



MC No. 12, s. 2014

MEMORANDUM CIRCULAR

TO : ALL HEADS OF CONSTITUTIONAL BODIES, DEPARTMENTS, BUREAUS, AND AGENCIES OF THE NATIONAL GOVERNMENT; LOCAL GOVERNMENT UNITS; GOVERNMENT-OWNED OR CONTROLLED CORPORATIONS WITH OR WITHOUT ORIGINAL CHARTERS; AND STATE UNIVERSITIES AND COLLEGES

SUBJECT : Amendments to Section 7, Rule III, Implementing Rules and Regulations as Amended (Item No. 8 of the Declaration of Pendency/Non-Pendency of Case)

In CSC Resolution No. 1400570 dated April 16, 2014, this Commission has adopted the following amendment to Item No. 8 of the Declaration of Pendency/Non-Pendency of Case, thus:

x x x

“WHEREFORE, in view of the foregoing, the Commission hereby RESOLVES TO AMEND Item No. 8 of the Declaration of Pendency/Non-Pendency of Case to read, as follows:

“8. By executing this Declaration of Pendency/Non-Pendency of Case, I hereby authorize the Head of Agency to verify the status of any cases(s) filed against me in any forum.”

As used in the IRR, Head of Agency refers to the person exercising supervision and control over the bureau, office, commission, administration, board, committee, institute, government-owned and controlled corporation with or without original charter, whether performing governmental or proprietary function, government schools, state colleges and universities, or any other unit of the national government as well as local government units where the declarant-retiring official/employee is employed.

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

Following its publication on May 27, 2014 in the Manila Times, said amendments took effect on June 11, 2014.


FRANCISCO T. DUQUE III, MD, MSc
Chairman

JUL 09 2014

OLA3/OLA4/X44/Y36(vol 109-0)
MC Amending IRR 10154



Republic Act No. 10154 (An Act Requiring All Concerned Government Agencies to Ensure the Early Release of the Retirement Pay, Pensions, Gratuities and Other Benefits of Retiring Government Employees)

Number: 1400570

Promulgated: 16 APR 2014

Re: Amendment to Section 7, Rule III,
Implementing Rules and Regulations,
as amended (Item No. 8 of the Declaration
of Pendency/Non-Pendency of Case)

X-----X

RESOLUTION

WHEREAS, Section 6 of Republic Act No. 10154, entitled “An Act Requiring All Concerned Government Agencies to Ensure the Early Release of the Retirement Pay, Pensions, Gratuities and Other Benefits of Retiring Government Employees”, mandates the Civil Service Commission to promulgate and issue the appropriate rules and regulations necessary to carry out the provisions of the law, after consultation and coordination with the government agencies and/or instrumentalities affected by Republic Act No. 10154;

WHEREAS, pursuant to the said mandate, the Commission promulgated CSC Resolution No. 13-00237 dated January 30, 2013 adopting the Implementing Rules and Regulations (IRR) of Republic Act No. 10154;

WHEREAS, in CSC Resolution No. 13-02242 dated October 1, 2013¹, the Commission amended certain provisions in the said IRR, which includes requiring the retiring official or employee to execute a Declaration of Pendency/Non-pendency of Case in lieu of submitting clearances;

WHEREAS, in Item No. 8 of the Declaration of Pendency/Non-pendency of Case, the Government Service Insurance System (GSIS) was expressly authorized to verify the status of any case(s) filed against the declarant-retiring official or employee;

WHEREAS, to facilitate the verification process on the status of the possible case(s) filed against the declarant-retiring official or employee, such authority shall instead be conferred to the heads of agencies.

¹ Published on October 4, 2013 and became effective on October 20, 2013.

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

WHEREFORE, in view of the foregoing, the Commission hereby **RESOLVES TO AMEND** Item No. 8 of the Declaration of Pendency/Non-pendency of Case to read, as follows:

“8. By executing this Declaration of Pendency/Non-pendency of Case, I hereby authorize the Head of Agency to verify the status of any case (s) filed against me in any forum.”

As used in the IRR, Head of Agency refers to the person exercising supervision and control over the bureau, office, commission, administration, board, committee, institute, government owned and/or controlled corporation with or without original charter, whether performing governmental or proprietary function, government schools, state colleges or universities, or any other unit of the national government as well as local government units where the declarant-retiring official/employee is employed.

This amendment shall take effect after fifteen (15) calendar days from its publication in the Official Gazette or in a newspaper of general circulation.

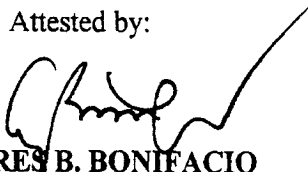
Quezon City.


FRANCISCO T. DUQUE III
Chairman


ROBERT S. MARTINEZ
Commissioner


NIEVES L. OSORIO
Commissioner

Attested by:


DOLORES B. BONIFACIO
Director IV
Commission Secretariat and Liaison Office

DECLARATION OF PENDENCY/NON-PENDENCY OF CASE

I, _____, Filipino, of legal age, with permanent address at _____, and holder of the position _____ at the _____, after being sworn in accordance with law, hereby depose and state that:

1. I am applying for my OPTIONAL/COMPULSORY retirement from the government service effective _____;

2. I have:

2.1 no pending case¹

2.2 a pending case

- administrative disciplinary case
- criminal case

| |
|--|
| |
| |
| |
| |

3. The NATURE/SPECIFIC OFFENSE CHARGED in the pending criminal/administrative disciplinary case is: _____

4. The venue of the investigation/trial: _____

5. On appeal: YES NO

6. The appeal is pending before: _____

7. I am executing this Declaration of Pendency/Non-Pendency of Case to attest to the truth of the foregoing facts and to enable me to process and secure the release of my retirement benefits.

8. By executing this Declaration of Pendency/Non-Pendency of Case, I hereby authorize the Head of Agency to verify the status of any case(s) filed against me in any forum.

9. Further, I am executing this Declaration of Pendency/Non-Pendency of Case under pain of criminal and/or administrative liability under existing laws.

Signature over printed name

SUBSCRIBED AND SWORN to before me this _____ day of _____, affiant exhibiting to me his/her _____.

(Person Administering Oath)

¹ A pending case shall refer to both criminal and administrative disciplinary case. An administrative disciplinary case is considered pending when the disciplining authority has issued a formal charge or a notice of charge to the respondent, while a criminal case shall be considered pending from the time an Information or Complaint is filed in Court.