



CIVIL SERVICE COMMISSION
Constitution Hills, Diliman, Quezon City

Guidelines in the Implementation of the
Personnel Policies and Options for Affected
Personnel Pursuant to E.O. No. 138, s. 2021

Number: 2200162

Promulgated: 26 January 2022

RESOLUTION

WHEREAS, Section 3, Article IX-B of the 1987 Philippine Constitution mandates the Civil Service Commission (CSC) as the central personnel agency of the Government to "establish a career service and adopt measures to promote morale, efficiency, integrity, responsiveness, progressiveness, and courtesy in the civil service. It shall strengthen the merit and rewards system, integrate all human resources development programs for all levels and ranks, and institutionalize a management climate conducive to public accountability. xxx".

WHEREAS, Section 12 (2), Chapter 3, Title I (A), Book V of Executive Order No. 292 or the Administrative Code of 1987 empowers the CSC to prescribe, amend and enforce rules and regulations for carrying into effect the provisions of the Civil Service Law and other pertinent laws.

WHEREAS, the Supreme Court (SC) in *Mandanas et al. vs. Executive Secretary et al.* (G.R. Nos. 199802 and 208488) held that all collections of national taxes, except those accruing to special purpose funds and special allotments for the utilization and development of the national wealth, should be included in the computation of the base of the just share of Local Government Units (LGUs);

WHEREAS, in consonance with the said SC Decision, President Rodrigo Roa Duterte issued Executive Order (E.O.) No. 138 dated 1 June 2021 on the "Full Devolution of Certain Functions of the Executive Branch to the Local Government Units, Creation of a Committee on Devolution, and for Other Purposes";

WHEREAS, Section 12 of E.O. No. 138 provides that the Department of Budget and Management (DBM) and the Department of Interior and Local Government (DILG), mandated to jointly head the Committee on Devolution (ComDev), in coordination with the Civil Service Commission (CSC) and with prior consultation with the LGUs through their Leagues, shall develop and issue the guidelines as may be necessary to ensure fair, orderly, and transparent implementation of the personnel policies and options provided under said Executive Order.

WHEREAS, in compliance with the said Executive Order, DBM and the DILG issued Joint Memorandum Circular (JMC) No. 2021-3 dated 13 September 2021 re *Guidelines on the Implementation of Personnel Policies and Options Pursuant to Executive Order (E.O.) No. 138, s. 2021 Directing the Full Devolution of Certain Functions of the Executive Branch to the Local Governments*, which provides the implementing guidelines for the policies and options for the affected personnel of the full devolution.

WHEREAS, there is a need for CSC to issue complementary guidelines and standards for concerned agencies on the policies and options for affected personnel of the full devolution in accordance with Sections 12 to 15 of E.O. No. 138.

WHEREFORE, the Commission **RESOLVES TO APPROVE the Guidelines in the Implementation of the Personnel Policies and Options for Affected Personnel Pursuant to E.O. No. 138, s. 2021** as follows:

1.0 Purpose

These guidelines are promulgated to complement the Department of Budget and Management and the Department of Interior and Local Government (DBM-DILG) Joint Memorandum Circular (JMC) No. 2021-3 dated 13 September 2021 re *Guidelines on the Implementation of Personnel Policies and Options Pursuant to Executive Order (E.O.) No. 138, s. 2021 Directing the Full Devolution of Certain Functions of the Executive Branch to the Local Governments*. Specifically, these guidelines aim to ensure proper implementation of the options granted to affected personnel due to the full devolution of certain functions of the Executive Branch to the local government units pursuant to E.O. No. 138, s. 2021.

2.0 Scope and Coverage

These guidelines shall cover the agencies of affected personnel in the Executive Branch, which include the National Government Agencies (NGAs) and Government-Owned or -Controlled Corporations (GOCCs) with original charters, during the implementation of E.O. No. 138, s. 2021.

3.0 General Policies

3.1 Affected personnel with permanent appointments who opt to transfer pursuant to Section 12 of E.O. No. 138 shall have security of tenure unless they opt to retire or be separated from the service.

3.2 The parent agency with DBM-approved Devolution Transition Plan (DTP) shall provide the CSC with the necessary information or data in the implementation of full devolution, i.e. the list of affected personnel whose positions will be transferred within the agency or to other agencies, and the list of affected personnel with permanent appointments who opted to retire or separate from the service.

3.3 The transfer contemplated under E.O. No. 138 and its implementing rules and guidelines refers to transfer of position item of the affected personnel with permanent appointment within the same agency or from one agency to another, which comes along the budget for said position.

The implementation of the said provisions does not involve the usual transfer or the filling of existing vacant position as provided and defined in the 2017 Omnibus Rules on Appointments and Other Human Resource Actions (ORAQHRA), as amended.

For this purpose, transfer under the said provisions shall be exempt from the publication and posting requirements as well as the Human Resource Merit Promotion Selection Board (HRMPSSB) screening requirements pursuant to 2017 ORAQHRA, as amended.

However, transfer under the said provisions is covered by the prohibition under Section 261 (b) of the Omnibus Election Code and rules promulgated by the Commission on Elections (COMELEC) during the election period. Nevertheless, an exemption from said prohibition can be requested by the agency from the COMELEC.

3.4 Affected personnel occupying medical/alloied-medical items in the Department of Health (DOH) and other agencies may apply for transfer to a DOH-supervised hospital.

3.5 The position of the affected personnel who opts to transfer within the agency or other government agencies in the Executive Branch, shall be considered coterminous with the incumbent (CI) and shall be abolished once he/she is reappointed/promoted to another position, transfers, retires, resigns, or is separated from the service.

4.0 Options of the Affected Personnel

Under Section 12 of E.O. No. 138, s. 2021, the affected personnel with permanent appointment shall have the following options:

4.1 Transfer within the department/agency/GOCC

a. In case of transfer to other units, the department/agency/GOCC shall issue an appointment to the transferred personnel within thirty (30) calendar days upon receipt of the DBM-approved NOSCA or based on the existing guidelines of the Governance Commission for GOCCs (GCG) pursuant to R.A. No. 10149 or the "GOCC Governance Act of 2011". Said appointment shall be submitted to the CSC for attestation/action, within the prescribed period pursuant to CSC rules and regulations.

b. In case of transfer to other offices, the department/agency/GOCC HRM Office (HRMO) shall coordinate the transfer of the affected personnel with the HRMO of the recipient office, which shall include the turnover of the employment records of the said personnel. Upon receipt of the requisite DTP documents, the recipient Office shall issue an appointment to the transferred personnel in consonance with the preceding item.

4.2 Transfer to other departments/agencies/GOCCs in the Executive Branch

a. The HRMO of the parent department/agency/GOCC shall coordinate the transfer of the affected personnel with the HRMO of the recipient department/agency/GOCC, which shall include the turnover of employment records of the said employee, and

b. The recipient department/agency/GOCC shall issue an appointment to the transferred personnel within thirty (30) calendar days from receipt of the requisite DTP documents in consonance with item 4.1.a herein.

c. In case the proposed transfer is denied by the recipient department/agency/GOCC, the affected personnel shall remain in his/her parent agency. Thus, item 4.1.a herein shall apply.

4.3 Availment of Retirement/Separation Benefits

a. Affected personnel with permanent appointments who opted to retire or be separated from the service shall be entitled to retirement benefit and/or separation incentives under existing laws, if qualified. The HRMO shall assist the affected personnel in processing the payments of retirement/separation benefits.

b. The agency shall submit to the CSC-Integrated Records Management Office (IRMO) within fifteen (15) calendar days from receipt of its DBM-approved DTP the list of permanent personnel affected by the full devolution effort and who opted to avail the retirement benefits and/or separation incentives. The said list (Annex G-3 of the DTP submitted by agencies to DBM) shall serve as one of the references of CSC in the attestation of appointments.

5.0 Reemployment

5.1 Affected Personnel with Permanent Appointments

a. Affected personnel with permanent appointments who retired/separated from the service as a result of the full devolution shall be prohibited from reemployment in any agency of the Executive Branch for a period of five (5) years.

b. The 5-year prohibited period on reemployment shall not apply to the following:

- Teaching and medical staff in educational institutions and hospitals, respectively; and
- Reemployment in the other branches of government, i.e. the Legislature, Judiciary, Constitutional Bodies, and in the LGUs.

c. The reemployment of the retired/separated personnel in the Executive Branch within the prohibited period shall cause the refund of the separation incentives received under Section 13 of E.O. No. 138 on a pro-rated basis subject to the guidelines provided in the DBM-DILG JMC No. 2021-3.

d. The allowable reemployment of affected personnel after separation from the service with benefits/incentives shall be subject to the qualification requirements, compensation system, and the Merit Selection Plan (MSP) of the hiring agency. The appointment issued for reemployment shall be submitted by the hiring agency to the CSC for attestation/action within the prescribed period under Civil Service rules and regulations.

5.2 Affected Personnel with Non-Permanent Appointments

a. Affected personnel with non-permanent appointments, particularly with temporary, casual, contractual, coterminous or fixed term appointments, may apply to vacant positions in other government agencies as may be posted in the CSC Job Portal (CSC Bulletin of Vacant Positions in Government) or through other modes, such as agency website, newspaper (local and/or national) and other job search websites.

b. The reappointment or reemployment of said non-permanent person to other government agencies shall be subject to the qualification requirements, compensation system and the CSC-approved Merit Selection Plan (MSP) of the hiring agency.

c. The appointment issued for reemployment shall be submitted by the hiring agency to the CSC for attestation/action within the prescribed period under Civil Service rules and regulations.

6.0 Effectivity

These guidelines shall take effect after fifteen (15) days from its publication in a newspaper of general circulation.
Quezon City.

ORIGINAL SIGNED
ALICIA dela ROSA - BALA
Chairperson

ORIGINAL SIGNED
ATTY. AILEEN LOURDES A. LIZADA
Commissioner

VACANT
Commissioner

Attested By:

(Sgd.) KATHERINE LIMARE-DELMORO
Acting Director IV
Commission Secretariat and Liaison Office

Date: Newspaper