



MC NO. 41 s. 1991

MEMORANDUM CIRCULAR

T O : ALL Heads of Department, Bureaus and Agencies of the National Local Governments Including Government-Owned or Controlled Corporations With Original Charter

SUBJECT : Jurisdiction of the Civil Service Commission Over Decisions, Orders or Actions of the Merit Systems Protection Board in Administrative Cases and Personnel Actions

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The Civil Service Commission, as a central personnel agency of the Government, is mandated by law to prescribe, amend and enforce rules and regulations to carry out provisions of Book V of Executive Order 292, otherwise known as the "Administrative Code of 1987".

Due to seemingly conflicting interpretations of Section 12 (11) and Section 16 (a) (b) of Book V, E. O. 292 relative to the jurisdiction of the Commission over the decisions of Merit Systems Protection Board in administrative and protest cases and personnel actions, the Commission hereby promulgates the following guidelines:

A. The following may be subject of APPEAL to the Commission:

I. Administrative Cases

- 1.1. Where the penalty imposed by the MSPB is dismissal/separation from the service;
- 1.2. Where the penalty imposed by the disciplining authority is dismissal/separation from the service;

II. Protest/Personnel Action

- 2.1. Where the position level involved is Division Chief and/or above.

In these instances, appeal is a matter of right on the part of the aggrieved party, however, it must be filed within 15 days from receipt of MSPB decision.

- B. The following may be subject of REVIEW by the Commission motu proprio or by way of petition/request for review:

1. Administrative Cases:

Where the penalty imposed by both the disciplining authority and the MSPB is less than or short of dismissal;

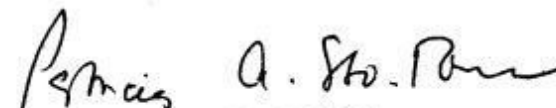
2. Protest Cases and Other Personnel Actions:

Where the position level involved is below Division Chief.

The grant of petition for review is discretionary on the part of the Commission. Hence, the petition may be dismissed outright for lack of merit.

Errors of judgment, questions of law and/or grave abuse of discretion may be raised in the petition for review. The petition for review must be filed within 15 days from receipt of MSPB Decisions.

This Memorandum shall take effect fifteen (15) days from publication in a newspaper of leading circulation.


PATRICIA A. STO. TOMAS
Chairman

November 12, 1991
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