



MC No. 5, s. 1998

MEMORANDUM CIRCULAR

**T O : ALL HEADS OF DEPARTMENTS, BUREAUS AND AGENCIES
OF NATIONAL AND LOCAL GOVERNMENTS INCLUDING
AND STATE COLLEGES AND UNIVERSITIES**

**SUBJECT : PROHIBITION AGAINST TRANSFER OR DETAIL AND
ISSUANCE OF APPOINTMENTS IN CONNECTION WITH
THE PLEBISCITE ON THE ORGANIC ACT FOR THE
CORDILLERA AUTONOMOUS REGION ON MARCH 7, 1998**

On January 7, 1998, the Commission on Elections (COMELEC), promulgated Resolution No. 2967 pursuant to its powers vested in it by the Constitution, the Omnibus Election Code (OEC), Republic Acts No. 6646, 7160 and 8438 and other pertinent laws, re calendar of activities and list and period of certain prohibited acts in connection with the plebiscite on the organic act for the Cordillera Autonomous Region (CAR) on March 7, 1998. Said resolution fixes the period of prohibition during the conduct of the plebiscite from February 5, 1998 until March 22, 1998. It also prohibits any transfer of officers and employees in the civil service. (Sec. 261 (h) OEC).

The Civil Service Commission pursuant to its power vested in 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. 98-0236 on February 5, 1998. In said resolution, the Commission prescribed the specific guidelines relative to the transfer, detail and issuance of appointments of civil service personnel under the coverage and/or jurisdiction of the Cordillera Autonomous Region.

I. Prohibited Acts within the plebiscite period:

The transfer of officers and employees in the civil service pursuant to Section 261 (h) of the Omnibus Election Code for the period beginning February 5, 1998 (Thursday) to March 22, 1998 (Sunday), or 30 days before and 15 days after Plebiscite Day, is hereby prohibited.

The phrase "transfer or detail whatsoever" shall be construed in general terms. Thus, any movement of officer or employee in the Cordillera Autonomous

Region (CAR), from one agency to another or from one station or place of assignment to another within the same agency, is prohibited and is considered an election offense.

(a) Any transfer, detail or secondment of an officer or employee in the CAR including public school teachers shall not be approved or allowed by the appropriate authorities.

(b) No appointment through transfer or secondment issued, made effective or received by the CSC Cordillera Autonomous Region or its field offices within the plebiscite period shall be approved.

II. Prohibited Acts within the plebiscite ban:

The appointment or hiring of new employees, creation or filling of new positions, promotions or giving of salary increases, remuneration or privilege for the period beginning February 5, 1998 (Thursday) to March 21, 1998 (Saturday) are hereby prohibited.

(a) All appointments of "new employees" to vacant positions or newly created positions in an existing organizational setup or under any authorized reorganization scheme whether permanent, provisional, temporary or casual which were issued, executed, made effective and received by the Civil Service Commission (CSC)-Cordillera Autonomous Region (CAR) or its Provincial Field Offices within the said period.

(b) All promotional appointments issued, executed, made effective or received by the CSC-CAR or its Provincial Field Offices within the ban.

Those received after the ban but issued or made effective during the ban.

Moreover, appointments issued before the ban but received during the ban shall be returned to be resubmitted after the ban provided the effective date is after the ban.

However, those issued during the ban, received after the ban but effective after the ban shall be approved subject to compliance with other conditions in the processing and approval of appointments.

This Circular shall take effect immediately.


CORAZON ALMA G. DE LEON
Chairman

9 February 1998
OED/EIF/hbl



**RE: PROHIBITION AGAINST TRANSFER OR DETAIL AND ISSUANCE
OF APPOINTMENTS IN CONNECTION WITH THE PLEBISCITE
IN THE ORGANIC ACT FOR THE CORDILLERA AUTONOMOUS
REGION ON MARCH 7, 1998**

X-----X

RESOLUTION NO. 980236

WHEREAS, Section 12 (1), Title I, Book V of Executive Order No. 292, otherwise known as the Administrative Code of 1997, provides that one of the powers and functions of the Commission is to "administer and enforce the constitutional and statutory provisions on the merit system for all levels and ranks in the Civil Service";

WHEREAS, on January 7, 1998, the Commission on Elections (COMELEC), promulgated Resolution No. 2967 pursuant to its powers vested in it by the Constitution, the Omnibus Election Code (OEC), Republic Acts No. 6646, 7160 and 8438 and other pertinent laws, re calendar of activities and list and period of certain prohibited acts in connection with the plebiscite on the organic act for the Cordillera Autonomous Region (CAR) on March 7, 1998. Said resolution fixes the period of prohibition on plebiscite period from February 5, 1998 until March 22, 1998. It also prohibits any transfer of officers and employees in the civil service. (Sec. 261 (h) OEC).

NOW THEREFORE, in consideration of the foregoing, the Commission resolved as it hereby resolves to issue the following specific guidelines relative to the transfer, detail and issuance of appointments of civil service personnel under the coverage and/or jurisdiction of the Cordillera Autonomous Region:

I. Prohibited Acts within the **plebiscite period**:

The transfer of officers and employees in the civil service pursuant to Section 261 (h) of the Omnibus Election Code for the period beginning February 5, 1998 (Thursday) to March 22, 1998 (Sunday), or 30 days before and 15 days after Plebiscite Day, is hereby prohibited.

The phrase "transfer or detail whatsoever" shall be construed in general terms. Thus, any movement of officer or employee in the Cordillera Autonomous Region (CAR), from one agency to another or from one station or place of assignment to another within the same agency, is prohibited and is considered an election offense.

(a) Any transfer, detail or secondment of an officer or employee in the CAR including public school teachers without approval of the COMELEC shall not be approved or allowed by the appropriate authorities.

(b) No appointment through transfer or secondment issued, made effective or received by the CSC Cordillera Autonomous Region or its field offices within the plebiscite period shall be approved.

II. Prohibited Acts within the plebiscite ban:

The appointment or hiring of new employees, creation or filling of new positions, promotions or giving of salary increases, remuneration or privilege for the period beginning February 5, 1998 (Thursday) to March 21, 1998 (Saturday) are hereby prohibited.

(a) All appointments of "new employees" to vacant positions or newly created positions in an existing organizational setup or under any authorized reorganization scheme whether permanent, provisional, temporary or casual which were issued, executed, made effective and received by the Civil Service Commission (CSC)-Cordillera Autonomous Region (CAR) or its Provincial Field Offices within the said period.

(b) All promotional appointments issued, executed, made effective or received by the CSC-CAR or its Provincial Field Offices within the ban.

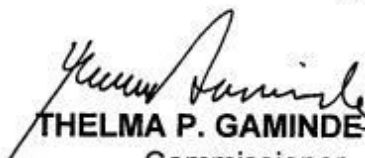
Those received after the ban but issued or made effective during the ban.

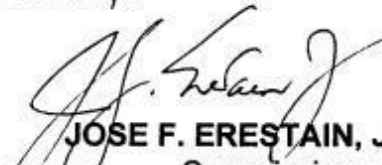
Moreover, appointments issued before the ban but received during the ban shall be returned to be resubmitted after the ban provided the effective date is after the ban.

However, those issued during the ban, received after the ban but effective after the ban shall be approved subject to compliance with other conditions in the processing and approval of appointments.

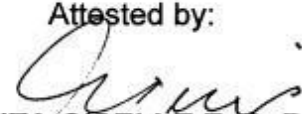
Quezon City **FEB 05 1998**


CORAZON ALMA G. DE LEON
Chairman


THELMA P. GAMINDE
Commissioner


JOSE F. ERESTAIN, JR.
Commissioner

Attested by:


CARMENCITA GISELLE E. B. BORILLO
Board Secretary VI