



MC No. 25 s. 2016

MEMORANDUM CIRCULAR

TO : ALL HEADS OF CONSTITUTIONAL BODIES; DEPARTMENTS, BUREAUS AND AGENCIES OF THE NATIONAL GOVERNMENT; GOVERNMENT-OWNED AND CONTROLLED CORPORATIONS WITH ORIGINAL CHARTERS; STATE COLLEGES AND UNIVERSITIES; AND LOCAL GOVERNMENT UNITS

SUBJECT : Rules on Revocation of Appointments

Pursuant to the mandates of the 1987 Constitution and the Administrative Code of 1987 and to ensure that appointments to public service positions shall be based on merit and fitness and that appointments shall be in accordance with existing qualification standards and existing civil service laws, rules, and regulations the Commission has decided, through CSC Resolution No. 1601177 dated October 17, 2016 to prescribe the rules on revocation of appointments, as follows:

An appointment duly issued by the appointing authority and accepted by the appointee shall be effective until disapproved/invalidated by the Commission. In addition to existing rules on the attestation of appointments, the following guidelines shall govern the revocation of appointments based on Protest and Recall of Approval of Appointment.

I. Protest

An action filed by a qualified next-in-rank¹ official or employee questioning the issuance of an appointment in favor of another on the basis of lack of qualifications of the appointee.

I.1 Who may File. –Only 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.

¹Qualified next-in-rank refers to the 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.

I.2 *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.

I.3 *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 from the issuance of the appointment as provided in the agency-approved Merit Selection Plan (MSP).

I.4 *Effect on the Appointment.* – A protest shall not render an appointment ineffective or 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.

An appointment may still be revoked by the appointing authority prior to the submission to the CSC even if the appointee has accepted the appointment and assumed office. However, the appointing authority does not have the power to revoke 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.

I.5 *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.

I.6 *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.

I.7 *Transmittal of Records* – In case the decision on protest is appealed to the Commission, the head of department or agency shall forward his/her comment and the records of the case within five (5) 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.

I.8 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 “anyone who is appointed to the position” or directed to two or more protestees;
- c. No appointment has been issued; or
- d. The protest is filed outside of the 15-day reglementary period.

I.9 Finality of Decision. – A Decision or Resolution denying a protest shall become final and executory after fifteen (15) days from receipt thereof and no motion for reconsideration, appeal or petition for review has been filed.

I.10 Effect of Decision. – In case the protest is finally decided by the CSC against the protestee, the approval/validation of his/her appointment shall be revoked and the appointment shall be considered disapproved/invalidated. The protestee shall be reverted to his/her former position, if applicable.

II. Recall of Approval/Validation of Appointment

An action initiated by any person, or *motu proprio* by the CSC, pertaining to the validity of an appointment of a public servant who do not satisfy 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.

II.1 Who may File. – Any person who has information concerning an appointment previously approved by the CSC may file a petition for the recall of its approval/validation.

II.2 When and where to File. – The petition may be filed anytime, during a subsisting appointment, to the Civil Service Commission Field Office which has jurisdiction over the appointee.

II.3 Effect on the Appointment. – During the pendency of a petition to recall the approval/validation of an appointment, the appointee shall remain and continue to discharge the functions of the position.

II.4 Finality of Decision – A Decision or Resolution on the petition to recall the approval/validation of the appointment shall become final and executory after fifteen days from receipt thereof and no motion for reconsideration or appeal or petition for review has been filed.

II.5 Effect of Decision– When the petition to recall the approval/validation of an appointment is finally decided by the CSC against the appointee, the approval/validation of his/her appointment shall be revoked and the appointment shall be considered disapproved/invalidated. In case of a promotion from within the agency, the appointee shall be reverted to his/her former position.

All rules, regulations and issuances which are inconsistent with this policy are hereby modified accordingly.

These rules shall take effect fifteen (15) days after the publication of CSC Resolution No. 1601177 dated October 17, 2016 in a newspaper of general circulation.


ALICIA dela ROSA-BALA
Chairperson

02 NOV 2016

NOTE: CSC Resolution No. 1601177 dated October 17, 2016 was published in Philippine Star on October 25, 2016.



Rules on Revocation of
Appointments

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Number: 1601177

Promulgated: 17 OCT 2016

RESOLUTION

WHEREAS, pursuant to Section 6, Article IX-A of the 1987 Constitution, the Civil Service Commission (CSC) may promulgate its own rules concerning pleadings and practice before it or before any of its offices;

WHEREAS, Section 12 (2), Chapter 3, Title 1, Subtitle (A), Book V of the Administrative Code of 1987 (Executive Order No. 292) empowers the CSC, among others, to prescribe, amend and enforce rules and regulations to effectively carry into effect the provisions of the Civil Service Law and other pertinent laws which include the procedure in administrative cases in the Civil Service;

WHEREAS, the Administrative Code of 1987 further empowers the CSC to take appropriate action on all appointments and other human resource action and such power includes the authority to revoke an appointment initially issued and approved in disregard of applicable provisions of Civil Service Law and regulations;

WHEREAS, the CSC, as the central human resource institution of the government shall continue to endeavor to ensure that appointments to public service positions are based on merit and fitness and that appointments shall be in accordance with existing qualification standards and existing civil service laws, rules, and regulations;

WHEREFORE, foregoing premises considered, the Commission **RESOLVES** that appointments issued or those already approved or validated but found to be not in accordance with existing civil service laws, rules and regulations may be revoked under the following conditions:

An appointment duly issued by the appointing authority and accepted by the appointee shall be effective until disapproved/invalidated by the Commission. In addition to existing rules on the attestation of appointments, the following guidelines shall govern the revocation of appointments based on Protest and Recall of Approval of Appointment.

Certified True Copy:

[Signature]
SEYMOUR R. MAJARES
Chief Personnel Specialist
Commission Secretarial & Liaison Office

In a R. A. C. E. to Serve: Responsive, Accessible, Courteous and Effective Public Service

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SEYMOUR R. PAJARES
Chief Personnel Specialist
Commission Secretariat & Liaison Office

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Certified True Copy:

SEYMOUR R. TAJARES
Chief Personnel Specialist
Commission Secretariat & Liaison Office

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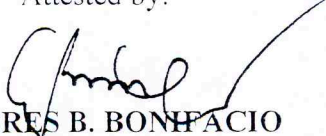
This Resolution shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

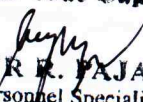
Quezon City.


ALICIA dela ROSA-BALA
Chairperson


ROBERT S. MARTINEZ
Commissioner

VACANT
Commissioner

Attested by:

DOLORES B. BONIFACIO
Director IV
Commission Secretariat and Liaison Office

Certified True Copy.

SEYMOUR E. FAJARES
Chief Personnel Specialist
Commission Secretariat & Liaison Office