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KAGAWARAN NG EDUKASYON, KULTURA AT ISPORTS
(DEPARTMENT OF EDUCATION, CULTURE AND SPORTS)
UL Complex, Pasig, Metro Manila

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DECS O R D E R
No. 94, s. 1993

OMNIBUS GUIDELINES ON APPOINTMENTS AND OTHER PERSONNEL ACTIONS

To: Undersecretaries
Assistant Secretaries
Bureau/Cultural Agency Directors
Regional Directors
Schools Superintendents
Presidents, State Colleges and Universities
Vocational School Superintendents/Administrators

1. For the information and guidance of all concerned, inclosed is a copy of Memorandum Circular No. 38, s. 1993 of the Civil Service Commission updating the requirements and procedures prescribed by the Commission in the preparation and submission of appointments and other personnel actions.

2. Attention is invited to the portion of MC No. 38 specifying the supporting papers that should be forwarded to the Civil Service Commission. The records officer and/or records personnel assigned to release appointments for attestation of the Civil Service Commission or its Regional Offices concerned should likewise see to it that only papers desired by the Civil Service Commission are attached to the appointment and the other papers filed in the folder of the appointee.

3. It has been observed that several appointments were disapproved due to non-observance of certain procedures and/or deficiency in supporting papers or requirements, which led to the reissuance or resubmission of these appointments that resulted in delays, unnecessary waste of efforts, and expensive operations.

4. To avoid such situations, it is requested that this Order be given wide dissemination for the strict compliance of all concerned.



ARMAND V. FABELLA
Secretary

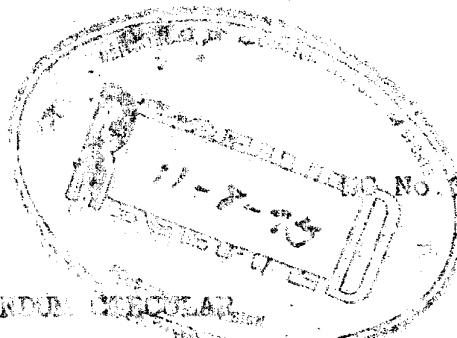
Incl.: As stated

Reference: MECS Memorandum: No. 132, s. 1985

Allotment: 1-2-3--(M.O. 1-87)

To be indicated in the Perpetual Index
under the following subjects:

APPOINTMENT, EMPLOYMENT, REAPPOINTMENT
EMPLOYEES
RULES & REGULATIONS



No. 36-a. 1993

MEMORANDUM CIRCULAR

TO : ALL HEADS OF DEPARTMENTS, BUREAUS AND AGENCIES OF THE NATIONAL AND LOCAL GOVERNMENTS, INCLUDING GOVERNMENT-OWNED AND/OR CONTROLLED CORPORATIONS AND STATE UNIVERSITIES AND COLLEGES

SUBJECT : Omnibus Guidelines on Appointments and Other Personnel Actions

In view of the various changes in policies and the institution of new systems in personnel administration, most especially on matters of appointments, it has become imperative to review and update the requirements and guidelines affecting appointments and other personnel actions thru Memorandum Circulars issued by the Commission from time to time.

However, it was noted that several appointments were disapproved due to non-observance of certain procedures and/or deficiency in supporting papers or requirements, which led to the reissuance or resubmission of these appointments. This resulted in delays, unnecessary waste of efforts and expensive operations. Moreover, this often caused misunderstanding between the personnel of this Commission and the agencies concerned and/or the personnel involved.

To facilitate action on all kinds of appointments and other personnel actions and to effect economy in operations by saving valuable man-hours, the following updated guidelines, requirements and procedures in the preparation and submission of appointments and other personnel actions should be observed.

GUIDELINES, PROCEDURES AND REQUIREMENTS IN THE PREPARATION AND SUBMISSION OF APPOINTMENTS

I. GENERAL GUIDELINES

1. Responsibilities of HRMS/PO

a. The Human Resource Management Officer/Personnel Office or the duly authorized personnel in charge of personnel matters shall have the following responsibilities as far as appointments are concerned:

- 1) Review thoroughly and check the veracity and authenticity of all the requirements and supporting papers in connection with all cases of appointments before submission to the CSC Office concerned;
- 2) Sign the following certifications at the back of the appointment:
 - Certification as to completeness and authenticity of requirements
 - Certification as to publication of the position to be filled
- 3) Ensure that the Chairman of the Personnel Selection Board has signed the certification at the back of the appointments when applicable;
- 4) Ensure that all questions in the Personal Data Sheet (CS Form 212) of the appointee are answered properly and completely with his recent photograph attached, his right thumbmark affixed and his current community Tax Certificate indicated therein; and
- 5) Submit appointments with the prescribed transmittal form (copy attached) indicating the names of the appointees, their positions and the corresponding date of issuance.
- 6) Submit a monthly report of employee accession and separation to the CSC Office concerned.

b. Failure to fulfill the above-mentioned responsibilities and to submit the said monthly report shall be a ground for administrative disciplinary action for neglect of duty.

II. COMMON REQUIREMENTS AND PROCEDURES FOR REGULAR APPOINTMENTS

APPOINTMENTS SUBMITTED TO THE CSC OFFICE CONCERNED SHOULD MEET THE REQUIREMENTS LISTED BELOW. NON-COMPLIANCE OF SUCH REQUIREMENTS SHALL BE A GROUND FOR DISAPPROVAL OF SAID APPOINTMENTS.

1. Forms (submit 3 copies)

- a. The regular appointment shall be in the prescribed CS Form 33, as revised in September, 1993
- b. Contractual appointment shall also be issued in CS Form 33
- c. All appointments of substitute teachers shall be prepared in CS Form 33 and submitted to the CSC Office concerned for approval. The use of Special Orders for subsequent appointments of teachers within a school year shall be discontinued.
- d. Appointments of casual, emergency or seasonal personnel shall be prepared in the prescribed Plantilla Appointment Form. The practice of issuing Job Orders in hiring casual employees is prohibited.

2. Signature of the appointing authority

- a. The appointment must be duly signed by the appointing authority who should indicate the date of signing below his signature. This date shall be the date of issuance of the appointment or Plantilla Appointment.

3. Position Allocation List

- a. The position title to be indicated in the appointment should conform with the approved Position Allocation List. However, in case of a generic title, the descriptive title, enclosed in parenthesis should also be indicated (Example: Foreign Service Staff Officer (Budget Officer)

4. Employment Status

- a. The employment status which is one of the following, shall be indicated on the appropriate space provided therefor:

- 1) Permanent - issued to a person who meets the requirements for the position to which he is being appointed, including the appropriate eligibility prescribed, in accordance with the provisions of law, rules and standard promulgated in pursuance thereof.

2. Basic Documents required for Submission

a. Unless otherwise specifically required in certain cases, each appointment shall be accompanied only by the appointee's Personal Data Sheet (CS Form 212).

b. The other required supporting documents shall be retained in the 201 files of the appointee in the agency

c. All supporting documents which are not original copies shall be submitted as certified true copies by the Records Officer or a duly authorized official of the agency.

3. Request for reconsideration

Request for reconsideration of action taken by the CSC Office on appointments shall always be made by the appointing officer and shall be submitted to the CSC office concerned within fifteen (15) days from the date of receipt of the appointment, the action on which is sought to be reconsidered.

4. Implications of CSC Disapproval

a. When an appointment is disapproved by the CSC, the services of the appointee should be terminated, unless an immediate motion for reconsideration has been filed.

b. Services rendered by a person for the duration of his disapproved appointment shall not be credited as government service for whatever purpose.

5. Liability of Appointing Authority and Other Officers

a. The appointing authority shall be personally liable for the salary of appointees whose appointments have been disapproved for violation of pertinent laws such as RA 7041 and RA 7430.

b. The appointee whose appointment was disapproved for being lapsed/ineffective due to non-submission to the CSC within the thirty-day period, shall be entitled to payment of salary from the government for a period not exceeding thirty days for actual services rendered. After thirty days, payment of salary shall be the personal liability of the person responsible for the delay in the submission of the appointment.

6) Employment status of teachers are those defined by the Magna Carta for Public School Teachers (RA 4670), viz:

- o Temporary - for those who do not meet the minimum educational qualification (Sec. 3 RA 4670), with or without teacher eligibility.

- o Provisional - for those who meet the minimum educational qualification, but without teacher eligibility. Provisional teachers shall undergo a probation period of not less than one year

- o Regular (Permanent) - for those who meet the educational and eligibility requirements

- o Permanent - for those with ten (10) years of continuous, satisfactory, and faithful service

- o Provisional (Substitute) - for those who meet the minimum educational qualification but without teacher eligibility and appointed in a substitute capacity.

- o Regular (Substitute) - for those who meet the educational and eligibility requirements and appointed in a substitute capacity.

Temporary and provisional appointment shall be issued in accordance with the provisions of Section 3 and 4, RA 4670. However, it must be shown that at the time of the issuance of the appointment there are no applicants actually and immediately available who meet the minimum educational qualifications in the case of temporary appointments or who are registered teachers in the case of provisional appointments.

Temporary or provisional appointments of teachers shall have no definite duration. It is understood, however, that the services of those who hold such position may be terminated at any time by the appointing authority as soon as applicants who possess the minimum educational qualifications or who are registered teachers, as the case may be, are actually and immediately available.

7) Employment status of faculty and academic staff positions in all State Universities and Colleges which belong to the closed career service shall be governed by their approved Merit System which shall include qualification requirements for their faculty and academic staff consistent with the provision of National Compensation Circular (NCC) No. 33, s. 1985, as amended by NCC No. 68, s. 1992.

An appointment issued by the appointing authority under a temporary status to a person fully qualified for a permanent appointment to the position to which he is being appointed, shall be disapproved for violation of Section 27 (1), Book V of Executive Order No. 292, except when it pertains to certain occupational groups for which prior clearance has been obtained from the Commission.

2) Temporary - issued to a person who meets all the requirements for the position to which he is being appointed except for the appropriate eligibility and 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, but the appointee may be replaced sooner of a qualified eligible who is willing to accept appointment becomes actually available.

3) Substitute - a substitute appointment is issued when the regular incumbent of a position is temporarily unable to perform the duties of his position, as when he is on leave of absence or is absent without official leave or is under suspension or is on scholarship grant or is on secondment. This is good only until the return of the former incumbent.

4) 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 that which is subject to his pleasure or co-existent with his tenure or limited by the duration of a project or subject to the availability of funds or issued for a position which is co-existent with the appointee or as provided for by law.

Appointments of personnel under Foreign-assisted projects shall be issued and approved as co-terminous with the project, that is, they are considered employees for the duration of the project, in which case, the name of the project and its completion date shall be indicated on the appointment.

For purposes of coverage or membership with the GSIS, co-terminous appointees shall be considered permanent unless stated otherwise in the appointment.

5) 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 is not prevented in indicating the duration of the appointment for purposes of crediting services. Otherwise, the duration of the contractual appointment shall be construed as one year.

Any appointment where the status of appointment does not conform with this policy shall be disapproved.

5. Nature of Appointment

a. The correct nature of the appointment, in accordance with the following description, shall be indicated on the space provided therefor:

1) Original - refers to the initial entry into the career service of persons who meet all the requirements of the position including those appointed to positions falling under CSC MC#10, a. 1980.

It is understood that the first six months of service following an original appointment will be probationary in nature and the appointee shall undergo a thorough character investigation. A probationer may be dropped from the service for unsatisfactory conduct or want of capacity anytime before the expiration of the probationary period. Provided that such action is appealable to the Commission.

However, if no notice of termination or unsatisfactory conduct is given by the appointing authority to the employee before the expiration of the six-month probationary period, the appointment automatically becomes permanent.

2) Initial - refers to all other appointments of persons entering the government service for the first time (whether career or non-career) which are not covered by the definition of original appointment.

3) Promotion - 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.

4) Transfer - movement from one position to another without break in service involving the issuance of an appointment.

The transfer may be from one agency to another or from one organizational unit to another in the same agency.

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 of 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.

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.

Heads of oversight agency and their staff are prohibited from transferring to any position in the department/agency/office, local government unit which his unit is assigned or designated to oversee within one year after the termination of such assignment/designation.

This prohibition contemplates only transfer of officials of those offices/units who are in a position to exert pressure or influence on the new or accepting agency but not to cover those occupying clerical and skilled positions such as clerks and drivers.

5) Reemployment - reappointment of a person who has been previously permanently appointed to a position in the career service but who has been separated as a result of reduction in force, reorganization, retirement or voluntary resignation. Reemployment presupposes gap in the service.

One who resigned from the government service during the 3-month period before any election to promote the candidacy of another shall not be reemployed during the six-month period following such election.

No prior authority shall be required for the reemployment of a person who has been previously retired and who has not reached the compulsory retirement age of 65.

6) Reappointment - is the reissuance of appointment during reorganization, devolution, or similar events or subsequent appointment of substitute teachers.

7) Renewal - subsequent appointment issued upon the expiration of the appointment of contractual/casual personnel or temporary appointment, if a qualified eligible is still not actually available, as certified by the Civil Service Regional Director or Field Officer. Renewal presupposes no gap in the service.

8) Change of status:

o temporary to permanent - the appointment issued when a temporary employee acquires the appropriate eligibility or becomes fully qualified for the position to which he is appointed.

o provisional to regular (Permanent) - the appointment issued when a provisional teacher is registered as a professional teacher.

o temporary to provisional - the appointment issued when a temporary teacher who is not a registered teacher eligible completes the educational requirement or is reappointed to a teacher position for which he is educationally qualified.

o temporary to regular (Permanent) - the appointment issued when a teacher who is registered as a professional teacher completes the educational requirement or is reappointed to a teacher position for which he is educationally qualified.

o provisional to permanent - (under section 5 Of RA 4670) the appointment issued after a provisional teacher has rendered ten (10) years of continuous, satisfactory, and faithful service.

9) Demotion - 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.

b. The following adjustment or movements of personnel which do not involve any changes in position title, rank or status do not need the issuance of another appointment, provided that the existing appointment does not specify the working station:

1. Change in item number only
2. Upgrading- (same position)
3. Salary adjustment
4. Step-increment
5. Reinstatement

However, a notice of such change or movement or adjustment shall be submitted to the CSC Office concerned for record purposes.

6. Submission to CSC

a. All appointments should be submitted to the CSC Office concerned within 30 days from the date of issuance, which shall be the date indicated by the appointing authority below his signature, otherwise they shall become ineffective and shall be disapproved.

b. Request for reconsideration from the said disapproval may be granted only on acceptable and reasonable justifications.

c. In the event an appointment is disapproved for being ineffective, the appointee shall be entitled to payment of salary from the government for a period not exceeding thirty (30) days for actual services rendered, except in the following instances:

1) non-compliance with the publication requirement pursuant to RA 7041, if applicable.

2) no prior authority as required under RA 7430, if applicable.

d. The salaries of the appointee for actual services rendered beyond thirty (30) days shall be the personal liability of the officer responsible for the delay in the submission of the appointment.

7. Effectivity of Appointment

a. The effectivity of an appointment shall be the date of actual assumption by the appointee but not earlier than the date of issuance of the appointment, which is the date of signing by the appointing authority.

b. No appointment shall be made effective earlier than the date of issuance, except in the case of change of status in view of qualifying in a written examination, the effectivity of which is the date of release of the result of the examination. However, the issuance of such appointments shall be within the period of the temporary appointment, or provided the temporary appointment has not yet expired.

In such exceptional cases, the effectivity of the change of status shall be indicated as a footnote on the appointment

c. No official or employee shall be required to assume duty without furnishing him with a copy of his appointment after it is issued and signed by the appointing authority. The appointee must acknowledge receipt of the appointment by signing on a duplicate copy of said appointment.

d. Services rendered by any person who was required to assume the duties and responsibilities of any position without an appointment having been issued by the appointing authority shall not be recognized nor credited by the Commission.

8. Publication of Position

a. There should be proof of publication of the position to be filled pursuant to RA 7041 and its implementing guidelines, in which case the information regarding publication shall be included in the Certification of the Personnel Officer/HRMO at the back of the appointment.

b. Published vacant positions shall not be filled unless and until 10 working days had elapsed from the time of their publication.

c. CSC Regional and Provincial Offices are authorized to publish their Bulletin of Vacant Positions containing the list of vacancies in agencies/local government units under their respective jurisdiction

Exceptions : (No need for Publication)

- 1) Non-career positions
- 2) Third level Positions
- 3) Positions to be filled by existing regular employees in the agency in case of reorganization.

9. Approved Qualification Standards

a. The position involved in the appointment, if unique in the agency, should have an approved qualification standards or has been included in the approved Qualification Standards Manual of the agency concerned.

b. An appointment to a position without an approved qualification standards shall be disapproved.

c. The appointee should meet the approved qualification standards of the position to which he is being appointed.

d. Effective January 1, 1993, no substitution shall be allowed for deficiencies in education and experience requirement, except in cases of change of status from temporary to permanent pursuant to CSC MC #10, s. 1977 and CSC Res #435, s. 1980 and reappointment to the same position in cases of reorganization and devolution.

e. Appointees to confidential/personal staff must meet only the educational requirements prescribed under CSC MC #14, s. 1993. The civil service eligibility, experience, training and other requirements are dispensed with.

f. Appointees to other non-career positions must meet the education, experience and training requirements prescribed for the positions involved. The eligibility requirement is dispensed with, except when the appointee is required to possess the appropriate license for the position, the duties of which constitute practice of a profession.

10. PSB Evaluation/Screening

a. The appointee should have been screened /evaluated/ recommended by the Personnel Selection Board, if applicable, in which case, the Chairman of the Board shall sign the certification to this effect at the back of the appointment.

b. The issuance of the appointment shall not be earlier than the date of the final screening/deliberation of the Personnel Selection Board.

11. Personal Data Sheet

The appointee's Personal Data Sheet (CS Form 212, Revised, 1993) which should be properly and completely accomplished by the appointee, shall be attached to the appointment. However, this requirement can be dispensed with for every reappointment of substitute teachers and for every renewal appointment of contractual and casual personnel.

III. ADDITIONAL REQUIREMENTS IN SPECIFIC CASES

IN ADDITION TO THE COMMON REQUIREMENTS AND PROCEDURES, THE FOLLOWING REQUIREMENTS AND GUIDELINES SHALL ALSO BE OBSERVED AND THE NECESSARY DOCUMENTS SUBMITTED, WHEN APPLICABLE

1. Authority to Fill

Prior authority to fill the position or exemption from the prohibition imposed under RA 7430 shall be attached to the appointment.

Exceptions: (Positions which can be filled without prior authority from the Commission)

- a. Positions in the Local Government Units
- b. Positions in the Judiciary
- c. Positions in Congress
- d. Teachers
- e. Presidential appointees
- f. Positions filled by existing employees in the agency
- g. Positions filled by transfer of existing employees from other government agencies (except those in Congress, Judiciary, Local Government Units, the teaching force and contractual personnel in local and foreign-funded project hired after June 16, 1992).
- h. Positions of Doctors, Nurses, Medical Technologists, X-ray Technicians, Medical Laboratory Technicians, Medical Equipment Technicians, Midwives, Pharmacists, and Therapists in hospitals, clinics, and puericulture centers.
- i. Positions of Attorney in agencies performing primarily quasi-judicial functions.
- j. Primarily confidential positions (personal and confidential staff) in all government offices. Positions may only be considered primarily confidential if it is so declared by law or with prior declaration by the Commission.
- k. Positions occupied by casual, contractual, and temporary employees whose appointments shall only be renewed.

2. Erasures or Alterations On Appointments

When there are erasures or alterations made on the appointment and other supporting documents, they should be duly initialed by authorized officials and accompanied by a communication specifying and authenticating all changes made.

3. Appointee With Decided Administrative/Criminal Case

- a. If the appointee has had an administrative or criminal case, a certified true copy of the decision rendered shall be attached to the appointment.
- b. Appointment by promotion of an employee who has been found guilty in an administrative case, should be accompanied by a certification of the appointing official or any authorized official as to when the decision rendered became final.

4. Discrepancy in Name, Date/Place of Birth

If there is discrepancy in the name, date/place of birth of the appointee as appearing in the Report of Rating of examination passed, the required documents prescribed in CSC MC No. 9, s. 1985 and the original Report of Rating shall be attached to the appointment.

5. Comelec Ban

When an appointment covered by the period of prohibition during election is to be issued, prior exemption from the COMELEC shall be secured and attached to the appointment.

6. L G U Appointments

Appointment in local government units for submission to the CSC Office must be accompanied, in addition to the common requirements, by the following documents:

- a. Certification by the local chief executive that such appointment is issued in accordance with the limitations provided for under Section 325 of RA 7160; and
- b. Certification from the Municipal/City/Provincial Treasurer that funds are available.

7. For Appointments involving change of Status:

- a. For positions covered by CSC MC #10, s. 1977 or CSC Res. No. 435, s. 1980.

A temporary appointee to a position covered by CSC MC #10, s. 1977 or CSC Res. 435, s. 1980, may be issued a new appointment by change of status from temporary to permanent, if the appointing authority believes that the appointee has continuously rendered satisfactory service during his one-year temporary appointment. Said appointment shall be submitted to the CSC office concerned together with the following documents:

- (1) Original/certified true copy of previous approved temporary appointment.
- (2) The appointee's performance ratings for the two rating periods during his temporary appointment.
- (3) A certification of the appointing authority that the appointee has rendered continuous and satisfactory service for at least one year from the date of his temporary appointment.

b. For appointment involving change of status from temporary to permanent for purposes of retirement, the following shall be submitted to the CSC Office concerned:

- 1) Duty certified statement of services records
- 2) Certification as to the last day of actual service of the appointee.

c. For teacher appointments involving change of status under Section 5 of PA 4670, the following shall accompany the appointment to be submitted to the CSC Office concerned:

- 1) Service records showing inclusive dates duly certified by either the Division Superintendent or School Administrative Officer.
- 2) Performance ratings for the last two rating periods prior to the effective date of appointment, duly certified by either the Division Superintendent or School Administrative Officer.
- 3) Certified xerox copy of the appointment approved as provisional.
- 4) Certification that leaves of absence incurred during the ten year period have been duly authorized.

B. Non-Disciplinary Demotion

Appointment involving demotion which is not disciplinary in nature should be accompanied by a certification of the agency head that the demotion is not a result of an administrative case.

IV. REQUIRED DOCUMENTS TO BE RETAINED IN THE AGENCY

IN ADDITION TO THE COMMON AND OTHER APPLICABLE REQUIREMENTS, THE PERSONNEL OFFICER/HUMAN RESOURCE MANAGEMENT OFFICER SHALL REVIEW AND ASCERTAIN THE AUTHENTICITY AND COMPLETENESS OF THE FOLLOWING DOCUMENTS WHICH SHALL BE RETAINED AND FILED IN THE 201 FILES OF THE APPOINTEES, AND WHICH SHALL BE CHECKED DURING THE CONDUCT OF PERSONNEL AUDIT.

1. Position Description Form

For all types of appointment, except change of status, the Position Description Form (SC-CSC Form I) should be accomplished and shall form part of the 201 files of the appointee in the agency. The qualification requirements (Item 23 of the PDF) should conform with the approved qualification standards of the position involved and not the qualifications of the appointee.

2. Medical Certificate

For Original Appointment and reemployment, Medical Certificate (CS Form 211) is required. The Physician must state if the appointee is fit for employment.

3. Clearances

a. For original appointment and reemployment, NBI clearance is required. The NBI clearance of an appointee shall no longer be required to be attached to the appointment for submission to the CSC Office, but it shall form part of the 201 files of the appointee. However, the agency shall inform the CSC Office concerned of persons/appointees with derogatory information/criminal record.

b. For transfer and reemployment

The previous requirement of permission to transfer shall no longer be required, but clearance from financial obligations and property accountability from the former office shall be required in cases of transfer and reemployment.

4. Neuro-psychiatric Examination

For original appointments to positions which involve the maintenance of peace and order and the protection of life and property, the result of neuro-psychiatric examination is required.

5. Licenses

a. For original appointments to positions of Radio/Radio-phone Operators, an operator's license from the National Telecommunications Commission is required.

b. For original appointments to positions of Watchmen and Security Guards, License Certificate to exercise profession is required.

6. Performance Rating

a. For Appointment by Promotion, the Performance Ratings of the appointee for the last two rating periods prior to the effectivity date of appointment which should be at least very satisfactory, shall be included in his 201 files.

b. In the case of qualified incumbents of next-in-rank positions who are on scholarship grants but are considered for promotion, their performance ratings for the last rating period prior to the scholarship grant shall be used as the basis for the promotion.

c. For appointment by transfer, the performance rating for the semester immediately preceding the transfer from the former office or agency, shall be included in the 201 files of the appointee.

7. Written Consent of Demoted Employee

A written consent of the employee being demoted is required, if the demotion is not disciplinary in nature.

V. CONTRACT OF SERVICES/JOB ORDERS

Contract of Services and Job Orders are different from Contractual appointment and Plantilla appointment of casual employees, respectively, which are required to be submitted to CSC for approval.

Contracts of Services and Job Orders refer to employment described as follows:

1. The contract covers lump sum work or services such as janitorial, security or consultancy services where no employer-employee relationship exists;

2. The job order covers piece work or intermittent job of short duration not exceeding six months on a daily basis;

3. The contracts of services and job orders are not covered by Civil Service Law, Rules and Regulations, but covered by COA rules;

4. The employees involved in the contracts or job orders do not enjoy the benefits enjoyed by government employees, such as PERA, COLA and RATA.

As the services rendered under contracts of services and job orders are not considered government services, they do not have to be submitted to the Civil Service Commission for approval.

VI. REQUIREMENTS FOR CERTAIN MODE OF SEPARATION

1. Resignation - voluntary written notice of an employee informing the appointing authority that he is relinquishing his position and stating the date such resignation shall take effect. The Acceptance of Resignation in writing by the agency head or appointing authority which should indicate the effectivity date of resignation shall be submitted to the CSC office concerned for record purposes.

An officer or employee under administrative investigation may be allowed to resign pending decision of his case but it shall be without prejudice to the continuation of the proceeding against him. It shall also be without prejudice to the filing of any administrative/criminal case against him for any act committed while still in the service.

2. Dropping from the Rolls - non - disciplinary in nature, executory but appealable to the CSC Office concerned within 15 days from receipt of the order or notice.

Officers and employee who are absent for at least thirty (30) days without approved leave are considered on Absence Without Leave (AWOL) and may be dropped from the service without prior notice.

A notice or order of the dropping from the rolls of an employee shall be issued by the appointing authority and submitted to the CSC Office concerned for record purposes.

3. Dismissal/Forced Resignation - a certified true copy of the decision rendered shall be submitted to the CSC Office concerned for record purposes.

4. For other modes of separation such as termination of temporary appointment, retirement and death, a notice stating the date of such separation shall be submitted to the CSC Office concerned for record purposes.

VII. PROHIBITIONS ON APPOINTMENTS

1. No elective official shall be eligible for appointment in any capacity to any public office or position during his tenure.

2. No appointment in the national, provincial, city and municipal governments or in any branch or instrumentality thereof, including government-owned or controlled corporations shall be made in favor of a relative of the appointing or recommending authority, nor of the chief of the bureau or office or of the persons exercising immediate supervision over the appointee. [Nepotism]

a. 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.

b. In the local government career service, this prohibition extends to the relatives of the appointing or recommending authority within the fourth civil degree of consanguinity or affinity.

c. The following are exempted from the operation of the rules on nepotism:

- persons employed in a confidential capacity
- teachers
- physicians
- members of the Armed Forces of the Philippines

d. The nepotism rule covers all kinds of appointments be they original, promotional, transfer or reemployment regardless of status.

3. An appointment accepted by the appointee cannot be withdrawn or revoked by the appointing authority and shall remain in force and effect until disapproved by the Commission. However, an appointment may be void from the beginning due to fraud on the part of the appointee or because it was issued in violation of law.

4. A person who lost in an election (except Barangay election) shall not be eligible for appointment or reemployment to any office in the government or government-owned or controlled corporation within one year following such election.

5. No person who has been dismissed from the service or perpetually excluded/disqualified from government service shall be appointed or reemployed unless an executive clemency has been granted.

6. No person who has reached the compulsory retirement age of 65 can be appointed to any position in the government, except to personal and confidential staff, provided the appointment shall be under temporary status.

These guidelines supersede the following CSC Memorandum Circulars and Sections of the Omnibus Rules Implementing Book V of Executive Order No. 292:

MC # 8, s. 1979 - Policies on the Issuance and Approval of Temporary, Provisional and Substitute Appointments of Teachers

MC # 5, s. 1985 - Study and Review of Contracts of Personnel and Management Services and of Services of Detailed Personnel

MC # 6, s. 1985 - Revision of CSC Form 33, Updated Requirements, Procedures and Guidelines on the Preparation of Appointments

MC # 34, s. 1990 - Employment Status of Personnel Under Foreign-Assisted Projects

- MC # 48, s. 1990 - Policy on the Requirements of Clearances on the Issuance of Appointments
- MC # 54, s. 1990 - Additional Guidelines on the Confirmation / Approval of Contractual Appointments
- MC # 11, s. 1991 - Policy on Status of Appointments
- MC # 29, s. 1991 - Clarification on the Requirements of Clearances
- MC # 32, s. 1991 - Mandatory Submission of Qualification Standards as a Prerequisite Before Approval of Appointments
- MC # 42, s. 1991 - Policies to Professionalize the Civil Service
- MC # 5, s. 1992 - Guidelines in the Fillin-up of Existing Vacant Positions in Local Government Units
- MC # 7, s. 1992 - Filling-up of Newly Published Vacant Positions After Ten (10) Working Days
- MC # 8, s. 1992 - Thirty-day Mandatory Submission of Appointment for Approval Reckoned from Its Date of Issuance
- MC # 25, s. 1992 - Mandatory Requirement For Assumptions to Duty
- MC # 29, s. 1992 - Authorizing the Filling-up of Certain Positions Without the Need of Prior Approval or Authorization from the Commission
- MC # 32, s. 1992 - Checklist of Requirements in the Preparation of Appointments
- MC # 36, s. 1992 - Supplementary Guidelines to CSC MC No. 29, s. 1992
- MC # 37, s. 1992 - Policies on the Appointment of Those in the Personal and Confidential Staff and Those Who Reached the Compulsory Retirement Age of 65
- MC # 49, s. 1992 - Policy on Appointment Involving No Change in Position Title, Salary and Rank
- MC # 2, s. 1993 - Approval of Lapsed or Ineffective Appointments for Purposes of Payment of Salaries for Actual Services Rendered and Related Matters.

MC # 21, s. 1993 - Clarification of MC No. 42, s. 1991

MC # 27, s. 1993 - Policy on Consultancy Contracts

Section 5, Rule V - Required Document to Accompany Each Appointment

Section 14, Rule V - Co-terminous Appointees

Section 2, Rule VII - Original Appointment

Section 5, Rule VII - Transfer

Section 35, Rule XVI - Dropping of Employees Who Are on Awol

Section 8, Rule XVIII - Nepotism rule

Section 8, Rule XVIII - Resignation With Pending Case

All other existing Civil Service Commission issuances which are inconsistent herewith, are deemed repealed or amended.

This Memorandum Circular shall take effect 15- days after its publication in a newspaper of general circulation

PATRICIA A. STO. TOMAS (SGD)
Chairman

Encl: Appointment Transmittal Form (CS Form 93-003)

10 September, 1993

Agency Name

Address

Date:

Respectfully submitted the applicants listed below for appropriate action.

Name	Position	Date of Issuance
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		

Submitted by:

Name & Signature

(Designation)

N.B. Please use additional pages if necessary. Put closing marks ("XXX") after the last entry.