



MC No. 18, s. 2010

**MEMORANDUM CIRCULAR**

**FOR : ALL HEADS OF CONSTITUTIONAL BODIES, DEPARTMENTS, BUREAUS AND AGENCIES OF THE NATIONAL AND LOCAL GOVERNMENTS, INCLUDING STATE UNIVERSITIES AND COLLEGES AND GOVERNMENT-OWNED OR CONTROLLED CORPORATIONS WITH ORIGINAL CHARTERS**

**SUBJECT : Reiteration of the Attestation Power of the Civil Service Commission Over Appointments Issued to Managerial and Executive Positions Not Falling Within the Appointing Power of the President**

Pursuant to its recent enactment embodied in CSC Resolution No. 10-0623 dated March 29, 2010 as circularized through CSC Memorandum Circular No. 7, s. 2010, the Commission has clarified that managerial and executive positions the incumbents of which are not appointed by the President do not form part of the third level but shall belong to the second level. The Commission is cognizant of some attendant confusion relative to the review and attestation of appointments covering these kinds of managerial and executive positions.

For this reason, the Commission has promulgated CSC Resolution No. 10-00009 dated August 10, 2010. In the said resolution, the Commission has seen fit to reiterate its policy that since managerial and executive positions, which are outside of the appointing authority of the President, belong to the second level, appointments thereto shall be submitted to the Commission for its review and attestation notwithstanding any rules and regulations to the contrary.

For strict compliance.

  
**FRANCISCO T. DUQUE III, M.D., M.Sc.**  
Chairman

17 8 AUG 2010

*Ola/AGR/APT/X27(hd48)/vog  
Memo-policy on attestation*



**REITERATION OF THE  
 ATTESTATION POWER  
 OF THE COMMISSION OVER  
 APPOINTMENTS ISSUED TO  
 MANAGERIAL AND EXECUTIVE  
 POSITIONS NOT FALLING WITHIN  
 THE APPOINTING POWER  
 OF THE PRESIDENT**

Number: 1000009  
 Promulgated: 10 AUG 2010

X-----X

**RESOLUTION**

**WHEREAS**, the Civil Service Commission is the constitutionally-mandated central personnel agency of the government and in consonance therewith, it is mandated under **Section 12 (1), Chapter 3, Title I-A, Book V of Executive Order No. 292 (Administrative Code of 1987)**, to administer and enforce the constitutional and statutory provisions on the merit system for all levels and ranks in the civil service;

**WHEREAS**, it is similarly empowered under the same Administrative Code to prescribe, amend and enforce rules and regulations for carrying into effect the provisions of the civil service and other pertinent laws (**Section 12 [2], Chapter 3, Title I-A, Book V of EO 292**) as well as to promulgate policies, standards and guidelines to promote economical, efficient and effective public personnel administration (**Section 12 [3], Chapter 3, Title I-A, Book V of EO 292**);

**WHEREAS**, the Commission is further endowed with the authority to take appropriate action on all appointments and other personnel matters in the civil service (**Section 12 [14], Chapter 3, Title I-A, Book V of EO 292**);

**WHEREAS**, the Commission recently enacted **CSC Resolution No. 10-0623 dated March 29, 2010**, as circularized via **CSC Memorandum Circular No. 7, s. 2010**, clarifying that managerial and executive positions the incumbents of which are not appointed by the President do not form part of the third level but shall belong to the second level;

**WHEREAS**, the aforesated resolution was promulgated in the wake of the pronouncement of the Supreme Court in the recent case of **National Transmission Corporation vs. Hamoy (G.R. No. 179255, April 2, 2009)** to the effect that only presidential appointees belong to the third level;

Certified True Copy:

**SEYMOUR R. PAJARES**

Chief Personnel Specialist

Constitution Hills, Batasang Pambansa Complex, Diliman, Quezon City

**WHEREAS**, the Commission is cognizant of some attendant confusion relative to the review and attestation of appointments to managerial and executive positions that are contemplated in the above-mentioned CSC Resolution No. 10-0623 dated March 29, 2010;

**WHEREFORE**, foregoing premises considered, the Commission hereby reiterates its power to attest appointments to managerial and executive positions not filled by presidential appointments, notwithstanding any existing rules and regulations to the contrary.

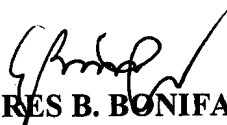
Quezon City.

  
**FRANCISCO T. DUQUE III**  
Chairman

  
**CESAR D. BUENAFLOR**  
Commissioner

  
**MARY ANN Z. FERNANDEZ-MENDOZA**  
Commissioner

Attested by:

  
**DOLORES B. BONIFACIO**  
Director IV  
Commission Secretariat and Liaison Office

Ola/agr/x27  
Reso-policy on attestation

Certified True Copy:

  
**SEYMOUR E. PAJARES**  
Chief Financial Specialist  
Commission Secretariat & Liaison Office