



MC No. 10, s. 2011

MEMORANDUM CIRCULAR

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

SUBJECT : Revised Rules on Appointments Issued by Outgoing Elective and Appointive Officials

Pursuant with the ruling of the Supreme Court in the Leah M. Nazareno, *et al.* vs. City Mayor Agustin Perdices, *et al.* (G.R. No. 181559 dated October 2, 2009), the Commission has decided, through CSC Resolution No. 1100188 dated February 1, 2011, to issue the Revised Rules on Appointments Issued by Outgoing Elective and Appointive Officials, as follows:

1. All appointments issued after the election up to June 30 by outgoing elective officials shall be disapproved unless the following requisites relative to their issuance are met:
 - 1.1 The appointee meets the minimum qualifications as required under the CSC Qualification Standards Manual or special law, if any, for the position to which he/she was appointed.
 - 1.2 The appointee has undergone the Personnel Selection Board (PSB) screening prior to the election ban. In this case, the appointing authority or agency shall submit the minutes of the PSB meetings and the evaluation report of the applicants.
 - 1.3 There is an urgent need for the issuance of the appointment/s so as not to prejudice the public or endanger public safety.

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- 1.4 Civil Service Law, rules and regulations and special laws, if any, on the issuance of appointments are followed.
2. All appointments issued after a presidential election up to June 30 by an appointive appointing official shall be disapproved, except in the following cases:
 - 2.1. The appointive appointing official is a Career Executive Service Officer occupying a regular plantilla position.
 - 2.2. The appointive official has a fixed term of office and whose term of office will not expire on June 30.
 - 2.3. The appointee meets the minimum qualifications as required under the CSC Qualification Standards Manual or special law, if any, for the position to which he/she was appointed.
 - 2.4. The appointee has undergone the Personnel Selection Board (PSB) screening prior to the election ban. In this case, the appointing authority or agency shall submit the minutes of the PSB meetings and the evaluation report of the applicants.
 - 2.5. There is an urgent need for the issuance of the appointment/s so as not to prejudice the public or endanger public safety.
 - 2.5. Civil Service Law, rules and regulations and special laws, if any, on the issuance of appointments are followed.
3. The issuance of mass appointments¹ or those issued in large numbers may be allowed provided the above conditions are complied with.
4. If in the exigency of the service, the outgoing appointing authority, whether elective or appointive, opts to issue renewal (reappointment), temporary, casual and/or contractual appointments after the elections or before June 30, prior authority must be obtained from the concerned CSC Regional Office, otherwise, such appointments will be disapproved.

¹ The issuance of more than twenty (20) appointments after the elections up to June 30 shall be considered "mass appointments".

Such authority will be granted on the basis of validated need to fill up the positions immediately in order not to prejudice public service and/or endanger public safety.

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


FRANCISCO T. DUQUE III, MD, MSc
Chairman

28 MAR 2011

Note: CSC Res No. 11-00188 dated February 1, 2011 was published in the **Malaya Business Insight** on **March 22, 2011**.



**Revised Rules on Appointments
Issued by Outgoing Elective and
Appointive Officials**

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Number: 1100188

Promulgated: 01 FEB 2011

RESOLUTION

WHEREAS, Section 3, Article IX-B of the 1987 Constitution provides that the “*Civil Service Commission, as the central personnel agency of the Government, shall establish a career service and adopt measures to promote morale, efficiency, integrity, responsiveness, progressiveness, and courtesy in the civil service.*”

WHEREAS, the Commission under Section 12 (1) and (2), Book V, Title I-A of the Administrative Code of 1987 has the power and function to administer and enforce the constitutional and statutory provisions on the merit system for all levels and ranks of the Civil Service, and to prescribe, amend, and enforce rules and regulations for carrying into effect the provisions of the Civil Service Law and other pertinent laws;

WHEREAS, pursuant to these mandates, the Commission issued CSC Resolution Nos. 01-0988, 03-0918 and 07-1138 dated June 4, 2001, August 28, 2003 and June 18, 2007, respectively, providing the guidelines on appointments issued by outgoing elective and appointive officials;

WHEREAS, the Supreme Court in Leah M. Nazareno, *et al.* vs. City Mayor Agustin Perdices, *et al.* (G.R. No. 181559 dated October 2, 2009) declared that the Commission, as the central personnel agency of the government, has statutory authority to establish rules and regulations to promote efficiency and professionalism in the civil service. The High Court also ruled therein that not all appointments issued after the elections by defeated officials are invalid especially those which have shown to have undergone the regular screening process, where the appointee is qualified for the position, when there is a need to fill up the vacancy and when the appointments are not in bulk.

WHEREAS, the Supreme Court has already issued an Entry of Judgment in the *Nazareno case* declaring it as final and executory on February 19, 2010;

WHEREAS, there is a need to update and amend existing rules on appointments issued by outgoing elective and appointive officials to harmonize them with the Supreme Court decision in the *Nazareno case*;

NOW THEREFORE, the Commission, pursuant to its constitutional and statutory mandates, hereby **ISSUES** and **ADOPTS** the following guidelines:

1. All appointments issued after the election up to June 30 by outgoing elective officials shall be disapproved unless the following requisites relative to their issuance are met:
 - 1.1 The appointee meets the minimum qualifications as required under the CSC Qualification Standards Manual or special law, if any, for the position to which he/she was appointed.
 - 1.2 The appointee has undergone the Personnel Selection Board (PSB) screening prior to the election ban. In this case, the appointing authority or agency shall submit the minutes of the PSB meetings and the evaluation report of the applicants.
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 - 1.4 Civil Service Law, rules and regulations and special laws, if any, on the issuance of appointments are followed.
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 - 2.6 Civil Service Law, rules and regulations and special laws, if any, on the issuance of appointments are followed.



3. The issuance of mass appointments¹ or those issued in large numbers may be allowed provided the above conditions are complied with.
4. If in the exigency of the service, the outgoing appointing authority, whether elective or appointive, opts to issue renewal (reappointment), temporary, casual and/or contractual appointments after the elections or before June 30, prior authority must be obtained from the concerned CSC Regional Office, otherwise, such appointments will be disapproved.


Such authority will be granted on the basis of validated need to fill up the positions immediately in order not to prejudice public service and/or endanger public safety.

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

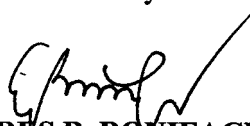
This Resolution shall take effect fifteen (15) days after its publication in a newspaper of general circulation.


FRANCISCO T. DUQUE III
Chairman


CESAR D. BUENAFLOR
Commissioner


MARY ANN Z. FERNANDEZ-MENDOZA
Commissioner

Attested by:


DOLORIS B. BONIFACIO
Director IV
Commission Secretariat and Liaison Office

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