



MC No. 06, s. 2007

**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 :** Revised Policies on Change of Status of Appointment from Temporary to Permanent

In the light of the Supreme Court ruling that a new appointment is required to be issued by the appointing authority to effect the change of status of appointment from temporary to permanent "since a permanent appointment is not a continuation of the temporary appointment", the Commission has promulgated CSC Resolution No. 07-0629 dated April 4, 2007 adopting the following revised policies and guidelines on change of status of appointment from temporary to permanent:

1. The position involved should be published in compliance with Item 8 of CSC MC No. 20, s. 2002, which provides that a position occupied by a temporary employee should be published and posted every 6 months reckoned from the date the position was last published.
2. If upon publication, there are qualified applicants other than the temporary employee, the appointing authority shall require the temporary employee to undergo Personnel Selection Board (PSB) screening together with the other applicants.
3. If upon publication there are no other qualified applicants, the appointing authority may decide to appoint the temporary employee, provided the latter's performance rating is at least Satisfactory.
  - a) If the performance rating is at least Satisfactory, the temporary employee shall be required to undergo PSB screening and probationary period.
  - b) If the performance rating is Very Satisfactory or higher, the temporary employee shall be exempted from PSB screening and probationary period.
  - c) The temporary employee should present to the appointing authority proofs of meeting the deficiencies (such as the certificate of eligibility or proof of meeting the education, training and/or experience requirements).

4. If finally, after compliance with policy numbers 1, 2 and 3 hereof, the existing temporary employee is appointed again:
  - a) A new (permanent) appointment should be issued.
  - b) The date of effectivity of the appointment is the date of issuance of the permanent appointment, not the date the deficiency in qualification standards was met or proof thereof was presented.
5. The nature of appointment of a temporary employee who has been issued a permanent appointment is not change of status, but reappointment or reemployment, if in the case of the latter, there is gap in the service.
6. The following rules are expressly amended or repealed:
  - a) **Section 4 (i) Rule III** of the Omnibus Rules on Appointments and Other Personnel Actions (CSC MC No. 40, s. 1998 as amended by CSC MC No. 15, s. 1999)
  - b) **Section 2, Rule IV** (Effectivity of Appointment) of the same Omnibus Rules
  - c) **Section 6, Rule VI** of the same Omnibus Rules
  - d) **Section 5 (c)** of the Rules on Probationary Period for Permanent Appointment in the Career Service (CSC MC No. 3, s. 2005)

All other rules and regulations which are inconsistent herewith are deemed modified accordingly.

This Memorandum Circular takes effect fifteen (15) days from the publication of CSC Resolution No. 07-0629 in a newspaper of general circulation.

  
KARINA CONSTANTINO-DAVID  
Chairman

April 10, 2007

PPSO/RCL/DBB/FCT/dolm:RES - Policies on Change of Status

\*CSC Resolution No. 07-0629 published on May 10, 2007 at the Manila Times



**Revised Policies on Change of Status  
of Appointment from Temporary to Permanent**

X ----- X

**RESOLUTION NO. 070629**

**WHEREAS**, Section 2 (1), Article IX-B of the 1987 Constitution, provides that the Civil Service embraces all branches, subdivisions, instrumentalities and agencies of the Government, including government-owned or controlled corporations with original charters;

**WHEREAS**, Section 12 (3), Chapter 3, Title I (A), Book V of the Administrative Code of 1987, 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), Chapter 3, Title I (A), Book V of the Administrative Code of 1987, provides that the Commission shall take appropriate action on all appointments and other personnel matters in the Civil Service;

**WHEREAS**, Section 2, Rule IV (Effectivity of Appointment) of the Revised Omnibus Rules on Appointments and Other Personnel Actions (CSC MC No. 40, s. 1998 as amended by CSC MC No. 15, s. 1999) provides that: *"x x x The effectivity of the change of status should be the date of release of the result of the examination and/or the date of issuance of appropriate license/s. The same shall be made upon the presentation of the certificate of eligibility to the proper civil service field/regional office and subsequent verification of its authenticity. Said office shall indicate the effectivity of the change of status from temporary to permanent as a footnote on the temporary appointment and service card on file."* (underscoring supplied);

**WHEREAS**, the Supreme Court, in the case of *Torio vs. CSC, 209 SCRA 677*, held the principle that *"(a) permanent appointment is not a continuation of the temporary appointment --- these are two distinct acts of the appointing authority."* (Emphasis supplied);

**WHEREAS**, in explaining further the said principle, the High Tribunal, in the case of *Province of Camarines Sur vs. CA, 246 SCRA 281*, ruled that: *"x x x Such lack of civil service eligibility made his appointment temporary and without a fixed and definite term and is dependent entirely upon the pleasure of the appointing power. The fact that private respondent obtained a civil service eligibility later on is of no moment as his having passed the supervisory security guard examination, did not ipso facto convert his temporary appointment into a permanent one. In cases such as the one at bench, what is required is a new appointment since a permanent appointment is not a continuation of the temporary appointment --- these are two distinct acts of the appointing authority."* (underscoring supplied);

Certified True Copy:

*Justina O. Amper*  
JUSTINA O. AMPER

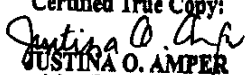
Supervising Personnel Specialist  
Commission Secretariat and Liaison Office  
Civil Service Commission

**WHEREAS**, in view of the aforementioned Supreme Court rulings, the Commission recognizes the need to amend its existing policies pertaining to change of status from temporary to permanent, specifically Section 4 (i), Rule III, Section 2, Rule IV (Effectivity of Appointment), and Section 6, Rule VI of the Revised Omnibus Rules on Appointments and Other Personnel Actions (CSC MC No. 40, s. 1998 as amended by CSC MC No. 15, s. 1999);

**WHEREAS**, an incumbent temporary appointee whose performance rating while on temporary status is very satisfactory or higher is likely to have proven his/her capacity and hence, need not be subjected to probationary period when appointed again, this time on permanent status;

**NOW, THEREFORE**, the Commission, in the exercise of its rule-making and policy formulation functions, **RESOLVED** to adopt the following revised policies and guidelines on change of status of appointment from temporary to permanent:

1. The position involved should be published in compliance with Item 8 of CSC MC No. 20, s. 2002, which provides that a position occupied by a temporary employee should be published and posted every 6 months reckoned from the date the position was last published.
2. If upon publication, there are qualified applicants other than the temporary employee, the appointing authority shall require the temporary employee to undergo PSB screening together with the other applicants.
3. If upon publication there are no other qualified applicants, the appointing authority may decide to appoint the temporary employee, provided the latter's performance rating is at least Satisfactory.
  - a) If the performance rating is at least Satisfactory, the temporary employee shall be required to undergo PSB screening and probationary period.
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  - c) The temporary employee should present to the appointing authority proofs of meeting the deficiencies (such as the certificate of eligibility or proof of meeting the education, training and/or experience requirements).
4. If finally, after compliance with Item numbers 1, 2 and 3 hereof, the existing temporary employee is appointed again:
  - a) A new (permanent) appointment should be issued.
  - b) The date of effectivity of the appointment is the date of issuance of the permanent appointment, not the date the deficiency in qualification standards was met or proof thereof was presented.
5. The nature of appointment of a temporary employee who has been issued a permanent appointment is not change of status, but reappointment or reemployment, if in the case of the latter, there is gap in the service.

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Supervising Personnel Specialist  
Commission Secretariat and Liaison Office  
Civil Service Commission

**RESOLVED FURTHER** that the abovementioned policies expressly amend or repeal the following rules:

- a. **Section 4 (i) Rule III** of the Omnibus Rules on Appointments and Other Personnel Actions (CSC MC No. 40, s. 1998 as amended by CSC MC No. 15, s. 1999)
- b. **Section 2, Rule IV** (Effectivity of Appointment) of the same Omnibus Rules
- c. **Section 6, Rule VI** of the same Omnibus Rules
- d. **Section 5 (c)** of the Rules on Probationary Period for Permanent Appointment in the Career Service (CSC MC No. 3, s. 2005)

All other rules and regulations which are inconsistent herewith are deemed modified accordingly.

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

Quezon City, **APR 04 2007**

  
**KARINA CONSTANTINO-DAVID**  
Chairman

  
**CESAR D. BUENAFLOR**  
Commissioner

  
**MARY ANN Z. FERNANDEZ-MENDOZA**  
Commissioner

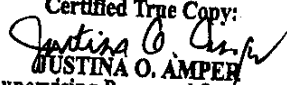
Attested by:

  
**JUDITH D. CHICANO**  
Director IV

Commission Secretariat and Liaison Office

PPSO/RCL/DBB/FCT/Abm:RES - Policies on Change of Status

\*Published on May 10, 2007 at the Manila Times

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