



MC No. 12, s. 2004

**MEMORANDUM CIRCULAR**

- TO :** ALL HEADS OF CONSTITUTIONAL BODIES; DEPARTMENTS, BUREAUS, AGENCIES OF THE NATIONAL GOVERNMENT; LOCAL GOVERNMENT UNITS; GOVERNMENT-OWNED OR CONTROLLED CORPORATIONS; AND STATE UNIVERSITIES AND COLLEGES.
- SUBJECT :** *Amendment of Section 4 of CSC Resolution No. 02-0790, dated June 5, 2002 (Additional Prohibition on Hiring Under Contract of Service or Job Order).*

The practice of hiring individuals through contract of service or job order invariably impacts on public personnel administration, notwithstanding the fact that such contract of service or job order does not create an employment relationship. For this reason, the Commission had seen it fit, in the exercise of its constitutional mandate, as the central personnel agency of the government, to promulgate CSC Resolution No. 02-0790 dated June 5, 2002 (as circularized in CSC Memorandum Circular [MC] No. 17, s. 2002)

In general, CSC Resolution No. 02-0790 dated June 5, 2002, lays down the guidelines on contracts of service and job orders. More specifically, the resolution identifies under its Section 4 those individuals who are disqualified from being hired under contracts of service or job orders, to wit:

- a. Those who have been previously dismissed from the service due to the commission of an administrative offense;
- b. Those who are covered under the rules on nepotism;
- c. Those who are being hired to perform functions pertaining to vacant regular plantilla positions; and
- d. Those who have reached the compulsory retirement age except as to consultancy services.

Nevertheless, it has come to the attention of the Commission that some agencies have been hiring, through contract of service or job order, people who have been found or

are known to possess fake or spurious eligibilities. The hiring of these people is repugnant because their possession of fake eligibilities betrays their moral turpitude, making them ineligible to work in the civil service in whatever capacity.

To address this situation, the Commission has promulgated CSC Resolution No. 04-0569, dated May 24, 2004, amending Section 4 of CSC Resolution No. 02-0790, dated June 5, 2002, as follows:

*“Section 4. Prohibitions.—The following are prohibited from being hired under a contract of service and job order:*

- a. Those who have been previously dismissed from the service due to the commission of an administrative offense;*
- b. Those who are covered under the rules on nepotism;*
- c. Those who are being hired to perform functions pertaining to vacant regular plantilla positions;*
- d. Those who have reached the compulsory retirement age except as to consultancy services; and*
- e. Those who are found to possess fake or spurious eligibilities.”*

Please be guided accordingly.

  
KARINA CONSTANTINO-DAVID  
Chairman

14 June 2004

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