



MC No. 12 s. 2010

MEMORANDUM CIRCULAR

TO : ALL HEADS OF DEPARTMENTS, BUREAUS AND AGENCIES OF THE NATIONAL AND LOCAL GOVERNMENTS, INCLUDING GOVERNMENT-OWNED AND/OR CONTROLLED CORPORATIONS AND STATE UNIVERSITIES AND COLLEGES

SUBJECT : Amendment of the Rules on Filing of Motion for Reconsideration in Dropping from the Rolls Cases

Pursuant to CSC Resolution No. 10-0900 dated May 5, 2010, the Commission has amended Section 2, Rule XII of CSC Resolution No. 98-3143 as amended by CSC Resolution No. 99-1907, otherwise known as "Revised Omnibus Rules on Appointments and Other Personnel Actions" and added the following provision:

"2.4.a AN OFFICER OR EMPLOYEE WHO WAS DROPPED FROM THE ROLLS BY REASON OF HIS/HER ABSENCE WITHOUT APPROVED LEAVE (AWOL) OR UNSATISFACTORY OR POOR PERFORMANCE OR MENTAL AND/OR PHYSICAL INCAPACITY MAY MOVE FOR THE RECONSIDERATION OF THE DECISION SEPARATING HIM/HER FROM THE SERVICE WITHIN FIFTEEN (15) DAYS FROM RECEIPT THEREOF;"

This Memorandum Circular shall take effect fifteen (15) days after the publication of CSC Resolution No. 10-0900 in a newspaper of general circulation.


FRANCISCO T. DUQUE III, MD, MSc
Chairman

07 JUL 2010

CSC Resolution No. 10-0900 was published in the Manila Times on June 22, 2010.

AGR/APT/Y11(D114)/mcc
MC(MR of Dropping)



**Re: Rules on Filing of
Motion for Reconsideration
in Dropping from the Rolls Cases**

X-----X

RESOLUTION NO. 100900

WHEREAS, Section 6, Rule IX-A of the 1987 Constitution specifically provides that “[E]ach 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, pursuant to its rule-making power, the Commission issued Section 2, Rule XII of CSC Resolution No. 98-3143 dated December 14, 1998 as amended by CSC Resolution No. 99-1907 dated August 27, 1999 otherwise known as the “*Revised Omnibus Rules on Appointments and Other Personnel Actions*,” which governs the procedure on dropping from the rolls, and CSC Resolution No. 07-0631 dated April 10, 2007 which added an additional circumstance when an official or employee may be dropped from the rolls without prior notice;

WHEREAS, CSC Resolution No. 98-3143 and CSC Resolution No. 99-1907 were circularized through CSC Memorandum Circular No. 40, s. 1998 dated December 14, 1998 and CSC Memorandum Circular No. 15, s. 1999 dated August 27, 1999, respectively;

WHEREAS, the policy on dropping from the rolls does not provide for the remedy of the employee concerned to move for the reconsideration of the decision dropping him/her from the roll of employees;

WHEREAS, the Commission finds the need to clarify that an employee who was dropped from the rolls may move for the reconsideration of the same;

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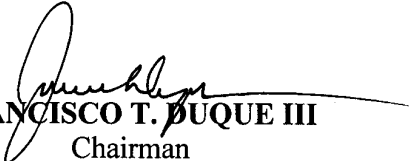
WHEREFORE, Section 2, Rule XII of CSC Resolution No. 98-3143 as amended by CSC Resolution No. 99-1907, otherwise known as "*Revised Omnibus Rules on Appointments and Other Personnel Actions*," shall be amended, as follows:


"2.4.a AN OFFICER OR EMPLOYEE WHO WAS DROPPED FROM THE ROLLS BY REASON OF HIS/HER ABSENCE WITHOUT APPROVED LEAVE (AWOL) OR UNSATISFACTORY OR POOR PERFORMANCE OR MENTAL AND/OR PHYSICAL INCAPACITY MAY MOVE FOR THE RECONSIDERATION OF THE DECISION SEPARATING HIM/HER FROM THE SERVICE WITHIN FIFTEEN (15) DAYS FROM RECEIPT THEREOF;

" x x x "

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


Quezon City, **05 MAY 2010**


FRANCISCO T. DUQUE III
Chairman


CESAR D. BUENAFLOR
Commissioner


MARY ANN Z. FERNANDEZ-MENDOZA
Commissioner

Attested by:


DOLORES B. BONIFACIO
Director IV
Commission Secretariat and Liaison Office