



Serbisyo Sibil: Isang Daang Taong Paglilingkod

MC No. 32, s. 2001

**MEMORANDUM CIRCULAR**

TO : ALL HEADS OF DEPARTMENTS, BUREAU, AND AGENCIES OF THE NATIONAL AND LOCAL GOVERNMENTS, INCLUDING STATE UNIVERSITIES AND COLLEGES AND GOVERNMENT-OWNED AND CONTROLLED CORPORATIONS WITH ORIGINAL CHARTER.

Subject : Reiteration of the Strict Implementation of Section 1, Rule IV and Section 3, Rule VI, both of Memorandum Circular No. 40, s. 1998, otherwise known as the "Revised Omnibus Rules on Appointments and Other Personnel Actions"

The Commission observed that there are some appointing authorities/heads of agencies in the government who immediately replace their predecessors' appointees after the appointments of the latter have been disapproved by the Field Office or Regional Office of this Commission, notwithstanding the pendency of an appeal with the Collegial Commission. Said appointing authorities/heads of agencies construe the disapproval by the CSCFO or CSCRO of the subject appointments as final and executory.

In this regard, all concerned are reminded of **Section 1, Rule IV of Memorandum Circular No. 40, s. 1998**, otherwise known as the **Revised Omnibus Rules on Appointments and Other Personnel Actions**, which provides, thus:

*"Section 1. An appointment issued in accordance with pertinent laws and rules shall take effect immediately upon its issuance by the appointing authority, and if the appointee has assumed the duties of the position, he shall be entitled to receive his salary at once without awaiting the approval of his appointment by the Commission. The appointment shall remain effective until disapproved by the Commission. x x x."*

In the same manner, **Section 3, Rule VI, supra**, provides as follows:

*"Section 3. When an appointment is disapproved, the services of the appointment shall be immediately terminated, unless a motion for reconsideration or appeal is seasonably filed."*

*"Services rendered by a person for the duration of his disapproved appointment shall not be credited as government service for whatever purpose.*

*"If the appointment was disapproved on grounds which do not constitute a violation of civil service law, such as failure of the appointee to meet the Qualification Standards (QS) prescribed for the position, the same is considered effective until disapproved by the Commission or any of its regional or field offices. The appointee is meanwhile entitled to payment of salaries from the government.*

*"If a motion for reconsideration or an appeal from the disapproval is seasonably filed with the proper office, the appointment is still considered to be effective. The disapproval becomes final only after the same is affirmed by the Commission."*

In this regard, it is hereby emphasized that the aforequoted provisions of CSC MC No. 40, s. 1998 should be strictly observed such that the disapproval by either the CSCFO or CSCRO of the appointments issued by the predecessor of the incumbent appointing authority/head of agency shall not be considered as final and executory unless and until the Collegial Commission has finally decided on the matter. It is only after the Collegial Commission has finally affirmed the disapproval of the appointment that the new appointing authority/head of agency could issue appointments to replace appointees whose appointments were disapproved. Hence, the appointment of the replacement of the incumbent whose appointment has been disapproved shall also be disapproved by the CSCFO or CSCRO unless the appeal has been finally resolved by the Collegial Commission.

This Memorandum Circular shall take effect immediately.



**KARINA CONSTANTINO-DAVID**  
Chairman



Re: **Strict Enforcement/Implementation of  
Section 1, Rule IV and Section 3, Rule VI,  
both of CSC MC No. 40, s. 1998**

x-----x

**RESOLUTION NO. 011851**

**WHEREAS**, the Civil Service Commission (CSC), as mandated by law, issued CSC Memorandum Circular No. 38, s. 1993 prescribing the Omnibus Guidelines on Appointments and Other Personnel Actions;

**WHEREAS**, certain provisions of CSC MC No. 38, s. 1993, were amended through the various resolutions and circulars which the CSC issued from time to time;

**WHEREAS**, in response to the changing need in personnel administration and in order to update and consolidate the various issuances on appointments and other personnel action, the CSC promulgated Memorandum Circular No. 40, s. 1998, also known as the "Revised Omnibus Rules on Appointments and Other Personnel Actions";

**WHEREAS**, Section 1, Rule IV of CSC MC No. 40, s. 1998, mandates that an appointment issued in accordance with pertinent laws and rules shall take effect immediately upon its issuance by the appointing authority, and that the same shall remain effective until disapproved by the Commission;

**WHEREAS**, Section 3, Rule VI, *supra*, provides further that when an appointment is disapproved, the appointment shall be immediately terminated, unless a motion for reconsideration or appeal is seasonably filed, in which case, the disapproval becomes final only after the same is affirmed by the Commission;

**WHEREAS**, it has been observed that there are some appointing authorities/heads of agencies in the government who immediately replace their predecessors' appointees after the appointments of the latter have been disapproved by the Field Office or Regional Office of the CSC, notwithstanding the pendency of an appeal with the Collegial Commission;

**WHEREAS**, said appointing authorities/heads of agencies construe the disapproval by the CSCFO or CSCRO of the subject appointments as final and executory;

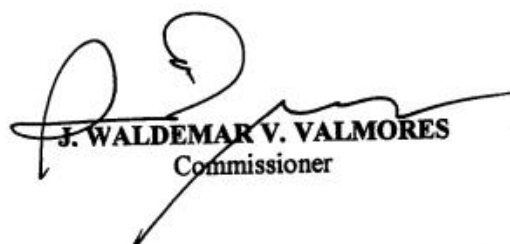
**WHEREAS**, there is a need to rectify the aforesaid practice of the aforementioned appointing authorities/heads of agencies because it is repugnant to the true intent of the aforesaid provisions of CSC MC No. 40, s. 1998;

**NOW THEREFORE**, this Commission hereby emphasizes that the disapproval by either the CSCFO or CSCRO of the appointments issued by the predecessor of the incumbent appointing authority/head of agency shall not be considered as final and executory if a motion for reconsideration or appeal is seasonably filed by the appointing authority. It is only after the Collegial Commission has finally affirmed the disapproval of the appointment that the appointing authority could issue appointments to replace appointees whose appointments were disapproved. Hence, the appointment of the replacement of the incumbent whose appointment has been disapproved shall also be disapproved by the CSCFO or CSCRO unless the appeal has been finally resolved by the Collegial Commission.

Quezon City, DEC 03 2001

  
**KARINA CONSTANTINO-DAVID**  
 Chairman

  
**JOSE T. ERESTAIN, JR.**  
 Commissioner

  
**J. WALDEMAR V. VALMORES**  
 Commissioner

Attested by:

  
**ARIEL G. RONQUILLO**  
 Director III