



Republic of the Philippines

## CIVIL SERVICE COMMISSION

MC NO. 05, s. 1992

### MEMORANDUM CIRCULAR

T O : ALL LOCAL GOVERNMENT EXECUTIVES AND SANGGUNIAN MEMBERS

SUBJECT : Guidelines in the Filling Up of Existing Vacant Positions in Local Government Units

The Joint Commission on Local Government Personnel Administration created under PD 1136, before the enactment and effectivity of RA 7160, otherwise known as the Local Government Code of 1991, had been performing the function of granting authority to fill positions.

Pursuant to Section 77 of the Code, the said Joint Commission was abolished and as a result thereof the Civil Service Commission has been receiving numerous requests from various local chief executives for authority to fill vacant positions in their respective local government units.

However, the Code provides under Sec. 444 (1) (V) in relation to Sec. 447 (1) (viii); Sec. 455 (1) (V) in connection with Sec. 458 (1) (viii) and Sec. 465 (1) (V) in relation to Sec. 468 (1) (viii) that the authority to fill vacant positions, unless specifically provided for under the Code (1991 LGC), is within the power of the local chief executive.

In order to clarify the actions to be taken on such matters, the following guidelines in the filling up of positions in local government units are hereby issued:

1. That the filling up of positions created prior to the effectivity of the Code on January 1, 1992 and duly approved by the Joint Commission is subject to the discretion of the local chief executive, Provided that, it is in accordance with the provisions of Administrative Order No. 265, dated January 31, 1992, directing the continued adoption of economy measures in government operations for calendar year 1992, which include among other provisions the following:

\*Section 4. Likewise all agencies of the government are directed to implement other cost saving and austerity measures including the following:

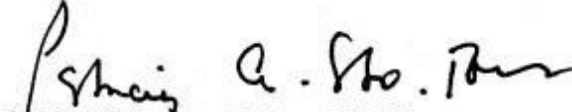
(a) x x x

- (b) limiting the filling of positions to only 25% of vacant positions as of 31 December 1991 on condition that the Staff Reduction Program mandated by Administrative Order No. 205 dated 3 January 1991 and reiterated by Administrative Order No. 227 dated 26 June 1991 has been duly complied with\*.

Provided further, that the appointments to be issued shall be in accordance with Civil Service law and rules and in compliance with RA 7041 requiring the regular publication of existing vacant positions in government offices and its implementing rules embodied in CSC MC 27, s.1991; Provided, finally, that where the appointment is to be issued within the prohibitive period or election ban from March 27, 1992 to May 11, 1992 prior exemption from the COMELEC should be attached to the appointment.

2. Requests for authority to fill vacant positions in the local government units need not be submitted to this Commission for approval;
3. Appointments in local government units for submission to the Civil Service Commission/Regional/Field Offices must be accompanied, in addition to other requirements, by the following documents:
  1. Certification by the local chief executive that such appointment is issued in accordance with the limitations provided for under Administrative Order No. 265\* and Section 325\*\* of RA 7160, and
  2. Certification from the Municipal/City/Provincial Treasurer that funds are available.

For compliance.

  
PATRICIA A. STO. TOMAS  
Chairman

March 4, 1992

- \* Office of the President Administrative Order No. 265 dated January 31, 1992 directing the continued adoption of economy measures in government operations for calendar year 1992.
- \*\* Section 325 of RA 7160 provides for the general limitation in the use of the provincial, city and municipal funds.