

Republika ng Filipinas
(Republic of the Philippines)
KAGAWARAN NG KULTURA AT KULTURA
(DEPARTMENT OF EDUCATION AND CULTURE)
Manila

November 27, 1975

DEPARTMENT MEMORANDUM
No. 212, s. 1975

EFFECTIVITY OF APPOINTMENTS

To the:

Bureau Directors
Regional Directors
Coordinator, State Colleges and Universities

1. In pursuance of the provisions of Presidential Decree No. 807 relative to the effectivity of appointments in the Civil Service, enclosed is Memorandum Circular No. 13, s. 1975 of the Acting Chairman, Civil Service Commission, for the information and guidance of all concerned.

2. For new appointments which the Regional Directors or Schools Division Superintendents are authorized to approve, an advice to pay the salary of the appointee should be sent to the Accounting Machine Division (IBM), or to the paying officer for those whose salaries are not paid by the IBM, inclosing a copy of the appointment transmitted to the Civil Service Commission.

3. For appointments involving promotion, the appointee should not be allowed to assume the duties and responsibilities of the position to which he is proposed until the appointment has been duly approved by the Civil Service Commission. However, if the position is ready to be filled and the interest of the service require the immediate filling of the position, the appointee may be allowed to assume the duties immediately upon issuance of appointment, in which case the instruction in paying his salary given in paragraph 2 above may be followed. Attention in this connection is invited to the portion of the rule quoted in the inclosed Circular, which specifies the liability of the appointing authority for appointments issued in violation of existing laws or rules.

4. Immediate dissemination of the aforementioned Circular and compliance with its provisions are hereby desired.

(SGD.) JUAN L. MAMEL
Secretary of Education and Culture

Incl.:

As stated

(Inclosure to Department Memorandum No. 112, s. 1975)

MC #13, s. 1975

MEMORANDUM CIRCULAR

TO : ALL HEADS OF DEPARTMENTS, BUREAUS AND AGENCIES OF THE NATIONAL AND LOCAL GOVERNMENTS, INCLUDING GOVERNMENT-OWNED OR CONTROLLED CORPORATIONS

SUBJECT : Effectivity of Appointments

One of the recurring complaints of government employees is the failure of their agencies to pay them immediately for services they are rendering while awaiting action on their appointments by this Commission.

In this connection, this Commission wishes to invite your attention to Section 3(b) of Article V of Presidential Decree No. 607, dated October 5, 1975, which provides, among others, that:

"X X X an appointment shall take effect immediately upon issue by the appointing authority if the appointee assumes his duties immediately and shall remain effective until it is disapproved by the Commission, if it should take place, without prejudice to the liability of the appointing authority for appointments issued in violation of existing laws or rules." Provided finally, that the Commission shall keep a record of appointments of all officers and employees in the civil service. All appointments requiring the approval of the Commission as herein provided, shall be submitted to it by the appointing authority within thirty days from issuance, otherwise the appointment becomes ineffective thirty days thereafter."

It may be mentioned that a practically similar provision is found in Republic Act No. 6040, but there had been no serious and concerted effort to observe it. Its reiteration in the Civil Service Decree of 1975 should underline the intention to fully implement it, taking into consideration both the requirements of the service and the human welfare.

For purposes of clarifying aforesaid provision, the following guidelines are therefore issued to govern all appointments in the Civil Service:

- (1) Date of issue of an appointment shall refer to the date appearing on the face of an appointment.
- (2) An appointment issued by an appointing officer shall remain in force and effect unless it is disapproved by the Commission.
- (3) To obviate any upward effects to both the appointee and the appointing officer or official, in case an appointment is disapproved, all appointments must be submitted to the Commission within thirty (30) days from the date of its issuance, otherwise the appointment shall lapse.
- (4) The function exercised by this Commission on appointments is a post-audit function. This means that this Commission is merely reviewing an act of the appointing official to determine compliance with Civil Service Law and rules.
- (5) An appointee may therefore occupy his position and be paid the corresponding salary immediately even if his appointment has not yet been acted upon by this Commission.

THIS MEMORANDUM CIRCULAR SHALL TAKE EFFECT IMMEDIATELY.

(SGD.) FRANCIS S. CLAVE
Acting Chairman

November 16, 1979

A true copy