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H. No. 24819
S. No. 799

Republic of the Philippines
Congress of the Philippines
Metro Manila

Fourth Regular Session

Begun and held in Metro Manila, on Monday, the twenty-third
day of July, nineteen hundred and ninety.

[REPUBLIC ACT No. 07157]

AN ACT REVISING REPUBLIC ACT NO. 708, AS
AMENDED

Be it enacted by the Senate and House of Representatives of
the Philippines in Congress assembled:

SECTION 1. Title. - This Act shall be known as the
"Philippine Foreign Service Act of 1991."

SEC. 2. Table of Contents. - The table of contents of this
Act is as follows:

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Title I

GENERAL PROVISIONS

SEC. 3. Declaration of Policy. - The State shall pursue an independent foreign policy. In its relations with other states, the paramount consideration shall be national sovereignty, territorial integrity, national interest, and the right to self-determination.

SEC. 4. Objective. - The main objective of this Act is to reorganize and strengthen the Philippine Foreign Service in order to:

(a) Upgrade the qualifications of the Career Foreign Service Corps and thereby enable its officers and employees to serve effectively the interests of the Republic of the Philippines abroad;

(b) Strengthen the capability of the Career Foreign Service Corps to conduct studies, analyses and evaluation of events, both domestic and international, that will serve as guidelines for achieving an independent foreign policy for the country;

(c) Ensure broad representation of the Philippine society in the foreign service and, further, to ensure equal opportunities in the enlistment and recruitment of officers and employees taking into account the ethnic composition of the country;

(d) Institute improvements in the selection and training of personnel so that only competent persons of good moral character are recruited in the Service;

(e) Provide that promotions in the Service shall be on the basis of merit;

(f) Guarantee permanence or security of tenure of the career personnel of the Service during good behavior and satisfactory performance of duty;

(g) Provide suitable salaries, allowances and benefits that will attract personnel from all walks of Philippine life and to appoint persons to the highest positions in the Service solely on the basis of merit and demonstrated capability in the promotion of national interests;

(h) Provide a comprehensive and flexible framework for the

administration of the foreign service consistent with modern practices in this field; and

(i) Consolidate into one act all provisions of the law relating to the administration of the foreign service.

In pursuance of the foregoing objective, the principle of nondiscrimination with respect to sex, creed, language, ethnic identity and religion shall be strictly enforced.

SEC. 5. Definition of Terms. - When used in this Act, the term:

(a) "Government" means the Government of the Philippines;

(b) "Constitution" means the 1987 Constitution of the Philippines;

(c) "President" means the President of the Philippines;

(d) "Department" means the Department of Foreign Affairs;

(e) "Institute" means the Foreign Service Institute;

(f) "Secretary" means the Secretary of Foreign Affairs;

(g) "Undersecretary" means the Undersecretary of Foreign Affairs;

(h) "Government agency" means any executive branch of the Philippine Government, or any corporation owned or controlled by the Government of the Philippines;

(i) "Service" means the Foreign Service of the Philippines which includes all officers and employees of the Department of Foreign Affairs in the home office and/or foreign service;

(j) "Home office" means the Department of Foreign Affairs and its offices in the Philippines;

(k) "Post" means all Philippine embassies, missions, consulates general and other foreign service establishments maintained by the Department of Foreign Affairs;

(l) "Chief of mission" means the head of an embassy or other diplomatic missions of the Philippines, or any person appointed by the President to such position, whether serving in the home office or foreign service; and

(m) "Principal officer" means the head of a consulate or consulate general of the Philippines.

SEC. 6. Undersecretaries. - Upon recommendation of the Secretary, the President shall appoint three (3)

undersecretaries to advise and assist the Secretary in the formulation and implementation of the Department objectives and policies, and to coordinate and oversee the operational activities of the Department of Foreign Affairs.

The Secretary shall designate one (1) of the undersecretaries in his absence.

SEC. 7. Categories of Personnel. - The Service shall consist of the following categories of officers and employees:

- (a) Chiefs of Mission, Class I and II;
- (b) Career Ministers;
- (c) Foreign Service Officers, Class I, II, III, and IV;
- (d) Foreign Service Staff Officers, Class I, II, III, and IV;
- (e) Foreign Service Staff Employees, Class I, II, and III;
- (f) Alien or locally hired employees; and
- (g) Honorary Consuls.

SEC. 8. Designations of Foreign Service Officers in the Foreign Service. - In the Service, foreign service officers shall be commissioned as diplomatic or consular officers, or both, and all the official acts of these officers shall be performed under such commissions. Diplomatic and consular titles shall be coterminous with the assignment at the post.

A chief of mission shall be assigned as ambassador extraordinary and plenipotentiary to head a diplomatic mission, or as deputy head of mission or as consul general to head a consular establishment.

A career minister shall be assigned as career minister in a diplomatic mission or as consul general to head a consular establishment.

A foreign service officer, class I, shall be assigned as first secretary in a diplomatic mission or consul in a consular establishment.

A foreign service officer, class II, shall be assigned as second secretary in a diplomatic mission or consul in a consular establishment.

A foreign service officer, class III, shall be assigned as third secretary in a diplomatic mission or vice-consul in a consular establishment.

A foreign service officer, class IV, shall be assigned as third secretary in a diplomatic mission or vice-consul in a consular establishment.

In a diplomatic post where there is a consular section, foreign service officers may be designated as both diplomatic and consular officers.

SEC. 9. Designations of Foreign Service Officers in the Home Office. - A chief of mission shall be designated by the Secretary as assistant secretary when assigned to head any of the eleven (11) principal offices of the Department. These offices are: Office of American Affairs; Office of Asia and Pacific Affairs; Office of European Affairs; Office of Middle East and African Affairs; Office of Administration, Protocol and Personnel Services; Office of Fiscal Management; Office of ASEAN Affairs; Office of United Nations and International Organizations; Office of Consular Affairs; Office of Legal Affairs; and Office of Policy Planning and Coordination. The Secretary is hereby authorized to review and realign periodically the principal offices of the Department in order to effectively meet the requirements of the Service.

The Director of the Foreign Service Institute shall also have the title of assistant secretary.

Chiefs of mission designated as assistant secretaries shall retain their items as chiefs of mission. The post of assistant secretary shall be reserved for career chiefs of mission: Provided, however, That all incumbent assistant secretaries who are non-career officials shall continue to hold office until June 30, 1992 unless sooner removed by the President. Thereafter, only career officials may be appointed assistant secretaries.

A career minister may be designated as executive director of an office.

A foreign service officer, class I, may be designated as division director.

A foreign service officer, class II, may be designated as assistant division director.

A foreign service officer, class III, may be designated as assistant division director.

A foreign service officer, class IV, may be designated as assistant division director.

A foreign service officer in any class, including chiefs of mission and career ministers, may be designated as special assistant to the Secretary or the Undersecretary.

A foreign service officer below the rank of chief of mission may be designated as principal assistant in any office.

Any assignment in the home office requiring a rank higher than the actual rank of the officer assigned shall be in an acting capacity.

SEC. 10. Foreign Service Staff Personnel. - There shall be a Service Staff Corps to provide the skills, technical assistance and support services in the home office and the foreign service.

SEC. 11. Staffing Pattern and Appointments. - The Department shall maintain a permanent staffing pattern for the home office and for each post in the foreign service which shall enumerate a definite number of position items in the budget of the Department for all categories of officers and employees: Provided, That the staffing pattern may be modified by the Secretary when necessitated by the opening of new posts in the foreign service or new offices in the home office as may be required by a reorganization of the Department approved by the President: Provided, further, That the modification shall be incorporated in the budget. The number of appointments to all categories of positions shall strictly conform to the staffing pattern. Appointments may be made only to specific existing vacant items. Appointments in excess of the number of items in the budget shall be null and void ab initio. An appointment, including the appointment of a non-career officer and initial and promotional appointment of a career officer, shall be valid only if it expressly indicates the specific number of the item in the budget. The appointment must bear the date when it was signed, and the Department must certify that the item is vacant on the specified date.

SEC. 12. Establishment of Foreign Service Posts. - The national interest and security shall be the paramount consideration in the establishment of embassies, missions, consulates general and other foreign service establishments maintained by the Department and the priority areas shall be in the countries where the following exist:

(a) Extending diplomatic, financial, material, humanitarian support and other expressions of solidarity;

(b) Favorable trade relations and investments currently exist or prospects for trade and investments are favorable;

(c) A considerable number of Filipino citizens; and

(d) Adherence to the principle of reciprocity and where such is extended to us.

The Secretary shall define the territorial limits of consular jurisdictions.

SEC. 13. Promotion of Philippine Arts and Culture. - All Service establishments abroad shall promote Philippine arts and culture, works of art of Filipino artists and Philippine products, including paintings, records, books and literature on Philippine history and culture, which shall be used, displayed and exhibited in these offices. Whenever practicable, Philippine products shall be used to furnish these offices.

All gifts given by reason of official and social functions of the foreign service establishments shall be products sourced from the Philippines. The Secretary shall provide in the annual budget of the Department such amount as is necessary to cover the cost of acquisition, display and exhibition of these works.

Title II

APPOINTMENTS

Part A. Foreign Service Officers

SEC. 14. Initial Appointment of Foreign Service Officers. Consistent with the goal of developing and strengthening the Career Foreign Service Corps, recruitment into the ranks of foreign service officers shall be exclusively through open competitive examinations to determine the competence, fitness and aptitude of candidates for foreign service work. No person shall be eligible for appointment as a foreign service officer unless he has passed these examinations and demonstrated his loyalty to the Republic of the Philippines and adheres to the principles of the Constitution. The President shall extend initial appointments of foreign service officers exclusively from the list submitted by the Secretary containing the names of those who passed the examinations. Such initial appointments shall be to the lowest rank of foreign service officer, class IV. Any person who, after having passed the examinations, declines to accept an initial appointment as foreign service officer within a period of one (1) year from the date he was offered the appointment shall be required to take and pass the examinations again in order to be eligible for an initial appointment.

All appointments of foreign service officers shall be to a class and not to a particular post.

SEC. 15. Internship Program. - Immediately following their appointments as foreign service officers, class IV, the individuals concerned shall undergo a one-year cadetship. The

program shall consist of six (6) months intensive classroom instructions on all aspects of consular and diplomatic duties and responsibilities. The next six (6) months shall cover an on-the-job training.

SEC. 16. Ambassadorial Appointments. - The President shall nominate and, with the consent of the Commission on Appointments, appoint ambassadors extraordinary and plenipotentiary to head embassies and permanent missions. All ambassadorial appointments shall be to a particular post only.

Career foreign service officers may be appointed by the President as ambassadors extraordinary and plenipotentiary and shall retain their items originally held prior to their appointments, after their tour of duty as ambassadors extraordinary and plenipotentiary: Provided, however, That, during their tour of duty as ambassadors extraordinary and plenipotentiary, they shall not be promoted to the next higher rank.

SEC. 17. Heads of Diplomatic and Permanent Missions. -In order to strengthen the Career Foreign Service Corps and to enable it to respond to challenges in the field of international relations, the President shall be guided, as much as possible, by the principle that a majority of diplomatic and permanent missions shall be headed by career ambassadors.

SEC. 18. Reinstatement of Foreign Service Officers. - The President may, upon recommendation of the Secretary, reappoint to the Service a former foreign service officer who has served continuously for at least two (2) years in the Department, who has been separated from the Service by reason of appointment or election to some other position in the government service. The same privilege shall apply to a former foreign service officer who has been separated from the Service by reason of appointment to the United Nations or other recognized regional or international organizations and who has served continuously in said regional or international body for at least two (2) years up to the time of reappointment. The Secretary shall, taking into consideration the qualifications and experiences of the candidate for reappointment and the rank of his contemporaries in the Service, recommend the class to which the candidate shall be reappointed. Such reappointment shall be availed of only once and be subject to confirmation by the Commission on Appointments.

Part B. Foreign Service Staff Officers and Employees

SEC. 19. Appointments. - The Secretary shall appoint all foreign service staff officers and foreign service staff employees in accordance with Civil Service rules and

regulations. Recruitment on the foreign service staff officer level shall be made through a competitive examination open to personnel of the Department and outsiders, the successful candidates of which shall be certified by the Board of Foreign Service Examinations for appointment by the Secretary.

SEC. 20. Civil Service Eligibility. - No person shall be appointed foreign service staff officer or foreign service staff employee unless he is a civil service eligible: Provided, however, That priority shall be given to those who passed the examinations for foreign service staff officers and foreign service staff employees conducted by the Board of Foreign Service Examinations.

Part C. Provisions of General Application to All Officers

SEC. 21. Philippine Citizenship and Permanent Residency. - No person shall be eligible for appointment to a permanent item in the career service to whatever rank or class who is not a citizen and permanent resident of the Philippines at the time of his appointment and, thereafter, for the entire duration of his tenure in the Department: Provided, That those who have secured permanent residence status in a foreign country cannot be appointed to a permanent item in the career service unless they have given up said status for at least one (1) year and established permanent residence in the Philippines for at least the same period.

SEC. 22. Auditing Requirements. - The Department shall not authorize nor shall the Commission on Audit pass in audit payment of salaries and allowances of any person appointed to any position in the Department in violation of the requirements enumerated under Parts A, B and C, Title II of this Act. Any salary and allowance received on the basis of such invalid appointments shall be refunded by the persons so appointed.

SEC. 23. Compulsory Retirement. - All officers and employees of the Department who have reached the age of sixty-five (65) shall be compulsorily and automatically retired from the Service: Provided, however, That all incumbent non-career chiefs of mission who are seventy (70) years old and above shall continue to hold office until June 30, 1992 unless sooner removed by the appointing authority. Non-career appointees who shall serve beyond the age of sixty-five (65) years shall not be entitled to retirement benefits.

Part D. Alien or Locally Hired Employees

SEC. 24. Appointments and Transfers. - The Secretary may authorize chiefs of mission or principal officers to appoint alien or locally hired employees for their respective

embassies and consulates: Provided, That Filipino citizens shall be given preference. Such employees, however, may not be transferred to another country but may be assigned from one office to another within the same country where originally appointed at the discretion of the chief of mission concerned.

Part E. Honorary Consuls

SEC. 25. Appointments. - The Secretary may appoint honorary consuls in areas where there are no Philippine embassies or consulates, under such regulations as may be prescribed by the Department. Honorary consuls shall be appointed from among qualified private persons preferably of Philippine citizenship to perform certain consular functions on a non-career basis. Honorary consuls are not given fixed salaries or allowances.

Title III

PROMOTIONS

Part A. Foreign Service Officers

SEC. 26. Foreign Service Officers Promotion List. - On the basis of recommendations made by the Board of Foreign Service Administration, the Secretary shall, from time to time, furnish the President with the names of career service officers qualified for appointment to the next higher class, from foreign service officer, class IV, to chief of mission, class 1.

SEC. 27. Cumulative Number of Years of Service in Each Class. - The Secretary may determine a standard performance based on merit for each class which must be met before any foreign service officer may become eligible for promotion to a higher class. All foreign service officers shall be required to render satisfactory service continuously for a minimum period of three (3) years in each class and for the total cumulative period computed at three (3) years for each class before they become eligible for promotion to the next higher class: Provided, however, That foreign service officers who have shown exceptional and meritorious qualities and have rendered exemplary service may be promoted to the next higher rank as an exception hereof.

SEC. 28. Examination for Promotion. - Foreign service officers, class I, who have completed at least two (2) years of "very satisfactory" service in the rank are required to pass an examination for promotion to be administered by the Board of Foreign Service Examinations before they shall be eligible for appointment as career ministers.

SEC. 29. Determination of Seniority. - Career ministers and

chiefs of mission, class I and II, shall not have grades classifications within each class. Seniority shall be determined by their original dates of appointment as career ministers, as well as the dates of their original entry into the Department.

SEC. 30. Lateral Entry. - Lateral entry into the Career Foreign Service Corps shall be permitted for those individuals who have successfully passed the written and oral examinations conducted by the Board of Foreign Service Examinations but at the time when offered an appointment as foreign service officer, class IV, decided to join another government agency: Provided, however, That:

(a) The duration from the initial offer of appointment and his request for lateral entry into the Career Foreign Service Corps shall not exceed more than six (6) years;

(b) That he has very satisfactorily served another government agency for the same duration;

(c) His reappointment shall be confirmed by the Commission on Appointments; and

(d) The rank to which he is being reappointed shall not be higher than that of his successful co-examinees who have joined the Service immediately after being offered the appointment.

Part B. Foreign Service Staff Officers and Employees

SEC. 31. Foreign Service Staff Officers and Employees Promotion List. - On the basis of recommendations made by the Office of Personnel and Management Services, the Board of Foreign Service Administration shall, from time to time, furnish the Secretary with the names of career foreign service staff officers and foreign service staff employees qualified for appointment to the next higher class from foreign service staff employee, class III, to foreign service staff officer, class I. All foreign service staff personnel shall be required to render satisfactory service continuously for a minimum period of two (2) years in each class and for the total cumulative period computed at two (2) years in each class before they become eligible for promotion to the next higher class.

SEC. 32. Senior Staff Officers. - Personnel who have attained the highest rank in the staff service and have rendered service in that position continuously for a period of five (5) years and a cumulative period totaling at least fifteen (15) years shall be eligible for promotion in salary and allowances equivalent to the minimum salary and allowances of a foreign service officer, class IV: Provided,

That they shall have consistently received a minimum efficiency rating of "very satisfactory" throughout those years of service.

Thereafter, for every additional six (6) years of continuous very satisfactory service, they shall be eligible for promotion in salary and allowances equivalent to the minimum salary and allowances of the next higher class of foreign service officer.

Part C. Provisions of General Application to All Officers and Employees

SEC. 33. Performance Evaluation System. - The Secretary shall prescribe a performance evaluation system which shall be the basis for the periodic review of performance of all officers and employees. Particularly, the performance evaluation system shall address itself to the weeding-out of incompetent and sterile career personnel and abusive political appointees.

SEC. 34. Effects of Promotions. - Promotions made in violation of this Act shall be null and void and thus have no force and effect. The persons so promoted under such circumstances are deemed to have retained their old positions. Any salaries and allowances derived from such promotions shall be subject to the provisions of the following section.

SEC. 35. Auditing Requirements. - The Department Fiscal Officer shall not authorize nor shall the Commission on Audit pass in audit the payment of salaries and allowances of any person promoted to any position in the Department in violation of the requirements enumerated under Parts A and B, Title III of this Act. Any salaries and allowances received on the basis of such invalid promotions shall be refunded by the persons so promoted.

Title IV

ASSIGNMENTS AND TRANSFERS

SEC. 36. Initial Service in the Home Office. - Except for non-career chiefs of mission appointed by the President, no member of the Career Foreign Service Corps shall be assigned to any post abroad unless he has rendered continuous and satisfactory service in the home office for at least three (3) years including undertaking an intensive familiarization program of Philippine conditions, urban and rural.

SEC. 37. Tour of Duty. - Subject to the exigencies of the service:

(a) The tour of duty of a foreign service officer at any

post shall be six (6) years commencing on the date of his arrival at the post, after which he shall serve in the home office;

(b) The tour of duty of a foreign service staff officer or employee at any post shall be for a period of six (6) years commencing on the date of his arrival at the post, after which he shall serve in the home office;

(c) No foreign service officer, foreign service staff officer or employee shall be assigned abroad after return to the home office or recall unless he has rendered continuous and satisfactory service in the home office for at least three (3) years;

(d) Any foreign service officer, foreign service staff officer or employee on assignment abroad may be recalled to the home office or dismissed from the Service at any time for unsatisfactory performance as certified by the head of post and approved by the Secretary upon recommendation of the Board of Foreign Service Administration; and

(e) No foreign service officer may serve for more than three (3) consecutive years in the home office, except when designated as Secretary, Undersecretary or Assistant Secretary.

SEC. 38. Rotation Plan. - The Secretary shall establish a system of assignment and transfer to ensure that all qualified career service officers and employees in the Department shall alternately serve in the diplomatic and consular posts in different regions of the world and in the home office. Excluded from the rotation plan are those in the non-career service and those in the career service appointed to such positions which, in the judgment of the Secretary, require a posting of longer duration in the home office.

For this purpose, Manila shall be considered a separate post. The Secretary shall promulgate the guidelines including the financial implications of this provision.

The assignments and transfers of personnel shall follow a regular rotation plan and no officer or employee shall be assigned to a post for less than two (2) or more than six (6) years. For the purpose of assignments, the home office shall be considered as another post. In no case shall an officer or employee be assigned to the same post for two (2) consecutive tours of duty unless he shall have served in other posts located in other regions where there are foreign service establishments. Assignments to hardship posts shall not exceed three (3) years.

Assignments to posts abroad shall take into consideration the particular area of concern that the Government seeks to

promote so that only personnel qualified and trained, with a basic knowledge of the language, shall be assigned to said country.

SEC. 39. Security Clearance. - To ensure immediate availability of officers and employees for foreign assignments and appointments, the Secretary shall periodically submit the names and personal histories of newly recruited officers and employees to the appropriate government security agency or agencies for clearance. The security agency or agencies concerned shall act with dispatch on requests for clearance and failure to act on said requests within forty-five (45) days shall be deemed a grant thereof.

Title V

ATTACHES

SEC. 40. Regular Attaches. - The Secretary shall designate attaches to various posts abroad from the rank of foreign service officer and foreign service staff officer.

SEC. 41. Service Attaches and Representatives of Other Departments. - The assignment and accreditation of personnel in any department, bureau or agency of the Government as service attaches to embassies or representatives to consulates shall have the prior clearance of the Secretary who shall take into account the specific places where the services of these officers or employees from the other government agencies are needed, except trade attaches who shall be assigned and accredited only after consultation with the Trade Secretary.

SEC. 42. Appointment. - The authority to appoint service attaches and representatives shall be vested in the department secretary sending said officers and employees. A department or agency shall have only one (1) service attache or representative accredited to one (1) post, except military and commercial attaches.

SEC. 43. Relationship Between the Chief of Mission and Service Attaches. - The chief of mission shall be responsible for the conduct of the affairs of the Government at his diplomatic post and all service attaches of the other departments and agencies of the Government shall, during their tour of duty abroad, be under his immediate control and administrative supervision. Said attaches shall course through the chiefs of mission all reports, documents and materials to their respective home agencies in the Philippines and shall transmit the same through the diplomatic pouch, the costs of which shall, however, be shouldered by their respective offices. The service attaches shall clear with the chief of mission concerned all their public pronouncements at the post.

SEC. 44. Relationship Between the Principal Officer and Representative. - The relationship between the principal officer at a consular post and the representative assigned thereto shall be the same as the relationship between the chief of mission and the service attaches at diplomatic post, under Section 43, Title V of this Act.

SEC. 45. Inter-department Committee. - There shall be an Inter-department Committee to be composed of an Undersecretary of Foreign Affairs, as Chairman, and the undersecretaries or their counterparts from the other departments and government agencies with service attaches or representatives abroad, as members. The Committee shall prescribe a uniform set of rules and regulations for attache and representative services and shall meet regularly to assess the performance of their respective officers and employees abroad with the view to improve their output as well as maintaining and strengthening efficient and harmonious relationships with the chief of mission and principal officer and other government workers in the embassy or consulate where they are assigned.

Title VI

BOARD OF FOREIGN SERVICE EXAMINATIONS

SEC. 46. Composition. - There shall be a Board of Foreign Service Examinations to be composed of an Undersecretary of Foreign Affairs, as Chairman, the Head of Personnel and Administrative Services and a Commissioner of the Civil Service Commission, as members, and the Director of the Foreign Service Institute, as Board Secretary.

SEC. 47. Functions. - The Board shall conduct examinations and nominate to the President, through the Secretary, successful candidates for appointments as foreign service officers, class IV. It shall receive and screen applications for the foreign service officer (FSO) examinations.

The Board shall prescribe the academic training and practical experiences required of candidates and determine the subjects on which the written and oral examinations shall be held. The Board shall prepare, conduct and grade the written examinations and certify to the Secretary for oral examinations those candidates who obtained a general average of seventy-five percent (75%) or higher. In the preparation of questions and the grading of examination papers on any subject, the Board may request, through the secretary of the department concerned, the assistance of any competent officer in the government service.

SEC. 48. Qualifications of Applicants. - Foreign service officer (FSO) examinations shall be open to those who are

citizens and permanent residents of the Philippines. No person, of either sex, married to an alien may take the examinations without the written consent of the Secretary. Applicants must be holders of a four-year bachelor's degree, below thirty-six (36) years old, and physically and psychologically fit: Provided, That any person who is holding a position of responsibility in the Department or the Institute for at least two (2) years prior to the date of examination and who is otherwise qualified to take the examinations may do so, regardless of the maximum age limit prescribed.

SEC. 49. Staff. - The Secretary shall assign to the Board such officers and employees as may be necessary to assist in the efficient performance of its functions.

Title VII

BOARD OF FOREIGN SERVICE ADMINISTRATION

SEC. 50. Composition. - There shall be a Board of Foreign Service Administration to be composed of one (1) of the Undersecretaries, as Chairman, and the two (2) other Undersecretaries and the Assistant Secretaries of the different offices in the Department, including the Director of the Institute, as members.

SEC. 51. Functions. - The Board shall make recommendations to the Secretary concerning the functions and operations of the Service, the policies and procedures to govern the selection, assignment, promotion, discipline and separation from the Service of chiefs of mission, career ministers, foreign service officers, foreign service staff officers and foreign service staff employees, and the policies to govern the administration and personnel management of the Service: Provided, That the chiefs of mission who are commissioned by the President as ambassadors extraordinary and plenipotentiary shall not be investigated by the Board or separated from the Service unless there is an express written directive from the President. It shall establish the efficiency ratings of service personnel and shall perform such other duties as may be assigned to it by law or regulation, including those that may be issued by the Secretary. It shall consider administrative cases brought against officers and employees who commit offenses against the interest of public service and submit to the Secretary its findings and recommendations.

The Board shall keep a lineal roster of all chiefs of mission, career ministers, foreign service officers, foreign service staff officers and foreign service staff employees strictly in the order of their ranks and seniority in each rank or class, based on their respective dates of appointment. In submitting recommendations for promotions to

the President, through the Secretary, the Board shall base its recommendations on the efficiency ratings and seniority of the officers and employees concerned.

SEC. 52. Prohibitions. - No member of the Board, while acting as such member, shall intervene in any way, directly or indirectly, in Board deliberations affecting himself or any relative of his within the fourth civil degree either by consanguinity or affinity.

SEC. 53. Disqualifications. - The following circumstances shall disqualify any officer or employee from being considered for assignment abroad or promotion:

- (a) Pending criminal case with the Sandiganbayan;
- (b) Lack of required length of service as foreign service officer, as embodied under Section 27, Part A, Title III of this Act, except those who enjoyed merit promotion;
- (c) Below "very satisfactory" rating covering the six-month period immediately before the deliberations for assignments or promotions are held; and
- (d) Seeking political interference for his promotion/assignment which weakens the principles of the foreign service.

SEC. 54. Disciplinary Actions. - In the investigation of administrative cases against officers and employees of the Department, the applicable rules, regulations and guidelines promulgated by the Civil Service Commission shall be strictly observed.

No officer or employee of the Department shall be subjected to disciplinary action or otherwise be removed or separated from the Service except for cause as provided for by law and in accordance with requirements of due process.

Disciplinary actions may be taken against an officer or an employee only by the appropriate disciplinary authority, to wit:

- (a) The President for all presidential appointees of the Department, upon the recommendation of the Secretary; and
- (b) The Secretary for all those appointed by him or by his predecessors.

No officer or employee of the Department facing administrative charges shall be effectively suspended or otherwise prevented from exercising his normal duties and functions unless so ordered by the appropriate disciplinary authority on grounds provided for by law.

In the interest of harnessing all the human resources in the Department, no officer or employee shall be "frozen" or "floated" or otherwise deprived of an assignment, duties or functions appropriate to his rank and position, except for justifiable reasons.

SEC. 55. Separation from the Service. - The following shall constitute sufficient bases for separation from the Service of any foreign service officer or employee, of all ranks and classes:

(a) Voluntary resignation;

(b) Disloyalty to the Government, unsatisfactory performance of duty, neglect of duty, misconduct, malfeasance, graft, corruption, immoral conduct or gross violation of the Civil Service laws, rules and regulations and reasonable Department rules and regulations;

(c) Any officer or employee who has been given an "unsatisfactory" rating for three (3) consecutive years under the rating system as promulgated by the Secretary in accordance with this Act shall automatically be recommended for separation from the Service;

(d) Refusal of assignment or recall order without valid justifications.

All those found by the Board to be guilty of charges mentioned in paragraph (b) shall be separated from the Service by the President or the Secretary, as the case may be.

The rating system mentioned in paragraph (c) shall be based on generally accepted Civil Service rules and regulations including the right of the officer or employee being rated to appeal to higher authorities for what he feels is arbitrary or overly subjective rating;

(e) With respect to locally hired or alien employees, the chief of mission or principal officer concerned may separate them from the Service at any time for any cause he may deem sufficient for the purpose, in accordance with local laws and regulations on the matter; and

(f) Honorary consuls may be separated from the Service by the Secretary at any time and for any cause he may deem sufficient for the purpose.

Title VIII

FOREIGN SERVICE INSTITUTE

SEC. 56. Composition. - There shall be a Foreign Service Institute, whose board shall be composed of the Secretary, as Chairman, and the Chairman of the Civil Service Commission, the President of the University of the Philippines, the President of the Development Academy of the Philippines, and the Director of the Foreign Service Institute, as members.

SEC. 57. Functions. - The Institute, through its academic, training, research, information, publication, systems development and other programmes, shall serve as the center for the development and professionalization of the career corps of the foreign service of the Department and other government agencies which have officers and employees assigned abroad. It shall maintain a Center for International Relations and Strategic Studies (CIRSS) and shall otherwise function as a research institution on issues and problems with foreign policy implications, global and regional strategies and management of foreign affairs while serving as institutional consultant of the Department on matters related to foreign policies and programmes as well as development management, planning, review and evaluation processes in the Department. The Institute shall, inter alia, pursue a training program for those who are leaving for foreign assignments and for those who are recalled and shall hold seminars, including language courses, to prepare such officers and employees for their new assignments.

SEC. 58. Operations. - The Institute shall continue to operate under its own charter. The Director of the Institute shall be a senior career chief of mission with the title of assistant secretary.

SEC. 59. Performance Report. - The Foreign Service Institute shall submit to the President and to Congress an annual performance report.

Title IX

FOREIGN INFORMATION COUNCIL

SEC. 60. Foreign Information Council. - There is hereby created a Foreign Information Council composed of the Secretary of Foreign Affairs, as Chairman, and the Secretaries of Defense, Trade and Industry, Tourism, Labor and Employment, and the Office of the Press Secretary, as members. The Foreign Information Council shall provide policy guidance in the formulation of effective overseas information and communication strategies to ensure better understanding of Filipino values, culture and institutions overseas; an accurate presentation of policies in the Government especially in the fields of trade and investment; and coordination of the overseas information programs of various government agencies and other entities.

Title X

SALARIES

SEC. 61. Salary Rates. - The President upon recommendation of the Secretary shall recommend to Congress a scale of salaries for officers and employees in the Department and the Institute which shall be subject to periodic review.

Title XI

INSURANCE AND RETIREMENT SYSTEM

SEC. 62. Membership in the Government Service Insurance System. - All permanent officers and employees of the Service who are citizens of the Philippines shall have compulsory insurance coverage under the rules and regulations governing the same: Provided, however, That the President upon recommendation of the Secretary may, as soon as practicable, submit for enactment by Congress a foreign affairs retirement and disability system, taking into account the difficulties of foreign service personnel in setting aside sufficient savings to take care of their eventual retirement in the Philippines due to old age or some other disability, with the increased burden of establishing a home in the Philippines after completion of their tour of duty abroad.

Title XII

ALLOWANCES, PER DIEMS, TRAVEL EXPENSES AND BENEFITS

Part A. Allowances

SEC. 63. System of Allowances. - The President upon recommendation of the Secretary shall recommend to Congress the establishment of a system of allowances for foreign service personnel which shall be subject to periodic review and shall include the following:

(a) Overseas allowance - To adjust take home pay of foreign service personnel for any changes in the cost of living abroad which arise from changes in foreign currency conversion rates, differentials in cost of living between the Philippines and foreign posts, and extraordinary and necessary expenses not otherwise compensated for, which are incurred by officers or employees in the foreign service;

(b) Living quarters allowance - To enable personnel to whom those are granted to live in a manner befitting their representative capacity but not for purposes of augmenting basic salary;

(c) Clothing allowance - To compensate for increased cost

of clothing incurred by foreign service personnel assigned to posts whose climates are different from that of the Philippines or where unusual circumstances exist;

(d) Post allowance - To defray unusual expenses incident to the operation and maintenance of an official residence suitable for the chief diplomatic or consular representative of the Philippines at his post;

(e) Representation allowance - To enable chiefs of mission, special envoys, ministers, permanent delegates or representatives to international bodies, principal officers and other ranking diplomatic officers stationed abroad uphold the prestige of the Republic of the Philippines and otherwise to represent the country with distinction and dignity;

(f) Education allowance - To compensate for additional educational cost incurred by officers and employees assigned abroad for legal dependent children not exceeding three (3) in number who are enrolled in the primary and elementary grades and high school where free public education is absent;

(g) Medical allowance - Intended to cover the cost of medical insurance in countries where medical care is unusually expensive, including cost of hospitalization and medical treatment for foreign service personnel and legal dependents living with the officers and employees at the posts; and

(h) Family allowance - To assist foreign service personnel living with their families at the post of assignment in meeting the incremental expenses arising from foreign assignment computed for the dependent spouse and for unmarried legal minor dependent children not exceeding three (3) in number.

SEC. 64. Rates and Policies on Allowances. - The President shall approve, upon recommendation of the Secretary and the Secretary of Budget and Management, rates, indices, maximum allowable amounts and policies on allowances which shall be applicable to all national government employees stationed abroad pursuant to the Foreign Service Compensation Decree.

SEC. 65. Living Quarters Allowance. - Commutable living quarters allowance shall be granted to officers or employees in the Service assigned abroad who are citizens of the Philippines. Such allowance may cover the rental of quarters including utilities, telephone and other maintenance expenses which may be revised as to amounts not more often than once a year with the approval of the President.

On transfer from post, allowances shall cease at the end of the month following departure therefrom. Commutable living quarters allowance shall be granted at a per annum rate and

shall be commuted and paid monthly beginning on the first day of the month following the arrival of the payee at his post of assignment: Provided, however, That the suitability of the said quarters in each post shall be officially certified under oath by the chief of mission or principal officer: Provided, further, That the equivalent of said allowance corresponding to the first three (3) months following arrival at post shall be paid immediately upon its accrual. On transfer from post, allowances shall cease at the end of the month following departure therefrom.

No living quarters allowance shall be paid to persons occupying government-owned, furnished and heated quarters. No allowance shall be paid for quarters occupied free or under arrangements with other parties permitting direct or indirect gain to the claimant or his family.

If a person entitled to living quarters allowance occupies quarters owned by him, his wife or children, he shall be entitled to a quarters allowance equal to fifty percent (50%) of the rental value of the quarters. The chief of mission or principal officer, as the case may be, jointly with the administrative officer shall certify under their official oaths the rental value on the face of the cash voucher.

Lease contracts entered into by any officer or employee assigned abroad should contain a "Diplomatic Clause" whereby the tenant is not penalized for breaking the period of the contract should he be reassigned to another post or is recalled to the home office.

In case of detail of the officer or employee from his post of assignment (detail to the home office excluded), the quarters allowance shall cease to accrue from the first day of the month following the date of his departure unless it can be shown that the rented quarters used as his residence has been retained at the post of assignment and the rentals thereof are continued, but in no case shall the allowance continue beyond three (3) months without the prior approval of the Secretary. If the officer or employee owns the quarters occupied by him, payment of the allowance shall cease immediately unless otherwise authorized by the Secretary.

In case an officer or employee is on home leave, the allowance shall cease to accrue from the first day of the month following the date of his departure from his post, unless it can be shown that the rented quarters used as residence has been retained at the post of assignment, but in no case shall the allowance continue beyond three (3) months. This regulation shall apply also in cases where extended leaves of absence are taken in any other emergency cases necessitating departure from the post of assignment unless otherwise authorized by the President upon recommendation of

the Secretary. If the officer or employee owns the house occupied by him, the allowance shall be discontinued.

SEC. 66. Overseas Allowance. - Overseas allowance shall be given to any officer or employee in the Service assigned abroad, who is a citizen of the Philippines, whenever the following conditions exist, and certified by the Secretary:

(a) That the cost of living at a post abroad is proportionately so high that an allowance is necessary to enable an officer or employee at such post to carry out his work efficiently;

(b) That extraordinary and necessary expenses, not otherwise compensated for, are incurred by an officer or employee of the foreign service incident to the establishment of his post of assignment; and

(c) That an allowance is necessary to assist an officer or employee of the foreign service who is compelled by reason of dangerous, notably unhealthy, or excessively adverse living conditions at his post abroad or for the convenience of the Government to meet the additional expenses of maintaining an assignment.

SEC. 67. Adjustment in the Overseas Allowance. - A permanent committee is hereby created, consisting of the Secretary as Chairman and, as members, the Secretary of Budget and Management and the Governor of the Central Bank, with the objectives of compiling information on foreign currency exchange rate fluctuations and price levels abroad and of recommending periodic adjustments in the amount of overseas allowance to foreign service personnel of the National Government in each foreign service post: Provided, That official United Nations consumer indices shall be specifically considered in the committee's evaluation: Provided, further, That the adjustments shall be made not more often than once a year: Provided, furthermore, That the implementation shall be subject to the availability of funds.

SEC. 68. Family Allowance. - A commutable family allowance shall be granted to any officer or employee assigned abroad who is a citizen of the Philippines and who is living with his family at the post of assignment, to a dependent spouse and to each unmarried legal minor dependent child but not exceeding three (3) in number. If both husband and wife are in the Service and assigned in the same post, only one (1) of them may claim the allowance.

No family allowance for spouse shall be payable if the claimant is a widow/widower or separated or when his/her spouse is gainfully employed. However, if the claimant has minor unmarried dependent children to support, he/she shall be entitled to the family allowance for each child but not

exceeding three (3) in number.

Unmarried children living with the officer or employee who are mentally and physically retarded regardless of age and who are incapable of supporting themselves shall, for family allowance purposes, be considered as minor children.

Subject to the prior approval of the Department Head, full family allowances may be paid to any claimant:

(a) Who is compelled by reason of dangerous, notably unhealthy, or excessively adverse living conditions, or by other unavoidable circumstances, like lack of educational facilities for his children at his post of assignment, which renders it inadvisable for any or all the members of his family to live with him at his post; or

(b) Who, for the convenience of the Government, must live alone without any or all the members of his family at his post of assignment.

All other meritorious cases may be considered by the Department Head as the circumstances and the exigencies of the Service may warrant.

SEC. 69. Post Allowance. - An allotment of fund may be made by the Secretary to any post to defray the unusual expenses incident to the operation and maintenance of an official residence suitable for the chief diplomatic or consular representative of the Philippines at the post.

Post allowance shall be granted at a per annum rate for fiscal years beginning on the first day of the month following arrival thereat. Post allowance shall be payable only when the officer is on duty status at his station. For the purpose of this allowance, such officer shall be deemed on duty status at his station:

(a) When on temporary duty even outside the city or place where he maintains regular office but remains within the territorial limits of his diplomatic or consular jurisdiction;

(b) When on temporary duty outside his diplomatic or consular jurisdiction for a consecutive period not exceeding sixty (60) days during which he shall be paid the post allowance. Beyond sixty (60) days, no allowance shall be paid except as specifically approved by the President. Payment of the post allowance shall be resumed only on the date of the actual return within his diplomatic or consular jurisdiction; or

(c) When he is on leave of absence with full pay provided the leave is spent within the territorial jurisdiction of his

post. No allowance shall be paid if the officer goes on leave with pay outside the territorial jurisdiction of his post.

The territorial limits, in case of concurrent jurisdiction, shall extend to all countries or areas comprised in the concurrent office.

No post allowance shall be paid if the officer lives in a hotel as his residence.

SEC. 70. Representation Allowance. - Representation allowance may be granted to chiefs of mission, special envoys, ministers, permanent delegates or representatives to international bodies, principal officers, and other ranking diplomatic officers stationed abroad in order to enable such officers to uphold the prestige of the Republic of the Philippines, to represent their country with dignity, distinction, and to carry out their functions more effectively.

Representation allowances shall be expended only for purposes which are of a public character, beneficial to the interests of the public service, and connected with the exercise of the functions of the Government in relation to the conduct of foreign affairs. They may be expended for necessary entertainment, charitable contributions, memorials, flowers, gifts, club initiation fee and membership dues, and the like. The officer to whom the allowance is granted may disburse any portion of it to cover necessary entertainment by his subordinates to accomplish certain tasks assigned to them.

Expenses charged to representation allowance must be supported by proper receipts or vouchers if the individual amount of expenditures exceeds Fifty United States dollars (US\$50.00) or its equivalent. Where expenses are incurred for entertainment, the voucher must be accomplished by a statement of the officer concerned or by such proofs as may be shown that the expenses have been made in the public interest.

Should special entertaining be necessary because of formal visits of Philippine dignitaries traveling on diplomatic or special passports, the Department Head shall be informed in advance thereof and specific request for funds therefor be made. No such expenses shall be incurred without the prior authorization of the Department Head.

Maximum allowable amounts shall be established for each category of representation allowance in accordance with Section 64, Part A, Title XII of this Act.

SEC. 71. Clothing Allowance. - Clothing allowance maybe granted to officers and employees of the Service assigned

abroad who are citizens of the Philippines not more often than once every twelve (12) months, the rates of which shall be determined by the Department.

SEC. 72. Education Allowance. - Education allowance may be granted to officers and employees assigned abroad who are citizens of the Philippines for their legal dependent children not exceeding three (3) in number, who are enrolled in the primary, elementary and high school levels. This grant shall not, however, be payable in respect to post where free education is provided for.

The allowance may be granted as reimbursement of actual costs within such maximum amounts as shall be fixed by the Secretary and the Department of Budget and Management, with the approval of the President, per school year for each child subject to presentation of receipts and other evidences of payment of matriculation, tuition, books and other school fees.

SEC. 73. Medical Allowance. - Foreign service personnel may be required by the Department concerned to subscribe to a medical insurance scheme available in the host country. Twenty-five percent (25%) of the corresponding premiums shall be payable by the personnel concerned and seventy-five percent (75%) thereof shall be borne by the Government as its contribution.

In the event of illness or injury requiring hospitalization of a foreign service personnel, not as a result of vicious habits, intemperance or misconduct on his part, the Government shall reimburse the cost of medical expenses in accordance with the regulations prescribed in the first paragraph of this section: Provided, That no medical insurance scheme is available in the post of assignment.

The medical expenses shall cover the cost of hospitalization and/or payment of the services of the attending physician, including travel expenses to and from the hospital or clinic, and such other incidental expenses as may be incurred in connection with such hospitalization treatment but not to exceed the amount as fixed pursuant to Section 64 hereof.

Only legal dependents of those mentioned in the first paragraph hereof living with the officer or employee at the post shall be entitled to the medical allowance.

SEC. 74. Relocation Allowance. - Any officer or employee of the Service on assignment or from a post shall be entitled to an allowance for packing, shipment by usual means of transportation, and unpacking at destination furniture and other household goods and personal effects in such amounts and within such limitations as may be prescribed pursuant to

Section 64, Part A Title XII of this Act.

This allowance entitles the officer or employee to choose either of the following:

(a) Ship his household goods and personal effects to the authorized destination at the expense of the Government in accordance with the rules and regulations as the Secretary and the Secretary of the Department of Budget and Management may prescribe with the approval of the President; or

(b) Receive the money plus equivalent to fifty percent (50%) of the estimated cost of packing and shipping of the household goods and personal effects to the authorized destination as computed in letter (a) above.

Part B. Per Diems

SEC. 75. Persons Entitled to Per Diems. - All officers and employees of the Service on travel status or on assignment out of their regular post shall be entitled to per diems at such amounts as the Secretary, with the approval of the President, may prescribe by regulations.

SEC. 76. Service Allowance in Lieu of Per Diems. - When meals are included in the fare of any carrier, no per diems shall be allowed but service allowance equal to fifty percent (50%) of the per diems authorized shall be payable to the traveler.

SEC. 77. Computation. - Per diems and service allowance shall be computed by dividing the day into quarters beginning at midnight. No per diems will be paid for fractions of a quarter. Local time will be used in computing per diems, no consideration being given to time lost or gained by traveling through the time zones. All vouchers for per diems must clearly state the exact hour, local time of entry into each area, as well as the time of original departure from the Philippines or post of duty and arrival at new post or return to the Philippines or other post of permanent duty.

Part C. Travel Expenses

SEC. 78. Class of Transportation. - All officers and employees of the Service shall be entitled to economy class transportation by any usual means of public transportation for themselves, their spouse and dependent minor children, not exceeding three (3) in number, whenever such travel is duly authorized by the Secretary: Provided, That this restriction shall not apply to the children in excess of three (3) of any officer or employee already in the service of the Department on December 31, 1950. For local travel away from post but within the district of assignment by any member of the staff, authority for such travel may be granted by the

principal officer present at the post.

Whenever deemed necessary due to high cost of living or unhealthy conditions obtaining at the post of assignment abroad, the spouse of any officer or employee in the foreign service and their children, including their reasonable personal effects may, upon request of the parties concerned, be allowed economy class return transportation to Manila at the expense of the Government. This privilege may be extended to unmarried dependent children of the officer or employee concerned until they become of age (21 years old) while living with their parents abroad.

This privilege may be granted only once. Any member of the family (wife, husband or unmarried children) of any officer or employee who returns to the Philippines in the manner provided in the second paragraph hereof and who may want to rejoin later the officer or employee abroad either at the post where such member of the family came, or at another post in the same country to which the officer or employee has been subsequently transferred, shall not be allowed official transportation for his proposed trip. Should such member rejoin the parent-officer or employee abroad, even at his own expense, such member shall not be entitled thereafter to official return transportation to the Philippines.

Part D. Benefits

SEC. 79. General Benefits. - The Secretary shall extend benefits including medical services and comprehensive health insurance coverage for home office personnel and their families.

SEC. 80. Leaves of Absence. - Kinds of Leave - All officers and employees of the Service who are citizens of the Philippines shall be entitled to thirty (30) days vacation leave and thirty (30) days sick leave with full pay for each year of service. Alien or locally hired employees shall be entitled to such vacation and sick leaves as they might be entitled to if they were employed by their own government in the place where the post is situated, but in no case should such leave exceed thirty (30) days vacation leave and thirty (30) days sick leave for each year of service.

Accumulation of leaves - Under such regulations as the Secretary shall prescribe with the approval of the President, all officers and employees of the Service shall be entitled to the accumulation of any vacation or sick leave not taken in any year, in accordance with Civil Service rules and regulations and subject to the exigencies of the Service.

Home leave - The Secretary may order to the Philippines for home leave any officer or employee who is a citizen of the Philippines, together with his family, upon completion of

three (3) years of continuous and satisfactory service abroad or as soon as possible thereafter. The time actually and necessarily spent in going to and from the Philippines shall not be counted as leave. While on leave in the Philippines, such officer or employee may be required to serve in a position of comparable importance in the Department, but the period of such assignment shall not be counted as leave: Provided, That the period of this home leave shall not exceed thirty (30) working days.

SEC. 81. Exemption from Taxation. - All allowances, per diems, benefits, and the like received by officers and employees of the Service in consideration of their service while on assignment abroad, except their basic salaries, shall be exempt from the Philippine income tax.

Any officer or employee returning from a regular assignment abroad for reassignment to the home office or who dies, resigns, or is retired from the Service shall be exempt from the payment of all duties and taxes on his personal and household effects, including one (1) used motor car duly registered in his name for at least six (6) months: Provided, however, That the exemption shall apply only to the value of the motor car and to the aggregate assessed value of said personal and household effects, the latter not to exceed fifty percent (50%) of the total amount received by such officer or employee in salary and allowances during his latest assignment abroad but not to exceed four (4) years: Provided, further, That this exception shall not be availed of more often than once every four (4) years.

Part E. Provisions of General Application

SEC. 82. Foreign Service Compensation Plan. - The provisions of Executive Order No. 495 and Presidential Decree No. 1285, both issued in 1978, as well as the provisions of other acts, decrees, orders, letters of implementation, letters of instruction, and rules and regulations which are not inconsistent with the aforementioned order and decree shall apply with respect to the foreign service compensation plan of the Department. For purposes of implementing this title, the home office shall be considered a separate post.

Title XIII

FINAL PROVISIONS

SEC. 83. Organization. - The Secretary shall effect the organization of the Department and the foreign service in accordance with the provisions of this Act and, for this purpose, he is hereby authorized to allot the funds provided for the Department in the General Appropriations Act.

SEC. 84. Use of Savings. - The Secretary is hereby

authorized the use of any savings in the appropriation for the Department for the payment of:

(a) Expenses for the evacuation or repatriation to the Philippines, when necessary due to emergency, of members of the household of the personnel of any diplomatic or consular establishment as well as the transportation of their personal effects;

(b) Actual return passage by the most direct and economical means of transportation and the cost of shipment of the household effects to Manila of any officer or employee in the foreign service, including the immediate dependent members of his family, who resigns or is separated from the Service for cause;

(c) The cost of preparing and transporting the remains of an officer or employee who is a citizen of the Philippines and the immediate members of his family who may die abroad or while on travel status; or

(d) Contingent and unforeseen expenses that may arise in connection with the operation of the foreign service.

SEC. 85. Pool of Foreign Service Officers. - In all appropriations acts providing funds for the operation and maintenance of the Department, the position of foreign service officers, including those who may serve in the home office, shall be in a pool grouped according to their classes with their salaries and allowances indicated in one lump-sum for each class, leaving to the head office the discretion to assign or commission those officers whenever their services may be utilized to advantage, subject to the limitations provided by law.

SEC. 86. Passport Revolving Fund. - The Department is hereby authorized to charge a service fee of One hundred Philippine pesos (P100.00) or such appropriate amounts as may be prescribed by the Secretary for each service rendered to private individuals relating to the processing and issuance of passports beyond regular office hours.

The fees received by the Department shall constitute a revolving fund to be called the Passport Revolving Fund which shall be directly utilized by the Department for the improvement of its passporting and consular services and other Department services.

The setting up, use and disbursement of funds shall be subject to review, accounting and auditing rules and regulations of the Commission on Audit.

The Fund shall be subject to an annual review by Congress.

SEC. 87. Rules and Regulations. - The Secretary may issue such rules and regulations as may be necessary to implement the provisions of this Act as well as the provisions of acts, decrees and orders which are not inconsistent with this Act, including the formulation of a code of conduct and decorum for all officers and employees of the Department and other government attaches serving with the Department.

The Secretary shall review periodically all existing administrative rules and regulations embodied in the Foreign Service Code of 1983 with the end in view of updating such rules and regulations which may be inconsistent with national interest. Special reference is made to rules and regulations in the issuance of passports and visas which may need to be revised and updated.

SEC. 88. Appropriations. - There is hereby authorized to be appropriated from the National Treasury such amounts as may be necessary to provide for the salary and allowances of ambassadors extraordinary and plenipotentiary appointed by the President outside of the Career Foreign Service Corps. Thereafter, such amounts shall be incorporated in the General Appropriations Act under the annual budget of the Department of Foreign Affairs.

SEC. 89. Separability Clause. - If any section or any part of this Act shall be declared unconstitutional by competent authority, the remaining sections or parts of this Act shall not thereby be affected.

SEC. 90. Repealing Clause. - The Foreign Service Act of 1952 (Republic Act No. 708, as amended), all other acts, presidential decrees, executive orders, letters of implementation, letters of instruction, and rules and regulations which are inconsistent with any of the provisions of this Act are hereby repealed or amended accordingly.

SEC. 91. Effectivity Clause. - This Act shall take effect fifteen (15) days after the completion of its publication in the Official Gazette or in any newspaper of general circulation.

Approved,

JOVITO R. SALONGA
MITRA
President of the Senate

RAMON V.
Speaker of the House
of Representatives

This Act which is a consolidation of House Bill No. 24819 and Senate Bill No. 799 was finally passed by the House of Representatives and the Senate on June 6, 1991.

EDWIN P. ACOBA
SABIO
Secretary of the Senate

CAMILO L.
Secretary General
House of Representatives

Approved: September 19, 1991

CORAZON C. AQUINO
President of the Philippines