



MC No. 7, s. 2011

MEMORANDUM CIRCULAR

TO : ALL HEADS OF CONSTITUTIONAL BODIES; DEPARTMENTS, BUREAUS AND AGENCIES OF THE NATIONAL GOVERNMENT; GOVERNMENT OWNED OR CONTROLLED CORPORATIONS; AND STATE COLLEGES AND UNIVERSITIES

SUBJECT : Amendment to the Revised Policies on Qualification Standards and the Revised Omnibus Rules on Appointments and Other Personnel Actions

In the course of resolving cases on appointments, the Commission has revised its policy related to qualification standards on reclassified positions and, thus, requiring an amendment to Item 9, Part I of CSC Memorandum Circular No. 12, s. 2003 (Revised Policies on Qualification Standards), as follows:

“9. The appointment of an incumbent whose position was reclassified should be approved even if the incumbent is not qualified. The incumbent of reclassified position has a vested right to the reclassified position. ”

In addition, the first and second paragraphs of Section 4 (k), Rule III of CSC Memorandum Circular No. 40, s. 1998 (Revised Omnibus Rules on Appointments and Other Personnel Actions) are amended, as follows:

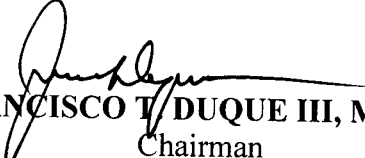
“k. Reclassification - is a form of staffing modification and/or position classification action applied only when there is a substantial change in the regular duties and responsibilities of the position. This may result in a change in any or all of the position attributes: position title, level and salary grade. It generally involves a change in the position title and may be accompanied by an upward or downward change in salary. On the other hand, upgrading involves the upward change in salary grade allocation without change of position title. Reclassification is the generic term for changes in staff/position classification while upgrading is a form of reclassification. ”

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“Reclassification of position requires the issuance of an appointment but the same is ministerial on the part of the appointing authority.”

All rules, regulations and issuances which are inconsistent herewith are hereby repealed, amended or modified accordingly.

This Memorandum Circular takes effect after fifteen (15) days from the publication of CSC Resolution No. 1100071 dated January 11, 2011 in a newspaper of general circulation.


FRANCISCO T. DUQUE III, MD, MSc
Chairman

07 MAR 2011

Note: CSC Resolution No. 1100071 dated January 11, 2011 was published in The Manila Times on February 15, 2011.



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

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Civil Service at Its Best.

Mamamayan Muna

**AMENDMENT TO THE REVISED
POLICIES ON QUALIFICATION
STANDARDS (CSC MEMORANDUM
CIRCULAR NO. 12, s. 2003) AND
REVISED OMNIBUS RULES ON
APPOINTMENTS AND OTHER
PERSONNEL ACTIONS (CSC
MEMORANDUM CIRCULAR NO.
40, s. 1998)**

Number: 1100071

Promulgated: 11 JAN 2011

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RESOLUTION

WHEREAS, Section 2 (2), Article IX-B of the 1987 Constitution states that “[a]ppointments in the civil service shall be made only according to merit and fitness to be determined, as far as practicable, and except to positions which are policy determining, primarily confidential or highly technical, by competitive examination.”

WHEREAS, Section 12 (2), Chapter 3, Title I-A, Book V of the Administrative Code of 1987 empowers the Civil Service Commission to prescribe, amend and enforce rules and regulations for carrying into effect the provisions of the Civil Service Law and other pertinent laws;

WHEREAS, Section 12 (14), Chapter 3, Title I-A, Book V of the Administrative Code of 1987 provides that the Civil Service Commission shall take appropriate action on all appointments and other personnel matters in the Civil Service;

WHEREAS, Section 22 (1), Chapter V, Title I-A, Book V of the Administrative Code of 1987 provides that “[a] qualification standard expresses the minimum requirements for a class of positions in terms of education, training and experience, civil service eligibility, physical fitness, and other qualities required for successful performance. The degree of qualifications of an officer or an employee shall be determined by the appointing authority on the basis of the qualification standard for the particular position.”

WHEREAS, in line with its rule-making power, the Commission issued Memorandum Circular No. 12, s. 2003, otherwise known as the Revised Policies on Qualification Standards which amended the Framework for Implementation of Policies and Qualification Standards (CSC Memorandum Circular No. 42, s. 1998), and CSC Memorandum Circular No. 40, s. 1998 (Revised Omnibus Rules on Appointments and Other Personnel Actions);

WHEREAS, there is a provision in the Revised Policies on Qualification Standards and the Revised Omnibus Rules on Appointments and Other Personnel Actions that needs updating to obviate confusion with recent rulings of the Commission and jurisprudence;

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WHEREFORE, Item 9, Part I of CSC Memorandum Circular No. 12, s. 2003, is amended in its entirety and shall read, as follows:

“9. *The appointment of an incumbent whose position was reclassified should be approved even if the incumbent is not qualified. The incumbent of reclassified position has a vested right to the reclassified position.*”

FURTHERMORE, the first and second paragraphs of Section 4 (k), Rule III of CSC Memorandum Circular No. 40, s. 1998 are also totally amended to read, as follows:

“k. *Reclassification - is a form of staffing modification and/or position classification action applied only when there is a substantial change in the regular duties and responsibilities of the position. This may result in a change in any or all of the position attributes: position title, level and salary grade. It generally involves a change in the position title and may be accompanied by an upward or downward change in salary. On the other hand, upgrading involves the upward change in salary grade allocation without change of position title. Reclassification is the generic term for changes in staff/position classification while upgrading is a form of reclassification.*”

“Reclassification of position requires the issuance of an appointment but the same is ministerial on the part of the appointing authority.”

All rules, regulations and issuances which are inconsistent herewith are hereby repealed, amended or modified accordingly.

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

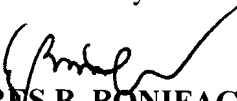
Quezon City,


FRANCISCO T. DUQUE III
Chairman


CESAR D. BUENAFLOR
Commissioner


MARY ANN FERNANDEZ-MENDOZA
Commissioner

Attested by:


DOLORIS B. BONIFACIO
Director IV
Commission Secretariat and Liaison Office