



MC No. 2 s. 2007

MEMORANDUM CIRCULAR

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

SUBJECT : Amendment on the Policy on the Effectivity of Appointments of Department Heads in Local Government Units

Pursuant to CSC Resolution No. 062262 dated December 22, 2006, Section 1 (Paragraph 2), Rule IV of CSC Memorandum Circular No. 40, series of 1998 (Revised Rules on Appointments and Other Personnel Actions) is amended to read as follows:

"In the case of local government units, the appointment of a department head requiring the concurrence of the local sanggunian shall be effective on the date of its issuance by the appointing authority; provided that the effectivity of the said appointment shall end the moment the local sanggunian rejects or disapproves it."

This Resolution supersedes all issuances that are inconsistent herewith and takes effect immediately

KARINA CONSTANTINO-DAVID
Chairperson

January 16, 2007
ppso/rci/dbb/k3
mceffectivity

PUBLISHED Resolution No. 062262

Date: February 8, 2007

Newspaper: Manila Times



Republic of the Philippines
Civil Service Commission

Constitution Hills, Batasang Pambansa Complex, Diliman 1126 Quezon City

100 Years of Service;
Civil Service at Its Best.

Mamamayan Muna

Re: Amendment: Policy on the Effectivity of
Appointments of Department Heads in
Local Government Units

X-----X

RESOLUTION NO. 062262

WHEREAS, Section 12 (2), Chapter 3, Title I (A), Book V of the Administrative Code of 1987 provides that the Commission shall prescribe, amend and enforce rules and regulations for carrying into effect the provisions of the Civil Service Law and other pertinent laws;

WHEREAS, Section 12 (3), Chapter 3, Title I (A), Book V of the same Code provides that the Commission shall promulgate policies, standards and guidelines for the Civil Service and adopt plans and programs to promote economical, efficient and effective personnel administration in the government;

WHEREAS, Section 12 (14), Chapter 3, Title 1 (A), Book V of the same Code provides that the Commission shall take appropriate action on all appointments and other personnel matters in the Civil Service;

WHEREAS, Section 78, Chapter 3, Title II, Book 1 of Republic Act No. 7160 (*The Local Government of 1991*) provides that all matters pertinent to human resources and development in local government units shall be governed by the civil service law and such rules and regulations and other issuances promulgated pursuant thereto, unless otherwise specified in the said Code;

WHEREAS, Sections 443 (d), Chapter 2, Title II; 454 (d), Chapter 2, Title III; and 463 (d), Chapter 2, Title IV, Book III of RA No. 7160 provides that appointments of department heads in local government units must be concurred in by the sanggunian concerned without specifying the effectivity of the said appointments;

WHEREAS, Section 1 (Paragraph 1), Rule IV of CSC Memorandum Circular No. 40, s. 1998 as Amended (*Revised Rules on Appointment and Other Personnel Actions*) provides that an appointment issued in accordance with pertinent laws and rules shall take effect immediately upon its issuance by the appointing authority;

WHEREAS, Section 1 (Paragraph 2), Rule IV of the same Memorandum Circular provides that in the case of local government units, the effectivity of an appointment requiring concurrence of the Sangguniang Panlalawigan/Panlungsod/Bayan concerned shall not be earlier than the date of such concurrence;

Certified True Copy:
JUSTINA O. AMER
JUSTINA O. AMER
Supervising Personnel Specialist
Consultation Secretariat and Liaison Office
Civil Service Commission

WHEREAS, in the case of the department heads of local government units, the sanggunian concurrence merely confirms the act of the local chief executive, i.e., the issuance of the appointment, and thus the date of such concurrence need not be the basis for the effectivity of the appointment;

WHEREAS, the Commission maintains that the basic rule that an appointment is effective upon issuance should be applied consistently to all appointments issued, including those of department heads of Local Government Units requiring concurrence;

WHEREFORE, the Commission **RESOLVES**, to amend Section 1 (Paragraph 2), Rule IV of CSC Memorandum Circular No. 40, Series of 1998 as Amended (*Revised Rules on Appointment and Other Personnel Actions*), to read as follows:

"In the case of local government units, the appointment of a department head requiring the concurrence of the local sanggunian shall be effective on the date of its issuance by the appointing authority; provided that the effectivity of the said appointment shall end the moment the local sanggunian rejects or disapproves it."

This Resolution shall supersede all issuances that are inconsistent herewith and shall take effect immediately.


Quezon City, DEC 22 2006

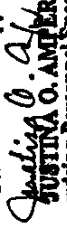

KARINA CONSTANTINO-DAVID
Chairman


CESAR D. BUENAFLOR
Commissioner


MARY ANN Z. FERNANDEZ-MENDOZA
Commissioner

Attested by:


JUDITH D. CHICANO
Director IV
Commission Secretariat and Liaison Office

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JUSTINA O. AMPER
Supervising Personnel Specialist
Commission Secretariat and Liaison Office
Civil Service Commission

PUBLISHED

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Newspaper: Manila Times