



MC No. 25 s. 2014

MEMORANDUM CIRCULAR

TO : ALL HEADS OF CONSTITUTIONAL BODIES; DEPARTMENTS, BUREAUS AND AGENCIES OF THE NATIONAL GOVERNMENT; LOCAL GOVERNMENT UNITS; GOVERNMENT-OWNED AND/OR CONTROLLED CORPORATIONS; AND STATE COLLEGES AND UNIVERSITIES

SUBJECT : Recording of Services Rendered in the Government; Amendment to CSC Resolution No. 062179 dated December 6, 2006

Pursuant to CSC Resolution No. 1401316 promulgated on September 12, 2014, the Commission amends Section A of Resolution No. 062179 dated December 6, 2006, as follows:

- A. Actual services rendered starting January 1, 2015 pursuant to a defective appointment¹ or without any appointment shall no longer be credited as government service.

However, officials and employees who rendered actual services before January 1, 2015 pursuant to defective appointments or without any appointment, except those who have already retired under existing laws² but not under Executive Order No. 366, may still submit the request for the inclusion of said services with the CSC Regional Office (CSCRO) concerned until the last working day of 2014 only.

Henceforth, the CSC shall no longer accept any request for accreditation of service pursuant to defective appointments or without any appointment.

¹ Defective appointment refers to disapproved or invalidated appointment as a result of the person not meeting the qualifications for the position; or having been found guilty of a crime which carries the accessory penalty of perpetual disqualification from public office, unless a pardon has been granted; or having been dismissed from the service for cause, unless an executive clemency has been granted; or having intentionally made a false statement of any material fact or having practiced or attempted to practice any deception or fraud in connection with the appointment; or as a result of the appointment being issued in violation of existing Civil Service Law, rules and regulations. Disapproved appointments apply to regulated agencies while invalidated appointments apply to agencies accredited to take final action on appointments. The disapproval/invalidation of appointment refers to the Commission action. The disapproval/invalidation by the CSC Field Office/Regional Office is not final pending appeal to the Commission.

² The Commission may grant requests filed after retirement under existing laws in extremely meritorious cases.

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The following guidelines shall be observed:

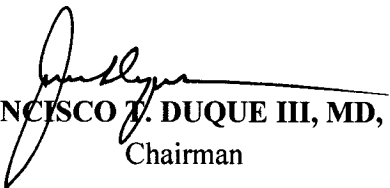
1. An appointment that is disapproved/invalidated by the CSC Field Office (CSCFO) or CSCRO shall bear the notation, "CSC action is deemed final if no Motion for Reconsideration or Appeal is filed by the appointing authority or appointee within 15 days from receipt."
2. The Agency Head and the appointee shall each be furnished with a notice of the disapproval/invalidation of the appointment through registered mail.
3. The Agency Head or the appointee may appeal the invalidation/disapproval of an appointment. The appeal should be filed with the CSCRO (in case the invalidation/disapproval is made by the CSCFO) or CSC Central Office (if the invalidation/disapproval is made by the CSCRO) within fifteen (15) days from receipt by the Head of Agency or the appointee, of the notice/letter of invalidation/ disapproval.
4. If an appeal on a disapproved/invalidated appointment is granted by the CSCRO or by the Commission, the dispositive portion of the CSCRO or Commission Resolution shall state that the actual services rendered by the appointee are deemed included in his/her service record, without the need to file a request for accreditation of services.
5. If an appeal on a disapproved/invalidated appointment issued on or before December 31, 2014 is dismissed by the CSCRO or by the Commission, the dispositive portion of the CSCRO or Commission Resolution shall state the automatic accreditation of the employee's actual services up to December 31, 2014 only and the entitlement of the employee to salaries for actual services rendered under the de facto principle.³
6. If an appeal on a disapproved/invalidated appointment issued on January 1, 2015 and onwards is dismissed by the CSCRO or by the Commission, the dispositive portion of the CSCRO or Commission Resolution shall state the entitlement of the employee concerned to salaries for actual services rendered.³
7. Entitlement to salaries and other compensation shall terminate from the time of receipt by the agency/employee of the decision affirming the disapproval/invalidation of appointment.
8. The delay in the submission of appointment or Report on Appointments Issued (RAI) to the CSCFO or CSCRO shall not be taken against the appointee. The effective date of appointment shall not be adjusted based on the delay, thus the original date of appointment shall be retained. The responsible official/s who caused

³ A de facto officer is one who is not fully invested with all the powers and duties conceded to the office, but is exercising the office under some color of right. Under the De Facto Officer principle, a de facto officer, who, in good faith has had possession of the office, has discharged the duties pertaining thereto, is legally entitled to the emoluments of the office, and may in an appropriate action recover the salary, fees and other compensation attached to the office. (Source: *Philippine Law Journal*, volume 36, no. 2)

the delay in the submission of the appointment may be held administratively liable for neglect of duty.

9. The CSCFO/CSCRO shall furnish the Commission on Audit (COA) a copy of Letter/Order/Resolution disapproving/invalidating the appointments.

This Memorandum Circular shall take effect immediately.


FRANCISCO T. DUQUE III, MD, MSc
Chairman

LDI 23 2014

CSC Resolution No. 1401316 promulgated on September 12, 2014 was published in the Philippine Star on September 27, 2014.



**Recording of Services Rendered in the
Government; Amendment to
CSC Resolution No. 062179
dated December 6, 2006**

Number: 1401316
Promulgated: 12 SEP 2014

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RESOLUTION

WHEREAS, Section 12 (17), Title I, Subtitle A, Book V of the Administrative Code of 1987 (Executive Order No. 292), conferred on the Civil Service Commission the power and function to “*administer the retirement program for government officials and employees, accredit government services and evaluate qualification for retirement*”;

WHEREAS, the Civil Service Commission issued several resolutions from 1993-2002 providing guidelines in the accreditation of government services and setting deadlines for the processing of requests;

WHEREAS, Section 1, Rule I of the Omnibus Rules on Appointments and Other Personnel Actions states that “*the State shall insure and promote the Constitutional mandate that appointments in the Civil Service shall be made only according to merit and fitness*”;

WHEREAS, Section 4, Rule IV of the Omnibus Rules on Appointments and Other Personnel Actions reads, as follows: “*No official or employee shall be required to assume duty without being furnished with a copy of his appointment after it is issued by the appointing authority*”;

WHEREAS, it is stated in Section 5, Rule IV of the said Omnibus Rules that “*the services rendered by any person who was required to assume the duties and responsibilities of any position without an appointment having been issued by the appointing authority shall not be credited nor recognized by the Commission and shall be the personal accountability of the person who made him assume office.*”

WHEREAS, Section 3, Rule VI of the same Omnibus Rules states that “*services rendered by a person for the duration of his disapproved appointment shall not be credited as government service for whatever purpose.*”;

WHEREAS, the Commission in Resolution No. 062179 dated December 6, 2006, adopted and promulgated the policies and guidelines for the accreditation of government

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service allowing continuous accreditation of government services regardless of the period the services were rendered;

WHEREAS, Section 100, Rule 21 of the Revised Rules on Administrative Cases in the Civil Service (RRACCS) provides that *“officials and employees who rendered actual services pursuant to defective appointments or without any appointment except those who have already retired, may request the inclusion of said services in their official service record in the Commission”*;

WHEREAS, the Commission in Resolution No. 1400554 dated April 11, 2014, resolved to accredit the services of employees who availed the EO 366 despite their having already retired from the service;

WHEREAS, there is a need to revisit and amend existing policies on accreditation of service in view of the results of the study undertaken by the CSC-HRPSO and in consideration of the recent ruling of the Commission;

WHEREAS, it is imperative for the Commission to align and make consistent CSC Resolution No. 062179 dated December 6, 2006 with the pertinent provisions of the Omnibus Rules on Appointments and Other Personnel Actions and other related issuances of the Commission;

WHEREFORE, the Commission **RESOLVES** to amend Section A of Resolution No. 062179 dated December 6, 2006, as follows:

- A. Actual services rendered starting January 1, 2015 pursuant to a defective appointment ¹ or without any appointment shall no longer be credited as government service.

However, officials and employees who rendered actual services before January 1, 2015 pursuant to defective appointments or without any appointment, except those who have already retired under existing laws ² but not under Executive Order No. 366, may still submit the request for the inclusion of said services with the

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² The Commission may grant requests filed after retirement under existing laws in extremely meritorious cases.

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CSC Regional Office (CSCRO) concerned until the last working day of 2014 only.

Henceforth, the CSC shall no longer accept any request for accreditation of service pursuant to defective appointments or without any appointment.

The following guidelines shall be observed:

1. An appointment that is disapproved/invalidated by the CSC Field Office (CSCFO) or CSCRO shall bear the notation, "CSC action is deemed final if no Motion for Reconsideration or Appeal is filed by the appointing authority or appointee within 15 days from receipt."
2. The Agency Head and the appointee shall each be furnished with a notice of the disapproval/invalidation of the appointment through registered mail.
3. The Agency Head or the appointee may appeal the invalidation/disapproval of an appointment. The appeal should be filed with the CSCRO (in case the invalidation/disapproval is made by the CSCFO) or CSC Central Office (if the invalidation/disapproval is made by the CSCRO) within fifteen (15) days from receipt by the Head of Agency or the appointee, of the notice/letter of invalidation/ disapproval.
4. If an appeal on a disapproved/invalidated appointment is granted by the CSCRO or by the Commission, the dispositive portion of the CSCRO or Commission Resolution shall state that the actual services rendered by the appointee are deemed included in his/her service record, without the need to file a request for accreditation of services.
5. If an appeal on a disapproved/invalidated appointment issued on or before December 31, 2014 is dismissed by the CSCRO or by the Commission, the dispositive portion of the CSCRO or Commission Resolution shall state the automatic accreditation of the employee's actual services up to December 31, 2014 only and the entitlement of the employee to salaries for actual services rendered under the de facto principle.³
6. If an appeal on a disapproved/invalidated appointment issued on January 1, 2015 and onwards is dismissed by the CSCRO or by the Commission, the dispositive portion of the CSCRO or Commission Resolution shall

³ A de facto officer is one who is not fully invested with all the powers and duties conceded to the office, but is exercising the office under some color of right. Under the De Facto Officer principle, a de facto officer, who, in good faith has had possession of the office, has discharged the duties pertaining thereto, is legally entitled to the emoluments of the office, and may in an appropriate action recover the salary, fees and other compensation attached to the office. (Source: *Philippine Law Journal*, volume 36, no. 2)



the entitlement of the employee concerned to salaries for actual services rendered.³


7. Entitlement to salaries and other compensation shall terminate from the time of receipt by the agency/employee of the decision affirming the disapproval/invalidation of appointment.
8. The delay in the submission of appointment or Report on Appointments Issued (RAI) to the CSCFO or CSCRO shall not be taken against the appointee. The effective date of appointment shall not be adjusted based on the delay, thus the original date of appointment shall be retained. The responsible official/s who caused the delay in the submission of the appointment may be held administratively liable for neglect of duty.
9. The CSCFO/CSCRO shall furnish the Commission on Audit (COA) a copy of Letter/Order/Resolution disapproving/invalidating the appointments.

All rules, regulations and issuances which are inconsistent herewith are hereby repealed, amended or modified accordingly.

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

Quezon City.


FRANCISCO T. DUQUE III
Chairman


ROBERT S. MARTINEZ
Commissioner


NIEVES L. OSORIO
Commissioner

Attested by:


DOLORIS B. BONIFACIO
Director IV

Commission Secretariat and Liaison Office