



MC NO. 09, s. 2003

## MEMORANDUM CIRCULAR

**T O :** ALL HEADS OF CONSTITUTIONAL BODIES, DEPARTMENTS, BUREAUS, AND AGENCIES OF THE NATIONAL AND LOCAL GOVERNMENTS, INCLUDING GOVERNMENT-OWNED AND CONTROLLED CORPORATIONS AND STATE UNIVERSITIES AND COLLEGES

**SUBJECT :** Appointments Issued by Outgoing Elective and Appointive Officials

Pursuant to CSC Resolution No. 030918 dated August 28, 2003, this Commission issued and adopted the following guidelines which define the restrictions on appointments to be observed by elective and appointive officials during and after elections.

**1. Action on Appointments During the Election Ban**

- 1.1 All appointments of whatever nature or status issued within forty-five (45) days before any national or local elections shall be disapproved.

However, pursuant to Section 262 (g) of the Omnibus Election Code (B.P. Blg. 881 as amended), original or promotional appointments issued upon prior authority of the Commission on Election (COMELEC) during the 45-day period before a regular election or the 30-day period before a special elections may be approved. Such appointments will still be subject to review by the Civil Service Commission to ensure that all procedural and substantive requirements have been complied with before the ban. These include the posting and publication requirements; prescribed Personnel Selection Board procedures; and substantive requirements such as the appointee meeting the qualification standards prescribed for the position.

**2. Action on Appointments Issued by Elective and Appointive Officials After the Elections Up to June 30**

2.1 All appointments issued by elective appointing officials after elections up to June 30 shall be disapproved, except if the appointee is fully qualified for the position and had undergone regular screening processes before the Election Ban as shown in the Personnel Selection Board (PSB) report or minutes of meeting.

2.2 All appointments issued by appointive officials may be approved subject to any of the following conditions:

- It is not a presidential election year;
- The appointive official has a fixed term of office.

Otherwise, such appointments shall be disapproved, except if the appointee is fully qualified for the position and had undergone regular screening processes before the Election Ban as shown in the Personnel Selection Board (PSB) report or minutes of meeting.

2.3 If, in the exigency of the service, the appointing authority opts to issue temporary, casual and/or contractual appointments after the elections or on or before June 30, prior authority must be obtained from the CSC, otherwise such appointments will be disapproved.

Such authority will be granted on the basis of validated need to fill up the positions immediately in order not to prejudice public service and/or to endanger public safety.

In case of casual and contractual appointments, preference should be given to qualified eligibles.

**3. Separability**

3.1 If any provision in these guidelines or its application to any person or circumstance is declared invalid, such declaration shall not affect the other provisions in this Memorandum Circular.

Following the publication of the above-mentioned Resolution on August 30, 2003 in the newspaper (*TODAY*), the basis of this Memorandum Circular, these guidelines shall take effect fifteen days thereafter or on 15 September 2003.

In view thereof, all existing Civil Service rules and regulations, circulars and memoranda inconsistent herewith, including CSC Resolution No. 010988 dated 4 June 2001 are hereby repealed or amended accordingly.



KARINA CONSTANTINO-DAVID  
Chair

22 September, 2003