

# Updates on Civil Service Rules and Regulations

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# 2017 Rules on Administrative Cases in the Civil Service (Resolution No. 1701077)

## 2017 Omnibus Rules on Appointments and Other Human Resource Actions (Resolution No. 01009)

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2017 RACCS (go to *Issuances > Policy Resolutions > Published Resolutions* click **2017 Folder**)

2017 ORAOHRA( go to *Issuances > Memorandum Circulars >* click **2017 Folder > M.C. 24**)



# The 2017 RACCS

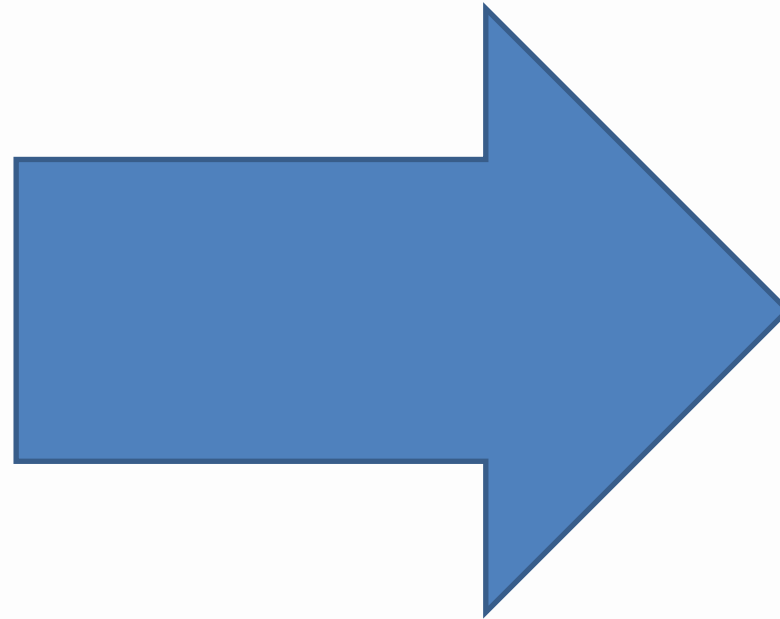
- The 2017 Rules on Administrative Cases in the Civil Service (RACCS), an update of the 2011 version, contains procedural guidelines for the disposition of disciplinary and non-disciplinary cases.
- It is aimed at ensuring **consistency, predictability, and stability**—values which are integral in upholding the rule of law. It also affords government workers fair treatment and protects them from being victimized by political biases, persecution, and personal whims.
- The formulation of the 2017 RACCS was done in consultation with various stakeholders, and involved a thorough review of existing rules and current situations in order to come up with a more responsive, comprehensive, and reliable set of rules for case adjudication and human resource actions in the civil service.



# RRACCS vs 2017 RACCS

**Revised Rules on  
Administrative Cases in  
the Civil Service  
(RRACCS)**

**Rules 1-24  
Sections 1-124**



**2017 Rules on  
Administrative Cases in  
the Civil Service (2017  
RACCS)**

**Rules 1-23  
Sections 1-125**



# Highlights

- Provides a clearer definition of terms such as back wages, developmental interventions, employee, *ex-parte*, fixer, human resource, *motu proprio*, official, *prima facie*, protest, psychological intervention, sexual harassment, and show-cause order



# Highlights

- Redefines the terms agency and probationary employee, and renames personnel actions as human resource actions.

**AGENCY** refers to any bureau, office, commission, administration, board, council, institute, state university and college (SUC) or local university and college (LUC), corporation with original charter, whether performing governmental or proprietary function, or any other unit of the national government as well as provincial, city, municipal or autonomous regional government.



# Highlights

- HUMAN RESOURCE(HR)refers to the people, including their qualifications, competencies, talents and potentials. HR as a function pertains to the management, development and utilization of the people towards the excellent and ethical achievement of vision of the organization.



## **Rule 1**

### **APPLICABILITY AND CONSTRUCTION**

**Section 4. Definition of Terms.** – The terms hereunder shall be construed as follows:

- a. AGENCY** *refers to any bureau, office, commission, administration, board, council, institute, state university and college (SUC) or local university and college (LUC), corporation with original charter, whether performing governmental or proprietary function, or any other unit of the national government as well as provincial, city, municipal or autonomous regional government.*
- b. APPOINTING AUTHORITY** refers to the person or body duly authorized to issue appointments and other human resource actions in the civil service.



## Rule 1

### **APPLICABILITY AND CONSTRUCTION**

- I. **DEVELOPMENTAL INTERVENTIONS** refer to appropriate learning activities which may include coaching, mentoring, cross posting program, job rotation, temporary assignment, secondment, team building, knowledge sharing and learning session, shadowing, counselling, etc.*
- j. **DISCIPLINING AUTHORITY** refers to the person or body duly authorized by law to impose the penalty provided for by law or rules.*
- k. **EMPLOYEE** refers to a person who works for an agency and occupies a position in either the first and second level whose functions are not managerial in nature.*



## Rule 1

### APPLICABILITY AND CONSTRUCTION

#### **I. EX-PARTE** xxx

- m. FIXER** *refers to any individual whether or not officially involved in the operation of a government office or agency who has access to people working therein, and whether or not in collusion with them, facilitates speedy completion of transactions for pecuniary gain or any other advantage or consideration.*



## Rule 1

### APPLICABILITY AND CONSTRUCTION

#### N. **FORUM SHOPPING** XXX

- o. **HUMAN RESOURCE (HR)** *refers to the people, including their qualifications, competencies, talents and potentials. **HR** as a function pertains to the management, development and utilization of the people towards the excellent and ethical achievement of vision of the organization.*



## **Rule 1**

### **APPLICABILITY AND CONSTRUCTION**

- v. **PROBATIONARY EMPLOYEE** refers to an employee who is required to undergo a thorough character investigation and assessment of capability to perform the duties of the position enumerated in the Position Description Form (PDF) during the probationary period which is generally six (6) months or depending on the duration of the probationary period as required by the position or by law.



## **Rule 1**

### **APPLICABILITY AND CONSTRUCTION**

- w. **PROTEST** *refers to an action filed by a qualified next-in-rank official or employee questioning the issuance of an appointment in favor of another on the basis of lack of qualifications of the appointee.*
- x. **PSYCHOLOGICAL INTERVENTIONS** refer to psychological counseling; psychotherapy; psychosocial support; life coaching; psychological debriefing; group processes; and all other psychological interventions that involve the application of psychosocial principles and methods to improve the psychological functioning of individuals; families; groups; and organizations.
- y. **QUALIFIED NEXT-IN-RANK** refers to an employee appointed on a permanent basis to a position previously determined to be a next-in-rank to the vacancy and who meets the requirements for appointment thereto as previously determined by the appointing authority and approved by the Commission.



# Highlights

- Clarifies the three modes of conducting preliminary investigation such as: a) requiring the submission of counter affidavit or comment and/or other documents from the person complained of within five (5) days from receipt of the complaint which is sufficient in form and substance; b) ex-parte evaluation of the records; or c) clarificatory meeting with the parties to discuss the merits of the case. [Section 19, Rule 4]



## **Rule 4**

### **PRELIMINARY INVESTIGATION**

**Section 18. *Preliminary Investigation; Definition.*** – A Preliminary Investigation is a mandatory proceeding undertaken to determine whether a *prima facie* case exists to warrant the issuance of a formal charge/notice of charge.

**Section 19. *How conducted.*** – *Preliminary investigation may be conducted in any of the following manner: a) requiring the submission of counter affidavit or comment and/or other documents from the person complained of within five (5) days from receipt of the complaint which is sufficient in form and substance; b) ex-parte evaluation of the records; or c) clarificatory meeting with the parties to discuss the merits of the case.*



# Highlights

- Includes offenses found in other laws and rules such as Sexual Harassment and Violation of RA 9485 or the Anti-Red Tape Act (ARTA). [Section 51B, Rule 10]



## Rule 10

### ADMINISTRATIVE OFFENSES AND PENALTIES

#### Section 51. Other Specific Offense

**A. *The Offense of Sexual Harassment.*** - The specific acts constituting grave, less grave and light sexual harassment are as follows:

1. **Grave Offenses** punishable by dismissal from the service shall include, but are not limited to:
  - a. unwanted touching of private parts of the body (inner thighs, genitalia, buttocks and breast);
  - b. sexual assault;
  - c. malicious touching;





## Rule 10

### ADMINISTRATIVE OFFENSES AND PENALTIES



- d. requesting for sexual favor in exchange for employment, promotion, local or foreign travels, favorable working conditions or assignments, a passing grade, the granting of honors or scholarship, or the grant of benefits or payment of a stipend or allowance; and
- e. other analogous cases.

2. **Less Grave Offenses** shall include, but are not limited to:

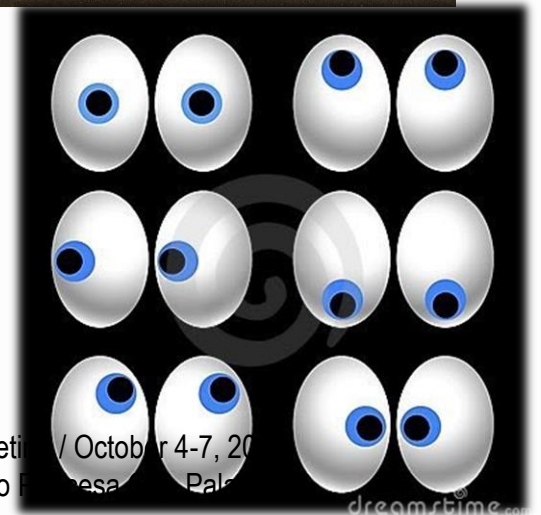
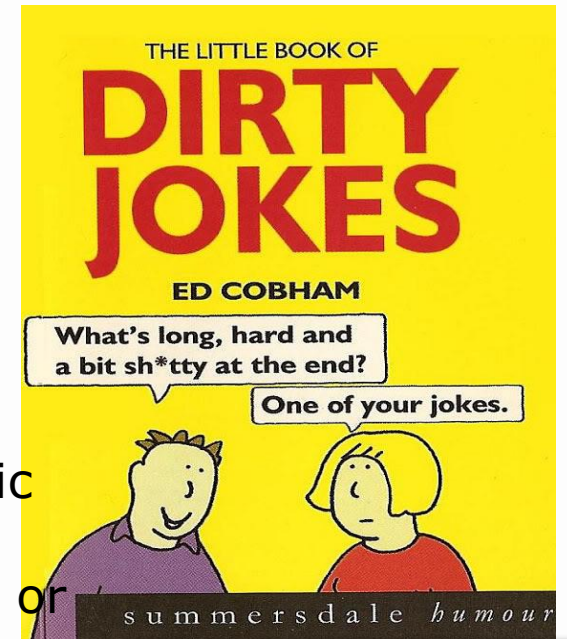
- a. unwanted touching or brushing against a victim's body;
- b. pinching not falling under grave offenses;
- c. derogatory or degrading remarks or innuendoes directed toward the members of one sex, or one's sexual orientation or used to describe a person;
- d. verbal abuse with sexual overtones; and
- e. other analogous cases.



## Rule 10

### ADMINISTRATIVE OFFENSES AND PENALTIES

3. **Light Offenses** shall include, but are not limited to:
- a. surreptitiously looking at a person's private part or worn undergarments;
  - b. telling sexist/smutfy jokes or sending these through text, electronic mail or other similar means, causing embarrassment or offense and carried out after the offender has been advised that they are offensive or embarrassing or, even without such advise, when they are by their nature clearly embarrassing, offensive or vulgar;
  - c. malicious leering or ogling;
  - d. display of sexually offensive pictures, materials or graffiti;

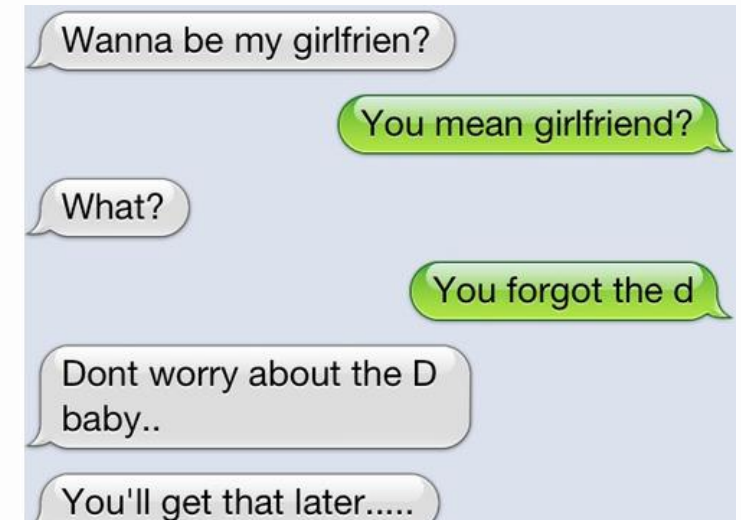




## **Rule 10**

### **ADMINISTRATIVE OFFENSES AND PENALTIES**

- e. unwelcome inquiries or comments about a person's sex life;
- f. unwelcome sexual flirtation, advances, propositions;
- g. making offensive hand or body gestures at an employee;
- h. persistent unwanted attention with sexual overtones;
- i. unwelcome phone calls with sexual overtones causing discomfort, embarrassment, offense or insult to the receiver; and
- j. other analogous cases.





## **Rule 10**

### **ADMINISTRATIVE OFFENSES AND PENALTIES**

#### **B. Violations of RA 9485 or the Anti-Red Tape Act (ARTA).**

- The specific acts constituting grave and light offenses as well as the corresponding penalties under said law are as follows:

##### **1. Grave Offense**

a. Fixing and/or collusion with fixers in consideration of economic and/or other gain or advantage.

Penalty - Dismissal and perpetual disqualification from public service.



# Highlights

- Redefined the penalty of demotion (Rule 10, Section 50 (C))

C. The grave offense of **Inefficiency and Incompetence** in the performance of official duties may be punishable by **Demotion**. In this case, the guilty person shall suffer **diminution in salary corresponding to the next lower salary grade** with the same salary step.



# Highlights

- Introduced psychological and developmental interventions as pre-requisites for Dropping from the Rolls. [Section 4 (x), (i), Rule 1] ; [Section 107, d(1),(2) and b(1) Rule 20]



## **Rule 20**

### **DROPPING FROM THE ROLLS**

**Section 107. *Grounds 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 therefor arises** subject to the following procedures:

- a. Absence Without Approved Leave xxx
- b. Unsatisfactory or Poor Performance
- c. Physical Unfitness
- d. *Mental Disorder*



## **Rule 20**

### **DROPPING FROM THE ROLLS**

#### **d. Mental Disorder**

An officer or employee who is behaving abnormally for an extended period, which may manifest continuing mental disorder shall be provided necessary **human resource and psychological interventions**. If after interventions, continued abnormal behavior/mental disorder is manifested, as reported by his or her co-worker or immediate supervisor and confirmed by a licensed psychiatrist, the officer or employee may be dropped from the rolls.

If the officer or employee refuses to undergo the necessary human resource and/or psychological interventions, he or she may be dropped from the rolls based on the report of co-workers or immediate supervisor and after confirmation by a licensed psychiatrist.



# Highlights

- Devotes an entire rule on the payment of backwages. [Rule 14]



**Rule 14**  
**PAYMENT OF BACK WAGES AND OTHER SIMILAR BENEFITS**

**Section 74. *Who are Entitled.*** – The following are entitled to back wages and other similar benefits:

- a. An illegally dismissed or suspended official or employee who is exonerated/reprimanded and ordered reinstated in the service; and
- b. A respondent placed under preventive suspension, whose order of suspension was declared by the Commission as invalid.



## **Rule 14**

### **PAYMENT OF BACK WAGES AND OTHER SIMILAR BENEFITS**

**Section 75. *What Are Included.*** – Subject to the guidelines provided hereinafter and other existing laws, rules and regulations, the following benefits are included in the scope of back wages:

- a. Salaries from the time the official or employee was illegally dismissed /suspended up to the time of actual reinstatement;
- b. Representation and Transportation Allowance (RATA) as provided under existing rules;
- c. Personnel Economic Relief Allowance/Additional Compensation Allowance (PERA/ACA);
- d. Restoration of Leave Credits;
- e. Loyalty Award;
- f. Anniversary Bonus;



**Rule 14**  
**PAYMENT OF BACK WAGES AND OTHER SIMILAR BENEFITS**

- g. 13<sup>th</sup>, 14<sup>th</sup> Month Pay and Cash Gift;
- h. Uniform/Clothing Allowance;
- i. Performance-based Bonus; and
- j. Other similar benefits given to regular employees by the agency



## **Rule 14**

### **PAYMENT OF BACK WAGES AND OTHER SIMILAR BENEFITS**

**Section 76. Guidelines.** – The following are the guidelines on the grant of back wages and other similar benefits to an illegally dismissed / suspended employee:

a. The payment of back wages should be computed based on the **rate of salary grade/job grade/pay level/pay grade** of the respondent at the **time of dismissal or suspension** including the increases in salary, allowances and other emoluments that may occur during the period the employee was prevented from rendering service.



## **Rule 14**

### **PAYMENT OF BACK WAGES AND OTHER SIMILAR BENEFITS**

- b. For entitlement to RATA, subject to existing rules and regulations, the requirement of **actual performance of duty** to an illegally dismissed or suspended respondent is **dispensed with** since it is unreasonable to expect or demand performance of his/her functions when the circumstances prevent one from doing so.
- c. PERA/ACA refers to the amount granted to civilian government personnel, whether occupying regular, contractual or casual positions, appointive or elective, whose positions are covered by RA 6758, as amended.
- d. The restoration of **leave credits** shall be subject to **annual deductions of five (5) days forced leave/mandatory leave** as required under the Omnibus Rules on Leave.



## **Rule 14**

### **PAYMENT OF BACK WAGES AND OTHER SIMILAR BENEFITS**

- e. For purposes of Loyalty award given to all officials/employees in the government who have rendered at least ten (10) years of continuous and satisfactory service in the government pursuant to CSC MC 6, s. 2002, **the period under which the respondent was illegally dismissed or suspended** should **not** be considered as **a gap in the service**. The same should be included in the computation of his/her length of service.
- f. Anniversary bonus is given during **milestone years**. A milestone year refers to the **15<sup>th</sup> anniversary and every fifth year thereafter**. Respondents who have been illegally dismissed or suspended during the milestone years shall be entitled to the payment of anniversary bonus.



## **Rule 14**

### **PAYMENT OF BACK WAGES AND OTHER SIMILAR BENEFITS**

- g. 13<sup>th</sup>/ 14<sup>th</sup> month pay is equivalent to one (1) month basic salary and Cash Gift under existing laws or as provided in the General Appropriations Act (GAA) shall be granted to each qualified official or employee which is equivalent to one (1) month basic salary.
- h. Uniform or clothing allowance refer to the amount granted per year to each qualified official or employee as provided in the GAA.
- i. **Bonuses based on performance** shall be given on the basis of the **rating of the employee prior to one's illegal dismissal or suspension** from the service.



## **Rule 14**

### **PAYMENT OF BACK WAGES AND OTHER SIMILAR BENEFITS**

**Section 77. Allowable Deductions.** – The payment of back wages shall be subject to **withholding tax, GSIS Premium, Phil-Health and HDMF fund contributions**, and other monthly dues/deductions, if there be any, which is imposed by the agency.

Payment of 13<sup>th</sup>/ 14<sup>th</sup> month pay, Cash Gift, Anniversary Bonus, and other additional bonus given by the agency which exceeds the ceiling tax exemption shall be subject to withholding tax.

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# Highlights

- Incorporates the rule that the accessory penalty of *Forfeiture of Retirement Benefits* excludes both terminal leave benefits and personal shares/contributions to the GSIS (Lledo vs. Lledo, February 9, 2010) or other equivalent retirement benefits system. [Section 57 (a) , Rule 10]



## **Rule 10**

### **ADMINISTRATIVE OFFENSES AND PENALTIES**

**Section 57. *Administrative Disabilities Inherent in Certain Penalties.*** *The following rules shall govern in the imposition of accessory penalties:*

a) The penalty of dismissal shall carry with it cancellation of eligibility, perpetual disqualification from holding public office and bar from taking civil service examinations.

*Terminal leave benefits and personal contributions to Government Service Insurance System (GSIS), Retirement and Benefits Administration Service (RBAS) or other equivalent retirement benefits system shall not be subject to forfeiture.*

b) The penalty of demotion shall carry with it disqualification from promotion for one (1) year.

c) The penalty of suspension shall carry with it disqualification from promotion corresponding to the period of suspension.



# Highlights

- Emphasizes that mitigating circumstances shall not apply to dismissal from the service which is an indivisible penalty  
[Section 53, Rule 10]



## **Rule 10**

### **ADMINISTRATIVE OFFENSES AND PENALTIES**

**Section 53. *Mitigating and Aggravating Circumstances.*** – Except for offenses punishable by dismissal from the service, the following may be appreciated as either mitigating or aggravating circumstances in the determination of the penalties to be imposed:

- a) Physical illness;
- b) Malice;
- c) Time and place of offense;
- d) Taking undue advantage of official position;
- e) Taking undue advantage of subordinate;
- f) Undue disclosure of confidential information;
- g) Use of government property in the commission of the offense;
- h) Habituality;



## **Rule 10**

### **ADMINISTRATIVE OFFENSES AND PENALTIES**

- i) Offense is committed during office hours and within the premises of the office or building;
- j) Employment of fraudulent means to commit or conceal the offense;
- k) First offense;
- l) Education;
- m) Length of service; or
- n) Other analogous circumstances.

In the appreciation thereof, the same must be invoked or pleaded by the respondent, otherwise, said circumstances will not be considered in the imposition of the proper penalty. The disciplining authority, however, in the interest of substantial justice, may take and consider these circumstances *motu proprio*.



# Highlights

- Duration of preventive suspension now provides that if the respondent is placed under preventive suspension in another case, the duration of the second preventive suspension shall simultaneously run with the first preventive suspension without prejudice to the service of the remaining period of the second preventive suspension. [Section 31, Rule 7]



## **Rule 7**

### **PREVENTIVE SUSPENSION**

**Section 28. *Preventive Suspension, nature.*** – Preventive suspension is not a penalty. It is designed merely as a measure of precaution so that the respondent may be removed from the scene of the alleged misfeasance/malfeasance/nonfeasance while the case is being investigated.

**Section 29. *When Issued; Grounds.*** – The proper disciplining authority, upon motion or *motu proprio*, may issue an order of preventive suspension against the respondent upon issuance of the formal charge or notice of charge, or immediately thereafter, if:



## **Rule 7**

### **PREVENTIVE SUSPENSION**

A) The charge involves:

1. Dishonesty;
2. Oppression;
3. Grave Misconduct;
4. Neglect in the Performance of Duty;
5. Other offenses punishable by dismissal from the service; or
6. Administrative offense committed on its second or third offense and the penalty is dismissal from the service; and



## **Rule 7**

### **PREVENTIVE SUSPENSION**

B.) The respondents is in a position to exert undue influence or pressure on the witnesses and/or tamper with evidence.

In order for a preventive suspension order to be valid, any of the conditions in Items A and B must be present.

**Section 30. *Alternative to Preventive Suspension.*** – The proper disciplining authority may reassign respondent to another unit of the agency subject to the same periods as provided in the immediately succeeding section.



## **Rule 7**

### **PREVENTIVE SUSPENSION**

**Section 31. *Duration of Preventive Suspension.*** – Unless otherwise provided for by law, the disciplining authority may place the respondent under preventive suspension for a maximum period of ninety (90) days in the case of national agencies including government-owned or controlled corporations with original charters, state universities and colleges (SUCs) or sixty (60) days in the case of local government units including local universities and colleges (LUCs). When the administrative case against respondent under preventive suspension is not finally decided by the disciplining authority within the period of preventive suspension, the respondent shall be automatically reinstated in the service unless the delay in the disposition of the case is due to the fault, negligence or petition of the respondent, in which case, the period of delay shall not be included in the counting of the period of preventive suspension.



## **Rule 7**

### **PREVENTIVE SUSPENSION**

Any period of delay caused by motions filed by the respondent shall be added to the period of preventive suspension. Provided, that where the order of preventive suspension is for a period less than the maximum period, the disciplining authority undertakes to finish the formal investigation within the said period and is precluded from imposing another preventive suspension. Provided, further, that should the respondent be on authorized leave, said preventive suspension shall be deferred or interrupted until such time that said leave has been fully exhausted.

Provided finally that if the respondent is placed under preventive suspension in another case, **the duration of the second preventive suspension shall simultaneously run with the first preventive suspension without prejudice to the service of the remaining period of the second preventive suspension.**



# Highlights

- Provides payment of **fine in lieu of suspension** for those who are already retired or otherwise separated from government service where the penalty of suspension could not be served anymore which may be sourced from accumulated leave credits or whatever benefits are due. [Section 52 (1) (d), Rule 10]



## **Rule 10**

### **ADMINISTRATIVE OFFENSES AND PENALTIES**

**Section 52. Penalty of Fine.** – *The following are the guidelines for the penalty of fine:*

1. *The disciplining authority may allow payment of fine in place of suspension if any of the following circumstances is present:*

- (a) When the functions/nature of the office is impressed with national interest such as those involved in maintenance of peace and order, health and safety, education;
- (b) When the respondent is actually discharging frontline functions or those directly dealing with the public and the human resource complement of the office is insufficient to perform such function;
- (c) When the respondent committed the offense without utilizing or abusing the powers of his/her position or office; or



## Rule 10

### **ADMINISTRATIVE OFFENSES AND PENALTIES**

(d) **When the respondent has already retired or otherwise separated from government service and the penalty of suspension could not be served anymore, the fine may be sourced from the accumulated leave credits or whatever benefits due the respondent.**

2. The payment of penalty of fine in lieu of suspension shall be available in Grave, Less Grave and Light Offenses where the penalty imposed is for six (6) months or less at the ratio of one (1) day of suspension from the service to one (1) day salary fine; Provided, that in Grave Offenses where the penalty imposed is six (6) months and one (1) day suspension in view of the presence of mitigating circumstance, the conversion shall only apply to the suspension of six (6) months. Nonetheless, the remaining one (1) day suspension is deemed included therein.



# Highlights

- Clarifies when an appointee is considered a de facto official or employee in case of disapproved/invalidated appointment and its effects. [Section 86, Rule 17]



## **Rule 17**

### **INVALIDATION OR DISAPPROVAL OF APPOINTMENT**

**Section 87. *Invalidation or Disapproval; Who May Appeal; Effect.*** – Either the appointing authority or the appointee may assail the invalidation or disapproval of an appointment. Pending resolution of the appeal before the CSC, the appointee shall remain in his/her position with entitlement to salaries. In case an appointment is finally invalidated or disapproved, the appointee shall be entitled to restoration to his/her previous position, if applicable.



## Rule 17

### **INVALIDATION OR DISAPPROVAL OF APPOINTMENT**

*When an appointment is invalidated/disapproved **on the grounds that do not constitute a violation of civil service law, the appointee shall be considered a de facto official/employee** for which he/she is entitled to payment of salaries from the government and the services are creditable government service. On the other hand, when an appointment is invalidated/disapproved for violation of pertinent laws such as publication requirement pursuant to Republic Act No. 7041<sup>1</sup>, among others, the services of the appointee shall not be credited as government service and the salaries of the appointee shall be borne by the appointing authority and/or the persons responsible for the commission of the violation of a rule, law.*

**Agencies may fill up vacant position resulting from promotion only after the CSC has approved/validated the promotional appointment, except in meritorious cases as may be authorized by the Commission.**

<sup>1</sup> AN ACT REQUIRING REGULAR PUBLICATION OF EXISTING VACANT POSITIONS IN GOVERNMENT OFFICES, APPROPRIATING FUNDS THEREFORE, AND FOR OTHER PURPOSES



# Highlights

- Includes a provision that Judicial Affidavit Rule may be adopted in place of direct testimonies of witnesses without prejudice to clarificatory questions that may be asked.  
[Section 38, Rule 8]



## **Rule 8**

### **FORMAL INVESTIGATION**

**Section 38. *Preliminary Matters.*** – At the start of the hearing, the hearing officer shall note the appearances of the parties.

If, after being apprised of the right to counsel, respondents appear without the aid of a counsel, they shall be deemed to have waived the right thereto.

Before taking the testimony, the hearing officer shall place the witness under oath and then take the name, address, civil status, age, and complete name and address of employment.

A sworn statement of the witness properly identified and affirmed shall constitute direct testimony, copy furnished the other party.

***The use of Judicial Affidavit may also be adopted in place of the direct testimonies of witnesses. The adoption of the Judicial Affidavit Rule is without prejudice to clarificatory questions that may be asked during the hearing.***



# Highlights

- Change of jurisdiction of Correction of Personal Information (COPI) from the CSC Central Office (CO) to Regional Offices (ROs) [Section 104, Rule 19]
- Removal of the affidavit of two (2) disinterested witnesses for correction of personal information in the records of the Commission but not in the case of late registration of birth certificates. [Section 106 (a), Rule 19]



# Highlights

- Introduces the Presumptive Notice Rule and service of Notices/Orders, pleadings, or motions by private couriers [Section 119, Rule 22]



## Rule 22

### **MISCELLANEOUS PROVISIONS**

#### ***Section 119. Presumptive Notice; Service of Order and service of processes.***

(a) There shall be presumptive Notice to a party of a Commission's Notice or Order on any of the following instances:

1. In cases under formal investigation, if such Notice or Order appears on the record to have been mailed **at least fifty-five (55) days** prior to the scheduled date of hearing if the addressee is from within the National Capital Region, or **at least seventy-five (75) days** if the addressee is from outside the National Capital Region, for cases before the Commission Proper.

In cases before the Civil Service Commission Regional Offices, if such Notice or Order appears on the record to have been mailed at least fifty-five (55) days prior to the scheduled date of hearing if the addressee is from within the geographical area of the Regional Office which exercises jurisdiction, or at seventy-five (75) days if the addressee is from outside the geographical area.



# Highlights

- Includes as penalty for indirect contempt the suspension of one (1) month up to maximum period of six (6) months aside from a fine of One Thousand Pesos per day for those who will defy CSC decisions, rulings or orders which may include heads of agencies, whether elective, presidential or non-presidential appointees. [Section 85, Rule 16]



# CONTEMPT OF THE COMMISSION

## Rule 16

### PROCEDURE FOR CONTEMPT

#### **Section 82. *Contumacious/Contemptuous Acts Punishable* –**

Any person found guilty of disobedience of or resistance to a lawful writ, process, order, decision, resolution, ruling, summons, subpoena, command or injunction of the Commission may be punished for indirect contempt.

**Section 83. *How proceedings are commenced*** – Proceedings for indirect contempt may be initiated *motu proprio* by the Commission by an order requiring the respondent to show cause why he/she should not be punished for indirect contempt. A motion to cite for indirect contempt may also be filed with the Commission. In both cases, proceedings shall be conducted at the Office for Legal Affairs, Civil Service Commission.

The conduct of proceedings for indirect contempt cases shall follow, as far as applicable, the procedure required in the conduct of disciplinary investigation provided under these Rules.



**Section 84. *Hearing*** – Upon the day set for the hearing, the Commission shall proceed to investigate the indirect contempt case and consider such comment, answer, defense or testimony as the respondent may make or offer. Failure to attend the scheduled hearing and to give a satisfactory explanation in writing to the Commission will result in the waiver of the respondent to be present during the hearing.

**Section 85. *Punishment, if found guilty***– *If the respondent is adjudged guilty of indirect contempt committed against the Commission, he/she may be punished by a fine of One Thousand (P1,000.00) Pesos per day for every act of indirect contempt and/or **suspension for one (1) month up to a maximum period of six (6) months.***

The finding of guilt for indirect contempt shall not bar the filing of another indirect contempt case for the same cause if, after serving the first penalty of suspension or fine or both, the respondent continues to fail/refuse to comply with the Commission's Order.



# **2017 Omnibus Rules on Appointments and Other Human Resource Actions**

2017 3rd Quarterly Seminar & Meeting / October 4-7, 2017  
Citystate Asturias Hotel, Puerto Princesa City, Palawan



# **2017 Omnibus Rules on Appointments and Other Human Resource Actions**

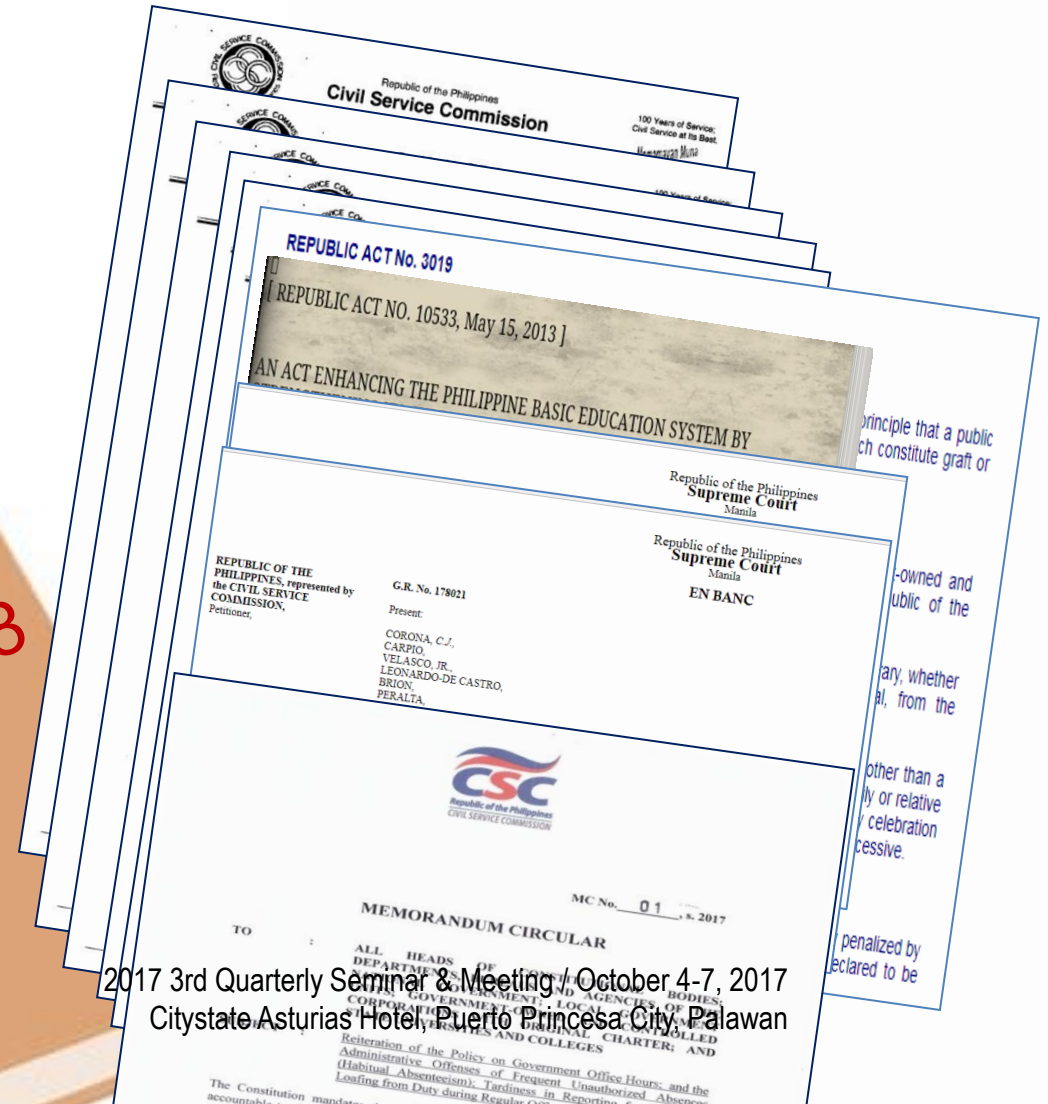
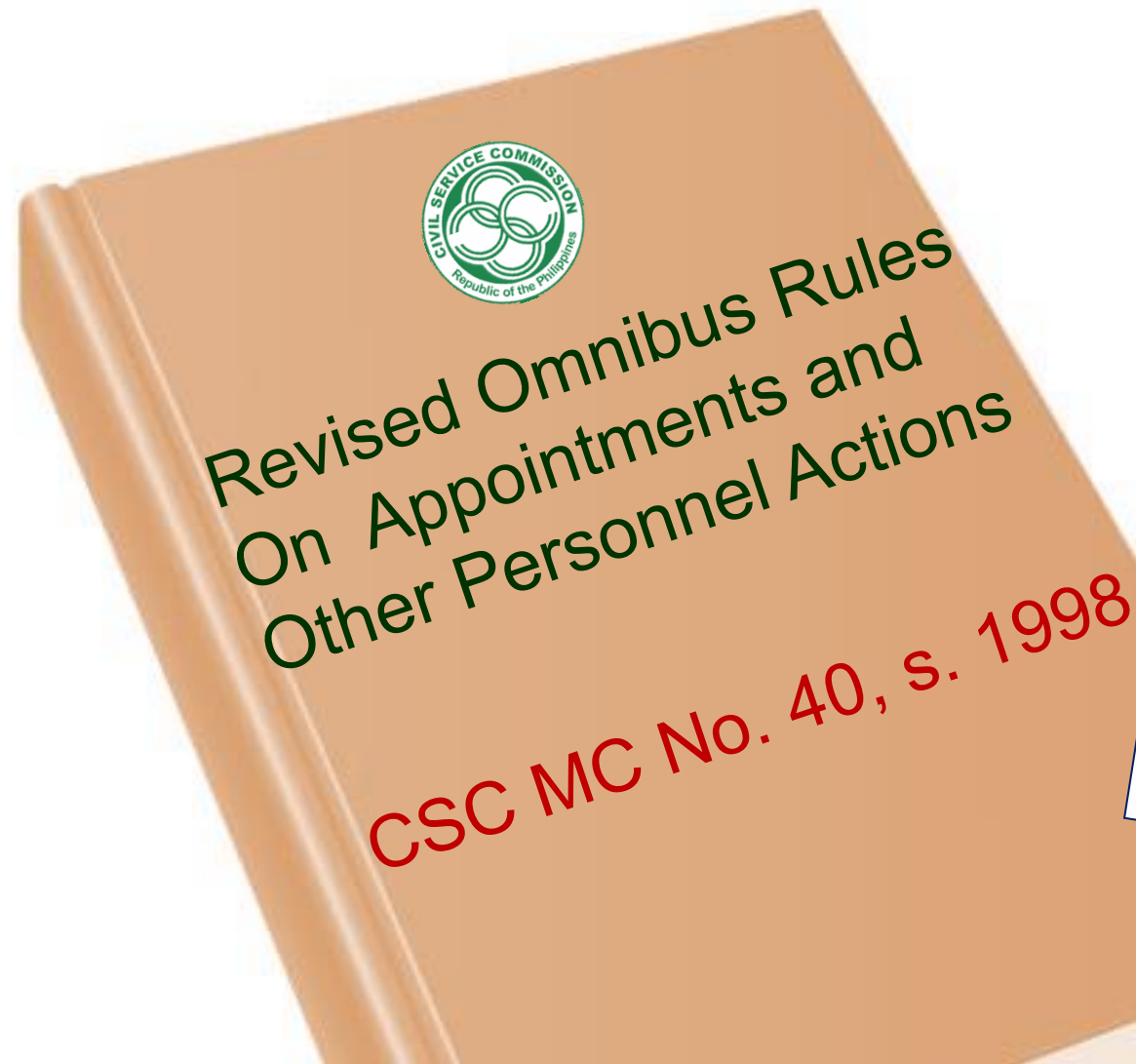
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Pursuant to Paragraph 2 and 3, Section 12, Book V of Executive Order No. 292, the Civil Service Commission (CSC) hereby prescribes these rules to govern the preparation, submission of, and actions to be taken on appointments and other human resource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



# 19 years ago...



2017 3rd Quarterly Seminar & Meeting / October 4-7, 2017  
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## **2017 Omnibus Rules on Appointments and Other Human Resource Actions**

2017 3rd Quarterly Seminar & Meeting / October 4-7, 2017  
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**merit-based appointment**

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# **RULE I**

## **General Policies on Appointments**



# Salient Features of the 2017 Omnibus Rules on Appointments and Other Human Resource Actions

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## 2017 OMNIBUS RULES ON APPOINTMENTS AND OTHER HUMAN RESOURCE ACTIONS

### *RULE I. General Policies on Appointments*

*Sec 3. Any action denoting the movement or progress of human resource in the civil service such as promotion, transfer, reappointment, reinstatement, reemployment, detail, reassignment, **secondment**, demotion, and separation shall be known as human resource action.*

**Secondment will be subject of a separate issuance.**



# **RULE II**

## **Requirements for Regular Appointments**



# Salient Features of the 2017 Omnibus Rules on Appointments and Other Human Resource Actions

## 2017 OMNIBUS RULES ON APPOINTMENTS AND OTHER HUMAN RESOURCE ACTIONS

*RULE II. Requirements for Regular Appointments.*

- 1) Common Requirements for regular appointments for submission by regulated and accredited/deregulated agencies to the CSC FO.*
- 2) Specific Cases Where Additional Documents are Required, such as in cases of erasures or alterations on appointments, with appointee with decided administrative/criminal case, among others.*
- 3) Required Documents to be retained in the Agency.*

**For casual appointments, eligibility is waived. If appointments are submitted in bulk, the CSC FO only has to count if the names are in the files submitted, and not the completeness of the appointments submitted.**



# **RULE III**

## **Procedures in the Preparation of Appointments**



# Salient Features of the 2017 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.*

## 2017 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 2017), 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 2017 Omnibus Rules on Appointments and Other Human Resource Actions

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## 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.*

## 2017 OMNIBUS RULES ON APPOINTMENTS AND OTHER HUMAN RESOURCE ACTIONS

*b. **PERSONAL DATA SHEET.** The Personal Data Sheet (PDS) (CS Form 212, Revised 2017) which should be updated and accomplished properly and completely by the appointee shall be attached to the appointment'.*

**For CS Form No. 212, Revised 2017, there are additional fields 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**

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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. 2017

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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.



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

## **MC No. 8, s. 2017**

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Pursuant to the Policy on Employment in the Government Service of Filipino Citizens with Dual Citizenship, CSC MC No. 23, s. 2017, the Commission clarified that this covers only natural born Filipino citizens who were naturalized in another country, and later on reacquired their Filipino citizenship. Those who were born to Filipino parents in another state which follows the principle of jus soli are not required to renounce their citizenship.

**Therefore, Filipino citizens whose foreign citizenship was acquired by birth is not covered by CSC MC No. 23, s. 2017.**



# Salient Features of the 2017 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.*

## 2017 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 2017 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.

## 2017 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 2017 Omnibus Rules on Appointments and Other Human Resource Actions

## 2017 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 2017 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.**

## 2017 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 2017 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.*

## 2017 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 2017 Omnibus Rules on Appointments and Other Human Resource Actions**

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## **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 2017 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.*

## 2017 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. Coterminous with the appointing officer authority – an appointment is coexistent with the term/tenure of the appointing officer/authority.*
- 2. Coterminous 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 2017 Omnibus Rules on Appointments and Other Human Resource Actions

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## 2017 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 2017 Omnibus Rules on Appointments and Other Human Resource Actions

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## 2017 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.**

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# Salient Features of the 2017 Omnibus Rules on Appointments and Other Human Resource Actions

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**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 2017 Omnibus Rules on Appointments and Other Human Resource Actions

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## 2017 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 2017 Omnibus Rules on Appointments and Other Human Resource Actions

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## 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.*

## 2017 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 2017 Omnibus Rules on Appointments and Other Human Resource Actions

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## 2017 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 2017 Omnibus Rules on Appointments and Other Human Resource Actions

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**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 2017 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.*

## 2017 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 2017 Omnibus Rules on Appointments and Other Human Resource Actions

## 2017 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.

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 2017 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.

## 2017 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 2017 Omnibus Rules on Appointments and Other Human Resource Actions

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## 2017 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**

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# Salient Features of the 2017 Omnibus Rules on Appointments and Other Human Resource Actions

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## 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.*

## 2017 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 2017 Omnibus Rules on Appointments and Other Human Resource Actions

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## 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.*

## 2017 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 2017 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 2017 ORAOHRA, 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 2017 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.*

## 2017 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.***

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# **Salient Features of the 2017 Omnibus Rules on Appointments and Other Human Resource Actions**

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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 2017 Omnibus Rules, REAPPOINTMENT is redefined and expanded to include RENEWAL, RE-CATEGORIZATION AND RATIONALIZATION.**



# Salient Features of the 2017 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.**

## 2017 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.*

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# Salient Features of the 2017 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.

## 2017 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 2017 Omnibus Rules on Appointments and Other Human Resource Actions

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## 2017 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 2017 Omnibus Rules on Appointments and Other Human Resource Actions

## 2017 OMNIBUS RULES ON APPOINTMENTS AND OTHER HUMAN RESOURCE ACTIONS

Rule IV. Sec 5.

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

**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.**

***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.***



# Salient Features of the 2017 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.***

## 2017 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 2017 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.*

2017 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 2017 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.

## 2017 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 2017 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.”*

## 2017 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 2017 Omnibus Rules on Appointments and Other Human Resource Actions

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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 2017 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.

## 2017 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 2017 Omnibus Rules on Appointments and Other Human Resource Actions

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## 2017 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 2017 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.**

## 2017 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 2017 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.

## 2017 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 2017 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.

## 2017 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 2017 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.**

## 2017 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 2017 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;*

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

## 2017 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**.*



# Salient Features of the 2017 Omnibus Rules on Appointments and Other Human Resource Actions

## MC No. 18, s. 2017

### 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 2017 Omnibus Rules on Appointments and Other Human Resource Actions)*

## 2017 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.**

2017 3rd Quarterly Seminar & Meeting / October 4-7, 2017

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# Salient Features of the 2017 Omnibus Rules on Appointments and Other Human Resource Actions

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MC No. 40, s. 1998

## 2017 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 2017 Omnibus Rules on Appointments and Other Human Resource Actions

MC No. 40, s. 1998

## 2017 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*

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**RULE X**  
**CERTAIN MODES OF**  
**SEPARATION –**  
**DOCUMENTS REQUIRED FOR**  
**RECORD PURPOSES**



# Salient Features of the 2017 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.*

## 2017 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 2017 Omnibus Rules on Appointments and Other Human Resource Actions

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## 2017 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 2017 Omnibus Rules on Appointments and Other Human Resource Actions

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

## 2017 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.**

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# Salient Features of the 2017 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.

## 2017 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 2017 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;*

## 2017 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 2017 RACCS.**



# **RULE XI**

## **DISAPPROVAL/INVALIDATION AND RECALL OF APPROVAL/ VALIDATION OF APPOINTMENTS**



# Salient Features of the 2017 Omnibus Rules on Appointments and Other Human Resource Actions

## 2017 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 2017 Omnibus Rules on Appointments and Other Human Resource Actions

## 2017 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.**



# 2017 Rules on Administrative Cases in the Civil Service (RACCS)

## RULES ON REVOCATION OF APPOINTMENTS

### MC No. 25, s. 2017 (Now Rule 18)

*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.*



# 2017 Rules on Administrative Cases in the Civil Service (RACCS)

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## Rules on Revocation of Appointments MC No. 25, s. 2017

***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.



# 2017 Rules on Administrative Cases in the Civil Service (RACCS)

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## Rules on Revocation of Appointments MC No. 25, s. 2017

***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.*



# 2017 Rules on Administrative Cases in the Civil Service (RACCS)

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## Rules on Revocation of Appointments MC No. 25, s. 2017

***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*



# 2017 Rules on Administrative Cases in the Civil Service (RACCS)

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## Rules on Revocation of Appointments MC No. 25, s. 2017

***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*



# 2017 Rules on Administrative Cases in the Civil Service (RACCS)

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## Rules on Revocation of Appointments MC No. 25, s. 2017

Section 99. Recall of Approval/Validation of Appointment;  
Who may File. The Commission, or any of its CSC RO or CSC FO, motu proprio or upon petition by any person, may initiate the recall of approval/validation of an appointment of an official or employee who does not meet the requisite qualification standards of the position or on the ground that the appointment was issued in violation of existing civil service laws, rules, and regulations.



# **RULE XII PROHIBITIONS**



# Salient Features of the 2017 Omnibus Rules on Appointments and Other Human Resource Actions

## 2017 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 2017 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.**

## 2017 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 2017 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 65<sup>th</sup> 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 2017 Omnibus Rules on Appointments and Other Human Resource Actions

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MC No. 40, s. 1998

2017 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 2017 Omnibus Rules on Appointments and Other Human Resource Actions**

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## **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

2017 3rd Quarterly Seminar & Meeting / October 4-7, 2017  
Citystate Asturias Hotel, Puerto Princesa City, Palawan