



CSC MC No. 16 s. 2009

MEMORANDUM CIRCULAR

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

SUBJECT : Prohibition on the Filing of Motions For Reconsideration
on Preventive Suspension Cases

Pursuant to CSC Resolution No. 09-0296 dated February 24, 2009, the Commission resolves to reiterate the provisions of the Omnibus Rules Implementing Book V of Executive Order (E.O.) No. 292, as well as the Uniform Rules on Administrative Cases in the Civil Service (URACCS) pertaining to Preventive Suspension and that, as a remedy from such Orders, a respondent may file an Appeal to the Commission within fifteen (15) days from receipt thereof. Pending Appeal, the same shall be executory. This also applies to Orders of Preventive Suspension emanating from CSC Regional Offices.

Significantly, and toward this end, the Commission resolves to prohibit the filing of Motions for Reconsideration from the Order or Resolution ordering a Preventive Suspension. In case such Motion is filed, the same shall be denied outright and shall not stay the execution of the said Order or Resolution. Neither shall it have the effect of stopping the running of the reglamentary period to appeal.

Quezon City,

A handwritten signature in black ink, appearing to read 'Ricardo L. Saludo'.

RICARDO L. SALUDO
Chairman

May 7, 2009

AGR / Y35 (21)/mpm09-usb
MC Prohibitg MR on PS

Note: CSC Res No. 09-0296 dated Feb. 24, 2009 was published in the Manila Standard Today on April 4, 2009



Re: Prohibition on the Filing of
Motion for Reconsideration on
Preventive Suspension

X-----X

RESOLUTION NO. 030296

WHEREAS, the Civil Service Commission (CSC) is the constitutionally mandated central personnel agency of the government;

WHEREAS, as the constitutionally mandated central personnel agency of the government, the CSC is empowered, among others, to prescribe, amend and enforce rules of procedure for carrying into effect the provisions of the civil service and other pertinent laws as well as to promulgate policies, standards and guidelines to promote efficient and effective public personnel administration;


WHEREAS, the CSC is likewise tasked to discipline misfeasance and malfeasance in the government service;

WHEREAS, the Commission recognizes the need to enforce and immediately implement Orders or Resolutions for the Preventive Suspension of government employees and especially high-ranking officials, when warranted, since no less than the Supreme Court enunciates in several cases, that preventive suspension is a remedy resorted to "*to prevent the accused from hampering the normal course of the investigation with his influence and authority over possible witnesses or to keep him off the records and other evidence*" (**Bunye vs. Escareal, 226 SCRA 332, citing Ganzon vs. CA, 200 SCRA 271**);

WHEREAS, the CSC has noted the adverse and dilatory effect of the filing of Motions for Reconsideration on Orders or Resolutions for Preventive Suspension, since such motions indubitably have the effect of staying the execution of the decision sought to be reconsidered;

WHEREAS, the CSC finds it of utmost imperative to formulate policy guidelines that will aid in the immediate implementation of Preventive Suspension decisions;

Certified True Copy:


SYLVIA ANGELIQUE S. UMBAC
Chief Personnel Specialist
Commission Secretariat and Liaison Office
Civil Service Commission

WHEREFORE, foregoing premises considered, the CSC hereby resolves to adopt the following guidelines:

1. It reiterates the provisions of the Omnibus Rules Implementing Book V of Executive Order (E.O.) No. 292, as well as the Uniform Rules on Administrative Cases in the Civil Service (URACCS) pertaining to Preventive Suspension and that, as a remedy from such Orders, a respondent may file an Appeal with the Commission within fifteen (15) days from receipt thereof. Pending Appeal, the same shall be executory.
2. A Motion for Reconsideration from the Order of or Resolution ordering a Preventive Suspension, shall not be allowed. In case such Motion is filed, the same shall be denied outright and shall not stay the execution of the said Order or Resolution. Neither shall it have the effect of stopping the running of the reglamentary period to appeal.
3. Any previous issuances of the Commission that are in conflict with this Procedural Policy are deemed modified, revised or repealed accordingly. Henceforth, no Motions for Reconsideration on Orders of or Resolutions granting Preventive Suspension, are allowed.

This Policy Guidelines shall take effect after fifteen (15) days from the date of its publication in a newspaper of general circulation.

Quezon City, 24 FEB 2009



RICARDO L. SALUDO
Chairman

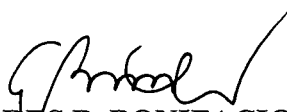
On Leave

CESAR D. BUENAFLOR
Commissioner



MARY ANN Z. FERNANDEZ-MENDOZA
Commissioner

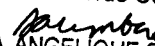
Attested by:



DOLORES B. BONIFACIO
Director IV

Commission Secretariat and Liaison Office

Certified True Copy:



SYLVIA ANGELIQUE S. UMBAC
Chief Personnel Specialist
Commission Secretariat and Liaison Office
Civil Service Commission