

EXECUTIVE ORDER NO. 135

AMENDING SECTIONS 19(6) AND 8 OF PRESIDENTIAL DECREES NOS. 807 AND 1409, RESPECTIVELY, AND REVOKING AND/OR REPEALING MEMORANDUM CIRCULAR NO. 1284 DATED JUNE 4, 1985.

WHEREAS, in the interest of justice, there is need to confer upon the Civil Service Commission jurisdiction over appeals in contested or promotional appointments and to make its decisions thereon, as well as in administrative disciplinary cases, final and reviewable only on certiorari by the Supreme Court.

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order:

SECTION 1. Section 19(6) of Presidential Decree No. 807 dated October 6, 1975 is hereby amended to read as follows:

"SEC. 19. Recruitment and Selection of  
Employees. - x x x                      x x x                      x x x

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"(6). A qualified next-in-rank employee shall have the right to appeal initially to the heads of ministries, agencies or instrumentalities including government-owned or controlled corporations, then to the Merit Systems Board, and finally to the Civil Service Commission an appointment made in favor of another employee if the appellant is not satisfied with the written special reason or reasons given by the appointing authority for such appointment: Provided, however, That the decision of the Civil Service Commission may be reviewed on certiorari only by the Supreme Court within thirty (30) days from receipt of the decision by the aggrieved party. For purposes of this Section, 'qualified next-in-rank' refers to an employee appointed on a permanent basis to a position previously determined to be next-in-rank and who meets the requirements for appointment thereto as previously determined by the appointing authority and approved by the Commission."

SEC. 2. Section 8 of Presidential Decree No. 1409 dated June 8, 1978 is hereby amended to read as follows:

"SEC. 8. Relationship with the Civil Service Commission. - Decisions of the Merit Systems Board involving the removal of officers and employees from the service shall be subject to automatic review by the Civil-Service Commission. The Commission shall hear and decide appeals from other decisions of the Board provided that the decisions of the Commission shall be subject to review on certiorari only by the Supreme Court within thirty (30) days from receipt of a copy thereof by the aggrieved party."

SEC. 3. All protest cases pending on appeal before the Office of the President shall immediately be indorsed to the Civil Service Commission, through the Merit Systems Board, for decisions on the merits, except those already decided but pending on motion for reconsideration that shall be disposed of in accordance with Executive Order No. 19, series of 1966, as amended.


SEC. 4. All existing laws, decrees, letters of instructions, letters of implementation, executive orders, memorandum circulars or orders, as well as rules and regulations, or any provisions or parts thereof, especially Memorandum Circular No. 1284 dated June 4, 1985, which are inconsistent or in conflict with the provisions of this Order, are hereby repealed and/or modified accordingly.

SEC. 5. This Order shall take effect immediately.

Done in the City of Manila, this 27th day of February in the year of Our Lord, nineteen hundred and eighty-seven.

*Corazon B. Aquino*

By the President:

  
JOKER P. ARROYO  
Executive Secretary