



MC No. 20, s. 2002

MEMORANDUM CIRCULAR

TO : ALL HEADS OF DEPARTMENTS, BUREAUS AND AGENCIES OF THE NATIONAL AND LOCAL GOVERNMENTS, INCLUDING GOVERNMENT-OWNED AND/OR CONTROLLED CORPORATIONS WITH ORIGINAL CHARTERS

SUBJECT : REVISED POLICIES ON TEMPORARY APPOINTMENTS AND PUBLICATION OF VACANT POSITIONS

The Civil Service Commission (CSC) as the central personnel agency of the government, promulgates policies, standards and guidelines to promote merit and fitness in the recruitment and selection of officials and employees in the career service at all levels.

The Commission has noted that, there is a growing complaint relative to the issuance of temporary appointments, including the termination and replacement of temporary appointees, especially in the third level. As such, the policies governing the issuance of temporary appointments and the publication of vacant positions need to be revisited to maintain merit and fitness in the civil service and at the same time to protect the rights of government employees holding temporary appointments.

In answer thereto, the Commission has promulgated CSC Resolution No. 02-1136 dated September 5, 2002 prescribing the Revised Policies on Temporary Appointments and Publication of Vacant Positions which provides, as follows:

- 1. The revised policies on temporary appointments shall cover all positions in the first, second and third levels of the career service.*
- 2. Appointees under temporary status do not have security of tenure and may be separated from the service, with or without cause. As such, they shall not be considered illegally terminated and hence, not entitled to claim back wages and/or salaries and ask for reinstatement to their positions.*

3. *Appointees under temporary status may be terminated without necessarily being replaced by another. Temporary appointees may also be replaced within the twelve month period by qualified eligibles or even by non-eligibles.*

A 30-day written notice signed by the appointing authority shall be given to the temporary appointee prior to termination/removal or replacement.

4. *Appointees to Career Executive Service (CES) positions who do not possess any CES/CSEE eligibility but who were issued permanent appointments prior to the effectivity of CSC MC No. 46, s.1993 on November 26, 1993, which require a CES eligibility for third level positions or the conversion of their positions to CES positions, enjoy vested right to the position under permanent status; provided that upon transfer or promotion to other positions which require a third level eligibility, the rules on temporary appointments shall apply.*
5. *Appointees to CES positions who do not possess any CES/CSEE eligibility but were issued permanent appointments after the effectivity of CSC MC No. 46, s. 1993 but prior to the promulgation of this Resolution, with or without a condition at the back of their appointments that they will not enjoy security of tenure are considered on a temporary status. They are not required to be issued new appointments except upon transfer or promotion to other positions which require third level eligibility. In such case, they will be issued temporary appointments.*
6. *Vacant positions in all levels in the career service shall be published in the Bulletin of Vacancies in the Civil Service or through other modes of publication. Published vacant positions shall likewise be posted in at least three conspicuous places in the agency for at least ten (10) working days. For local government units, filling of vacant positions shall be made after fifteen (15) calendar days from their posting and publication as provided under RA 7160 (Local Government Code of 1991). The following positions are exempt from the publication and posting requirements:*

- ❖ *Primarily confidential positions;*
- ❖ *Positions which are policy determining;*

- ❖ *Highly technical positions;*
 - ❖ *Coterminous with the appointing authority or limited to the duration of a particular project; and*
 - ❖ *Positions to be filled by existing regular employees in the agency in case of reorganization.*
7. *All government entities are enjoined to publish non-career positions such as casuals and contractuels including job orders and contracts of services.*
 8. *All positions occupied by holders of temporary appointments shall be published and posted every six months, reckoned from the date the vacant position was last published, simultaneously with the other existing vacant positions.*
 9. *In the appointment of casual and contractual employees, agency heads are enjoined to appoint those who possess civil service eligibilities.*

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

This Memorandum Circular shall take effect fifteen (15) days after its publication in a newspaper of general circulation.*


KARINA CONSTANTINO-DAVID
Chairperson

September 23, 2002
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*The Revised Policies on Temporary Appointments and Publication of Vacant Positions was published September 7, 2002 in Today.

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**Revised Policies on
Temporary Appointments
and Publication of Vacant Positions**

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CSC RESOLUTION NO. 021136

WHEREAS, the Civil Service Commission is mandated by the Philippine Constitution to ensure that all appointments in the civil service are made only according to merit and fitness;

WHEREAS, appointments in the Civil Service are governed by pertinent CS Law and Rules and the revised policies on Qualification Standards to ensure that a person in the career service can satisfactorily perform the duties and assume the responsibilities of the position;

WHEREAS, only those who meet all the requirements for the position to which they are appointed, including the appropriate eligibility prescribed, shall be issued a permanent appointment in the government service;

WHEREAS, in the exigency of the service, temporary appointments in the first, second and third levels are given to applicants who meet all the minimum requirements prescribed by the Qualification Standards except the civil service eligibility when there are no qualified eligibles actually available for appointment to certain positions;

WHEREAS, temporary appointments shall not exceed twelve months, reckoned from date of issuance;

WHEREAS, appointments extended to appointees to third level positions who do not possess the required qualifications, particularly CES/CSE eligibility, cannot be regarded as permanent even if it may be so stated therein;

WHEREAS, it has been the practice in the past that permanent appointments have been issued even to those who do not possess the required third level eligibility but with the colatilla that said appointees do not enjoy security of tenure;

WHEREAS, there is a need to publish all vacant positions in all levels to uphold the policy of the government to promote efficiency in the allocation of personnel in the civil service, encourage transparency and provide equal opportunities in the recruitment and selection of qualified personnel;

WHEREAS, the policies governing the issuance of temporary appointments and publication of vacant positions need to be revisited to maintain merit and fitness in the civil service and at the same time to protect the rights of government employees holding temporary appointments;

WHEREAS, to uphold merit and fitness in the government service; in consideration of the growing number of unemployed eligibles; and in anticipation that casual employees may be given preference for appointment to vacated regular positions, it will be more rational if appointees to casual and contractual already possess the appropriate eligibility; and

WHEREAS, it is necessary to synchronize the policies in the processing of appointments to come up with uniform guidelines which shall be made applicable to all levels;

NOW THEREFORE, the Commission hereby adopts the following policies and guidelines relative to the issuance of temporary appointments and the publication of vacant positions:

1. The revised policies on temporary appointments shall **cover all positions in the first, second and third levels of the career service.**
2. Appointees under temporary status **do not have security of tenure and may be separated from the service, with or without cause.** As such, they shall not be considered illegally terminated and hence, **not entitled to claim back wages and/or salaries and ask for reinstatement to their positions.**
3. Appointees under temporary status may be terminated without necessarily being replaced by another. Temporary appointees may also be replaced within the twelve month period by qualified eligibles or even by non-eligibles.

A 30-day written notice signed by the appointing authority shall be given to the temporary appointee prior to termination/removal or replacement.

4. Appointees to Career Executive Service (CES) positions who do not possess any CES/CSE eligibility but who were issued permanent appointments prior to the effectivity of CSC MC No. 46, s.1993 on

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November 26, 1993, which require a CES eligibility for third level positions or the conversion of their positions to CES positions, enjoy vested right to the position under permanent status; provided that upon transfer or promotion to other positions which require a third level eligibility, the rules on temporary appointments shall apply.

5. Appointees to CES positions who do not possess any CES/CSEE eligibility but were issued permanent appointments after the effectivity of CSC MC No. 46, s. 1993 but prior to the promulgation of this Resolution, with or without a condition at the back of their appointments that they will not enjoy security of tenure are considered on a temporary status. They are not required to be issued new appointments except upon transfer or promotion to other positions which require third level eligibility. In such case, they will be issued temporary appointments.
6. **Vacant positions in all levels** in the career service shall be **published** in the Bulletin of Vacancies in the Civil Service or through other modes of publication. Published vacant positions shall likewise be **posted** in at least three conspicuous places in the agency for at least ten (10) working days. For local government units, filling of vacant positions shall be made after fifteen (15) calendar days from their posting and publication as provided under RA 7160 (Local Government Code of 1991). The following positions are exempt from the publication and posting requirements:
 - ◆ Primarily confidential positions;
 - ◆ Positions which are policy determining;
 - ◆ Highly technical positions;
 - ◆ Coterminous with the appointing authority or limited to the duration of a particular project; and
 - ◆ Positions to be filled by existing regular employees in the agency in case of reorganization.
7. All government entities are enjoined to publish non-career positions such as casuals and contractals including job orders and contracts of services.
8. All **positions occupied by holders of temporary appointments** shall be **published and posted** every six months, reckoned from the date the vacant position was last published, simultaneously with the other existing vacant positions.
9. In the appointment of casual and contractual employees, agency heads are enjoined to appoint those who possess civil service eligibilities.

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RESOLVED FURTHER that the above policies amend or modify all other existing Civil Service Commission issuances, which are inconsistent herewith and shall take effect fifteen (15) days after publication.


Quezon City, SEP 05 2002


KARINA CONSTANTINO-DAVID
Chairman


JOSE F. ERESTAIN, JR.
Commissioner


J. WALDEMAR V. VALMORES
Commissioner

Attested by:


ARIEL G. RONQUILLO
Director III