



MC No.14, s. 2002

MEMORANDUM CIRCULAR

TO : ALL HEADS OF DEPARTMENTS, BUREAUS, OFFICES AND AGENCIES OF THE NATIONAL AND LOCAL GOVERNMENTS, INCLUDING STATE UNIVERSITIES AND COLLEGES AND GOVERNMENT-OWNED AND CONTROLLED CORPORATIONS WITH ORIGINAL CHARTER

SUBJECT: PROHIBITION AGAINST TRANSFER OR DETAIL AND ISSUANCE OF APPOINTMENTS IN CONNECTION WITH THE JULY 15, 2002 NATIONAL AND LOCAL ELECTIONS

On April 24, 2002, the Commission on Elections (COMELEC), pursuant to the powers vested upon it by the Constitution, the Omnibus Election Code (BP Blg. 881), and other election laws, promulgated Resolution No. 4780, prescribing the period of prohibition against transfer and detail of officers and employees in the civil service from May 31, 2002 to July 30, 2002. Said resolution amended Resolution No. 4714 and 4715 which prescribed the prohibited period for the previously scheduled May 6, 2002 Sangguniang Kabataan Election and May 13, 2002 Barangay Elections.

Likewise, on the basis of the same Resolution, the period of prohibition relative to the issuance of appointments and creation and filling up of new positions is from May 31, 2002 to July 14, 2002.

In this regard, the Civil Service Commission, pursuant to the powers vested upon it by the Constitution, Executive Order No. 292, otherwise known as the Administrative Code of 1987 and other pertinent laws, as the central personnel agency of the government, promulgated Resolution No. 02-0779 on May 31, 2002. In said Resolution, the Commission prescribes the specific guidelines relative to the transfer, detail and issuance of appointments to civil service personnel, as follows:

- I. The following are prohibited during the period **May 31, 2002 [Friday] to July 14, 2002 [Sunday]**:
 - A. The ISSUANCE of appointments, regardless of nature and status, except in cases of renewal of temporary or casual

appointments, reappointment, reinstatement and change of status BEFORE the prohibited period AND made EFFECTIVE DURING the same period, regardless of the date of receipt by the Commission, including its Regional or Field Offices, of said appointments or the Report on Personnel Actions (ROPA), as the case may be.

It is understood that all appointments issued before the prohibited period shall take effect immediately, notwithstanding any provision in the appointment paper to the contrary and the appointee shall assume the position within thirty (30) days from issuance thereof, otherwise, the appointment becomes ineffective.

B. The ISSUANCE of appointments, regardless of nature and status, except in cases of renewal of temporary or casual appointments, reappointment, reinstatement and change of status DURING the prohibited period AND made EFFECTIVE DURING or AFTER the same period, regardless of the date of receipt by the Commission, including its Regional or Field Offices, of said appointments or the Report on Personnel Actions (ROPA), as the case may be.

C. The creation or filling up of new positions.

D. The giving of increases in salary or remuneration or privilege.

Appointments through upgrading or reclassification, within the same period, shall also be disapproved since the same involves an increase in salary or remuneration.

II. The following personnel movement are prohibited within the period **May 31, 2002 [Friday] to July 30, 2002 [Tuesday]**:

A. The "transfer or detail" of officers and employees in the civil service.

The phrase "transfer or detail" shall be construed in general terms. Thus, any movement of an officer or an employee in the civil service from one agency to another or from one station or place of assignment to another within the same agency shall be prohibited. In this regard, the following personnel movement are also proscribed:

1. Reassignment
2. Secondment or its extension
3. Recall of detailed or reassigned employee

Quezon City, 31 May 2002.



KARINA CONSTANTINO-DAVID
Chairman

31 May 2002
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**RE: PROHIBITION AGAINST TRANSFER OR DETAIL AND
ISSUANCE OF APPOINTMENTS IN CONNECTION WITH
THE JULY 15, 2002 BARANGAY AND SANGGUNIANG
KABATAAN ELECTIONS**

X~~~~~X

RESOLUTION NO. 020773

WHEREAS, Section 12 (2), Title I, Book V of Executive Order No. 292, otherwise known as The Revised Administrative Code of 1987, provides that one of the powers and functions of the Commission is to "prescribe, amend and enforce rules and regulations for carrying into effect the provisions of the Civil Service Law and other pertinent laws";

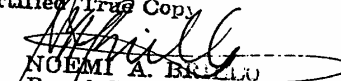
WHEREAS, Section 12 (3) of the same Law provides that the Commission shall "promulgate policies, standards and guidelines for the Civil Service and adopt plans and programs to promote economical, efficient and effective personnel administration in the government";

WHEREAS, Section 12 (14) of the same Law provides that the Commission shall "take appropriate action on all appointments and other personnel matters in the Civil Service xxx";

WHEREAS, on April 24, 2002, the Commission on Elections (COMELEC) promulgated Resolution No. 4780, pursuant to the powers vested upon it by the Constitution, the Omnibus Election Code (BP Blg. 881), and other election laws, prescribing the period of prohibition against transfer or detail of civil service personnel from May 31, 2002 to July 30, 2002. Said Resolution amended Resolution Nos. 4714 and 4715 which prescribed the prohibited period for the previously scheduled May 6, 2002 Sangguniang Kabataan Election and May 13, 2002 Barangay Elections.

WHEREAS, the COMELEC provided in the same Resolution, among other things, that insofar as the issuance of appointments and creation and filling up of new positions are concerned, the period of prohibition is from May 31, 2002 to July 14, 2002.

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NOEMI A. BRILLO
Board Secretary IV
Commission Proper Secretariat

NOW THEREFORE, in consideration of the foregoing, the Commission resolves, as it hereby resolves, to issue the following specific guidelines relative to the transfer, detail and issuance of appointments of civil service personnel:

I. The following are prohibited during the period May 31, 2002 [Friday] to July 14, 2002 [Sunday]:

A. The ISSUANCE of appointments, regardless of nature and status, except in cases of renewal of temporary or casual appointments, reappointment, reinstatement and change of status **BEFORE** the prohibited period **AND** made **EFFECTIVE DURING** the same period, regardless of the date of receipt by the Commission, including its Regional or Field Offices, of said appointments or the Report on Personnel Actions (ROPA), as the case may be.

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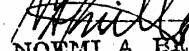
B. The ISSUANCE of appointments, regardless of nature and status, except in cases of renewal of temporary or casual appointments, reappointment, reinstatement and change of status **DURING** the prohibited period **AND** made **EFFECTIVE DURING** or **AFTER** the same period, regardless of the date of receipt by the Commission, including its Regional or Field Offices, of said appointments or the Report on Personnel Actions (ROPA), as the case may be.

C. The creation or filling up of new positions.

D. The giving of increases in salary or remuneration or privilege.

Appointments through upgrading or reclassification, within the same period, shall also be disapproved since the same involves an increase in salary or remuneration.

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NOEMI A. BULLO
Board Secretary IV
Commission Proper

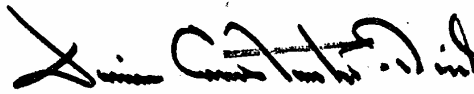
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3. Recall of detailed or reassigned employee

Quezon City, MAY 31 2002



KARINA CONSTANTINO-DAVID
Chairman



JOSE F. ERESTAIN, JR.
Commissioner



J. WALDEMAR V. VALMORES
Commissioner

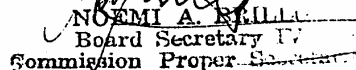
Attested by:



ARIEL G. RONQUILLO
Director III

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NOEMI A. RILLA
Board Secretary I
Commission Proper Secretary