

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

September 23, 1977

DEPARTMENT MEMORANDUM

No. 204, s. 1977

IMPLEMENTATION OF PROTESTED APPOINTMENTS

To: Bureau Directors
Regional Directors
Chiefs of Services and Heads of Units
Coordinator, State Colleges and Universities
Schools Superintendents

1. Inclosed is a copy of Memorandum Circular No. 14, s. 1977 of the Civil Service Commission relative to the implementation of protested appointments. Strict compliance with this Memorandum Circular is desired.

2. Particular attention of officials concerned is invited to the portion of the Memorandum Circular which states that "after the issuance of the appointment, the appointee should be allowed to assume the duties of the position and paid his salary immediately without waiting for the approval of his appointment, pending final outcome of the protest.

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

Incl.:
As stated

Reference:
None

Allotment: 1-2-3--(D.O. 1-75)

To be indicated in the Perpetual Index
under the following subjects:

APPOINTMENT, EMPLOYMENT, REAPPOINTMENT
BUREAU & OFFICES
EMPLOYEES
OFFICIALS
RULES & REGULATIONS

Republic of the Philippines
CIVIL SERVICE COMMISSION
Manila

MC # 14, s. 1977

MEMORANDUM CIRCULAR

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

SUBJECT : Implementation of Protested Appointments

It has been observed that some appointing officials or heads of agencies of the national and local government including government-owned or controlled corporations, for some reason or another defer or hold in abeyance the implementation of contested appointments by withholding the release of such appointments to the appointee or withholding the payment of their salary although the appointees have assumed the duties of their positions and even after their appointments have been approved by the Civil Service Commission.

In this connection, attention is invited to Section 10, Rule III, and Section 10, Rule V, of Civil Service Rules on Personnel Actions and Policies, respectively, which provide as follows:

"An appointment issued in accordance with pertinent laws and rules shall take effect immediately upon its issuance by the appointing authority, and if the appointee has assumed the duties of the position, he shall be entitled to receive his salary at once without awaiting the approval of his appointment by the Commission. The appointment shall remain effective until disapproved by the Commission." (Section 10, Rule III)

"x x x A contested appointment shall take effect immediately upon its issuance if the appointee assumes his duties immediately. However, the appointment, together with the decision of the Department head or the Office of the President, shall be submitted to the Commission for appropriate action within sixty (60) days from its issuance, otherwise the appointment becomes ineffective thereafter." (Section 10, Rule V)

Pursuant to the foregoing provisions, contested appointment takes effect immediately upon its issuance by the appointing authority or official provided that the appointee assumes the duties of his position, and the appointee is entitled to receive the salary

attached to his position even before the appointment is approved by the Civil Service Commission. And such appointment may be approved by the Civil Service Commission pending final outcome of the protest. In this connection, Memorandum Circular No. 13, series of 1975, of this Commission specifically states that the date of issue of an appointment shall refer to the date appearing on the face of an appointment.

In view of the foregoing, it is hereby directed that after the issuance of the appointment, the appointee should be allowed to assume the duties of the position and paid his salary immediately without waiting for the approval of his appointment, pending final outcome of the protest. After approval, said appointment should be released to the appointee immediately.

This Memorandum shall take effect immediately.

(SGD.) JACOBO C. CLAVE
Acting Chairman

August 18, 1977.

A true copy