



MC No. 25, s. 2007

MEMORANDUM CIRCULAR

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

SUBJECT : Rules on the Effect of Filing an Appeal/Review with the
Commission on the Decisions and Rulings of the Civil
Service Commission Regional Offices on Non-
Disciplinary Cases and Other Personnel Actions

Pursuant to CSC Resolution No. 071935 dated October 8, 2007, the Civil Service Commission hereby adopts and promulgates the following rule to serve as an addendum and clarification to Section 72, Rule V (B) of the Uniform Rules on Administrative Cases in the Civil Service, as follows:

"Section 72.A. Effect of filing an Appeal with the Commission. – *The timely filing and pendency of an appeal with the Commission on a decision or ruling of a Civil Service Commission Regional Office on a non-disciplinary case or other personnel action shall have the effect of holding in abeyance the execution of the decision or ruling until the appeal is resolved, and the same is affirmed by the Commission.*"

CSC Resolution No. 071935 was published in Malaya on
November 28, 2007.

For the information and guidance of all concerned.


KARINA CONSTANTINO-DAVID
Chairperson

December 13, 2007



Rules on the Effect of Filing an Appeal / Review with the Commission on the Decisions and Rulings of the Civil Service Commission Regional Offices on Non-Disciplinary Cases and Other Personnel Actions

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RESOLUTION NO. 071935

WHEREAS, Section 6, Article IX (A) of the 1987 Philippine Constitution provides that the Commission *en banc* may promulgate its own rules concerning pleadings and practice before it or before any of its offices. Such rules, however, shall not diminish, increase, or modify substantive rights;

WHEREAS, Section 12 (14), Chapter 3, Title I, Subtitle (A), Book V of the Administrative Code of 1987 (Executive Order No. 292) vests upon the Commission the power to take appropriate action on all appointments and other personnel matters in the Civil Service including extension of service beyond retirement age;

WHEREAS, in the case of *Israel G. Peralta vs. Court of Appeals, et al.*, G.R. No. 141966, dated June 30, 2005, the Supreme Court has recognized the power of the Civil Service Commission Regional Offices to enforce Civil Service laws, rules, policies and standards on personnel management or personnel actions of national and local government agencies within their jurisdiction;

WHEREAS, Section 12 (11), Chapter 3, Title I, Subtitle (A), Book V of the Administrative Code of 1987 (Executive Order No. 292) provides that the Commission shall hear and decide administrative cases instituted before it directly or on appeal, including contested appointments, and review decisions and actions of its offices and of the agencies attached to it;

WHEREAS, the Commission, pursuant to Rule V (B) of CSC Resolution No. 99-1936 dated August 31, 1999 (*Uniform Rules on Administrative Cases in the Civil Service [URACCS]*), has provided for a remedy of appeal on non-disciplinary cases and other personnel actions with the Commission;

WHEREAS, Section 72, Rule V (B) of URACCS, provides that "a decision or ruling of a department or agency may be appealed within fifteen (15) days from receipt thereof by the party adversely affected to the Civil Service Regional Office and finally, to the Commission Proper within the same period".

WHEREAS, the aforesaid Rule has provided for an appeal remedy on the decisions and rulings of a department, agency and of the Civil Service

Certified True Copy:
Justina B. Ampar
Supervising Personnel Specialist
Commission Secretariat and Liaison Office
Civil Service Commission

Commission Regional Offices on non-disciplinary cases and other personnel actions before the Commission within fifteen (15) days from receipt thereof by the party adversely affected but is silent as to the effect of the timely filing and pendency of an appeal with the Commission;

WHEREFORE, to serve the broader interest of justice, the Commission hereby adopts and promulgates the following rules to serve as an addendum and clarification to Section 72, Rule V (B) of the Uniform Rules on Administrative Cases in the Civil Service, as follows:

“ Section 72.A. Effect of Filing an Appeal with the Commission. – The timely filing and pendency of an appeal with the Commission on a decision or ruling of a Civil Service Commission Regional Offices on a non-disciplinary case or other personnel action shall have the effect of holding in abeyance the execution of the decision or ruling until the appeal is resolved, and the same is affirmed by the Commission.”

This Resolution shall take effect fifteen (15) days after its publication.

Quezon City, **OCT 08 2007**



KARINA CONSTANTINO-DAVID
Chairman

On Leave

CESAR D. BUENAFLOR
Commissioner



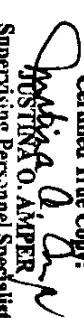
MARY ANN Z. FERNANDEZ-MENDOZA
Commissioner

Attested by:



JUDITH D. CHICANO
Director IV

Commission Secretariat and Liaison Office

Certified True Copy:

JUSTINA O. AMPAR
Supervising Personnel Specialist
Commission Secretariat and Liaison Office
Civil Service Commission