



Republika ng Pilipinas
KOMISYON NG SERBISYO SIBIL
(Civil Service Commission)
Quezon City

MC No. 30, s. 1990

MEMORANDUM CIRCULAR

T O : ALL HEADS OF DEPARTMENTS, BUREAUS AND AGENCIES OF THE NATIONAL AND LOCAL GOVERNMENTS INCLUDING GOVERNMENT-OWNED AND/OR CONTROLLED CORPORATIONS WITH ORIGINAL CHARTERS

SUBJECT : REVOCATION OF APPOINTMENTS OF CIVIL SECURITY OFFICERS AND AGENTS ISSUED UNDER PRESIDENTIAL DECREE NO. 51 AND LETTER OF IMPLEMENTATION NO. 52-B

Presidential Decree No. 51 and Letter of Implementation No. 52-B authorized all government offices, agencies and instrumentalities including local governments to establish and operate security units that shall be responsible, among others, for the security of their personnel, installations, classified documents and materials. However, the Secretary of Justice rendered Opinion No. 33, dated February 23, 1990, declaring that in line with the ruling of the Supreme Court in the Tanada v. Tuvera case (146 SCRA 446), both Presidential Decree No. 51 and Letter of Implementation No. 52-B have never been in force and in effect and therefore cannot be the basis for the establishment and operation of civil security units nor for those already established. In the aforesaid Tanada v. Tuvera (supra) case, the Supreme Court has ruled that all statutes, including Presidential Decrees and Executive Orders promulgated by the President in the exercise of legislative powers whenever the same are validly delegated by the legislature or directly conferred by the Constitution shall be published in the Official Gazette as a condition for their effectivity. A check or verification made by the Department of Justice with the National Printing Office reveals that the aforesaid Presidential issuances were never published in the Official Gazette.

Indisputably, there are actually existing civil security units in the various Departments/Agencies of the national and local governments and for their manpower requirements, corresponding appointments to Civil Security Officers or Civil Security Agents positions have been issued, approved and confirmed. Moreover, the Civil Service Commission, its Regional, Field or Provincial Offices have received for their review and approval new appointments, and renewals of temporary appointments involving these positions. Hence, the Commission, pursuant to its Resolution No. 90-537 promulgated on June 4, 1990 resolved to adopt and promulgate these policies and guidelines relative to the proper action and treatment of these appointments, as follows:

1. The Civil Service Regional, Field and Provincial Offices are thus directed to make inventories of positions, filled up or otherwise, created pursuant to Presidential Decree No. 51 and Letter of Implementation No. 52-B. These inventories shall be submitted to the Commission within three (3) months from receipt of this Memorandum Circular.

2. All requests for approval or confirmation of appointments or renewal of temporary appointments to positions created pursuant to Presidential Decree No. 51 and Letter of Implementation No. 52-B, namely, Civil Security Officers or Civil Security Agents, other members of the Civil Security Units of any department, office, agency or instrumentality of the national government, including government owned and/or controlled corporations with original charters and local government units shall be denied and these appointments shall be disapproved;

3. All previous appointments issued and approved pursuant to Presidential Decree No. 51 and Letter of Implementation No. 52-B shall be recalled, revoked and disapproved by the Civil Service Regional or Field Offices concerned within one (1) year from the issuance of this Memorandum Circular;

4. The disapproval, cancellation or revocation of these appointments shall be made without prejudice to the payment of salaries for actual services rendered by the personnel concerned; and

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5. This Memorandum Circular shall only apply to positions created pursuant to Presidential Decree No. 51 and Letter of Implementation No. 52-B.

This Memorandum Circular shall take effect immediately.

Quezon City, **June 4, 1990.**


PATRICIA A. STO. TOMAS
Chairman

OLA/TPG/22-L/TG