

CSC Concerns During TRANSITION

PAGBA 2016 2nd Quarterly Seminar & Meeting
July 6-9, 2016
Pryce Hotel, Cagayan De Oro City

Appointments

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Appointments

Status of Appointments

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Permanent – issued to a person who meets all the minimum qualification requirements of the position to which he/she is being appointed, including the appropriate eligibility prescribed.

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 as certified by the CSC Regional Director or Field Officer.

Change of Status of Appointment from Temporary to Permanent

CSC MC No. 6, s. 2007

Amendment to CSC MC No. 40, s. 1998

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**Change of Status of Appointment from
Temporary to Permanent
CSC MC No. 6, s. 2007
Amendment to CSC MC No. 40, s. 1998**

CSC MC No. 40, s. 1998, provides that:

- Sec. 2. No appointment shall be made effective earlier than the date of issuance **except in case of change of status** in view of having acquired a valid civil service eligibility or in the case of teacher having acquired a valid certificate of registration and valid professional license.
- Sec. 6. In cases where the appointee fully qualifies for the position to which he/she is temporarily appointed, a new (permanent) appointment should be issued.

Change of Status of Appointment from Temporary to Permanent CSC MC No. 6, s. 2007

Amendment to CSC MC No. 40, s. 1998

CSC MC No. 6, s. 2007, now provides that:

Sec 4b. The date of effectivity of the appointment is the date of the issuance of the permanent appointment, not the date the deficiency in qualification standards was met or proof thereof was presented.

Sec. 4. If finally, after compliance with policy numbers 1, 2 and 3 hereof, the existing temporary employee is appointed again:
a. A new (permanent) appointment should be issued

Change of Status of Appointment from Temporary to Permanent CSC MC No. 6, s. 2007

Guidelines on the change of status of appointment from temporary to permanent:

1. Publication requirement (CSC MC No. 20, s. 2002) that a position occupied by a temporary employee should be published and posted every 6 months.
2. If upon publication, there are qualified applicants, appointing authority shall require the temporary employee to undergo PSB screening together with the other applicants.
3. If no other applicants, appointing authority may decide to appoint the temporary employee, provided the latter's performance rating is at least Satisfactory.
 - b. If the performance rating is VS or higher, the temporary employee shall be exempted from PSB screening and probationary period.
 - c. **The temporary employee should present to the appointing authority proofs of meeting the deficiencies (such as certificate of eligibility or proof of meeting the education, training and/or experience requirements).**

Change of Status of Appointment from Temporary to Permanent CSC MC No. 6, s. 2007

**VELOIRA, JANE M., June 27, 2014, June 27, 2014
Re: Invalidated Appointment , NDC-140472**

- Robert S. Vergara, President of GSIS, filed an MR on the CSC-NCR Decision invalidating the temporary appointment of Jane M. Veloira as Officer IV (SG 26) at the GSIS on the grounds that she failed to meet the training requirement and due to lack of Certification that no qualified eligible is actually available for appointment.
- On the basis of the QS for the position of Officer IV (SG 26), Veloira met the education, experience and eligibility requirements of the position. However, a scrutiny of her trainings shows that she was only able to comply with the 40 hours of specialized training relevant to the job.
- Hence, Veloira failed to meet not only the QS but also on the issuance of a temporary appointment as there was no certification issued by the CSCRO or **CSCFO as to the lack of an available qualified eligible.**

Change of Status of Appointment from Temporary to Permanent *CSC MC No. 6, s. 2007*

VELOIRA, JANE M., June 27, 2014, June 27, 2014

Re: Invalidated Appointment , NDC-140472

- Further, Veloira was issued a permanent appointment (reappointment) to effect the change of status from temporary to permanent as Officer IV (SG 26) as a result of having met the deficiency in the training requirement of the position.
- The petition for review is hereby **DISMISSED** as it does not deprive the Commission of its power to pass upon Veloira's temporary appointment since the **permanent appointment issued to her is not a continuation of the temporary appointment but an entirely new one in the nature of a reappointment.** Pointedly, these are two distinct acts of the appointing authority and any irregularity in the former appointment can be rightfully passed upon by the Commission.

Coterminous Appointment

“Sec. 2. **Co-terminous.** – issued to a person whose entrance and continuity in the service is based on trust and confidence of the appointing authority or of the head of the organizational 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 of office was created.

Specifically, the categories of co-term are:

- Coterminous with the appointing authority;
- Coterminous with the head of organizational unit where assigned;
- Coterminous with the incumbent;
- Coterminous with the project; and
- Coterminous with the lifespan of the agency.

Invalidated Appointment

Co-terminous Appointment

CARINGAL, Federico M., January 7, 2015

Re: Invalidated Appointment, NDC-2014-09014

- Federico M. Caringal, Municipal Administrator (SG-24), Municipal Government of Ibaan, Batangas, files an appeal from the Decision of CSCRO No. IV, invalidating his co-terminous appointment as Municipal Administrator (SG-24) issued by Mayor Juan V. Toreja for failure to meet the eligibility requirement.
- Records show that Caringal was issued a co-terminous appointment as Municipal Administrator by Mayor Toreja. In 2013, Mayor Toreja was re-elected as Municipal Mayor.
- Mayor Toreja issued a co-terminous reappointment to Caringal as Municipal Administrator. The Sangguniang Bayan of Ibaan, Batangas confirmed the appointment of Caringal.
- The CSCFO-Batangas recommended the invalidation of the appointment of Caringal to the CSCRO No. IV for lack of the required eligibility to the position of Municipal Administrator. CSCSRO No. IV invalidated said appointment of Caringal for failure to meet the eligibility requirement.

Invalidated Appointment Co-terminous Appointment

CARINGAL, Federico M., January 7, 2015

Re: Invalidated Appointment, NDC-2014-09014

- **It is noted that despite the appointment being coterminous,** the same must comply with the qualification standards and concurrence by the concerned Sanggunian, otherwise they shall be invalidated.
- **Data shows that Caringal does not possess the education and eligibility requirements which are Bachelor's Degree** preferably in Public Administration, Law or any other related course from a recognized university.
- Based on the foregoing, the invalidation of the appointment of Caringal as Municipal Administrator for failure to comply with the eligibility requirement by the CSCRO No. IV, is proper. Wherefore, the petition of Caringal is hereby **DISMISSED.**

Primarily Confidential Appointments *CSC MC No. 1, s. 2014*

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Clarificatory Guidelines on the Effects of the SC Ruling on the Case of CSC vs Pililla Water District Relative to the GM Position in Local Water Districts

CSC MC No. 1, s. 2014

Amendment to CSC MC No. 12, s. 2006

RA 9286, An Act Amending PD No. 198, Provincial Water Utilities Act of 1973,

- states that a General Manager appointee shall not be removed from office except for cause and after due process. Pursuant to this, **CSC MC No. 13, s. 2006** was issued **declaring that GM position as belonging to the career service** with corresponding QS for appointment thereto.

The SC, however, in the case of **CSC vs Pililla Water District (G.R. No. 190147, March 5, 2013)** declared that the GM position remains to be **primarily confidential in character**, and that what the amendment in RA 9286 mandates is that notice and hearing shall first be observed before a GM appointee is removed from office. In

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a SC Resolution, it denied with finality the motion for **reconsideration** filed by the CSC on the case.

Clarificatory Guidelines on the Effects of the SC Ruling on the Case of CSC vs Pililla Water District Relative to the GM Position in Local Water Districts

CSC MC No. 1, s. 2014

Amendment to CSC MC No. 12, s. 2006

1. GM Position in Local Water Districts –

In consonance with the Pililla case, the GM position shall be considered as primarily confidential. Hence, it is exempted from the QS prescribed under the existing QS manual unless the water district opts to continue to adopt the QS previously set in the 2006 or establish their own, subject to CSC approval.

2. Vested Right; GM Appointees -

Pursuant to the doctrine of operative facts and higher interest of equity, justice and fairness, permanent appointments issued to GM incumbents on the basis of CSC MC No. 12, s. 2016 shall be respected.

The succeeding appointments shall be deemed coterminous with the appointing authority in line with the primarily confidential character of the GM position.

Clarificatory Guidelines on the Effects of the SC Ruling on the Case of CSC vs Pililla Water District Relative to the GM Position in Local Water Districts

CSC MC No. 1, s. 2014

Amendment to CSC MC No. 12, s. 2006

2. Vested Right; GM Appointees –

All permanent appointments issued to GM positions on or after June 5, 2013, which have already been approved, shall be recalled by the CSCRO/FO with the advice that these be re-submitted under coterminous status.

Permanent appointments issued before the cut off-date on June 15, 2013 but which have yet to be attested shall be approved, provided the appointees are able to meet the requisite QS under which the appointments were issued. With regard to temporary appointments issued under similar circumstances, they shall be approved provided the pertinent requirements are satisfied. However, the local water

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district may consider issuing new appointments under coterminous status to the temporary GM appointees.

Clarificatory Guidelines on the Effects of the SC Ruling on the Case of CSC vs Pililla Water District Relative to the GM Position in Local Water Districts

CSC MC No. 1, s. 2014

Amendment to CSC MC No. 12, s. 2006

RAVACIO, Ricardo H., March 3, 2014

Re: Illegal Dismissal

- Ricardo H. Ravacio, General Manager, Oroquieta City Water District (OCWD), Oroquieta City, Misamis Occidental, files an appeal on the Decision of CSCRO No. X. Said Resolution denied the MR of Ravacio and affirmed the previous Decision of CSCRO No. X dated May 8, 2013 dismissing his appeal.
- Ravacio was appointed as General Manager of OCWD by Evelyn Catherine O. Silugon, Chairman of the Board of Directors, OCWD. His appointment, however, was never submitted to and attested by the CSC.
- A complaint dated Nov 12, 2013 was filed by Ravacio with the CSCRO No. X for illegal dismissal alleging, among others, that he was directed by the Board of Directors of the OCWD to hand in his resignation because of their loss of trust

and confidence in him;

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Clarificatory Guidelines on the Effects of the SC Ruling on the Case of CSC vs Pililla Water District Relative to the GM Position in Local Water Districts

CSC MC No. 1, s. 2014

Amendment to CSC MC No. 12, s. 2006

RAVACIO, Ricardo H., March 3, 2014

Re: Illegal Dismissal

- **The CSCRO No. X ruled in its Decision that Ravacio has no security of tenure, and, as such, he cannot claim that he was illegally dismissed by the OCWD Board of Directors.**
- Not satisfied with the ruling of the CSCRO No. X, Ravacio moved for the reconsideration of the said Decision. CSCRO No. X denied Ravacio's motion and made a pronouncement that the GM position is a coterminous one pursuant to the decision of the Supreme Court in the case of CSC vs. Pililla Water District (G.R. No. 1980147, March 5, 2013), therefore, he has no security of tenure. It also ruled that the non-submission of Ravacio's appointment to the CSC has no valid justification. Hence, this appeal.

Clarificatory Guidelines on the Effects of the SC Ruling on the Case of CSC vs Pililla Water District Relative to the GM Position in Local Water Districts

CSC MC No. 1, s. 2014

RAVACIO, Ricardo H., March 3, 2014

Re: Illegal Dismissal

- However, the Commission takes exception to the application of the case of CSC vs. Pililla Water District. Said SC Decision settled, the issue of whether or not the position of a General Manager of a water district is a coterminous (non-career) position or not. **But since it was promulgated on March 5, 2013, it could not have been the intention to apply it retroactively regardless of whether vested rights are already affected. The appointment of Ravacio was issued on November 13, 2009 under permanent status, hence, it should be treated as such.**
- Ravacio claims that he still enjoys security of tenure sans the attestation of the CSC on his appointment. The Commission is not convinced. **Unfortunately, Ravacio's appointment is beset with fatal infirmities as it was not submitted to CSC for attestation as enumerated by CSCRO No. X in its Decision dated May 8, 2013. Petition of Ravacio is hereby DISMISSED.**

Designation is merely an imposition of additional duties to be performed by a public official which is temporary and can be terminated anytime at the pleasure of the appointing authority.

Designees can only be designated to positions within the level they are currently occupying. However, DCs may be designated to perform the duties of third level positions. First level personnel cannot be designated to perform the duties of second level positions.

(CSC MC No. 40, s. 1998, as amended)

Designation

First-Level Appointees to Second-Level Positions

TERANTE, Josephine T., February 25, 2016
Designation, NDC-2015-01041

- Mayor Imelda U. Tan, Municipal Government of Sogod, Province of Southern Leyte, files an appeal from the Decision of CSCRO No. VIII, Palo, Leyte, which found the designation of Josephine T. Terante, Data Controller III, as Officer-in-Charge (OIC) of the Municipal Budget Officer not in order.
- The instant case stemmed from three (3) anonymous complaints filed against Terante before the CSCRO No. VIII questioning her designation as OIC-Municipal Budget Officer for more than five (5) years, allegedly in violation of CSC Memorandum Circular (MC) No. 6, series of 2005.
- It appears that Terante, who was then holding the position of Budgeting Aide (SG 4), was designated as OIC-Municipal Budget Officer (SG 24) in 2008 by then Mayor Sheffered S. Tan.
- Acting on the above-mentioned complaints filed against Terante, the CSCRO No. VIII issued the Decision finding the designation of Terante as not in order for violating the rules on designation

Designation

First-Level Appointees to Second-Level Positions

TERANTE, Josephine T., February 25, 2016

Designation, NDC-2015-01041

- While then occupying the position of Budgeting Aide in 2008, Terante was designated as OIC-Municipal Budget Officer. She maintained her designation as such up to the present. Incidentally, her position as then Budgeting Aide and now as Data Controller III belong to first level positions.
- It was stated that the position of Municipal Budget Officer to which she was designated as Officer-in-Charge belongs to the second level since it requires the appointee to be a holder of a college degree.
- Thus, Terante's alleged competence to function as Municipal Budget Officer; her being a next-in-rank to the said position; and that said designation is part of the agency's job rotation program will not justify her designation. Wherefore, the petition for review of incumbent Mayor Imelda U. Tan is hereby **DISMISSED**.

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

It shall be allowed only for a maximum period of one (1) year in the case of employees occupying professional, technical and scientific position. In the case of other employees, detail beyond one (1) 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.

Detail

Permanent Appointee

ANG, Ivan Patrick A., April 16, 2015
Re: Detail, NDC-2014-10015

- Governor Roberto Y. Uy, Provincial Government of Zamboanga del Norte, files an appeal from the Decision of CSCRO No. IX invalidating the detail of Atty. Ivan Patrick A. Ang, Provincial Government, Department Head (Provincial Tourism Officer) (SG 26), from Provincial Tourism Office, Provincial Government of Zamboanga del Norte to Municipal Tourism Office, Municipal Government of Sirawai; and denying his MR, respectively.
- Complainant Ang is a Provincial Government Department Head (Provincial Tourism Officer)(SG 26) stationed specifically at the Provincial Tourism Office, Provincial Government of Zamboanga del Norte. **He was appointed by then Governor Rolando E. Yebes as permanent to said position on October 8, 2009.**

Detail

Permanent Appointee

ANG, Ivan Patrick A., April 16, 2015
Re: Detail, NDC-2014-10015

- Governor Uy ordered Ang to report from the Provincial Tourism Office to the Municipal Tourism Office, Municipal Government of Sirawai, effective immediately.
- On September 3, 2013, Governor Uy designated Joshua Amado Bicoy, Executive Assistant IV, as Officer-In-Charge of the Provincial Tourism Office. Bicoy was directed to ensure the effective, efficient and continuous implementation of the programs, projects and personnel of the office.
- Ang filed before the CSCRO No. IX an appeal assailing and questioning the Detail Order issued by Governor Uy. In said Decision, CSCRO No. IX directed Governor Uy to restore Ang to his previous position and to pay his salaries and emoluments for the period he was deprived of the same. Governor Uy filed an MR.

Detail

Permanent Appointee

ANG, Ivan Patrick A., April 16, 2015

Re: Detail, NDC-2014-10015

- The Commission agrees that said detail is not in order.
- The Commission agrees the findings of CSCRO No. IX that the detail to the Municipal Government of Sirawai is in effect a diminution of his rank and status.
- Records reveal that Ang was appointed as Provincial Department Head (Provincial Tourism Officer) stationed specifically at the Office of Provincial Tourism Office. He exercises supervisory function over other employees, his detail did not provide whether he is to continue exercising his functions as Provincial Tourism Officer. The same did not also specify if he is to supervise a specific office, department and its employees.
- The Commission is convinced that the detail significantly reduced his supervisory function indicative of diminution of rank and status.

Moreover, it is apparent that the main duties and functions of Ang were removed from him as Bicoy, another appointee, was designated by Governor Uy to perform his major functions.

Detail Permanent Appointee

ANG, Ivan Patrick A., April 16, 2015
Re: Detail, NDC-2014-10015

- Moreover, a reading of the assailed detail order shows that Ang's detail to the Municipal Government of Sirawai has no specific duration.. Hence, the Commission is convinced that the Detail Order issued by Governor Uy is not in order. Wherefore, the appeal of Governor Uy is hereby **DISMISSED**.

Grounds for Disapproval:

a. Abandonment of Palarca Doctrine

**Clarificatory Guidelines on the
Issuance/Approval/Validation of
Permanent Appointments
*CSC MC No. 10, s. 2016***

Abandonment of Palarca Doctrine

CSC MC No. 10, s. 2016

PALARCA, Gladys France J.

CSC Resolution No. 10-1065 dated May 25, 2012

The Commission has allowed the validation of permanent appointments notwithstanding the fact that **at the time of the issuance of these appointments the appointees failed to comply with the training or experience requirement prescribed for the subject positions but nonetheless were able to satisfy said requirements during the pendency before the Commission** of the appeal on the invalidated or disapproved appointment. The Commission has approved said appointment *pro hac vice* on meritorious grounds.

Abandonment of Palarca Doctrine

CSC MC No. 10, s. 2016

Resolution No. 1501537 (December 23, 2015)

CSC MC No. 10, s. 2016 abandoned the Palarca Doctrine

- Sec.1. A permanent appointment will only be issued if the appointee meets all the minimum qualification requirements of the position to which he/she is being appointed;
- Sec.2. The reckoning point in determining the qualifications of an appointee is the **date of issuance of the appointment and not the date of its approval by the CSC or the date of the resolution of the protest against it**; and
- Sec.3. The subsequent compliance with the lacking requirements after the issuance of said appointment or during the pendency of appointee's appeal to the Commission will not validate said appointment.

Abandonment of Palarca Doctrine

CSC MC No. 10, s. 2016

Resolution No. 1501537 (December 23, 2015)

CSC MC No. 10, s. 2016 abandoned the Palarca Doctrine

Wherefore, for strict application of the rule, **if the appointee does not meet the requirements prescribed for the subject position at the time of the issuance of his/her appointment, said appointment shall be considered invalid and the same cannot in any way be ratified by the appointee's subsequent compliance with the lacking requirement.** A permanent appointment will only be considered valid if the appointee meets all the requirements prescribed for the subject position at the time of the issuance of his/her appointment and not thereafter. xxx

Abandonment of Palarca Doctrine

CSC MC No. 10, s. 2016

CSC vs Saturnino dela Cruz, August 31, 2004
G.R. No. 158737

- Before the SC is a petition for Certiorari under Rule 45 of the Revised Rules of Court, seeking to review and set aside the decision of the Court of Appeals entitled *Saturnino de la Cruz vs. Civil Service Commission*. In that decision, the appellate court set aside CSC Resolution Nos. 98-2970 and 99-1451, consequently approving Saturnino de la Cruz appointment as Chief of the Aviation Safety Regulation Office.
- Respondent Saturnino de la Cruz is an employee of the Air Transportation Office (ATO), DOTC, presently holding the position of Chief Aviation Safety Regulation Officer
- Annabella A. Calamba of the Aviation Security Division of the ATO formally filed with the DOTC her protest against the promotional appointment of respondent as Chief Aviation Safety Regulation Officer, claiming that respondent did not meet the four-year supervisory requirement for said position.

Abandonment of Palarca Doctrine

CSC MC No. 10, s. 2016

CSC vs Saturnino dela Cruz, August 31, 2004
G.R. No. 158737

- Then DOTC Secretary Garcia rendered a decision finding the protest without merit. Calamba, dissatisfied, appealed the decision of the DOTC Secretary to CSC-NCR. CSC-NCR rendered its decision recalling the approval of respondents appointment as Chief Aviation Safety Regulation Officer.
- After an initial evaluation of the protest, the contested position requires four (4) years of work experience in position/s involving management per QS Manual and/or four years of experience in planning, organizing, directing, coordinating and supervising the enforcement of air safety laws, rules and regulations. **WHEREFORE, the appeal of Annabella A. Calamba is hereby granted. The appointment of Saturnino De la Cruz as Chief Aviation Regulation Officer is disapproved.**
- The SC is of the view that experience-wise, Mr. dela Cruz did not meet the requirements of the contested position as of the date of his appointment

Abandonment of Palarca Doctrine

CSC MC No. 10, s. 2016

CSC vs Saturnino dela Cruz, August 31, 2004

G.R. No. 158737

- Respondent filed a petition for review with the Court of Appeals. In a decision, the CA granted the petition by setting aside CSC Resolution and approving respondents appointment as Chief of the Aviation Safety Regulation Office as the work already rendered by respondent in the ATO at the time of his appointment was well within the supervisory standard. These positions, spanning more than 13 years, in four of the five sections of the Aviation Safety Division of the ATO definitely met the minimum supervisory experience required of respondent for the position.
- **The SC, agrees with petitioner that the reckoning point in determining the qualifications of an appointee is the date of issuance of the appointment and not the date of its approval by the CSC or the date of resolution of the protest against it.**

Abandonment of Palarca Doctrine CSC MC No. 10, s. 2016

CSC vs Saturnino dela Cruz, August 31, 2004

G.R. No. 158737

- But even assuming for the sake of argument that respondent failed to meet the experience requirement to qualify for the contested position, **the SC is still inclined to uphold the appellate courts approval of respondents appointment. Petitioner itself has, on several occasions, allowed the appointment of personnel who were initially lacking in experience but subsequently obtained the same.** WHEREFORE, the instant petition is hereby DENIED.

Grounds for Disapproval:

- b. Nepotism** - appointments in the national, provincial, city and municipal governments or in any branch or instrumentality thereof, including government-owned or controlled corporations, made in favor of a relative of the appointing or recommending authority, or of the chief of the bureau or office, or of the persons exercising immediate supervision over him.

CSC MC No. 40, s. 1998

Grounds for Disapproval:

b. Nepotism

National Government – Within third degree of consanguinity or affinity

Local Government – Within fourth degree of consanguinity or affinity

Exemption:

- Persons employed in a confidential capacity
- Teachers
- Physicians
- members of the Armed Forces of the Philippines

Recall of Appointment Nepotism

Baguinang, Arra M., April 8, 2016
Nepotism, NDC-2015-09078

- Secretary Singson, DPWH, sent a letter requesting the Commission for the recall of the appointment issued to Arra M. Baguinang, Administrative Aide VI, Financial Management Division, on the ground of nepotism.
- A review of the documents proved that undue favor was given by the CSCRO when she was appointed in the form of ***de facto nepotism*** because Baguinang is the common-law daughter-in-law of the Chief of the Financial Management Division where the vacancy is.
- De facto nepotism was established by the following facts:
 1. The Chief of Division where the vacancy is is Susana Sablaza Duero xxx Mrs. Duero has one child, Mikko Sablaza Duero.
 2. Based on Mikko Duero's PDS, he is single and has a child listed as Duero, Solanna Ylouse B.
 3. Based on Ara Baguinang's PDS, is also single but with a child listed as Duero, Solanna Ylouse B.
 4. In their PDS, Mrs Duero, Mikko Duero and Ara Baguinang indicated that they have the same residential address.

Recall of Appointment Nepotism

Baguinang, Arra M., April 8, 2016
Nepotism, NDC-2015-09078

- The Commission recognizes and respects the wide latitude of discretion given to the appointing authority in choosing its employees, the only condition being that the appointee meets the minimum requirements of the position.
- Though it is clear that there can be no relation by affinity between Duero and Baguinang since the latter is not legally married to Duero's son. The Commission, however, posits that the intention from which the nepotism was formed should not be construed in its strictest sense. Conflict of interest is imminent should Duero be permitted to continually supervise Baguinang, a person to whom she has close personal relations. Wherefore, the letter to recall the appointment is hereby **GRANTED**.

Grounds for Disapproval:

- c. **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 the issuance of appointment.

CSC MC No. 7, s. 2011

Amendment to CSC MC No. 40, s. 1998

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Policy on Reclassified Positions

CSC MC No. 7, s. 2011

CSC Resolution 030962 (MC No. 12, s. 2003)

Revised Policies on Qualification Standards

Sec. 9 There shall be no reclassification and/or upgrading of positions except when the position is actually vacant, and its filling-in shall be subject to approved qualification standards.

CSC Resolution No. 1100071 (MC No. 7, s. 2011)

Amendment to the Revised Policies on Qualification Standards and the Revised Omnibus Rules on Appointments and Other Personnel Actions

Sec. 9 The appointment of an incumbent whose position was reclassified should be approved even if the incumbent is not qualified. The incumbent of reclassified position has a vested right to the reclassified position.

Policy on Reclassified Positions

CSC MC No. 7, s. 2011

Sec. 4 (j) MC No. 7, s. 2011

Amendment to the Revised Policies on Qualification Standards and the Revised Omnibus Rules on Appointments and Other Personnel Actions

- k. Reclassification – is a form of staffing modification and/or position classification action applied only when there is substantial change in the regular duties and responsibilities of the position. This may result in any or all of the position attributes: position title, level and salary grade.

It generally involves a change in the position title and may be accompanied by an upward or downgrade change in salary. Upgrading involves the upward change in salary grade allocation w/out change of position title.

Reclassification is the generic term for changes in staff/position classification while upgrading is a form of reclassification

Policy on Reclassified Positions

CSC MC No. 7, s. 2011

FERNANDEZ, Manolita G., September 9, 2014

Re: Disapproved Appointment, NDC-2014-05088

- Retired Clerk of Court IV of the Municipal Trial Court in Cities (MTCC), Leyte filed an MR of Decision of CSC-NCR affirming the disapproval of CSCFO-GSIS for failure to meet the education requirement.
- With the passage of RA 9389, the Municipal Trial Court (MTC) of Baybay, Leyte was converted into MTCC. Consequently, the existing positions in the said Court were reclassified. Thus, **Fernandez's position as Clerk of Court II was reclassified from Clerk of Court II to Clerk of Court IV.**
- CSCFO-GSIS disapproved his permanent appointment and three (3) others due to non-inclusion of their positions in NOSCA approved by the DBM.
- CSC-NCR, in appeal, disapproved Fernandez's appointment for failure to meet the education requirement for said position.
- The QS set forth for the position of Clerk of Court IV under the 1997 Revised QS Manual vis-à-vis the qualifications of Fernandez as shown in her PDS is that she failed to comply with the education requirement for the reclassified position.

Policy on Reclassified Positions

CSC MC No. 7, s. 2011

FERNANDEZ, Manolita G., September 9, 2014
Re: Disapproved Appointment, NDC-2014-05088

- CSC MC No. 7, s. 2011 provides, as follows:
 - ‘**Sec 9. The appointment of an incumbent whose position was reclassified should be approved even if the incumbent is not qualified.** The incumbent of reclassified position has a vested right to the reclassified position.’
- In this case, the change in the position of Fernandez from Clerk of Court II (SG 18) to Clerk of Court IV (SG 23) is a reclassification of position which involves a change of position title, level and salary grade. **Thus, since this involves a reclassification of position, Fernandez need not qualify to the position of Clerk of Court IV as she has a vested right to it being an incumbent of the reclassified position of Clerk of Court II under**

Grounds for Disapproval:

- d. Reorganization/Rationalization
*CSC MC No. 3, s. 2014***

Guidelines on the Placement of Personnel Relative to the Implementation of Approved Rationalization Plans of Agencies CSC MC No. 3, s. 2014

CSC MC No. 3, s. 2014

Sec. 1. Upon receipt of the approved Rat Plan from DBM or GCG, the agency, through the Placement Committee, shall place the incumbents to the same or comparable positions in the approved rationalized staffing pattern. **Comparable position is determined based not solely on salary grade but also on the duties and responsibilities of the positions and level of position in the organizational structure of plantilla of the agency.**

Incumbents to positions under permanent status who are placed to the same or comparable positions during the implementation of the approved agency Rat Plan are considered to have met the QS for the position.

Guidelines on the Placement of Personnel Relative to the Implementation of Approved Rationalization Plans of Agencies CSC MC No. 3, s. 2014

Sec.2. In the event that the number of incumbents exceeds the number of retained positions in the approved rationalized staffing pattern, then the order of separation and preference established under Section 3 and 4 of RA 6656 shall apply.

Sec.3. All efforts shall be exhausted to place incumbents holding permanent appointments to the approved rationalized staffing pattern. Placement of incumbent personnel to higher positions which constitute promotion shall not be allowed while placement to the same or comparable is not yet completed.

Sec. 13. The placed personnel shall enjoy security of tenure in the agency where they have been assigned in accordance with CS rules and

Guidelines on the Placement of Personnel Relative to the Implementation of Approved Rationalization Plans of Agencies CSC MC No. 3, s. 2014

PASTORES, Joel F., January 22,2015

Re: Rationalization; Reappointment (Appeal), NDC-2014-05082

- The PCSO Board of Directors approved a Rationalization Plan under Board Resolution No. 040, s. 2012 dated February 1, 2012 in PCSO.
- The Governance Commission for Government Owned and Controlled Corporations (GCG) issued a Memorandum which approved the PCSO Rationalization Plan. The PCSO Change Management Team (CMT) approved the posting of the list of placed employees and residual/affected personnel.
- On June 19,2013, Pastores applied for higher positions and was ranked, after interview and assessment by the CMT. The Resolution on the final placement of rank and file employees was approved by the PCSO Board of Directors.
- Pastores was placed as Social Welfare Officer I (SG 11), Individual Charity Assistance Division, Charity Assistance Department.

■ Pastores appealed his CMT Review Panel, which was later on dismissed
CSC-NCR forwarded Pastores' Appeal Memorandum to the Commission.

Guidelines on the Placement of Personnel Relative to the Implementation of Approved Rationalization Plans of Agencies CSC MC No. 3, s. 2014

PASTORES, Joel F., January 22, 2015

Re: Rationalization; Reappointment (Appeal), NDC-2014-05082

- The issue is whether the reappointment of Pastores to the position of Social Welfare Officer I is in order.
- In this case, **Pastores held the position of Social Welfare Officer 1 (SG 11) prior to the rationalization of the PCSO. Thereafter, he was reappointed to exactly the same position. Hence, the PCSO Board of Directors did not violate the provision mentioned above and the reappointment of Pastores as Social Welfare Officer I is in order.**
- Neither can Pastores fault the PCSO Board of Directors for not promoting him to any of the higher or 'level-up' positions he applied for since he did not rank first (1st) after interview and assessment by the agency's CMT.
- The Commission finds merit in the stand of the PCSO that its right and power to choose on who to appoint to the vacant positions in its approved Rationalized Plantilla of Personnel cannot curtailed. Wherefore, the appeal filed by Pastores is hereby **DISMISSED.**

Qualification Standards

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Qualification Standards -

the minimum and basic requirements for the position. However, agencies may prescribed higher standards for their positions in the government.

These shall serve as the basic guide in the selection of personnel and in the evaluation of appointments to all positions in the government.

CSC MC No. 12, s. 2003

Qualification Standards –

shall be established for all positions in the Index of Occupational Services (IOS). Agencies are encouraged to set specific or higher standards for their positions. These standards shall be submitted to the Commission for approval. Once approved, they shall be adopted by the Commission in the attestation of appointments of the agency concerned.

Definition of Career Service -

characterized by (1) entrance based on merit and fitness to be determined as far as practicable by competitive examination; (2) opportunity for advancement to higher career positions; and (3) security of tenure.

Classes of Positions in the Career Service –

First Level - shall include clerical, trades, crafts, and custodial service positions which involve non-professional or subprofessional work in a non-supervisory or supervisory capacity requiring less than four years of collegiate studies;

Second Level - shall include professional, technical, and scientific positions which involve professional, technical, or scientific work in a non-supervisory or supervisory capacity requiring at least four years of college work up to Division Chief level; and

Book V, EO 292

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Classes of Positions in the Career Service –

Third Level - the third level shall cover positions in the Career Executive Service (CES).

Book V, EO 292

CSC MC No. 14, s. 2014

- (3) Positions in the Career Executive Service; namely, Undersecretary, Assistant Secretary, Bureau Director, Assistant Bureau Director, Regional Director, Assistant Regional Director, Chief of Department Service and other officers of equivalent rank as may be identified by the Career Executive Service Board, **all of whom are appointed by the President;**

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Book V, EO 292

Definition of Non-Career Service –

Non-Career Service – Characterized by 1) entrance on bases other than those of the usual tests of merit and fitness utilized for the career service and 2) tenure which is limited to a period specified by law, coterminous with the appointing authority or subject to his pleasure.

Book V, EO 292

Classes of Positions in the Non-Career Service –

Non-Career Service –

- 1) Elective officials and their personal/confidential staff;
- 2) Secretaries and other officials of Cabinet rank;
- 3) Chairman and members of commissions and their personal and confidential staff;
- 4) Contractual personnel; and
- 5) Emergency and seasonal personnel.

Policies for Executive/Managerial Positions

CSC MC No. 14, s. 2014

Amendment to CSC MC No. 13, s. 2011

CSC Resolution No. 1400486 (March 27, 2014)

The Commission adopts the policies on training requirements appropriate for appointment to executive/managerial positions (SG-26 and above) in the second level:

1. Training required for executive/managerial positions in the second level shall be 120 hours of management training taken within the last five (5) years reckoned on the date of assessment.

Management training includes courses, workshops, seminars and other learning development interventions that develop and/or enhance knowledge, skills and attitude to enable successful performance of management functions. It is intended to prepare managers in managing people and work.

Policies for Executive/Managerial Positions

CSC MC No. 14, s. 2014

Amendment to CSC MC No. 13, s. 2011

HRD interventions or non-formal interventions such as coaching, mentoring, job-rotation, and others that are supported by certificates of the HRMO or authorized official from the government or private sector shall be considered training for meeting the training requirements in the QS.

2. For executive/managerial positions in the second level with duties and responsibilities involving practice of profession as reflected in their Position Description Form (PDF), xxx the Mandatory Continuing Legal Education (MCLE) for BAR passers and the Continuing Professional Education/Development (CPE/CPD) for licensed professionals taken within the last five (5) years may be considered appropriate trainings. **The MCLE, CPE/CPD and/or relevant trainings shall constitute for a maximum of 40 hours of training and the remaining 80 hours shall be management training taken within the last 5 years reckoned from the date of assessment.**

Policies for Executive/Managerial Positions

CSC MC No. 14, s. 2014

Amendment to CSC MC No. 13, s. 2011

3. Executive/managerial positions in the second level with duties and responsibilities which are highly-specialized in nature may require trainings which are highly-technical and/or highly-specialized. These shall make-up for a maximum of 80 hours of training and the remaining 40 hours shall be management trainings taken within the last five (5) years reckoned from the date of assessment.

These policy guidelines amend item 2 of CSC MC No. 13, s 2011, specifically **said amendment is on the recency requirement of five (5) years on trainings and the ratio of management to technical training for executive/managerial positions with duties involving the practice of profession or which belong to the same occupational group where practice of profession is required/ preferred or those considered highly technical or specialized.**

Reassignment

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Reassignment –

movement of an employee across the organizational structure within the same department or agency, which does not involve a reduction in rank, status or salary.

Revised Rules on Reassignment (CSC MC No. 2, s. 2005)

Reassignment - will not require issuance of an appointment shall nevertheless require an office order by duly authorized official:

1. These rules shall apply only to employees appointed to first and second level positions in the career and non-career services. Reassignment of third level appointees is governed by the provisions of Presidential Decree No. 1.
2. Personnel movements involving ***transfer or detail*** should not be confused with reassignment since they are governed by separate rules.

Revised Rules on Reassignment (CSC MC No. 2, s. 2005)

3. **Station-specific Reassignment** - allowed only for a maximum period of one (1) year. An appointment is *station-specific* when the particular office or station where the position is located is specifically indicated on the face of the appointment paper.
4. **Not station-specific Reassignment** - one-year maximum period shall not apply. Thus, reassignment of employees whose appointments do not specifically indicate the particular office or place of work has no definite period unless otherwise revoked or recalled by the Head of Agency, the Civil Service Commission or a competent court.
6. **Reassignment *outside geographical location*** if with consent shall have no limit. However, if it is without consent, reassignment shall be for one (1) year only. Reassignment outside geographical location may be from one Regional Office (RO) to another RO or from the RO to the Central Office (CO) and vice-versa.

Revised Rules on Reassignment (CSC MC No. 2, s. 2005)

7. 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 or her work because of the agency head's unreasonable, humiliating, or demeaning actuations, which render continued work impossible because of geographic location, financial dislocation and performance of other duties and responsibilities inconsistent with those attached to the position.** Hence, the employee is deemed illegally dismissed. This may occur although there is no diminution or reduction in rank, status or salary of the employee.

Revised Rules on Reassignment (CSC MC No. 2, s. 2005)

Reassignment that constitutes *constructive dismissal* may be any of the following:

- a) Reassignment of an employee to perform duties and responsibilities inconsistent with the duties and responsibilities of his/her position such as from a position of dignity to a more servile or menial job;
- b) Reassignment to an office not in the existing organizational structure;
- c) Reassignment to an existing office but the employee is not given any definite duties and responsibilities;
- d) Reassignment that will cause significant financial dislocation or will cause difficulty or hardship on the part of the employee because of geographic location; and
- e) Reassignment that is 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.

Revised Rules on Reassignment (CSC MC No. 2, s. 2005)

An employee who is reassigned in contravention of the guidelines set by the MC may appeal their reassignment to the CSC Regional Office exercising jurisdiction (*by geographical boundaries*) over his/her agency. Pending appeal with the CSC, a reassignment order is not immediately executory. The employee also has no duty to first report to the new place of assignment prior to questioning an alleged invalid reassignment imposed upon him/her (*Republic of the Philippines vs. Minerva MP Pacheco, G.R. No. 178021, January 25, 2012*).

Reassignment

a. Health Workers

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Policies on Reassignment

CSC MC No. 9, s. 2010

Supplemental to CSC MC No. 40, s. 1998

Sec. 6. Other Personnel Movements

CSC MC No. 9, s. 2010

Reassignment of Public Health Workers and Public Social Workers

Sec. 6 RA 7305 (The Magna Carta of Public Health Workers) provides for the rule on the transfer of geographical reassignment of public health workers:

“A public health worker shall not be transferred and/or reassigned, **except when made in the interest of public service**, in which case, the employee concerned shall be informed of the reasons therefore in writing. If the public health worker believes that there is no justification for the transfer and/or reassignment, he/she may appeal his/her case to the CSC, which shall cause his/her transfer and/or reassignment to be held in abeyance”.

Policies on Reassignment

CSC MC No. 9, s. 2010

Supplemental to CSC MC No. 40, s. 1998

Sec. 6. Other Personnel Movements

GINES, NAPOLEON, January 22, 2015

Re: Reassignment, NDC-2014-08007

- Mayor Jalosjos, City Government of Dapitan, files an appeal from Decision by CSCRO No. IX declaring the reassignment of Dr. Napoleon T. Gines, City Veterinarian, Economic Enterprise Market, invalid and directing him to restore Gines to his previous position.
- Gines was issued a permanent appointment as City Veterinarian (SG 25) at the City Veterinarian's Office, City Government of Dapitan. As such, he is considered a **health worker as defined under Section 3 of Republic Act No. 7305 (The Magna Carta of Public Health Workers)**.

Policies on Reassignment

CSC MC No. 9, s. 2010

Supplemental to CSC MC No. 40, s. 1998

Sec. 6. Other Personnel Movements

GINES, NAPOLEON, January 22, 2015

Re: Reassignment, NDC-2014-08007

CSC MC No. 2, s. 2005 (Revised Rules on Reassignment):

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 official or an employee quits his or her work because of the agency head's unreasonable, humiliating, or demeaning actuations, which render continued work impossible because of geographic location, financial dislocation and performance of other duties and responsibilities inconsistent with those attached to the position. Hence, the employee is deemed illegally dismissed. This may occur although there is no diminution or reduction in rank, status or salary of the employee.

Policies on Reassignment

CSC MC No. 9, s. 2010

Supplemental to CSC MC No. 40, s. 1998

Sec. 6. Other Personnel Movements

GINES, NAPOLEON, January 22, 2015

Re: Reassignment, NDC-2014-08007

- Gines holds a permanent appointment as City Veterinarian. Hence, he is entitled to permanence thereto and can only be reassigned for a maximum period of one year if reassignment is without his consent. A reassignment that is indefinite and results in reduction in rank, status, and salary is, in effect, a constructive removal from the service.
- **Not a reassignment to an equivalent rank, level or salary considering that he holds a Department Head position with specific functions and duties in veterinary service with an SG 25.** His reassignment is silent as to what specific position or rank he belongs to and what duties he would be performing.
- **There is no showing that the reassignment was premised on public interest or public service** and reasons are couched in general terms as he was not informed in writing of the specific reasons of his reassignment. The Petition for Review of Mayor Jalosjos is hereby **DISMISSED**.

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Reassignment Social Workers

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Policies on Reassignment

RA 9433, Magna Carta for Public Social Workers

AMORES, Myra M.

Reassignment, Public Social Worker

- Myra M. Amores, Municipal Social Welfare and Development Officer (MSWDO) I, Municipal Government of Cuyo, Palawan filed an appeal on the Reassignment Order of Mayor Andrew Ong, reassigning her from the MSWDO to HRMO.
- Amores is the Municipal Social Welfare and Development Officer I at the MSWDO under temporary status. Mayor Ong reassigned her to report on a daily basis to the HRMO with a task of preparing a comprehensive plan designed for a more effective and efficient delivery of basic services.
- Aggrieved, Amores filed an appeal with CSCRO No. IV and was forwarded to the Commission.

Policies on Reassignment

RA 9433, Magna Carta for Public Social Workers

AMORES, Myra M.

Reassignment, Public Social Worker

- RA 9433 Magna Carta for Public Social Workers

Sec. 18. Except in the interest of public service, no transfer or geographical reassignment shall be made or effected without written notice to a public social worker: Provided, That said written notice, stating the reasons for the reassignment, shall be made at least thirty (30) days prior to the date of transfer or reassignment. Provided further, that if the public social worker believes that there is no justification for the transfer and/or reassignment, he/she may appeal his/her case to the CSC.

- It is noted that said Reassignment Order was not made at least thirty (30) days prior to the date of Amores' reassignment. In this case, only four (4) days ~~has just lapsed prior to the~~ issuance of the Reassignment Order.

Policies on Reassignment

RA 9433, Magna Carta for Public Social Workers

AMORES, Myra M.

Reassignment, Public Social Worker

- The reassignment is also arbitrary when Mayor Ong appointed Booc, Administrative Officer II, as OIC of the MSWDO though he is not a registered social worker who holds a Bachelor of Science or Master's Degree in social work as required by RA 9433.
- The purpose was tainted with bad faith without sufficient cause and was done to oppress Amores on the pretext of advancing public interest.
- The appeal is granted and reassignment is not in order.

Reassignment

Constructive Dismissal

exists when an official or an employee quits his or her work because of the agency head's unreasonable, humiliating, or demeaning actuations, which render continued work impossible because of geographic location, financial dislocation and performance of other duties and responsibilities inconsistent with those attached to the position

Reassignment Demotion in Rank and/or Salary –

is the movement of an employee from one position to another without reduction in duties, responsibilities, status or rank which may or may not involve reduction in salary and is not disciplinary in nature.

Reassignment Dislocation

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Reassignment Midnight Appointments

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Petition to Recall Appointment Reassignment/Midnight Appointment

GALORIO, Norma R., January 15, 2014

Re: Disapproved Appointment

- Mayor Celso G. Regencia, City Government of Iligan, Lanao del Norte, files an appeal from the appointment of Norma R. Galorio as City Government Department Head II (CGDH II), by then Mayor Lawrence Cruz.
- The vacant position was published and had two (2) qualified applicants for the position, one of whom is Galorio. After the screening, interview and assessment process conducted by the PSB, Galorio was ranked no. 1
- On *May 23, 2013*, then Mayor Cruz appointed Galorio to the position of CGD Head II on a permanent status.
- The promotional appointment of Galorio was confirmed by the local sanggunian on *May 27, 2013* and approved/attested by the CSCRO No. X.
- During the *May 14, 2013* election, Celso Regencia, won as Mayor of Iligan City and assumed office on *June 30, 2013*.

Petition to Recall Appointment Reassignment

GALORIO, Norma R., January 15, 2014

Re: Disapproved Appointment

- The newly elected Mayor Regencia directed a job rotation of Department Heads and/or designated OIC to other positions. **Galorio was temporarily reassigned to the City Mayor's Office (CMO)** with a task of studying alternatives on improving the organizational structure of the City Government.
- Galorio after filing a letter of reconsideration, Mayor Regencia revoked the promotion and transfer of Galorio as CGD Head II on the ground of being a **midnight appointment**.
- Mayor Regencia likewise invalidated the appointment on the ground that it is invalid for having been issued **without clearance from the COMELEC in violation of Sec. 261 (g) and Sec. 261 (h) of B.P. Blg. 881 Omnibus Election Code** and for being violative of sec. 261 (g) and sec. 261 (h) of B.P. Blg. 881 Omnibus Election Code on midnight appointments.
- Galorio filed an Appeal Memorandum on October 4, 2013 with CSCRO No. X **appealing the revocation of the promotional appointment as well as her reassignment.**

Petition to Recall Appointment Reassignment

GALORIO, Norma R., January 15, 2014

Re: Disapproved Appointment

- Before Galorio's promotional appointment, she was the Planning Officer IV (SG 22) at the City Planning and Development Office and thereafter, promoted by Mayor Cruz as CGD Head II without prior authority from the COMELEC. She was in effect transferred to City Human Resource Management Office. **Hence, the promotional appointment of Galorio is considered as transfer in violation of the COMELEC Resolution No. 9581.**
- *The Commission is not persuaded to treat the appointment of Galorio as an exemption to the prohibition against “midnight appointment”.* While a justification was indeed submitted, the circumstances surrounding the issuance of Galorio’s appointment cast doubts on the intention of Mayor Cruz as it was not filled-up since June 5, 2010, contradicting the perceived urgency he now claims.

Separation from the Service

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1. Dropping from the Rolls –

Officers and employees who are either habitually absent or have an unsatisfactory or poor performance or have shown a physically and mentally unfit to perform their duties may be dropped from the rolls.

- Absence without Approved Leave
- Unsatisfactory or Poor Performance
- Physically and Mentally Unfit

2. Resignation -

Voluntary written notice of the employee informing the appointing authority that he is relinquishing his position and the effectivity date of said resignation.

3. Discipline

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4. Death

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Other Updates on Rules Governing Appointments and Other HR Actions

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CSC OM No. 27, s. 2008 (Subject: Guidelines on Processing of Appointments to Positions Above Division Chief Level Performing Executive and Managerial Functions)

Amendment to CSC MC No. 9, s. 2005, Limitation on Renewal of Temporary Appointment

VER, ELVIRA C., February 27, 2015

Re: Invalidated Appointment, NDC-2014-01075

- Lorna O. Fajardo, then Acting President and Chief Executive Officer (CEO), PhilHealth, Pasig City, files a motion for reconsideration from the Decision dated January 7, 2008 of the CSC-NCR, Quezon City, invalidating the temporary appointment dated September 1, 2006 of Elvira C. Ver as Department Manager A (SG-26) issued by PhilHealth, for violation of CSC MC No. 9, s. 2005 (Limitation on Renewal of Temporary Appointments) and CSC OM No. 85, s. 2005 (Clarification on CSC MC No. 9, s. 2005)
- Records show that since September 1, 1998, Ver had been issued a temporary appointment as Department Manager A, which was renewed annually.
- On September 1, 2006, then PhilHealth CEO Fajardo issued a temporary appointment (renewal) to Ver as Department Manager A. **Thereafter, in a Decision dated January 7, 2008, the CSC-NCR invalidated said appointment of Ver for violation of CSC MC No. 9, s. 2005.**

**CSC OM No. 27, s. 2008 (Subject: Guidelines on Processing of Appointments to Positions Above Division Chief Level Performing Executive and Managerial Functions)
Amendment to CSC MC No. 9, s. 2005, Limitation on Renewal of Temporary Appointment**

VER, ELVIRA C., February 27, 2015
Re: Invalidated Appointment, NDC-2014-01075

- Subsequently, the CSC-NCR forwarded to the Office for Legal Affairs (OLA), for appropriate action the MR filed by CEO Fajardo, treated as Petition for Review.
- The QS for the position of Department Manager A as prescribed in the 1997 Revised QS Manual vis-a-vis Ver's qualifications as stated in her PDS clearly show that it is undisputed that Ver was able to meet the education, training requirements and experience. However, she failed to meet the eligibility requirement since she is not a holder of a Career Executive Service Eligibility (CESE)/Career Service Executive Eligibility (CSEE).

**CSC OM No. 27, s. 2008 (Subject: Guidelines on Processing of Appointments to Positions Above Division Chief Level Performing Executive and Managerial Functions)
Amendment to CSC MC No. 9, s. 2005, Limitation on Renewal of Temporary Appointment**

VER, ELVIRA C., February 27, 2015

Re: Invalidated Appointment, NDC-2014-01075

- The Commission, however, notes that CSC MC No. 9, s. 2005 has been abandoned with the promulgation of CSC OM No. 7, s. 2008 which reads, in part, as follows:

In view thereof, OM No. 6, series of 2008 and all other issuances of the Commission inconsistent with the afore-stated law and jurisprudence are likewise deemed repealed, superseded and abandoned. **Accordingly, CSC Central, Regional, and Field Offices are hereby directed to approve appointments to non-CES positions in any agency or department even without third level eligibility, subject to applicable CS Law, rules and regulations.**

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**CSC OM No. 27, s. 2008 (Subject: Guidelines on Processing of Appointments to Positions Above Division Chief Level Performing Executive and Managerial Functions)
Amendment to CSC MC No. 9, s. 2005, Limitation on Renewal of Temporary Appointment**

VER, ELVIRA C., February 27, 2015
Re: Invalidated Appointment, NDC-2014-01075

With the issuance of said OM, Ver's non-possession of a CESE/CSEE is deemed remedied. It is evident that at the time the subject MR was filed on April 2, 2008 to the time that the same was forwarded to the Commission for appropriate action on April 11, 2012, significant changes in policies regarding third-level positions had been enacted and, one of which is the abandonment of CSC MC No. 9, s. 2005. Wherefore, the MR of Fajardo, is hereby GRANTED.

Policies on Accreditation of Services CSC MC No. 25, s. 2014 Amendment to MC No. 19, s. 2006

*CSC Resolution No. 1401316, Sept. 12, 2014, CSC MC No. 25, s. 2014
Amending CSC MC No. 19, s. 2006*

A. Actual services rendered starting January 1, 2015 pursuant to a defective appointment or without any appointment shall no longer be credited as government service. However, officials and employees who rendered actual services before January 1, 2015 pursuant to defective appointments or w/out any appointment, except those who have already retired under existing laws but not under EO 366, may still submit the request for the inclusion of said services with the CSCRO concerned until the last working day of 2014 only.

Policies on Accreditation of Services

CSC MC No. 25, s. 2014

Amendment to MC No. 19, s. 2006

Rule VI Sec. 3, CSC MC No. 40, s. 1998

xxx. Services rendered by a person for the duration of his/her 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 CS law, such as failure of the appointee to meet the 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.

CSC Resolution No. 1401316, Sept. 12, 2014, CSC MC No. 25, s. 2014

Sec. 5. If an appeal on a disapproved/invalidated appointment issued on or before Dec. 31, 2014 is dismissed by the CSCRO or by the Commission, the dispositive portion of the CSCRO or by the Commission Resolution shall state the automatic accreditation of the employee's actual services up to Dec. 31, 2014 only and the entitlement of the employee to salaries for actual services rendered under the de facto principle.

Policies on Accreditation of Services

CSC MC No. 25, s. 2014

Amendment to MC No. 19, s. 2006

CSC Resolution No. 1401316, Sept. 12, 2014, CSC MC No. 25, s. 2014

Sec. 6. If an appeal on a disapproved/invalidated appointment issued on January 1, 2015 and onwards is dismissed by the CSCRO or by the Commission, the dispositive portion of the CSCRO or Commission Resolution shall state the entitlement of the employee concerned to salaries for actual services rendered.

Policies on Accreditation of Services

CSC MC No. 25, s. 2014

Amendment to MC No. 19, s. 2006

BERNALES, Francisco Arsenio S.

Re: Accreditation of Service , NDC-2015-0595

- Francisco Arsenio S. Bernales, former Municipal Registrar, Municipal Government of Nasugbu, Province of Batangas, files a petition for review of the Resolution No. 15-00144 dated March 16, 2015 of the CSCRO No. IV, denying his request for the accreditation of his services from November 13, 2013 to November 13,2014.
- On November 13,2013, Mayor Rosario M. Apacible, Municipal Government of Nasugbu, Province of Batangas, appointed Bernales to the position of Local Civil Registrar, under temporary status for failure to meet the three (3)-year experience requirement of the position. On February 21,2014, said appointment was disapproved by CSCFO-Batangas. The same was dismissed in CSCRO No. IV Decision No. 14-0161 dated August 5,2014. Bernales did not file a petition for review, hence, said Decision attained finality.

Policies on Accreditation of Services

CSC MC No. 25, s. 2014

Amendment to MC No. 19, s. 2006

BERNALES, Francisco Arsenio S.

Re: Accreditation of Service , NDC-2015-0595

- Section 100, Rule 21, Revised Rules on Administrative Cases in the Civil Service (RRACCS) provides, as follows:

"Rule 21. ACCREDITATION OF SERVICE

"Section 100. Request for Accreditation of Service. Officials and employees who rendered actual services pursuant to defective appointments or without any appointment except those who have already retired, may request the inclusion of said services in their official service record in the Commission."

Policies on Accreditation of Services

CSC MC No. 25, s. 2014

Amendment to MC No. 19, s. 2006

BERNALES, Francisco Arsenio S.

Re: Accreditation of Service , NDC-2015-0595

- CSC MC No. 25, s. 2014 provides that:

Sec. 5. If an appeal on a disapproved/invalidated appointment issued on or before Dec. 31, 2014 is dismissed by the CSCRO or by the Commission, the dispositive portion of the CSCRO or by the Commission Resolution ***shall state the automatic accreditation of the employee's actual services up to Dec. 31, 2014 only*** and the entitlement of the employee to salaries for actual services rendered under the *de facto principle*.

- Wherefore, the petition for review of Bernales, former Municipal Registrar, Municipall Government of Nasugbu, Batangas is GRANTED.

**Omnibus Rules on Leave, Period Within
Which to Avail Paternity Leave
CSC MC No. 1, s. 2016
Amendment to CSC MC No. 14, s. 1999
Sec. 20 Omnibus Rules on Leave**

CSC MC No. 14, s. 1999, Sec 20, Omnibus Rules on Leave

Sec. 20. Paternity leave of seven (7) days shall be non-cumulative and strictly non-convertible to cash. The same may be enjoyed either in a continuous or in an intermittent manner by the employee on the days immediately before, during, and after the childbirth or miscarriage of his legitimate spouse.

CSC MC No. 01, s. 2016

Sec. 20. Paternity Leave Non-Cumulative/Non-Commutative. The same may be enjoyed either in a continuous or in an intermittent manner by the employee on the days immediately before, during, and after the childbirth or miscarriage of his legitimate spouse. **Said leave shall be availed of not later than sixty (60) days after the date of the child's delivery.**

Grant of Foreign School Honor Graduate Eligibility to Filipino Honor Graduates of Bachelor's Degree in Foreign Schools

CSC MC No. 8, s. 2015

Pursuant to CSC Resolution No. 1302714, December 17, 2013 under CSC MC No. 8, s. 2015

The Commission has resolved to grant the Foreign School Honor Graduate Eligibility (FSHGE), as a CS Eligibility, to Filipino citizens who graduated summa cum laude, magna cum laude, cum laude, or its equivalent, in their baccalaureate earned from a legitimate school/college/university in other countries.

An applicant must meet the following qualification requirements:

1. A Filipino citizen who graduated summa cum laude, magna cum laude, cum laude or its equivalent in his/her baccalaureate degree beginning school year 1972-1972. Applicable Philippine law and rules shall be observed in resolving issues/concerns on citizenship;
2. Graduated from a reputable foreign school as verified by the DFA through the Philippine Foreign Service Post;

Grant of Foreign School Honor Graduate Eligibility to Filipino Honor Graduates of Bachelor's Degree in Foreign Schools CSC MC No. 8, s. 2015

*Pursuant to CSC Resolution No. 1302714, December 17, 2013 under
CSC MC No. 8, s. 2015*

An applicant must meet the following qualification requirements:

3. Has not been found guilty of any crime involving moral turpitude or of infamous, disgraceful, or immoral conduct, dishonesty, drunkenness, or addiction to drug;
 4. Has not been previously found guilty of offenses relative to, or in connection with, the conduct of a civil service examination; and
 5. Has not been dismissed from the government civil service for cause.
- FSHGE shall be considered applicable eligibility for first and second level positions in the government that do not involve practice of profession and are not covered by bar/board/other laws.

Policy Governing the Filing and Taking of CS Examinations of Those Holding Dual Citizenship

CSC MC No. 7, s. 2015

*Pursuant to CSC Resolution No. 1401559, October 30, 2014,
CSC MC No. 7, s. 2015*

The Commission has resolved that Filipinos who have been naturalized citizens of a foreign country shall be allowed to apply for and take any of the CSEs being administered by the CSC. Accordingly, holders of dual citizenship under RA 9225, “Citizenship Retention and Re-acquisition Act of 2003” may apply for, and take the civil service examination being administered by the CSC.

The CSCROs/FOs shall require the applicant to present the original and submit a copy of their Certification of Retention/Reacquisition of Philippine Citizenship from the BOI when **applying to take the CSEs** in addition to other requirements.

Revised Policies on the Grant of Eligibility under CSC MC No. 11, s. 1996, as amended CSC MC No. 10, s. 2013

*Pursuant to CSC Resolution No. 1202124, November 27, 2012,
MC No. 10, s. 2013*

The Commission adopts policies on the grant of eligibility for skilled positions in the government:

1. The positions and corresponding appropriate eligibilities listed under Category I of CSC MC No. 11, s. 1996, as revised, shall be categorized under Category II where the required eligibility can be obtained by completion of one (1) year of VS actual performance;
2. Eligibilities previously issued under Category I (Skills Certificate Equivalency Program [SCEP]) shall continue to be appropriate for permanent appointment to corresponding position re-categorized under Category II and other functionally-related positions without undergoing one (1) year employment under temporary status, provided the other requirements are met; and

Revised Policies on the Grant of Eligibility under CSC MC No. 11, s. 1996, as amended CSC MC No. 10, s. 2013

*Pursuant to CSC Resolution No. 1202124, November 27, 2012,
MC No. 10, s. 2013*

The Commission adopts policies on the grant of eligibility for skilled positions in the government:

3. Certificates issued by the TESDA for completion of TESDA skills training and/or passing the TESDA skills tests conducted on April 1, 2013 and onwards shall be considered as training qualifications of corresponding trades and crafts positions.

In transition, the Commission shall confer eligibility up to December 31, 2013 to passers of the TESDA skills covered by the SCEP conducted up to March 31, 2013 only.

Office of the President of the Philippines
MC No. 1, June 30, 2016
Ensuring Continuous and Effective Delivery of
Government Services to the People

In the exigency of the service and to ensure the continuous and effective delivery of national government services, the following are hereby directed to continue serving in hold-over capacity until July 31, 2016, unless their appointments are sooner revoked, resignations accepted, replacements appointed, or reappointments issued:

1. All government officials and employees whose appointments are coterminous with the appointing authority and whose positions are within an agency's plantilla, except the Head of Agency; and
2. Those holding positions whose terms of office have expired, unless otherwise prohibited by law and/or other government rules and regulations.

Office of the President of the Philippines
MC No. 1, June 30, 2016
Ensuring Continuous and Effective Delivery of
Government Services to the People

All coterminous positions in excess of or not covered by an agency's plantilla are hereby considered functus officio by 12:00 noon of June 30, 2016, unless their occupants are otherwise directed by the Head of Agency/Entity to continue serving in hold-over capacity until July 31, 2016.

Subject officials whose positions have become functus officio are hereby directed to ensure a smooth transition and turnover of their records and documents, both hard and e-copies, to their successors and/or the highest career official/personnel in their respective agencies.

**Clarification:
CSC MC No. 13, s. 2014
Recognized and Accredited
Training Institutions**

PAGBA 2016 2nd Quarterly Seminar & Meeting
July 6-9, 2016
Pryce Hotel, Cagayan De Oro City

Recognized and Accredited Training Institutions

CSC MC No. 13, s. 2014

- CSC Resolution No. 051858 (December 14, 2005) in MC No. 3, 2006 (January 20, 2006) – **terminated the Accreditation of Training Institutions (ATI).**
- CSC Resolution 1200692 (April 25, 2012) as amended by Resolution No. 1300618 (April 22, 2012) – **program was revived.**
- Relative to this, CSC Resolution No. 1300981 (Qualification Standards on Training”)(May 17, 2013) in MC No. 21, s. 2013 (October 29, 2013), enumerated seven (7) general categories of institutions from which training may be acquired. Specific list of training institutions for each of the categories is provided in CSC Announcement No. 21, s. 2014, dated April 3, 2014.
- This CSC Reso 1200692 provides that all private training institutions the accreditation of which was terminated pursuant to MC No. 3, 2006 and would want to be accredited again, shall apply anew xxx.

Recognized and Accredited Training Institutions

CSC MC No. 13, s. 2014

- However, it has come to the attention of the Commission that some private training institutions are still invoking their previous accreditation to the prejudice of the government and disadvantage of the public.

It is therefore reiterated that:

1. Accreditation granted to all private training institutions prior to the issuance of the revived ATI program (Reso 1200692) is invalidated and revoked. Institutions that intend to be accredited again should apply subject to the guidelines/procedures under the new system of accreditation.
2. Institutions listed under CSC MC No. 21, s. 2013 are considered recognized or accredited and training acquired from the same is considered meeting the relevant training requirement, under the QS, for appointment to positions in the civil service.