

Republic of the Philippines
PUBLIC SECTOR LABOR-MANAGEMENT COUNCIL
CSC Building, Constitution Hills
Diliman, Quezon City

Classification of Department Heads
and Assistant Department Heads in
Local Government Units

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RESOLUTION NO. 01, s. 2005

WHEREAS, Executive Order No. 180 and its Implementing Rules limit the membership in employees' organizations formed for the purpose of collective negotiations to rank-and-file employees;

WHEREAS, the Personnel Relations Office of the Civil Service Commission has been receiving numerous queries on the classification of department heads and assistant department heads in local government units;

WHEREAS, Sections 470 – 490 of Republic Act No. 7160 (otherwise known as the Local Government Code of 1991) and its Implementing Rules identify the local appointive officials occupying department head positions and define their powers and duties which include, among others, the over-all management and supervision of their respective offices;

WHEREAS, Assistant Department Heads are also classified in the Index of Occupational Services for Local Government Units as local executives together with the Department Heads;

WHEREAS, by express provision of Section 469 of Republic Act No. 7160, the Secretary to the Sanggunian is a mandatory position in all local government units, has the rank and salary equal to a head of department or office, and takes charge of the management of the affairs of the office;

WHEREAS, there is a need to clarify the issue on the classification of Department Heads and Assistant Department Heads in local government units and the Secretary to the Sanggunian;

WHEREAS, under PSLMC Resolution No. 2, series of 1993, the controlling factor is the nature of the employee's functions as reflected in the approved job description of the position concerned or the actual functions as appearing in the employee's latest Performance Appraisal/Evaluation Report, as the case may be.

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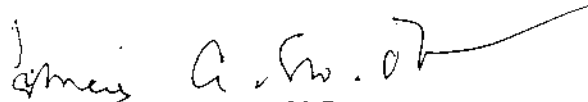
WHEREFORE, the Council resolves, as it is hereby resolved, to clarify that department heads and assistant department heads in local government units and the Secretary to the Sanggunian are not rank-and-file employees, hence, ineligible to join employees' organizations formed for the purpose of collective negotiations.

This Resolution shall take effect immediately.

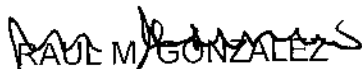
ADOPTED AND APPROVED this 4th day of May, 2005 in Quezon City.



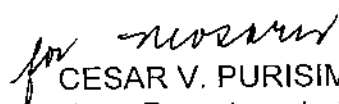
KARINA CONSTANTINO-DAVID
Chairperson, Civil Service Commission
CHAIRPERSON



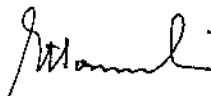
PATRICIA A. STO. TOMAS
Secretary, Department of Labor and Employment
VICE-CHAIRPERSON



RAUL M. GONZALEZ
Secretary, Department of Justice
MEMBER



CESAR V. PURISIMA
Secretary, Department of Finance
MEMBER



EMILIA T. BONCODIN
Secretary, Department of Budget and Management
MEMBER

Attested by:



ATTY. ANICIA MARASIGAN-DE LIMA
Director IV, Personnel Relations Office
Civil Service Commission
Chair, PSLMC Secretariat