- c) To strengthen their commitment to public service, all officials and employees in the ARMM, when sworn to office must place their left hand on top of their Holy Book while their right hand raise up as they recite their Oath of Office after the administering officer.

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SECTION 7. Qualification Standards and Apportionment of Employment Opportunity –

Aside from the standard set forth under this Act, the qualification standard provided for under the existing national Civil Servicer laws, rules and regulations shall be adhered to for appointment to any position or office in the ARMM. However, in the apportionment of opportunity for employment to any of the offices or agencies of the ARMM the same must be proportionately distributed to all inhabitants of the region in accordance with the following measures, to wit:

- a. For appointment to national line agencies of the government mandated by law to carry out public functions within the area of the autonomous region, preference shall be given to the applicant of the region, giving priority to those of the place where the office is located, consistent with the 1996 Final Peace Agreement. In case none is qualified, consideration shall be given to any other applicant within the region regardless of the place of origin.
- b. For appointment to any of the offices in the provinces in the ARMM, priority shall be given to qualified residents of the place where the vacancy does exist. Where no one is qualified, the appointing authority shall give preference to any qualified applicant from within the region.
- c. In the regional office, equitable representation of all inhabitants of the ARMM shall strictly be observed subject to the merit and fitness rules of the Civil Service Commission.

SECTION 8. Protection of Civil Service Eligible – Employees of the ARMM shall enjoy security of tenure as provided for under this Act and other existing laws, rules and regulations of the Civil Service Commission. In the observance of this mandate, no official or employee of

the ARMM shall be removed except for a cause and after dues process. In like manner, no official or employee of the region shall be transferred, assigned, or designated to any office, agency, bureau or department in any other place in the region other than where the office and the corresponding plantilla item where such official or employee was appointed and the office was established. In cases where the exigency of the service so require, taking into consideration

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the relevant expertise of such official or employee, the consent of the same must be sought and such consent must be expressed in writing at his/her own volition.

SECTION 9. Civil Service Eligibility – The eligibility required of all officials and employees of the government shall apply to all officials and employees of the ARMM.

SECTION 10. Recruitment, Examination and ARMM Eligibility, and Promotion. a) Employment opportunity to any office, agency, bureau or department in the region shall be open to all qualified citizens, preferably resident of the region. The Civil Service Office must take positive efforts to attract the best qualified personnel to enter government service in the region. To insulate the recruitment process from any political patronage or political interference in any manner, the Civil Service Office must strictly enforce to the fullest the criteria mandated of it by this Act.

b) Offices, bureaus, agencies, and departments in the Autonomous Region in Muslim Mindanao shall follow the classes of positions provided under Rule 2 Section 2 of Executive Order No. 292.

SECTION 11. Office Hours. a.) As provided under Rule XVII Section 1 of Executive Order 292, it shall be the duty of each department or agency to require all officers and employees under it to strictly observe the prescribed office hours. Further, Section 5 of the said law provides that except those covered by special laws, offices, and employees shall render 8 hours of work per day for 5 days a week for a total of 40 hours a week.

b.) For purposes of this Act the working hours of employees and officers shall be the same as those provided under Section 5 of Rule XVII of the Civil Service

Commission, except on a Friday, which shall be from seven thirty to eleven (7:30 – 11:00) in the morning and from one to five thirty (1:00 – 5:30) in the afternoon, to give time for the observance of the Friday Holy hour's practices of the Muslim officials and employees.

- c.) Saturdays and Sundays are non-working days to all employees. National and Muslim Holidays shall be observed in the Autonomous Region in Muslim Mindanao.

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- d.) Flexible working hours may be allowed subject to the discretion of the head of department or agency, provided that the same shall not reduce the official working hours to less than 40 hours a week. However, during Ramadhan, the office hours shall be from seven o'clock (7:00) in the morning to three o'clock (3:00) in the afternoon with no noon break.

SECTION 12. Applicability – All other existing laws, rules and regulations of the Civil Service Commission not mentioned herein, shall be deemed applicable and adhered to by all offices, agencies, and departments including those in the local government units in the provinces under the Autonomous Region in Muslim Mindanao.

SECTION 13. Separability Clause – If any of the provisions of this law declared unconstitutional, the unaffected parts shall remain in force and effect.

SECTION 14. Effectivity – This Act shall take effect 15 days after its publication in a newspaper of regional circulation in the Autonomous Region in Muslim Mindanao.

APPROVED.

RASOL Y. MITMUG, JR.
Speaker

This Act was passed by the Regional Legislative Assembly on June 18, 2013.

DATU MAMA M. AMPATUAN
Secretary-General

APPROVED:

MUJIV S. HATAMAN

Regional Governor

Date: _____