



MC No. 40, s. 1998

MEMORANDUM CIRCULAR

T O : ALL HEADS OF DEPARTMENTS, BUREAUS AND AGENCIES OF THE NATIONAL AND LOCAL GOVERNMENTS, INCLUDING GOVERNMENT-OWNED AND/OR CONTROLLED CORPORATIONS AND STATE UNIVERSITIES AND COLLEGES

SUBJECT : Revised Omnibus Rules on Appointments and Other Personnel Actions

The Commission, as mandated by law, issued CSC MC No. 38, s. 1993 prescribing the Omnibus Guidelines on Appointments and Other Personnel Actions. However, certain provisions thereof were amended through the various resolutions and circulars which the Commission issued from time to time.

Furthermore, a series of consultations with the Human Resource Management Officers (HRMOs) of the various agencies of the government surfaced pressing issues and problems on policies and procedures on appointments and other personnel actions.

In response to the ever changing need in personnel administration, there is an urgency to update and consolidate the various issuances on appointments and other personnel actions to facilitate action on all kinds of appointments and further simplify processing thereof. Hence, the Commission hereby adopts the attached Revised Omnibus Rules on Appointments and Other Personnel Actions.

Effective July 1, 1999, a new form for appointment shall be used. Likewise, the revised form for Plantilla of Casual Appointments shall be adopted. Appointments issued using the old forms shall be disapproved without prejudice to resubmission thereof on the new prescribed forms within fifteen (15) days from disapproval.

All other existing Civil Service Commission issuances which are inconsistent herewith are deemed repealed or amended.

This Memorandum Circular shall take effect fifteen (15) days after its publication in a newspaper of general circulation.


CORAZON ALMA G. DE LEON
Chairman

14 December 1998

RDO-3

RDO/ABS/LAC/eca/apptsmc

OMNIBUS RULES
ON APPOINTMENTS
AND OTHER
PERSONNEL ACTIONS

OMNIBUS RULES ON APPOINTMENTS AND OTHER PERSONNEL ACTIONS

Pursuant to Paragraphs 2 and 3, Section 12, Book V of Administrative Code of 1987 otherwise known as Executive Order No.292, the Civil Service Commission hereby prescribes the following rules to govern the preparation, submission of, and actions to be taken on appointments and other personnel actions.

RULE I GENERAL POLICIES ON APPOINTMENTS

SECTION. 1. The State shall insure and promote the Constitutional mandate that appointments in the Civil Service shall be made only according to merit and fitness.

SEC. 2. Merit and fitness shall be determined, as far as practicable, by competitive examinations. This does not apply to appointments to positions which are policy determining, primarily confidential, or highly technical.

SEC. 3. Any action denoting the movement or progress of personnel in the civil service shall be known as personnel action such as promotion, transfer, reinstatement, reemployment, detail, reassignment, secondment, demotion and job rotation.

SEC. 4. Unless otherwise provided herein, these rules shall likewise apply to appointments in the third level.

Rule II APPOINTMENT FORMS

SEC. 1. The revised CS Form 33 which shall be in Filipino with English translation, shall be used for appointments in the career and non-career service except those of casuals which shall use the Plantilla Appointment Form.

Rule III COMMON REQUIREMENTS FOR REGULAR APPOINTMENTS

SEC. 1. Appointments submitted to the CSC office concerned should meet the requirements listed hereunder. Non-compliance with such requirements shall be ground for disapproval of said appointments.

- a. **Form.** — The appointment which must be in triplicate copies shall be in the prescribed CS Form 33 (Revised 1998) or the Plantilla Appointment Form. Original copies shall not be filled out using xeroxed or photocopied forms.

- b. **Signature of the Appointing Authority.** The original copy of the appointment must be duly signed and the succeeding two (2) copies thereof at least initialed by the appointing authority.
- c. **Position Title.** The position title indicated in the appointment shall conform with the approved Position Allocation List and should be found in the Index of Occupational Service (IOS). The salary grade shall always be indicated after the position title.
- d. **Employment Status.** The employment status shall be indicated on the space provided therefor. It may be permanent, provisional, temporary, substitute, co-terminous, casual or contractual.
- e. **Date of Signing.** The date of signing, which is the date of the issuance of the appointment shall be indicated below the signature and the initials of the appointing authority.
- f. **Nature of Appointment.** The correct nature of appointment shall be indicated on the space provided therefor. The nature of appointment, which may either be original, initial, promotion, transfer, reemployment, reappointment, reinstatement, renewal, change of status or demotion, shall be indicated in the space provided for.
- g. **Publication of Vacancy.** Vacant positions to be filled shall be published in accordance with RA 7041 and its implementing guidelines except positions enumerated in Section 1 RULE IX hereof.
- h. **Personnel Selection Board (PSB) Evaluation/Screening.** All appointees should be screened and evaluated by the PSB, if applicable. As proof thereof, a certification signed by the Chairman of the Board at the back of the appointment or alternatively, a copy of the proceedings/minutes of the Board's deliberation shall be submitted together with the appointment. The issuance of the appointment shall not be earlier than the date of the final screening/deliberation of the PSB.

Candidates for the following appointments shall no longer be subject to the screening of the PSB:

- i. Substitute appointment due to their short duration and emergency nature. However, should the position be filled by regular appointment, candidates for the position should be screened and passed upon by the PSB.
- ii. Appointment of faculty members and academic staff of state universities and colleges who belong to the closed career service.
- iii. Appointment to entry laborer positions

iv. **Change of status of appointment from temporary to permanent**

- i. **Personal Data Sheet.** The appointee's Personal Data Sheet (CS Form 212, Revised, 1998) which should be properly and completely accomplished by the appointee, shall be attached to the appointment. For reappointment of substitute teachers and renewal of appointment of contractual and casual personnel updated Personal Data Sheet shall be required.

SEC. 2. Employment Status In General.

- a. **Permanent** - issued to a person who meets all the **minimum** qualification requirements of the position to which he is being appointed, including the appropriate eligibility prescribed, in accordance with the provisions of law, rules and standards promulgated in pursuance thereof.

An appointment issued by the appointing authority under a temporary status to a person who meets all the requirements for permanent appointment to the position to which he is being appointed, shall be disapproved for violation of Section 27 (1), Book V of Executive Order No. 292, except when it pertains to occupational groups where the agency requires additional/ special qualifications (i.e., fellow/ diplomate). In such cases, prior clearance to issue temporary appointment should first be obtained from the Commission.

- b. **Temporary** - issued to a person who meets the education, experience and training requirements for the position to which he is being appointed except for the appropriate eligibility but only in the absence of a qualified eligible actually available, as certified to by the Civil Service Regional Director or Field Officer. The appointment shall not exceed twelve months, reckoned from the date it was issued but the appointee may be replaced sooner if a qualified eligible who is willing to accept the appointment becomes actually available.
- c. **Substitute** - issued when the regular incumbent of a position is temporarily unable to perform the duties of his position, as when he is on approved leave of absence or is under suspension or is on scholarship grant or is on secondment. This is effective only until the return of the former incumbent. A substitute appointment is issued only if the leave of absence of the incumbent is at least three (3) months, except in the case of teachers.
- d. **Co-terminous** - issued to a person whose entrance and continuity in the service is based on the trust and confidence of the appointing authority or of the head of the organizational unit where assigned; or co-existent with the incumbent; or limited by the duration of the project; or co-existent with the period for which an agency or office was created. Specifically, the categories of co-terminous appointments are:

Addendum to h. v. Appointment to positions in the non-career service.

- (a) co-terminous with the appointing authority,
- (b) co-terminous with the head of organizational unit where assigned,
- (c) co-terminous with the incumbent,
- (d) coterminous with the project, and
- (e) co-terminous with the life span of the agency.

Appointments of personnel under Foreign-assisted projects shall be issued and approved as co-terminous with the project, that is, they are considered employees for the duration of the project, in which case, the name of the project and its completion date shall be indicated in the appointment.

- e. **Contractual** - issued to a person who shall undertake a specific work or job for a limited period not to exceed one year. The appointing authority shall indicate the inclusive period covered by the appointment for purposes of crediting services.
- f. **Casual** - issued only for essential and necessary services where there are not enough regular staff to meet the demands of the service.

SEC. 3. Employment Status of Teachers. The employment status of teachers can be any of the following:

- a. **Regular permanent** - issued to a teacher who meets all the requirements of the position.
- b. **Provisional** - issued to a teacher who meets all the requirements of the position except the eligibility.
- c. **Substitute** - issued to a teacher when the regular incumbent of the position is temporarily unable to perform the duties of the position.

SEC. 4. Nature of Appointment. The nature of appointment shall be as follows:

- a. **Original** - refers to the initial entry into the career service of persons who meet all the requirements of the position. This includes those appointed under CSC MC No. 10, s. 1980, as amended by MC No. 11, s. 1996.

It is understood that the first six months of service following an original appointment will be probationary in nature and the appointee shall undergo a thorough character investigation. A probationer may be dropped from the service for unsatisfactory conduct or want of capacity anytime before the expiration of the probationary period. Provided that such action is appealable to the Commission.

However, if no notice of termination or unsatisfactory conduct is given by the appointing authority to the employee before the expiration of the six-month probationary period, the appointment automatically becomes permanent.

- b. **Initial** - refers to all other appointments of persons entering the government service for the first time (whether career or non-career) which are not covered by the definition of original appointment.
- c. **Promotion** - is the advancement of an employee from one position to another with an increase in duties and responsibilities as authorized by law, and usually accompanied by an increase in salary. Promotion may be from one department or agency to another or from one organizational unit to another within the same department or agency.
- d. **Transfer** is the movement of employee from one position to another which is of equivalent rank, level or salary without break in the service involving the issuance of an appointment.

The transfer may be from one department or agency to another or from one organizational unit to another in the same department or agency: Provided, however, that any movement from the non-career service to the career service shall not be considered a transfer.

An employee who seeks transfer to another office shall first secure permission from the head of the department or agency where he is employed stating the effective date of the transfer. If the request to transfer of an employee is not granted by the head of the agency where he is employed, it shall be deemed approved after the lapse of 30 days from the date of notice to the agency head.

If, for whatever reason, the employee fails to transfer on the specified date, he shall be considered resigned and his reemployment in his former office shall be at the discretion of its head. The effectivity of the transfer shall be the day following his last day of service in the former agency.

Heads of oversight agencies and their staff are prohibited from transferring to a department/agency/office/local government unit where they are assigned or designated to oversee within one year after the termination of such assignment/designation.

This prohibition contemplates only transfer of officials of those offices/units who are in a position to exert pressure or influence on the new or accepting agency but not to cover those occupying clerical and skilled positions such as clerks and drivers.

- e. **Reemployment** is the reappointment of a person who has been previously appointed to a position in the career service under permanent status but was separated therefrom as a result of reduction in force, reorganization, retirement, voluntary resignation or of any non-disciplinary actions such as dropping from the rolls. Reemployment presupposes a gap in the service.

No prior authority shall be required for the reemployment of a person who has been previously retired and who has not reached the compulsory retirement age of 65.

- f. **Reappointment** is the re-issuance of an appointment during reorganization, devolution, salary standardization, re-nationalization or similar events or subsequent appointment of substitute teachers. Reappointment presupposes no gap in the service.
- g. **Reinstatement** is the issuance of an appointment to a person who has been previously appointed to a position in the career service and who has, through no delinquency or misconduct, been separated therefrom or to one who has been exonerated of the administrative charges unless the decision exonerating him specifies restoration to his previous position.

It is understood that one who has been exonerated or who has been illegally terminated is deemed not to have left the service.

- h. **Renewal** refers to the subsequent appointment issued upon the expiration of the appointment of the contractual/casual personnel, or temporary appointment, if a qualified eligible is not actually available, as certified by the Civil Service Regional Director or Field Officer. Renewal presupposes no gap in the service.
- i. **Change of status:**
1. temporary to permanent - the appointment issued to a temporary employee when he acquires the appropriate eligibility or becomes fully qualified for the position to which he is appointed or becomes fully qualified to the position to which he is appointed.
 2. provisional to regular (permanent) - the appointment issued when a provisional teacher qualifies and is registered as a professional teacher.
- j. **Demotion** is the movement of an employee from one position to another with reduction in duties, responsibilities, status or rank, which may or may not involve reduction in salary and is not disciplinary in nature.

In case a demotion involves reduction in salary but is non-disciplinary, a written consent shall be secured from the demoted employee.

Appointment as a result of voluntary demotion shall be at the hiring rate for the class of the position.

- k. **Upgrading/Reclassification** refers to the change in position title with the corresponding increase in salary grade. Positions are upgraded in order to attain effectively the functions and duties attached to the position and for the employee to perform an all-around adaptability in meeting diverse work assignments. This requires issuance of appointment.

Upgrading/reclassification usually involves abolition and collapsing of positions which the agency finds insignificant to augment the salaries assigned to the upgraded/ reclassified position.

The incumbent of a position in a permanent capacity which has been upgraded/reclassified shall be appointed to the upgraded/reclassified position without change in employment status, irrespective of whether or not he meets the qualification requirements therefor. However, he shall no longer be promoted to the next higher position unless he meets the qualification requirements of the position involved.

SEC. 5. Adjustments or movements of personnel which do not involve changes in position title, rank or status do not need the issuance of an appointment, provided that the existing appointment does not specify the working station. Such adjustments shall include the following:

- a. Change in item number only
- b. Salary adjustment
- c. Step-increment
- d. Reinstatement (to the same position)

A notice of such change or movement shall be submitted to the CSC Office concerned for record purposes.

SEC. 6. Other Personnel Movements. The following personnel movements which will not require issuance of an appointment shall nevertheless require an office order by duly authorized official:

- a. **Reassignment** - movement of an employee from one organizational unit to another in the same department or agency which does not involve a reduction in rank, status or salary. If reassignment is without the consent of the employee being reassigned it shall be allowed only for a maximum period of one year. Reassignment is presumed to be regular and made in the interest of public service unless proven otherwise or if it constitutes constructive dismissal.

Constructive dismissal exists when an employee quits his work because of the agency head's unreasonable, humiliating, or demeaning actuations which render continued work impossible. Hence, the employee is deemed to have been illegally dismissed. This may occur although there is no diminution or reduction of salary of the employee. It may be a transfer from a position of dignity to a more servile or menial job.

No reassignment shall be undertaken if done indiscriminately or whimsically because the law is not intended as a convenient shield for the appointing/disciplining authority to harass or oppress a subordinate on the pretext of advancing and promoting public interest.

Reassignment of small salaried employees is not permissible if it causes significant financial dislocation.

Sufficient reasons to warrant the continued reassignment of the employee and performance of functions other than those attached to the position must be established.

- b. **Detail** - temporary movement of an employee from one department or agency to another which does not involve a reduction in rank, status or salary.

The employee detailed receives his salary only from his mother unit/agency.

Detail shall be allowed only for a maximum period of one year in the case of employees occupying professional, technical and scientific position. In the case of other employees detail beyond one year may be allowed provided it is with the consent of the detailed employees.

If the employee believes that there is no justification for the detail, he may appeal his case to the Commission. Pending appeal, the detail shall be executory unless otherwise ordered by the Commission.

- c. **Secondment** - movement of an employee from one department or agency to another which is temporary in nature and which may or may not require the issuance of an appointment but may either involve reduction or increase in compensation.

Secondment shall be governed by the following general guidelines:

- (i) As a general rule, secondment shall be limited to employees occupying professional, technical and scientific positions.
- (ii) Secondment for a period of one year or more shall be subject to approval by the Commission.

- (iii) Secondment to international bodies/ organizations recognized by the Philippine government may be allowed.
 - (iv) Secondment shall be upon the request of the mother agency and shall always be covered by a written agreement between the mother agency and the receiving agency and concurred in by the employee seconded. Such agreement shall be submitted to the Commission for records purposes.
 - (v) Payment of salaries of seconded employee shall be borne by the receiving agency. In case of a higher compensation covered by a duly issued appointment within the Philippine government, the same may be used for the purpose of computing his retirement benefits but not for the purpose of commutation of leave credits earned in the mother agency. In case of a lower compensation, the mother agency shall pay the difference. This rule does not apply in cases of secondment to international agencies.
 - (vi) The seconded employee shall be on leave without pay in his mother agency for the duration of his secondment, and during such period, he may earn leave credits which are commutable immediately thereafter and payable by the receiving agency.
- d. **Job Rotation** - the sequential or reciprocal movement of an employee from one office to another or from one division to another within the same agency as a means for developing and enhancing the potentials of people in an organization by exposing them to the other work functions of the agency.

The duration of the job rotation program shall be within the period prescribed by the department/agency head but shall not exceed twelve (12) months.

RULE IV EFFECTIVITY OF APPOINTMENT

SEC. 1. An appointment issued in accordance with pertinent laws and rules shall take effect immediately upon its issuance by the appointing authority, and if the appointee has assumed the duties of the position, he shall be entitled to receive his salary at once without awaiting the approval of his appointment by the Commission. The appointment shall remain effective until disapproved by the Commission. In no case shall an appointment take effect earlier than the date of its issuance.

In case of local government unit appointment requiring concurrence of the Sanggunian Bayan, effectivity thereof shall not be earlier than the date of such concurrence.

SEC. 2. No appointment shall be made effective earlier than the date of issuance, except in the case of change of status in view of having acquired a civil service eligibility or in case of a teacher having acquired a valid certificate of registration and valid professional license. However, the effectivity of the change of status should be the date of release of the result of the examination and/or the date of issuance of appropriate license/s.

The effectivity of the change of status may be indicated as a footnote on the temporary appointment provided that said temporary appointment has not yet expired.

SEC. 3. In the case of temporary appointment, the twelve months period of its effectivity shall be reckoned from the date of issuance of the appointment and not from the date the appointee assumes the duties of the position.

SEC. 4. No official or employee shall be required to assume duty without being furnished with a copy of his appointment after it is issued by the appointing authority. The appointee shall acknowledge receipt of the appointment by signing on the duplicate and other copies of said appointment.

SEC. 5. The services rendered by any person who was required to assume the duties and responsibilities of any position without an appointment having been issued by the appointing authority shall not be credited nor recognized by the Commission and shall be the personal accountability of the person who made him assume office.

RULE V

ADDITIONAL REQUIREMENTS IN SPECIFIC CASES

SEC. 1. In addition to the common requirements and procedures, the following requirements and guidelines shall also be observed and the necessary documents submitted, when applicable.

- a. Erasures or Alterations On Appointments.** When there are erasures or alterations made on the appointment and other supporting documents, they should be duly initialed by authorized officials and accompanied by a communication specifying and authenticating all changes made.
- b. Appointee With Decided Administrative/Criminal Case.** If an appointee has had an administrative case, a certified true copy of the decision rendered shall be attached to the appointment. Appointment by promotion of an employee who has been found guilty in an administrative case shall be accompanied by a certification of the appointing official as to when the decision rendered became final.

- c. **Discrepancy in Name, Date/Place of Birth.** In case of discrepancy in the name, date/place of birth of the appointee as appearing in the Report of Rating or Certificate of Eligibility and that appearing in his Personal Data Sheet (CS Form 212), the correct name, date/place of birth shall be ascertained in accordance with the following requirements and procedures:
- i. A request for the correction of name, place and/or date of birth and such other personal information appearing in the records of this Commission must be filed at the Civil Service Regional Offices or at the Central Office of the Commission, through the Office for Legal Affairs, with the use of the proper form.
 - ii. The request must be accompanied by an authenticated copy of the birth certificate or certificate containing information from the register of birth of the City or Municipality where the requesting party was born.
 - iii. The birth certificate must contain information which were recorded or registered within a reasonable period of time after the birth of the person making the request.
 - iv. A birth certificate containing information recorded long after the birth of the person is not sufficient evidence to warrant a correction or change of information in the records of the Commission in the absence of a court order.
 - v. The action on said request shall be in an appropriate resolution of the Commission.
- d. **COMELEC Ban.** When an appointment covered by the period of prohibition is to be issued, prior exemption from the COMELEC shall be secured and attached to the appointment.
- e. **LGU Appointment.** Appointment in local government units for submission to the Commission shall be accompanied, in addition to the common requirements, by the following:
- i. Certification by the proper appointing authority that such appointment is issued in accordance with the limitations provided for under Section 325, RA 7160.
 - ii. Certification by the Municipal/City Provincial Accountant/Budget Officer that funds are available.

- iii. For appointment to department head, Sanggunian Resolution embodying the concurrence of the majority of its members as provided for under Section 443 (d), RA 7160; provided, that if said appointment is not concurred in by the Sanggunian within fifteen (15) days, certification to that effect by the HRMO shall be issued in lieu of the required resolution.
- f. **Appointments Involving Change of Status.** Appointments involving change of status from temporary to permanent falling under the categories specified in MC No. 11, s. 1996 shall be accompanied by the following:
 - i. For Category I, appointee's TESDA certificate and the corresponding CS eligibility
 - ii. For Category II, appointee's performance ratings for the two rating periods during his temporary appointment as certified by the appointing authority
 - iii. For Category IV, appropriate valid licenses, such as drivers license from the Land Transportation Office and operator's license from the National Tele-communications Commission for Radio/ Radiophone Operators.
- g. **Non-Disciplinary Demotion.** Appointment involving demotion which is not disciplinary in nature shall be accompanied by a (1) certification of the agency head that the demotion is not the result of an administrative case; (2) written consent by the employee that he interposes no objection to his demotion.
- h. **Licenses.** When a license is required by special law for the exercise of a profession or vocation an appointee must possess the necessary license before he may be appointed. Examples of this are the licenses issued by the Professional Regulations Commission and the Supreme Court.

RULE VI

SUBMISSION , APPROVAL/DISAPPROVAL OF APPOINTMENT

SEC. 1. An appointment shall be submitted to the Commission within thirty (30) calendar days from the date of issuance, which shall be the date indicated below the signature of the appointing authority. Otherwise it shall be made effective thirty (30) days prior to date of submission to CSC.

In case of appointments issued by accredited agencies, the Report of Personnel Actions (ROPA) together with photocopies of appointments issued during the month shall be submitted within 15 days of the succeeding month. Appointments not submitted within the prescribed period shall be made effective 30 days prior to date of submission.

If the appointee does not assume office within thirty (30) calendar days from receipt of the approved appointment, the same may be cancelled by the appointing authority and reported to the Commission for record purposes. The position is automatically deemed vacant without the need for an approval or declaration by the Commission.

If the appointee is not allowed to assume office by the appointing authority despite of the Commission's approval of the appointment, said official shall be held administratively liable therefor.

SEC. 2. Request for reconsideration of, or appeal from, the disapproval of an appointment may be made by the appointing authority and submitted to the Commission within fifteen (15) calendar days from receipt of the disapproved appointment.

SEC. 3. When an appointment is disapproved, the services of the appointee shall be immediately terminated, unless a motion for reconsideration or appeal is seasonably filed.

Services rendered by a person for the duration of his disapproved appointment shall not be credited as government service for whatever purpose.

If the appointment was disapproved on grounds which do not constitute a violation of civil service law, such as failure of the appointee to meet the Qualification Standards (QS) prescribed for the position, the same is considered effective until disapproved by the Commission or any of its regional or field offices. The appointee is meanwhile entitled to payment of salaries from the government.

If a motion for reconsideration or an appeal from the disapproval is seasonably filed with the proper office, the appointment is still considered to be effective. The disapproval becomes final only after the same is affirmed by the Commission.

SEC. 4. The appointing authority shall be personally liable for the salary of appointees whose appointments have been disapproved for violation of pertinent laws such as the publication requirement pursuant to RA 7041.

SEC. 5. The appointee whose appointment was approved but made effective thirty (30) days prior to date of submission to the Commission, shall be entitled to payment of salary from the government immediately following the effectivity of the appointment. The salaries of the appointee for actual services rendered before the approved effectivity date shall be the liability of whoever caused the delay.

SEC. 6. In cases where the appointee fully qualifies for the position to which he is temporarily appointed, the appointing authority shall no longer issue an appointment for change of status from temporary to permanent. Upon the appointee's presentation of the required document/s, such change may be effected as a footnote on the temporary appointment previously issued, copy furnished the Commission.

RULE VII
RESPONSIBILITIES OF THE HUMAN RESOURCE MANAGEMENT OFFICER /
PERSONNEL OFFICER

SEC. 1. The Human Resource Management Officer (HRMO), Personnel Officer (PO) or the duly authorized personnel in charge of personnel matters shall:

- a. Review thoroughly and check the completeness of all the requirements and supporting papers in connection with all cases of appointments before submission to the Commission.
- b. Sign the following certifications at the back of the appointment
 - i. Certification as to the completeness of the requirements
 - ii. Certification that the vacant position to be filled has been duly published
- c. Ensure that the Chairman of the Personnel Selection Board (PSB) has signed the certification at the back of the appointment, when applicable. The Human Resources Management Officer shall be a regular member of the PSB.
- d. Ensure that all questions in the Personal Data Sheet (CS Form 212) of the appointee are answered properly and completely with his recent photograph attached, his right thumbmark affixed and his current Community Tax Certificate indicated therein.
- e. Furnish appointee with a photocopy of his appointment for submission to the Commission. Ensure that appointee acknowledges receipt of a photocopy of said appointment by signing on the duplicate and other copies thereof.
- f. Submit appointments with the prescribed transmittal form indicating the names of the appointees, their position and the corresponding date of issuance.
- g. Officially transmit to the appointee original copy of his appointment acted upon by the Commission.
- h. Submit a quarterly report of employee accession and separation to the Commission.
- i. Submit ROPA, copies of appointments with supporting documents within fifteen (15) days of the succeeding month for accredited agencies.
- j. Submit certified copies of licenses and ensure that the same are renewed.

- k. Ensure the oath taking of concerned appointees.

SEC. 2. Failure of the HRMO, PO, or the duly authorized personnel in charge of personnel matters to perform any of the above responsibilities shall be a ground for administrative disciplinary action for neglect of duty which the head of agency or the Commission can initiate.

RULE VIII DOCUMENTS TO BE RETAINED IN THE AGENCY

SEC. 1. In addition to the common and other applicable requirements, the following documents shall be retained in the agency and filed in the 201 Files of the appointees:

- a. Position Description Form (BC-CSC Form No. 1) - for all types of appointments, except for change of status.
- b. Medical Certificate (CS Form 211) - for original appointment and reemployment. The Physician must state if the appointee is fit for employment.

The results of the Pre-employment Mental-Physical-Medical examinations consisting of Blood Test, Urinalysis, Chest X-ray, Drug Test, and Neuropsychiatric Exam, shall be attached to the medical certificate for employment.

- c. Clearances. The NBI Clearance is required for original appointment and reemployment.

In case of transfer and reemployment clearance from financial obligation and property accountability from the appointee's former office is required.

- d. The result of the neuro-psychiatric examination is required for original appointment to position which involve the maintenance of peace and order and the protection of life and property.
- e. Performance Rating. For purposes of promotion or transfer, the following shall be required:
 - i. For appointment by promotion, the Performance Ratings of the appointee for the last two rating periods and prior to the effectivity date of the appointment which should be at least very satisfactory;
 - ii. Performance ratings for the last "two" rating periods prior to the scholarship grant, which should be at least very satisfactory shall be used as basis for promotion of the appointee-scholar.

- iii. For appointment by transfer, the performance rating for the semester immediately preceding the transfer from the former office or agency.

RULE IX PUBLICATION OF VACANT POSITIONS

SEC. 1. Vacant positions in the career service shall be published in accordance with the provisions of RA 7041 and its implementing guidelines. The following positions are exempt from the publication requirement:

- 1) Primarily confidential positions
- 2) Positions which are policy determining
- 3) Highly technical positions
- 4) Other non-career positions
- 5) Third level positions (Career Executive Service)
- 6) Positions to be filled by existing regular employees in the agency in case of reorganization.

SEC. 2. Published vacant positions shall not be filled unless and until ten (10) working days had elapsed from the date of publication. However, this policy shall be dispensed with in cases of renewal (temporary) appointments to further obviate gap in the services of said appointees.

SEC. 3. Appointments to positions not exempted from RA 7041 shall require prior publication including renewal (temporary) appointments. In order to comply with the requirements of RA 7041 and to avoid gap in the services of the holder (incumbents) of temporary appointments, where appointments are subject to renewal, publication should be done at about two (2) months prior to expiration thereof.

SEC. 4. In case of chain promotion, anticipated vacancies may be published simultaneously with the existing vacant position/s.

RULE X QUALIFICATION STANDARDS

SEC. 1. The appointee must meet the approved qualification standards for the position for which he is being appointed. The HRMOs must be guided with the common requirements of the approved qualification standards:

- a. The position involved in the appointment, if unique in the agency, should have an approved qualification standards or has been included in the approved Qualification Standards Manual of the agency concerned.
- b. An appointment to a position without an approved qualification standards shall be disapproved.

- c. The appointee should meet the approved qualification standards of the position to which he is being appointed.
- d. No substitution shall be allowed for deficiencies in education and experience requirement.
- e. Appointees to confidential/personal staff must meet only the educational requirements prescribed under CSC MC 1, s. 1997. The civil service eligibility, experience, training and other requirements are dispensed with.

SEC. 2. The qualification standards prescribed in the Manual are the minimum and basic requirements for the position. However, agencies may prescribe higher standards for their positions copy furnished the Commission. Where higher standards are prescribed by the agencies, these shall be maintained and used as basis in the selection of their appointees.

SEC. 3. Qualification standards for newly created positions shall be prescribed by the Commission.

SEC. 4. Appointees to non-career positions, including casual employees, must meet the requirements prescribed by the qualification standards except eligibility, unless the positions are covered by special laws such as RA 1080.

SEC. 5. In determining the relevance of education and experience, reference shall be made to the duties and responsibilities attached to the positions and the occupational groupings where they belong.

RULE XI

CONTRACT OF SERVICES / JOB ORDERS

SEC. 1. Contracts of Services/Job Orders, as distinguished from those covered under Sec. 2 (e) and (f), RULE III of these Rules, need not be submitted to the Commission. Services rendered thereunder are not considered government services.

SEC. 2. Contracts of Services/Job Orders refer to employment described as follows:

- a. The contract covers lump sum work or services such as janitorial, security, or consultancy services where no employer-employee relationship exist;
- b. The job order covers piece work or intermittent job of short duration not exceeding six months on a daily basis;
- c. The contracts of services and job orders are not covered by Civil Service Law, Rules and Regulations, but covered by COA rules;

- d. The employees involved in the contracts or job orders do not enjoy the benefits enjoyed by government employees, such as PERA, COLA and RATA.

RULE XII
CERTAIN MODES OF SEPARATION - DOCUMENTS REQUIRED FOR
RECORD PURPOSES

SEC. 1. Resignation. The following documents shall be submitted to the Commission for record purposes:

- a. the voluntary written notice of the employee informing the appointing authority that he is relinquishing his position and the effectivity date of said resignation; and
- b. the acceptance of resignation in writing by the agency head or appointing authority which shall indicate the date of effectivity of the resignation.

An officer or employee under investigation may be allowed to resign pending decision of his case without prejudice to the continuation of the proceedings until finally terminated.

SEC. 2. Dropping from the Rolls. Officers and employees who are either habitually absent or have unsatisfactory or poor performance or have shown to be physically and mentally fit to perform their duties may be dropped from the rolls subject to the following procedures:

2.1 Absence without approved leave

- a. An officer or employee who is continuously absent without approved leave (AWOL) for at least thirty (30) calendar days shall be separated from the service or dropped from the rolls without prior notice. He shall however be informed of his separation from the service not later than five (5) days from its effectivity which shall be sent to the address appearing on his 201 files; and
- b. If the number of unauthorized absences incurred is less than thirty (30) calendar days, written Return-to-Work order shall be served on the official or employee at his last known address on record. Failure on his part to report for work within the period stated in the order shall be a valid ground to drop him from the rolls.

2.2 Unsatisfactory or Poor Performance

- a. An official or employee who is given two (2) consecutive unsatisfactory ratings may be dropped from the rolls after due notice. Notice shall mean that the officer or employee concerned is informed in writing of his unsatisfactory performance for a semester and is sufficiently warned that a succeeding unsatisfactory performance shall warrant his separation from the service. Such notice shall be given not later than 30 days from the end of the semester and shall contain sufficient information which shall enable the employee to prepare an explanation.
- b. An official or employee, who for one evaluation period is rated poor in performance, may be dropped from the rolls after due notice. Due notice shall mean that the officer or employee is informed in writing of the status of his performance not later than the 4th month of that rating period with sufficient warning that failure to improve his performance within the remaining period of the semester shall warrant his separation from the service. Such notice shall also contain sufficient information which shall enable the employee to prepare an explanation.

2.3 Physically and Mentally Unfit

- a. An officer or employee who is continuously absent for more than one (1) year by reason of illness may be declared physically unfit to perform his duties and the head of office in the exercise of his sound judgment may consequently drop him from the rolls.
- b. An officer or employee who is intermittently absent by reason of illness for at least 260 working days during a 24-month period may also be declared physically unfit by the head of office.
- c. An officer or employee who is behaving abnormally for an extended period which manifests continuing mental disorder and incapacity to work as reported by his co-workers or immediate supervisor and confirmed by the head of office, may likewise be dropped from the rolls.

For the purpose of the three (3) preceding paragraphs, notice shall be given to the employee containing a brief statement of the nature of his incapacity to work.

- 2.4 The officer or employee who is separated from the service through any of the above modes has the right to appeal his case to the Commission or its regional office within fifteen (15) days from receipt of such order or notice of separation;

- 2.5 The order of separation is immediately executory pending appeal, unless the Commission on meritorious grounds, directs otherwise;
- 2.6 This mode of separation from the service for unauthorized absences or unsatisfactory or poor performance or physical and mental incapacity is non-disciplinary in nature and shall not result in the forfeiture of any benefits on the part of the official or employee nor in disqualifying him from reemployment in the government;
- 2.7 The written notice mentioned in the preceding paragraphs may be signed by the person exercising immediate supervision over the official or employee. However, the notice of separation shall be signed by the appointing authority or head of office.

SEC. 3. Dismissal. A certified true copy of the decision rendered where the penalty of dismissal was imposed shall be submitted to the Commission.

SEC. 4. Other Modes. For other modes of separation such as termination/expiration of temporary appointment, retirement, or death, a notice stating the date of such separation shall be submitted to the Commission.

RULE XIII PROHIBITIONS

SEC. 1. No appointive official shall hold any other office or employment in the government unless otherwise allowed by law or by the primary functions of his position.

SEC. 2. No elective official shall be eligible for appointment in any capacity to any public office or position during his tenure.

SEC. 3. No elective or appointive public officer or employee shall receive additional, double or indirect compensation, unless specifically authorized by law, nor accept without the consent of Congress, any present, emolument, office or title of any kind from any foreign government.

Pensions and gratuities shall not be considered as additional, double or indirect compensation.

SEC. 4. A person who lost in an election (except Barangay election) shall not be eligible for appointment or reemployment to any office in the government or government-owned or controlled corporation within one year following such election.

SEC. 5. An employee who files a certificate of candidacy, even if later on disqualified or has withdrawn, is still considered resigned.

SEC. 6. An employee who resigned from the government service during the three (3) month period before any election to promote the candidacy of another shall not be reemployed during the six-month period following such election.

SEC. 7. No detail or reassignment shall be made within three months before any election unless with the permission of the COMELEC .

SEC. 8. No officer or employee in the civil service including members of the Armed Forces, shall engage directly or indirectly in any partisan political activity or take part in any election except to vote nor shall he use his official authority or influence to coerce the political activity of any other person or body. Nothing herein provided shall be understood to prevent any officer from expressing his views on current political problems or issues, or from mentioning the names of candidates for public office whom he supports.

Provided, that public officers and employees holding political offices may take part in political and electoral activities but it shall be unlawful for them to solicit contributions from their subordinates or subject them to any of the acts prohibited in the Election Code.

The term election campaign and partisan political activity refers to an act designed to promote the election or defeat of a particular candidate or candidates to a public office which shall include:

- a. Forming organizations, associations, clubs, committees or other groups of persons for the purpose of soliciting votes and/or undertaking any campaign for or against a candidate;
- b. Holding political caucuses, conferences, meetings, rallies, parades, or other similar assemblies, for the purpose of soliciting votes and/or undertaking any campaign or propaganda for or against a candidate;
- c. Making speeches, announcements or commentaries or holding interviews for or against the election of any candidate for public office;
- d. Publishing or distributing campaign literature or materials designed to support or oppose the election of any candidate; or
- e. Directly or indirectly soliciting votes, pledges or support for or against a candidate.

In addition, the following specific acts are likewise considered partisan political activities and are grounds for disciplinary action:

- i. Being a delegate to any political convention or member of any political committee or directorate or an officer of any political club or other similar political organizations.

- ii. Making speeches or publications to draw political support in behalf of any particular party or candidate for public office.
- iii. Soliciting or receiving contribution for political purposes, either directly or indirectly.
- iv. Becoming publicly identified with the success or failure of any candidate or candidates.

SEC. 9. No appointment in the national, provincial, city or municipal governments or any branch or instrumentality thereof, including government owned or controlled corporations with original charters shall be made in favor of a relative of the appointing or recommending authority, or of the chief of the bureau or office or of the person exercising immediate supervision over the appointee.

Unless otherwise provided by law, the word "relative" and the members of the family referred to are those related within the third degree either of consanguinity or of affinity.

In the local government career service, the prohibition extends to the relatives of the appointing or recommending authority, within the fourth civil degree of consanguinity or affinity.

The following are exempted from the operation of the rules on nepotism:

- a. persons employed in a confidential capacity
- b. teachers
- c. physicians
- d. members of the Armed Forces of the Philippines

The nepotism rule covers all kinds of appointments whether original, promotional, transfer and reemployment regardless of status including casuals and contractuels except consultants.

SEC. 10. The appointing authority shall not withdraw or revoke an appointment already accepted by appointee. Such appointment shall remain in force and effect until disapproved by the Commission. However, in case an appointment is void from the beginning due to fraud on the part of the appointee or because it was issued in violation of law, the proper appointing authority may request the Commission for its withdrawal or revocation.

SEC. 11. No person who has been dismissed or perpetually excluded/disqualified from the government service shall be appointed or reemployed unless he has been granted executive clemency.

SEC. 12. No person who has reached compulsory retirement age of 65 can be appointed to any position in the government, except to primarily confidential positions, provided that the appointment shall be under temporary status.

The Commission however may, in meritorious cases, extend the services of one who has reached compulsory retirement age of 65 for a period of six (6) months renewable for another six months. However, services rendered during the period of extension shall not be credited as part of government service. Likewise, such extension shall not entitle the employee to leave credits and other benefits.

SEC. 13. Unless allowed by the Commission in meritorious cases, heads of oversight agencies and their staff are prohibited from transferring or being appointed to any position in the department/ agency/office/local government unit which his unit is assigned or designated to oversee within one year after the termination of such assignment or designation.

SEC. 14. No person appointed to a position in the non-career service shall perform the duties properly belonging to any position in the career service.

SEC. 15. No consultant, contractual or non-career employee shall be designated to position exercising control or supervision over regular and career personnel.

SEC. 16. No discrimination shall be exercised, threatened or promised against, or in favor of, any person examined or to be examined or employed, by reason of his political or religious opinions or affiliations, sex or civil status.

SEC. 17. No changes in designation or nomenclature of positions resulting in promotion or demotion in rank or increase or decrease in compensation shall be allowed in LGUs, except when the position is actually vacant.

RULE XIV REPEALING CLAUSE

All other existing Civil Service Commission's issuances which are inconsistent herewith are deemed repealed or amended.