



MC No. 15, s. 2004

MEMORANDUM CIRCULAR

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

SUBJECT : Reiteration of the Exemption of Scientific and Technology Personnel from the Rules on Nepotism

Pursuant to CSC Resolution No. 04-0860 dated July 28, 2004, the Civil Service Commission reiterates **Section 12 of Republic Act No. 8439** Magna Carta for Scientists, Engineers, Researchers and other Science and Technology Personnel in Government to wit:

"Appointment of S & T personnel to positions of research assistant and upwards shall not be covered by the Attrition Law and CSC Rule on nepotism in consideration of the highly technical nature of these positions."

The Department of Science and Technology defines **highly technical positions** as follows: *"Refers to a position whose incumbent uses or creates scientific knowledge and engineering and technological principles as a result of the acquisition of appropriate education and training/or; one who is engaged in professional work in Research and Development (R & D); high level administrator and personnel who directs the execution of R & D."*

RA No. 8439 also provides for the classification of scientific and technology personnel:

"Section 5. Classification of S & T Personnel. – S & T personnel may be classified in the following categories:

- (a) **S and T managers, supervisors and planners.** – Those who are **graduate degree holders** or have at least **ten (10) years of managerial experience** or are performing executive, planning and policy-making functions to effectively **carry out STA related activities** as defined in Section 3 of this Act;
- (b) Members of the **scientific career system**;
- (c) **Scientists, engineers and researchers.** – Those who are at least undergraduate degree holders in any of the **natural science and engineering courses** and are **involved in research and development or other scientific and technological activities**; and
- (d) **DOST technicians and related S and T personnel.** – Those who obtained at least **twelve (12) units in science, engineering and other related courses** or any appropriate training as determined by the Secretary of the Department and are **providing support services to S and T personnel** enumerated in the three (3) preceding sub-sections.”

For facility and clarity, “STA-related activities” are defined in Section 3 of the same law as follows:

“Section 3. Definition of Terms

- (a) x x x
- (b) **Scientific and Technological Activities (STA)** – all systematic activities which are closely concerned with the generation, advancement, dissemination, and application of scientific and technical knowledge in all field of natural science and technology.

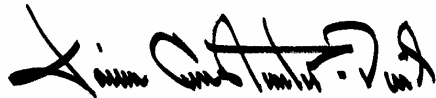
STA may be classified into **three broad groups**, namely:

- (1) **Research and Experimental Development (R & D)** – Any systematic and creative work undertaken in the physical, natural, mathematical and applied sciences by using methods in order to increase the stock of knowledge, and the use of this knowledge in these field to devise new applications;

- (2) **Scientific and Technological Services (STS)** – *Activities in support of scientific research and development, dissemination and applications of scientific research and development, dissemination and applications of scientific and technical knowledge (i.e. library, information and museum services; geological and hydrological surveys; meteorological and seismological observations; compilation of routine statistics; testing, standardization and quality control; counseling of clients; patenting and licensing; engineering and technical services; and*
- (3) **Scientific and Technical Education and Training (STET)** – *All activities comprising higher education and training leading to a university degree, post-graduate and further training, organized lifelong training for scientists and engineers, and specialized non-university higher education.”*

Consultations have been conducted between the Commission and the DOST to come up with a list of S & T positions in the DOST and the accredited agencies proposed by the Department to be exempted from the rules on nepotism including those hired under Job Order or Contract of Service, whose duties are determined as equivalent to those of regular S & T positions.

The List of S & T Positions exempted from the rules on nepotism was appended to Resolution No. 04-0860 as Annex A and Annex B. In coming up with the list, the Commission took into consideration the limitation set under Section 12 of RA 8439 that the S & T positions of research assistant and up shall not be covered by the Attrition Law and the CS Rules on Nepotism.



KARINA CONSTANTINO-DAVID
Chairman

29 July 2004

OAC-A/fma/mia
mc-exmpt nepotism.s&t personnel



Scientific and Technology Personnel
Re: Exemption from the Rules on Nepotism

X-----X

RESOLUTION NO. 040860

WHEREAS, Section 59-Nepotism, Chapter 8-Prohibitions, Subtitle A-Civil Service Commission, Title I- Constitutional Commissions, Book V of Executive Order No. 292 provides that: *"All appointments in the national, provincial, city and municipal governments or in any branch or instrumentality thereof, including government owned or controlled corporations, made in favor of a relative of the appointing or recommending authority, or of the chief of the bureau or office, or of the persons exercising immediate supervision over him, are hereby prohibited"*;

WHEREAS, the same EO exempted the following 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


WHEREAS, Section 12 of Republic Act No. 8439 Magna Carta for Scientists, Engineers, Researchers and other Science and Technology Personnel in Government specifically provides that, *"Appointment of S & T personnel to positions of **research assistant and upwards shall not be covered by the Attrition Law and CSC Rule on nepotism** in consideration of the highly technical nature of these positions"*;

WHEREAS, the term **highly technical position** is defined by the Department of Science and Technology (DOST) as follows: *"Refers to a position whose incumbent uses or creates scientific knowledge and engineering and technological principles as a result of the acquisition of appropriate education and training/or; one who is engaged in professional work in Research and Development (R & D); high level administrator and personnel who directs the execution of R & D."*

WHEREAS, Section 5 of the same law provides for the classification of scientific and technology personnel into the following categories:

- (a) **S and T managers, supervisors and planners.** – Those who are **graduate degree holders** or have at least **ten (10) years of managerial experience** or are performing executive, planning and policy-making functions to effectively **carry out STA related activities** as defined in Section 3 of this Act;
- (b) **Members of the scientific career system;**
- (c) **Scientists, engineers and researchers.** – Those who are at least undergraduate degree holders in any of the **natural science and engineering courses** and are **involved in research and development** or **other scientific and technological activities;** and
- (d) **DOST technicians and related S and T personnel.** – Those who obtained at least **twelve (12) units in science, engineering and other related courses** or any appropriate training as determined by the Secretary of the Department and are **providing support services to S and T personnel** enumerated in the three (3) preceding sub-sections.”

WHEREAS, Section 3(b) of RA 8439 defines Scientific and Technological Activities as “*all systematic activities which are closely concerned with the generation, advancement, dissemination, and application of scientific and technical knowledge in all field of natural science and technology.* STA may be classified into **three broad groups**, namely:

- (1) **Research and Experimental Development (R & D)** – Any systematic and creative work undertaken in the physical, natural, mathematical and applied sciences by using methods in order to increase the stock of knowledge, and the use of this knowledge in these field to devise new applications;
 - (2) **Scientific and Technological Services (STS)** – Activities in support of scientific research and development, dissemination and applications of scientific research and development, dissemination and applications of scientific and technical knowledge (i.e. library, information and museum services; geological and hydrological surveys; meteorological and seismological observations; compilation of routine statistics; testing, standardization and quality control; counseling of clients; patenting and licensing; engineering and technical services); and
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(3) Scientific and Technical Education and Training (STET) –
All activities comprising higher education and training leading to a university degree, post-graduate and further training, organized lifelong training for scientists and engineers, and specialized non-university higher education.”

WHEREAS, there have been numerous requests for clarifications relative to the exemption of scientific and technology personnel from the rule on nepotism, including those hired under a contract of services; hence, there is a need to reiterate the above-mentioned provision from RA 8439;

WHEREAS, consultations have been conducted between the Commission and the DOST to come up with a list of S & T positions that may be exempted from the rules on nepotism including those hired under Job Order or Contract of Service;

WHEREAS, the lists of S & T positions in the DOST and the accredited agencies proposed by the Department to be exempted from the rules on nepotism have been thoroughly evaluated, taking into consideration the limitation set under Section 12 of RA 8439 that the S & T positions of research assistant and up shall not be covered by the Attrition Law and CS Rules on Nepotism;


NOW, THEREFORE, the Commission hereby resolves to exempt the following S & T positions from the rules on nepotism: 1) Annex A (S & T positions in the DOST); 2) Annex B (positions in other agencies certified by the DOST Accreditation Committee as S & T positions); and 3) those hired under Job Order or Contract of Service, whose duties are determined as equivalent to those of regular S & T positions.

Quezon City. JUL 28 2004


KARINA CONSTANTINO-DAVID
Chairman


J. WALDEMAR V. VALMORES
Commissioner

Attested by:


REBECCA A. FERNANDEZ
Director IV

June 21, 2004
OAC-A/FMA/mia
Resolution-exmpt S&T fr. nepotism

**LIST OF S & T POSITIONS
IN THE DEPARTMENT OF SCIENCE & TECHNOLOGY (DOST)
EXEMPTED FROM THE RULES ON NEPOTISM**

	Position Titles	Salary Grade
1	Chief Science Research Specialist	24
2	Weather Service Chief	24
3	Engineer V (Metallurgical/Mechanical Engineer)	24
4	Information Technology Officer III	24
5	Supervising Science Research Specialist	22
6	Assistant Weather Service Chief	22
7	Engineer IV (Metallurgical/Mechanical Engineer)	22
8	Information Technology Officer II	22
9	Supervising Weather Specialist	21
10	Supervising Weather Facilities Specialist	21
11	Senior Science Research Specialist	19
12	Senior Weather Specialist	19
13	Weather Facilities Specialist III	19
14	Engineer III (Mechanical/Electrical Engineer)	19
15	Information Technology Officer I	19
16	Information Systems Analyst III	19
17	Computer Programmer III	18
18	Weather Specialist II	17
19	Weather Facilities Specialist II	17
20	Information Systems Researcher III	17
21	Information Systems Analyst II	16
22	Science Research Specialist II	16
23	Engineer II (Metallurgical/Mechanical/Chemical/ Electronics and Communication Engineer)	16
24	Weather Specialist I	15
25	Weather Facilities Specialist I	15
26	Computer Programmer II	15
27	Weather Observer IV	15
28	Metals Technologist V	14
29	Laboratory Inspector III	14
30	Draftsman IV (Drafting Technology)	14
31	Information Systems Researcher II	14
32	Science Research Specialist I	13
33	Weather Observer III	13
34	Metals Technologist IV	12
35	Information Systems Analyst I	12
36	Science Research Analyst	11

37	Weather Facilities Technician II	11
38	Weather Observer II	11
39	Draftsman III (Drafting Technology)	11
40	Computer Programmer I	11
41	Metals Technologist III	10
42	Laboratory Inspector II	10
43	Information System Researcher I	10
44	Science Research Assistant	9
45	Weather Facilities Technician I	9
46	Weather Observer I	9
47	Machinist III	9

Note : Exemption from the rules on nepotism applies only to above-listed positions found in the Department of Science and Technology. Similar positions in other government agencies shall have to be certified first by the DOST Accreditation Committee before these can be included in the exemption from nepotism rules.

ANNEX B

**LIST OF DOST ACCREDITED S & T POSITIONS
IN OTHER AGENCIES WHICH ARE EXEMPTED FROM
FROM THE RULES ON NEPOTISM**

	Position Titles	Salary Grade
1	Project Development Officer II	11
2	Chemist IV	22
3	Chemist III	18
4	Chemist II	15
5	Chemist I	11
6	Research Analyst II	13
7	Research Analyst I	11
8	Medical Technologist II	15
9	Biologist II	15
10	Supervising Agriculturist	22
11	Senior Agriculturist	18
12	Agriculturist III	18
13	Agriculturist II	15
14	Agriculturist I	11
15	Research Specialist	16
16	Senior History Researcher	18
17	History Researcher II	14
18	Conservator	
19	Chief Education Program Specialist	24
20	Project Evaluation Officer III	18
21	Draftsman III (Drafting Technology)	11
22	Chief Museum Researcher	24
23	Senior Museum Researcher	18
24	Museum Researcher II	14
25	Museum Researcher I	10
26	Museum Curator II	24
27	Museum Curator I	22
28	Architect II	16

Note: Positions listed in Annex B are those occupied by employees of other departments/agencies certified eligible under RA 8439. Similar positions without eligible occupants shall have to be certified first by DOST Accreditation Committee before these can be included in the exemption from the rules on nepotism.