




Republic of the Philippines
Department of Education
Region X - Northern Mindanao
DIVISION OF MALAYBALAY CITY

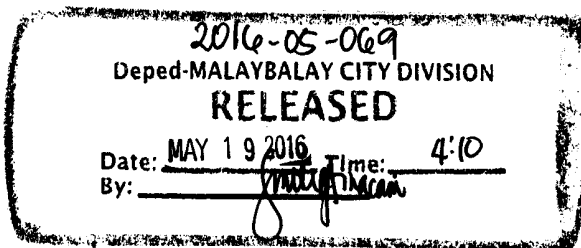
Sayre Highway Purok 6, Casisang, Malaybalay City
Telefax # 088-314-0094, E-mail add: www.depedmlybcity@yahoo.com



DIVISION ADVISORY

TO: Chief Education Supervisor & Staff, Curriculum Implementation Division
Chief Education Supervisor & Staff, Schools Governance & Operations Division
Public Schools District Supervisors/District OIC's
Elementary and Secondary School Heads
Section/Unit Heads and Staff
All Others Concerned

FROM: 
EDILBERTO L. OPLENARIA, CESO VI
Schools Division Superintendent



DATE: May 18, 2016

SUBJECT: **Dissemination of Regional Advisory "DISSEMINATION OF CIVIL SERVICE COMMISSION (CSC) MEMORANDUM CIRCULAR NO. 10, S. 2016 AND CSC RESOLUTION NO. 1501537 DATED DECEMBER 23, 2015"**

1. For the information and guidance of all concerned, this Office hereby disseminates the herein Regional Advisory issued on May 17, 2016 by the Regional Director regarding the Dissemination of Civil Service Commission (CSC) Memorandum Circular No. 10, s. 2016 and CSC Resolution No. 1501537 dated December 23, 2015, Re: Clarificatory Guidelines on the Issuance/Approval/Validation of Permanent Appointments, content of which is self-explanatory.
2. For widest dissemination.

Encl:

As stated

Copy Furnished:

Records Unit
Personnel Unit

TO BE POSTED ON THE WEBSITE



Republic of the Philippines
Department of Education
REGION X - NORTHERN MINDANAO
Zone 1 Upper Balulang
Cagayan de Oro City




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REGIONAL ADVISORY

DepED-X
Cagayan de Oro City

FOR : The Schools Division Superintendents
O I C- Assistant Schools Division Superintendents
All Divisions

FROM :  **ALLAN G. FARNAZO, Ph.D., CESO IV**
Regional Director

SUBJECT : DISSEMINATION OF CIVIL SERVICE COMMISSION (CSC) MEMORANDUM
CIRCULAR NO. 10, S. 2016 AND CSC RESOLUTION NO. 1501537 DATED
DECEMBER 23, 2015

DATE : May 17, 2016

18 MAY 2016
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RELEASED

Enclosed is a copy of the Civil Service Commission (CSC) Memorandum Circular No. 10, s. 2016 and CSC Resolution No. 1501537 dated December 23, 2015 which adopted the Clarificatory Guidelines on the issuance/Approval/Validation of Permanent Appointments, for information and guidance.

Immediate dissemination of and strict compliance with this circular is hereby directed.

ALLAN G. FARNAZO
Regional Director

DepED-X
Cagayan de Oro City

CSCFO-Cot. City (TR Antolin) <csfo_cotabatocity@yahoo.com>

DTI - Region 12 Dpwh Regionxii nbi 12 marina DOJ-RPO 12
Cagayan de Oro City

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2016

Greetings!

Attached is CSC Memorandum Circular No. 10 s. 2016 and CSC Resolution No. 1501537, for your information and guidance.

Please acknowledge receipt.

Thank you

*CSC Cotabato City Field Office
DPWH-Cotabato City DEO Compound
Ramon H. Rabago Sr. , Motorpool Access Road
Cotabato City
Telefax: 064-4211915*



MC No. 10, s. 2016

MEMORANDUM CIRCULAR

TO : ALL HEADS OF DEPARTMENTS, BUREAUS AND AGENCIES OF THE NATIONAL AND LOCAL GOVERNMENT UNITS INCLUDING GOVERNMENT OWNED OR CONTROLLED CORPORATIONS WITH ORIGINAL CHARTERS AND STATE UNIVERSITIES AND COLLEGES

SUBJECT : CLARIFICATORY GUIDELINES ON THE ISSUANCE/ APPROVAL/VALIDATION OF PERMANENT APPOINTMENTS

Pursuant to CSC Resolution No. 1501537 dated December 23, 2015, the Commission has resolved to adopt the following Clarificatory Guidelines in the issuance of permanent appointments:

1. A permanent appointment will only be issued if the appointee meets all the minimum qualification requirements of the position to which he/she is being appointed;
2. The reckoning point in determining the qualifications of an appointee is the date of issuance of the appointment and not the date of its approval by the CSC or the date of the resolution of the protest against it; and
3. The subsequent compliance with the lacking requirements after the issuance of said appointment or during the pendency of appointee's appeal to the Commission will not validate said appointment.

All previous issuances of the Commission that are inconsistent herewith are deemed modified, revised or repealed.

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

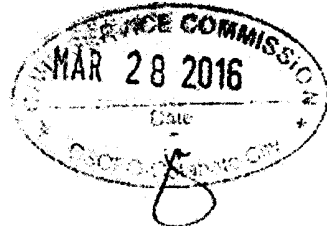
Please be guided accordingly.


ALICIA dela ROSA-BALA
Chairperson

NOTE : CSC Resolution No. 1501537 dated December 23, 2015 was published in "The Philippine Star" on March 15, 2015.

25 APR 2016

In a R. T. C. I. to Serve: Responsive, Accessible, Courteous and Effective Public Service



APPOINTMENT
Re: Clarificatory Guidelines on the
Issuance /Approval/Validation of Permanent
Appointments

Number: 1501537
Promulgated: 23 DEC 2015

RESOLUTION

WHEREAS, Section 2 (2), Article IX-B of the 1987 Constitution provides that appointments 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 3, Article IX-B of the Constitution further 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, Section 12 (14), Chapter 3, Title I, Subtitle (A), Book V of E.O. No. 292 provides that the Commission shall have the power to act on all appointments and other personnel matters in the Civil Service;

WHEREAS, Section 12 (2), Chapter 3, Title I, Subtitle (A), Book V of the Administrative Code of 1987 (Executive Order No. 292) empowers the Civil Service Commission or the Commission to prescribe, amend and enforce rules and regulations to effectively carry out its mandate;

WHEREAS, on several occasions, such as CSC Resolution No. 07-0081 dated January 15, 2007 (Chainani, George S.), CSC Resolution No. 10-1065 dated June 7, 2010 (CASCOLAN, Stephen E.) and CSC Decision No. 12-0294 dated May 25, 2012 (PALARCA, Gladys France J.), the Commission has allowed the validation or approval of permanent appointments notwithstanding the fact that at the time of the issuance of these appointments, the appointees failed to comply with the training or experience requirement prescribed for the subject positions but nonetheless were able to satisfy said requirements during the pendency before the Commission of the appeal on the invalidated or disapproved appointment. The Commission has approved said appointments *pro hac vice* (for those occasions only) on meritorious ground;

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WHEREAS, Section 13 (a), Rule V of the Omnibus Rules Implementing Book V of Executive Order No. 292 and Other Pertinent Civil Service Laws and Section 2 (a), Rule III of CSC Memorandum Circular No. 40, series of 1998, as amended (Revised Omnibus Rules on Appointments and Other Personnel Actions) define a permanent appointment as one issued to a person who meets all the minimum qualification requirements of the position to which he/she is being appointed/promoted, including the appropriate eligibility prescribed in accordance with the provisions of law, rules and standards promulgated in pursuance thereof. This involves all levels of positions;

WHEREAS, in the case of *Torio vs. Civil Service Commission* (G.R. No. 99336, June 9, 1992), the Supreme Court has made the pronouncement that "the appointing authority should, thus, appoint persons to the contested positions possessing the aforementioned minimum qualifications so as to be within the ambit of the law. For even if the appointing authority is given a wide latitude in the exercise of its discretion in personnel actions, the appointee must first possess the minimum qualifications prescribed by law. The QS established for the contested positions do not only prescribe the eligibility but also the minimum education and experience required of the position. Even if the petitioners possess the required civil service eligibility, there would still be abuse of discretion by the appointing authority if the other qualification requirements are not satisfied".

WHEREAS, in the case of *Umoso vs. Civil Service Commission* (G.R. No. 110276, July 29, 1994), the Supreme Court similarly ruled that "the rule in the civil service is that appointment, which is essentially within the discretionary power of whosoever it is vested, is subject only to the condition that the appointee should possess the qualifications required by law".

WHEREAS, in the case of *Civil Service Commission vs. Saturnino Dela Cruz* (G.R. No. 158737, August 31, 2004), the Supreme Court declared that "the reckoning point in determining the qualifications of an appointee is the date of issuance of the appointment and not the date of its approval by the CSC or the date of resolution of the protest against it".

WHEREAS, such pronouncement of the High Tribunal that "the reckoning point in determining the qualifications of an appointee is the date of issuance of the appointment" is aligned with Section 1, Rule IV of the Omnibus Rules Implementing Book V of Executive Order No. 292 and Other Pertinent Civil Service Laws which states that "to insure that a person appointed in the career service can satisfactorily perform the duties and assume the responsibilities of the position to which he is being appointed, his fitness shall be initially determined by the appointing officer on the basis of the qualification standards established for the position";

WHEREFORE, for strict application of rules, the Commission **RESOLVES** that if the appointee does not meet the requirements prescribed for the subject position at the time of the issuance of his/her permanent appointment, said appointment shall be considered invalid and the same cannot in any way be ratified by the appointee's subsequent compliance with the lacking requirement. A permanent appointment will only be considered valid if the appointee meets all the requirements prescribed for the subject position at the time of the issuance of his/her appointment and not thereafter.

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Any previous issuances of the Commission that are in conflict with this Policy Guidelines are deemed modified, revised or repealed accordingly.

RESOLVED FURTHER, that this Resolution shall be prospective in application and shall take effect fifteen (15) days after its publication in a newspaper of general circulation

Quezon City.


ALICIA dela ROSA-BALA
Chairperson


ROBERT S. MARTINEZ
Commissioner


NIEVES L. OSORIO
Commissioner

Attested By:


DOLORES B. BONIFACIO
Director IV
Commission Secretariat and Liaison Office