



Serbisyo Sibil: Isang Daang Taong Paglilingkod

MC No. 07, s. 2001

MEMORANDUM CIRCULAR

TO : ALL HEADS OF DEPARTMENTS, BUREAUS, OFFICES AND AGENCIES OF THE NATIONAL AND LOCAL GOVERNMENTS, INCLUDING STATE UNIVERSITIES AND COLLEGES AND GOVERNMENT-OWNED AND CONTROLLED CORPORATIONS WITH ORIGINAL CHARTER

SUBJECT: PROHIBITION AGAINST TRANSFER OR DETAIL AND ISSUANCE OF APPOINTMENTS IN CONNECTION WITH THE MAY 14, 2001 NATIONAL AND LOCAL ELECTIONS

On December 15, 2000, the Commission on Elections (COMELEC), pursuant to the powers vested upon it by the Constitution, the Omnibus Election Code (BP Blg. 881), and other election laws, promulgated Resolution No. 3401, prescribing the period of prohibition against transfer and detail of officers and employees in the civil service from January 2, 2001 to June 13, 2001. Said resolution amended Resolution No. 3258 promulgated on September 28, 2000, prescribing the period of prohibition from December 15, 2000 to June 13, 2001.

Likewise, on the basis of the same Resolution, the period of prohibition relative to the issuance of appointments and creation and filling up of new positions is from March 30, 2001 to May 14, 2001.

In this regard, the Civil Service Commission, pursuant to the powers vested upon it by the Constitution, Executive Order No. 292, otherwise known as the Administrative Code of 1987 and other pertinent laws, as the central personnel agency of the government, promulgated Resolution No. 01-0487 on February 21, 2001. In said Resolution, the Commission prescribes the specific guidelines relative to the transfer, detail and issuance of appointments to civil service personnel, as follows:

- I. The following personnel movement are prohibited within the period January 2, 2001 [Tuesday] to June 13, 2001 [Wednesday]:

The "*transfer or detail*" of officers and employees in the civil service.

The phrase "*transfer or detail*" shall be construed in general terms. Thus, any movement of an officer or an employee in the civil service from one agency to another or from one station or place of assignment to another within the same agency shall be prohibited. In this regard, the following personnel movement are also proscribed:

1. Reassignment
2. Secondment
3. Recall of detailed or reassigned employee

- II. The following personnel movement are prohibited during the period March 30, 2001 [Friday] to May 14, 2001 [Monday]:

As a rule, the appointment or hiring of new employees, creation or filling up of new positions, promotions or giving of salary increases or remuneration or privilege are hereby prohibited, as follows:

- A. All appointments or hiring of new employees to vacant positions or newly created positions in an existing organizational unit, regardless of status, which are issued before or during the prohibited period, and made effective during or after the same period, regardless further of the date of receipt by the Commission, including its Regional or Field Offices.
- B. All promotional appointments issued before or during the prohibited period, and made effective during or after the same period, regardless further of the date of receipt by the Commission, including its Regional or Field Offices.
- C. All giving of increases in salary or remuneration or privilege.

Appointments through upgrading or reclassification, within the same period, shall also be disapproved since the same involves an increase of salary or remuneration.

Appointments through reappointment, renewal of temporary appointments, reinstatement and change of status shall not be prohibited within the period provided the employee concerned did not incur a gap in his/her service.

This Circular shall take effect immediately.



JOSE F. ERESTAIN, JR.
Commissioner-In-Charge

February 21, 2001

Serbisyo Sibil: Isang Daang Taong Paglilingkod

**RE: PROHIBITION AGAINST TRANSFER OR DETAIL
AND ISSUANCE OF APPOINTMENTS IN
CONNECTION WITH THE MAY 14, 2001 NATIONAL
AND LOCAL ELECTION**

X~~~~~X

RESOLUTION NO. 010487

WHEREAS, Section 12 (2), Title I, Book V of Executive Order No. 292, otherwise known as The Revised Administrative Code of 1987, provides that one of the powers and functions of the Commission is to "prescribe, amend and enforce rules and regulations for carrying into effect the provisions of the Civil Service Law and other pertinent laws";

WHEREAS, Section 12 (3) of the same Law provides that the Commission shall "promulgate policies, standards and guidelines for the Civil Service and adopt plans and programs to promote economical, efficient and effective personnel administration in the government";

WHEREAS, Section 12 (14) of the same Law provides that the Commission shall "take appropriate action on all appointments and other personnel matters in the Civil Service xxx";

WHEREAS, on December 15, 2000, the Commission on Elections (COMELEC) promulgated Resolution No. 3401, pursuant to the powers vested upon it by the Constitution, the Omnibus Election Code (BP Blg. 881), and other election laws, prescribing the period of prohibition against transfer or detail of civil service personnel from January 2, 2001 to June 13, 2001. Said Resolution amended Resolution No. 3258 promulgated on September 28, 2000 prescribing the said prohibited period from December 15, 2000 to June 13, 2001.

WHEREAS, the COMELEC provided in the same Resolution, among other things, that insofar as the issuance of appointments and creation and filling up of new positions are concerned, the period of prohibition is from March 30, 2001 to May 14, 2001.

NOW THEREFORE, in consideration of the foregoing, the Commission resolves, as it hereby resolves, to issue the following specific guidelines relative to the transfer, detail and issuance of appointments of civil service personnel:

- I. The following personnel movement are prohibited within the period January 2, 2001 [Tuesday] to June 13, 2001 [Wednesday]:

The "*transfer or detail*" of officers and employees in the civil service,

The phrase "*transfer or detail*" shall be construed in general terms. Thus, any movement of an officer or an employee in the civil service from one agency to another or from one station or place of assignment to another within the same agency shall be prohibited. In this regard, the following personnel movement are also proscribed:

1. Reassignment
2. Secondment
3. Recall of detailed or reassigned employee

- II. The following personnel movement are prohibited during the period March 30, 2001 [Friday] to May 14, 2001 [Monday]:

- A. All appointments or hiring of new employees to vacant positions or newly created positions in an existing organizational unit, regardless of status, which are issued before or during the prohibited period, and made effective during or after the same period, regardless further of the date of receipt by the Commission, including its Regional or Field Offices.
- B. All promotional appointments issued before or during the prohibited period, and made effective during or after the same period, regardless further of the date of receipt by the Commission, including its Regional or Field Offices.

- C. All giving of increases in salary or remuneration or privilege.

Appointments through upgrading or reclassification, within the same period, shall also be disapproved since the same involves an increase of salary or remuneration.

Appointments through reappointment, renewal of temporary appointments, reinstatement and change of status shall not be prohibited within the period provided the employee concerned did not incur a gap in his/her service.

Quezon City, FEB 21 2001

(Vacant)

Chairman


JOSE F. ERESTAIN, JR.
Commissioner


J. WALDEMAR V. VALMORES
Commissioner

Attested by:


ARIEL G. RONQUILLO
Director III