“Service Quality in Public Sector: An Outcome-Based Approach”

ETHICS IN GOVERNMENT: THE PHILIPPINE SCENARIO
(Draft Only)

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Introduction

This paper endeavors to discuss public service ethics within the Philippine context. It aims to present the various programs and approaches being adopted and pursued to promote ethics and morality in the Philippine civil service.

As a necessary starting point of this paper, a brief description of the Philippine civil service system is in order. The Philippine civil service is one of the oldest governmental institutions in the country. It was formally established in 1900 when the Philippines was still under the colonial administration of the United States of America. Invariably, the Philippine civil service was patterned after its American counterpart, where merit and fitness was and still is the governing principle.

From its humble beginnings of a handful of departments and bureaus with limited concerns and manned by a workforce of less than a thousand, the Philippine civil service has since grown into the single biggest employer in the country. It now employs around 1.4 million men and women engaged in a wide expanse of activities, sometimes even directly competing with those in the private sector. As a matter of fact, the Philippine civil service now embraces all branches, subdivisions, instrumentalities and agencies of the government, including local government units and government-owned or controlled corporations with original charters.

Based on the present state of law, the Philippine civil service is organized along two major subdivisions. The first is the career service. This covers government personnel occupying positions that are
characterized by (1) entrance based on merit and fitness to be determined as far as practicable by competitive examination or based on highly technical qualifications; (2) opportunity for advancement to higher career positions; and (3) security of tenure. On the other hand, the second is the non-career service, where entry is based on modes other than those of the usual tests of merit and fitness, and where tenure is of limited or with specified duration. This group embraces, among others, elective officials and their personal staff; department secretaries and other officials of cabinet rank; and emergency as well as seasonal personnel.

The career service is further subdivided along vertical lines into three levels. At bottom is the first level, which includes those appointed to clerical, trades, crafts and custodial service positions. The next is the second level, comprised of professional, technical and scientific personnel. At the top is the third level, which is comprised of managers and supervisors in the career executive service.

To oversee the personnel administration side of the Philippine civil service, there is the Civil Service Commission or CSC. The CSC is a constitutional commission, headed by a three-member collegial body, mandated to serve as the central personnel agency of the Philippine government. As a constitutional body, it enjoys institutional independence in that it is not subordinated to any of the major branches of the government, that is, executive, legislative and judiciary. It is at the same time possessed of fiscal autonomy, which means that its budgetary appropriations are automatically released. Its constitutional stature was designed primarily to insulate it from the insidious influence of politics in order that it can be more effective in championing meritocracy.
II. Problems and Issues in the Philippine Civil Service

Like any government bureaucracy in other parts of the world, the Philippine civil service is not without its own share of issues and problems. Its effectiveness as an institution is impeded by a number of factors. Graft and corruption continues to be its number one nemesis. Stories about embezzlement and misuse of public funds for personal gains by government functionaries are frequent staple in the news. Just recently, the biggest corruption case that has rocked the country in recent years ended in the conviction of a former President of the Republic of the crime of plunder, a criminal offense defined under Philippine law as the accumulation or acquisition of ill-gotten wealth amounting to at least fifty million pesos. Apart from these actual stories, national and international surveys have also resulted in the indictment of the government for alleged unmitigated graft and corruption. So pervasive and enduring is the issue of graft and corruption that public perception generally dismisses the Philippine bureaucracy as a haven of corrupt officials and employees.

In addition to graft and corruption, the high vulnerability or susceptibility of the Philippine civil service to patronage politics is another serious cause of concern. Concededly, many political leaders regard positions in the government as a political largesse to be dispensed to their political allies and close supporters. Thus, instead of merit and qualifications, political connection becomes the overriding, if not the sole, consideration on matters of appointment and even career advancement. The situation is particularly acute or pronounced in the local governments every after election, where the poll winners make it their first agenda upon assumption to office the placement of
their own people into the service, even if this means the unjustified removal of tenured incumbents. Unfortunately, the reality that the appointing power to many of the key career positions in the Philippine bureaucracy lies with the President, a political figure, only serves to ensure the perpetuation of this unenviable situation. Without any doubt, the strong influence of politics contributes to the erosion of the principles of careerism and meritocracy that are the lynchpin of the Philippine civil service.

Red tape is also a grievous affliction of the Philippine bureaucracy. Government transactions go through innumerable layers and processes before concrete results can be had. For instance, the issuance of a simple permit may require three or more signatures. This can be systemic or structural in the sense that the layers or processes are based on specific requirements of some laws or rules. However, it can also be due to a “distorted” sense of accountability, where more people are made part of a transaction in order to diffuse administrative liability. In so doing, no one person gets to bear all by himself or herself the blame or flak for an error or mistake. But howsoever it may be viewed, red tape retards the smooth flow of basic services, and invariably fuels public frustration and disaffection with the government.

All these problems and dysfunctions attributed to the Philippine civil service have ethical dimension. While some attribute the incident of graft and corruption in the Philippine bureaucracy to low and meager pay, it cannot be discounted that corruption is as much a function of the distortion and fragmentation of the values systems among those in the government. The same is true with patronage politics, where professionalism is subordinated to the advancement of parochial or personal interests. And as already explained above, red tape may be
symptomatic of weak accountability mechanisms in the government. To combat these bureaucratic ills, it may therefore be necessary to foster ethics in the Philippine civil service.

But lest it will be misconstrued, the promotion of public service ethics is not a new notion in the Philippine setting. The Philippine Constitution itself explicitly decrees that a public office is a public trust. This constitutional edict firmly embeds the idea that a public office implies a correlative duty to act, not in the pursuit of one’s personal ends, but always in the public interest. Consequently, being publicly accountable, an officeholder, no matter how high or how low in the totem pole, is expected to exhibit the highest sense of responsibility, integrity, loyalty and efficiency. His or her conduct must always be characterized with propriety and decorum, and at the same time, must be above reproach and suspicion.

Several laws have been enacted to complement the Constitution in this respect. Worthy of mention is Republic Act (RA) No. 6713 or the Code of Conduct and Ethical Standards for Public Officials and Employees provides for the ethical standards in the public service. It sets out the norms of conduct that should govern the behavior and conduct of government officials and employees. These norms or standards include upholding the public interest over and above personal interest; discharging duties with the highest degree of excellence, professionalism, intelligence and skill; acting with justness and sincerity and without discriminating against anyone; maintaining political neutrality; extending prompt, courteous, and adequate service to the public; and leading modest lives appropriate to their positions and income.
There is also RA No. 3019 or the Anti-Graft and Corrupt Practices Act of 1960. This law defines the graft and corrupt practices in the Philippine bureaucracy, and provides for their corresponding penalties of imprisonment (which ranges from 6 years to 15 years); perpetual disqualification from public office; and, in appropriate cases, confiscation or forfeiture of unexplained wealth in favor of the government.

The Plunder Law or RA No. 7080, the law upon which a former Philippine President was convicted, is yet another legislative measure geared towards invigorating ethics and accountability in government. The law penalizes any public officer, who, by himself or herself in connivance with members of his or her family, relatives by affinity or consanguinity, business associates, accumulates or acquires ill-gotten wealth amounting to at least fifty million pesos.

Admittedly, these legal measures can only go so far in promoting high standards of ethics in the public service. To state the obvious, the presence of these laws does not necessarily guarantee a highly ethical environment. Much more needs to be done in terms of concrete and tangible administrative interventions. It is on this score that the CSC assumes an important role. In its capacity as the personnel administrator of the Philippine government, the CSC is called upon to adopt measures designed to promote morale, efficiency, integrity, responsiveness, and courtesy in the civil service. It is also tasked to strengthen the merit and reward system and to institutionalize a management climate conducive to public accountability.
Armed with this mandate, the CSC has proceeded to adopt definitive measures and deliberate initiatives that deal with strengthening public service ethics. These measures and initiatives do not just embrace a single aspect of public personnel administration. They practically encompass the entire gamut of the personnel system—from recruitment and hiring up to the separation of government personnel. It bears to stress at this juncture that these initiatives are anchored on the CSC’s visions for the Philippine bureaucracy, to wit:

--- A civil service:

- Governed by merit and fitness from recruitment, retention, rewards, recognition up to retirement.

- Insulated from politics and discretionary exercise of presidential prerogative.

- Respected for its efficiency, effectiveness and integrity.

- Compensated based on rational, realistic and uniform parameters.

- **Recognized for its identity, autonomy and expertise.**

- Motivated purely by service and commitment to a mission marked by accountability and transparency. AND
III. Promoting Ethics and Accountability: The CSC Initiatives

A. Recruitment Phase

The CSC staunchly believes that any well-meaning effort to promote ethics in the Philippine civil service must necessarily begin during recruitment. A government workforce that embodies the highest ethical standards is a workforce founded on professionalism and careerism. This means pursuing efforts meant at minimizing, if not totally, eradicating the intrusion of politics in the selection process, and ensuring that potential applicants imbue moral values.

In curbing political influence in the appointment process, the CSC has embarked on a number of initiatives. First, it has endeavored to make information about government vacancies, especially those belonging to the critical third level, more available and accessible to the general public. While a law already requires publication of government positions before they are filled up, it has been observed that this requirement has been honored more in the breach when it comes to managerial and supervisory positions. Agencies would publish these positions not so much to generate more potential applicants but as a mere formality. To address this, the CSC has enacted CSC Memorandum Circular No. 11, s. 2007, the aim of which is to effect wider dissemination of information about vacant third level positions in government. Based on this issuance, all government agencies are required to submit to the CSC a list of vacant third level positions they are authorized to fill up. In turn, the CSC will publish these positions in a newspaper of general circulation and will post the same in its website.
This would ensure a greater number of qualified people competing for the available government positions, and would lessen horse-trading of positions. With vacant positions out in the open, just about anybody who possesses the requisite job qualifications can apply and be considered for such vacancies.

Also, the CSC has adopted a singular policy governing the qualification standards of government positions. The result is the Qualification Standards Manual, a manual that consolidates in a single volume the qualification requirements prescribed for all recognized government positions. The said manual undergoes periodic review and revision to keep it abreast with any change and modification in the qualification standards of positions. The significance of the manual in the appointment process cannot be underestimated as it forms the basis for determining whether applicants meet the minimum requirements of the positions to which they are being considered.

Moreover, all too aware of the prevalent practice of dispensing appointments for political considerations in times of election, the CSC has put in place a policy against the so-called “midnight appointments.” These are appointments issued by outgoing elective officials immediately prior to their departure from office as a form of payback for votes or as a means to undermine their successors, who would be faced with people whose loyalty lies with the outgoing officials. The policy adopted by the CSC effectively extends the duration of the existing election ban on hiring to cover even the period immediately following the date of election so as to discourage “midnight appointments.”
Meanwhile, essaying to ensure that those who get into the government service do not just possess the requisite technical competence and proficiency but also are imbued with high sense of ethics, the CSC has developed the Ethics-Based Personality Test or EOPT. The EOPT is designed to address the long-standing problem of hiring otherwise qualified people but who are deficient on the moral and ethical requirements of public service. It aims to objectively evaluate the behavioral competencies and ethical values of persons wanting to enter the government service as well as existing government personnel as a critical approach to further promote ethics, transparency, and accountability.

The EOPT is a marked departure from the traditional practice of assessing personnel based on ability, expertise, intelligence and potential. Yet, it does not seek to supplant or replace the aptitude-based civil service examinations that lead to the conferment of eligibilities. The Philippine Constitution itself mandates that merit and fitness should be determined, as far as practicable, by competitive examinations. Thus, the civil service examinations remain a vital instrument in promoting meritocracy in the Philippine civil service.

Another component of the initiative designed to filter and screen the potential entrants to the Philippine bureaucracy is the CSC-developed Database of Individuals Barred from Entering the Government Service and Taking Civil Service Examinations, otherwise known as the Project DIBAR. Launched in 1998, the DIBAR is an electronic database of individuals, who have been dismissed from the service for cause and are thus perpetually barred from reentering the government; or whose civil service eligibilities were revoked or cancelled; or who are barred from taking the civil service examinations; or who are disbarred
members of the legal profession and barred holders of professional licenses. The DIBAR furnishes an up-to-date database of blacklisted government personnel, which would help facilitate verification on the employment record of prospective entrants into the service. The project recently got a shot in the arm with the promulgation of CSC Memorandum Circular No. 17, s. 2006, where the CSC has imposed a positive duty on government agencies to submit copies of their final and executory administrative decisions or resolutions dismissing government personnel. Be it stressed that under Philippine civil service law and rules, dismissal from the service for cause carries with it perpetual disqualification from holding public office.

B. Incumbency in the Service

It is a rather paradoxical state of affair that while the Philippine bureaucracy labors under a widely-held perception of incompetence, inefficiency and corruption, the civil servants often get rated with high passing marks come rating time. Clearly, there lies a clear discrepancy between actual performance and paper evaluation. But a performance appraisal or evaluation system is supposed to be one of the means for weeding out from the service those who do not exemplify the standards of public service. As it is, however, this is not the case, bolstering the popular belief that security of tenure in the Philippine bureaucracy is more of a shield for incompetence, inefficiency and ineffectiveness in the service.

The need to tie up or interconnect performance with tenurial security is what prompted the CSC to develop the Performance Management
System (PMS). The PMS is a concept that creates a culture of individual and collective efficiency, productivity, accountability and ultimately, performance-based security of tenure in government. Based on the dictum that “what gets measured gets done,” the PMS serves to address the demand to produce tangible results and the clamor for increased accountability through the use of performance contracts. It embraces a set of processes for establishing a shared understanding of what will be achieved, how it will be achieved and managing people in a way that will increase the probability that it will be achieved.

Central to the PMS is the Office Performance Evaluation System (OPES). The OPES measures the outputs and the collective performance of an office or an operating unit in the organization. It uses a standard unit of measure that makes comparison of performance across offices possible. It is essentially a point system, which is based on the length of time it takes for an average staff to produce a certain output. The point system minimizes subjectivity in performance evaluation as it sets uniform standards for common outputs; translates different targets into one unit of measure; facilitates comparison of outputs; and allows management to look at relative efficiencies of units under them.

The CSC has already piloted the PMS in its own backyard. It hopes to roll out the system to the rest of the Philippine civil service, including the local government units, by the end of 2008.

Performance rating is an internal tool administered every six months in the Philippine civil service to check on the performance of government personnel. As the recipients of services of public servants, it is equally
important that the transacting public must be afforded the chance to convey their feedback about the demeanor of government officials and employees in the discharge of their tasks.

The CSC-flagship program in client feedback mechanism is the Mamamayan Muna Program. Launched in 1994 as the Mamamayan Muna Hindi Mamaya Na Program, the name has recently been shortened to Mamamayan Muna Program for easier recall. In essence, the program seeks to institutionalize courtesy and quick service to the public. It provides a venue for the transacting public to seek redress for their grievances against discourteous and erring public servants without the formalities attendant to a quasi-judicial proceedings. At the same time, the program offers a vehicle whereby excellence in the delivery of basic services is quickly recognized and rewarded through the Gantimpala Agad Award.

Taking advantage of recent strides in information and communication technology, the CSC has partnered with a telecommunication company to strengthen its client-feedback program through the TEXTCSC. The TEXTCSC provides a means whereby the general public can directly relay or communicate to the CSC their observations, suggestions, commendations as well as complaints involving government offices and their personnel. As well, the TEXTCSC enables the public to solicit answers for their queries on civil service matters. The cellphone number for the TEXTCSC is 0917-839-8272. Thus far, the program has proven instrumental for receiving reports from private individuals regarding matters like unauthorized uses of official vehicles, inefficient and discourteous civil servants.
But the CSC need not wait for feedback from the public. A proactive mechanism to systematically check the delivery of government frontline services has been put in place. Known as the Public Service Delivery Audit (PASADA), the program focuses on the deployment of a pool of volunteers who will repeatedly and methodically test out public services. The volunteers shall pose as ordinary clients, who shall be transacting business with frontline offices. In so doing, they shall be assessing the offices in terms of the frontline service providers; the systems and procedures; and the physical working conditions. The best practices found in these agencies shall be highlighted. Ultimately, the PASADA is envisaged to promote improved public service delivery, thereby helping restore the integrity of the government service and gaining back the full trust and confidence of the general public.

On another tack, another worthwhile initiative spearheaded by the CSC, this time to ensure adherence to the norm of modest living that all government personnel must faithfully live up to, is its revision of the implementing guidelines concerning the filing and submission of the Statement of Assets and Liabilities and Net Worth (SALN). By law, those in the government are regularly obligated to make public disclosure of their assets and liabilities, through the SALN, as part of the accountability mechanism. However, the operational guidelines then governing the filing of SALN were found sorely inadequate especially in ferreting out cases involving acquisition of ill-gotten wealth. To increase the deterrent effect of the SALN, the guidelines have been revised such that those assets and/ or properties acquired, donated or transferred in the name of a filer for a particular year, but were not declared in the SALN for that year, shall be disclosed in the immediately succeeding SALN.
C. Separation from the Service

The maintenance of high standard of ethics in the public service sometimes necessitates resort to drastic means like weeding out the misfits and the miscreants. Indeed, the Philippine civil service should not tolerate erring and non-performing personnel in its ranks.

To effect the separation of non-performing officials and employees, the CSC has formulated the policy on dropping from the rolls for poor or unsatisfactory rating. When an official or employee has been rated poor in performance in one evaluation period, the agency may drop the former from the rolls, provided that the concerned official or employee has been afforded due notice. Due notice shall mean appraising the official or employee of the status of his or her performance not later than the 4th month of the rating period, with sufficient warning that failure to improve on his or her performance shall warrant separation from the service.

Upon the other hand, two (2) consecutive ratings of unsatisfactory shall similarly justify such dropping from the rolls. Just like dropping from the rolls due to poor performance, notice is also required in this case. The official or employee concerned shall be notified of his or her unsatisfactory performance for the semester with a corresponding warning that another unsatisfactory rating shall cause his or her separation from the service.

It must be clarified, however, that dropping from the rolls for poor or unsatisfactory performance ratings is non-disciplinary in nature. This
means that the resultant termination of employment is not intended to be a disciplinary sanction. Thus, it is still possible to re-employ the affected official or employee in the government service. In the end, the dropping from the rolls is more of a protective mechanism on the part of the Philippine bureaucracy to ensure professionalism in the system.

Another policy that the CSC has formulated to provide for separation from the service for unsatisfactory conduct or want of capacity, this time during probationary period, is CSC Memorandum Circular No. 3, s. 2006. Known as the Rules on Probationary Period for Permanent Appointment in the Career Service, the policy specifically governs the terms and conditions of probationary employment. Under the said policy, a newly-appointed permanent employee or one who has been re-employed under permanent status shall undergo a probationary period, which shall be for six months or for such other period as may be required by law. In that period, the appointee shall be subject to thorough character investigation and assessment of capability to perform his or her official duties. Should the probationer be found during or at the end of the probationary period to be wanting in capacity to perform his or her official duties or has demonstrated unsatisfactory conduct, then he or she shall be issued notice of termination of service. An appeal remedy to the CSC is, however, available to the separated employee.

Finally, for those officials and employees who have committed administrative infractions and serious misfeasances in office, there is in place administrative disciplinary machinery that would thresh out their
liability with proper observance of the requirements of due process. If found guilty, and depending on the nature of the offenses perpetrated, the offending officials or employees shall be meted the corresponding penalties ranging from reprimand to suspension and to outright dismissal from the service. It must be noted that the penalty of dismissal from the service carries with it attendant accessory penalties, namely, forfeiture of retirement benefits, cancellation of civil service eligibilities, perpetual disqualification to hold public office, and bar from taking civil service examinations.

IV. Constraints and Challenges

The task to promote public service ethics in the Philippine bureaucracy is certainly not an easy undertaking. In addition, the initiatives presented herein do not offer panacea to the ills that beset the Philippine bureaucracy. Yet, the CSC remains steadfast in its commitment to develop a Philippine civil service that embodies the highest ethical standards, which generations of Filipinos shall surely be proud of.