

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

October 8, 1990

DECS O R D E R
No. 113, s. 1990

RULES OF PROCEDURE GOVERNING OTHER PERSONNEL ACTION
AND OTHER CIVIL SERVICE MATTERS BROUGHT ON APPEAL
BEFORE THE CIVIL SERVICE COMMISSION

To: Undersecretaries
Assistant Secretaries
Bureau Directors/Cultural Agency Directors
Directors of Services/Centers and Heads of Units
Regional Directors
Schools Superintendents
Presidents, State Colleges and Universities
Vocational School Superintendents/Administrators

1. Inclosed is a copy of Memorandum Circular No. 44, s. 1990, of the Civil Service Commission prescribing the rules of procedure governing other personnel actions and other civil service matters brought on appeal before the Civil Service Commission.

2. It is desired that this Order be given wide dissemination for the information, guidance, and compliance of all officials, teachers, and other school employees.

(SGD.) ISIDRO D. CARINO
Secretary

Incl.:
As stated

Reference:
DECS Order: No. 11, s. 1990

Allotment: 1-2-3--(M.O. 1-87)

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

BOARD or COUNCIL
EMPLOYEES
OFFICIALS
POLICY
RULES & REGULATIONS

(Inclosure to DECS Order No. 113, s. 1990)

Republika ng Pilipinas
KOMISYON NG SERBISYO SIBIL
(Civil Service Commission)
Quezon City

MC No. 44, s. 1990

MEMORANDUM CIRCULAR

T O : ALL HEADS OF DEPARTMENTS, BUREAUS AND AGENCIES OF
THE NATIONAL AND LOCAL GOVERNMENTS, STATE COLLEGES
AND UNIVERSITIES, INCLUDING GOVERNMENT-OWNED AND/OR
CONTROLLED CORPORATIONS WITH ORIGINAL CHARTERS

SUBJECT : RULES OF PROCEDURE GOVERNING OTHER PERSONNEL ACTIONS
AND OTHER CIVIL SERVICE MATTERS BROUGHT ON APPEAL
BEFORE THE CIVIL SERVICE COMMISSION.

In the interest of speedy, just and orderly disposition of cases involving other personnel actions and civil service matters brought on appeal before the Civil Service Commission, the Commission en banc, in a Resolution No. 90-832, hereby adopts and promulgates the attached Rules relative thereto for strict compliance.

(SGD.) PATRICIA A. STO. TOMAS
Chairman

September 5, 1990

A true copy

Republika ng Pilipinas
KOMISYON NG SERBISYO SIBIL
(Civil Service Commission)
Quezon City

RULES OF PROCEDURE GOVERNING
OTHER PERSONNEL ACTIONS AND
OTHER CIVIL SERVICE MATTERS
BROUGHT ON APPEAL BEFORE THE
CIVIL SERVICE COMMISSION

X _____ X

RESOLUTION NO. 90-832

WHEREAS, under Section 6, Article IX-A of the 1987 Constitution, the Civil Service Commission en banc may promulgate its own rules concerning pleadings and practice before it or before any of its Offices;

WHEREAS, The Civil Service Commission, as the Central Personnel Agency of the Government, is mandated under the same Constitution to adopt measures, to promote morale, efficiency, integrity, courtesy and responsiveness in the civil service;

WHEREAS, pursuant to Executive Order No. 292, the Administrative Code of 1987, the Commission shall prescribe, amend and enforce suitable rules and regulations for carrying into effect its functions;

WHEREAS, it is provided under RA 6713 which is "An Act Establishing a Code of Conduct and Ethical Standards for Public Officials and Employees, to Uphold the Time-Honored Principle of Public Office Being a Public Trust, Granting Incentives and Rewards for Exemplary Service, Enumerating Prohibited Acts and Transactions and Providing Penalties for Violations Thereof and for Other Purposes," that public officials and employees shall simplify and systematize policy, rules and procedures and avoid red tape to better serve the public;

WHEREAS, the Civil Service Commission pursuant to its mandate and the provisions of law in its Resolution No. 89-779 dated October 9, 1989 has promulgated the Rules of Procedure on Administrative Disciplinary Cases and Protest Cases;

WHEREAS, there is a further need to issue and promulgate a simplified Rules of Procedure on cases involving other personnel actions and civil service matters brought on appeal before the Civil Service Commission;

NOW, THEREFORE, the Commission RESOLVED to adopt, as it hereby adopts, promulgates and approves the attached Rules of Procedure Governing Other Personnel Actions and/or Civil Service Matters brought on appeal before the Civil Service Commission.

Quezon City, September 5, 1990.

(SGD.) PATRICIA A. STO. TOMAS
Chairman

(SGD.) SAMILO N. BARLONGAY
Commissioner

(SGD.) MARIO D. YANGO
Commissioner

Attested by:

(SGD.) C. V. USAC
Board Secretary VI

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KOMISYON NG SERBISYO SIBIL
(Civil Service Commission)
Quezon City

RULES OF PROCEDURE GOVERNING
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CIVIL SERVICE COMMISSION

X _____ X

Pursuant to the provisions of Section 6 of Article IX-A of the 1987 Constitution, the Civil Service Commission hereby adopts and promulgates the following rules of procedure governing other personnel actions and other civil service matters brought on appeal before the Civil Service Commission.

RULE I. GENERAL PROVISIONS

Section 1. Scope - These rules shall apply to all appeals involving the following:

- a. Actions, decisions or rulings on non-contested appointments, such as disapproval, correction of effectivity dates and the like, by Department or Agency heads, the Merit Systems Protection Board (MSPB) and/or the Civil Service Regional Office;
- b. Dropping from the rolls, termination of services and all other forms of separation from the service which are non-disciplinary;
- c. Legality of claims for back salaries and other money benefits;
- d. Rights and privileges arising out of government employment, terms and conditions thereof such as leave privileges, working hours; and
- e. All other civil service matters and personnel actions such as detail, reassignment, transfer, and the like.

RULE II. PROCEDURE OF APPEAL

Section 1. Who May File an Appeal; Appeal Period - The party aggrieved by a decision, ruling, order or action of the Merit Systems Protection Board, the Civil Service Regional Office and/or a department or agency of government involving any matter specified in Section 1, Rule I hereof may appeal to the Civil Service Commission within fifteen (15) days from receipt of a

copy of such decision, ruling, order, or notice of such action. Appeals from actions of Department or agency heads under Section 1 hereof not falling under the jurisdiction of the MSPB or Civil Service Regional Office should be filed with the CSC within this same period. The party mentioned herein refers to the person whose appointment is disapproved or returned without action; whose services are terminated or whose claim for benefits and the like is denied as the case may be.

Section 2. Form and Content of Appeal - The appeal shall be in writing. It shall set forth in clear, simple and concise language and in a methodical manner the following:

- a. The full name of the appellant; his position and the department, office, agency or instrumentality to which he belongs or is appointed;
- b. The date the appellant received either a copy or notice of the decision, ruling, order or action being appealed;
- c. The ground(s) for appeal and/or assignment of error(s);
- d. Brief statement of facts;
- e. A discussion of the grounds relied upon and errors raised;
- f. Prayer or relief sought; and
- g. Proof that the concerned department or agency head and the opposing party are served with copies of the appeal.

Section 3. How Appeal is Filed; Duties of the Merit Systems Protection Board or Civil Service Regional Office - The appeal shall be filed in duplicate copies with the Civil Service Commission, together with the original or certified true copies of supporting documents. The appellant shall furnish a copy of his appeal to the Merit Systems Protection Board or the Civil Service Regional Office concerned, as the case may be, as well as the opposite party. The Merit Systems Protection Board or Civil Service Regional Office, or the Department/Agency Heads concerned shall transmit the records of the case together with its comment or recommendation of the Civil Service Commission within five (5) days from receipt of the appeal. The records of the case shall be systematically, chronologically arranged, paged and securely bound to prevent loss. To ensure the orderly transmittal of records, the same shall bear (1) table of contents indicating the corresponding page and (2) a certification that the records are complete including the number of pages of the same.

Section 4. When Appeal is Deemed Filed - The appeal is deemed filed in case the same is sent by registered mail, on the date shown by the postmark or the envelope which shall be attached to the records of the case, and in case of personal delivery, on the date stamped by the Civil Service Commission.

Section 5. Action on the Appeal - An Appeal seasonably filed shall stay the action, order, decision or ruling of the Merit Systems Protection Board or Civil Service Regional Office, as the case may be, on appeal except otherwise ordered by the Civil Service Commission.

When the appeal cannot be judiciously decided on the bases of the records, the Commission may require the head of a Department or agency concerned, or any other party to comment on the appeal. Likewise, the Civil Service Commission may conduct a hearing of the appeal on meritorious grounds and/or require parties to submit their respective memoranda.

Section 6. Dismissal of Appeal; Grounds - An Appeal shall be dismissed on any of the following grounds:

- a. The appellant is not a party directly aggrieved or adversely affected by the decision, order, ruling or action of the Merit Systems Protection Board or Civil Service Regional Office;
- b. The appeal does not conform with the required form provided in these Rules, such as when it is a mere telegram or radio message;
- c. The appellant does not submit the required number of copies of the appeal and its supporting papers and/or does not furnish the Merit Systems Protection Board or Civil Service Regional Office and the opposite party a copy of the appeal;
- d. The supporting documents are not authenticated; and
- e. The appeal is filed beyond the reglementary period.

RULE III. DECISION

Section 1. When the Case is Decided - The Civil Service Commission shall decide on the appeal within sixty days from receipt of the appeal.

Section 2. Effect of Decision - The decision of the Civil Service Commission on the appeal shall be final and executory if no motion for reconsideration is filed within fifteen days from receipt of the decision.

RULE IV. MOTION FOR RECONSIDERATION

Section 1. Period for Filing Motion for Reconsideration - A motion for reconsideration may be filed by a party directly aggrieved by or not satisfied with the decision of the Civil Service Commission within fifteen (15) days from receipt of a decision.

Section 2. Grounds for Motion for Reconsideration - The motion for reconsideration shall be based on any of the following grounds:

- a. New evidence has been discovered which materially affects the decision rendered;
- b. The decision is not supported by the evidence on record;
- c. Errors of law or irregularities shall be entertained.

Section 3. When Motion for Reconsideration is Deemed Filed - The motion for reconsideration is deemed filed in case the same is sent by registered mail, on the date shown by the postmark on the envelope which shall be attached to the record of the case, and in case of personal delivery, the date stamped received by the Civil Service Commission.

RULE V. MISCELLANEOUS PROVISIONS

Section 1. Computation of Periods - In computing any period of time prescribed by the Rules, the first day shall be excluded and the last day shall be included unless it be a Saturday, a Sunday or a legal holiday, in which case the period shall run until the end of the next day which is neither a Saturday, a Sunday or a legal holiday. For this purpose, days as used in these Rules shall mean calendar days.

Section 2. Effectivity - The Rules shall take effect thirty (30) days after its publication in a newspaper of general circulation.

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