



Republic of the Philippines
Civil Service Commission
Constitution Hills, Batasang Pambansa Complex, Diliman, 1126 Quezon City

100 Years of Service;
Civil Service of Its Best,
Mamamayan Muna

MC No. 05, s. 2005

MEMORANDUM CIRCULAR

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

SUBJECT : Reportorial Requirement on Administrative Decisions Involving Dismissal from the Service.

It has come to the attention of the Commission that individuals who have been dismissed from the government service with finality are still hired by government agencies in plantilla positions, including as casuals, or contractuels through job orders or contracts of service. This makes a mockery of the dismissal order for the same carries with it the accessory penalty of perpetual disqualification from holding public office. More so, the merit and fitness system is placed in jeopardy. By their nefarious deeds, these individuals had proven themselves unworthy of any government positions or functions and should not be re-admitted unless otherwise granted executive clemency.

To remedy this situation, the Commission has issued CSC Resolution No. 050132, dated Feb 3, 2005, directing all government offices to furnish the Commission, through its various regional offices, copies of their administrative decisions dismissing government personnel for cause with finality.

All concerned shall observe this issuance with steadfastness.


KARINA CONSTANTINO-DAVID
Chairman

04 February 2005

kpz/k4 (x27)



POLICY ISSUANCE

Re Reportorial Requirement on Administrative
Decisions Involving Dismissal from the Service

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RESOLUTION NO. 050132

WHEREAS, the Civil Service Commission is the constitutionally-mandated central personnel agency of the government, whose mandate includes the promulgation of policies, standards and guidelines that would safeguard and advance the merit and fitness principle, the bedrock of the civil service;

WHEREAS, the need for protecting and promoting merit and fitness requires the selection and retention of those who are found to be professionally qualified and impressed with high-degree of integrity, and the exclusion of those who have been adjudged unfit to hold government positions;

WHEREAS, there have been instances where dismissed officials and employees, whose dismissal precludes and disqualifies them from being re-hired in government offices, still find their way in the government employ, to the utter prejudice and detriment of the entire civil service;

WHEREAS, there is a compelling need to come up with clear-cut rules and guidelines that would govern this situation;

NOW, THEREFORE, in the exercise of its rule-making power, the CSC resolves as it is hereby resolved to adopt the following rules and guidelines:

1. The penalty of dismissal from the service carries with it the accessory penalties of, among others, perpetual disqualification from holding public office. This means that a government official or employee who has been ordered removed for cause with finality is prohibited from being hired by government agencies in plantilla positions, including as casuals, or contractuels through job orders or contracts of service. In this regard, all government offices are called upon to furnish the Civil Service Commission (CSC), through its various regional offices, a copy of their orders or decisions dismissing any government personnel for cause that have attained finality at their level.

For this provision, a final dismissal order or decision is one which has not been further elevated to any higher body, such as an appellate body or tribunal, within the reglementary period or where appealed, was dismissed with finality.

2. A certified copy of a dismissal order or decision of a government office shall be coursed or forwarded to the regional office of the CSC having territorial jurisdiction over

the said agency or office, within ten (10) days from the finality thereof. Where the dismissal order has gained finality at the level of an appellate body or tribunal, the regional office having jurisdiction over the former shall be furnished the said order and shall forward the same to the regional office having jurisdiction over the agency/ unit where the dismissed employee/s belong/s.

Such regional office shall thereafter reflect the dismissal order or decision on the personnel record of the official or employee concerned. Moreover, the regional office shall draw up a database of all dismissed government personnel within its territorial jurisdiction, which database should be open and available to government agencies and offices subject to reasonable rules and regulations.

3. The Commission Proper shall also keep and maintain a database of all officials and employees who have been dismissed with finality, consolidating, in the process, the reports to be periodically submitted by the regional offices. Aside from the dismissed personnel obtained from the reports of the regional offices, the Commission Proper shall also include in the database those it ordered dismissed with finality and those dismissed with finality by the courts. In the latter case, the Commission Proper shall make the necessary arrangement with the courts for the regular reporting of such decisions. This database shall be accessible to all other offices subject to reasonable rules and regulations.

This policy issuance shall take effect immediately.

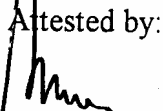
Quezon City, FEB 03 2005


KARINA CONSTANTINO-DAVID
Chairman


J. WALDEMAR V. VALMORES
Commissioner


CESAR D. BUENAFLOR
Commissioner

Attested by:


REBECCA A. FERNANDEZ
Director IV
Commission Secretariat and Liaison Office