



Republic of the Philippines
Bangsamoro Autonomous Region in Muslim Mindanao
BANGSAMORO TRANSITION AUTHORITY
Bangsamoro Government Center, Governor Gutierrez Avenue,
Rosary Heights VII, Cotabato City, Philippines

Bangsamoro Transition Authority)
Bangsamoro Autonomous)
Region in Muslim Mindanao)
Second Regular Session)

COMMITTEE REPORT NO. __

Submitted by the Committee on Rules

January 26, 2021

RE: BTA Parliament Bill No. 59

Recommending its approval with amendments

Author: Government of the Day

MR. SPEAKER:

The Committee on Rules, to which was referred **BTA Parliament Bill No. 59**, by the Government of the Day, entitled:

**“AN ACT PROVIDING FOR THE BANGSAMORO CIVIL SERVICE CODE
OF THE BANGSAMORO AUTONOMOUS REGION IN MUSLIM MINDANAO
(BARMM)”**

has considered the same and has the honor to report it back to the Bangsamoro Transition Authority Parliament, with the recommendation that it be approved with the following amendments:

Book I
Preliminary Title

1. On page 1, Article 2. *Basis*, amend the first paragraph to include reference to “**Section 2 (i), Article 2, R.A. 11054 otherwise known as Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao**” as basis; insert a new second paragraph which also pertains to another provision of the RA 11054 which is “**Section 39, Article 7, of the Organic Law**” and mention this specific provision and its content; delete the last paragraph “**The Civil Service Commission shall establish a regional Civil Service field office and other field offices as may be needed in the Bangsamoro Autonomous Region for the efficient performance of its powers and duties.**”. Thus, the provision shall now read as follows:

Article 2. Basis. Section 2 (i), Article 2, R.A. 11054 otherwise known as Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao provides that the Bangsamoro Government shall exercise its authority over the civil service without prejudice to the general supervision of the President of the Republic of the Philippines.

For this purpose, Section 39, Article 7, of the Organic Law mandates that the Bangsamoro Government shall enact a Civil Service Law, provided that it shall be in accordance with existing national laws. In case of conflict with the national laws, the Constitution and existing national civil service laws, rules and regulations shall prevail.

2. On page 2, Article 3. *Purpose*, delete the provision and replace it with the following:

Article 3. Purpose. This Code is enacted to govern the conduct of civil servants, prescribe qualifications for non-elective positions, adopt an independent and credible merit and fitness system, protect civil service eligibles in various government positions, including government-owned and controlled corporations with original charters in the Bangsamoro Autonomous Region, and provide rules on disciplinary authority over the Bangsamoro Government’s officials and employees.

3. On page 2, Article 4. *Declaration of Policy*, make the following amendments:

On paragraph 1:

- a. Instead of paragraph form, enumerate the declared policies;
- b. Amend the first policy by changing the word “insure” to “**ensure**” and insert the words “**with equality**” after the word “made” and before “according”; add the phrase “**and shall consider gender and ethnic balance**” after the word “fitness”;

On paragraph 3:

- o The following amendments were introduced: Insert the word “**age**” before the word “religion”; insert the words “**gender, disability**” after the word “ethnicity”; delete “**social orientation**”.

Thus, the provision which shall read as follows:

Article 4. Declaration of Policy. It is the policy of the Bangsamoro Government to:

- (a) Ensure and promote the constitutional mandate that appointments in the civil service are made **with equality**, according to merit and fitness, **and shall consider gender and ethnic balance;**
- (b) Provide within the public service a progressive system of human resource administration; and
- (c) Adopt measures to promote morale and highest degree of responsibility, morality, integrity, loyalty, efficiency, and professionalism in the civil service.

It shall take cognizance of the aspirations of the Bangsamoro people and other inhabitants in the Bangsamoro Autonomous Region to chart a responsive, effective and efficient bureaucracy that will allow genuine and

meaningful self-governance and to establish an enduring peace on the basis of justice and balanced society, reflective of their system of life.

There shall be no discrimination on employment opportunities on account of **age**, religion, culture, ethnicity, **gender**, **disability**, or political affiliation.

4. On page 2, Article 5. *Nature of Public Office*, add the phrase “**and to God**” after the words “to the people” so that the second sentence shall be read as follows:

Article 5. *Nature of Public Office.* Public office is a public trust and a moral responsibility. Public officers and employees shall serve with the highest degree of responsibility, morality, integrity, loyalty, and efficiency, and shall remain accountable to the people, **and to God.**

5. Make the definitions appearing in Article 6. *Definition of Terms* of the proposed bill on Civil Service Code conform with the definition of terms found in the Bangsamoro Autonomy Act No. 13, otherwise known as the Bangsamoro Administrative Code; lift the definition of “**Bangsamoro Mufti**” from the Bangsamoro Administrative Code, amend definition of “**Civil Servant**”; change the term “Civil Service Commission - Bangsamoro Autonomous Region in Muslim Mindanao (CSC-BARMM)” to “**Civil Service Commission for Bangsamoro Autonomous Region in Muslim Mindanao (CSC-BARMM)**”; lift the definition of “**Commission**” from the Civil Service Commission issuances; add the word “**Mujahidat**” after the word “Mujahideen” as part of the term to be defined;”; add the words “**refers to**” before the phrase “a position which requires” in the term “**Highly Technical Position**”; make the definition of “**Ministry**” consistent with that found in the the Bangsamoro Administrative Code; change the term under letter “p.” from “Morality” to “**Moral Governance**” and make the definition consistent with that found in the Bangsamoro Administrative Code; add the term “**Bangsamoro**” and use the definition found in the Bangsamoro Administrative Code; and add the term “**Bona fide resident**” in the terms to be defined. Thus, the provision now reads:

Article 6. *Definition of Terms.* As used in this Code, the following terms shall be construed as follows:

- a. “Agency” means any ministry, bureau, office, commission, administration, board, committee, institute, corporation, whether performing governmental or proprietary function, or any other unit of the Bangsamoro Autonomous Government, as well as provincial, city or municipal government, except as hereinafter otherwise provided.

- b. “**Bangsamoro**” refers to those who, at the advent of the Spanish colonization, were considered natives or original inhabitants of Mindanao and the Sulu archipelago and its adjacent islands, whether of mixed or full blood.

- c. “Bangsamoro Government” **refers to the corporate governmental entity with all the powers granted to it by the Constitution, Bangsamoro Organic Law and other statutes, as well as those necessary for, or incidental to, the governance of the Bangsamoro Autonomous Region in Muslim Mindanao, including the Bangsamoro Parliament, Bangsamoro Government of the Day, and various instrumentalities through which political authority is exercised.**

d. “Bangsamoro Mufti” refers to the head of the Bangsamoro *Darul-Ifta*’ as appointed by the Chief Minister of the Bangsamoro Autonomous Region in Muslim Mindanao in accordance with the provisions of the Bangsamoro Administrative Code.

e. “Bona Fide Resident” refers to a qualified applicant who is, prior to appointment, a resident for a period of at least six months of a particular barangay, municipality, city, or province.

f. “Chief Minister” refers to the head of the Bangsamoro Government elected by a majority vote of the Members of the Parliament.

g. “Civil Servant” refers to appointive public officials and employees in the Bangsamoro Government, regardless of the nature of appointment, whether in the career or non-career service.

h. “Civil Service” embraces all branches, subdivisions, instrumentalities, ministries, offices and agencies of the Bangsamoro Government including government-owned or controlled corporations with original charter in the Bangsamoro Autonomous Region.

i. “Civil Service Commission for the Bangsamoro Autonomous Region in Muslim Mindanao (CSC for BARMM)” refers to the Civil Service Commission regional field office to include other field offices as provided under Section 39, Article VII of R.A. No. 11054 and CSC MC No. 03, series of 2020.

j. “Commission” refers to the Civil Service Commission as the central human resource agency of the Philippine Government.

k. “Eligible” refers to a person who obtains a passing grade in a civil service examination or is granted a civil service eligibility and whose name is entered in the register of eligibles in the Civil Service Commission.

l. “Examination” refers to a civil service examination conducted by the Civil Service Commission.

m. “Gift” refers to a thing or a right to dispose of gratuitously, or any act or liberality, in favor of another who accepts it, and shall include a simulated sale or an ostensibly onerous disposition thereof.

n. “Government Service” refers to the process or transaction between applicants or requesting parties and government offices or agencies involving applications for any privilege, right, reward, license, clearance, permit or authorization, concession, or for any modification, renewal or extension of the enumerated applications or requests which are acted upon in the ordinary course of business of the agency or office concerned.

o. “Highly Technical Position” refers to a position which requires the use of technical knowledge, specialized skills and/or training.

p. “Madaris Education” refers to the recognized types or category of Madrasah in the BARMM such as Traditional Madrasah, Formal Madrasah, and Standard Private Madrasah as may be defined by the Bangsamoro Education Code.

q. "Ministry" refers to a cabinet portfolio in the Bangsamoro Government exercising executive authority, created by the Bangsamoro Organic Law and those that may be created by law passed by the Parliament.

r. "Moral Governance" refers to the set of rules, practices, and processes completely devoid of all evils of graft and corruption, and explicitly driven by the moral principles of utmost dedication, devotion, honesty, justice, and integrity.

s. "Mujahideen/Mujahidat" refers to the legitimate members (men and women), of the Moro Islamic Liberation Front (MILF) and the Moro National Liberation Front (MNLF) duly certified by the Chairman of their respective central committees.

t. "Senior Deputy Chief Minister" refers to one of the deputies of the Chief Minister who is senior in age.

6. On page 4, Article 7. *Positions Embraced in the Bangsamoro Civil Service*, change the title to "**Bangsamoro Civil Service**"; move the second paragraph to another/ new article with the title "**Classification of Positions**". Thus the articles will read as follows:

Article 7. Bangsamoro Civil Service. The Bangsamoro Civil Service embraces all public positions **in the Parliament, Cabinet,** and every agency, subdivision, and instrumentality of the Bangsamoro Government, including government-owned or controlled corporations with original charters.

Article 8. Classification of Positions. Positions in the Civil Service shall be classified into career service and non-career service as defined by existing civil service laws, rules and regulations.

7. On pages 4-5, renumber Article 8 as Article 9, but retain the language of the provision.
8. On page 5, add a new provision as "**Article 10. Classes of Positions in the Career Service**" where the classes of positions in Civil Service are spelled out and grouped into three major levels; in paragraph (a), the First Level positions shall be enumerated; in paragraph (b), the Second Level positions will also be described as to the classes or types of positions under said level; and then paragraph (c) shall state that there are Second Level positions performing managerial/ executive functions. After the enumeration, there are two other paragraphs which shall cover the matter of entrance to the different levels or classes of positions as enumerated in the first paragraph. Thus, the provision shall read as follows:

Article 10. Classes of Positions in the Career Service. (1) Classes of positions in the career service, appointment to which requires examinations shall be grouped into three major levels as follows:

- (a) **The first level shall include clerical, trades, crafts, and custodial service positions which involve non-professional or sub-professional work in a non-supervisory or supervisory capacity requiring less than four years of collegiate studies;**
- (b) **The second level shall include professional, technical and scientific positions which involve professional, technical or scientific work**

in a non-supervisory or supervisory capacity requiring at least four years of college work up to Division Chief level; and

(c) Second level positions performing executive/managerial functions.

(2) Except as herein otherwise provided, entrance to the first two levels shall be through competitive examinations, which shall be open to those inside and outside the service who meet the minimum qualification requirements. Entrance to a higher level does not require previous qualification in the lower level.

(3) Within the same level, no civil service examination shall be required for promotion to a higher position in one or more related occupational groups. A candidate for promotion should, however, have previously passed the examination for that level.

9. On page 5, Article 9. *Non-Career Service*: the provision is re-numbered to **Article 11**; insert the phrase “**and interim officials of the Bangsamoro Transition Authority**” after the words “Elective officials” in number 1 in the enumeration in the 2nd paragraph 2; amend “Chairman” to “**Chairperson**” in number 3 in the enumeration found also in the second paragraph. Thus, the provision shall read as follows:

Article 11. *Non-Career Service.* The Bangsamoro Non-Career Service shall be characterized by (1) entrance on bases other than those of the usual tests of merit and fitness utilized for the career service; and (2) tenure which is limited to a period specified by law, or which is coterminous with that of the appointing authority or subject to his pleasure, or which is limited to the duration of a particular project for which purpose employment was made.

The Bangsamoro Non-Career Service shall include:

1. Elective officials, **interim officials of the Bangsamoro Transition Authority**, and their personal or confidential staff;
2. Ministers and other officials of cabinet rank who hold positions at the pleasure of the Chief Minister and their personal or confidential staff;
3. **Chairpersons** and members of commissions and boards with fixed terms of office and their personal or confidential staff;
4. Contractual personnel or those whose employment in the Bangsamoro Government is in accordance with a special contract to undertake a specific work or job, requiring special or technical skills not available in the employing agency, to be accomplished within a specific period, which in no case shall exceed one year, and performs or accomplishes the specific work or job, under his own responsibility with a minimum of direction and supervision from the hiring agency;
5. Positions which are policy determining or primarily confidential; and
6. Emergency and seasonal personnel.

10. On page 6 in Article 10. *Recruitment and Selection of Employees*: re-number the provision to **Article 12**; delete the figure “(1)” before the word “opportunity” since there is no

number two. Amend the second sentence to read to read: **“Preference shall be given to Bangsamoro bona fide residents of the locality where the employment is situated.”** Thus, the provision shall be read as follows:

Article 12. *Recruitment and Selection.* Opportunity for government employment shall be open to all qualified citizens. **Preference shall be given to Bangsamoro bona fide residents of the locality where the employment is situated.** Positive efforts shall be exerted to attract the best qualified residents of the Bangsamoro Autonomous Region to enter the government service. Employees shall be selected on the basis of fitness to perform the duties and assume the responsibilities of the positions.

11. On page 6, in Article 11. *Vacancy*, the provision is re-numbered to **Article 13.** Amendments are introduced by replacing the phrase “in Article 8” in the first paragraph with **“in this Code”** and the same phrase in the second paragraph with **“herein”**. Thus, the provision read as follows:

Article 13. *Vacancy.* When a vacancy occurs in a position in the first level of the Career Service as defined **in this Code**, the employees in the ministry, office or agency who occupy the next lower positions in the occupational group under which the vacant position is classified, and in other functionally related occupational groups and who are competent, qualified and with the appropriate civil service eligibility shall be considered for promotion.

When a vacancy occurs in a position in the second level of the Career Service as defined **herein**, the employees in the government service who occupy the next lower positions in the occupational group under which the vacant position is classified and in other functionally related occupational groups and who are competent, qualified and with the appropriate civil service eligibility shall be considered for promotion.

If the vacancy is not filled by promotion as provided herein, the same shall be filled by transfer of present employees in the government service, by reinstatement, by re-employment of persons separated through reduction in force, or by appointment of persons with the civil service eligibility appropriate to the position.

12. On page 6, in Article 12. *Screening Process*: the provision is re-numbered to **Article 14,** but the language of the provision is retained.
13. On page 7, in Article 13. *When Appropriate Examinations Required*, the provision is re-numbered to **Article 15;** in the second paragraph, include a slash (*/*) and then the word **“she”** after the word “he”. Thus, the provision shall read as follows:

Article 15. *When Appropriate Examinations Required.* xxx

The appropriate examinations herein referred to shall be those given by the Commission and the different agencies: provided, that a person with a civil service eligibility acquired by successfully passing an examination shall be qualified for a position requiring a lower eligibility if **he/she** possesses the other requirements for appointment to such position.

14. On page 7, Article 14. *Special Examination for Indigenous People*: re-number the provision as **Article 16**; change the word “may” to “**shall**”; and after the last word “Government”, add the phrase “**to be administered by appropriate government agencies, in accordance with the provision of laws, rules and standards promulgated in relation thereto**” Thus, the provision shall be read as follows:

Article 16. Special Examinations for Indigenous Peoples in the BARMM. In line with the Bangsamoro Government’s policy to promote inclusivity for Moro and non-Moro indigenous peoples and accelerate the development of the areas occupied by them, special examinations for Indigenous Peoples **shall** be requested by the Bangsamoro Government **to be administered by appropriate government agencies, in accordance with the provisions of law, rules and standards promulgated in relation thereto.**

15. On page 7, in Article 15. *Reduction in Force*: re-number the provision as **Article 17** but retain the original language; and add a new provision as “**Article 18, Employee Onboarding Program**”, which will read as follows:

Article 18. Employee Onboarding Program. Each ministry shall collaborate with the Development Academy of the Bangsamoro to implement a systematic onboarding program to transition its new employees into their role and onto their respective unit, section, or division. Such onboarding program shall be built for the specific level and position of the new employees and reflect their unique work environment. It shall include the inculcation of moral governance principles and practices, the development of camaraderie, high trust, and high-performance organizational culture, the clarification of expectations, the provision and use of resources and the compliance to organizational policies, procedures, and protocols.

16. On page 7, in Article 16. *Career and Human Resource*: re-number the provision as **Article 19** and amend as follows:

Article 19. Career and Human Resource Development. **The Bangsamoro Government shall ensure the development and retention of a competent and efficient work force in the public service.**

Every ministry, office or agency of the Bangsamoro Government shall, in coordination with the Development Academy of the Bangsamoro, establish a continuing program of career and human resource development at all levels, and shall create a work environment conducive to the development of human resource skills, talents, and values for optimum public service.

17. On page 7, in Article 17. *Career and Human Resource Plans*: re-number the provision as **Article 20** and retain the title and the body of the provision.

18. On page 8, in Article 18, *Inspection and Audit*, the provision is re-numbered as **Article 21**, while the language of its body is retained

19. On page 8, in Article 19. *Complaints and Grievances*: re-number the provision as **Article 22**; replace the original language of the 2nd paragraph, to the following:

Article 22. *Complaints and Grievances.* xxx

Provisions under Book V of this Code shall apply to disciplinary and non-disciplinary cases instituted at all levels of the ministry, office or agency.

20. On page 8, in Article 20. *Employee Suggestions System*: re-number the provision as **Article 23**; insert the phrase “**and Incentive Award**” before the word “System” in the title; amend first sentence so that it is specifically stated that it is “**Each ministry, office, agency or local government**” that shall establish an employee suggestions “**and incentive awards**” system, and so that the purposes of said system are likewise articulated in the provisions, to wit:

Article 23. Employee Suggestions and Incentive Awards System. Each ministry, office, agency or local government unit shall establish an employee suggestions and incentive awards system designed to encourage creativity, innovativeness, efficiency, integrity, and productivity in the public service by recognizing and rewarding Bangsamoro officials and employees, individually or in groups, for their suggestions, inventions, superior accomplishments and other personal efforts which contribute to the efficiency, economy, or other improvement in government operations, or for other extraordinary acts or services in the public interest.

Book II

Qualifications of Non-Elective Positions

21. On page 9, in Article 21. *General Policies on Appointment*, the provision is re-numbered as **Article 24** and the title is changed to “**Appointments in the Bangsamoro Civil Service**.” As to the content, amendments are made to include the consideration of gender and ethnic balance. The last sentence is also replaced by one that says that a non-eligible cannot be appointed to a career position if there is a civil service eligible available and willing to accept the appointment. Thus, the provision now reads:

Article 24. Appointments in the Bangsamoro Civil Service. All appointments in the career service shall consider gender and ethnic balance and shall be made only according to merit and fitness to be determined, as far as practicable, by competitive examinations. A non-eligible shall not be appointed to any position in the career service whenever there is a civil service eligible actually available and willing to accept the appointment.

22. On page 9, Article 22. *Human Resource Action*, the provision is re-numbered as **Article 25**.
23. On page 9, Article 23. *Procedures in the Preparation of Appointments*, the provision is re-numbered as **Article 26**. There are also amendments to paragraph (a) on *Appointment Form*: add “when necessary” after the word “Arabic”; change the number of original copies of appointment so that it is now **four (4)** original copies; a slash (/) and the phrase “**ministry and for the Office of Chief Minister**” is added after the word “agency.” As to the item on *Certification of Publication and Posting of Vacancy*, insert “**in the Bangsamoro Job Portal**” after “**published and posted**” and change “**national government agencies (NGAs)**” to “**Bangsamoro ministries, offices, and agencies**”. The provision now reads as follows:

Article 26. *Procedure in the Preparation of Appointments.*

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a. *Appointment Form.* The appointment form, which shall be in the prescribed CSC form, shall be used for appointments in the career and non-career service except those for casual appointments. The same may be translated to Arabic, **when necessary**. The appointment must be prepared in **four (4) original copies**: one copy each for the appointee, for the CSC and for the agency/**ministry, and for the Office of the Chief Minister**

xxx

11. *Certification of Publication and Posting of Vacancy.* Vacant positions authorized to be filled shall be published and posted “**in the Bangsamoro Job Portal** and at least three (3) conspicuous places for a period of at least ten (10) calendar days for **Bangsamoro ministries, offices, and agencies**, state universities and colleges (SUCs), and government-owned or controlled corporations (GOCCs) with original charters in accordance with RA No. 7041 and its implementing guidelines, and not less than fifteen (15) calendar days for local government units pursuant to Section 80(a), Title Three, Book I, RA No. 7160, and Chapter IV Book II hereof.

xxx.

24. On pages 12-17, Articles 24-30 are re-numbered as **Article 27 to Article 33** and the original language are retained.
25. On page 17, Article 31. *Contractual*, the provision is re-numbered as **Article 34** and amended to change “DBM or GCG” to “**Ministry of Finance, Budget and Management or other concerned agencies**”, to wit:

Article 34. *Contractual.* Contractual appointment is issued to a person whose employment in the government is in accordance with a special contract to undertake local or foreign-assisted projects or a specific work or job requiring special or technical skills not available in the employing agency, to be accomplished within a specific period. This includes appointments to positions that are co-existent with the duration of a particular project based on the agency’s Staffing Pattern as approved by the **Ministry of Finance Budget and Management or other concerned government agencies**. The inclusive period of the contractual appointment shall be indicated on the face of the appointment for purposes of crediting services.

26. On pages 18-20, Articles 32 – 35 are re-numbered as **Article 35 - 38** and the original language are retained.
27. On page 20, Article 36. *Promotion*, the provision is re-numbered as **Article 39**. Furthermore, the provision is amended to include a paragraph on “**special promotions**”. Thus, the last paragraph of the provision shall be read as follows:

Article 39. *Promotion.* xxx

Special promotions based on awards and/or acts of conspicuous courage and gallantry as provided under special laws, such as Sec. 6, RA No. 6713, Sec. 10, and Executive Order No. 508, as amended by Executive

Order No. 77, shall be exempt from qualification requirements but subject to specific validation requirements as provided under the above-said special laws or their implementing rules and regulations.

28. On pages 20-21, Articles 37 and Article 38 are re-numbered as **Article 40 and Article 41** and the original language thereof are retained.
29. On page 21, Article 39. *Reappointment*, the provision is re-numbered as **Article 42** and amended as follows:

Article 42. Reappointment. xxx

x x x

3. Personal or coterminous staff of elective officials, who shall continue to serve in a coterminous capacity upon re-election of the said elective officials, shall be issued new appointments. The nature of appointment shall be reappointment.

In the same manner, personal or coterminous staff of officials whose term of office ended and are subsequently absorbed or rehired by the succeeding official without gap in their service shall be issued new appointments, the nature of which is reappointment.

Reappointment presupposes no gap in the service.

30. On pages 22-23, Articles 40 – 43 are re-numbered as **Article 43 to Article 46** and the original language thereof are retained.
31. On page 24, Article 44. *Other Human Resource Actions*, the provision is re-numbered as **Article 47** and the title changed from “Other Human Resource Actions” to “**Human Resource Actions not Requiring Appointment**”. There are no amendments as to the body of the provision. Thus, the Article, as amended, shall read as follows:

Article 47. Human Resource Actions not Requiring Appointment. xxx

32. On page 24, Article 45. *Reassignment*, the provision is re-numbered as **Article 48**. In the enumeration, number (4) is amended such that the word “**Commission**” is inserted after the phrase “upon receipt thereof to the” and instead of “CSC-BARMM”, it shall now be “**CSC for BARMM**”. Thus, the provision shall be read as follows:

Article 48. Reassignment. x x x

Reassignment shall be governed by the following:

x x x

4. The employee may appeal the reassignment order within fifteen (15) days upon receipt thereof to the **Commission or CSC for BARMM** as provided under specific law, if he/she believes there is no justification for the reassignment. Pending appeal, the reassignment shall not be executory.

The Decision of the **CSC for BARMM** may be further appealed to the Commission within 15 days from receipt thereof.

x x x.

33. On page 26, in Article 46. *Detail*, the provision is re-numbered as **Article 49**, and paragraph letter (e) is amended such that the word “**Commission**” is inserted after the phrase “upon receipt thereof to the” and instead of “CSC-BARMM”, it shall now be “**CSC for BARMM**”. Hence, the amended provision now reads:

Article 49. *Detail.* x x x

Detail shall be governed by the following rules:

x x x

e. The employee may appeal the detail order within 15 days upon receipt to the **Commission or CSC for BARMM** if he/she believes there is no justification for the detail. Pending appeal, the detail order shall be executory unless otherwise ordered by the Commission. The decision of the said **CSC for BARMM** may be further appealed to the Commission within fifteen (15) days from receipt.

xxx

34. On page 28, in Article 47, *Designation*, the provision is re-numbered as **Article 50**, and paragraph (2) is amended such that the word “CSC” is replaced by “**CSC for BARMM**”; paragraph (6) is amended such that the word “CSC” is replaced by “**CSC for BARMM**”; paragraph (7) is amended by replacing the phrase “General Appropriations Act (GAA)” with “**Bangsamoro Appropriations Act (BAA)**”. The provision, with said amendments, now reads this way:

Article 50. *Designation.* x x x

Designation shall be governed by the following rules:

x x x

2. Designees can only be designated to positions within the level they are currently occupying. Employees holding first level positions cannot be designated to perform the duties of second level positions except in meritorious cases as determined by the **CSC for BARMM** upon request for exemption by the agency concerned, such as organizational set-up, calamity, and due to exigency of the service. This exception shall not apply to positions involving supervisory and executive managerial functions. Division Chiefs may be designated to perform the duties of second level executive/managerial or third level positions.

x x x

6. For designation to critical positions in the local government units such as Provincial/City/Municipal Government Department Head, a copy of the office order shall be furnished by the HRMOs of the LGUs to the **CSC for BARMM** within thirty (30) days upon its issuance. Employees designated

to positions with duties involving practice of profession shall be required to possess the necessary professional license.

7. Designees cannot be granted the salaries of the positions they are being designated to. However, allowances that go with the performance of the functions such as RATA (Representation and Transportation Allowance) or EME (Extraordinary and Miscellaneous Expenses) may be granted as provided under the provisions of the **Bangsamoro Appropriations Act (BAA)** or appropriation ordinance of the respective local sanggunian; provided, the grant of the same is specifically stated in the designation order.

x x x.

35. On page 30, *Article 48. Probationary Period*, the provision is re-numbered as **Article 51**. The phrase “including a general orientation for newly-hired” is deleted from the first sentence. The second paragraph is appended to the first paragraph. A new second paragraph is inserted, and all the succeeding paragraphs are deleted. The amended provision now reads:

Article 51. Probationary Period. Original appointees in the career service with permanent status of appointment shall undergo a probationary period for six months or depending on the requirement of the position, with a thorough assessment of his/her performance and character. Probationary period refers to the period of actual service following the issuance of a permanent appointment wherein the appointee undergoes a thorough character investigation and assessment of capability to perform the duties of the position enumerated in the Position Description Form (PDF).

During this period, the appointee shall also take: (a) A General Orientation provided by the agency; and (b) A Mandatory Onboarding Training, for first and second level positions, provided by the Development Academy of the Bangsamoro (DAB) or A Mandatory Executive Coaching, for third level positions, also provided by DAB.

27. On page 31, *Article 49. Review and Monitoring of Employee’s Performance*, the provision is re-numbered as **Article 52** and the original language of the body is retained.
28. On page 32, *Article 50. Termination for Unsatisfactory Conduct or Want of Capacity*, the provision is re-numbered as **Article 53**. The fourth paragraph is amended to insert a new item as number (2) in the enumeration, as appears hereunder:

Article 53. Termination for Unsatisfactory Conduct or Want of Capacity. The services of the appointee can be terminated for unsatisfactory conduct or 7 want of capacity before the end of the second performance review on the sixth 8 (6th) month or depending on the duration of the probationary period as required 9 by the position.

Unsatisfactory conduct or behaviour refers to the failure of the appointee 12 to observe propriety in his/her acts, behaviour and human/public relations, and 13 to irregular punctuality and attendance while performing their duties and 14 responsibilities during the probationary period. This may include cases of neglect 15 of duty, misconduct, insubordination, habitual tardiness and absenteeism.

On the other hand, want of capacity shall refer to the failure of the appointee during the probationary period to perform the duties and responsibilities based on standards of work outputs agreed upon and reflected in the duly signed performance targets despite the developmental intervention provided by the immediate supervisor.

The appointee shall be issued a notice of termination of service by the appointing officer/authority within fifteen (15) days immediately after it was proven that he/she demonstrated unsatisfactory conduct or want of capacity before the end of the second performance review on the sixth (6th) month or depending on the duration of the probationary period. Such notice shall state, among other things, the reasons for the termination of service and shall be supported by at least two of the following:

1. Performance Evaluation Report;

2. Report of the concerned Human Resource Management Office that the employee failed to attend the Mandatory Onboarding Training/ Mandatory Executive Coaching;

3. Report of the immediate supervisor (rater) on job-related critical and unusual incidents and on unsatisfactory conduct or behaviour of the appointee; or

4. Other valid documents that may support the notice of termination of service.

29. On pages 33-35, Article 51 up to Article 55, the provisions are re-numbered as **Article 54 to Article 58** and the original language are retain.

30. On page 35, *Article 56. of Assumption Without Appointment First Issued*, the provision is re-numbered as **Article 59** and the title is amended to insert the phrase “**to Office**” after the word “Assumption”, as follows:

Article 59. Assumption *to Office* Without Appointment First Issued.

31. On page 35, Article 57. *Actual Assumption of Duties as Basis for Payment of Salary and Determination of Service Rendered*, the provision is re-numbered as **Article 60** and the original language is retain.

32. On page 35, *Article 58. Publication and Posting Requirements of Vacant Positions*, the provision is re-numbered as **Article 61** and is amended to insert the phrase “**in the place where the hiring agency is located, including the region, province, or city/municipality**” after the word “posted”; furthermore, after the phrase “ten (10) calendar days,” the following phrase is added: “**for vacancies in the Bangsamoro ministries, offices and agencies, state universities and colleges (SUCs), and government-owned or controlled corporations (GOCCs) with original charters in accordance with RA No. 7041 and its implementing guidelines, and not less than fifteen (15) calendar days for local government units pursuant to Section 80(a), Title Three, Book I, RA No. 7160 or a law to be passed by the Parliament.**” Hence, the amended provision now reads:

Article 61. *Publication and Posting Requirements of Vacant Positions.* Vacant positions in the career service, including vacant executive/managerial positions in the second level that are authorized to be filled, together with their corresponding qualification standards and plantilla item numbers, shall be published and posted **in the place where the hiring agency is located, including the region, province, or city/municipality** in three (3) conspicuous places for a period of at least ten (10) calendar days **for vacancies in the Bangsamoro ministries, offices and agencies, state universities and colleges (SUCs), and government-owned or controlled corporations (GOCCs) with original charters in accordance with RA No. 7041 and its implementing guidelines, and not less than fifteen (15) calendar days for local government units pursuant to Section 80(a), Title Three, Book I, RA No. 7160 or a law to be passed by the Parliament.**

33. On page 36, *Article 59. Submission of the List of Vacancies to the Civil Service Commission – Bangsamoro Autonomous Region in Muslim Mindanao*, the provision is re-numbered as **Article 62**, and is amended by changing all references to “CSC-BARMM” to **“CSC for BARMM”** and deleting the second paragraph. The whole article now reads:

Article 59. *Submission of the List of Vacancies to the Civil Service Commission – Bangsamoro Autonomous Region in Muslim Mindanao.* All Ministries, offices and agencies shall submit a list of their vacant positions authorized to be filled and their corresponding qualification standards and plantilla item numbers in the CSC prescribed form in electronic and printed copies to the **CSC for BARMM**. The printed and the electronic copies shall be forwarded to the **CSC for BARMM** for publication.

Any incorrect information in the publication of vacant positions, i.e., item number, position title or qualification standards shall be a ground for the disapproval/invalidation of appointments.

34. On pages 36-37, Articles 60-62 are re-numbered as **Article 63-65** and the original language is retained.
35. On page 37, delete *Article 63. Parenthetical Titles*.
36. On pages 37-38, renumber Articles 64 to 68 to **Articles 66 to 70**.
37. On page 38, adopt a new provision numbered as **Article 71** to read as follows:

Article 71. Qualification standards for certain positions that are prescribed by a special law. The qualification standards for department head and assistant department head positions (mandatory or optional) in LGUs, considered as executive/managerial positions, shall be those prescribed by RA No.7160 and other special laws. For newly created department head and assistant department head positions, the qualification standards shall be equivalent or comparable to those prescribed by RA No. 7160.

38. On pages 38-39, renumber the succeeding Articles 69 to 74 as **Articles 72 to 77** and retain the language of the provisions.

39. On page 39, *Article 75. Madaris Teachers*, the provision is re-numbered as **Article 78**, and amended to read as follows:

Article 78. Madaris Teachers. The MBHTE shall coordinate with the CSC for BARMM for the implementation of the provisions in the Bangsamoro Education Code regarding the qualification standards for Madaris teachers.

40. On pages 39-40, renumber Articles 76 to 78 to **Article 79 to 81**.

41. On pages 40-41, *Article 79. Two-Year Studies as a Requirement*, the provision is re-numbered as **Article 82** and amended to read as follows:

Article 82. Two-Year Studies as a Requirement. For one to meet the two-year studies in college requirement in the Qualification Standards Manual, one must have earned from a **MBHTE or Commission on Higher Education (CHED)**-recognized institution at least 72 (non-K12 program) academic units leading to a degree, has completed a relevant two-year collegiate/technical course or those who have graduated from K-12 program.

42. On pages 41-43, renumber the succeeding provisions, Articles 80 to 95, to **Articles 83 to 98**.

43. On page 43, adopt a new provision as **Article 99** to read as follows:

Article 99. Role of the Development Academy of the Bangsamoro. The Development Academy of the Bangsamoro, as the central human capital development training and research arm of the Bangsamoro Government, shall provide training and human resources development programs for BARMM officials and employees. The Bangsamoro Government shall coordinate with the Civil Service Commission on the accreditation of the Development Academy of the Bangsamoro as a recognized training institution for the Bangsamoro Autonomous Region.

44. On page 43, renumber Article 96 to **Article 100**.

45. On page 43, *Article 97. Human Resource Development Intervention*, the provision is re-numbered as **Article 101** and is reworded to include the role of the Development Academy of the Bangsamoro and other training institutions, to read as follows:

Article 101. Human Resource Development Intervention. Continuous learning and development shall be espoused by the Bangsamoro Government. **To achieve this purpose**, the ministry, office or agency shall **in coordination with the Development Academy of the Bangsamoro (DAB) as well as other training institutions**, ensure that each employee shall have undergone at least one planned human resource development intervention during the year. A minimum of forty (40) hours supervisory/management training or learning and development intervention per year based on the Learning and Development Plan of the agency should be provided by the agency to incumbents of supervisory and managerial positions.

46. On page 43, *Article 98. Recognized Training Institutions*, the provision is re-numbered as **Article 102** and added the phrase “**including the Development Academy of Bangsamoro**” in the enumeration, particularly paragraph (b). Thus, with the proposed amendment the provision shall be as follows:

Article 102. *Recognized Training Institutions.* Training may be acquired from any of the following institutions: xxx

b. Government training institutions **including the Development Academy of the Bangsamoro;**

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47. On page 44-51, renumber Articles 99 to 130 as **Article 103 to 134.**

48. On pages 51-52, *Article 131. Deliberation, How and When Conducted*, the provision is re-numbered as **Article 135**, and amended to include a new item in the enumeration in the third paragraphs, i.e., “**b. Appointment of faculty members and academic staff of SUCs and LUCs who belong to the closed career service**”. Thus, the amended provision now reads as follows:

Article 135. *Deliberation, How and When Conducted.* xxx

Candidates for the following appointments shall no longer be subject to the screening of the BPSB:

- a. Substitute appointment due to its short duration and emergency nature;
- b. Appointment of faculty members and academic staff of SUCs and LUCs who belong to the closed career service;**
- c. Reappointment to change the employment status from temporary to permanent upon meeting the deficiency or to renew the appointment of a temporary employee, if upon publication there are no qualified applicants and his/her performance rating is at least Very Satisfactory for two (2) rating periods; or
- d. Appointments to casual, contractual, coterminous and other non- career positions as identified under Section 9, Subtitle A, Title I, Book V of EO No. 292.

49. On pages 52-58, renumber the succeeding Articles 132 to 146 accordingly to **Articles 136 to 150**) and retain the language of the provisions.

50. On page 59, *Article 147. Liability of Appointing Authority*, the provision is re-numbered as **Article 151** and amended as follows:

Article 151. *Liability of Appointing Authority.* **When the disapproval/ invalidation of the appointment is attributable to the appointing authority, the latter shall be personally liable for the salary of an appointee paid after the CSC has finally disapproved/ invalidated the appointment. Such liability over the salaries of the disqualified appointive personnel shall be without prejudice to other administrative and criminal liability.**

51. On page 59, adopt a new provision as **Article 152** to read as follows:

Article 152. Reversion to position. An employee whose promotional appointment is disapproved/ invalidated shall be reverted to his/ her former position, if applicable.

52. On page 59, renumber Articles 148 to **Article 153**.

53. On page 59, Article 149 and Article 150 are renumbered and amended as follows:

Article 154. Appointments Made by Outgoing Appointive Officials. All appointments issued after a **Bangsamoro Regional** election up to June 30 by an appointive appointing officer/ authority coterminous with the **Chief Minister** shall be disapproved/invalidated, unless all the requisites as provided in **Article 153** hereof relative to their issuance are met.

Article 155. Mass Appointments. The issuance of mass appointments of more than twenty (20) appointments may be allowed provided the above conditions in **Articles 153 and 154** of this Code, as the case may be, are followed.

54. On pages 60-63, renumber the succeeding provisions, Articles 151 to 162, accordingly (**Article 156 to 167**).

55. On page 63, *Article 163. Prohibited Private Business or Practice of Profession; Exemptions*, the provision is renumbered as **Article 168** and the phrase "**Provided That, the above prohibition shall be subject to Section 17 Article 7 of RA 11054**" is added as a last paragraph, to read as follows:

Article 168. Prohibited Private Business or Practice of Profession; Exemptions. No officer or employee, whether in a permanent or regular capacity, temporary, casual, or hold-over, shall engage directly or indirectly in any private business or practice of profession. Exemptions may be allowed, subject to the limitations provided under RA No. 6713 and other special laws. Provided, further that the following requirements/conditions are met:

- a. Written permission from head of ministry, office, or agency must be secured and renewed annually;
- b. Time devoted outside of office hours shall not impair in any way the efficiency of the officer or employee nor pose a conflict or tend to conflict with the official functions and must be fixed by the head of agency; and
- c. Government facilities, equipment and supplies shall not be used while engaged in private business or practice of profession.

Provided That, the above prohibition shall be subject to Section 17 Article 7 of RA 11054.

56. On page 63, renumber the succeeding provisions, Articles 164 to 165, as **Articles 169 to 170**.

57. On page 64, *Article 166. Norms of Conduct of Civil Servants of the Bangsamoro Government*, the provision is renumbered as **Article 171**, and there is an insertion of the phrase “**including undue and unreasonable delay in the delivery of government services and the conduct of government affairs**,” after the words “red tape”, and sentence “**This includes compliance with R.A 11106, the Filipino Sign Language Act**” in the last sentence of paragraph (e); in paragraph (f), likewise there is an insertion of the sentence “**This includes respect for Filipino Language as the national sign language**” as the last sentence of; and finally, in paragraph (j), add the word “**ethnicity**” after the word “race”. Thus, the paragraph shall now read as follows:

Article 171. *Norms of Conduct of Civil Servants of the Bangsamoro Government.* (A) Every public official and employee in the Bangsamoro Government shall observe the following as standards of personal conduct in the discharge and execution of official duties:

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e. Responsiveness to the public. - Public officials and employees shall extend prompt, courteous, and adequate service to the public. Unless otherwise provided by law or when required by the public interest, public officials and employees shall provide information of their policies and procedures in clear and understandable language, ensure openness of information, public consultations and hearings whenever appropriate, encourage suggestions, simplify and systematize policy, rules and procedures, avoid red tape **including undue and unreasonable delay in the delivery of government services and the conduct of government affairs**, and develop an understanding and appreciation of the socio-economic conditions prevailing in the country, especially in the depressed rural and urban areas. **This includes compliance with R.A. 11106, the Filipino Sign Language Act.**

f. Nationalism and patriotism. - Public officials and employees shall at all times be loyal to the Republic, the Bangsamoro and to the Filipino people, promote the use of locally produced goods, resources and technology and encourage appreciation and pride of country and people. They shall endeavor to maintain and defend Philippine sovereignty against foreign intrusion. **This includes respect for Filipino Language as the national sign language.**

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j. Uphold Equality - Public official and employees shall at all times be committed to public service and avoid discrimination. They shall render public service with the highest degree of excellence and professionalism to the Bangsamoro people and other stakeholders without distinction of any kind, such as race, **ethnicity**, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

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58. On page 66, renumber the succeeding article, Article 167, to **Article 172**.
59. On page 69, renumber *Article 168. System of Incentives and Rewards* as **Article 173**; in the first paragraph and insert the word “**Bangsamoro**” before the word “Committee”; reword the first sentence of the second paragraph into “It shall be the task of this Committee to

conduct a periodic, continuing review of the performance of public officials and employees, in all the **ministries, offices, agencies of the Bangsamoro Government and the Parliament**"; in the second paragraph, replace the phrase "all the branches and agencies of the Bangsamoro Government" with the phrase "**ministries, offices, and agencies of the Bangsamoro Government, as well as the Parliament**." Before the 3rd paragraph, insert a new paragraph as to the classification of employees that are covered by the provision. Thus, the provision shall now read as follows:

Article 173. *System of Incentives and Rewards.* - A system of annual incentives and rewards is hereby established in order to motivate and inspire public servants to uphold the highest standards of ethics. For this purpose, a **Bangsamoro** Committee on Awards to Outstanding Public Officials and Employees is hereby created composed of the following: Senior Deputy Chief Minister as chairman, Bangsamoro Mufti, representative holding a position of responsibility from an accredited non-government organization, and two representatives from organizations of Bangsamoro Government employees one each from the second and first level positions to be appointed by the Chief Minister from the nominees of their respective Boards.

It shall be the task of this Committee to conduct a periodic, continuing review of the performance of public officials and employees, in all the **ministries, offices, and agencies of the Bangsamoro Government, as well as the Parliament**, and establish a system of annual incentives and rewards to the end that due recognition is given to public officials and employees of outstanding merit on the basis of the standards set forth in this Code.

The system of annual incentives and awards shall cover all elective officials and appointive officials and employees holding permanent, temporary, coterminous, contractual and casual status of employment in the Bangsamoro government.

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60. Adopt a new provision as **Article 174** to read as follows:

Article 174. **The Bangsamoro Government may adopt the provision of Performance Based Bonus (PBB) in BARMM similar to that implemented by the National Government. The purpose of said program is to give recognition to the top performing agencies and employees for exemplary performance in the discharge of their mandated functions and responsibilities.**

The Bangsamoro Government may formulate its own guidelines consistent with the policies of the Ministry of Finance, Budget and Mangement in the granting of the PBB.

61. On page 69, renumber the succeeding provisions, Articles 169 to 171, as **Articles 175 to 177**.

62. On page 73, *Article 172. One (1) Year Ban for Lost Candidates* is renumbered as **Article 178**; the title is also amended by replacing the word “lost” with the word “**losing**”. Thus, the title of the Article will now be read as follows:

Article 178. *One (1) Year Ban for **Losing** Candidates.* xxx

63. On pages 74-75, *Article 173. Ipso Facto Recognition*, renumber the provision as **Article 179**; replace the phrase “Commission on Election” with “**Bangsamoro Electoral Office**”. Thus, the paragraph shall now read as follows:

Article 179. *Ipso Facto Resignation.* A person holding a public appointive office or position, shall be considered ipso facto resigned from his/her office upon filing of the certificate of candidacy. He/she must vacate the same at the start of the day of the filing of the certificate of candidacy with the **Bangsamoro Electoral Office**, even if later on disqualified or has withdrawn the certificate for candidacy. This prohibition extends to private citizens appointed as board members in public offices representing the private sector.

64. On page 74, renumber the succeeding provisions, Articles 174 to 177, as **Articles 180 to 183**.

65. On page 74, *Article 178. Prohibition on Detail or Reassignment*, is renumbered as **Article 184** and the phrase “**unless authorized by the COMELEC, through a Bangsamoro Electoral Office**” is inserted after the word “election”. Thus, the paragraph shall now read as follows:

Article 184. *Prohibition on Detail or Reassignment.* No detail or reassignment whatever shall be made within three (3) months before any election **unless authorized by the COMELEC through the Bangsamoro Electoral Office**.

66. On pages 74-75, renumber the succeeding articles, Articles 179 to 183 as **Article 185 to 189**.

67. On page 76, *Article 184. Removal or Suspension for Cause*, renumber the same as **Article 190**; add a comma after the word “Suspension” in the titles and replace the phrase “for Cause” with the phrase “**or Other Disciplinary Action**.”; in the body of the provision, insert a comma after the word “suspended” and add the phrase “or otherwise subjected to disciplinary action.” Thus, the provision shall now read as follows:

Article 190. *Removal, Suspension, **or other Disciplinary Action**.* No officer or employee of the civil service shall be removed, suspended, **or otherwise subjected to disciplinary action** except for cause provided by law.

68. On page 76, *Article 185. Notice and Hearing Required*, renumbered as **Article 191** and the body is rephrased such that it shall now read as follows:

Article 191. *Notice and Hearing Required.* **No officer or employee in the career service shall be removed or suspended or otherwise subjected to disciplinary action, except for a valid cause and after due notice and hearing.**

69. On page 76, *Article 186. Roster of Bangsamoro Eligibles*, renumbered as **Article 192**, add the sentence “**Persons who have been appointed permanently to positions in the career service and who have been separated as a result of reduction in force and/or reorganization shall automatically be entered into the Roster of Bangsamoro Eligibles**”. Thus, the paragraph shall now read as follows:

Article 192. *Roster of Bangsamoro Eligibles.* The Bangsamoro Government shall establish a Roster of Bangsamoro Eligibles which shall be used as reference by the different ministries, offices, or agencies in case of vacancies of positions. **Persons who have been appointed permanently to positions in the career service and who have been separated as a result of reduction in force and/or reorganization shall automatically be entered into the Roster of Bangsamoro Eligibles and shall be prioritized for purposes of re-employment.**

70. On page 76, renumber the succeeding articles, Articles 187 to 194 as **Articles 193 to 200**.

71. On page 77, *Article 195*, renumbered as **Article 201**, add a last paragraph which reads “**Employees shall have the option to work during Sundays and be allowed to choose Friday as a compensatory day-off, subject to the approval of the Head of Office who shall see to it that such arrangement shall not hamper government operations**”. Thus, the paragraph shall now read as follows:

Article 201. *Flexible Working Hours.* In the event Bangsamoro officials and employees elect to adopt flexi-time in reporting for work, in no case shall the working hours be reduced.

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Employees shall have the option to work during Sundays and be allowed to choose Friday as a compensatory day-off, subject to the approval of the head of office who shall see to it that it shall not hamper government operation.

72. On pages 78-80, renumber the succeeding Articles 196 to 203 accordingly (**Article 202 to 209**).

73. On page 80, *Article 204. Benefits*, renumbered as **Article 210**, insert “**mid-year bonus**” after the phrase “additional compensation (AdCom)”. Thus, the paragraph shall now read as follows:

Article 210. *Benefits.* Bangsamoro officials and employees availing of the Rehabilitation Privilege shall receive their salaries and regular benefits such as Personnel Economic Relief Allowance (PERA), Additional Compensation (AdCom), **mid-year bonus**, year-end bonus, and cash gift mandated by law.

74. On page 80, renumber the succeeding provisions, Articles 205 to 206, as **Articles 211 to 212**).

75. On page 81, *Article 207. Removal in case of Bona Fide Reorganization*, delete the reference in paragraph (e) to “Article 185” and change into “**Article 214**” which is the provision on the order of removal or separation. Thus, the paragraph shall now read as follows:

Article 213. *Removal in case of Bona Fide Reorganization.* xxx

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- e. Where the removal violates the order of separation provided in **Article 214** hereof.

76. On pages 81-82, renumber the succeeding provisions, Articles 208 to 212 accordingly (**Article 214 to 218**).

77. On page 82, *Article 213. Appeal to the Civil Service Commission – Bangsamoro Autonomous Region in Muslim Mindanao*, renumbered as **Article 219**, change the title to “**Civil Service Commission for the Bangsamoro Autonomous Region in Muslim Mindanao**”, and replace “CSC-BARMM” in the body to “**Commission**”. Thus, the paragraph shall now read as follows:

Article 219. *Appeal to the Civil Service Commission for the Bangsamoro Autonomous Region in Muslim Mindanao.* An officer or employee who is still not satisfied with the decision of the appointing authority may further appeal within ten (10) days from the receipt thereof to the **Commission** which shall render a decision thereon within thirty (30) days and whose decision shall be final and executory.

78. On page 83, renumber Article 214 as **Article 220**.

79. On page 83, *Article 215. Coverage*, renumbered as **Article 221**, delete the last sentence “As to non-disciplinary in nature cases, the same shall be brought directly before the CSC-BARMM”. Thus, the paragraph shall now read as follows:

Article 221. *Coverage.* The provisions of this Book shall apply to disciplinary administrative cases or matters brought before the Office of the Chief Minister, the different ministries, offices or agencies of the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM), including its component local government units (LGUs) and government-owned or controlled corporations (GOCCs) with original charters in the Bangsamoro except as may be provided by law enacted by the Bangsamoro Parliament or the Congress.

80. On page 83, *Article 216. Construction*, renumbered as **Article 222**, add a second paragraph to clarify that administrative hearings shall not be bound by technicalities provided that there is due process. Thus, the provision now reads:

Article 222. *Construction.* The provisions of Book V shall be liberally construed in order to promote their objective in obtaining a just, speedy, and inexpensive disposition of administrative cases.

The administrative hearing and investigation under this Book is not bound by the technicalities of law and procedure and the rules obtaining in the courts of law, provided that due process of law is not compromised.

81. On page 84, *Article 217. Jurisdiction of the Office of the Chief Minister*, renumbered as **Article 223**, amend the article to conform with the law delineating the appointing powers in the BARMM; exclude the positions of Deputy Chief Ministers, Ministers, and Deputy Ministers from the applicability of the provision, since these positions conferred with trust and confidence, and hence can be dismissed from service by the Chief Minister anytime when such trust and confidence is lost; exclude the positions of the Chair and Members of the Bangsamoro Human Rights Commission, who are appointed by the President; and clarify that the function of the Bangsamoro Attorney General's Office is not to try administrative cases brought before the Office of the Chief Minister but to conduct formal investigations thereon. Hence, the provision now reads as follows:

Article 223. *Jurisdiction of the Office of the Chief Minister.* The Office of the Chief Minister (OCM) shall have primary jurisdiction over administrative cases or matters **involving positions with Salary Grade 25 and above** filed or brought before it by any person.

The **Bangsamoro** Attorney General's Office shall **conduct formal investigation on cases falling under the primary jurisdiction** of the OCM. Thereafter, it shall submit **a Formal Investigation Report** to the Chief Minister for **appropriate** action.

This provision does not apply to the Deputy Chief Ministers, Ministers, and Deputy Ministers. Likewise, the Chairperson, Commissioners, and the personnel of the Bangsamoro Human Rights Commission are excluded from this provision.

82. On page 84, *Article 218. Jurisdiction of the Different Ministries and GOCCs*, renumbered as **Article 225**, insert "**Commissions**", and "**Offices**" in the title, and the same words shall be reflected in the body of the provision. Thus, the provision shall now read as follows:

Article 225. *Jurisdiction of the Different Ministries, Commissions, Offices and GOCCs.* All ministries, **commissions and offices** and GOCCs with original charter shall have jurisdiction over administrative cases or matters filed or brought before it by any person against any of their respective officials or employees, except those officials mentioned in the immediately preceding section.

83. On page 84, renumber the succeeding provisions, Articles 219 to 220 accordingly as **Articles 226 and 227.**

84. On page 84, *Article 221. Complaint Defined*, renumbered as **Article 228**, insert the phrase "**misfeasance, malfeasance, or nonfeasance of the person complained of**" in the body of the article. Thus, the paragraph shall now read as follows:

Article 228. *Complaint Defined; Who May Initiate.* A complaint is a means of bringing to the attention of the proper disciplining authority the **misfeasance, malfeasance, or nonfeasance of the person complained of.** It may be initiated by the disciplining authority *motu proprio* or upon a valid complaint filed by any person.

85. On page 85, *Article 222. Requisites of a Valid Complaint*, renumbered as **Article 229**, divide the first paragraph into two and insert the phrase “**judicial**” before the word “**affidavit**” in the first sentence of the last paragraph. Thus, the paragraph shall now read as follows:

Article 229. *Requisites of a Valid Complaint.* xxx

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The same must also be accompanied by certified true copies of documentary evidence and **judicial** affidavits of witnesses, if any. The absence of any of the aforementioned requirements may be a ground to dismiss the complaint without prejudice to its refiling upon compliance with the above requirements.

86. On page 85, *Article 223. Anonymous Complaint*, renumbered as **Article 230**, simplify the language of the article to read as follows:

Article 230. *Anonymous Complaint.* **No anonymous complaint shall be entertained unless the act complained of is of public knowledge or the allegations can be verified or supported by documentary or direct evidence.**

87. On page 85, Article 224 is renumbered as **Article 231**.

88. On pages 85-86, *Article 225. Effects of the Pendency of Action*, renumbered as **Article 232**, change the title into “**Effects of the Pendency of an Administrative Case**” and amend the body of the article to now read as follows:

Article 232. *Effects of the Pendency of an Administrative or Criminal Case.* **Except as otherwise provided by law, pendency of an administrative or criminal case shall not disqualify respondent from promotion and other human resource actions or from claiming maternity/ paternity benefits.**

For this purpose, a pending administrative case shall be construed as such when the disciplining authority has issued a formal charge or a notice of charge to the respondent.

The release of the retirement benefits of a person with pending case shall be governed by Republic Act No. 10154 otherwise known as “An Act Requiring All Concerned Government Agencies to Ensure the Early Release of the Retirement Pay, Pensions, Gratuities and Other

Benefits of Retiring Government Employees” and its implementing rules.

89. On page 86, *Article 226. Withdrawal of the Complaint*, renumbered as **Article 233**, amend the article to read as follows:

Article 233. Withdrawal of the Complaint. The withdrawal of the complaint does not result in its outright dismissal nor discharge the person complained of from any administrative liability. Where there is obvious truth or merit to the allegation in the complaint or where there is documentary evidence that would tend to prove the guilt of the person/s complained of, the same should be given due course.

90. Adopt a new provision as **Article 234** which shall read as follows:

Section 234. Consent to Electronic Service. — The parties may consent to electronic modes of service of motions, pleadings, resolutions, and orders. In such case, the parties shall provide their e-mail address to which service may be effected

91. On page 86, Articles 227 and 228 are renumbered as **Article 235 and 236**.

92. On page 86, *Article 229. How Conducted*, renumbered as **Article 237** and rephrase the article to be read as follows:

Article 237. How conducted. Preliminary investigation may be conducted in any of the following manners: a) requiring the submission of counter affidavit or comment and/or other documents from the person complained of within five (5) days from receipt of the complaint which is sufficient in form and substance; b) ex-parte evaluation of the records; or c) clarificatory meeting with the parties to discuss the merits of the case.

When the complaint is initiated by the disciplining authority, it or its authorized representative shall issue a show-cause order directing the person complained of to explain within the same period why no administrative case should be filed against the said person. The failure to submit a comment/ counter-affidavit/ explanation shall be considered a waiver thereof and the preliminary investigation may be completed even without the counter-affidavit/ comment/ explanation.

The right to counsel may be exercised even during the preliminary investigation.

93. On page 87, Articles 230 and 231 are renumbered as **Article 238 and 239**.

94. On page 87, *Article 232. Issuance of Formal Charge* is renumbered as **Article 240** and amended as follows:

Article 240. *Issuance of Formal Charge.* Within fifteen (15) days from receipt of the Investigation Report, and a prima facie case has been properly established, the disciplining authority shall issue a Formal Charge addressed to the respondent, copy furnished the complainant.

The formal charge shall contain a specification of charge, a brief statement of material or relevant facts, which may be accompanied by certified true copies of the documentary evidence, sworn statements covering the testimony of witnesses, a directive to answer the charge in writing, under oath in not less than three (3) days but not more than ten (10) days from receipt thereof, an advice for the respondent to indicate in the answer whether or not a formal investigation is demanded, and a notice that respondent may opt to be assisted by a counsel.

95. On page 88, *Article 233. Prohibited Pleadings*, renumbered as **Article 241**, adopt the new enumeration, and replace the second paragraph, as follows:

Article 241. *Prohibited Pleadings.* The following pleadings shall not be entertained by the proper disciplining authority, to wit:

- a. Motion to dismiss **the complaint except on the ground of lack of jurisdiction over the subject matter or over the person of the respondent;**
- b. Motion for a **bill of particulars or request for clarification;**
- c. Motion for extension of time to file **verified** answer **in excess of twenty (20) days;**
- d. **Second** motion for extension of time to file **verified** answer;
- e. **Second** motion for reconsideration;
- f. Motion for reconsideration **against any interlocutory order of the disciplining authority;**

The filing of the prohibited pleading or motion shall not interrupt the running of the prescriptive period.

96. On page 88, *Article 234. Contents*, renumbered as **Article 242**, change the title into "**Requisites and Contents**," and the body thereof as follows:

Article 242. Requisites and Contents. The answer, which is in writing **and under oath**, shall be specific and shall contain material facts and applicable laws, if any, including original or certified copies of documentary evidence, sworn statements covering testimonies of witnesses, if there be any, in support of one's case.

When the disciplining authority determines that the answer is satisfactory, the case shall be dismissed. Otherwise, the investigation shall proceed.

97. On pages 88-89, Article 235 is renumbered as **Article 243**
98. On pages 88-89, delete the whole Chapter VII. Taking of Solemn Oath (Articles 236-240),
99. On pages 89-91, renumber Articles 241- 248 as **Articles 244-255**
100. On page 91, Article 249. *Remedies from the Order of Preventive Suspension.* is renumbered as **Article 252** and amended to provide for 15 days, instead of 10 days, for appeal of orders of preventive suspension, and to provide that all orders of preventive suspension, regardless of the issuing authority, shall be appealable to the Civil Service Commission, to wit:

Article 252. *Remedies from the Order of Preventive Suspension.* The respondent may, within **fifteen (15)** days from receipt **of the preventive suspension order, appeal the same directly to the Civil Service Commission.** Pending appeal, the order shall be executory and no motion for reconsideration is allowed to be entertained by the issuing office or ministry.

101. On page 91, Article 250. *Void on its Face Order,* renumbered as **Article 253,** is and amended provision now to read as follows:

Article 253. *Void on its Face Order.* Any of the following circumstances shall render the order of preventive suspension void on its face:

- a. The order was issued by one who is not authorized by law;
- b. The requirements under Article **244** are not present, **subject to the exceptions in Article 229 of this Code;**
- c. The order was issued without a formal charge or the same is defective;
and
- d. The period of preventive suspension as imposed has exceeded the prescribed periods.

102. On page 91, Article 251 is renumbered as **Article 254.**

103. On page 92, Article 252. *Instances Required,* renumbered as **Article 255** is amended by deleting the secon sentence. It now reads as follows:

Article 255. *Instances Required.* A formal investigation shall be conducted where the merits of the case cannot be decided judiciously without conducting such investigation or when the respondent elects to have one.

104. On page 92, Article 253. *When to be Conducted,* renumbered as **Article 256** is amended to delete the first part of the first sentence, clarify the period within which the formal

investigation should be commenced, increased the number of days within which the investigation should be terminated

Article 256. When to be Conducted. The investigation shall be held not earlier than five (5) days nor later than ten (10) days from receipt of the respondent's answer or upon the expiration of the period to answer. Said investigation shall be finished within thirty (30) days from the issuance of the formal charge/notice of charge unless the period is extended by the disciplining authority or its authorized representative, or heads of agencies or the Commission in meritorious cases.

For this purpose, the Commission may entrust the formal investigation to lawyers of other agencies pursuant to this Code.

105. On page 92, *Article 254. How Conducted*, renumbered as **Article 257**, is amended clarify that the parties shall consider and agree on the names of witnesses during the pre-conference hearing. The amendment also deletes the reference to the taking of a solemn oath under paragraph (g) and paragraph (h), as it may fall under the last paragraph as "such other matters". The amended version now reads:

Article 257. How Conducted. The formal investigation shall commence by conducting a pre-hearing conference for the parties to appear, consider and agree on the following matters, to wit:

- a. Stipulation of facts;
- b. Simplification of issues;
- c. Identification and marking of evidence;
- d. Waiver of objections to admissibility of evidence;
- e. Limitation on the **names** and number of witnesses;
- f. Hearing dates; and
- g. **Such other matters as may aid in the speedy and just resolution of the case.**

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106. On page 93, Articles 255 and 256 are renumbered as **Article 258 and 259.**

107. On page 93, *Article 257. Order of Hearing*, renumbered as **Article 260**, is amended to delete portions thereof regarding prohibition against cross examination of the prosecution's and respondent's evidence/ witnesses. It now reads as follows:

Article 260. Order of Hearing. The following order of hearing, when applicable, shall be observed:

- a. The prosecution shall present its case;
- b. The respondent shall present his/her defense;
- c. Both parties may submit their rebuttal and sur-rebuttal, respectively.

108. Adopt a new provision as **Article 261**, which reads as follows:

Article 261. Videoconference Hearing. Upon joint motion of the parties or upon orders of the disciplining authority videoconferencing hearings shall be allowed in lieu of the face to face hearings

109. On page 94, renumber the succeeding provisions, Articles 259-261, to **Articles 262-265**.

110. On page 94, Article 262 is renumbered as **Article 266**, is amended to include a paragraph on electronic service. It shall now read as follows:

Article 266. Proof of Service. All pleadings and litigated motions allowed under this Book filed by the parties shall be copy furnished the other party with proof of service in the form of an affidavit. Those filed through registered mail or private courier service shall be deemed filed on the date stamped on the envelope or courier pack which shall be attached to the records of the case. In case of personal service, it shall be evidenced by the date stamped on the envelope or the document itself duly dated and signed by the receiving party.

If electronic service is resorted to, the proof thereof shall consist of an affidavit of the person who undertook such service by stating the following:

- a. **e-mail address that was employed to transmit the document;**
- b. **date and time of the electronic service;**
- c. **name and e-mail address of the person served; and**
- d. **the document was served electronically.**

111. On page 94, Article 263. *Formal Investigation Report* is renumbered as **Article 267**.

112. On page 95, *Article 264. Period to Render Decision*, is renumbered as **Article 268** and is amended to increase the number of days within which a decision should be rendered; to delete the sentence on the effect of inaction by the disciplining authority; and to add a second paragraph to say that the inaction may be a ground for a separate disciplinary action that may be filed against the disciplining authority. The provision now reads as follows:

Article 268. Period to Render Decision. Within fifteen (15) days from receipt, the proper disciplining authority shall evaluate the Formal Investigation Report and render his/her decision. He/she may either affirm or disregard the hearing officer's recommendation. In all cases, the parties shall be furnished copy of the decision or recommendation, as the case may be, within ten (10) days.

Failure to act within the prescribed period shall be a ground for a separate disciplinary action against the disciplining authority.

113. On page 95, Article 265 renumbered as **Article 269**, is amended by changing the word "Article" to "**Chapter,**" to read as follows:

Article 269. Finality of Decisions. Decisions shall become final after the lapse of fifteen (15) days from receipt unless a motion for reconsideration is

seasonably filed in accordance with the succeeding **Chapter**. The same period applies in case of a decision dismissing the case.

114. On page 95, Articles 266-268 are renumbered as **Articles 270 – 272**.

115. On page 96, Article 269. *Unappealable Decisions*, renumbered as **Article 273**, is amended to read as follows:

Article 273. Finality of Decisions. A decision rendered by the disciplining authority or the CSC for BARMM whereby a penalty of reprimand, or suspension for not more than thirty (30) days or a fine in an amount not exceeding thirty (30) days' salary is imposed, shall not be appealable. It shall be final and executory unless a motion for reconsideration is seasonably filed. However, the respondent may file an appeal or petition for review when the issue raised is violation of due process.

If the penalty imposed is suspension exceeding thirty (30) days, or fine in an amount exceeding thirty (30) days' salary, the decision shall be final and executory after the lapse of the reglementary period for filing a motion for reconsideration or an appeal and no such pleading has been filed.

116. On page 96, Article 270. *When Appeal is Available* is renumbered as **Article 274**.

117. On page 96, Article 271. *Executory Judgment*, is renumbered as **Article 275**, is amended by adding the word "**judicial**" after the word "proper" in the first sentence to read as follows:

Article 275. Executory Judgements. Decisions shall be executory pending appeal unless a Temporary Restraining Order (TRO) is issued by the proper **judicial** authority. No motion for execution pending appeal shall be necessary.

118. On page 96, Article 272. *Where to Appeal*, is renumbered as **Article 276**, and amended by changing the title of the article into "**Filing of Appeal**"; and the body thereof to read as follows:

Article 276. Filing of Appeal. Subject to the provisions of Article 265, decisions rendered by the Chief Minister, Head of Office or GOCC in the Bangsamoro Government shall be appealable to the Civil Service Commission.

119. On pages 96 -104, Articles 273-290 are renumbered as **Articles 277-294**.

120. On page 105, Article 291 is renumbered as **Article 295**. Paragraph (d) is amended to replace the word "suspended" with "**dismissed**" so that it reads as follows:

Article 295. *Effects of Exoneration on Certain Penalties.* xxx

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d. In case the penalty imposed is dismissal, the respondent shall immediately be reinstated without loss of seniority rights and with payment of back wages and all benefits which would have accrued had the respondent not been illegally **dismissed**;

121. On pages 106-108, Articles 292-300 are renumbered as **Articles 295-304.**

122. Adopt a new provision as **Article 305**, with the title “**Miscellaneous Provision**” to read as follows:

Article 305. In case of pandemics and other cases of similar nature, man-made or natural, upon the declaration of state of calamity and/or issuance of order by the proper authority, the ministries, offices and agencies of the BARMM, upon prior approval of the Chief Minister, may adopt alternative work arrangements including, but not limited to, work-from-home, skeleton workforce, four-day (compressed) workweek, staggered working hours, and other human resource actions

123. On page 108, under “TRANSITORY PROVISIONS,” Article 302 is renumbered to **Article 306** and is amended as follows:

Article 306. Special Provisions for Mujahideen/ Mujahidat. Mujahideen/ mujahidat may be hired as temporary appointees for first level positions (SG 9 and below) of the Bangsamoro Government in the absence of fellow mujahideen applicants who are civil service eligible. Provided, that not more than thirty percent (30%) of the total number of entry level plantilla positions of the Bangsamoro Government shall be allocated to them.

The appointments under this provision shall be valid for twelve (12) months, renewable for three times. However, if the appointee has possessed the required eligibility within that period, he/she shall be qualified for permanent appointment to said position subject to performance appraisal and without prejudice to the discretion of the appointing authority.

To ensure smooth integration of the Mujahideen/mujahidat in the civil service, the Development Academy of Bangsamoro shall develop specialized training programs for their training and professional development.

During the transition period, it shall be the responsibility of the central committees of the Moro Islamic Liberation Front (MILF) and the Moro National Liberation Front (MNLF) to determine the Mujahideen/ Mujahidat in the roster of their organic members who shall be considered for hiring under this provision. The hiring should be within the transition period.

124. On pages 108-109, Articles 302-304 are renumbered as **Articles 307-309.**

125. Adopt a new provision as Article 310 on Mandatory Review, to read as follows:

Article 310. Mandatory Review Every Five Years. The Bangsamoro Parliament shall undertake a mandatory review of this Code at least once every five (5) years and as often as it may deem necessary, with the primary objective of providing a more responsive, efficient and accountable civil service.

126. On page 109, Article 305 is amended to change the title from “*Separability of Provisions*” to “**Separability Clause**” to read as follows:

Article 311. Separability Clause. If any part, section or provision of this Code shall be held invalid or unconstitutional, no other part, section or provision thereof shall be affected thereby.

127. On page 109, Article 306 is renumbered as **Article 312** and

128. Finally, on page 109, Article 307. *Effectivity* is renumbered as **Article 313** and the language is amended to be consistent with other Codes, to wit:

Article 313. Effectivity. This Code shall take effect after fifteen (15) days following its complete publication in at least one (1) newspaper of general or **regional** circulation.

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