



**Republic of the Philippines
CITY COUNCIL
City of Manila**

REGULAR SESSION NO. 6

12TH CITY COUNCIL

**Begun and held in the City Council on Tuesday,
the twelfth day of July, Two Thousand Twenty-Two**

ORDINANCE NO. 8893

AN ORDINANCE REVERTING THE GENERIC CAREER POSITION TITLES PREVIOUSLY ADOPTED IN ORDINANCE NO. 8653, ENACTED ON JULY 6, 2020, AS AMENDED BY ORDINANCE NO. 8712, ENACTED ON DECEMBER 7, 2020, TO LOCAL LEGISLATIVE POSITION TITLES FOR THE COTERMINOUS PRIMARILY CONFIDENTIAL EMPLOYEES OF THE SANGGUNIANG PANLUNGSOD NG MAYNILA

SPONSORED BY:

HON. ERNESTO C. ISIP, JR.
Majority Floor Leader



PREAMBLE

WHEREAS, sometime in 2018, the CIVIL SERVICE COMMISSION FIELD OFFICE-MANILA (CSFO-MANILA) began invalidating the coterminous primarily confidential appointments in the legislative non-career service positions of the Manila City Council bearing position titles, namely: Local Legislative Staff Employee I, II, III, and V (LLSE I, II, III, and V) and Local Legislative Staff Officer I to VI (LLSO I to VI), due to the alleged non-compliance to the re-titling requirements under the provisions of CSC Memorandum Circular No. 12, Series of 2011 (Revised Guidelines on the Determination of Positions in the Local Government Units as Primarily Confidential);

WHEREAS, the Manila City Council has implemented remedial measures to resolve the alleged violation of CSC MC No. 12 s. 2011 through the passage of City Resolution No. 143, Series of 2018, re-titling the position titles of the invalidated appointments in its non-career legislative offices and adopting the position titles found in CSCMC No. 12, s. 2011 for non-career services positions that therein classified as primarily confidential positions such as Executive Assistant, Private Secretaries, Security Agents, Security Officers and Personal Driver/Chauffer;

WHEREAS, notwithstanding the passage of re-titling City Resolution No. 143, Series of 2018, there remained other invalidated primarily confidential appointments in the personal and confidential staff of the elected members of the Manila City Council bearing the position titles of LLSO II to IV; LLSE I to III; and Administrative I as they were not included in the position titles that were re-titled under Resolution No. 143 for the reason that there were no corresponding salary grades provided for said positions in CSC MC No. 12, s. 2011;

WHEREAS, in order to comply with the requirements of CSC MC 12, s. 2011, the Manila City Council has enacted re-titling City Ordinance No. 8653, entitled: "An Ordinance Adopting Generic Career Position Titles for the Coterminous Employees Assigned to the Offices of the Presiding Officer and Other Members of the Sangguniang Panlungsod ng Maynila, Subject for Qualification Standards except for CSC Eligibility, and Coterminous with the Term of Office with the Head of Unit/Office," which, upon the advice and guidance of CSCFO-Manila, was adopted pursuant to Section 9 (d) (1) and (2), Rule IV of the 2017 Omnibus Rules on Appointments and Other Human Resource Actions ("2017 ORAOHRA"). The ordinance provides for the re-titling of position titles for the remaining invalidated appointments, this time, with the requisite corresponding salary grades;

WHEREAS, after a careful examination, the officers of the Manila City Council have realized that the CSCFO-Manila's advice to adopt Section 9 (d) (1) and (2), Rule IV, 2017 ORAOHRA as basis in the appointments of the personal and confidential staff in the non-career offices of the members of the City Council, will change the status of the appointments from being originally non-career coterminous primarily confidential to non-career coterminous appointments, which are not primarily confidential in nature;

WHEREAS, if the said re-titling City Ordinance No. 8653 would not be amended by using Section 9, (d) (3), Rule IV, 2017 ORAOHRA as basis, all the elected members of the City Council would be held administratively liable for nepotism as most of their personal and confidential staffs are related to them by affinity or consanguinity;

WHEREAS, as a corrective measure, the Manila City Council enacted City Ordinance No. 8712, basing it this time pursuant to Section 9, (d) (3), Rule IV, 2017 ORAOHRA instead of Section 9 (d) (1) and (2), Rule IV, 2017 ORAOHRA, thereby amending City Ordinance No. 8653;

WHEREAS, a review of the general functions of the foregoing items contained in the position description forms, readily shows that the positions are primarily confidential in nature pursuant to the express declaration of law under Section 9 in relation to Section 59 of the 1987 Civil Service Law, to wit:

“SEC. 9. Non-Career Service.

xxx

The Non-Career Service shall include:

(1) Elective officials and their personal or confidential staff;

xxx” (Emphasis and underscoring supplied)

“SEC. 59. Nepotism. – All appointments in the national, provincial, city and municipal governments or in any branch or instrumentality thereof, including government-owned or controlled corporations, made in favor of a relative of the appointing or recommending authority, or of the chief of the bureau or office, or of the persons exercising immediate supervision over him, are hereby prohibited.

xxx

(2) The following are **exempted** from the operation of the rules on nepotism:

(a) **persons employed in a confidential capacity,** (b) teachers,

(c) physicians, and (d) members of the Armed Forces of the Philippines:

Provided, however, that in each particular instance full report of such appointment shall be made to the Commission.

xxx” (Emphasis and underscoring supplied)

WHEREAS, being personal staffs of the Vice-Mayor, City Councilors, and standing committees of the City Council, the duties and responsibilities of the appointees therein imply not only confidence in the aptitude but primarily close intimacy with the elected officials, which insures freedom from misgivings or betrayals of personal trust. The work involves constant exposure to sensitive policy matters and confidential deliberations that are not always open to the public, as unscrupulous persons may use them to harm the functions of the Sanggunian;

WHEREAS, the Vice-Mayor and City Councilors must have the highest confidence in their staffs and employees to insure that their honest and legitimate sentiments are always and fully expressed in the interest of the city and general public. Not only do their tasks point to sensitive and confidential acts, they also include such other functions as the Councilors and the Vice-Mayor may direct and/or require, a clear indication of a closely intimate relationship. In such highly acquainted relation, great trust and confidence between the recommending and appointing authorities and the appointee is required;

WHEREAS, the subject items cannot belong to the career service classification, which will bestow upon them regular and permanent status, which will prejudice future councilors and vice-mayors, who will not have coterminous staff;

WHEREAS, the primarily confidential position titles given under CSC Memorandum Circular No. 12 s. 2011 are apparently limited. They pertain to items bearing nomenclatures belonging to the executive branch, but not to items personnel, performing legislative support work (Underscoring supplied);



WHEREAS, the primarily confidential position titles given under CSC Memorandum Circular No. 12 s. 2011 have different Salary Grades from the items of the Sangguniang Panlungsod under consideration, which will require budgetary adjustments. Unfortunately, the City of Manila could not seek an increase in the appropriations for salary of city personnel without violating the personal services limitations under the Local Government Code and DBM circulars: NOW, THEREFORE,

Be it ordained by the City Council of Manila, in session assembled, *THAT*:

SECTION 1. Declaration of Policy. – It is hereby declared the policy of the City Government of Manila to faithfully observe the overriding goal of improving the delivery of vital services in terms of quality, scope, speed, accountability and affordability.

The generic career position titles previously adopted in Ordinance No. 8653, as amended by Ordinance No. 8712 shall be reverted to Local Legislative Positions Titles for the coterminous primarily confidential employees of the Sangguniang Panlungsod ng Maynila, effective July 1, 2022.

Moreover, the plantilla position titles of the coterminous primarily confidential staff of the Sangguniang Panlungsod ng Maynila, shall now be treated as specified below:

PREVIOUS POSITION TITLE	SG	NEW POSITION TITLE	SG
1. Executive Assistant V	24	1. Executive Assistant V	24
2. Executive Assistant IV	22	2. Executive Assistant IV	22
3. Political Affairs Officer III	19	3. Local Legislative Staff Officer IV	19
4. Senior Administrative Assistant IV	16	4. Local Legislative Staff Officer III	16
5. Senior Administrative Assistant I	13	5. Local Legislative Staff Officer II	13
6. Private Secretary I	11	6. Private Secretary I	11
7. Security Agent II	10	7. Security Agent II	10
8. Administrative Aide VI (Clerk III)	6	8. Local Legislative Staff Assistant I*	6
9. Administrative Aide IV (Clerk II)	4	9. Local Legislative Staff Employee II	4
10. Personal Driver/Chauffer	3	10. Personal Driver/Chauffer	3
11. Administrative Aide II (Messenger)	2	11. Local Legislative Staff Employee I (Messenger)	2
12. Administrative Aide I (Utility Worker)	1	12. Administrative Aide I	1

SEC. 2. Qualifications, Powers and Duties and Responsibilities. – The qualifications, powers, duties and responsibilities of the herein enumerated positions shall be based on the provisions of the Local Government Code, Civil Service Commission (CSC) circulars including the Administrative Code of 1987, R. A. No. 6758, entitled: **“AN ACT PRESCRIBING A REVISED COMPENSATION AND POSITION CLASSIFICATION SYSTEM IN THE GOVERNMENT AND FOR OTHER PURPOSES”** and other relevant laws, rules and regulations.

Item No. 8 in the Plantilla Position previously titled as Local Legislative Staff Employee III shall now be titled Local Legislative Staff Assistant I. The correction is a mere typographical error as manifested by the Majority Floor Leader during the session of the City Council on August 30, 2022


SEC. 3. Appointments. – The employment and appointment for those who will be occupying the herein subject positions shall be within the prescribed guidelines set forth by the Civil Service Commission (CSC) and other relevant agencies.

SEC. 4. Appropriation. – The amount necessary for the reversion to Local Legislative Positions Titles for the coterminous primarily confidential employees shall be sourced from available funds for this purpose as provided for under the 2022 Executive Budget. Thereafter, the herein subject positions shall be automatically funded through the succeeding Annual City Budget as part of the complement staffs of the elective officials of the Sangguniang Panlungsod ng Maynila.

SEC. 5. Effectivity. – This Ordinance shall take effect retroactively on July 1, 2022.

This Ordinance was finally enacted by the City Council of Manila on July 21, 2022.

PRESIDED BY:


JOHN MARVIN C. "Yul Servo" NIETO
Vice-Mayor and Presiding Officer
City Council, Manila


ATTESTED:


LUGH R. GEMPIS, JR.
City Government Department Head III
(Secretary to the City Council)

APPROVED BY HIS HONOR, THE MAYOR, ON AUG 16 2022.


MARIA SHEILAH "Honey" LACIUNA-PANGAN, MD, FPDS
Mayor
City of Manila

ATTESTED:


MARLON M. LACSON ✕
City Government Department Head III
(Secretary to the Mayor)

RRB: acf/jok/cpl/jmt/avs