

VICTORIA, Consuelo G.

Re: Pre-Retirement Promotions

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RESOLUTION NO. 01-0588

Aurora P. Navarette-Recina, Chairperson, Commission on Human Rights (CHR), Diliman, Quezon City, appeals the disapproval by the Civil Service Commission of the promotional appointment of Consuelo G. Victoria as Computer Operator II at the CHR.

In her request, CHR Chairperson Navarette-Recina represents, as follows:

*“This is to respectfully request for the reconsideration of the action taken on the appointment of Mrs. CONSUELO G. VICTORIA as Computer Operator II which your Office did not attest, pursuant (sic) Section 51 of R.A. 8760 or the General Appropriations Act for FY 2000 and CSC-DBM Circular No. 3, Series of 1991
x x x.*

x x x

“It is our humble submission that the aforesaid legal yardsticks do not apply to the instant case if viewed in the light of the events that paved the issuance of the subject appointment, viz:

1. On July 29, 2000, the Commission on Human Rights, in compliance with R.A. 7041, published in the Manila Times a list of vacant positions including that of Computer Operator II;

`2. *Almost three (3) months thereafter or on October 23, 2000, Mrs. Victoria submitted her application for the said position, duly noted by her immediate superior;*

`3. *On November 8, 2000, the same superior submitted a Memorandum to the Chairperson of the CHR Selection Board, endorsing the appointment of Victoria to the position applied for;*

`4. *About a month later the PMO Director endorsed to the CHR Selection Board the subject application of Mrs. Victoria; and*

`5. *Per Resolution CHR No. AY2K-075, the Commission en banc approved the appointment of three (3) employees, which include the promotion of Mrs. Victoria to Computer Operator II, MISD, PMO, effective not earlier than 27 December 2000.'*

“The chronology of events adverted to above does not reveal even a hint of doubt that the appointment of Mrs. Victoria is a pre-retirement or automatic promotion. Hence, not violative of the aforesaid law.”

Section 51 of R.A. 8760 otherwise known as the General Appropriations Act for Fiscal Year 2000 provides, as follows:

“Section 52. Unauthorized Pre-retirement Promotions and Salary Increases. No portion of the appropriations provided in this Act shall be used for automatic promotions or salary increases and adjustments granted retiring officials and employees which are not authorized by law and duly formalized in a National Compensation Circular.”

Corollarily, **CSC-DBM Circular No. 3, s. 1991** which prescribes the guidelines for pre-retirement promotions provides, as follows:

“4.2 Unauthorized pre-retirement promotions and salary increases contemplated in this Circular shall include the following cases:

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

A cursory reading of the aforequoted provisions of the law reveals that what is being proscribed is the automatic promotion with salary increase granted to a retiring official or employee within the six (6)-month period immediately preceding the date of his compulsory retirement.

Considering that the assessment and/or evaluation of Victoria's qualifications for promotion transpired long before Victoria's compulsory retirement, the promotion thus extended falls outside the prohibitive six (6)-month period on pre-retirement promotion. Moreover, the Commission finds Victoria qualified to the position of Computer Operator II. This is, therefore, a case of a meritorious promotion rather than an automatic or a pre-retirement promotion.

CSC Resolution No. 95-5140 dated August 22, 1995 (CASTRO, Adelina) finds relevance in the instant case. In said resolution, the Commission held, 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 GSIS and upon the recommendation of the Local Selection and Promotions Board. Furthermore, Castro had undergone the screening and evaluation process long before her retirement.”

WHEREFORE, the appeal of CHR Chairperson Aurora P. Navarette-Recina is hereby **GRANTED**. Accordingly, the promotional appointment of Consuelo G. Victoria as Computer Operator II is hereby approved.

The Civil Service Commission-National Capital Region (CSC-NCR) is hereby directed to act on the appointment of Consuelo G. Victoria in accordance with this Resolution.

Quezon City, **March 13, 2001**

(SIGNED)

JOSE F. ERESTAIN, JR.

Commissioner

(SIGNED)

J. WALDEMAR V. VALMORES

Commissioner

Attested by:

(SIGNED)

ARIEL G. RONQUILLO

Director III

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