



Updates on CSC Law and Rules

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2016 Omnibus Rules on Appointments and Other Human Resource Actions

Pursuant to Paragraph 2 and 3, Section 12, Book V of Executive Order No. 292, the Civil Service Commission (CSC) hereby prescribes these rules to govern the preparation, submission of, and actions to be taken on appointments and other human resource actions.

These rules shall apply only to employees appointed to first and second level positions, including executive/managerial positions, in the career and non-career service.





SALIENT FEATURES



RULE III

Procedures in the Preparation of Appointments



Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

MC No. 40, s. 1998

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.*

2016 OMNIBUS RULES ON APPOINTMENTS AND OTHER HUMAN RESOURCE ACTIONS

RULE III. PROCEDURES IN THE PREPARATION OF APPOINTMENTS

*Sec. 1.a. Appointment Form. The appointment form (**CS FORM 33**, Revised 2016), which shall be in English, shall be used for appointments in the career and non-career service except those for casual appointments.*

CSC Form No. 33-A and B (Appointment Form) is also in English language. At the back of the 33-B form, the notation portion is improved as it is now CSC/HRMO Notation on the action taken on the appointments which will serve as tracking or monitoring of the status of appointment issued.



Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

MC No. 40, s. 1998, AS AMENDED

*i. **PERSONAL DATA SHEET.** The appointee's Personal Data Sheet (CS Form 212, Revised 2005) which should be properly and completely accomplished by the appointee, shall be attached to the appointment.*

2016 OMNIBUS RULES ON APPOINTMENTS AND OTHER HUMAN RESOURCE ACTIONS

*b. **PERSONAL DATA SHEET.** The Personal Data Sheet (PDS) (CS Form 212, Revised 2016) which should be updated and accomplished properly and completely by the appointee shall be attached to the appointment'.*

For CS Form No. 212, Revised 2016, there are some information added in the Personal Data Sheet such as the data on dual citizenship.



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

MC No. 07, 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 Civil Service Examinations (CSEs) being administered by the CSC.

Holders of dual citizenship under RA 9225 otherwise known as the “Citizenship Retention and Re-acquisition Act of 2003” may apply for, and take the CS examinations being administered by the CSC.

The applicants shall be required to present the original and submit a copy of their Certification of Retention/Reacquisition of Philippine Citizenship from the Bureau of Immigration when applying to take the CSEs.



Policy on Employment in the Government Service of Filipino Citizens with Dual Citizenships

MC No. 23, s. 2016

A person with dual citizenship shall not be appointed in the government unless **he/she renounces his/her citizenship pursuant to the provisions of Republic Act No. 9225**. However, if after renunciation, the person continues to use his/her foreign passport for whatever purposes, he/she shall not be considered for appointment in the government service.

The **right to be appointed to any public office in the Philippines cannot be exercised by, or extended to, those who are candidates for or are occupying any public office in the country of which they are naturalized citizens and/or are in active service as commissioned or non-commissioned officers in the armed forces of the country of which they are naturalized citizens.**

Incumbent government employees who have dual citizenships shall be given six (6) months from the effectivity of this Resolution to renounce their foreign citizenship and take their oath of allegiance to the Republic of the Philippines. Otherwise, the prior approval/validation of their appointment shall be recalled.



Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

MC No. 16, s. 2004

*Submission of Copies of Appointments and **OATHS OF OFFICE** to the Commission*

To ensure complete and accurate personnel records, the Commission enjoins all heads of government agencies, including government- owned or controlled corporations, to furnish the CSC copies of appointments and oaths of office of their respective officials and employees.

2016 OMNIBUS RULES ON APPOINTMENTS AND OTHER HUMAN RESOURCE ACTIONS

RULE II. REQUIREMENTS FOR REGULAR APPOINTMENTS

*Sec. 1.f. **OATH OF OFFICE.** To be submitted within the 30-day period from the date of issuance of the appointment.*

Oath of Office has been included in the common requirements. Under CSC MC 40, s. 1998 submission of oath of office is not included. However, perusal of CSC MC 16, s. 2004 shows that the Commission enjoined all heads of agencies to furnish the CSC with copies of appointments and oaths of office.



Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

MC No. 40, s. 1998, AS AMENDED

RULE VIII. Sec. 1.

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.

2016 OMNIBUS RULES ON APPOINTMENTS AND OTHER HUMAN RESOURCE ACTIONS

RULE II. Sec. 3.

d. **CLEARANCES.** A valid National Bureau of Investigation (NBI) Clearance is required for original appointment and reemployment.

In case of transfer, promotion (from one department/agency to another department/agency) and reemployment, **clearance from money, property and work-related accountabilities** from the appointee's former office is required.

The office clearance required for transfer, promotion from one department/agency to another, and reemployment shall include clearance from work-related accountabilities.



Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

2016 OMNIBUS RULES ON APPOINTMENTS AND OTHER HUMAN RESOURCE ACTIONS

MC No. 40, s. 1998, AS AMENDED

Rule III. Sec. 1.

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.

The Personnel Selection Board is renamed to Human Resource Merit Promotion and Selection Board (HRMPSB).

RULE III. Sec. 1a.

12. CERTIFICATION OF HUMAN RESOURCE MERIT PROMOTION AND SELECTION BOARD (HRMPSB)

Evaluation/Screening. All appointees should be screened and evaluated by the HRMPSB, if applicable. As proof thereof, a certification signed by the Chairperson of the HRMPSB at the back of the appointment specifying that the required representation of the HRMPSB was complete during the deliberation or alternatively, a copy of the proceedings/minutes of the HRMPSB deliberation shall be submitted together with the appointment. The HRMPSB deliberation in the NGAs, GOCCs with original charters, and SUCs (for their administrative and support staff) shall commence not earlier than ten (10) calendar days from the date of posting and publication of vacant positions; xxx



RULE IV

Employment Status, Nature of Appointment and Other Human Resource Action



Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

MC No. 40, s. 1998, AS AMENDED

RULE III. Sec. 2b.

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 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.*

The certification vouching for the absence of a qualified eligible actually available who is willing to accept the appointment is now delegated to the HRMO.

2016 OMNIBUS RULES ON APPOINTMENTS AND OTHER HUMAN RESOURCE ACTIONS

RULE IV. Sec.1b. Employment Status

TEMPORARY- *an appointment issued to a person who meets the education, experience and training requirements for the position to which he/she is being appointed to except for the appropriate eligibility. A temporary appointment may only be issued in the **absence of a qualified eligible actually available who is willing to accept the appointment, as certified by the highest official in charge of human resource management.** 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.*



Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

MC No. 40, s. 1998, AS AMENDED

RULE III. Sec. 2b.

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 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.*

2016 OMNIBUS RULES ON APPOINTMENTS AND OTHER HUMAN RESOURCE ACTIONS

RULE IV. Sec.1b (3). *Employment Status*
A **TEMPORARY** appointment issued to a person who does not meet any of the education, training or experience requirements for the position shall be disapproved/invalidated **except to positions that are hard to fill, or other meritorious cases as may be determined by the Commission, or as provided by special law, such as Medical Specialist positions, Special Science Teacher, Faculty positions and Police Officer positions.** Except for these positions, temporary appointments may only be renewed once.



Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

EXPANDED DEFINITION OF TEMPORARY STATUS

Temporary appointment is re-defined to include provision that a temporary appointment issued to a person who does not meet any of the education, training or experience requirements for the position shall be disapproved/invalidated except for positions that are hard to fill, or other meritorious cases as may be determined by the Commission, or as provided by special law, such as Medical Specialist positions, Special Science Teacher, Faculty positions and Police Officer positions. Except for this position, temporary appointments may only be renewed once.



Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

MC No. 40, s. 1998, AS AMENDED

RULE III. Sec. 2.

*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:*

- (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) co-terminous with the project, and*
- (e) co-terminous with the life span of the agency.*

2016 OMNIBUS RULES ON APPOINTMENTS AND OTHER HUMAN RESOURCE ACTIONS

RULE IV. Sec. 1.

*d. **COTERMINOUS** - an appointment issued to a person whose tenure is limited to a period specified by law or whose continuity in the service is based on the trust and confidence of the appointing officer/authority or of the head of the organizational unit where assigned. Specifically, the categories of coterminous appointments are:*

- 1. Coteterminous with the appointing officer authority – an appointment is coexistent with the term/tenure of the appointing officer/authority.*
- 2. Coteterminous with the head of the organizational unit where assigned – an appointment is coexistent with the term/tenure of the head of the organizational unit to which he/she is assigned, who is not the appointing officer/authority.*



Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

2016 OMNIBUS RULES ON APPOINTMENTS AND OTHER HUMAN RESOURCE ACTIONS

RULE IV. Sec. 1.

d.2. Coterminous with the head of the organizational unit where assigned – xxx.

Appointees to coterminous positions that are not primarily confidential in nature (Items 1 and 2) must meet the education, training and experience requirements of the positions as proposed by the respective Agency Heads and approved by the Commission. Eligibility is not required for appointment, except those whose duties involve the practice of a profession regulated by the Philippine Bar/ Board or special laws and/or require licenses such as those positions listed under Category IV of CSC MC No. 11, s. 1996, as amended, but preference should be given to civil service eligible.



Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

2016 OMNIBUS RULES ON APPOINTMENTS AND OTHER HUMAN RESOURCE ACTIONS

RULE IV. Sec. 1.d.

3. COTERMINOUS (PRIMARILY CONFIDENTIAL IN NATURE) - *an appointment to positions determined by law or declared by the Commission to be primarily confidential in nature, the duties and responsibilities of which imply not only confidence in the aptitude of the appointees but primarily close intimacy which insures freedom of discussion, delegation and reporting without embarrassment or freedom from misgivings or betrayals of personal trust. Appointees to primarily confidential positions are exempt from the qualification requirements, except those whose duties involve the practice of a profession regulated by the Philippine Bar/Board or special laws and or require licenses.*



Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

CO-TERMINOUS APPOINTMENT is re-categorized to exclude co-terminous with the incumbent, with the project and with the life span of the agency.

CO-TERMINOUS (PRIMARILY CONFIDENTIAL IN NATURE) is added.

Under the co-terminous with the appointing officer/authority and with the head of organizational unit where assigned, you will notice that we have specified both the term and tenure. This is based on the suggestion during the legal consultation.

Based on Topacio Nueno et. al. vs. Angeles, term is distinct from tenure as the former refers to the time which the officer may claim to hold office. Tenure on the one hand, represents the term during which the incumbent actually holds the office. Tenure may be shorter than the term for reasons within or beyond the power of the incumbent.



Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

2016 OMNIBUS RULES ON APPOINTMENTS AND OTHER HUMAN RESOURCE ACTIONS

RULE IV. Sec. 1.

*e. **FIXED TERM** – an appointment issued to a person with a specified term of office, subject to reappointment as provided by law, such as Chairperson and members of commissions and boards, SUC President, and Head of Agency appointed by the Board.*

The definition of FIXED TERM is added.



Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

MC No. 40, s. 1998

Rule III. Sec. 2.

*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.*

2016 OMNIBUS RULES ON APPOINTMENTS AND OTHER HUMAN RESOURCE ACTIONS

RULE IV. Sec.1.

*f. **CONTRACTUAL** – an appointment issued to a person whose employment in the government is in accordance with a special contract to undertake local or foreign-assisted projects or a specific work or job requiring special or technical skills not available in the employing agency, to be accomplished within a specific period. The inclusive period of the contractual appointment shall be indicated on the face of the appointment for purposes of crediting services.*

Contractual appointments are limited to one year, but, may be renewed every year, based on performance, until the completion of the project or specific work.



Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

2016 OMNIBUS RULES ON APPOINTMENTS AND OTHER HUMAN RESOURCE ACTIONS

RULE IV. Sec.1.

*f. **CONTRACTUAL** – However, if the performance of the appointee is below satisfactory or where the funds have become insufficient or unavailable, the appointing officer/authority may terminate the services of, or replace, the appointee giving the latter a notice at least 30 days prior to the date of termination of appointment.*

Employees under contractual appointment must meet the education, training and experience requirements of the positions as proposed by the respective Agency Heads and approved by the Commission. Eligibility is not required for appointment, except those whose duties involve the practice of a profession regulated by the Philippine Bar/Board or special laws and/or require licenses such as those positions listed under Category IV of CSC MC No. 11, s. 1996, as amended, but preference should be given to civil service eligibles.



Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

CONTRACTUAL APPOINTMENT is re-defined to include provision that contractual appointments are limited to one year, but, may be renewed every year, based on performance, until the completion of the project or specific work. It is also provided that the inclusive period of the contractual appointment shall be indicated on the face of the appointment for purposes of crediting services, and that it shall not be issued to fill a vacant plantilla position or a contractual employee perform the duties and responsibilities of the vacant plantilla position.



Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

MC No. 40, s. 1998

Rule III. Sec 3.

EMPLOYMENT STATUS OF TEACHERS.

- 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.*

2016 OMNIBUS RULES ON APPOINTMENTS AND OTHER HUMAN RESOURCE ACTIONS

Rule IV. Sec 2.

EMPLOYMENT STATUS OF TEACHERS. *The employment status of teachers to any teaching position shall be any of the following:*

- a. Permanent – an appointment issued to an appointee who meets all the requirements of the position.*
- b. Provisional - an appointment issued to an appointee who meets all the requirements of the position except the eligibility but only in the absence of a qualified eligible actually available who is willing to accept the appointment, as certified by the Schools Division Superintendent. It shall not be effective beyond the school year during which it was issued. The appointment shall be subject to reappointment (renewal).*
- c. TEMPORARY - an appointment issued to an appointee who meets all the requirements of the position except the education. It shall not be effective beyond the school year during which it was issued. The appointment shall be subject to reappointment (renewal).*



Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

EMPLOYMENT STATUS OF TEACHERS is expanded to include **Temporary and Contractual**. Regular Permanent status is now Permanent, deleting Regular since there is no such thing as Regular Permanent. Contractual status is introduced to be consistent with the hiring guidelines of the Department of Education for its K-12 program.

2016 OMNIBUS RULES ON APPOINTMENTS AND OTHER HUMAN RESOURCE ACTIONS

Rule IV. Sec 2.

EMPLOYMENT STATUS OF TEACHERS. *The employment status of teachers to any teaching position shall be any of the following:*

d. Substitute - an appointment issued to an appointee when the regular incumbent of the position is temporarily unable to perform the duties of the position. It shall be effective until the return of the incumbent.

Appointees to substitute teaching positions shall be required to possess RA No. 1080 (Teacher) eligibility.

e. CONTRACTUAL - an appointment issued to an appointee who shall teach specialized subjects in secondary education on part-time basis. The inclusive period shall be indicated on the appointment for purposes of crediting services.

Appointees to contractual teaching positions shall not be required to possess RA No. 1080 (Teacher) eligibility.



Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

MC No. 40, s. 1998

Rule III. Sec 4.

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.**

For transfer incidental to promotion, there is a need to follow the procedure on transfer where the promoted employee is required to notify the head of the agency within 30 days. The same requires clearance from money, property and work-related accountabilities.

2016 OMNIBUS RULES ON APPOINTMENTS AND OTHER HUMAN RESOURCE ACTIONS

Rule IV. Sec 3.

c. **PROMOTION** - the advancement of a career 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. Provided, however, that any upward movement from the non-career service to the career service and vice versa shall not be considered as a promotion but as reappointment.

An employee who is promoted to another agency shall notify the head of the department or agency in writing where he/she is employed within 30 days prior to his/her assumption to the position. It is understood that the employee who is promoted to another agency is cleared from all money, property and work-related accountabilities.



Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

2016 OMNIBUS RULES ON APPOINTMENTS AND OTHER HUMAN RESOURCE ACTIONS

Rule IV. Sec 3.

*b. **SPECIAL PROMOTIONS** based on awards and/or acts of conspicuous courage and gallantry as provided under special laws, such as, Sec 6, RA No.6713, Sec 10, RA No. 9263, as amended by RA No. 9592, Sec. 31, RA No. 8551 and Executive Order No. 508, as amended by Executive Order No. 77, shall be exempt from qualification requirements but subject to specific validation requirements as provided under the above-said special laws or their implementing rules and regulations.*

Added a provision on special promotions being exempt from qualification requirements



Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

MC No. 40, s. 1998

Rule III. Sec 4.

*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.*

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 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.

2016 OMNIBUS RULES ON APPOINTMENTS AND OTHER HUMAN RESOURCE ACTIONS

Rule IV. Sec 3.

*c. **TRANSFER** - the movement of employee from one position to another which is of equivalent rank, level or salary without gap in the service involving the issuance of an appointment.*

An employee who seeks transfer to another office shall notify the head of the department or agency in writing where he/she is employed within 30 days prior to the effective date of his/her transfer. If the request to transfer of an employee is not granted by the head of the department or agency where he/she is employed, it shall be deemed approved after the lapse of 30 days from the date of notice. It is understood that the employee who seeks to transfer is cleared from all money, property and work-related accountabilities.



Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

MC No. 40, s. 1998

Rule III. Sec 4.

d. **TRANSFER** — xxx

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.

2016 OMNIBUS RULES ON APPOINTMENTS AND OTHER HUMAN RESOURCE ACTIONS

Rule IV. Sec 3.

c. **TRANSFER** — xxx

To constitute a complete and operative transfer of an employee, there must be an approval by the head of the originating agency or office and notice of such approval to the employee concerned. Once the employee received the approved notice of transfer, the same becomes irrevocable. If, for whatever reason, the employee fails to transfer on the specified date, he/she shall be deemed resigned. However, should the employee opt to remain in the same agency before the specified date of transfer, the employee may be reappointed if there is no gap in the service or reemployed if there is gap in the service. In both cases, the employee shall undergo the usual hiring process.



Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

TRANSFER is re-defined for the interest of both the originating and receiving agencies.

As discussed in *Rosales, Jr. vs. Mijares (GR No. 154095, Nov. 17, 2004)*, the request by an employee to transfer to another office must be such that he intended to surrender his permanent office. It connotes an absolute relinquishment of an office in exchange for another office. This means that when an employee receives the approved request to transfer, said employee has fully relinquished his/her office, for which reason, the originating agency can already declare the position as vacant.

In 2016 Omnibus Rules, it is added that an employee who opt to remain in the same agency before the specified date of transfer may be reappointed if there is no gap in the service or reemployed if there is gap in the service and shall undergo the usual hiring process.



Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

MC No. 40, s. 1998

Rule III. Sec 4.

*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.*

2016 OMNIBUS RULES ON APPOINTMENTS AND OTHER HUMAN RESOURCE ACTIONS

Rule IV. Sec 3.

*e. **REAPPOINTMENT** - the issuance of an appointment as a result of reorganization, devolution, salary standardization, renationalization, re-categorization, rationalization or similar events, including the following:*

The renewal of temporary, contractual and casual appointment upon the expiration of the appointment or subsequent appointment of substitute teachers, which entails no gap in the service, shall be considered as reappointment. A temporary appointment may be renewed if there is no qualified eligible actually available who is willing to accept the appointment, as certified by the highest official in charge of human resource management and provided that the performance rating of the employee is at least Satisfactory.



Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

In the 1998 Omnibus Rules, there is a separate definition for Renewal. But since RENEWAL connotes re-issuance of appointment, it is now considered as REAPPOINTMENT.

So in the 2016 Omnibus Rules, REAPPOINTMENT is redefined and expanded to include RENEWAL, RE-CATEGORIZATION AND RATIONALIZATION.



Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

MC No. 40, s. 1998

Rule III. Sec 4.

*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.

Demotion due to reorganization or rationalization entitles the employee to continue to receive the salary of the higher position.

2016 OMNIBUS RULES ON APPOINTMENTS AND OTHER HUMAN RESOURCE ACTIONS

Rule IV. Sec 3.

*g. **DEMOTION** - the movement of an employee from a higher position to a lower position where he/she qualifies, if a lower position is available. The demotion entails reduction in duties, responsibilities, status or rank, which may or may not involve a reduction in salary.*

In cases where the demotion is due to reorganization or rationalization, the employee shall be allowed to continue to receive the salary of the higher position.

In cases where the demotion is voluntary or at the instance of the employee, he/she shall be allowed to receive the same step of the salary grade of the position where he/she voluntarily sought to be appointed. A written consent shall be secured from the demoted employee.



Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

MC No. 40, s. 1998, AS AMENDED

Rule III. Sec 4.

*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.*

2016 OMNIBUS RULES ON APPOINTMENTS AND OTHER HUMAN RESOURCE ACTIONS

Rule IV. Sec 3.

*h. **RECLASSIFICATION** - a form of staffing modification and/or position classification action which is applied only when there is a substantial change in the regular duties and responsibilities of the position. This may result in a change in any or all of the position attributes: position title, level and/or salary grade. It generally involves a change in the position title and may be accompanied by an upward or downward change in salary.*

Reclassification is the generic term for changes in staff/position classification which includes upgrading, downgrading, and recategorization.

In LGUs, no reclassification shall be allowed except when the position is actually vacant.



Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

Originally categorized as Upgrading/Reclassification, **UPGRADING** is deleted since it is already **RECLASSIFICATION** in nature.

It is also provided that in the LGUs, no reclassification shall be allowed except when the position is actually vacant.



Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

MC No. 40, s. 1998

Rule III. Sec 6.

- a. 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.

Reassignment of employees with station-specific place of work indicated in their respective appointments shall be allowed only for a maximum period of one (1) year. An appointment is considered station-specific when the particular office or station where the position is located is specifically indicated on the face of the appointment paper. Station-specific appointment does not refer to a specified plantilla item number since it is used for purposes of identifying the particular position to be filled or occupied by the employee.

2016 OMNIBUS RULES ON APPOINTMENTS AND OTHER HUMAN RESOURCE ACTIONS

Rule IV. Sec 5.

- a. 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.

Reassignment shall be governed by the following:

1. Reassignment of employees with station-specific place of work indicated in their respective appointments within the geographical location of the agency shall be allowed only for a maximum period of one (1) year. The restoration or return to the original post/assignment shall be automatic without the need of any order of restoration/revocation of the order of reassignment.

An appointment is considered station-specific when: (a) the particular office or station where the position is located is specifically indicated on the face of the appointment paper; or



Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

2016 OMNIBUS RULES ON APPOINTMENTS AND OTHER HUMAN RESOURCE ACTIONS

Rule IV. Sec 5.

*Reassignment shall be governed by the following:
xxx*

(b) the position title already specifies the station, such as Human Resource Management Officer, Accountant, Budget Officer, Assessor, Social Welfare and Development Officer, and such other positions with organizational unit/station-specific function. Such position titles are considered station-specific even if the place of assignment is not indicated on the face of the appointment.

Positions considered as STATION-SPECIFIC is clarified in relation to reassignment.



Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

MC No. 40, s. 1998

Rule III. Sec 6.

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. Reassignment that results in constructive dismissal must be sufficiently established.

2016 OMNIBUS RULES ON APPOINTMENTS AND OTHER HUMAN RESOURCE ACTIONS

Rule IV. Sec 5.

REASSIGNMENT that constitutes constructive dismissal may be any of the following:

- i. 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;
- ii. Reassignment to an office not in the existing organizational structure;
- iii. Reassignment to an existing office but the employee is not given any definite set of duties and responsibilities;
- iv. Reassignment that will cause significant financial dislocation or will cause difficulty or hardship on the part of the employee because of geographic location; or
- v. Reassignment that is done indiscriminately or whimsically because the law is not intended as a convenient shield for the appointing/disciplining officer to harass or oppress a subordinate on the pretext of advancing and promoting public interest such as reassignment of employees twice within a year, or reassignment of career service officials and employees with valid appointments during change of administration of elective and appointive officials.



Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

2016 OMNIBUS RULES ON APPOINTMENTS AND OTHER HUMAN RESOURCE ACTIONS

Rule IV. Sec 5.

Reassignment that results in constructive dismissal must be sufficiently established.

4. Reassignment of public health workers, public social workers, public schoolteachers and all other professions covered by special laws shall be governed by their respective laws. However, the rules herein mentioned shall be applied suppletorily.

5. The employee may appeal the reassignment order within 15 days upon receipt thereof to the Commission Proper or CSCRO with jurisdiction, as provided under specific law, if he/she believes there is no justification for the reassignment. Pending appeal, the reassignment should not be executory. The Decision of the CSCRO may be further appealed to the Commission Proper within 15 days from receipt thereof.

Added provisions on reassignment include avenue for employees to request recall of reassignment, grounds that constitute indiscriminate and whimsical reassignment, reassignment of public health workers, social workers, school teacher and other professions covered by special laws and reassignment shall not be executor pending appeal.



Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

MC No. 40, s. 1998

Rule III. Sec 6.

*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.*

Detail 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.

2016 OMNIBUS RULES ON APPOINTMENTS AND OTHER HUMAN RESOURCE ACTIONS

Rule IV. Sec 5.

*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.*

XXX

2. Detail without consent shall be allowed only for a period of one (1) year.

3. Detail with consent shall be allowed for a maximum of three (3) years. The extension or renewal of the detail shall be discretionary on the part of the parent agency.

Detail is provided a 3-year limit and that detail would require agreement that such will not result in reduction in rank, status or salary.



RULE V

Probationary Period





Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

MC No. 3, s. 2005 Rules on Probationary Period for Permanent Appointment in the Career Service

Section 12. **NOTICE OF TERMINATION OF SERVICE.** *The new appointees or probationers shall be issued notice of termination of service by the appointing authority within ten (10) days immediately after it was proven that they have demonstrated unsatisfactory conduct or want of capacity during the probationary period.*

2016 OMNIBUS RULES ON APPOINTMENTS AND OTHER HUMAN RESOURCE ACTIONS

RULE V. Sec.3.

The appointee shall be issued a notice of termination of service by the appointing officer/ authority within fifteen (15) days immediately after it was proven that he/she demonstrated unsatisfactory conduct or want of capacity before the end of the second performance review on the sixth (6th) month or depending on the duration of the probationary period.

On **PROBATIONARY PERIOD**, the period of notice of termination is extended from **10 days** as provided in MC No. 3, s. 2005 to **15 days**. The **execution of the notice of termination** is also **extended to 15 days from receipt of notice**. The conduct of performance review is 10 days before the end of every rating period.



RULE VI

Effectivity and Submission of Appointments





Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

MC No. 02, s. 2007 Amendment on the Policy on the Effectivity of Appointments of Department Heads in Local Government Units

Rule IV, MC No. 40, s. 1998, AS AMENDED
*"In the case of local government units, the **appointment of a department head requiring the concurrence of the local sanggunian shall be effective on the date of its issuance by the appointing authority**; provided that the effectivity of the said appointment shall end the moment the local sanggunian rejects or disapproves it."*

The appointment to department head positions in LGUs requires **CONCURRENCE** of the majority of all the members of the local sanggunian.

2016 OMNIBUS RULES ON APPOINTMENTS AND OTHER HUMAN RESOURCE ACTIONS

*Sec. 2. In the case of local government units, the **appointment issued by the appointing officer/ authority to a department head position requires the concurrence of the majority of all the members of the local sanggunian. If the sanggunian does not act on the appointment within fifteen (15) calendar days from the date of its submission, said appointment shall be deemed confirmed. The effectivity date of the appointment shall be the date of the signing of the appointing officer/authority which shall end the moment the local sanggunian rejects or disapproves it. The services rendered after the rejection or disapproval by the sanggunian shall not be considered as government service but the appointee is entitled to salaries for actual services rendered.***



RULE VII

Publication and Posting of Vacant Positions





Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

MC No. 16, s. 2005
Publication Requirement re: Validity of
Period of Publication

*The **PUBLICATION** of a particular vacant position shall be valid until filled but not to extend beyond six (6) months reckoned from the date the vacant position was published.*

*In the issuance of appointments, the requirement for publication is **deemed complied with if the process of application and screening started within six (6) months from publication and if the vacancy is filled not later than nine (9) months from date of publication.***

Should no appointment be issued within the nine (9)-month period, the agency has to cause the re-publication of the vacant position.”

2016 OMNIBUS RULES ON APPOINTMENTS AND
OTHER HUMAN RESOURCE ACTIONS

RULE VII. Sections 6 and 7.

*Sec. 6. The **PUBLICATION** of a particular vacant position shall be valid until filled but not to extend beyond nine (9) months reckoned from the date the vacant position was published.*

Should no appointment be issued within the nine-month period, the agency has to cause the re-publication of the vacant position.

*Sec. 7. **ANTICIPATED VACANCIES** based on the agency’s succession plan may be published. In case of retirement, resignation, or transfer, the publication should not be earlier than 60 days prior to retirement, resignation or transfer.*



Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

The **PUBLICATION** of vacancies due to retirement, resignation or transfer should be made **not earlier than 60 days prior to separation**. The **PUBLICATION** of a particular vacant position shall be **valid until filled but not to extend beyond nine (9) months reckoned from the date the vacant position was published**.



RULE VIII

Qualification Standards



Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

MC No. 12, s. 2003 Revised Policies on Qualification Standards

Section 3. **QUALIFICATION STANDARDS** that are subsequently prescribed by a special law shall prevail.

2016 OMNIBUS RULES ON APPOINTMENTS AND OTHER HUMAN RESOURCE ACTIONS

RULE VIII Section 4.

Sec. 4. QUALIFICATION STANDARDS for certain positions that are prescribed by a special law, such as Foreign Service Act (RA No. 7157), PNP Act (RA No. 8551), BFP/BJMP Act RA No. 9263, as amended by RA No. 9592), Local Government Code (RA No. 7160), shall prevail. However, in instances when any of the education, training, experience or Civil Service eligibility is not provided under the law, the lacking requirement/s shall be proposed and submitted by the agency concerned to CSC for approval.

The qualification standards for department head and assistant department head positions (mandatory or optional) in LGUs, considered as



Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

2016 OMNIBUS RULES ON APPOINTMENTS AND OTHER HUMAN RESOURCE ACTIONS

RULE VIII Section 4.

Executive managerial positions, shall be those prescribed by RA No. 7160 and other special laws. For newly-created department head and assistant department head positions, the qualification standards shall be equivalent or comparable to those prescribed by RA No. 7160.

QUALIFICATION STANDARDS for certain positions prescribed by a special law shall prevail.

QS for department head and assistance department head positions in the LGUs, considered as executive/managerial positions and for newly-created department and assistant department head positions are clarified.



Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

MC No. 12, s. 2003 Revised Policies on Qualification Standards

Part II. On Education

*Sec. 2. For one to meet **THE TWO YEARS STUDIES IN COLLEGE REQUIREMENT** in the Qualification Standards Manual, one must have earned from a CHED-recognized institution at least 72 academic units leading to a degree or has completed a two-year collegiate technical course with at least 9 units in either English or Mathematics or a combination of both in the curriculum.*

Completed relevant two-year collegiate/technical course is required to meet the two years studies in college requirement.

2016 OMNIBUS RULES ON APPOINTMENTS AND OTHER HUMAN RESOURCE ACTIONS

Rule VIII. Qualification Standards

*Sec. 11. For one to meet the **TWO YEARS STUDIES IN COLLEGE REQUIREMENT** in the Qualification Standards Manual, one must have earned from a CHED-recognized institution at least 72 academic units leading to a degree or has completed a relevant two-year collegiate/technical course.*

*Sec. 13. **Certifications issued by the schools deputized by CHED showing completion of at least 72 academic units leading to a degree under the Expanded Tertiary Education Equivalency and Accreditation Program shall be considered valid documents for meeting the education requirement for positions requiring completion of two years studies in college.***



Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

MC No. 12, s. 2003 Revised Policies on Qualification Standards

Part III. On Experience

RELEVANT EXPERIENCE refers to previous employment or jobs or volunteer work on a full time basis in either the government or private sector, whose duties, as certified by the Human Resource Management Officer or authorized officials of the previous employer, are functionally related to the duties in the Position Description Form of the position to be filled.

Experience acquired through Job Order/Contract of Service may be considered in meeting the experience requirement for the position.

2016 OMNIBUS RULES ON APPOINTMENTS AND OTHER HUMAN RESOURCE ACTIONS

Rule VIII. Qualification Standards

Sec. 23. EXPERIENCE refers to the previous jobs in either the government or private sector, whether full-time or part-time, which, as certified by the Human Resource Management Officer or authorized officials of the previous employer, are functionally related to the duties in the PDF of the position to be filled.

Sec. 24. RELEVANT EXPERIENCE ACQUIRED THROUGH A JOB ORDER OR CONTRACT OF SERVICE covered by a contract or a Memorandum of Agreement may be considered for meeting the experience requirement.



RULE IX

AGENCY MERIT SELECTION PLAN AND HUMAN RESOURCE MERIT PROMOTION AND SELECTION BOARD





Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

MC No. 40, s. 1998

Rule III. Requirement for Regular Appointments
Sec 1.h. Personnel Selection Board (PSB) Evaluation/Screening.

The Chairperson of the HRMPSB in NGAs, SUCs or GOCCs shall be the highest official-in-charge of human resource management or his/her representative.

Special HRMPSB may be established for specialized and highly technical positions.

2016 OMNIBUS RULES ON APPOINTMENTS AND OTHER HUMAN RESOURCE ACTIONS

Rule IX. Merit Selection Plan

*Sec. 2. Each agency may constitute two (2) **HUMAN RESOURCE MERIT PROMOTION AND SELECTION BOARDS (HRMPSB)** - one for the first and second level positions and another for second level executive/managerial positions.*

*An agency may establish **SPECIAL HRMPSB FOR SPECIALIZED AND HIGHLY TECHNICAL POSITIONS OR DIFFERENT SETS OF HRMPSB** for its own purpose, but the same should be provided in the Agency Merit Selection Plan to be submitted to the CSC Regional Office concerned for approval. The highest official in-charge of the human resource management may not be the Human Resource Management Officer (HRMO), but, may be the official directly supervising the human resource management of the agency, e.g. Assistant Secretary / Director for Administration/Human Resource.*



Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

MC No. 40, s. 1998

Rule III. Requirement for Regular Appointments

Sec 1.h. Personnel Selection Board (PSB) Evaluation/Screening.

HRMPSB shall serve as the recommending body for appointment.

The HRM officer shall act as a member of the HRMPSB and not as secretariat to the HRMPSB.

2016 OMNIBUS RULES ON APPOINTMENTS AND OTHER HUMAN RESOURCE ACTIONS

Rule IX. Merit Selection Plan

*Sec. 3. The **HRMPSB SHALL SERVE AS THE RECOMMENDING BODY** for appointment. However, final decision on whom to appoint shall be with the appointing officer/authority.*

*Sec. 9. The HRM Office/Unit shall perform secretariat and technical support function to the HRMPSB for the comparative assessment and final evaluation of candidates. It shall also evaluate and analyze results of structured background investigation for second level, supervisory, and executive/managerial positions. The **HRM OFFICER, AS MEMBER OF THE HRMPSB, SHALL NOT ACT AS SECRETARIAT TO THE HRMPSB.** For agencies with only one appointed or designated HRM Officer, the agency head shall designate an employee from other units to act as the secretariat.*



Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

MC No. 40, s. 1998

Rule VIII.

*e. **PERFORMANCE RATING.** For purposes of promotion or transfer, the following shall be required:*

*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;*

2016 OMNIBUS RULES ON APPOINTMENTS AND OTHER HUMAN RESOURCE ACTIONS

Rule IX. Merit Selection Plan

*Sec. 13. An employee should have rendered at least **VERY SATISFACTORY SERVICE FOR THE LAST TWO (2) RATING PERIODS** in the present position before being considered for **PROMOTION**.*

At least Very Satisfactory service for the last two (2) rating periods in the present position before being considered for promotion.



Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

MC No. 18, s. 2016 Policy Guidelines on the Three-Salary Grade Limitation on Promotion

*As a general rule, all appointments issued in violation of the **POLICY ON THE THREE-SALARY GRADE LIMITATION ON PROMOTION** shall be disapproved/invalidated, except when the promotional appointment falls within the purview of any of the following **EXCEPTIONS**: (same as the exceptions of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions)*

2016 OMNIBUS RULES ON APPOINTMENTS AND OTHER HUMAN RESOURCE ACTIONS

Rule IX. Merit Selection Plan

*Sec. 15. An **EMPLOYEE MAY BE PROMOTED TO A POSITION WHICH IS NOT MORE THAN THREE (3) SALARY GRADE, PAY OR JOB GRADES HIGHER** than the employee's present position. All appointments issued in violation of this policy shall be disapproved/invalidated, except when the promotional appointment falls within the purview of any of the following **EXCEPTIONS**:*

a. The position occupied by the person is next-in-rank to the vacant position as identified in the Merit Selection Plan and the System of Ranking Positions (SRP) of the agency.

Added the rule on 3-salary grade limitation.



Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

MC No. 40, s. 1998

2016 OMNIBUS RULES ON APPOINTMENTS AND OTHER HUMAN RESOURCE ACTIONS

Rule IX. Merit Selection Plan

- b. The vacant position is a lone or entrance position, as indicated in the agency staffing pattern.*
- c. The vacant position is hard to fill, such as Accountant, Medical Officer/Specialist, Attorney, or Information Technology Officer/Computer Programmer positions.*
- d. The vacant position is unique and/or highly specialized, such as Actuarial, Airways Communicator positions.*
- e. The candidates passed through a deep selection process, taking into consideration the candidates' superior qualifications in regard to educational achievements, highly specialized trainings, relevant work experience, and consistent high performance rating/ranking.*



Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

MC No. 40, s. 1998

2016 OMNIBUS RULES ON APPOINTMENTS AND OTHER HUMAN RESOURCE ACTIONS

Rule IX. Merit Selection Plan

*Sec. 16. The **THREE-SALARY GRADE LIMITATION SHALL APPLY ONLY TO PROMOTION WITHIN THE AGENCY**. This prohibition shall not apply to the following human resource actions which involve issuance of an appointment:*

- a. Transfer incidental to promotion provided that the appointee was subjected to deep selection.*
- b. Reappointment involving promotion from non-career to career provided the appointee was subjected to deep selection.*
- c. Reappointment from career to non-career position.*
- d. Reemployment*
- e. Reclassification of position*



RULE X

CERTAIN MODES OF SEPARATION – DOCUMENTS REQUIRED FOR RECORD PURPOSES





Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

MC No. 40, s. 1998

*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*
- a. 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/her case without prejudice to the continuation of the proceedings until finally terminated.

2016 OMNIBUS RULES ON APPOINTMENTS AND OTHER HUMAN RESOURCE ACTIONS

Rule X. Modes of Separation

*Sec. 1. **RESIGNATION.** Resignation is an act of an official or employee by which he/she voluntarily relinquishes in writing his/her position effective on a specific date which shall not be less than thirty (30) days from the date of such notice.*

*To constitute a **COMPLETE AND OPERATIVE RESIGNATION OF AN OFFICIAL OR EMPLOYEE, THERE MUST BE AN INTENTION TO RELINQUISH THE OFFICE, ACCOMPANIED BY THE ACT OF RELINQUISHMENT, AND MUST HAVE THE ACCEPTANCE BY HEAD OF THE AGENCY OR OFFICE and NOTICE OF SUCH ACCEPTANCE TO THE OFFICE OR EMPLOYEE CONCERNED.***



Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

2016 OMNIBUS RULES ON APPOINTMENTS AND OTHER HUMAN RESOURCE ACTIONS

Rule X. Modes of Separation

*However, in case the resignation of the official or employee **remains unacted upon for 30 days from receipt of the formal letter of resignation by the head of the agency, it shall be deemed complete and operative on the specified date of effectivity or 30 days from submission thereof, in cases where the effectivity date is not specified. It is understood, however, that the required clearance from money, property and work-related accountabilities has been secured.***

**Requirements to constitute a complete and operative resignation is articulated.
Complete and operative resignation articulated (DTI vs. Singun).
Proof of notice of the acceptance of resignation to the employee to be submitted.**



Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

MC No. 1, s. 2007
Policy Guidelines on the Three-Salary Grade
Limitation on Promotion

2016 OMNIBUS RULES ON APPOINTMENTS AND OTHER HUMAN RESOURCE ACTIONS

Rule X. Modes of Separation

UNTIL THE RESIGNATION IS ACCEPTED, THE TENDER OF RESIGNATION IS REVOCABLE. *Once the resignation is deemed complete and operative, the withdrawal thereof shall not automatically restore the employee to his/her former position.*

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

Resignation is revocable until accepted.



Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

MC No. 40, s. 1998

Rule XII. Certain Modes of Separation – Documents Required for Record Purposes

*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.***

On an employee's dismissal from the service, the HRMO shall submit a report on DIBAR with a certified true copy of the final decision shall be submitted to the CSC Field Office within thirty (30) calendar days from the date of dismissal, for record purposes.

2016 OMNIBUS RULES ON APPOINTMENTS AND OTHER HUMAN RESOURCE ACTIONS

Rule X. Modes of Separation

*Sec. 2. **DISMISSAL** is the termination or the act of being discharged from employment or service for cause. It is the definite severance of an officer or employee from government service on the initiative of the agency or office, CSC, Ombudsman, or regular courts. The **REPORT ON DATABASE OF INDIVIDUALS BARRED FROM ENTERING GOVERNMENT SERVICE AND TAKING CIVIL SERVICE EXAMINATIONS (DIBAR)** together with a certified true copy of the decision rendered which has reached its finality, where the penalty of dismissal was imposed, **shall be submitted to the CSC Field Office concerned by the HRMO** within thirty (30) calendar days from the date of dismissal, for record purposes. .*



Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

MC No. 40, s. 1998

Rule XII. Certain Modes of Separation – Documents Required for Record Purposes

*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 unfit to perform their duties may be dropped from the rolls subject to the following procedures.*

2.1 Absence Without Approved Leave

2.2 Unsatisfactory or Poor Performance

2.3 Physically and Mentally Unfit

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;

2016 OMNIBUS RULES ON APPOINTMENTS AND OTHER HUMAN RESOURCE ACTIONS

Rule X. Modes of Separation

*Sec. 3. **OTHER MODES.** For other **MODES OF SEPARATION SUCH AS DROPPING FROM THE ROLLS**, termination/ expiration of temporary, coterminous, contractual or casual appointment, retirement, or death, a copy of the order of dropping from the rolls or notice signed by the appointing officer/authority stating the date of such separation shall be submitted to the CSC Field Office concerned by the HRMO within thirty (30) calendar days from the date of the effectivity of the dropping from the rolls or date of separation, for record purposes.*

The provisions on dropping from the rolls are deleted and shall be covered in the 2016 RACCS.



2016 Rules on Administrative Cases in the Civil Service (RACCS)

Rule 20 DROPPING FROM THE ROLLS

*Section 102. **GROUND AND PROCEDURE FOR DROPPING FROM THE ROLLS.***

Officers and employees who are absent without approved leave, have unsatisfactory or poor performance, or have shown to be physically or mentally unfit to perform their duties may be dropped from the rolls within thirty (30) days from the time a ground therefore arises subject to the following procedures:

a. Absence Without Approved Leave

1. An officer or employee who is continuously absent without official leave (AWOL) for at least thirty (30) working days may be dropped from the rolls without prior notice which shall take effect immediately.

He/she shall, however, have the right to appeal his/her separation within fifteen (15) days from receipt of the notice to his/her last known address.



2016 Rules on Administrative Cases in the Civil Service (RACCS)

Rule 20 DROPPING FROM THE ROLLS

*Section 102. **GROUND AND PROCEDURE FOR DROPPING FROM THE ROLLS.***

- 2. If the number of unauthorized absences incurred is less than thirty (30) working days, a written Return-to-Work order shall be served on the officer or employee at his/her last known address on record. Failure on his/her part to report to work within the period stated in the order, which shall not be less than three (3) days, is a valid ground to drop him/her from the rolls.*
- 3. If it is clear under the obtaining circumstances that the officer or employee concerned, has established a scheme to circumvent the rule by incurring substantial absences though less than thirty (30) working days, three (3) times in a semester, such that a pattern is already apparent, dropping from the rolls without notice may likewise be justified.*

In the determination of whether the absences incurred are substantial, circumstances that would affect the delivery of service shall be taken into consideration.



2016 Rules on Administrative Cases in the Civil Service (RACCS)

Rule 20

DROPPING FROM THE ROLLS

b. Unsatisfactory or Poor Performance

An officer or employee who is given two 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/her unsatisfactory performance for a semester and is sufficiently warned that a succeeding unsatisfactory performance may warrant his/her separation from the service. Such notice shall be given not later than thirty days from the end of the semester and shall contain sufficient information which shall enable the officer or employee to prepare an explanation. This period shall not apply to probationary employees as defined under Section 4 (q) of this rules.

An officer or employee, who for one evaluation period is rated poor in performance, may be dropped from the rolls provided he/she has been informed in writing of the status of his/her performance within 15 days after the end of 3rd month with sufficient warning that failure to improve his/her performance within the remaining period of the semester shall warrant his/her separation from the service. Such notice shall also contain sufficient information which shall enable the officer or employee to prepare an explanation.



2016 Rules on Administrative Cases in the Civil Service (RACCS)

Rule 20

DROPPING FROM THE ROLLS

c. Physical Unfitness and Mental Disorder

An officer or employee who is continuously absent for more than one year by reason of illness may be declared physically unfit to perform his/her duties may be consequently dropped from the rolls.

An officer or employee who is intermittently absent by reason of illness for at least two hundred sixty (260) working days during a twenty four-month period may also be declared physically unfit by the head of office.

An officer or employee who is behaving abnormally and manifests continuing mental disorder and incapacity to work as reported by his/her co-workers or immediate supervisor and confirmed by a competent physician, may be declared as mentally unfit and may likewise be dropped from the rolls.

For the purpose of the three preceding paragraphs, notice shall be given to the officer or employee concerned containing a brief statement of the nature of his/her incapacity to work.



2016 Rules on Administrative Cases in the Civil Service (RACCS)

Rule 20

DROPPING FROM THE ROLLS

*Section 103. **WRITTEN NOTICE; Who Signs.** The written notice mentioned in the preceding paragraphs shall be signed by the highest ranking human resource management officer in the agency upon the recommendation of the person exercising immediate supervision over the officer or employee. However, the notice of separation shall be signed by the appropriate appointing authority or head of office.*

*Section 104. **ORDER OF SEPARATION THROUGH DROPPING FROM THE ROLLS; IMMEDIATELY EXECUTORY** – The agency shall not entertain motion for reconsideration from the order of separation through dropping from the rolls. The employee shall appeal directly to the Commission Proper within fifteen (15) days from receipt of the order. Pending appeal the order of separation is immediately executory.*

*Section 105. **DROPPING FROM THE ROLLS; NON-DISCIPLINARY IN NATURE**- This mode of separation from the service for unauthorized absences or unsatisfactory or poor performance or physical or mental incapacity is non-disciplinary in nature and shall not result in the forfeiture of any benefit on the part of the official or employee or in disqualification from reemployment in the government.*



RULE XI

DISAPPROVAL/INVALIDATION AND RECALL OF APPROVAL/ VALIDATION OF APPOINTMENTS



Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

2016 OMNIBUS RULES ON APPOINTMENTS AND OTHER HUMAN RESOURCE ACTIONS

Rule XI. Disapproval, Invalidation and Recall of Appointments

*Sec. 1. An appointment shall be **DISAPPROVED/INVALIDATED ON THE FOLLOWING GROUNDS:***

- a. The appointee does not meet the qualification standards for the position; or*
- b. The appointee has been dismissed for cause as enumerated in Section 50 (A), Rule 10 of the RACCS or has been found guilty of a crime where perpetual disqualification from appointment is attached to the penalty thereof, unless an executive clemency has been granted; or*
- c. The appointee has intentionally made a false statement of any material fact or has practiced or attempted to practice any deception or fraud in connection with his/her appointment; or*
- d. The appointment has been issued in violation of the CSC-approved Merit Selection Plan of the agency or*
- e. The contractual/casual appointment has been issued to fill a vacant Position or the contractual/casual appointee will perform the duties and responsibilities of the vacant position; or*
- f. The appointment has been issued in violation of existing Civil Service Law, rules and regulations, the Board/Bar, Local Government Code (RA 7160), Publication Law (RA 7160), and other pertinent laws.*

Grounds for disapproval/invalidation of appointments are lifted from Rule V, Sec. 7 of Omnibus Rules Implementing Book V of EO 292.



Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

2016 OMNIBUS RULES ON APPOINTMENTS AND OTHER HUMAN RESOURCE ACTIONS

Rule XI. Disapproval, Invalidation and Recall of Appointments

*Sec. 4. An employee whose **PROMOTIONAL APPOINTMENT** is disapproved/invalidated shall be **REVERTED** to his/her former position.*

*Sec. 9. Notwithstanding the **INITIAL APPROVAL/VALIDATION OF AN APPOINTMENT, THE SAME MAY BE RECALLED BY THE CSC RO CONCERNED OR BY THE COMMISSION** on any of the following grounds:*

- a. Non-compliance with the procedures/criteria provided in CSC-approved agency Merit Selection Plan;*
- b. Failure to pass through the agency's HRMPSB; or*
- c. Violation of existing Civil Service Law, rules and regulations.*

**Reversion to former position in case of disapproved/ invalidated promotional appointment.
Added provisions covering the grounds for the recall of approval/invalidation of appointments.**



2016 Rules on Administrative Cases in the Civil Service (RACCS)

RULES ON REVOCATION OF APPOINTMENTS MC No. 25, s. 2016

*An appointment duly issued by the appointing authority and accepted by the appointee shall be **EFFECTIVE UNTIL DISAPPROVED/INVALIDATED BY THE COMMISSION.***

PROTEST – *An action filed by a qualified next-in-rank official or employee may file a protest against an appointment made in favor of another who does not possess the minimum qualification requirements.*

Protest; Who may File. – *Only a qualified next-in-rank employee may file a protest against an appointment made in favor of another who does not possess the minimum qualification requirements.*

Where to File. – *A qualified next-in-rank employee shall have the right to appeal initially to the head of agency, then to the Civil Service Commission Regional Office, and then to the Civil Service Commission Proper.*

When to File. – *Protest may be filed within fifteen (15) days from the announcement and/or posting of appointments subject of protest.*

For this purpose, all appointments or promotions shall be duly announced and/or posted in bulletin boards or at conspicuous places in the Department or Agency within thirty (30) days or within a shorter period as provided in the agency-approved Merit Selection Plan (MSP) from issuance of the appointments.



2016 Rules on Administrative Cases in the Civil Service (RACCS)

Rules on Revocation of Appointments MC No. 25, s. 2016

EFFECT ON THE PROTESTED APPOINTMENT. – A protest shall not render an appointment ineffective nor bar the approval thereof, by the Civil Service Commission Field Office, Regional Office or the Commission, as the case may be, but the approval shall be subject to the final outcome of the protest.

The appointing authority does not have the power to recall an appointment, which was already submitted to the CSC Field Office. A decision or resolution by the appointing authority granting the protest shall be subject to automatic review by the concerned CSCRO. The appointing authority shall within five (5) days from issuance of such decision or resolution transmit the records of case to the CSCRO for disposition.

EFFECT OF WITHDRAWAL OF PROTEST. – A protest or an appeal in this case may be withdrawn at any time as a matter of right. The withdrawal of the protest or appeal shall terminate the protest case.

WHEN DEEMED FILED. – A protest is deemed filed, in case the same is sent by registered mail, on the postmark date on the envelope which shall be attached to the records of the case, and in case of personal delivery, on the date stamped by the agency or the Commission.



2016 Rules on Administrative Cases in the Civil Service (RACCS)

Rules on Revocation of Appointments MC No. 25, s. 2016

TRANSMITTAL OF RECORDS. – *In cases where the protest is filed with the Commission, the head of department or agency shall forward his/her comment and the records of the case within ten (10) days from receipt of the copy of the protest. The records shall be systematically and chronologically arranged, paged and securely bound to prevent loss and shall include the following:*

- a. Statement of duties or job description of the contested position;*
- b. Duly accomplished and updated personal data sheets of the parties with certified statement of service records attached;*
- c. Certified copy of the protested appointment; and*
- d. Comparative assessment of the qualifications of the protestant and protestee.*



2016 Rules on Administrative Cases in the Civil Service (RACCS)

Rules on Revocation of Appointments MC No. 25, s. 2016

DISMISSAL OF PROTEST. – *A protest shall be dismissed on any of the following grounds:*

- a. The protestant is not qualified next-in-rank;*
- b. The protest is not directed against a particular protestee but to*
- c. “anyone who is appointed to the position” or directed to two or more protestees;*
- d. No appointment has been issued; or*
- e. The protest is filed outside of the 15-day reglementary period*





2016 Rules on Administrative Cases in the Civil Service (RACCS)

Rules on Revocation of Appointments MC No. 25, s. 2016

Finality of Decision. – *Decision or Resolution denying a protest shall become final and executory after fifteen days (15) from receipt thereof and no motion for reconsideration or appeal or petition for review has been filed.*

Effect of Decision. – *In case the protest is finally decided by the CSC against the protestee, the approval of his/her appointment shall be recalled and the appointment shall be considered disapproved. The protestee shall be reverted to his/her former position, if applicable*





RULE XII PROHIBITIONS





Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

2016 OMNIBUS RULES ON APPOINTMENTS AND OTHER HUMAN RESOURCE ACTIONS

Sec. 8. No appointment in the national, provincial, city or municipal governments or any branch or instrumentality thereof, including GOCCs with original charters shall be made in favor of a relative of the appointing or recommending officer/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. 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;*
- e. **SCIENCE AND TECHNOLOGY PERSONNEL UNDER RA 8439**; and*
- f. Other positions as may be provided by law.*

In the rules on nepotism, added exemptions for scientific and technology personnel under RA 8439 and other positions as may be provided by law.



Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

MC No. 40, s. 1998

Rule XIII. Prohibitions

Sec. 12. a) No person who has reached the compulsory retirement age of 65 years can be appointed to any position in the government, subject only to the exception provided under sub-section (b) hereof.

*However, in meritorious cases, the Commission may allow the **EXTENSION OF SERVICE** of a person who has reached the compulsory retirement age of 65 years, for a period of six (6) months only unless otherwise stated. Provided, that, such **EXTENSION MAY BE FOR A MAXIMUM PERIOD OF ONE (1) YEAR** for one who will complete the fifteen (15) years of service required under the GSIS Law.*

On the extension of service, maximum period of two (2) years may be allowed to complete the fifteen (15) years of service required under the GSIS Law.

2016 OMNIBUS RULES ON APPOINTMENTS AND OTHER HUMAN RESOURCE ACTIONS

Rule XII. Prohibition

*Sec. 12. The **EXTENSION OF SERVICE** of a person who will reach the **COMPULSORY RETIREMENT AGE OF 65 YEARS** may be allowed for a period of six (6) months and in meritorious circumstances may be extended for another six (6) months. The same shall be filed with the Commission not later than three (3) months prior to the date of the official/employee's compulsory retirement. However, for one who will complete the **FIFTEEN (15) YEARS OF SERVICE REQUIRED UNDER THE GSIS LAW, A MAXIMUM PERIOD OF TWO (2) YEARS MAY BE ALLOWED**. Services rendered during the period of extension shall be credited as part of government service for purposes of retirement. The official or employee, may file the request of extension of service.*



Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

Rule XII. PROHIBITIONS. EXTENSION OF SERVICE

Sec. 12. The request shall be submitted to the Commission with the following documents:

- a. Request for extension of service signed by the head of office/appointing authority or the employee in case of extension to complete the 15-year service required under the GSIS Law, containing the justifications for the request;*
- b. Certification by a licensed government physician that the employee subject of the request is still mentally and physically fit to perform the duties and functions of his/her position.*
- c. Certified true copy of the employee's Certificate of Live Birth;*
- d. Clearance of no pending administrative case issued by the CSC, Office of the Ombudsman and agency concerned;*
- e. Service record of the employee, if the purpose of the extension is to complete the 15-year service requirement under the GSIS law;*
- f. Certification from the GSIS on the Total Length of Service (TLS) as of the 65th birthday of the employee;*
- g. Certified true copy of the updated Plantilla of Personnel issued by the agency HRM Officer; and*
- h. Proof of payment of the filing fee.*

Provided the list of documentary requirements for request for extension of service



Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

MC No. 40, s. 1998

2016 OMNIBUS RULES ON APPOINTMENTS AND OTHER HUMAN RESOURCE ACTIONS

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 SERVICE.***

Rule on the engagement of Job Order and Contract of Service is **DELETED** as the same are under the COA Rules.





RULE XIII RESPONSIBILITIES OF THE HUMAN RESOURCE MANAGEMENT OFFICER





Salient Features of the 2016 Omnibus Rules on Appointments and Other Human Resource Actions

RULE XIII. RESPONSIBILITIES OF THE HRMO

In pursuit of the objective to elevate the human resource management to a level of excellence, the role of the HRMOs has been expanded.

HRMOs shall ensure that the conduct of orientation takes place, that an HRM database is established in their agencies and that establishment, maintenance and disposal of 201 files per existing regulations are followed. .



Thank you!

Q&A

