

CLAUDIO, Angelita SF.
Re: Disapproved Pre-Retirement Promotion;
Appeal

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RESOLUTION NO. 001094

Pablo M. Antopina, Director IV, Department of Education, Culture and Sports - National Capital Region (DECS-NCR), Daang Misamis, Bago Bantay, Quezon City, appeals the disapproval by the Civil Service Commission - National Housing Authority - Field Office (CSC-NHA-FO) of the promotional appointment of Angelita SF. Claudio as Financial and Management Officer II in said Regional Office. The said appointment was disapproved on the ground that the promotion was issued within the six (6)-month period immediately preceding the date of her retirement which is prohibited.

The letter-appeal of Director Antopina reads, in part, as follows:

"Respectfully transmitted to the Regional Director, Civil Service Commission, National Capital Region, Kaliraya St., Quezon City, requesting reconsideration of the attached disapproved appointment of Mrs. ANGELITA SF. CLAUDIO as Financial and Management Officer II, this Region.

"The recommendation of this Office for her appointment to the position of Financial and Management Officer II was submitted to the DECS-Central Office on January 25, 1999 yet together with the recommendation of the former incumbent of the position and the incumbent Undersecretary of Education, Culture and Sports and former Regional Director of DECS-NCR all dated in January, 1999 but was not immediately acted upon by the Office of the Secretary of Education, Culture and Sports due to an Order issued by the same Office that appointments of Regional Financial and Budget Officers be cleared by the Office of the Secretary or Undersecretary for Finance and Administration. However, Mfrs. Claudio continued to discharge her duties and responsibilities as Officer-In-Charge of the Division pursuant to a Memorandum dated January 12, 1999.

"It is on the strength of these supporting documents that this Office requests reconsideration on the late submission to that Office of the appointment of Mrs. Claudio.

"It is reiterated that Mrs. Angelita SF. Claudio is the only next-in-rank and qualified to the position in which ranking is deemed unnecessary.

"In view of the reasons afore-cited, this Office most respectfully prays that, that Office would reconsider the recommendation and that her appointment be re-attested as approved."

The CSC-NCR commented on the appeal of Director Antopina, as follows:

"This refers to the permanent (promotion) appointment of Ms. ANGELITA S.F. CLAUDIO as Financial and Management Officer II, DECS-NCR. x x x Subject appointment was disapproved pursuant to CSC-DBM Joint Circular No. 3 dated November 08, 1991 which provides as follows:

4.2. Unauthorized pre-retirement promotion and salary increase as contemplated under this circular shall include the following cases:

4.2.1. Promotion with increase in salary during the 6-month period immediately preceding the date of retirement of an official or employee to retire under the mandatory mode.'

"In the case of Ms. Claudio, her date of birth is May 1, 1935. This clearly shows that she will be 65 years old on May 01, 2000 when she celebrates her birthday. Further perusal of the records submitted shows that she applied for the position of January 18, 1999. Also, she was issued a Memorandum dated January 12, 1999 designating her as Officer-in-Charge of the Budget and Finance Division. She has been performing as such until her promotional appointment to said position.

"Furthermore, the DECS Regional Selection Board held its deliberation on December 06, 1999. Ms. Claudio's appointment was issued on January 17, 2000.

"Evaluation of the records shows that the documents of Mesdames Claudio relative to said appointment was initially processed way ahead of the six-month prohibition period on pre-retirement promotion. Under the circumstances, we believe that the issuance of the appointment is not covered by said prohibition.

"However, since the Civil Service Regional Offices have not been granted the authority to approve appointments of this nature, we are forwarding the same for Commission resolution with the recommendation for a favorable action on the appointment of Mesdame Claudio."

Records show that Claudio was initially designated as Officer-in-Charge of the Budget and Finance Division of the DECS-NCR in a Memorandum dated January 12, 1999 vice Virgilio F. Pasamic, then Financial and Management Officer II, who earlier retired on January 11, 1999. On January 18, 1999, Claudio applied for appointment to the position vacated by Pasamic. Subsequently, in a letter-indorsement dated January 25, 1999, Director Antopina of the DECS-NCR recommended the appointment of Claudio to Secretary Andrew Gonzales of the DECS. However, the processing of her appointment was delayed due to the issuance by Secretary Gonzales of DECS ORDER No. 2, s: 1999 which states, to wit: "All new appointments of Financial and Budget Officers for the region should be cleared with my office or the Undersecretary for Finance and Administration ANTONIO A.S. VALDES." On December 21, 1999, the DECS-NCR Regional Selection Board recommended Claudio for promotion to the said position. Finally, the appointment of Claudio was issued on January 17, 2000. However, since she was born on May 1, 1935 and is due to retire on May 01, 2000, her appointment was disapproved by the CSC-NHA-Field Office on January 25, 2000 pursuant to the Joint CSC-DBM Circular No. 3, s. 1991, prohibiting pre-retirement promotions within the six (6)-month period immediately preceding the date of retirement.

Pertinent to the discussion is CSC-DBM Circular No. 3, series of 1991, which prescribes the guidelines for Pre-retirement promotions, to wit:

"4.2 Unauthorized pre-retirement promotion and salary increase as contemplated under this circular shall include the following cases:

"4.2.1. Promotion with increase in salary during the 6-month period immediately preceding the date of retirement of an official or employee to retire under the mandatory mode."

After a careful evaluation of the records, the Commission finds that the appointment of Angelita SF. Claudio as Financial and Management Officer II should be approved. Although the appointment was issued only on January 17, 2000, the same was processed even before the six (6)-month period prior to her retirement on May 1, 2000. As shown by the records, she applied for the position as early as January 18, 1999, and thereafter, she was indorsed by Director Antopina to the DECS Central Office on January 25, 1999. Hence, the promotional appointment of Claudio does not fall within the prohibition of CSC-DBM Joint Circular No. 3, series of 1991.

Relevantly, the Commission ruled in the case of CASTRO, Adelina, CSC Resolution No. 95-5140 dated August 22, 1995, as follows:

"The appointment of Castro as Division Chief III cannot be considered as an automatic promotion, although issued within the 6-month period prior to her retirement. It should be noted that the appointment was made pursuant to the merit and rewards system of the GSIS and upon the recommendation of the Local Selection and Promotion Board. Furthermore, Castro had undergone the screening and evaluation process long before her retirement."

Moreover, it cannot be denied that Claudio started to perform the functions of Financial and Management Officer II position as early as January 12, 1999, when she was designated as Officer-in-Charge of the Budget and Finance Division. Clearly, Claudio has been performing the duties of her office as an Officer-in-Charge long before the six (6)-month period prior to her compulsory retirement. It would be highly inequitable to deny Claudio the benefit of the promotion she duly deserved after having performed the duties and responsibilities of said position for more than one (1) year.

Thus, the Commission ruled in a similar case, SALVADOR, Orlando R., CSC Resolution No. 99-2353 dated October 14, 1999 in the following manner, to wit:

"It cannot be denied that the actual period of Salvador's service to the government as an Assistant Director of Revenue District No. III in Tuguegarao, Cagayan, started at the moment when he discharged the functions of such office which began at the time he reported for work, although in an acting capacity, i.e., on August 11, 1997 in compliance with the Bureau's Revenue Travel Assignment Order No. 50-98 dated July 16, 1998. Clearly, Salvador has been discharging the duties of his office as an Assistant Regional Director long before reaching his compulsory retirement age of 65, i.e., on April 25, 1999, and even prior to the processing of his promotional appointment papers which was eventually signed by the President and

referred to the Commissioner of the BIR on November 26, 1998.

"It would be grossly inequitable to deny Salvador of the benefit of the promotion he rightfully deserved and it would be in effect, to ignore the fact of Salvador's actual period of service to the government as an Assistant Regional Director. This would also be violate of the spirit of the government retirement laws."

WHEREFORE, the appeal of Director Pablo M. Antopina of the DECS-NCR is hereby granted. Accordingly, the appointment of Angelita SF. Claudio as Financial and Management Officer II, DECS-NCR, is hereby approved. The CSC-NHA Field Office is directed to reflect in the Service Card on file with said office the approval of the appointment of Claudio.

Quezon City, MAY 03 2000

(SGD.) JOSE F. ERESTAIN, JR.

Commissioner

(SGD.) CORAZON ALMA G. DE LEON

Chairman

Attested by:

(SGD.) ARIEL G. RONQUILLO

Director III

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